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Sisters Development Code

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CITY OF SISTERS [ZONING MAP](#)

COMPREHENSIVE PLAN MAP

CITY OF SISTERS MAP LEGEND DEFINITIONS

CG GENERAL COMMERCIAL
CH HIGHWAY COMMERCIAL
FP FLOOD PLAIN
IL LIGHT INDUSTRIAL
LM LANDSCAPE MANAGEMENT
PF PUBLIC FACILITY
RH RESIDENTIAL - MULTI-FAMILY
RS RESIDENTIAL - LOW DENSITY(STANDARD)
UAR URBAN AREA RESIDENTIAL



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Office hours 8:00 a.m. to 5:00 p.m.
150 N. Fir Street
P. O. Box 39
Sisters, OR 97759

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Sisters City Hall 150 N. Fir Street P. O. Box 39 Sisters, OR 97759
Ph (541)549-6022 Fax (541)549-0561

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Chapter 1.1 — How to Use the Development Code

Welcome to the City of Sisters Development Code. This is a comprehensive land use and development code that governs all of the land within the incorporated limits of Sisters. The six chapters of this Code are used together to review land use applications. They are organized as follows:

Chapter 1 - In addition to this brief introduction, Chapter 1 provides definitions for selected terms and information on the legal construct of the Code. It also explains the City's authority to enforce the Development Code.

Chapter 2 - Every parcel, lot, and tract of land within the City's incorporated boundaries is within a "land use district". Each of the City's land use districts are shown on the City's official Land Use District map. Chapter 2 identifies the land uses that are permitted within each district, and the standards that apply to each type of land use, such as lot standards, setbacks, and use-specific design standards. As required by State statutes, the zones or "land use districts" conform to the Sisters Comprehensive Plan. The districts reserve land for planned land uses, provide compatibility between different uses, and implement planned housing densities.

Chapter 3 - The design standards contained in Chapter 3 apply throughout the City. They are used in preparing development plans and for reviewing applications; to ensure compliance with City standards for access and circulation, landscaping, parking, public facilities, surface water management, housing densities, and sensitive lands.

Chapter 4 - Chapter 4 provides all of the application requirements and procedures for obtaining permits required by this Code. Four types of permit procedures are covered: Type I (non-discretionary, "ministerial" decision); Type II (discretionary, "administrative" decision); Type III (discretionary, administrative decision with public hearing); and Type IV ("legislative" decision by City Council).

Chapter 5 - Chapter 5 provides standards and procedures for variances and non-conforming situations (for example, existing uses or developments that do not comply with this Code). This Code cannot provide standards to fit every potential development situation. The City's varied geography and complexities of land development require flexibility. Chapter 5 provides that flexibility while maintaining the purposes and intent of the Code.

Chapter 6 - Chapter 6 contains Map Amendments that have been approved by Administrative or Legislative decision. The Land Use District (zoning) map found in Chapter 6 is the official designated District Map for the City of Sisters.

Chapter 1.2 — General Administration

Sections:

- 1.2.1 Severability.
- 1.2.2 Compliance and Scope.
- 1.2.3 Consistency with Plan and Laws.
- 1.2.4 Use of a Development.
- 1.2.5 Pre-Existing Approvals.
- 1.2.6 Building Permit and Certificate of Occupancy.
- 1.2.7 Official Action.

1.2.1 Severability

The provisions of this title are severable. If any section, sentence, clause or phrase of this title is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this title.

1.2.2 Compliance and Scope

- A. Compliance with the provisions in the Development Code. Land and structures may be used or developed by construction, reconstruction, alteration, occupancy, use or otherwise, only as this Development Code (“Code”) or any amendment thereto permits. No plat shall be recorded or no building permit shall be issued without compliance with the provisions of this Code.
- B. Obligation by successor. The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons’ successors in interest.
- C. Most restrictive regulations apply. Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.
- D. Variances. Variances shall be governed by the provisions within Chapter 5.1.
- E. Transfer of development standards prohibited. No lot area, yard or other open space or off-street parking or loading area which is required by this Code for one use shall be a required lot area, yard or other open space or off-street parking or loading area for another use, except as otherwise specifically allowed by this Code.

1.2.3 Consistency With Plan and Laws.

Each development and use application and other procedure initiated under this Code shall be consistent with the adopted Comprehensive Plan of the City of Sisters as implemented by this Code, and with applicable state and federal laws and regulations. All provisions of this Code shall be construed in conformity with the adopted Comprehensive Plan.

1.2.4 Use of a Development.

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this Code (including non-conforming uses, subject to Chapter 5.2), and is not prohibited by law.

1.2.5 Pre-Existing Approvals

- A. Legality of pre-existing approvals. Developments, including subdivisions, projects requiring development review or site design review approval, or other development applications for which approvals were granted prior to the effective date of this Code, may occur pursuant to such approvals, except that modifications to development approvals shall comply with Chapter 4.6 - Modifications to Approved Plans and Conditions of Approval.
- B. Subsequent development applications. All development proposals and applications received by the Planning Director or designee after the adoption of this Code shall be subject to review for conformance with the standards under this Code or as otherwise provided by state law.

1.2.6 Building Permit and Certificate of Occupancy

- A. Building permit. A building permit shall not be issued until the Planning Director or designee has issued a development permit in accordance with the provisions of Chapter 4 - Administration of Land Use and Development Review, or otherwise found that a development permit is not required.
- B. Certificate of occupancy required. To ensure completion of a development or use in the manner approved, a development shall not be occupied and a use shall not begin until the Building Inspector has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable land use and building permits.
- C. Prior to final completion. Prior to the final completion of all work, a certificate of occupancy may be issued for a portion of the structure conditioned upon further work being completed by a date certain.

1.2.7 Official Action.

- A. Official Action. All officials, departments, employees (including contractor-officials), of the City vested with authority to issue permits or grant approvals shall adhere to and require conformance with this Code, and shall issue no permit or grant approval for any development or use which violates or fails to comply with conditions or standards imposed to carry out this Code

1.2.7 Official Action (continued)

- B. Severability. Any permit or approval issued or granted in conflict with the provisions of this Code shall be void.
- C. Notice. The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code.

Chapter 1.3 — Definitions

Abutting - Contiguous or adjoining. It shall include the terms adjacent, adjoining and contiguous.

Access – A way or means of approach to provide pedestrian, bicycle or motor vehicular entrance or exit to a property.

Access easement - An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a parcel across intervening property under separate ownership from the parcel being provided access.

Access management - The control of street (or highway) access for the purpose of improving the efficiency, safety and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement. See Section 3.1.200.

Access Point – Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

Accessible - Any physical feature, structure or improvement that is approachable and useable by people with physical disabilities. Complies with the Americans With Disabilities Act.

Accessory dwelling – A small, secondary housing unit on a single family residential lot, usually the size of a studio apartment. See Section 2.1.200.

Accessory use/Accessory structure – Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Residential District include detached garages, sheds, workshops, green houses and similar structures. See Section 2.1.200J.

Adjacent - Abutting or located directly across a street right-of-way.

Administrative - A discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal. See Chapter 4.1.400

Adverse impact - Negative affect of development that can be measured including but not limited to traffic, noise, air pollution, vibration, dust, and similar project-related effects that are regarded as problematic.

Adult Business / Adult Entertainment – Any business activity or establishment involving the display or exhibition of live or reproduced materials which has an emphasis on nudity, and/or sexual activity, and which limit their patrons to persons of at least 18 years of age.

Affordable - Pertains to housing that is affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of their income on housing expenses. "Affordable Housing" is determined by the Oregon Department of Housing and Community Services standards for low income persons and families.

Agriculture - As used in this Code, “agriculture” is the same as “farm use”. See also ORS 215.203(2)(a).

Alley – A narrow and publicly-dedicated street (typically 12’-20’ right-of-way), usually a thoroughfare through the middle of the block giving access to the rear of lots or buildings (note: all new alleys as of 5/19/2001 shall be 20’ wide). See Section 3.4.100F; see also "Lane."

Ambient - Something that surrounds, as in the level of light, dust or noise.

Animal Hospital – A place where animals or pets are given medical or surgical treatments and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be limited to be incidental to such hospital use.

Arterial - An arterial street. Arterials form the primary roadway network within a region, providing a continuous road system that distributes traffic between cities, neighborhoods, and districts. Generally, arterials are high capacity City roadways. See Chapter 3, Access and Circulation.

Articulate/articulation - The jointing and interrelating of building spaces through offsets, projections, overhangs, extensions and similar features.

Automobile-dependent use - The use serves motor vehicles and would not exist without them, such as vehicle repair, gas station, car wash, auto and truck sales. See Section 2.2.180.E

Automobile-oriented use – Automobiles and/or other motor vehicles are an integral part of the use such as drive-in restaurants, quick auto repair businesses. See Section 2.2.180.E.

Bed and breakfast inn - Provides accommodations (no more than 3 guest rooms or no more than 6 guests) plus breakfast on a daily or weekly basis in an owner-occupied home that is primarily used for this purpose. This use is operated as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors. This level includes inns that operate restaurants offering meals to the general public as well as to overnight guests.

Berm - A small rise or hill in a landscape which is intended to buffer or visually screen certain developments, such as parking areas.

Beveled building corner - A rounded or flat edge on a building, usually at a street corner; may include an entrance, windows, pillars, or other architectural details and ornamentation.

Bicycle - A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which nay person or persons may ride and with to tandem wheels at least 4 inches in diameter. An adult tricycle is considered a bicycle.

Bicycle facilities - A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

Bikeway - Any road, path, or way that is some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:

- a. Multi-use Path. A paved way (typically 10 to 12-foot wide) that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.

- b. **Bike Lane.** A portion of the roadway (typically 4 to 6-foot wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
- c. **Shoulder Bikeway.** The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.
- d. **Shared Roadway.** A travel lane that is shared by bicyclists and motor vehicles.
- e. **Multi-use Trail.** An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

Block - A parcel of land or group of lots bounded by intersecting grid streets. See Section 3.1.200J.

Bollard - A post of metal, wood or masonry that is used to separate or direct traffic (vehicles, pedestrians and/or bicycles). Bollards are usually decorative, and may contain sidewalk or pathway lighting.

Boulevard - A street with broad open space areas, typically with planted medians. See Section 3.4.100F

Building footprint - The outline of a building as measured around its foundation.

Building height - The vertical distance measured between the highest point of the roof and the average finished grade.

Building mass - The aggregate size of a building, or the total height, width, and depth of all its parts.

Building pad - A vacant building site on a lot with other building sites.

Building scale - The dimensional relationship of a building and its component parts to other buildings.

Bulkhead - The wall below ground-floor windows on a building (i.e., may be differentiated from other walls by using different materials or detailing).

Capacity - Maximum holding or service ability, as used for transportation, utilities, parks and other public facilities.

Centerline radius - The radius of a centerline of a street right-of-way.

Child care center, family childcare - Facilities that provide care and supervision of minor children for periods of less than 24 hours. "Family child care providers" provide care for not more than 12 children in a home. See also ORS 657A for certification requirements.

Clear and objective - Relates to decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

Collector - A collector street. A type of street which serves traffic within the commercial, industrial and residential neighborhood areas. Collectors connect local neighborhoods or districts to the arterial network. Collectors help form part of the street grid system. See Section 3.4100.F.

Commercial - Land use involving buying/selling of goods or services as the primary activity.

Comprehensive Plan - A Plan as adopted by the City pursuant to Oregon Revised Statutes Chapters 197 and 215, and in compliance with Statewide Planning Goals. This includes a coordinated land use

map and policy statement of the governing body of a state agency, city, county or special district that it relates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational systems, recreation facilities and natures resources and air and water quality management programs. The Plan is an expression of public policy in the form of goals, objectives and policy statements, maps standards and guidelines and is the basis for this Code section and other rules, regulations and Code sections which are intended to implement the policies expressed through the Plan.

Common area - Land commonly owned to include open space, landscaping or recreation facilities (for example, area(s) typically owned and maintained by homeowners associations).

Conditional use - A use that is conditionally permitted in a district, and as such requires a Conditional Use Permit. See Chapter 4.4.

Consensus - A majority agreement or consent among participants.

Conservation easement - An easement that protects identified conservation values of the land, such as wetlands, woodlands, significant trees, floodplains, wildlife habitat, and similar resources.

Controlled Income and Rent – A housing project or that portion of a larger project, consisting of any dwelling type or types exclusively or partly for low-income individuals and/or families, sponsored by a public agency, a non-profit housing sponsor, a developer, a combination of the foregoing, or other alternatives as provided for in the Oregon Revised Statutes or Federal Statutes to undertake construct, or operate housing for households that are low-income.

Corner clearance – The distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.

Corner radius - The radius of a street corner, as measured around the curb or edge of pavement.

Cornice - The projecting horizontal element that tops a wall or flat roof. See Section 2.2.160.

Cottage - A small house that may be used as an accessory dwelling, in conformance with Section 2.1.200(B).

Courtyard - A court or enclosure adjacent to a building, which usually provides amenities such as gardens, planters, seating, or art.

Cross Access. A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system. See also Section 3.1.2(I).

Curb cut - A driveway opening where a curb is provided along a street.

Deciduous - Tree or shrub that sheds its leaves seasonally.

Dedication - The designation of land by its owner for any public use as shown on a subdivision plat or deed.

Density(ies) - A measurement of the number of dwelling units in relationship to a specified amount of land. As used in this Code, density does not include land devoted to street right-of-way. Density is a measurement used generally for residential uses.

Developable - Buildable land, as identified by the City’s Comprehensive Plan. Includes both vacant land and land likely to be redeveloped, per ORS 197.295(1).

Development - All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, grading, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or landscapes.

Discontinued/abandoned use - A use that physically vacates the land it was on for a period of one calendar year or longer, cessation of an allowed activity, or use terminated at the end of any lease or contract. See Chapter 5.2.

Discretionary - Describes a permit action or decision that involves substantial judgment or discretion.

Drip-line - Imaginary line around the eave of a structure, or a tree or shrub at a distance from the trunk equivalent to the canopy (leaf and branch) spread.

Drive lane/travel lane - A paved driving surface for one lane of vehicles.

Driveway - Areas that provide vehicular access to a site, except for public and private streets. A driveway begins at the property line and extends into the site. Driveways do not include parking, maneuvering, or circulation areas in parking lots and parking spaces.

Driveway apron/approach - The edge of a driveway where it abuts a public way; usually constructed of concrete. See Figure 3.1.200K.

Drought-tolerant/drought-resistant plants - Plants that require little or no regular watering.

Duplex - A building with two attached housing units on one lot or parcel.

Dwelling unit - A living facility that includes provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Building Code (UBC), for not more than one family, or a congregate residence for 10 or less persons. See UBC section 205.

Easement - A right of usage of real property granted by an owner to the public or to specific persons, firms, public or quasi-public agencies, or corporations.

Elevation - Refers to a building face, or scaled drawing of the same, from grade to roof ridgeline.

Environmentally sensitive areas - See “sensitive lands”.

Established residential area – An area within the Residential District that was platted prior to the effective date of a land ordinance. See Section 2.1120.F

Evidence - Application materials, plans, data, testimony and other factual information used to demonstrate compliance or non-compliance with a code standard or criterion.

Exotic Plants - Non-native vegetation or plant matter that has been imported from another geographical region, area, or country.

Family day care - See “child care facilities”.

Fire apparatus lane - As defined by the Uniform Fire Code.

Flag lot - A lot or parcel which has access to a road, street or easement, by means of a narrow strip of lot or easement. See Section 2.1140.

Flood Base – The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the 100 year Flood. Such areas are designated by the letter AE or X on the Flood Insurance Rate map (FIRM) published by the Federal Emergency Management Agency, map #41017C015C.

Flood Insurance Rate Map - (FIRM) The official map on which the United States Federal Insurance Administration has delineated by the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Rate Study – The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood condition of partial or complete inundation of normally dry land areas.

Floor area ratio – Floor area ratio (FAR) is measured by dividing the gross enclosed floor area of a building by the land area of the development. See Section 2.2130.

Frontage- The dimension of a property line abutting a public or private street.

Frontage street or road - A designated local street that parallels an arterial street in order to provide access to abutting properties and minimize direct access onto the arterial.

Functional classification - The classification given to streets (such as "alley", "local", "collector" or "arterial") by the City's Transportation System Plan (TSP), by adopted County plans, and Oregon Department of Transportation.

Ground cover - A plant material or non-plant material (e.g., mulch, bark chips/dust) that is used to cover bare ground. See also, Chapter 3.2 - Landscaping.

Hammerhead turnaround - A "T" or "L" shaped dead-end street that allows for vehicles to turn around.

Hardscape - Non-plant landscape materials, including pathways, decorative pavers, benches, drinking fountains, arbors, pergolas, playgrounds, plazas, and similar amenities.

Home occupation, home occupation site – Small commercial ventures which could not necessarily be sustained if it were necessary to lease commercial quarters or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. See Section 4.9.200.

Human-scale design/development - Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtown and main street developments); larger buildings which have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those which are primarily intended to accommodate automobile traffic.

Impervious surface - Development which does not allow for water infiltration into the ground (e.g., pavement, roofs, etc.).

Incidental and subordinate to - A use or portion of a development that is secondary to, and less apparent, than the primary use or other portion of the development.

Infill - A dwelling that is proposed on land that is zoned for residential use where at least 75% of the abutting parcels have a dwelling, but not counting any parcel that is too small for a residence and any parcel that is large enough that it can be divided into four or more lots. These standards also apply where a home is removed to make way for a new house, manufactured home duplex and attached house. These standards do not apply to a dwelling that is proposed on land that is large enough that it can be divided into four or more lots.

Kennel – Any premises or building in which four (4) or more dogs or cats or other small animals or any combination thereof at least four (4) months of age are kept commercially for board, breeding, training or sale.

Land division - The process of dividing land to create parcels or lots.

Land use - The main activity that occurs on a piece of land, or the structure in which the activity occurs (e.g., residential, commercial, mixed use, industrial, open space, recreation, street rights-of-way, vacant, etc.).

Land use district - As used in this Code, a land use district is the same as a zone district.

Landing - A level part of a staircase, as at the end of a flight of stairs.

Landscaping - Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Landscaping also includes irrigation systems, mulches, topsoil, and re-vegetation or the preservation, protection and replacement of existing trees.

Lane, mid-block lane - A narrow, limited use roadway facility usually used to access a limited number of dwelling units. Similar to an alley in design (minimum 20 feet right of way width). See Section 2.1.140.A.

Legislative - A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e.g., adoption of, or amendment to, a comprehensive plan or development regulation). See Section 4.1.600.

Level of service (LOS) - For transportation, a standard of a street's carrying capacity, based upon prevailing roadway, traffic and traffic control conditions during a given time period. The Level of Service range, from LOS A (free flow) to LOS F (forced flow) describes operational conditions within a traffic stream and their perception by motorists/passengers. Level of Service is normally measured during the peak traffic hour, at intersections (signalized or unsignalized) or street segments (between signalized intersections).

Light manufacture – Light manufacturing operation as the primary use. See Section 2.4.110.

Livestock - Domestic animal types customarily raised or kept on farms for profit or other purposes. This definition does not include household pets such as dogs and cats.

Local Improvement District (LID) - A small public district formed for the purpose of carrying out local improvements (paving of streets, construction of storm sewers, development of a park, etc.). Property owners within the LID are assessed for the cost of the improvements in accordance with ORS 223.387-223.485. See Section 3.4.100.

Lot - A unit of land that is created by the subdivision of land (ORS 92.010(3)). See Chapter 4.3.

Lot area - The total surface area (measured horizontally) within the property lines of a lot.

Lot, Corner - Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.

Lot Depth - The average distance measured from the front lot line to the rear lot line.

Lot coverage - The area of a lot covered by a building or buildings expressed as a percentage of the total lot area.

Lot line adjustment - The adjustment of a property line by the relocation of a common line where no additional lots are created. This Development Code also defines the consolidation of lots (i.e., resulting in fewer lots) as a lot line adjustment.

Low-income – a person or household that earns 80 percent or less of the median family income for the area, as published each year by the Federal Department of Housing and Urban Development.

Main/Primary entry/entrance - A main entrance is the entrance, or entrances, to a building that most pedestrians are expected to use. Generally, smaller buildings have one main entrance. Main entrances may also be the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. Buildings may also have main entrances opening directly into a reception or sales areas, a courtyard, or plaza.

Maneuvering area/aisle - Refers to the driving area in a parking lot where motor vehicles are able to turn around and access parking spaces.

Manufactured dwelling - A dwelling that is manufactured at a different location and delivered to a site. A manufactured dwelling includes a residential trailer; a mobile home or a manufactured home but does not include a modular home as defined within the Uniform Building Code.

Manufactured dwelling park –Four or more units located on one lot allowing manufactured dwellings.

Manufactured Home – A manufactured home is a transportable single-family dwelling constructed after 1976.

Manufactured Structure – A manufactured structure includes the following residence types: a recreational vehicle, residential trailer constructed prior to 1962, a mobile home constructed between 1962 and 1976, or a manufactured home constructed after 1976. For the purposes of this Code, Manufactured Structure also includes structures built and installed as temporary classrooms or other non-residential uses.

Ministerial - A routine governmental action or decision that involves little or no discretion. The issuance of a building permit is such an action. See, Section 4.1.400.

Mitigation - To avoid, rectify, repair, or compensate for negative impacts which result from other actions (e.g., improvements to a street may be required to mitigate for transportation impacts resulting from development”).

Mixed-use building/development/horizontal/vertical - See Section 2.2.180.A.

Mobile Home – A Mobile Home is a portable residence constructed between 1962 and 1976.

Mobile Home Park – Four or more dwelling units located on one lot and consisting of recreational vehicles, residential trailers, mobile homes, manufactured homes, or recreational structures.

Multi-family housing – Housing that provides more than three dwellings on an individual lot (e.g., multi-plexes, apartments, condominiums, etc.). See Section 2.1.200.F.

Multi-use pathway – Pathways for pedestrian and bicycle use. See Chapter 3.1, Section 300.A.4.

Natural resource areas/natural resources - Same as Sensitive Lands; see Chapter 3.7.

Natural hazard - Natural areas that can cause dangerous or difficult development situations. For example, natural hazard areas may include steep slopes, unstable soils, landslides, or areas subject to flooding.

Neighborhood - A geographic area lived in by neighbors and usually having distinguishing character.

Neighborhood-scale design - Site and building design elements that are dimensionally related to housing and pedestrians, such as narrower streets with tree canopies, smaller parking areas, lower building heights (as compared to downtown areas) and similar neighborhood characteristics. These features are generally smaller in scale than those, which are primarily intended to accommodate automobile traffic.

Neighborhood commercial – Small scale commercial uses allowed within the residential/neighborhood commercial sub-district. See Section 2.1.200.K. .

Non-conforming use/non-conforming development – An existing land use/structure that would not be permitted by the regulations imposed by the current Development Code, but was lawful at the time it was established. See Chapter 5.2.

Non-native invasive plants - Any plant material that is non-indigenous and that dominates areas that had previously been established by native or non-invasive exotic plants.

Nude / Nudity - Being devoid of a covering for the male or female genitalia consisting of an opaque material which does not simulate the organ covered, and in the case of a female, exposing to view one or both breasts without a circular covering, centered on the nipple, that is at least 3 inches in diameter and does not simulate the organ covered.

Off-street parking - All off-street areas designed, used, required or intended to be used for the parking of motor vehicles. Off-street parking areas shall conform to the requirements of Chapter 3.3.

On-street parking - Parking in the street right-of-way, typically in parking lanes or bays. Parking may be “parallel” or “angled” in relation to the edge of the right-of-way or curb. See Chapter 3.3.

Open space (common/private/active/passive) - Land within a development which has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreation, conservation or other open space uses.

Oriel window - similar in style and function to a Bay window but that projects out beyond or is not supported flush by the building foundation.

Orientation - The positioning of a building or a focal point of a building (such as an entrance) toward a particular point of reference (e.g., “the front façade of a building oriented to a street”).

Outdoor commercial use - A use supporting a commercial activity which provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumber yards and equipment rental businesses.

Overlay zone/district - A supplemental zoning designation for a property or area that may provide more restrictive regulations than the underlying zoning designation. See Chapter 2.6.

Parcel - A legally created lot of record, usually created by a partitioning of land (ORS 92.010(6)). See Chapter 4.3.

Parking lot perimeter - The boundary of a parking lot area which usually contains a landscaped buffer area.

Parking versus auto storage - Parking is the area used for leaving motor vehicles for a temporary time up to 72 hours unless permitted as parking for longer by other municipal codes. Storage is to place or leave in a location for maintenance, repair, sale, rental, or future use.

Partition - To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. See also ORS 92.010(8).

Pathway/walkway/access way - A pathway or multi-use pathway that may be used to satisfy the requirements for “accessways” as described in the Transportation Planning Rule. (OAR 660-012-045). See Chapter 3.1, Section 3.A.

Pedestrian amenity(ies) – Pedestrian areas and objects that serve as places for socializing and enjoyment of the City’s downtown/main street. Examples include benches or public art or sculpture. See Section 2.2.170.

Pedestrian Facilities - A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

Pier - Exterior vertical building elements that frame each side of a building or its ground-floor windows (usually decorative).

Planter strip, tree cut-out - A landscape area for street trees and other plantings within the public right-of-way or other area intended for public use, usually between the street and a sidewalk.

Plat - A map of a sub-division, prepared as specified in ORS 92.080, and recorded with the Deschutes County Assessor’s Office. All plats shall also conform to Chapter 4.3 - Land Divisions.

Plaza - A public square or extra-wide sidewalk (e.g., as on a street corner) that allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activity. See Section 2.2.170.

Pocket park - A small park, usually less than one-half acre in size.

Porch - An exterior area attached to a primary structure or dwelling. A porch is 30" or more above grade and as such requires a building permit.

Primary - The largest or most substantial element on the property, as in "primary". This may include the use, residence, entrance, etc. All other similar elements are secondary in size or importance.

Property line: front, rear, interior side, street side - Legal borders of a lot or parcel of land
See Figure 2.1.130.

Public facilities – Public and private transportation facilities and utilities. See Chapter 3.4.

Public improvements - Development of public facilities. See Chapter 3.4.

Quasi-judicial - Refers to an action or decision that requires substantial discretion or judgement in applying the standards or criteria of this Code, and usually involves a public hearing. See Section 4.1.500.

Residence - Same as "dwelling".

Residential caretaker unit - A dwelling unit for caretakers living on-site in the General Industrial District. The unit must be served by water and sanitary sewage and conform with other applicable building standards. See Section 2.3.160.B.

Residential care home/Residential care facility –Residential treatment or training homes or adult foster homes licensed by the State of Oregon. See Section 2.1.200.G.

Residential trailer – A portable residence constructed prior to 1962.

Ridge line (building) - The top of a roof at its highest point above the finished grade.

Right-of-way - Land that is owned in fee simple by the public, usually for transportation facilities.

Roof pitch - The slope of a roof, usually described as ratio (e.g., 1 foot of rise per 2 feet of horizontal distance).

Roof-top garden - A garden on a building terrace, or at top of a building with a flat roof (usually on a portion of a roof).

Senior housing - Housing designated and/or managed for persons over the age of 55. (Specific age restrictions vary.)

Sensitive lands - Wetlands, significant trees, steep slopes, flood plains and other natural resource areas designated for protection or conservation by the Comprehensive Plan.

Series partition - The creation of more than three lots in more than one calendar year from one parent parcel through a partition process. Subdivision standards and requirements may be applied to a series partition. Note: the creation of more than 3 lots within one calendar year is a subdivision.

Setback - The distance between a building (or other feature of development) and a property line. Minimum and maximum setbacks may be required for front, side and rear yards.

Shared driveway - Common street access used by two or more lots or parcels. An easement or tract (owned in common) may be created for this purpose.

Shared parking –Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap. (daytime versus nighttime primary uses) See Section 3.3.300.

Shopping street –A pedestrian oriented commercial street or drive characterized by close building orientation to the street, on street parking, wide sidewalks, street trees, pedestrian scale lighting and other pedestrian-related amenities. See Section 2.2.140.C.

Single-family attached housing (townhomes) - Two or more single-family dwellings sharing common end-walls. See Sections 2.1.110 and 200.

Single-family detached house - A single family dwelling that does not share a wall with any other dwelling. See Section 2.1.110.

Single-family detached zero-lot line house - A single family detached house having a side yard setback equal to “0”. See Sections 2.1.110 and 200.

Site - A property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this Code.

Site and Design Review – A discretionary review that applies to all developments in the City, except those specifically listed under Development Review. Site and Design Review ensures compliance with the basic development standards of the land use district, as well as more detailed design standards and public improvement requirements in Chapters 2 and 3, Development Review - See Chapter 4.2.

Specific Area Plan – Describe in more detail the type of development planned for a specific area than is typically found in a comprehensive plan, zone map, or public facilities plan. See Chapter 2.5.

Standards and criteria - Standards are code requirements. Criteria are the elements required to comply with a particular standard.

Steep slopes - Slopes that are greater than 20 percent.

Storefront character - The character of a commercial building expressed by buildings placed close to the street with ground-floor display windows, weather protection (e.g., awnings or canopies), corner building entrances or recessed entries, and similar features.

Storm water facility - A detention and/or retention pond, swale, or other surface water feature that provides storage during high-rainfall events and/or water quality treatment.

Street/road - A public or private way for travel by vehicles, bicycles and pedestrians, that meets the City standards in Section 3.4100.

Street access — A defined passageway for pedestrians, bicycles and vehicles to provide access to a public road. See Section 3.1.200.

Street connectivity - The number and distance of street connections to other streets within a specific geographic area.

Street furniture/furnishings - Benches, lighting, bicycle racks, drinking fountains, mailboxes, kiosks, and similar pedestrian amenities located within a public right-of-way. See Section 2.2.170.

Street stub - A temporary street ending; i.e., where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

Street tree - A tree planted in a planter strip or tree cut-out within a specified distance to a street.

Subdivision - The division of land to create four or more lots. (ORS 92.010(13)).

Surface water management - See definition in Chapter 3.5.[as this chapter is developed, I would recommend adding the definition here to be consistent]

Swale - A broad, shallow depression designed for storm water runoff channelization, which might contain plants to filter contaminants.

Tangent - The point of intersection of curved surface and a line.

Terrace - A landing or promenade supported by columns, or a flat roof or other platform on a building.

Topographical constraint - Where existing slopes or other natural (non-vegetative features) prevent conformance with a Code standard.

Townhouse – A one family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

Tract: private/public - A piece of land set aside in a separate area for dedication to the public, such as a homeowner's association, or other entity (e.g., open space, recreation facilities, sensitive lands, etc.), or a land area reserved for future development.

Transportation facilities and improvements - The physical improvements used to move people and goods from one place to another; i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.). Transportation improvements include the following:

- a. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
- b. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
- c. Projects specifically identified in the City's adopted Transportation System Plan as not requiring further land use review and approval.
- d. Landscaping as part of a transportation facility.
- e. Emergency measures necessary for the safety and protection of property.
- f. Construction of a street or road as part of an approved subdivision or partition as designated in the City's adopted Transportation System Plan except for those that are located in exclusive farm use or forest zones.
- g. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

Transportation mode - The method of transportation (e.g., automobile, bus, walking, bicycling, etc.)

Triplex - A building with three attached housing units on one lot or parcel.

Vacate plat/street - To abandon a subdivision or street right-of-way. For example, *vacation* of a public right-of-way that is not needed or cannot be used for a street or other public purpose. A plat may be vacated, returning the property to an undivided condition.

Variance - An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of this Code. See Chapter 5.1.

Vision clearance area –The shaded area shown on figure 3.1.2N is the Vision Clearance Area. This area is regulated and further described in Section 3.1.200.N of this Code. The vision clearance area standard applies to driveways, streets, alleyways and railways.

Wetland - Wetlands are land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities. Wetlands are defined more specifically by the Federal Clean Water Act (Section 404) and Oregon Administrative Rules (OAR 141-85-010).

Window hood - An architectural detail placed above a window, used as an accent.

Wireless communication equipment - Includes cell towers, antennae, lattice-type and monopoles, and related facilities and equipment that is associated with telecommunication or media signal transmission and receiving.

Yard - The area between buildings and property lines generally defined by setbacks.

Zero-lot line house – Single family dwelling that is not subject to side yard setbacks on one side of a typical lot. See Section 2.1.200.A.

Chapter 1.4 — Enforcement

Sections:

1.4.100 Provisions of this Code Declared to be Minimum Requirements.

1.4.200 Violation of Code Prohibited.

1.4.300 Penalty.

1.4.400 Complaints Regarding Violations.

1.4.500 Inspection and Right of Entry.

1.4.600 Abatement of Violations.

1.4.700 Stop-Order Hearing.

1.4.100 Provisions of this Code Declared to be Minimum Requirements.

- A. Minimum requirements intended. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare
- B. Most restrictive requirements apply. When the requirements of this Code vary from other provisions of this Code or with other applicable standards, the most restrictive or that imposing the highest standard shall govern.

1.4.200 Violation of Code Prohibited

No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this Code or any amendment thereto.

1.4.300 Penalty.

- A. Class 1 penalty. A violation of this Code shall constitute a Class 1 civil infraction which shall be processed accordingly.
- B. Each violation a separate infraction. Each violation of a separate provision of this Code shall constitute a separate infraction, and each day that a violation of this Code is committed or permitted to continue shall constitute a separate infraction.
- C. Abatement of violation required. A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of other remedies available to the City.
- D. Responsible party. If a provision of this Code is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

1.4.400 Complaints Regarding Violations.

- A. Filing written complaint. Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a signed, written complaint.
- B. File complaint with City Administrator or designee. Such complaints, stating fully the causes and basis thereof, shall be filed with the City Administrator or designee. The *City Administrator or designee* shall properly record such complaints, investigate and take action thereon as provided by this Code.

1.4.500 Inspection and Right of Entry.

SEE MUNICIPAL CODE 15.06.240

1.4.600 Abatement of Violations

Any development or use which occurs contrary to the provisions of this Code or contrary to any permit or approval issued or granted under this Code is unlawful, and may be abated by appropriate proceedings.

1.4.700 Stop-Order Hearing.

- A. Stop order issued. Whenever any work is being done in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant hereto, the City Administrator or *Planning Director* may order the work stopped by notice in writing served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is authorized to continue.
- B. Stop order hearing. The Planning Director shall schedule a hearing if requested on the stop order for the earliest practicable date, but not more than 30 days after the effectiveness of any required notice. At the discretion of the Planning Director such hearing may be:
 - 1. Part of a hearing on revocation of the underlying development approval; or
 - 2. Solely to determine whether a violation has occurred. The Planning Director shall hold this hearing and shall make written findings as to the violation within 30 days of issuing the stop-work order. Upon a finding of no violation, the Planning Commission shall require the issuance of a resume work order. Upon finding a violation, the stop order shall continue to be effective until the violating party furnishes sufficient proof to the Planning Commission that the violation has been abated. The Planning Commission decision is subject to review under Chapter 4.1.5 - Type III Procedure (Quasi-Judicial).

Chapter 2.0 — Land Use Districts

2.0 - Land Use District Administration

2.1 - Residential District (R)

2.1.300 Residential Sub-Districts

2.1.400 Urban Reserve Sub-District (UR)

2.1.500 Neighborhood Commercial Sub-District (NC)

2.1.600 Residential Multi-Family Sub-District (MF)

2.1.700 Residential Manufactured Home Park Sub-District (MHP)

2.2 - Commercial District (C)

2.3 - Light Industrial District (IL)

2.3.180 – Business Park Development (BP)

2.4 – Public Facility District (PF)

2.5 – Sub-districts

2.5.1 - Highway Commercial

2.5.2 - Recreational Vehicle

2.5.3 - Landscape Management

2.6 – Flood Plain District (FP)

2.7 – Overlay Districts (O)

2.7.1 – Western Frontier Architectural Design Theme

2.7.2 – Airport Overlay District

2.0 – Land Use District Administration

Sections:

2.0.100 Classification of Land Use Districts

2.0.200 Land Use District Map

2.0.300 Determination of Land Use District Boundaries

2.0.100 Classification of Land Use Districts. All areas within the urban growth boundary of the City of Sisters are divided into land use districts. The use of each lot, parcel and tract of land is limited to the uses permitted by the applicable land use district. The applicable land use district shall be determined based on the Land Use District Map, and the provisions of this Chapter.

2.0.200 Land Use District Map.

A. Consistency with Land Use District map. The boundaries of each of the land use districts contained within this Chapter shall coincide with the land use district boundaries identified on the City's official Land Use Districts (zoning) map, retained by the City Recorder. The City's official Land Use Districts map shall be a part of the City of Sisters Development Code

City of Sisters

Use Districts map by this reference is made a part of this Development Code. A certified print of the adopted Land Use District map, and any map amendments, shall be maintained by the City.

B. Applicability of zoning requirements. Each lot, tract and parcel of land or portion thereof within the land use district boundaries as designated and marked on the zoning map, is classified, zoned and limited to the uses as hereinafter specified and defined for the applicable district classification.

C. Land use district map amendments. All amendments to the City's official Land Use Districts (zoning) map shall be made in accordance with the provisions of Chapter 4.7.

1. Copies of all map amendments shall be dated with the effective date of the ordinance adopting the map amendment, and shall be maintained without change, together with the adopting documents, on file at the City; and

2. The City shall make available for public inspection an up-to-date copy of the revised land use district map, so that it accurately portrays changes of zone boundaries or classification, as applicable.

2.0.300 Determination of Land Use District Boundaries

Where due to the scale, lack of scale, lack of detail or illegibility of the City zoning district map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of district boundary lines, the boundary lines shall be determined by the City Administrator in accordance with the following:

1. Boundaries indicated as approximately following the centerlines of streets, highways, railroad tracks or alleys shall be constructed to follow such center lines;

2. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries;

3. Boundaries indicated as approximately following a City boundary, or the Urban Growth Boundary, shall be constructed as following said boundary;

4. Boundaries indicated as approximately following river, stream and/or drainage channels or basins shall be constructed as following river, stream and/or drainage channels or basins, as applicable; and

5. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same land use district designation that is applicable to lands abutting the vacated area. In cases where the right-of-way formerly served as a land use district boundary, the lands formerly within the vacated right-of-way shall be allocated proportionately between the subject land use districts.

Chapter 2.1 — Residential (R) District

Sections:

- 2.1.100 Purpose**
- 2.1.110 Permitted Land Uses**
- 2.1.120 Building Setbacks**
- 2.1.130 Lot Area and Dimensions**
- 2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes**
- 2.1.150 Density and Building Size**
- 2.1.160 Maximum Lot Coverage**
- 2.1.170 Building Height**
- 2.1.180 Building Orientation**
- 2.1.190 Design Standards**
- 2.1.200 Special Standards for Certain Uses**
- 2.1.300 Residential Sub-Districts**
- 2.1.400 Urban Area Reserve (UAR)**
- 2.1.500 Residential Multi-Family (MFSD)**
- 2.1.600 Neighborhood Center (NC)**

2.1.100 Purpose

The Residential District is intended to promote the livability, stability and improvement of the City of Sisters’ neighborhoods. This chapter provides standards for the orderly expansion and improvement of neighborhoods based on the following principles:

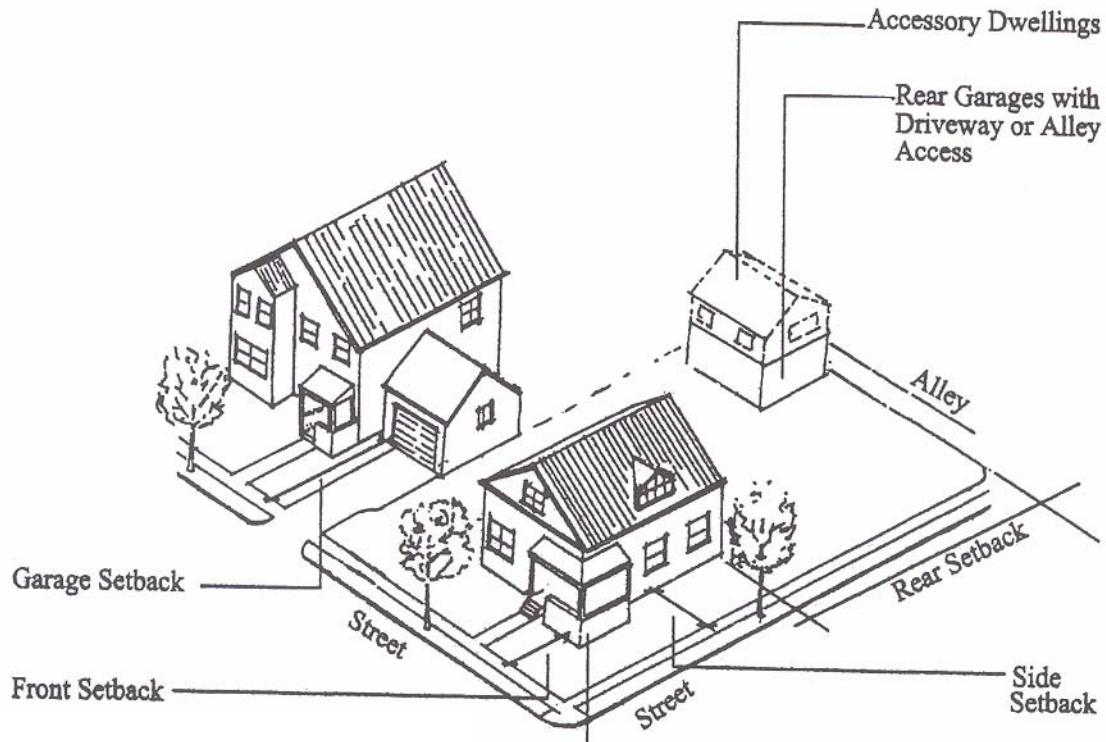
- Make efficient use of land and public services, accommodating a range of housing needs consistent with the Comprehensive Plan, and providing minimum and maximum density standards for housing.
- Provide for compatible building and site design at an appropriate neighborhood scale.
- Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling. Provide direct and convenient access to schools, parks and neighborhood services.
- Maintain and enhance the City’s historic characteristics.

2.1.110 Permitted Land Uses

- A. **Permitted Uses.** The land uses listed in Table 2.1.110.A are permitted in the Residential District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 2.1.110.A, and land uses which are approved as “similar” to those in Table 2.1.110.A, may be permitted. Land uses identified as “Sub-District Only” are permitted only within the applicable sub-district. The land uses identified with a “CU” in Table 2.1.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.
- B. **Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.

Table 2.1.110.A Land Uses and Building Types Permitted in the Residential District		
<p>1. Residential:</p> <p><i>Single-family</i></p> <p>a. Single-family detached housing</p> <p>b. Single-family detached zero-lot line*</p> <p>c. Accessory dwellings*</p> <p>d. Manufactured homes – individual lots*</p> <p>e. Single-family attached townhomes (Multi-Family Sub-District only or subdivisions in R District platted after 3/31/04)*</p> <p><i>Multi-family</i></p> <p>f. Two- and three-family housing (duplex and triplex)* (Multi-Family Sub-District only or subdivisions in R District platted after 3/31/04)*</p> <p>g. Multi-family housing, or 4 plex (Multi-Family Sub-District only)*</p> <p>h. Manufactured Home Park (CU)*</p> <p>i. Recreational Vehicle Park (CU)*</p> <p>j. Residential care. Residential care homes and facilities*</p> <p>k. Child Care Center less than 12 children.</p>	<p>l. Income and rent controlled housing</p> <p>2. Home occupations*</p> <p>3. Public and Institutional (CU)*:</p> <p>a. Churches and places of worship</p> <p>b. Clubs, lodges, similar uses</p> <p>c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)</p> <p>d. Libraries, museums, community centers, and similar uses</p> <p>e. Private utilities</p> <p>f. Public parks and recreational facilities</p> <p>g. Schools (public and private)</p> <p>h. Uses similar to those listed above</p> <p>4. Accessory Uses and Structures *</p>	<p>5. Neighborhood Commercial (Multi-Family Sub-district only)*:Each of the following uses is “size limited” and subject to provisions in Section 2.1.500(D) and Figure 2.1.180B:</p> <p>a. Child Care Center (care for more than 12 children)</p> <p>b. Food services, excluding automobile-oriented uses</p> <p>c. Laundromats and dry cleaners</p> <p>d. Light manufacture, conducted entirely within building without noise, light or odor emissions.</p> <p>e. Retail goods and services</p> <p>f. Medical and dental offices, clinics and laboratories</p> <p>g. Personal services (e.g., barber shops, salons, similar uses)</p> <p>h. Professional and administrative offices</p> <p>i. Mixed use building (residential with other permitted neighborhood commercial uses</p> <p>j. Other similar uses</p> <p>6. Bed & breakfast inns and vacation rentals (CU)*</p> <p>7. Master Planned Neighborhoods (CU)*</p>
<p>Uses marked with an asterisk (*) are subject to the standards in Section 2.1.200, “Special Standards for Certain Uses.” Temporary uses are subject to the standards in Section 4.9. CU= Conditional Use Permit Required. Only uses specifically listed in Table 2.1.110.A, and uses similar to those in Table 2.1.110.A, are permitted in the Residential District.</p>		

2.1.120 – Building Setbacks



Building Setbacks

Building setbacks provide space for private yards, and building separation for fire protection/security, building maintenance, sunlight and air circulation. This section is also intended to promote human-scale design and traffic by minimizing the visual presence of garages along the street and encouraging the use of extra-wide sidewalks and pocket parks in front of markets and other non-residential uses. Setback standards also encourage placement of residences close to the street for public safety and neighborhood security.

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

2.1.120 – Building Setbacks (continued)**A. Front Yard Setbacks**1. Residential Uses (single-family, duplex and triplex, multi-family housing types)

- a. A minimum setback of 10 feet is required, except that an unenclosed uncovered porch not requiring a building permit may be within 4 feet, as long as it does not encroach into a public utility easement. See also, Section F, which provides standards for Setbacks for Established Residential Areas.
- b. Garages and carports shall be accessed from alleys or otherwise recessed behind the front building elevation by a minimum of 10 feet. Alternatively, garage and carport entrances may be built flush with the front building elevation when the building is set back by at least 20 feet.
- c. Multi-family housing shall also comply with the building orientation standards in Section 2.1.180.

2. Neighborhood Commercial Buildings.

A minimum front setback is not required, except as necessary to comply with the vision clearance standards in Chapter 3.1.2. A maximum setback of 20 feet is required, and is met when a minimum 50% of the front elevation is 20 feet or closer to the front property line. The setback may be increased only to accommodate an expanded sidewalk, outdoor seating area, plaza, pocket park provided between the building and front property line.

3. Public and Institutional Buildings.

The standards in subsection 2, above, (Neighborhood Commercial Buildings) shall also apply to Public and Institutional Buildings, except that the maximum setback standard in subsection 2 shall not be required for buildings that do not receive the public (e.g., buildings used solely for storage or housing mechanical equipment, and similar uses).

B. Rear Yard Setbacks

The minimum rear yard setback shall be 15 feet for street-access lots, and 6 feet for alley-access lots. Garages may have 0 lot line setback when accessed from a lane or alley and located in the rear portion of a lot. Garage placement shall accommodate vehicular access and maneuvering standards.

C. Side Yard Setbacks

The minimum side yard setback shall be 5 feet on interior side yards, and 10 feet on street corner yards; or when zero-lot line development is permitted, the minimum side yard setbacks shall be 10 feet minimum on one side of the dwelling unit, and no setback required on the opposite side. See standards for zero-lot line housing in Section 2.1.200.

D. Setback Exceptions

Unenclosed and uncovered porches, decks and similar structures not exceeding 30 inches in height may encroach into front and rear setbacks by no more than 6 feet, subject to the front yard setback provisions in “A”. Walls and fences may be placed on property lines, subject to the standards in

2.1.120 - Building Setbacks *(continued)*

Chapter 3.2 - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 3.1.2.

E. Special Yards - Distance Between Buildings on the Same Lot

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least one-half ($\frac{1}{2}$) the sum of the height of both buildings at the closest point; provided, however, that in no case shall the distance be less than 10 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscape yard, or other open space.

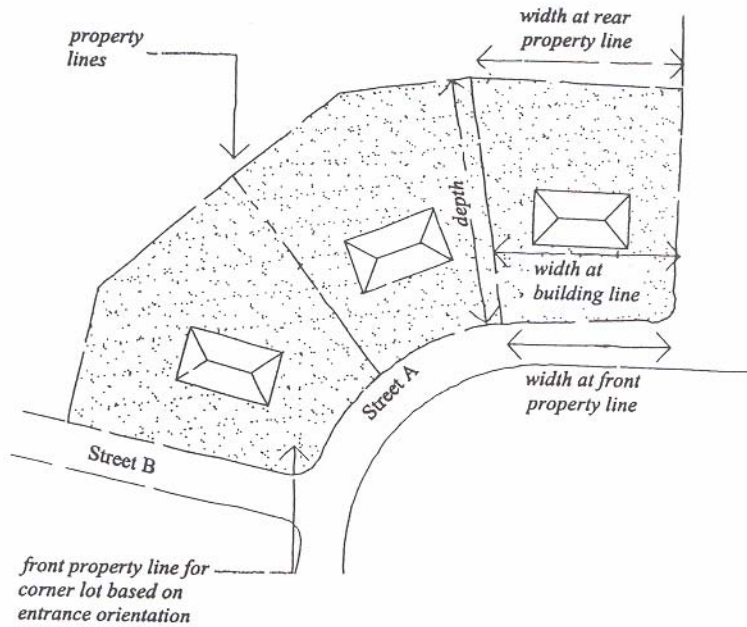
F. Setbacks for Infill Housing in Established Residential Areas.

“Established residential area” means an area within the Residential District that was platted prior to the effective date of this ordinance. See Figure 2.1.140A. In such areas, the following setback standards shall apply:

1. When an existing single-family residence on the same street is located within 20 feet of the subject site property line, a front yard setback similar to that of the nearest single-family residence shall be used. “Similar” means the setback is within 5 feet of the setback provided by the nearest single-family residence on the same street. For example, if the existing single-family residence has a front yard setback 20 feet, then the new building shall have a front yard setback between 15 feet and 25 feet. If the new building is to be located between two existing residences within 20 feet of the subject property line, then the setback for the new building shall be based on the average setback of both adjacent residences, plus or minus 5 feet. In cases when the calculated setback exceeds 30 feet, a setback of 30 feet may be used.
2. In no case shall a front yard setback be less than 10 feet. Zero-lot line houses shall comply with the standards for zero-lot line housing in Section 2.1.200.
3. The standards in 1-2 shall not be changed, except through a Class B Variance (i.e., to avoid significant trees, topographic constraints or other sensitive lands).

2.1.130 - Lot Area and Dimensions

Figure 2.1.130 - Lot Dimensions



<i>Land Use</i>	<i>Lot Area*</i>	<i>Lot Width/Depth</i>	<i>Related Standards</i>
Detached Single Family Housing; Manufactured Homes on Lots	Minimum: 6,000 square feet.	Minimum Width: 30 feet at front property line, except for flag lots and lots served by private lanes (See Section 2.1.140) Maximum Depth: Three (3) times the lot width; except as may be required by this code (e.g., to protect sensitive lands, etc.)	The average lot area in new developments shall conform to the standards in Section 2.1.150 Residential Density.
Two-and Three-Family Housing (duplex and triplex)	Minimum area for two-family: 7,500 square feet. Minimum area for three-family: 9,000 square feet	Minimum Width: 60 feet at front property line, except for flag lots and lots served by private lanes (See Section 2.1.140) Maximum Depth: Three (3) times the lot width; except as required to protect sensitive lands, etc.	The average lot area in new developments shall conform to the standards in Section 2.1.150 Residential Density.

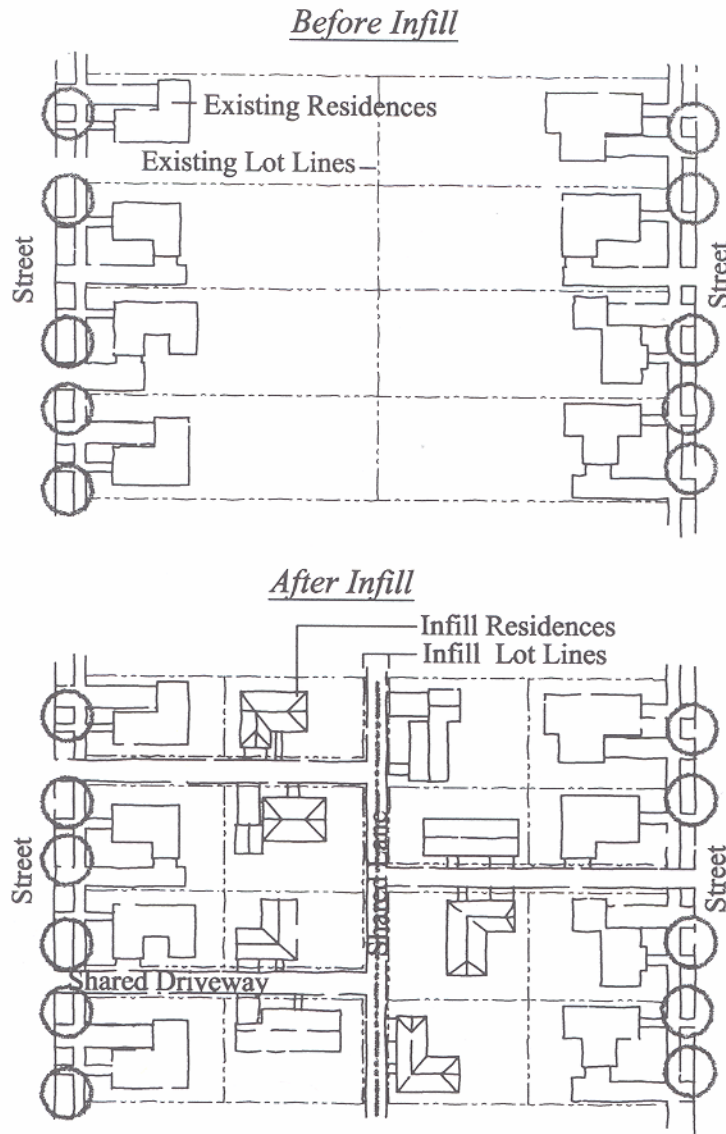
Attached (Townhome) Single Family Housing	Minimum area: 3,750 square feet.	Minimum Width: 30 feet at front property line, except for flag lots and lots served by private lanes (See Section 2.1.140) Maximum Depth: Three (3) times the lot width except as may be required by this code (e.g., to protect sensitive lands, etc.)	The average lot area in new developments shall conform to the standards in Section 2.1.150 Residential Density.
Multi-family Housing (more than 3 units)	Minimum area: 10,000 square feet. Maximum area: None. (see relevant standards)	Minimum Width: 60 feet at front property line. Maximum Depth: None.	The maximum lot/parcel area is controlled by the Block Area standards in Chapter 3.1 - Access and Circulation and Section 2.1.150 Residential Density.
Public and Institutional Uses	Minimum area: None. Maximum area: None. (see “relevant standards”)	Minimum Width: 60 feet at front property line. Maximum Depth: None.	The maximum lot/parcel area is controlled by the Block Area standards in Chapter 3.1 - Access and Circulation.
Residential Commercial Uses	Minimum area: None. Max. area: None. (see “relevant standards”)	Minimum Width: 60 feet at front property line. Maximum Depth: None.	The maximum lot/parcel area is indirectly controlled by the floor area standards for Residential Commercial development, as provided in Section 2.1.200.

*Lot sizes in proposed subdivisions may be averaged so that average lot size is in this range.

2.1.140 – Flag Lots and Lots Accessed by Mid-Block Lanes

As shown in Figure 2.1.140A, some lots in existing neighborhoods may have standard widths but may be unusually deep compared to other lots in the area. Infill candidate areas generally consist of unused space at the back of a lot that may provide room for one or more lots for infill housing. Infill lots may be developed as “flag lots” or “mid-block developments”, as defined herein.

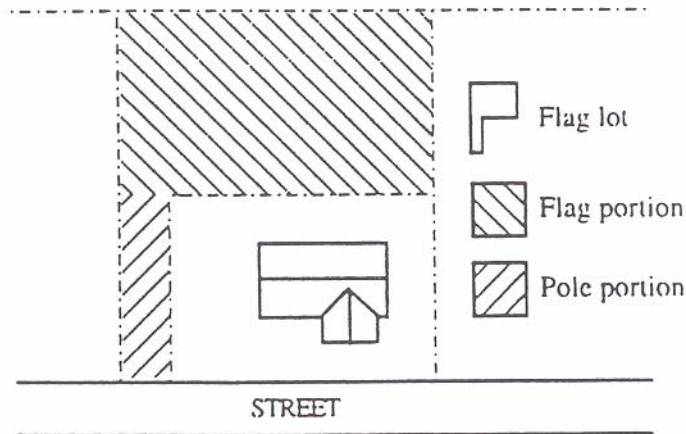
Figure 2.1.140A – Mid-block Infill



2.1.140 – Flag Lots and Lots Accessed by Mid-Block Lanes (*continued*)

- A. Mid-block lanes. Infill lots may be developed without frontage onto a public street when lot access is provided by a series of mid-block lanes, as shown on previous page. Mid-block lanes shall be required whenever possible as an alternative to approving flag lots. The lanes shall meet the standards for alleys, per Chapter 3.4.1, and subsections C-F, below.

Figure 2.1.140B - Flag Lot (Typical)



- B. Flag lots. Flag lots may be created only when mid-block lanes cannot be extended to serve future development. A flag lot driveway may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots and shall not exceed 150' in length, unless Uniform Fire Code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be six (6). A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area. Minimum pole width shall be 12 feet. Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials.
- C. Driveway and lane width. The minimum width of all privately owned shared driveways and lanes shall be 12 feet. The minimum width of all publicly owned lanes or alleys is 20 feet to accommodate public utilities. The maximum width for shared drives, lanes or alleys shall be 20 feet, except as required by the Uniform Fire Code.
- D. Shared access easement. The owner shall record a (minimum 12 foot wide) shared access easement for any private driveway serving more than one lot for vehicle access similar to an alley. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat and shall comply with "C" above.

2.1.140 - Flag Lots and Lots Accessed by Mid-Block Lanes (*continued*)

- E. Dedication of mid-block lanes. All mid-block lanes serving as street frontage for infill lots shall be dedicated to the City on the partition or subdivision plat, shall comply with Section 2.1.140C, and shall be duly recorded with the Deschutes County recorder.
- F. Maximum driveway and lane length. The maximum drive lane length is subject to requirements of the Uniform Fire Code, but shall not exceed 300 feet for a shared side drive, and 400 feet for a shared rear lane.
- G. Future street plans. Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop (i.e., as shown in the preceding graphic).

2.1.150 - Residential Density

- A. Residential Density Standard. The following density standards apply to all new land divisions. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan.
 - 1. New land divisions shall provide for housing at densities between 3 dwelling units per gross acre minimum and 8 units per gross acre maximum in the R-District. New land divisions shall provide for housing at densities between 9 dwelling units per gross acre minimum and 20 units per gross acre maximum in the R-MFSD District.
 - 2. Minimum and maximum housing densities are calculated by multiplying the gross parcel or lot area by the applicable density standard. For example, in the R District, if the total site area is five gross (5) acres, and the minimum allowable density is 4 dwelling units per gross acre, then a minimum of 20 units is required. On the same site, a maximum of 40 dwelling units is established. Figures used in density calculations (i.e. acreage of parcels or lots) are rounded up or down to two decimal places. Resulting minimum and maximum densities are not rounded up, since this would increase the allowable density for a given parcel. Resulting minimum and maximum densities are rounded down to the closest whole number (i.e. a maximum density for a lot or parcel that is calculated at 2.7 units/acre is rounded down to 2 units/acre).
 - 3. Lot sizes will vary based on the proposed building type and the lot area standards in Section 2.1.130.
 - 4. Flag poles on flag lots shall be considered not buildable for the purpose of calculating densities (see Figure 2.1.140B).
 - 5. Exceptions for affordable housing Section 2.1.200 L.
 - 6. The density standards may be averaged over more than one development phase (i.e., as in a master planned development). Duplex and triplex lots used to comply with the density standard shall be so designated on the final subdivision plat.
- B. The following types of housing are exempt from the minimum density standards:
 - 1. Residential care homes/facilities
 - 2. Accessory dwelling units
 - 3. Bed and breakfast inns
 - 4. Development of subdivisions that includes 75% of land area on slopes greater than 25%

On lots or parcels existing before July 28, 2001 less than 6,500 ft², a single-family dwelling may be

developed provided all applicable requirements of the Code, other than the residential density standards in 2.1.150, are met.

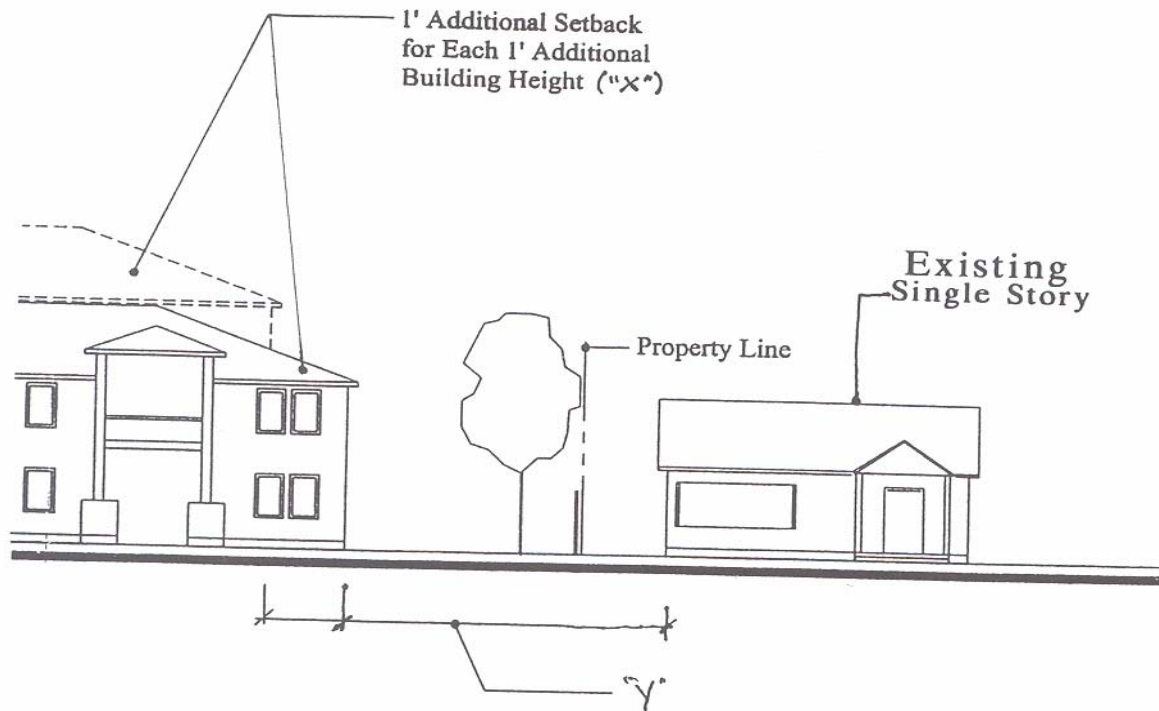
2.1.160 - Maximum Lot Coverage

- A. Maximum Lot Coverage. The following maximum lot coverage standards shall apply to all development in this district:
- a. Single Family Detached Houses - 60 percent
 - b. Duplexes and Triplexes - 60 percent
 - c. Single Family Attached Townhomes - 60 percent
 - d. Multiple Family Housing - 60 percent
 - e. Neighborhood Commercial and Public/Institutional Uses - 80 percent
- B. Lot Coverage Defined. “Lot Coverage” means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 30 inches above the finished grade.
- C. Compliance with other sections of this Code may preclude development of the maximum lot coverage for some land uses.

2.1.170 - Building Height

The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scale design:

- A. Building Height Standard. Buildings within the Residential District shall be no more than 30 feet. Exceptions to the height standard are available for certain types of affordable housing as delineated in Section 2.1.200 M. Building height may be restricted to less than these maximums when necessary to comply with the Building Height Transition standard in “C” below. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features that are not intended for human occupancy.
- B. Method of Measurement. “Building height” is measured as the vertical distance between the highest point of the ridge on a roof, and the average finished grade.
- C. Building Height Transition. To provide compatible building scale and privacy between developments, taller buildings shall “step-down” to create a building height transition to adjacent single-story building(s).
1. This standard applies to new and vertically expanded buildings within 20 feet (as measured horizontally) of an existing single-story building with a height of 20 feet or less, as shown on figure 2.1.170C.
 2. The building height transition standard is met when the additional height of the taller building (“x”) does not exceed one (1) foot of height for every additional one (1) foot separating the two buildings (“y”), as shown on figure 2.1.170C.

Figure 2.1.170C - Building Height Transition

2.1.180 - Building Orientation

Typical Building Orientation (graphics on following pages)

- A. Purpose. The following standards are intended to orient buildings close to streets to promote human-scale development, slow traffic down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more “eyes-on-the-street”.
- B. Applicability. This section applies to: Single-Family Dwelling including Manufactured Houses, Attached Townhomes, Duplexes, Triplexes, Multi-Family Housing; Neighborhood Commercial buildings; Bed and Breakfasts, Childcare and Public and Institutional buildings.
- C. Building orientation standards. All developments listed in “B” shall have their main focal points, including entrances and primary architectural details, oriented to a street. The building orientation standard is met when all of the following criteria are met:
1. Compliance with the setback standards in Section 2.1.120.

2. All buildings shall have their primary entrance(s) oriented to the street. Multi-family and Neighborhood Commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a multi-family building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Chapter 3.1 – Access and Circulation. In this case, at least one entrance shall be provided not more than 20 feet from the closest sidewalk or street.
 3. Off-street parking, vehicle drives or other vehicle areas shall not be placed between primary building façades and streets.
- D. The standard shall not apply to buildings, which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses.)
- E. Manufactured Homes may have the door facing the side yard if there are windows, making up 30% of the street-facing wall.

**Figure 2.1.180.A
Multi-Family/Attached Housing**

(Multi-Family/Attached Housing)

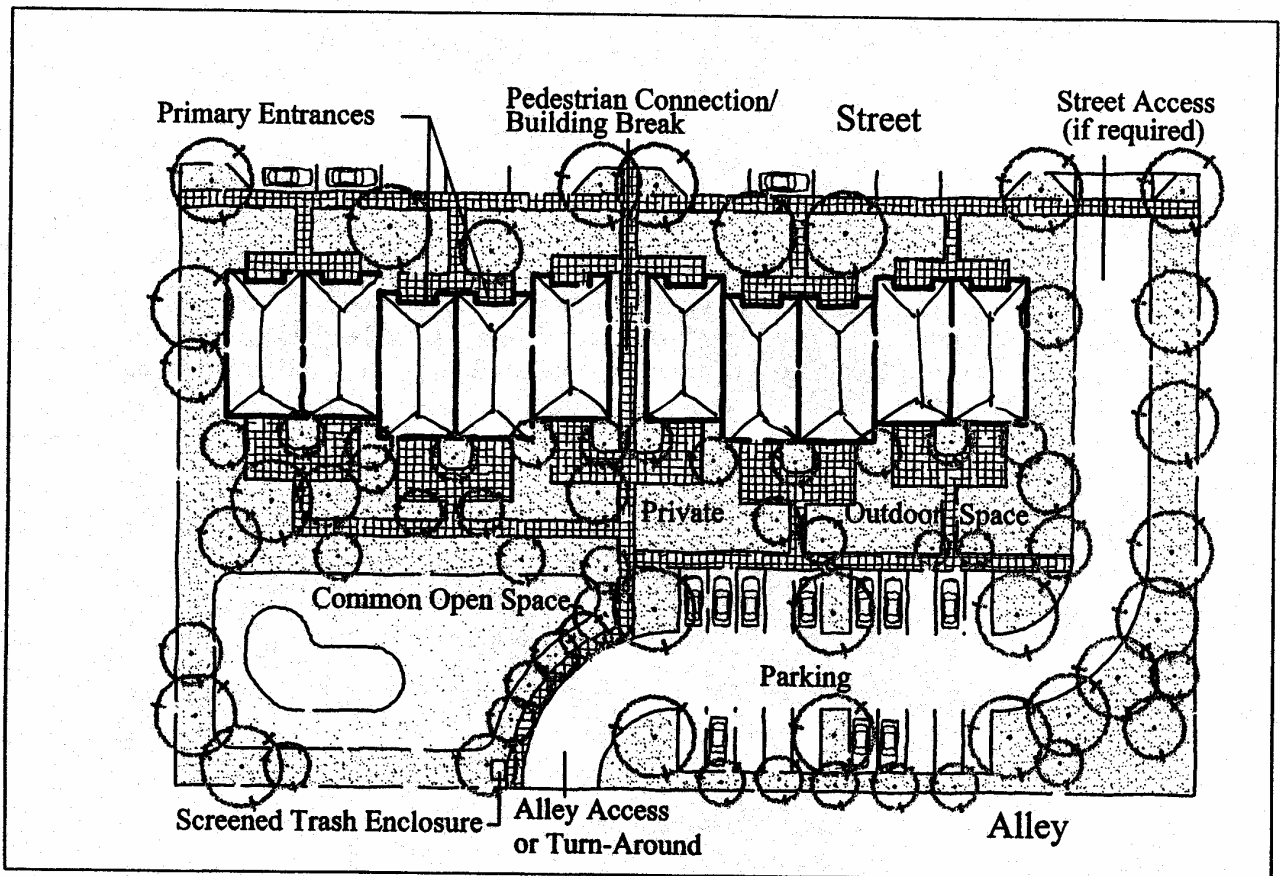


Figure 2.1.180.B
Neighborhood Commercial Building

(Neighborhood Commercial Building)

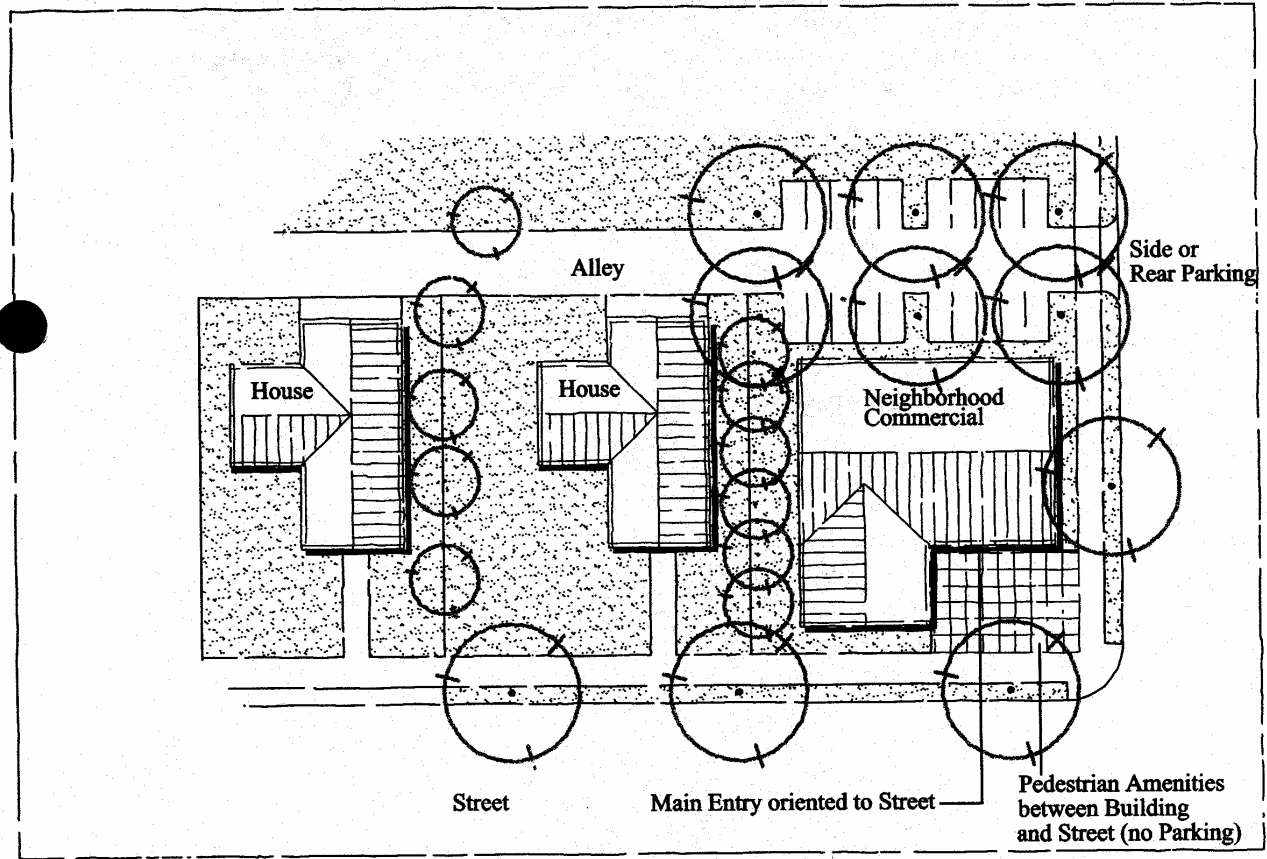
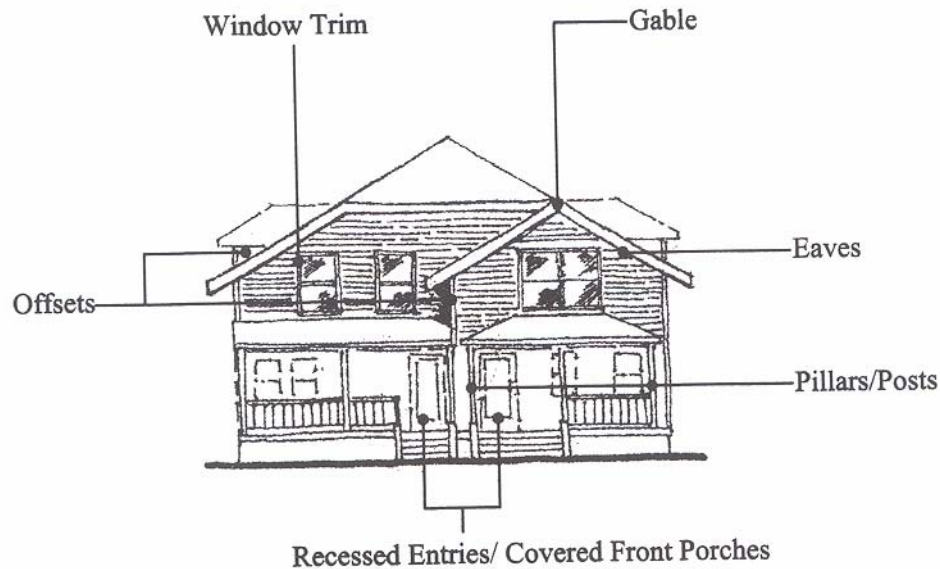
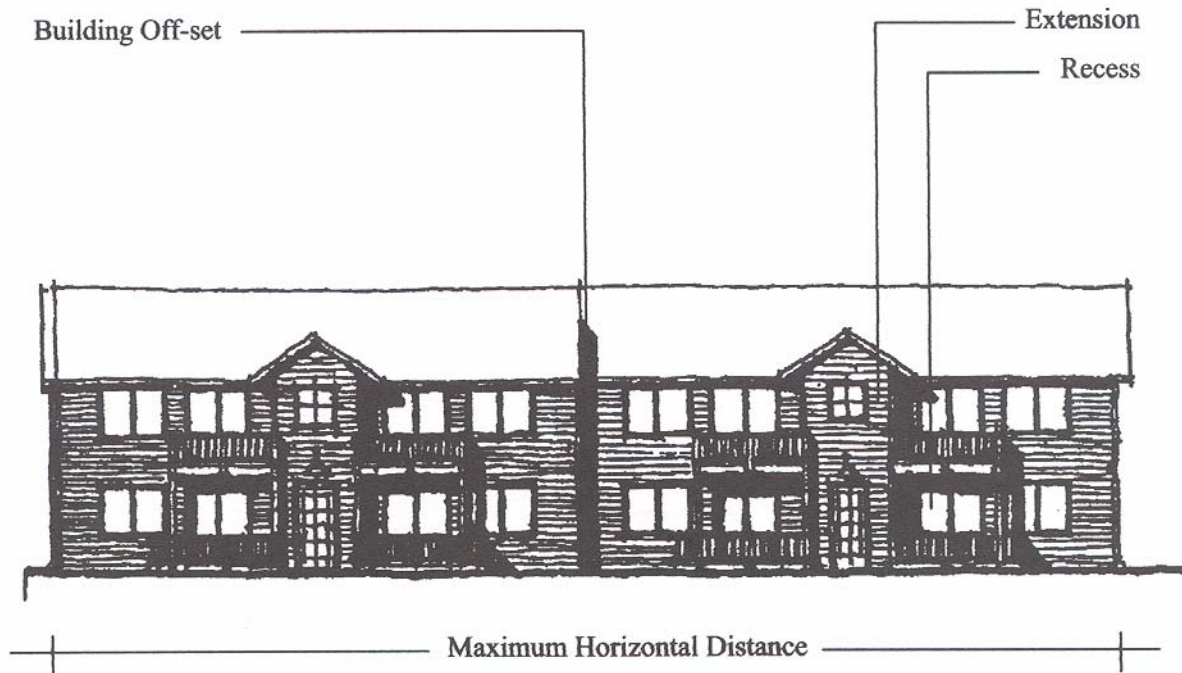


Figure 2.1.180C(3) - Examples of Architectural Details

2.1.190 – Design Standards

- A. Purpose. The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.
- B. Applicability. This section applies to all of the following types of buildings, and shall be applied during Site Design or Development Review:
- a. Duplexes and Triplexes
 - b. Single family attached townhomes which are subject to Site Design Review (3 or more attached units);
 - c. Multi-family housing;
 - d. Public and institutional buildings; and
 - e. Neighborhood Commercial and mixed use buildings.
- C. Standards. All buildings subject to the standards within this Section shall comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.

2.1.190 – Design Standards (*continued*)
Figure 2.1.190C(1) - Building Form (Multi-family Housing Example)


1. **Building Form.** The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed 80 feet, except as noted in Section 2.1.200. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the above Figure. Along the vertical face of a structure, such features shall occur at a minimum of every 20 feet, and on each floor shall contain at least two of the following features:
 - a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet;
 - b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
 - c. Offsets or breaks in roof elevation of 2 feet or greater in height.
2. **Eyes on the Street.** All building elevations visible from a street right-of-way shall provide doors, porches, balconies, and/or windows. A minimum of 60 percent of front (i.e., street-facing) elevations, and a minimum of 30 percent of side and rear building elevations, as applicable, shall meet this standard. “Percent of elevation” is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.

2.1.190 – Design Standards (*continued*)

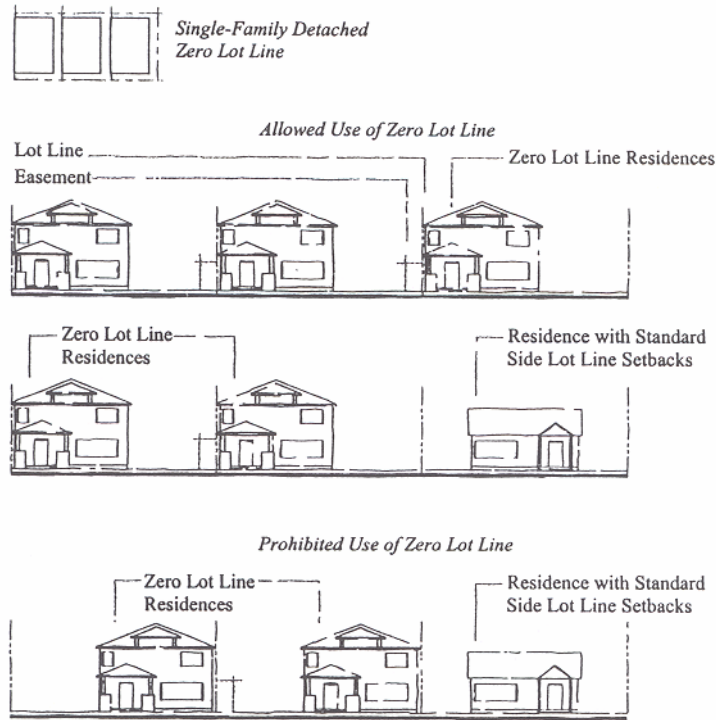
3. Detailed Design. All buildings requiring Site and Design or Development Review as described in 2.1.190(B) shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least 5 of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations). See Figure 2.1.180 C (3).
 - a. Dormers
 - b. Gables
 - c. Recessed entries
 - d. Covered porch entries
 - e. Cupolas or towers
 - f. Pillars or posts
 - g. Eaves (min. 6-inch projection)
 - h. Off-sets in building face or roof (minimum 16 inches)
 - i. Window trim (minimum 4-inches wide)
 - j. Bay or oriel windows
 - k. Balconies
 - l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
 - m. Decorative cornices and roof lines (e.g., for flat roofs)
 - n. An alternative feature providing visual relief, similar to options a-m.

2.1.200 - Special Standards for Certain Uses

This section supplements the standards contained Sections 2.1.100 through 2.1.190. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Residential District:

- A. **“Zero-lot line” (single family courtyard home)**. “Zero-lot line” houses are subject to the same standards as single family housing, except that a side yard setback is not required on one side of a typical lot (as shown below). This type of housing is permitted to allow development on smaller (i.e., narrower) lots and still provide usable outdoor living area in side-oriented courtyards. The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:

Figure 2.1.200A – Zero-Lot Line Housing



1. Setbacks Adjacent to Non-Zero Lot Line Development. When a zero-lot line house shares a side property line with a non-zero lot line development, the zero-lot line building shall be setback from the common property line by a minimum of 10 feet;
2. Construction and Maintenance Easement. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards for the affected adjoining property. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot; and,
3. Buffering. The building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots. Window to window alignments of buildings facing buildings shall be offset by no less than 5 feet. As an alternative, this standard is met by placing ground-floor windows (along the zero setback) above sight lines with direct views into adjacent yards, or by directing views away from yards (e.g., bay window), or by using frosted/non-see-through windows to avoid window to window alignments.

B. Accessory dwelling (attached, separate cottage, or above detached garage). An accessory dwelling is a small, secondary housing unit on a single-family lot, usually the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. The housing density standard of the Residential District does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots, so as to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards:

2.1.200 - Special Standards for Certain Uses (continued)

1. Oregon Structural Specialty Code. The structure complies with the Oregon Structural Specialty Code;
 2. Owner-Occupied. The primary residence or accessory dwelling shall be owner-occupied. Alternatively, the owner may appoint a family member as a resident care-taker of the principal house and manager of the accessory dwelling;
 3. One Unit. A maximum of one accessory dwelling unit is allowed per lot;
 4. Floor Area. The maximum floor area of the accessory dwelling shall not exceed 800 square feet;
 5. Building Height. The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed 20 feet, as measured in accordance with Section 2.1.170;
 6. Buffering. A minimum 4 foot tall hedge or site obscuring fence may be required to buffer a detached accessory dwelling from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas by either the occupants or adjacent residents.
 7. Parking. One additional parking space for each accessory dwelling shall be provided on-site, and shall meet all applicable standards for a residential parking space.
 8. Prohibited. A duplex on one legal lot of record shall not be eligible for an accessory dwelling without applying for and approval of a variance.
- C. Manufactured homes on individual lots.** Manufactured homes are permitted on individual lots, subject to all of the following design standards, consistent with ORS 197.307(5). Exception: The following standards do not apply to units placed on lots within the City prior to the effective date of this ordinance.
1. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 sq.ft.;
 2. Roof. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees);
 3. Residential Building Materials. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar to the exterior siding and roofing material used on nearby residences.
 4. Garages and Carports. The manufactured home may have a garage or carport constructed of like materials and colors to the primary residence. The City may require an attached or detached garage or carport where that would be consistent with the predominant construction of immediately surrounding residences;
 5. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets

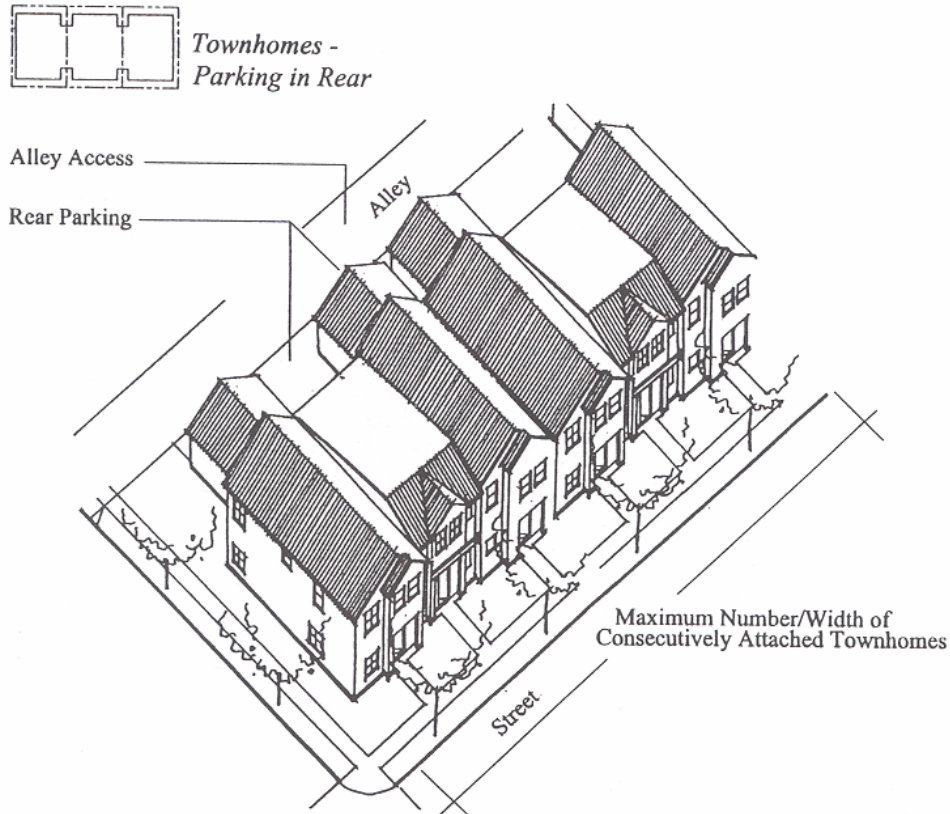
“Super Good Cents” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement

6. Placement. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complying with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, Chapter 918. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home;
7. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted with only 12 inches showing.

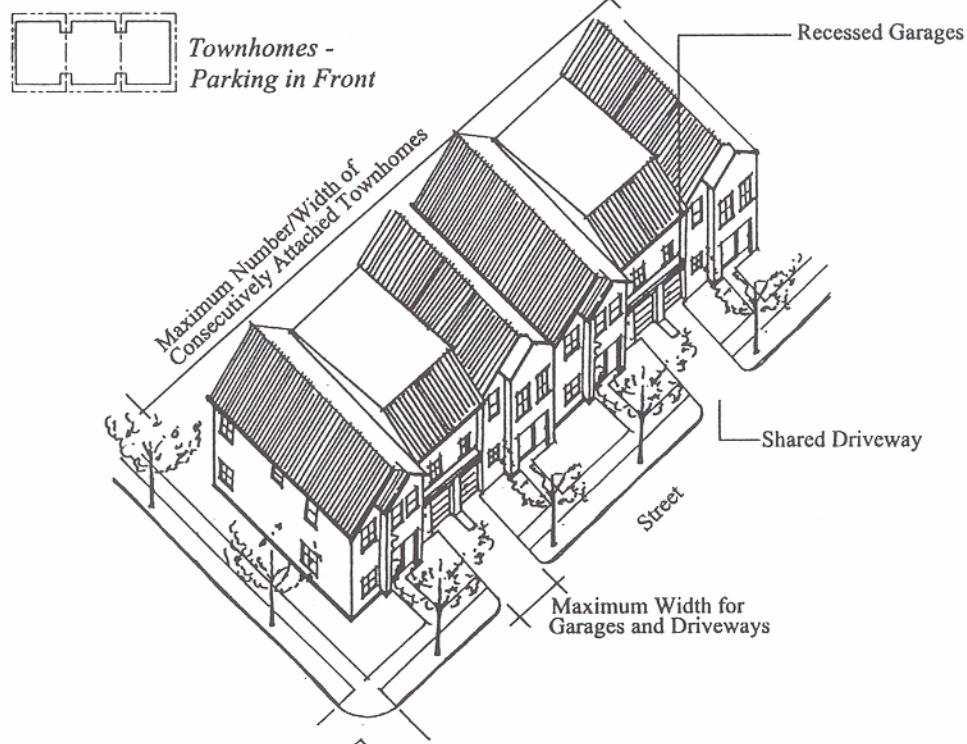
D. Residential care homes and facilities. Residential care homes are residential treatment or training homes or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for 5 or fewer individuals in the R District (“homes”) or 6 to 15 individuals in the R-MFSD District (“facilities”) who need not be related. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents. Residential care homes and facilities shall comply with the following standards, consistent with ORS 197.660-670:

1. Licensing. All residential care homes shall be duly licensed by the State of Oregon.
2. Parking. A minimum of one parking space shall be provided for each employee and typical number of visitors, in accordance with Chapter 3.3 - Parking requirements.
3. Site and Design Review. Site and Design review shall be required for new structures to be used as residential care homes or facilities, and for conversion of an existing residence to be used as a residential care home, to ensure compliance with the licensing, parking, and other requirements of this Code.

E. Single-family attached (townhomes), Duplexes and Triplexes. Single-family attached housing (townhome units on individual lots), duplex and triplex developments shall comply with the standards in 2.1.200E 1-4. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

2.1.200 - Special Standards for Certain Uses (continued)
Figure 2.1.200E(2) – Townhomes and Multiplex Housing With Alley Access


1. Building Mass Supplemental Standard. Within the Residential District, the maximum number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed 2 units, within the Multi-family Sub-district, the number and width of consecutively attached townhome units shall not exceed 4 units.
2. Alley Access. Townhome, duplex and triplex developments shall receive vehicle access only from a rear alley or lane. Alley(s) and lane(s) shall be created at the time of subdivision approval, in accordance with Chapter 3.4.1 – Standards and Specifications, and Chapter 4.3 - Land Divisions. Alleys and lanes are not required when existing development patterns or topography make construction of an alley or lane unfeasible (See #3 for standards). As necessary, the City shall require dedication of rights-of-way and construction of pathways between townhome lots (e.g., between building breaks) to implement the standards in Chapter 3.1- Access and Circulation.

2.1.200 - Special Standards for Certain Uses (continued)
Figure 2.1.200E(3) - Townhomes and Multiplex Housing With Street Access


3. Street Access Developments. Townhomes, duplexes, triplexes and other, larger residential developments unable to provide rear (alley or lane) access that are receiving access directly from a public or private street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better storm water management.
 - a. When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 5 feet but not less than 20 feet from the front lot line.
 - b. The maximum allowable driveway width facing the street is 12 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one 12-foot wide recessed garaged facing the street.
 - c. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.

2.1.200 - Special Standards for Certain Uses (*continued*)

4. Common Areas. “Common areas” (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval; however, the City shall not regulate or in any way enforce covenants, conditions and restrictions associated with a private development.

F. Public and Institutional Land Uses. Public and institutional uses (as listed in Table 2.1.110.A) are allowed in the Residential District subject to the following land use standards, which are intended to control the scale of these developments and their compatibility with nearby residences:

1. Development Site Area. The maximum development site area shall be 4 acres, except that this standard shall not apply to schools, parks or other open space uses. Larger developments may be approved as a Conditional Use, in accordance with Chapter 4.4 - Conditional Use Permits, or as part of a Master Planned Development, in accordance with Chapter 4.5.
2. Building Mass. The maximum width or length of a multiple family building shall not exceed 100 feet (from end-wall to end-wall), except that this standard may be increased through the approval of a Conditional Use Permit, or as part of a Master Planned Development.
3. Telecommunications Equipment. Telecommunications equipment (including but not limited to cell towers and antennae) shall comply with the standards of Chapter 3.6.2.
4. Vehicle Areas and Trash Receptacles. All vehicle areas (i.e., parking, drives, storage, etc.) and trash receptacles shall be oriented away from adjacent residences to the greatest extent possible, and shall be screened with an evergreen hedge or solid fence in a manner that obscures visibility from streets and pedestrian walkways.

G. Accessory Uses and Structures Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Residential District include detached garages, sheds, workshops, green houses and similar structures. (For standards applicable to Accessory Dwellings, please refer to Section 2.1.200.B. All accessory structures shall comply with the all of following standards:

1. Primary use required. An accessory structure shall not be allowed without another permitted use (e.g., as listed in Table 2.1.110.A).
2. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
3. Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

2.1.200 - Special Standards for Certain Uses (continued)

4. Floor Area. The maximum floor area of the accessory structure shall not exceed 1200 square feet;
5. Building Height. The building height of detached accessory structure shall not exceed 25 feet, as measured in accordance with Section 2.1.170;
6. Setbacks. All accessory structures and dwellings shall meet the setbacks for every respective zoning district in which they are permitted.
7. Buffering. A minimum 4-foot tall hedge or fence may be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is provided or the distance to adjacent dwelling(s) is greater than 50 feet.

H. Bed and Breakfast Inns

1. Purpose The purpose of this section is to provide standards for the establishment of a Bed and Breakfast Inn.
2. Accessory Use A Bed and Breakfast Inn must be a use that is accessory to a household already occupying the structure as a residence.
3. Maximum size The Bed and Breakfast Inn structure is limited to a maximum of 3 bedrooms for guests and a maximum of 6 guests per night.
4. Employees The Bed and Breakfast Inn may have up to 2 non-resident employees for the facility.
5. Food Service Food services may only be provided to overnight guests of the Bed and Breakfast Inn.
6. Owner-occupied The Bed and Breakfast Inn shall be owner-occupied and shall maintain the exterior physical characteristics of a single-family dwelling. No separate structures shall be allowed (except for usual residential accessory buildings such as sheds, or detached garages).
7. Signs Signs for a Bed and Breakfast Inn must meet the standards in Chapter 3.6.5, Signs
8. Monitoring All Bed and Breakfast Inn must maintain a guest log book. It must include the names and home address of guest, guests' license plate numbers if traveling by car, dates of stay and the room number of each guest. The log must be available for inspection by City staff upon request.

2.1.200 - Special Standards for Certain Uses (*continued*)**I. Master Planned Neighborhood Development**

1. Purpose and Intent. The purpose of this section is to ensure the development of fully integrated mixed-use pedestrian-oriented neighborhoods. The intent is to minimize traffic congestion, urban and suburban sprawl, infrastructure costs, and environmental degradation, particularly as new development takes place on large parcels of land.
2. Applicability. This section applies to:
 - a. Parcels, and development sites with more than one parcel, in the Residential District which are 1 acre or larger; and,
 - b. Development sites in the Residential District which are planned in accordance with the procedures in Chapter 4.5 and shall not exceed the underlying district standards.
3. Master Plan required. Prior to land division approval, a Master Plan shall be prepared for all sites meeting the criteria in subsection 2. Master Plans shall follow the procedures in Chapter 4.5 - Master Planned Developments; except that a Master Plan shall not be required if a Specific Area Plan has been adopted for the subject area.
4. Land Use and Design Standards. Master Planned Neighborhood Developments shall be evaluated based on the criteria in Chapter 4.5, and shall meet the following design principles:
 - a. All neighborhoods shall have identifiable centers and outer boundaries;
 - b. Edge lots are readily accessible to Residential Commercial and recreational uses by walking and bicycling (a distance not greater than one-half mile);
 - c. Uses and housing types are mixed and in close proximity to one another;
 - d. Streets are connected and blocks are small (e.g., between 200-600 feet in length; with a maximum perimeter of 1,600 feet);
 - e. Civic buildings, monuments and open spaces (e.g., parks, squares, greenbelts, natural areas, etc.) are given prominent sites throughout the neighborhood.
 - f. The Master Plan achieves a housing density consistent with the Comprehensive Plan and applicable Residential District density standards.
 - g. Land needed for public use (e.g., schools, parks, fire stations, and other facilities) shall be designated on the Master Plan in accordance with the Comprehensive Plan.
 - h. 35% open space required.

2.1.200 – Special Standards for Certain Uses (continued)

5. Implementation. Upon approval of a Neighborhood Development Master Plan, the development shall follow the Land Division procedures in Chapter 4.3, and the Site Design Review procedures in Chapter 4.2, as applicable. Any modifications to the approved master plan shall be subject to the standards and procedures in Chapter 4.6 - Modifications.

J. Manufactured Home Parks

1. A manufactured home park shall be built to state standards in effect at the time of construction and the following provisions:
 2. Evidence that the park will be eligible for a certificate of sanitation as required by state law.
 3. The space provided for each manufactured home shall be provided with piped potable water, electrical and sewerage connections.
 4. The number of spaces for manufactured homes shall not exceed 10 for each acre of the total acres in the manufactured home park. The Hearings Body may vary this density as follows:
 - a. If dedicated open space equals 50% or more of the total area of the park, a maximum 10% increase in units per acre may be granted.
 - b. If in addition to the requirements in subsection 7 C (a) of this section a maintained playground area with approved equipment such as goal posts, swings, slides, etc., is provided, the maximum increase in units per acre may be increased an additional 5%.
 - c. If in addition to the requirements in subsection 7 C (a) and (b) above of this section, approved recreation/community building is provided an additional 10% increase of units/acre may be allowed. (Maximum total increase possible through application of subsection (a), (b) &(c) of this section is +25%).
 5. A manufactured home pad shall occupy not more than 40% of the contiguous space provided for the exclusive use of the occupants of the home, exclusive of space provided for the common use of tenants, such as roadways, general use structure, parking spaces, walkways and areas for recreation and landscaping.
 6. No manufactured home pad in the park shall be located closer than 15 feet from another manufactured home pad or from a general use building in the park. No manufactured home accessory building or other building or structure on a manufactured home space shall be closer than 10 feet from a manufactured home accessory building or other building or structure on another manufactured home space. No manufactured home pad or other building or structure shall be within 25 feet of a public street property boundary or 10 feet of another property boundary.
 7. Facilities shall be provided to assure that there shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the home owners or management of the park.

2.1.200 - Special Standards for Certain Uses (continued)

8. The land which is used for park purposes shall be surrounded, except at entry and exit places, by a sight-obscuring fence or hedge not less than six feet in height.
9. If the park provides spaces for 50 or more manufactured home units, each vehicular way in the park shall be named and marked with signs that are similar in appearance to those used to identify public streets. A map of the named vehicular ways shall be provided to the fire department.
10. The park shall have water supply mains designed to serve fire hydrants and hydrants shall meet Public Works Standards.
11. A minimum of at least 2,500 square feet plus 100 square feet per manufactured home space shall be provided for recreational play area, group or community activities. The Hearings Body may require this area to be protected from streets, parking areas or the like by a fence or the equivalent that conforms to fence regulations, but is at least 30 inches in height where allowed by fence ordinances. Unless otherwise approved, no required open space area shall contain less than 2,500 square feet. Recreation areas shall be improved with grass, plantings, surfacing or buildings suitable for recreational use. No recreation facility created within a manufactured home park only to satisfy the requirements of this section shall be open to the general public.
12. Two parking spaces shall be provided for each manufactured home space on the site. Additional guest parking spaces shall be provided in every manufactured home park within 200 feet of the manufactured home spaces served, at a ratio of one parking space for each two manufactured home spaces. Parking spaces shall have durable surfaces adequately maintained for all-weather use and shall be properly drained.
13. In those instances where a manufactured home park is sited on parcels of 10 acres or more, access via a collector street may be required, and additional requirements for traffic safety may be imposed. These elements will be addressed during Site Plan Review.
14. All manufactured home parks shall provide a secondary access to the park. Such secondary access shall enter the public street system at least 150 feet from the primary access.
15. Roadways within the park shall conform to City of Sisters Public Works Pavement Standards and shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 20 feet in width if parking is not permitted on the edge of the roadway.

2.1.200 – Special Standards for Certain Uses (continued)**K. Home Occupations**

The purpose of this Section is to allow commercial ventures that could not be sustained were it necessary to lease commercial space, or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations contribute to reducing the number of vehicle trips often generated by conventional businesses. Home occupations are permitted in residential dwellings subject to the following standards:

1. Appearance of Residence:

- a. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
- b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
- c. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).
- d. No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

2. Storage:

- a. Outside storage, is prohibited.
- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
- c. Storage of inventory, products, equipment, and fixtures associated with the home occupation shall be allowed in any structure.

3. Employees:

- a. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one full time equivalent employee at the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the lot on which the home occupation is conducted.
- b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home.
- c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

2.1.200 - Special Standards for Certain Uses (continued)4. Vehicles, Parking and Traffic:

a. One commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that will not encroach onto the public right-of-way, including the sidewalk and planter strip, when parked in the driveway or other location on the home occupation site.

b. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. Commercial vehicle deliveries are allowed during the hours of 7 a.m. to 7 p.m. weekdays, excluding holidays.

c. There shall be no more than two client or customer vehicles at any one time and no more than eight per day at the home occupation site or in the right-of-way abutting the lot.

5. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 7 a.m. to 7 p.m. daily subject to Sections 4 above.6. Prohibited Home Occupation Uses:

a. Any activity that produces radio, TV, other electronic interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line is prohibited.

b. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music by music teachers, art or craft supplies by arts or crafts instructors, computer software by computer consultants, and similar incidental items for sale by home business are allowed subject to 1-6, above.

c. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, such as:

1. Ambulance service;
2. Animal hospital, veterinary services, kennels or animal boarding;
3. Auto and other vehicle repair, including auto painting and detailing;
4. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes, appliances, or large equipment on-site.

7. Enforcement: The Planning Director or designee may visit and inspect the site of home occupations in accordance with this chapter periodically to insure compliance with all applicable regulations, with reasonable notice during normal business hours. In the event of neighbor complaint(s), the home occupation shall cease and desist immediately upon notification by the City. Code violations shall be processed in accordance with Chapter 1.4 - Enforcement.

2.1.200 - Special Standards for Certain Uses (*continued*)**L. Income and Rent Controlled Housing.**

1. Purpose. The purpose of this Section is to encourage the development of affordable housing for low-income residents.
2. Definitions. For the purpose of this Section and the Code, the terms “affordable” and “low income” are defined in Section 1.3. According to these definitions housing that is affordable to low income residents may cost no more than 24% of median family income for the county. That is 30% (including utilities) of 80% of median family income.
3. Applicability. Except where explicitly stated otherwise in this Section, Income and Rent Controlled Housing must comply with the standards of this Code as they apply to all other residential development, including but not limited to the standards for the Multifamily Sub-district and Master Planned Neighborhood Development.
4. Eligibility. The bonus provisions of this Section are exclusively available for development that meets one of the two following criteria:
 - a. The development will use funding or loans from State or Federal agencies designated for the purpose of developing low-income affordable housing. As determined by the City Planning Director, developers utilizing the provisions of this Section may be required to enter into covenants stating that they have or will enter into Use and Regulatory Agreements with one of the following entities: Oregon Department of Housing and Community Services, Federal Department of Housing and Urban Development (HUD), and/or the USDA Rural Development Project.
 - b. The development will create low-income affordable housing and the developer agrees to enter into a covenant with the City, that must be reviewed by the City Attorney, approved by the City Planning Director, and ratified by the planning commission. The covenant shall do all of the following as a minimum condition of approval with the exception of income monitoring for home ownership programs such as Habitat for Humanity:
 - 1) State the percentage of the housing units that will be rented or sold at a rate that is affordable to low-income residents.
 - 2) Delineate a system that enables the City to easily monitor the specified percentage of units is in the fact rented affordably to low-income residents, who qualify under Section 8 HUD guidelines.
 - 3) Guarantee that the developer or any successor will maintain rent/payments and income controls for a period of 20 years.
 - 4) Stipulate that if the developer or any successors does not charge affordable rents as provided for in the covenant or does not make a good faith effort to monitor the income level of residents to ensure that they meet the definition of low income at the start of their occupancy, the City is entitled to significant recompense. The amount of recompense shall be specifically stated in the covenant and determined jointly by the developer and the City.

5. **Density Bonus.** Housing developments that meet the eligibility requirements of this section may be up to 125% as dense as is otherwise allowed within the applicable district.
6. **Height Bonus.** Housing developments that meet the eligibility requirements of this section may be up to 5 feet taller than is normally allowed within the applicable district.

2.1.300 Residential Sub-Districts

- A. **Sub-district Authorized.** Sub-districts provide needed land for land uses that may not otherwise be accommodated in the Residential District. The Comprehensive Plan identifies a need for commercial services within residential neighborhoods, urban reserve areas, and higher density multi-family housing. Therefore, the City has adopted the Urban Area Reserve Sub-District (UAR), Neighborhood Center Sub-District, and Multi-Family Sub-district to address those needs.
- B. **Applicability.** Sub-districts are identified on the City's official District map. Properties located within any sub-district shall comply with the provisions of the underlying District, except as may be modified by this Section.
- C. These standards replace the standards listed in Sections 2.1.110 through 2.1.200.

2.1.400 Urban Area Reserve Sub-District (UAR)

- A. **Purpose/Intent Statement:** To serve as a holding category as urban growth takes place elsewhere in the planning area, and to preserve as long as possible as useful open space until needed for orderly residential development.
- B. **Standards for the Urban Area Reserve Sub-District.** These standards supercede the applicable standards listed in Section 2.1.110 through 2.1.200.
- C. **Permitted Uses.** The land uses listed in Table 2.1.00.C are permitted in the Urban Area Reserve Sub-District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 2.1.00.C, and land uses which are approved as "similar" to those in Table 2.1.400.C may be permitted. Land uses identified as "Sub-district Only" are permitted only within the applicable sub-district. The land uses identified with a "CU" in Table 2.1.400.C require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.
- D. **Determination of Similar Land Uses.** Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.

Table 2.1.400.C Land Uses and Building Types Permitted in the Urban Area Reserve Sub-District (UAR)		
<p>1. Farm and Farm Related Uses</p> <p>a. Farm Uses b. Dude or guest ranch (CU) c. Commercial Riding Stable (CU)</p> <p>2. Single-family Dwellings</p> <p>a. Child Care Center (care for more than 12 children)</p>	<p>3. Home occupations*</p> <p>4. Public and Institutional (CU)*:</p> <p>a. Churches and places of worship b. Clubs, lodges, similar uses c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses) d. Schools</p>	<p>5. Bed & breakfast inns and vacation rentals (CU)*</p> <p>6. Master Planned Neighborhoods (CU)*</p>
<p>Uses marked with an asterisk (*) are subject to the standards in Section 2.1.200, "Special Standards for Certain Uses." Home occupations and temporary uses are subject to the standards in Section 4.9. CU= Conditional Use Permit Required</p>		

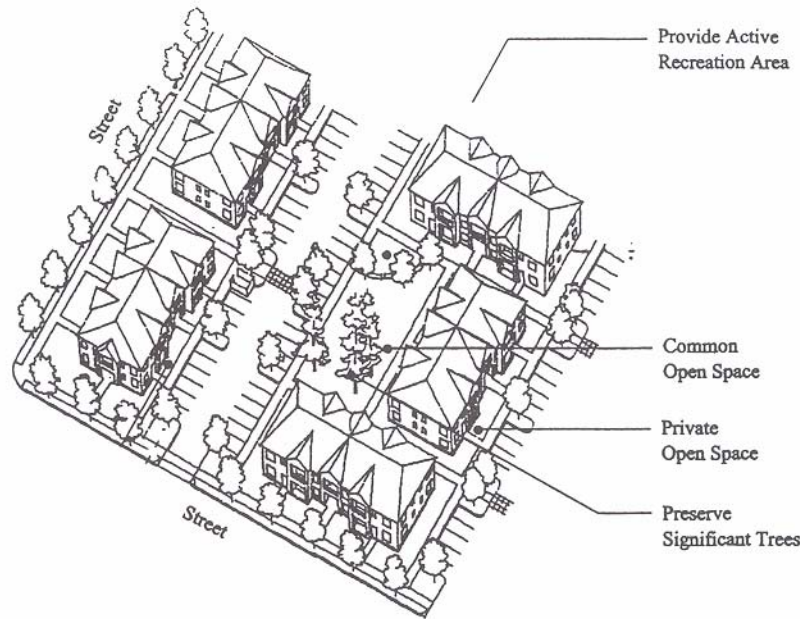
E. Standards in the Urban Area Reserve Sub-District

1. Parcel size The minimum parcel size for the UAR Sub District is 10 acres.
2. Setbacks:
 - a. Front setback: No structure shall be closer than fifty (50) feet to a designated collector or arterial and twenty (20) feet from a local street right-of-way as adopted on the Comprehensive Plan or official map.
 - b. Side setback: There shall be a minimum side yard setback of 20 feet unless the side yard abuts a designated collector or arterial then the side yard shall be a minimum of 50 feet.
 - c. Rear setback: There shall be a minimum rear yard setback of 50 feet, unless the rear yard abuts a designated collector or arterial then the side yard width shall be a minimum of 50 feet.
 - d. Frontage: Every lot shall have a minimum width at the street right of way of 50 feet. Cul-de-sacs shall be a minimum of 30 feet.
 - e. Signs: Signs shall conform to Section 3.6. Signs.
 - f. Building height: The maximum height shall not exceed 30 feet.

2.1.500 –Residential Multi-Family Sub-District (MFSD)

- A. Standards for the Multi-Family Sub-District. These standards replace any conflicting standards listed in Section 2.1.110 through 2.1.200.
- B. Purpose/Intent Statement: The Multi-Family Sub-District is designed to provide land for larger multiple family housing. Multi-Family Housing is housing that provides 4 or more dwellings on an individual lot (e.g., multi-plexes, apartments, condominiums, etc.). New multi-family developments shall comply with all of the following standards.

Figure 2.1.500A - Multifamily Housing (typical site layout)



C. Multi-family housing development standards

1. Common open space. Inclusive of required setback yards, but exclusive of vehicular circulation areas, a minimum of 20 percent of the site area shall be designated and permanently reserved as usable common open space in all multiple family developments. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.
2. Private open space. Private open space areas shall be required for ground floor and upper-floor-housing units based on all of the following standards:

- a. Ground floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);
 - b. A minimum of 50 percent of all upper-floor-housing units shall have balconies or porches measuring at least 48 square feet. Upper-floor housing means housing units that are more than 5 feet above the finished grade;
 - c. Private open space areas shall be oriented toward common open space areas and away from adjacent single family residences, trash receptacles, parking and drives to the greatest extent possible; and
3. Trash receptacles. Trash receptacles shall be oriented away from adjacent residences and shall be screened with an evergreen hedge, solid fence or wall that provides a visual screen concealing the receptacle. Receptacles must be accessible to trash pick-up trucks.

D. Neighborhood Commercial Uses

1. Permitted Uses. Only those Neighborhood Commercial uses specifically listed in section 5 of Table 2.1.110.A may be permitted. Residential and Neighborhood Commercial uses may be mixed “vertically” — meaning that a residential use is developed above the commercial use (i.e., ground floor retail/office with upper-story apartments, townhomes, or condominiums), or may be mixed “horizontally”— meaning commercial and residential uses both occupy ground floor space. Automobile-oriented uses, as defined in Chapter 1.3, are expressly prohibited.
2. Dispersion of Neighborhood Commercial Development. A neighborhood commercial site shall be located no closer than one-quarter mile from another neighborhood commercial site within the City. A “neighborhood commercial site” means a lot or parcel (or combination of adjacent lots or parcels), zoned Residential and containing commercial uses.
3. Location and Access. Neighborhood commercial developments shall have frontage onto a collector or arterial street with available on-street parking, and shall conform to the building orientation and parking location standards in Section 2.1.180.
4. Building Mass Supplemental Standard. The maximum width or length of a Neighborhood Commercial or mixed use (residential and commercial) building shall not exceed 80 feet (from end-wall to end-wall).
5. Floor Area Supplemental Standards. The maximum commercial floor area shall not exceed 5,000 square feet total per Neighborhood Commercial site within the Neighborhood Commercial Sub-district. Floor area is measured by totaling the interior floor area of all building stories, except crawl spaces (i.e., with less than 7 ½ feet of vertical clearance).

2.1. 600 Neighborhood Center Sub-District

A. Purpose

This residential sub-district is by nature of its location, separated from the central commercial area. To promote the livability, stability and improvement of the City of Sisters' community common to the other residential neighborhoods, these centers provide for a greater range of services. This section provides standards for providing recreation and limited commercial services within residential areas to implement the Comprehensive Plan goal:

“To provide for the housing needs of citizens of the City and ensure that land development allows for different housing types and densities.”

B. Mix of Uses.

1. Mix of uses. To meet the goals of the Comprehensive Plan, lands within this sub-district shall provide a mix of uses as defined below. This mix will offer recreation, small scale commercial uses and residential uses together. The intent is to make efficient use of land and public services and accommodate a range of housing needs. This mix shall also provide for compatible building and site design at an appropriate neighborhood scale.
2. Ratio of uses. The ratio of uses shall be 10% park/open space, up to 10% commercial, and 80% residential. Any amount of land not used for commercial purposes shall be used for residential and/or park/open space. The amounts below pertain to net acreage of the use. The uses are subject to the following requirements:
 - a. 10% park or open space uses– this may be dedicated to the public, but must be accessible to the public for perpetuity;
 - b. Provide for up to 10% Neighborhood Center Commercial uses– this provides for low intensity commercial uses as defined in Table 2.1.620(6):
 - 1) These uses shall be clustered together to create vital commercial nodes and protect the livability of the surrounding residential uses;
 - 2) The development of these uses shall be according to applicable standards in Commercial (C) District, Chapter 2.2 but limited to uses described in Table 2.1.620(6) and sizes below, with the exception of conformance with the 1880s Western Architectural Design Theme;
 - 3) The design of the commercial development shall be harmonious and compatible with the architecture of surrounding neighborhoods;
 - 4) The maximum commercial floor area shall not exceed 5,000 square feet per commercial site within the Neighborhood Center;
 - 5) The maximum width of length of a commercial use (residential or commercial) building shall not exceed 80 feet (from end-wall to end-wall);
 - c. 80% Residential uses – residential, public/institutional, and associated uses allowed in the Neighborhood Center are defined in Table 2.1.620 (1)(2)(3)(4)(5)(7)(8). The Residential development in the Neighborhood Center shall provide at least 20% within the density guidelines of the Multi-Family Sub-District and no more than 80% within the Residential District guidelines as described in Chapter 2.1, 2.1.150. Residential, Home Occupations, Public and Institutional, Accessory Uses and Structures, Bed and Breakfasts and Master

Planned Neighborhoods in Table 2.1.820 are subject to development standards in Chapter 2.1 and other applicable standards.

5% of housing units in the Neighborhood Center shall be affordable to families making 30% or less than Area Median Income (AMI) and 5% of housing units proposed shall be affordable to families earning 31% to 50% AMI. These units are subject to standards for Income and Rent Controlled Housing, 2.1.200(L).

- C. **Permitted Uses.** The land uses listed in Table 2.1.620 are permitted in the Neighborhood Center Sub-District, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.1.620 and land uses that are approved as “similar” to those in Table 2.1.620, may be permitted. The land uses identified with a “CU” in Table 2.1.620 require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.

Table 2.1.620 Land Uses and Building Types Permitted in the Neighborhood Center		
<p>1. Residential:</p> <p><i>Single-family</i></p> <p>a. Single-family detached housing</p> <p>b. Single-family detached zero-lot line*</p> <p>c. Accessory dwellings*</p> <p>d. Manufactured homes – individual lots*</p> <p>e. Single-family attached*</p> <p><i>Multi-family</i></p> <p>f. Two-family housing, duplex*</p> <p>g. Multi-family housing, 3 or 4 plex*</p> <p>j. <i>Residential care.</i> Residential care homes and facilities*</p> <p>k. Child Care Center (less than 12 children).</p> <p>l. Income and rent controlled housing*</p>	<p>2. Home occupations*</p> <p>3. Public and Institutional (CU)*:</p> <p>a. Churches and places of worship</p> <p>b. Clubs, lodges, similar uses</p> <p>c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)</p> <p>d. Libraries, museums, community centers, and similar uses</p> <p>e. Private utilities</p> <p>f. Public parks and recreational facilities</p> <p>g. Schools (public and private)</p> <p>h. Uses similar to those listed above</p> <p>4. Accessory Uses and Structures*</p> <p>5. Parks</p>	<p>6. Neighborhood Center Commercial (Subject to Type III Site Design Review and Planning Commission Hearing):</p> <p>a. Child Care Center (care for more than 12 children)</p> <p>b. Food services, excluding automobile-oriented uses</p> <p>c. Laundromats and dry cleaners</p> <p>d. Medical and dental offices, clinics and laboratories</p> <p>e. Personal services (e.g., barber shops, salons, similar uses)</p> <p>f. Professional and administrative offices</p> <p>g. Mixed use building (residential with other permitted neighborhood commercial uses)</p> <p>h. Other similar uses</p> <p>7. Bed & Breakfast (CU)*</p> <p>8. Master Planned Neighborhoods (CU)*</p>
<p>Uses marked with an asterisk (*) are subject to the standards in Section 2.1.200, “Special Standards for Certain Uses.” Temporary uses are subject to the standards in Section 4.9. CU= Conditional Use Permit Required</p>		

D. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.

E. Development Standards. Development standards such as building setbacks, lot area and dimensions, density and building size, lot coverage, building height and orientation, and design standards are the same as the underlying district as required by section 2.1.600(B)(2) of this Chapter. Development standards in section 2.1.600(B)(2) are also intended to restrict the scale of commercial uses to be appropriate to the residential character of the Neighborhood Center.

1. No development or land division application will be accepted or approved unless an applicant demonstrates compliance with all requirements of this Chapter (2.1.610). Compliance may be demonstrated by showing how the requirements and purposes of 2.1.610 are met through master

planning, land divisions, or other means. Specifically, the types of proposed uses shall be specified, shown, described, and located to demonstrate compliance with these and other standards.

Chapter 2.2 — Commercial (C) District

Sections:

- 2.2.100 Purpose
- 2.2.110 Permitted Land Uses
- 2.2.120 Building Setbacks
- 2.2.130 Lot Coverage
- 2.2.140 Building Orientation
- 2.2.150 Building Height
- 2.2.160 Design Standards
- 2.2.170 Pedestrian Amenities
- 2.2.180 Special Standards for Certain Uses
- 2.2.190 Highway Commercial Sub-District
- 2.2.200 Recreational Vehicle Park Sub-District

2.2.100 Purpose

A City goal is to strengthen the Commercial Districts as the “heart” of the community and as the logical place for people to gather and create a business center. The Districts are intended to support this goal through elements of design and appropriate mixed-use development. This chapter provides standards for the orderly improvement of the Commercial Districts based on the following principles:

- Efficient use of land and urban services;
- A mixture of land uses to encourage walking as an alternative to driving, and provide more employment and housing options;
- There is a Sisters Western Frontier Architectural Theme which identifies the Commercial Districts;
- The Commercial District is connected to neighborhoods and other employment areas;
- Provide visitor accommodations and tourism amenities.

2.2.110 Permitted Land Uses

A. **Permitted Uses.** The land uses listed in Table 2.2.110.A are permitted in the Commercial Districts, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.2.110.A, and land uses that are approved as “similar” to those in Table 2.2.110.A, may be permitted. The land uses identified with a “CU” in Table 2.2.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.

B. **Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 – Code Interpretations.

Lot Requirements. Lot requirements for the Commercial District used will be determined by spatial requirements for that use, associated landscaped areas and off-street parking requirements.

**Table 2.2.110.A
Land Uses and Building Types Permitted in the Commercial District**

<p>1. Residential*:</p> <p><i>Single-family</i> a. Single-family detached housing (existing housing only) b. Accessory dwellings</p> <p><i>Multi-family</i> c. Multi-family housing(CU)</p> <p><i>Residential care</i> d. Residential care homes and facilities(CU) e. Family daycare (12 or fewer children)</p> <p>2. Home occupations*</p> <p>3. Bed & breakfast inns (CU)*</p>	<p>4. Public and Institutional*:</p> <p>a. Churches and places of worship(CU) b. Clubs, lodges, similar uses(CU) c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)(CU) d. Libraries, museums, community centers, concert halls and similar uses(CU) e. Public parking lots and garages f. Private utilities (CU) g. Public parks and recreational facilities h. Schools, public and private(CU) i. Special district facilities j. Telecommunications equipment (including wireless) (CU) k. Uses similar to those listed above (subject to CU requirements, as applicable)</p> <p>5. Accessory Uses and Structures*</p>	<p>6. Commercial:</p> <p>a. Auto-oriented uses and facilities are only allowed in Highway Commercial Sub-district*</p> <p>b. Entertainment (e.g., theaters, clubs, amusement uses)(CU) c. Hotels/motels d. Medical and dental offices, clinics and laboratories e. Mixed use development (housing & other permitted use)* f. Office uses (i.e., those not otherwise listed) g. Personal and professional services (e.g., child care center, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)(CU) h. Repair services, except vehicle repair i. Retail trade and services, except auto-oriented uses j. Uses similar to those listed above (subject to CU requirements, as applicable) k. Grocery Stores, Food Markets. (CU)</p> <p>7. Industrial*: Light manufacture (e.g., small-scale crafts, electronic equipment, bakery, furniture, similar goods) when in conjunction with retail)(CU)</p>
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Uses marked with an asterisk (*) are subject to the standards in Section 2.2.180, “Special Standards for Certain Uses.” Home Occupations are subject to the standards in Section 2.1.200.L. Temporary uses are subject to the standards in Section 4.9. CUs are subject to Conditional Use permit standards in Section 4.4.

Table 2.2.110.B
Land Uses Prohibited in the Commercial District

Only uses specifically listed in Table 2.1.110.A, and uses similar to those in Table 2.1.110.A, are permitted in this district. The following uses are expressly prohibited: heavy industrial uses; drive-up, drive-in and drive-through facilities, as defined in Section 2.2.180.E

2.2.120 Building Setbacks

In the Commercial District, buildings are placed close to the street to create a vibrant pedestrian environment, to slow traffic down, provide a storefront character to the street, and encourage walking. The setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed-use buildings for a walkable downtown.

Building setbacks are measured from the drip line of the building to the respective property line. Setbacks for porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following page, apply to primary structures as well as accessory structures. The standards may be modified only by approval of a Variance, in accordance with Chapter 5.1.

A. Front Yard Setbacks.

1. Minimum Setback. There is no minimum front yard setback required except where clear vision standards apply.
2. Maximum Setback. The maximum allowable front yard setback is 5 feet. This standard is met when a minimum of 80 percent of the front building elevation is placed no more than 5 feet back from the front property line. On parcels with more than one building, this standard applies to the largest building. The setback standard may be increased when a usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area or town square with seating) is provided between the building and front property line. (See also, Pedestrian Amenities Standards in Section 2.2.170, and Design Standards in Section 2.2.160 for related building entrance standards.)

B. Rear Yard Setbacks.

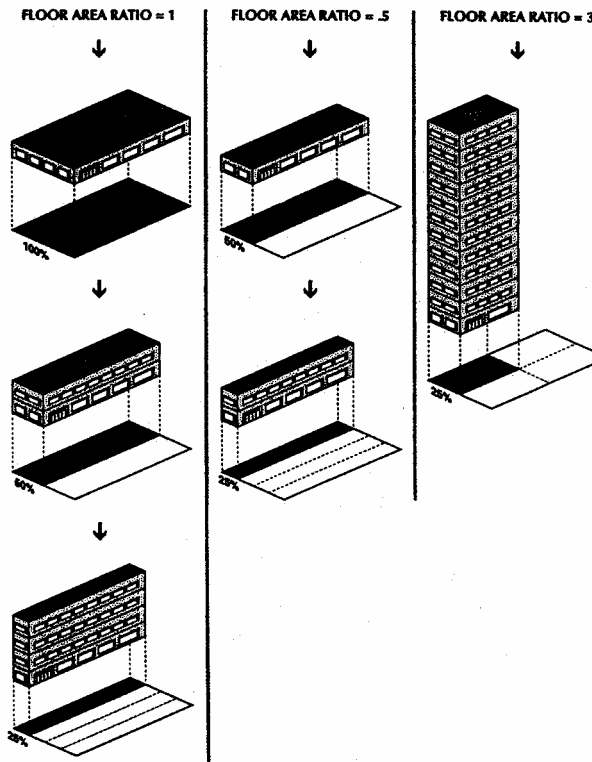
1. Minimum Setback. The minimum rear yard setback for all structures shall be 0 feet for street-access lots except where clear vision standards apply, and 8 feet for alley-access lots (distance from building to rear property line or alley easement) in order to provide space for parallel parking.
2. Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in “A” shall apply.

C. Side Yard Setbacks. There is no minimum side yard setback required, except that buildings shall conform to the vision clearance standards in Chapter 3.1.2 (N) and the applicable fire and building codes for attached structures, fire walls, and related requirements.

2.2.130 Lot Coverage

- A. Lot Coverage. There is no maximum lot coverage requirement, except that compliance with other sections of this code (landscape and pedestrian circulation) may preclude full (100 percent) lot coverage for some land uses.

Floor Area Ratio



2.2.140 Building Orientation

This section is intended to promote the walkable, storefront character of the “downtown” Commercial District by placing buildings close to the street. Placing buildings close to the street slows traffic down and provides more “eyes on the street”, increasing the safety of public spaces. The standards, as listed on the following page and illustrated above, compliment the front yard setback standards in Section 2.2.120.

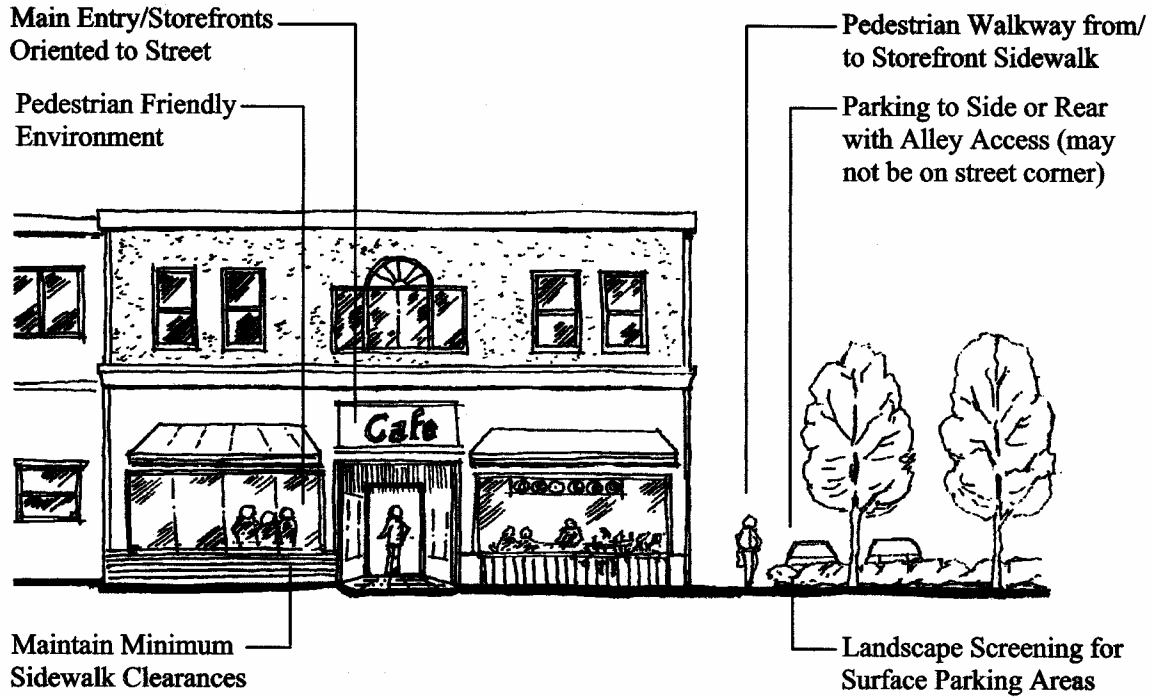
- A. Applicability. This Section applies to new Land Divisions and all of the following types of development within the “downtown” Commercial (i.e., subject to Site Design Review):
1. Multi-family housing;
 2. Public and institutional buildings; and
 3. Commercial and mixed-use buildings subject to site design review.

Compliance with all of the provisions of subsections B through E, below, shall be required.

- B. Building Orientation Standard. All of the developments listed in Section A shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:
1. The minimum and maximum setback standards in Section 2.2.120 are met;
 2. Buildings have their primary entrance(s) oriented to (facing) the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.
 3. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street that is used to comply with subsection ‘2’, above. On corner lots, buildings and their entrances shall be oriented to the street corner, as stated above; parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.
- C. Active Ground Floor Standard. The street-side portions of the lower floors of all buildings shall contain shops, offices, lobbies, and other activities oriented toward the passerby. Display windows for viewing the activity inside the building shall be provided .
- D. Continuous Building Frontage. Buildings should be built to the setback standards in Section 2.2.120 so as to create a near continuous line of storefronts. Access may be provided to the rear parking areas of the shops, offices etc. by an internal walkway.

2.2.140 Building Orientation (Continued)

Figure 2.2.140D – Building Orientation (Typical)

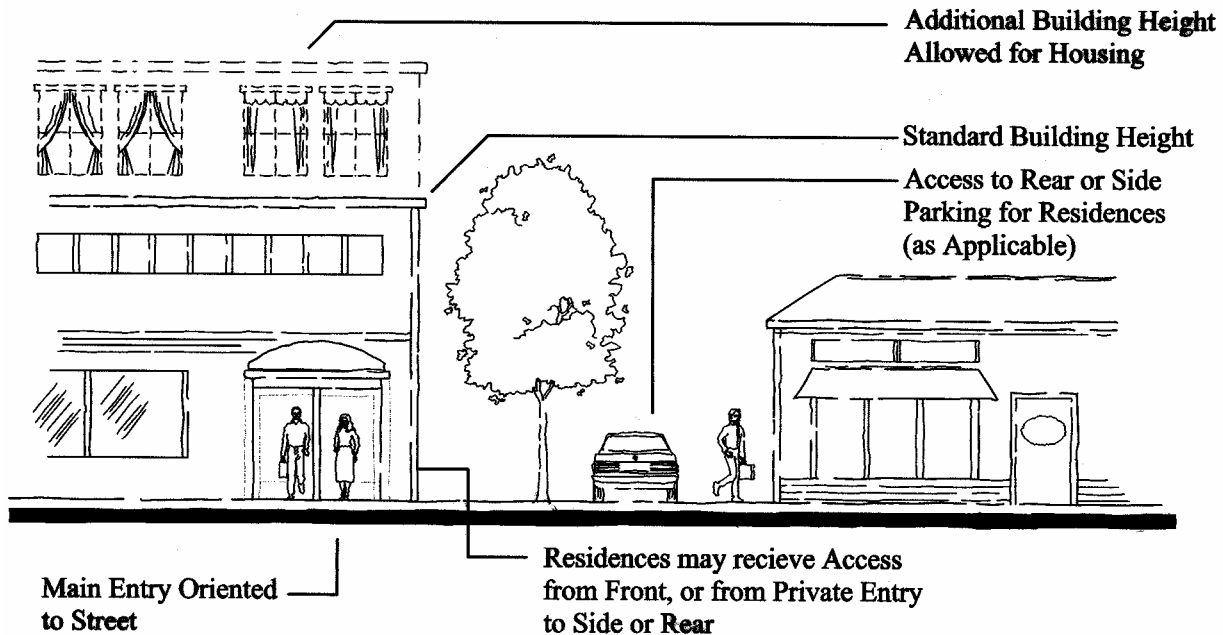


E. Variations. The standards of this Section shall not be changed through a Class A Variance. The standard may be varied to address topographic or other physical constraints, in accordance with the provisions for Class B or C variations in Chapter 5.

2.2.150 Building Height

All buildings in the Commercial Districts shall comply with the following building height standards. The standards are intended to allow for development of appropriately scaled buildings with a storefront character:

Figure 2.2.150 – Building Height Diagram (Credit for Housing)



- A. Maximum Height. Buildings shall be no more than 30 feet. The maximum height may be increased by 5 feet when housing is provided above the ground floor (“vertical mixed use”), as shown above. The building height increase for housing shall apply only to that portion of the building that contains housing.
- B. Method of Measurement. “Building height” is measured as the vertical distance above finished average grade to the highest point of the building:

Not included in the maximum height are: bell towers, steeples, flagpoles, and similar features that are not for human occupancy and by their vertical orientation do not block views.

2.2.160 Design Standards

- A. Purpose and Applicability. The Commercial design standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles. This section applies to all of the following types of buildings:
 - 1. Multi-family housing;

2. Public and institutional buildings, and
3. Commercial and mixed-use buildings

B. Standards. The following standard shall be met. Design features used to comply with one standard may be used to comply with another standard.

All residential buildings are subject to design review and shall comply with the Residential District design guidelines, as listed in Section 2.1.190 and Sisters Western Frontier Architectural Design Theme Section 2.7.100.

C. Design of Large-Scale Buildings and Developments. The standards in subsection “c”, below, shall apply to “Large-Scale Buildings and Developments”, as defined in a-b:

- a. Buildings with greater than 20,000 square feet of enclosed ground-floor space (i.e., “large-scale”). Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell; and
- b. Multiple-building developments with a combined ground-floor space (enclosed) greater than 40,000 square feet (e.g., shopping centers, public/institutional campuses, and similar developments).
- c. All large-scale buildings and developments, as defined in a-b, shall provide human-scale design by conforming to all of the following criteria:
 - (1) Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; 1880s theme wall lighting; and similar features.
 - (2) Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a building entrance; except that buildings elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) may be released from meeting this standard. Pathways shall connect all entrances to the street right-of-way, in conformance with Chapter 3.1 - Access and Circulation.

2.2.170 Pedestrian Amenities

A. Purpose and Applicability. This section is intended to complement the building orientation standards in Section 2.2.140, and the Access and Circulation standards in Chapter 3.1, by providing comfortable and inviting pedestrian spaces within the Commercial Districts. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the City’s commercial areas, and contribute to a walkable district. This section applies to all of the following types of buildings:

1. Multi-family housing;
2. Public and institutional buildings, except those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and

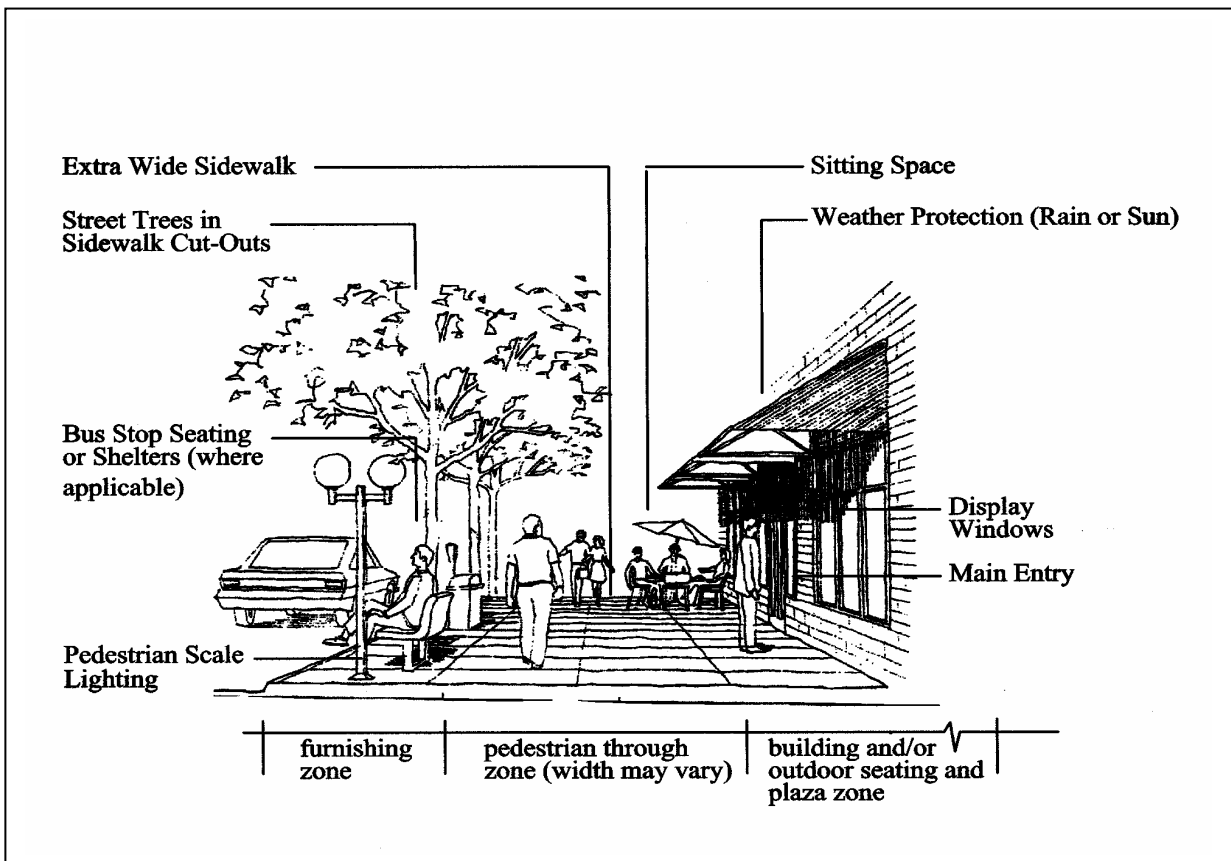
2.2.170 Pedestrian Amenities (Continued)

3. Commercial and mixed-use buildings.

B. Pedestrian Amenity Standards. Every commercial development shall provide at least one of the “pedestrian amenities” listed and illustrated below. Developments in the Highway Commercial Sub-District shall provide at least 2 of the amenities. Pedestrian amenities may be provided within a public right-of-way (i.e., on the sidewalk, curb, or street pavement) when approved by the City (for City streets), Deschutes County (for County roads), or the Oregon Department of Transportation (“ODOT”) for state highways.

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 8 feet);
2. Sitting space (i.e., benches or ledges between the building entrance and sidewalk with a minimum of 16 inches in height and 30 inches in width);
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a private sidewalk or other privately owned pedestrian space)
4. Public art which incorporates seating (e.g., fountain, sculpture, etc.).

Figure 2.2.170 - Pedestrian Amenities (Typical)



Note: the example shown above is meant to illustrate examples of pedestrian amenities. Other types of amenities and designs may be used. City adopted lighting standards apply.

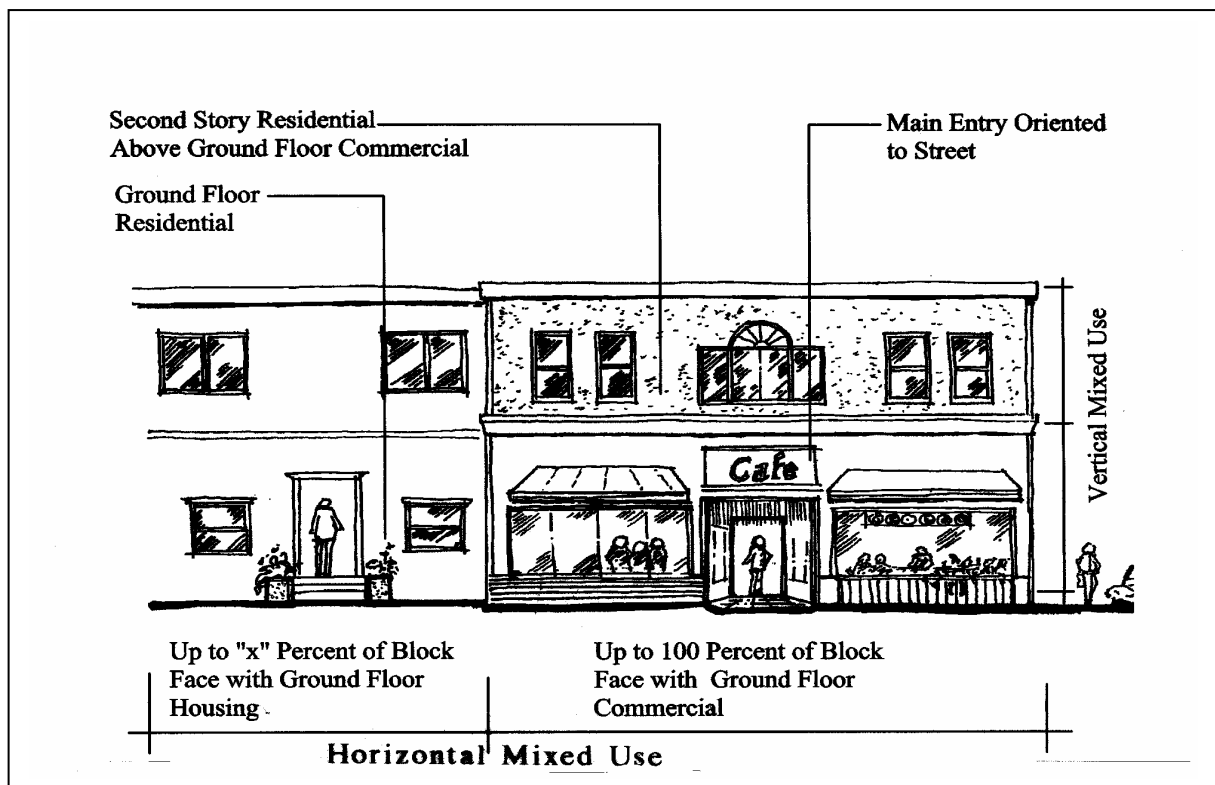
2.2.180 Special Standards for Certain Uses

This section supplements the standards contained Sections 2.2.100 through 2.2.170. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Commercial District:

- Residential Uses
- Bed and Breakfast Inns
- Public and Institutional Uses
- Accessory Uses and Structures
- Outdoor Storage and Display
- Light Manufacture

A. Residential Uses. Higher density residential uses, such as multi-family buildings are permitted to encourage housing adjacent to employment, shopping and services. All residential developments shall comply with the standards in 1-6, below, which are intended to encourage mixed use development; conserve the community's supply of commercial land for commercial uses; provide for designs which are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Residential uses that existed prior to the effective date of this Code are exempt from this Section.

Figure 2.2.180A - Mixed Use Development in the Downtown Commercial District



2.2.180 Special Standards for Certain Uses

1. Mixed Use Development Required. Residential uses shall be permitted only when part of a mixed-use development (residential with commercial or public/institutional use) or multifamily conditional use. Both “vertical” mixed use (housing above the ground floor), and “horizontal” mixed-use (housing on the ground floor) developments are allowed, subject to the standards in 2-6.
2. Limitation on street-level housing. No more than 50 percent of a single street frontage may be occupied by residential uses. This standard is intended to reserve storefront space for commercial uses and public/institutional uses; it does not limit residential uses above the street level on upper stories, or behind street-level storefronts. For parcels with street access at more than one level (e.g., sloping sites with two street frontages), the limitation on residential building space shall apply to all street frontages.
3. Density. There is no minimum or maximum residential density standard. Density shall be controlled by the applicable lot coverage and building height standards.
4. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of the building; except that side-yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side-street (i.e., away from the main street) when access cannot be provided from an alley.
5. Creation of Alleys. When a sub-division or new development is proposed, a public or private alley shall be created for the purpose of vehicle access. Alleys are not required where existing development patterns or topography make construction of an alley impractical. As part of a subdivision, the City may require dedication of right-of-way or easements, and construction of pathways between townhome lots (e.g., between building breaks) to provide pedestrian connections through a development site, in conformance with Chapter 3.1- Access and Circulation.
6. Common Areas. All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowners association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the City prior to building permit approval. Covenants, conditions and restrictions shall not be enforced by the City.

B. Bed and Breakfast Inns

1. Purpose The purpose of this section is to provide standards for the development of a Bed and Breakfast Inn.
2. Accessory Use A Bed and Breakfast Inn must be accessory to a household occupying the structure as a residence.
3. Maximum size The bed and breakfast structure is limited to a maximum of 3 bedrooms for guests and a maximum of 6 guests per night.

4. Employees The bed and breakfast facility may have up to 2 non-resident employees for the facility.
5. Food Service Food services shall only be provided to overnight guests of the bed and breakfast inn.
6. Owner-occupied The Bed and Breakfast Inn shall be owner-occupied and shall maintain the exterior physical characteristics of a single family dwelling. No separate structures shall be allowed (except for residential accessory buildings such as sheds, or detached garages).
7. Signs for Bed and Breakfast Inns shall conform to Section 3.6.500.
8. Monitoring All bed and breakfast inns shall maintain a guest log book. It must include the names and home address of guest, guests' license plate numbers if travelling by motor vehicle, dates of stay and the room number of each guest. The log must be available for inspection by City staff upon request.

C. Public and Institutional Uses. Public and institutional uses (as listed in Table 2.2.110.A) are allowed in the Commercial Districts, except that automobile-oriented uses shall comply with the standards in "E", below. See the definition of "automobile-oriented uses" in Chapter 1.3. Typical automobile oriented uses in this category include public works yards, equipment storage and repair, school bus companies, and similar facilities that store, repair or service automobiles, trucks, buses, heavy equipment and construction materials.

D. Accessory Uses and Structures. Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Commercial Districts include small workshops, greenhouses, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the Commercial Districts, as identified in Table 2.2.110.A.

Accessory structures shall comply with the following standards:

1. Primary use required. An accessory structure shall not be allowed before or without a primary use, as identified in Table 2.2.110.A.
2. Setback standards. Accessory structures shall comply with the setback standards in Section 2.2.120, except that the maximum setback provisions shall not apply.
3. Design guidelines. Accessory structures shall comply with the design guidelines, as provided in Section 2.2.160.
4. Restrictions. A structure shall not be placed over a recorded easement that prohibits such placement. No structure shall encroach into the public right-of-way.
5. Compliance with subdivision standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

E. Automobile-Oriented Uses and Facilities. Automobile-oriented uses and facilities, as defined below, shall conform to all of the following standards in the Highway Commercial Sub-District. The standards are intended to provide a vibrant storefront character, slow traffic down, and encourage walking.

1. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be accessed from alleys, placed in structures above the ground floor, or located in parking areas located

behind or to the side of a building; except that side-yards on corner lots shall not be used for surface parking. All garage entrances facing a street (e.g., structured parking) shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side-street (i.e., away from Main Street) when vehicle access cannot be provided from an alley. Individual surface parking lots shall not exceed one-half City block.

2. **Automobile-Oriented Uses.** “Automobile-oriented use” means automobiles and/or other motor vehicles are an integral part of the use. These uses are restricted to the Highway Commercial Sub-District because, when unrestricted, they detract from the pedestrian-friendly, storefront character of the “downtown” Commercial District and can consume large amounts of land compared to other permitted uses. Automobile-oriented uses shall comply with the following standards:
 - a. **Vehicle repair, storage, service.** Businesses that repair, store, or service automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, and similar vehicles and equipment are prohibited except in the Highway Commercial Sub-District.
 - b. **Drive-up, drive-in, and drive-through facilities.** Drive-up, drive-in, and drive-through facilities (e.g., associated with restaurants, banks, car washes, and similar uses) are permitted only in the Highway Commercial Sub-District and only when accessory to a primary commercial “walk-in” use, and shall conform to all of the following standards:
 1. The facility receives access from and egress to an alley or driveway, and not a street;
 2. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, drop-boxes, and similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a corner);
 3. The facility is subordinate to a primary permitted use. “Subordinate” means all components of the facility, in total, occupy less street frontage than the primary commercial or public/institutional building; and
 4. No more than one drive-up, drive-in, or drive-through facility shall be permitted on one block, or for a distance of 400 linear feet along the same street frontage, whichever is less.

F. Sidewalk Displays. Sidewalk display of merchandise and vendors shall be limited those sidewalks on private property; to cards, plants, gardening/floral products, food, books, newspapers, bicycles, and similar small items for sale or rental to pedestrians (i.e., non-automobile oriented). A minimum clearance of 4 feet shall be maintained on the sidewalk at all times to allow pedestrians to pass by the displays. Display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, and similar vehicles and equipment, is prohibited. Temporary events such as parades or other special events where permits are issued by the City may modify this requirement.

G. Light Manufacture. Light manufacture uses are allowed in the Commercial Districts. “Light manufacture” means production or manufacturing of small-scale goods, such as crafts, electronic equipment, bakery products, printing and binderies, furniture, and similar goods. Light manufacture uses shall conform to all of the following standards that are intended to protect the pedestrian-friendly, storefront character of the Downtown Commercial District:

1. **Retail or Service Use Required.** Light manufacture is allowed only when it is in conjunction with a permitted retail or service use (e.g., a bakery with retail baked goods outlet).
2. **Location.** The light manufacture use shall be enclosed within a building, or shall be located within a rear

yard not adjacent to a street.

H. Adult Businesses and Adult Entertainment

The purpose of this Section is to establish parameters by which an adult business or facility whose main purpose is to provide adult entertainment may locate within the City of Sisters. An adult business or use is permitted in any non-residential zone within the City, provided the following minimum standards are maintained;

1. Spacing: A use defined as an adult business or entertainment use must be at least the following distances away from the following pre-existing uses (measured in a straight line);
 - a. 1500 feet from a public or private school;
 - b. 1500 feet from a church, synagogue or other place of worship;
 - c. 1500 feet from a public park, library or recreational facility;
 - d. 500 feet from a residential zone, and,
 - e. 1500 feet from a similar adult business or adult entertainment use.
2. Permit Required. A permit shall be required from the Bureau of Licenses for any proposed adult business or use and prior to the establishment of this use or business. It shall be a violation of this Code for any person or persons to engage in, conduct or carry on or to permit to be engaged in or upon any premises within the City of Sisters the operation of any adult business or use unless a permit has first been obtained from the Bureau of Licenses. At no time shall a person or persons be employed by such a use prior to a permit issued by the Bureau of Licenses.
3. Application Requirements. An applicant for an adult business or use shall provide the following;
 - a. Written proof that the applicant is at least 18 years of age.
 - b. Business occupation or employment for the 3 years immediately preceding the date of the application.
 - c. Business license and permit history of the person operating a business identical to or similar to those regulated by this Code section.
 - d. Whether such person previously operating such business in this or any other city or state under any license or permit, has had such license or permit revoked or suspended. Reasons for any permit suspension or revocation shall be provided, and the business activity or occupation of the person subsequent to such action of suspension or revocation shall be provided.
 - e. The name, address, telephone number, birth date, and principal occupation of the applicant and managing agent.
 - f. The name, address, telephone number of the proposed business or use, and a written description of the exact nature of the business to be operated.
 - g. The names, addresses, telephone number, birth dates of all partners in the business or use. Included

shall be the principal occupation of each of the partners whether general, limited or silent, and the respective share of the business held by each partner. If a corporation, the corporate name, a copy of the Articles of Incorporation, and the names, addresses, birth dates, telephone numbers and principal occupations of every officer, director and shareholder (having more than 5 percent of the outstanding shares) and the number of shares held by each.

- h. Any criminal convictions or arrests relating to theft, controlled substances, gambling, prostitution, obscenity, racketeering, fraud, or tax evasion as defined in Chapter 166 of Oregon Revised Statutes, of each applicant and natural person enumerated in section "a" through "h" herein.
 - i. All residence addresses of all persons described in section "a" through "h" herein within the past 3 years
 - j. A personal financial statement of each natural person enumerated in section "a" through "h" herein, including the location of all bank accounts, the amounts respectively deposited therein, and a complete listing of all outstanding debts and loans.
 - k. Each applicant and person described within section "a" through "h" shall appear in person before the Deschutes County Sheriff, or his designee, for fingerprinting and the taking of photographs.
4. Confidentiality. The application form required pursuant to this section, which contains personal and business information, shall remain confidential to the maximum extent permitted by law.

I. Home Occupations, Commercial Transition Neighborhoods

This section applies only to existing residential use lots within the Commercial District. The purpose of this Section is to allow commercial ventures that could not be sustained were it necessary to lease commercial space, or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations contribute to reducing the number of vehicle trips often generated by conventional businesses. Home occupations are permitted only in residential dwellings existing at the time of adoption of this Code and are subject to the following standards:

- 1. Appearance of Residence:
 - a. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business, with the exception that signs are permitted in the Commercial (C) District.
 - b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
 - c. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).
 - d. No products and or equipment produced or used by the home occupation may be displayed outside any structure.
- 2. Storage:

City of Sisters

- a. Outside storage is prohibited.
 - b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
 - c. Storage of inventory, products, equipment, and fixtures associated with the home occupation shall be allowed in any structure.
3. Employees:
- a. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one full time employee at the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the lot on which the home occupation is conducted.
 - b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home.
 - c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.
4. Vehicles, Parking and Traffic:
- a. One commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that will not encroach onto the public right-of-way, including the sidewalk and planter strip, when parked in the driveway or other location on the home occupation site.
 - b. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. Commercial vehicle deliveries are allowed during the hours of 7 a.m. to 7 p.m. weekdays, excluding holidays.
 - c. There shall be no more than two client or customer vehicles at any one time and no more than eight (8) per day at the home occupation site or in the right-of-way abutting the lot.
5. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 7 a.m. to 7 p.m. daily subject to Section 4, above.
6. Prohibited Home Occupation Uses:
- a. Any activity that produces radio, TV, other electronic interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line is prohibited.
 - b. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation or retail use that does not result in more than two (2) vehicle trips per hour is allowed. For example, the sale of lesson books or sheet music by music teachers, art or craft supplies by arts or crafts instructors, computer software by computer consultants, and similar incidental items for sale by home business are allowed subject to 1-6, above. Also, the business hours of retail

operation would be restricted to 9:00 am to 5:00 pm.

- c. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, such as:
 - (1) Ambulance service;
 - (2) Animal hospital, veterinary services, kennels or animal boarding;
 - (3) Auto and other vehicle repair, including auto painting and detailing;
 - (4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes, appliances, or large equipment on-site.
- 7. Enforcement: The Planning Director or designee may visit and inspect the site of home occupations in accordance with this chapter to insure compliance with all applicable regulations with reasonable notice during normal business hours. In the event of neighbor complaint(s), the home occupation shall cease and desist immediately upon notification by the City. Code violations shall be processed in accordance with Chapter 1.4 - Enforcement.
- 8. Waiver of Remonstrance: Owner of the property seeking Home Occupation approval shall agree to participate in the formation of a Local Improvement District (LID), for the purpose of installing street and pedestrian amenities to City of Sisters Standards and owner also agrees not to remonstrate against such improvements, but does not waive the right to object to the amount or manner of allocating assessments made pursuant to the formation of said local improvement district(s).
- 9. Site Plan Required: At the point in time that the Home Occupation no longer conforms to 1 through 8 above, owner shall terminate Home Occupation or submit and gain site plan approval to conform to Commercial development standards.

2.2.190 Highway Commercial Sub-District

Purpose. This zone is intended to provide for areas suitable for commercial uses and services primarily oriented to automobile traffic with limited highway access points and off-highway internal circulation plans. Commercial uses in this zone shall be subject to special development standards providing a visually appealing entrance to the City, enhanced landscape and set back standards and supporting the historic tourist commercial development of the city, Sisters Western Frontier Architectural Design Theme.

A. Permitted Uses. The land uses listed in Table 2.2.190.A are permitted in the Highway Commercial District, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.2.190.A, and land uses that are approved as “similar” to those in Table 2.2.190.A, may be permitted. The land uses identified with a “CU” in Table 2.2.190.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.

Table 2.2.190.A Land Uses and Building Types Permitted in the Highway Commercial Sub-District		
<p>Permitted Uses</p> <p>1. Hotel, Motel, including manager's residence.</p> <p>2. Eating or drinking establishments.</p> <p>3. Repair Services including enclosed motor vehicle services and supplies, with exterior pumps permitted.</p> <p>4. Office uses.</p> <p>5. Movie theaters, bowling alleys and other recreation uses with large site requirements.</p> <p>6. Laundromat.</p> <p>7. Ambulance service</p> <p>8. Retail Trade and Services</p>	<p>9. Professional and personal services including dry cleaners, barber shops/salons, banks and financial institutions.</p> <p>Conditional Uses</p> <p>1. Public or quasi-public uses. (CU)</p> <p>2. RV parks, including caretaker's residence. (CU)</p> <p>3. Operation of a bed and breakfast inn. (CU)</p> <p>4. Keeping of livestock. (CU)</p> <p>5. Three Winds Shopping Center, subject to approved Deschutes County Site Plan 77-71, 1977. (CU)</p> <p>6. Health club. (CU)</p> <p>7. Grocery Stores, Food Markets. (CU)</p> <p>8. Drive-in restaurants.</p>	<p>Public and Institutional*:</p> <p>Telecommunications equipment (including wireless) (CU)</p> <p>Libraries, museums, community centers, concert halls and similar uses(CU)</p> <p>Public parking lots and garages</p> <p>Private utilities (CU)</p> <p>Public parks and recreational facilities</p> <p>Schools, public and private(CU)</p> <p>Uses similar to those listed above (subject to CU requirements, as applicable)</p> <p>Apartment(s) which are located on the second story or above a commercial building.</p>

C. Height Regulations. No building or structure shall hereafter be erected, enlarged, or structurally altered, to exceed a height of 30 feet except 35 feet is allowed where housing is provided as part of the second story. Only applies to that portion of the building that includes housing.

D. Lot Requirements. No lot shall be created less than a minimum of 6,000 square feet. Lot requirements for the Highway Commercial Sub District use will be determined by spatial requirements for associated landscaped areas and off-street parking requirements.

Front Setback. No requirement except where property borders State Highway, Arterial or Collector Street, then setback shall be 50 feet from property line

1. **Side Setback.** No requirement. Provided, however, that when a side lot line abuts a lot in a R-designated zoning district, the side yard requirement will be a minimum of 15 feet, with landscape and buffer requirements installed.
2. **Rear Setback.** No requirement. Provided, however, where a rear lot line abuts a R-designated zoning district, the rear yard requirement will be a minimum of 15 feet, with landscape and buffer requirements installed. If utilized for on-site sewage disposal, the rear yard will be landscaped and maintained.
3. **Lot Coverage.** No lot coverage requirements, provided spatial requirements for parking, sewage disposal, setbacks and open space are satisfied.
4. **Frontage.** Every lot shall have a minimum width at the street right-of-way of 50 feet. Cul-de-sacs shall be a minimum of 30 feet.
5. **Signs.** Signs in the Highway Commercial shall conform to Section 3.6.500.

2.2.200 Recreational Vehicle Park Sub-District

2.2 200 Recreational Vehicle Park Sub-district

A. Purpose. A recreational vehicle park shall conform to state standards in effect at the time of construction and the following provisions:

B. Development Standards.

Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park and campground are permitted as accessory uses to the park.

C. Design Standards.

1. The maximum density of an RV park shall be 15 units per acre.
2. The pad provided for each recreational vehicle shall be not less than 700 square feet exclusive of any space used for common areas such as roadways, general use structures, walkways, parking spaces for vehicles other than recreational vehicles and landscaped areas.
3. Roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or not less than 20 feet in width if parking is not permitted on the edge of the roadway and shall be paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each recreational vehicle space.
4. A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide for the control of runoff or surface water. The part of the space which is not occupied by the recreational vehicle and not intended as an access way to the recreational vehicle or part of an outdoor patio need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.

5. A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.
6. A recreational vehicle space shall be provided with electrical service.
7. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and of such capacity that there is no uncovered accumulation of trash at any time.
8. No recreational vehicle shall remain in the park for more than 3 months in any 6 month period.
9. No recreational vehicle or any other camping unit shall be used as a permanent place of abode, dwelling, or business or for indefinite periods of time. Occupancy and/or placement extending beyond three months in any six months shall be presumed to be permanent occupancy. Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair is hereby prohibited. Camping units other than recreational vehicles shall be limited to 30 days in any 60 day.
10. The total number of parking spaces in the park, except for the parking provided for the exclusive use of the manager or employees of the park, shall be equal to one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
11. Entrance driveways shall be located not closer than 150 feet from the intersection of public streets.
12. The park shall provide toilets, lavatories and showers for each sex as required by the State Building Agency Administrative Rules, Chapter 918. Such facilities shall be lighted at all times of night and day, shall be ventilated, and shall be provided with adequate floor drains to permit easy cleaning.
13. Recreational vehicles or other camping units shall be separated from each other and from other structures by at least 10 feet. Any accessory structure such as attached awnings, carports, or individual storage facilities shall, for purposes of this separation requirement, be considered to be part of the recreational vehicle.
14. The recreational vehicle park shall be enclosed by a fence, wall, landscape screening, earth mounds, or by other designs approved by the Hearings Body which will complement the landscape and assure compatibility with the adjacent environment.
15. Each recreational vehicle park shall set aside along the perimeter of the recreational vehicle park a minimum 10' strip which shall be site obscuring landscaping and used for no other purpose. Additional area for landscaping may be required through the design review process.

Chapter 2.3 — Light Industrial (LI) District

Sections:

2.3.100 Purpose

2.3.110 Permitted Land Uses

2.3.120 Development Setbacks

2.3.130 Lot Coverage

2.3.140 Building Height

2.3.150 Building Orientation

2.3.160 Design Guidelines and Standards

2.3.170 Special Standards for Certain Uses

2.3.100 Purpose

The Light Industrial District accommodates a range of light manufacturing, industrial-office uses, automobile-oriented uses (e.g., lodging, restaurants, auto-oriented retail), and similar uses which are not appropriate in downtown or main street areas. The district's standards are based on the following principles:

- Ensure efficient use of land and public services
- Provide a balance between jobs and housing, and encourage mixed-use development
- Provide transportation options for employees and customers
- Provide business services close to major employment centers
- Ensure compatibility between industrial uses and nearby residential areas.
- Provide appropriately zoned land with a range of parcel sizes for industry

2.3.110 Permitted Land Uses

- A. Permitted Uses.** The land uses listed in Table 2.3.110.A are permitted in the Light Industrial District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 2.3.110.A, and land uses which are approved as "similar" to those in Table 2.3.110, may be permitted. The land uses identified with a "CU" in Table 2.3.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.
- B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.

Lot Requirements. Lot requirements for the Light Industrial (LI) District used will be determined by spatial requirements for that use, associated landscaped areas and parking requirements.

2.3.110 Permitted Land Uses (continued)

**Table 2.3.110.A
Land Use Types Permitted in the Light Industrial District**

1. Industrial *:

- a. Light manufacture (e.g., electronic equipment, printing, bindery, furniture, and similar goods)
- b. Research facilities
- c. Warehousing and distribution
- d. Mini-warehouse and storage
- e. Development of Primary and Secondary Wood Products
- f. Similar uses

2. Commercial :

- a. Automobile-oriented uses (vehicle repair, sales, rental, storage, service; and drive-up, drive-in, and drive-through facilities)*
- b.
- c. Medical and dental clinics and laboratories including
- d. Outdoor commercial uses (e.g., outdoor storage and sales)
- e. Personal and professional services (e.g., child care, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)
- f. Repair services
- g. Retail trade and services, not exceeding 60,000 square feet of floor area per building
- h. Wholesale trade and services, not exceeding 60,000 square feet of floor area per building
- i. Uses similar to those listed above

3. Civic and Semi-Public Uses :

- a. Government facilities (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities)
- b. Utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)
- c. Special district facilities (e.g., irrigation district, and similar facilities)
- d. Uses similar to those listed above.

4. Accessory Uses and Structures

5. Wireless communication equipment

6. Business Parks (CU)

Land uses with (CU) shall require a Conditional Use Permit in accordance with Chapter 4.4. Uses marked with an asterisk (*) are subject to the standards in Section 2.3.170 Special Use standards, "Special Standards for Certain uses"

2.3.110.B Land Uses Prohibited in Light Industrial District

Only uses specifically listed in Table 2.3.110.A, and uses similar to those in Table 2.3.110.A, are permitted in this district. The following uses are expressly prohibited: new housing, churches, similar facilities and non-vocational schools.

2.3.120 Development Setbacks

Development setbacks provide building separation for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation. Building setbacks are measured from the building foundation to the respective property line.

- A. Front Yard Setbacks.** The minimum front yard building setback shall be 15 feet, except that additional setback yards may be required to provide for planned widening of an adjacent street.
- B. Rear Yard Setbacks.** The minimum rear yard setback shall be 10 feet, except that buildings shall be setback from the Residential District by a minimum of 20 feet.
- C. Side Yard Setbacks.** The minimum side-yard setbacks shall be 10 feet, except that buildings shall be setback from the Residential District by a minimum of 15 feet.
- D. Other Yard Requirements.**
 - 1. Buffering. A 20-foot minimum buffer zone shall be required between development and any adjacent Residential District. The buffer zone shall provide landscaping to screen parking, service and delivery areas, and walls without windows or entries, as applicable. The buffer may contain pedestrian seating but shall not contain any trash receptacles or storage of equipment, materials, vehicles, etc. The landscaping standards in Chapter 3.2 may require buffering other situations, as well.
 - 2. Neighborhood Access. Construction of pathway(s) and fence breaks in setback yards may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Chapter 3.1 - Access and Circulation Standards.
 - 3. Building and Fire Codes. All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above (e.g., combustible materials, etc.).

2.3.130 Lot Coverage

The maximum allowable lot coverage in the Light Industrial District is 80 percent. The maximum allowable lot coverage is computed by calculating the total area covered by buildings and impervious (paved) surfaces, including accessory structures. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

2.3.140 Building Height

The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:

- A. Base Requirement. Buildings shall be no more than 30 feet in height from average finished grade.
- B. Method of Measurement. “Building height” is measured as the vertical distance between the highest point of the ridge on a roof and the average finished grade.

2.3.150 Building Orientation

All of the following standards shall apply to new development within the Light Industrial District in order to reinforce streets as public spaces and encourage alternative modes of transportation, such as walking, and bicycling

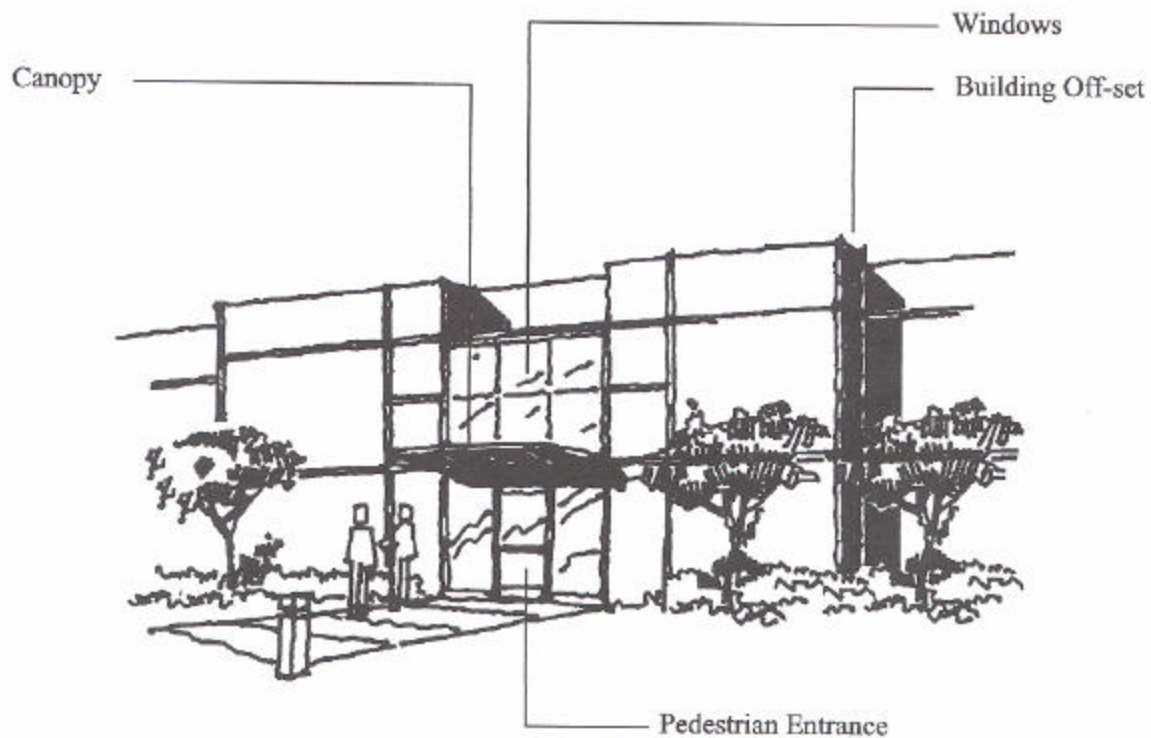
- A. Building Entrances. All buildings shall have a primary entrance oriented to a street. “Oriented to a street” means that the building entrance faces the street, or is connected to the street by a direct and convenient pathway. Streets used to comply with this standard may be public streets, or private streets that contain sidewalks and street trees, in accordance with the design standards in Chapter 3.
- B. Corner Lots. Buildings on corner lots shall have their primary entrance oriented to the street corner, or within 20 feet of the street corner (i.e., as measured from the lot corner). In this case, the street corner shall provide an extra-wide sidewalk or plaza area with landscaping, seating or other pedestrian amenities. The building corner shall provide architectural detailing or beveling to add visual interest to the corner.
- C. Pathway Connections. Pathways may be placed through yard setbacks as necessary to provide direct and convenient pedestrian circulation between developments and neighborhoods. Pathways may conform to the standards in Chapter 3.
- D. Arterial Streets. When the only street abutting a development is an arterial street, the building’s entrance(s) may be oriented to an internal drive. The internal drive shall provide a raised pathway connecting the building entrances to the street right-of-way. The pathway shall conform to the standards in Chapter 3.
- E. Buffers. The City may require a 20-foot landscape buffer between development in the Light Industrial District and adjacent Residential District(s) to reduce light, glare, noise, and aesthetic impacts.

2.3.160 Design Guidelines and Standards

All developments in the Light Industrial District shall be evaluated during Site Design Review for conformance with the criteria in A-B. *Note: the example shown in figure 4.A is meant to*

illustrate typical building design elements, and should not be interpreted as a required design or style.

Figure 4.A – Design Features (Typical)



- A. Building Mass. Where building elevations are oriented to the street in conformance with Section 2.3.150, Design features such as windows, pedestrian entrances, building off-sets, projections, detailing, change in materials or similar features, shall be used to break up and articulate large building surfaces and volumes.
- B. Pedestrian-Scale Building Entrances. Recessed entries, canopies, and/or similar features shall be used at the entries to buildings in order to create a pedestrian-scale.
- C. Outside storage is permitted for outright permitted or conditional use, only providing that approved sight-obscuring screening is utilized and maintained.

2.3.170 Special Standards for Certain Uses

A. High Traffic-Generating Uses.

Uses which are likely to generate “significant” levels of vehicle traffic (e.g., due to shipping, receiving, and/or customer traffic) shall require a Conditional Use Permit, in accordance with Section 4.4.

“Significant traffic” means that the average number of daily trips, or the average number of peak hour trips, on any existing street would increase by 20 percent or greater and by 100 vehicles or more as a result of the development. The city may require a traffic impact analysis prepared by a qualified professional prior to deeming a land use application complete, and

2.3.170 Special Standards for Certain Uses (*Continued*)

determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by Oregon Department of Transportation (ODOT) for developments that increase traffic on state highways. The Conditional Use Permit shall include appropriate transportation improvement requirements, as identified by the traffic analysis and/or ODOT, in conformance with Chapter 3.4.1.

B. Wireless Communication Equipment.

Wireless communication equipment, including radio (i.e., cellular), television and similar types of transmission and receiving facilities are permitted, subject to the standards for wireless communication equipment in Section 3.6.200 and height limit of the district. Wireless communication equipment shall also comply with required setbacks, height restrictions, camouflage/stealth, lot coverage and other applicable standards of the Light Industrial District.

2.3.180 Business Park Development

A. Purpose.

The purpose of this section is to allow greater flexibility in the light industrial district by relaxing certain zone requirements, when the objectives of the district may be achieved through the use of a detailed master plan. In allowing this flexibility the City intends to enable more efficient, compact development than could otherwise take place. This Section does not allow for a reduction of standards for environmental or nuisance protections unless otherwise provided by a land use review in Chapter 4.

B. Applicability.

This Section applies to development proposals for sites of 5 or more acres located within the Light industrial District. Except where explicitly noted in this Section or in Chapter 4.5- Master Planned Developments, all standards of the Light Industrial District shall apply to Business Park Developments.

C. Master Plan Required.

Prior to permit approval, a master plan shall be prepared for all sites meeting the criteria in subsection B. Master Plans shall follow the procedures in Chapter 4.5 – Master Planned Developments except that a Master Plan shall not be required if a specific Area Plan has been adopted for the subject area.

D. Land Use and Design Standards.

Business Park Developments shall be evaluated based on the criteria in Chapter 4, Master Planned Developments. They also shall be consistent with the following design principals:

1. All business park developments shall have identifiable outer boundaries.

2.3.180 Business Park Development (<i>Continued</i>)

2. All business park developments shall connect to the adjacent street network, allowing through-traffic and pedestrian and bicycle connectivity as indicated in the City Transportation System Plan and Chapter 3.1.
3. Open spaces (e.g., parks, natural areas, greenbelts, etc.) are in prominent locations throughout the business park.
4. Commercial uses shall contain no more than 20% of the net area of the business park development and individual commercial uses shall not occupy more than 60,000 square feet of gross lease-able area.
5. Land needed for public uses shall be designated and the master plan (e.g., fire stations)

E. Implementation.

Upon approval of a Business Park Master Plan, the development shall follow the Land Division procedures in Chapter 4.3 and the Site Design Review procedures in Chapter 4.2, as applicable. Any modification to the approved master plan shall be subject to the standards and procedures in Chapter 4.6 – Modifications.

Chapter 2.4 — Public Facility (PF) District

Sections:

2.4.100 Purpose

2.4.110 Permitted Land Uses

2.4.120 Development Standards

2.4.130 Parking Standards

2.4.140 Other Standards

2.4.100 Purpose

The Public Facilities District is intended to provide area for buildings and facilities that are owned and operated by federal, state, or local governments, public utilities, special districts, or non-profit organizations, and which are occupied to provide governmental or public services. This district is also intended to provide for school sites, public park and recreational facilities, natural areas, trails, and similar types of open space owned and managed by a local government or special district.

2.4.110 Permitted Uses

A. Permitted Uses. The following public uses are permitted in the PF District, subject to being a public use, and subject to the provisions of Chapter 4.1, check to make sure this is the review process listed in Chapter 4.1. The land uses listed in Table 2.4.110.A are permitted in the Public Facility District, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.4.110.A, and land uses that are approved as “similar” to those in Table 2.4.110.A, may be permitted. The land uses identified with a “CU” in Table 2.4.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.

**Table 2.4.110.A
Land Uses and Building Types Permitted in the Public Facility District**

<p>Permitted Uses</p> <ol style="list-style-type: none"> 1. Community building. 2. Concession stand providing food, beer and/or wine. 3. Museum. 4. Public buildings, structures and/or yards, excluding correctional facilities. 5. Public park, playground, swimming pool, skateboard park, or similar recreation facilities intended for use by the public. 6. Public play fields, sports complexes and similar recreational facilities without night lighting for play fields. 7. Public reservoirs, well sites, pump stations, and similar utility buildings or structures. Sewerage treatment facilities. 8. Public or private schools. 9. Public trails, natural areas, open space, future park sites, and similar public or special district owned minimal improvements 10. Public college or university. 11. Accessory uses and buildings customarily used to support a permitted use or an approved conditional use.(CU) 12. Minor repairs and maintenance to any permitted or conditional use. 13. Parking lots and parking areas to serve a permitted or conditional use. 14. Public utility maintenance facilities and operation yards with outdoor storage of materials and supplies. (CU) 	<ol style="list-style-type: none"> 15. Public ball fields, sports complexes, and similar outdoor recreational areas that have night lighting and/or amplified sound systems. (CU) 16. Public transmission site. Co-location of facilities required where possible(CU) reference Section 3.6.2 17. Solid waste disposal or solid waste transfer site. (CU) 18. Permanent outdoor facilities for performance of music, theater, and similar community events that have night lighting and/or amplified sound systems. (CU)
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Conditional Uses (CU) are subject to Conditional Use permit standards in Section 4.4.

2.4.120 Development Standards

A. Height Regulations. No building, structure or facility hereafter be erected, enlarged or structurally altered to exceed a height of 35 feet with the exception of wireless communication facilities that shall not exceed 120 feet on Public Facilities District Properties T15 R10 S05 900, T15 R10 S06 103 and T15 R10 So9 1002 within the City Limits of Sisters and specific school facilities such as gymnasiums or auditoriums.

B. Lot Requirements. No lot area requirement, lot size shall be appropriate to the public facility proposed. Each lot shall have a minimum depth of 100 feet.

C. Front Setback. Ten feet (10') except when abutting a Residential District, then the setback shall be that of the abutting Residential District.

D. Side and Rear Setbacks. None, except when abutting a Residential District, then the setback shall be a minimum of 20 feet. The required side and rear setback shall increase by one-half foot for each foot by which the building exceeds 20 feet in height.

E. Solar Setback. The setbacks shall conform to solar requirements in Section 3.6.600

2.4.130 Parking Standards

Off-Street Parking Requirements.

1. Parking and loading areas directly across the street from a Public Facility District shall be setback at least 10 feet from the right-of-way line, and said area shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property.

2. Off-street parking and loading space shall be provided in accordance with the provisions of Section 3.3, Vehicle and Bicycle Parking.

2.4.140 Other Standards

A. All service, repair, processing or storage on property abutting or across the street from a lot in a Public Facility District shall be conducted wholly within an enclosed building unless screened from the Residential District by a site-obscuring fence or wall.

B. Openings to structures on sides abutting a Residential District shall be prohibited if such access or openings will cause glare, excessive noise or similar conditions that would have an adverse effect on property in the Residential District.

C. Access points from a public road to a use in the Public Facility District shall be so located as to minimize traffic congestion and to avoid directing traffic onto access streets of a primarily residential character.

D. All materials, including wastes, shall be stored and all grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents or create a health or fire hazard.

Chapter 2.5 — Sub-districts

2.5.1 - Highway Commercial

2.5.2 - Recreational Vehicle

2.5.3 – Landscape Management (LM)

2.5.300 – Purpose

2.5.310 – Permitted Uses

2.5.320 -- Development Review

2.5.1 – Highway Commercial - refer to Section 2.2.190

2.5.2 – Recreational Vehicle Park - refer to Section 2.2.200

2.5.3 – Landscape Management (LM)

2.5.300 – Purpose.

The LM district is intended to recognize the unique scenic character of the Sisters area, by providing tree buffers, or large areas of open spaces without trees, between high density vehicular travel and residential areas, scenic foregrounds for residents and visitors, and as buffers between other conflicting uses.

2.5.310 - Permitted Uses.

The land uses listed in Table 2.5.310.A are permitted in the Landscape Management District, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.5.310.A, and land uses that are approved as “similar” to those in Table 2.2.310.A, may be permitted. The land uses identified with a “CU” in Table 2.5.310.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.

Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.

**Table 2.5.310.A
Land Use Types Permitted in the Landscape Management District**

<p>Permitted Uses</p> <ol style="list-style-type: none"> 1. Open space 2. Parks 3. Golf courses or riding areas with no buildings 4. Subsurface sewage disposal for adjacent residential, commercial or industrial uses, with landscape maintenance required 5. Managed, multi-aged, retention commercial forest areas 6. Any access to adjacent residential, commercial, or industrial uses, subject to Chapter 3.1 Access and Circulation. 7. Indirectly lighted signs, no more than 50 square feet in area, indicating adjacent residential, commercial, or industrial areas, one sign per access subject to Site Plan Approval, Chapter 4.1. 8. Scenic vista turnouts, with kiosks for area information and explanation facilities, and non-conflicting roadside rest area facilities. 	<ol style="list-style-type: none"> 9. Truck scales facility, provided that architectural design compliance will be approved by site plan review, and upon findings that location will be best possible with maximum reduction of traffic hazard. (CU) 10. Keeping of livestock. (CU) 11. City parking lots. (CU) 12. Public restrooms. (CU)
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Conditional Uses (CU) are subject to Conditional Use permit standards in Section 4.4.

2.5.320 -- Development Review

Site Plan Review - All permitted and conditional uses in the LM zone are subject to Site Plan Review. Standards and Procedures are located in Chapter 4.1.

Chapter 2.6 — Flood Plain (FP) District
2.6.100 – Purpose
2.6.110 – Permitted Uses
2.6.120 -- Development Review

2.6.100 Purpose

Purpose. This zone is intended to identify those sections of the urban area subject to the hazards of 100 year periodic stream flooding as determined by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) #41017C0040 C and # 41017C0105 C dated August 16, 1988, and to preclude future development or redevelopment that may suffer a loss of life or property in the subject area.

This does not include those sections of the urban area subject to the hazards of the Carver Lake moraine dam.

2.6.110 Permitted Uses

- A. **Permitted Uses.** The land uses listed in Table 2.6.110.A are permitted in the Flood Plain District, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.6.110.A, and land uses that are approved as “similar” to those in Table 2.6.110, may be permitted. The land uses identified with a “CU” in Table 2.6.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.
- B. **Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.

Table 2.6.110.A Land Use Types Permitted in the Flood Plain District	
<p>Permitted Uses</p> <p>1. Open space, excluding farming activities that require ground breaking</p> <p>2. Parks</p> <p>3. Camping facilities, providing that waste disposal sites are not within the area subject to the hazards of 100-year periodic stream flooding</p> <p>4. Geothermal exploration and development, and developed energy appurtenances provided air, water, and noise pollution are mitigated.</p>	

Conditional Uses (CU) are subject to Conditional Use permit standards in Section 4.4.

2.6.120 Development Review

- A. Development Standards.** Within the area subject to the hazards of 100-year periodic stream flooding no existing structure shall be enlarged, or structurally altered, nor shall the use be changed unless the change decreases intensity to the allowed uses of this zone.
- B. Permits Required.** No cut, fill, construction, or disturbance to the landscape within the Flood Plain District shall occur without permits Army Corps of Engineers, Department of Fish and Wildlife, and the City of Sisters.

Chapter 2.7 — Overlay (O) Districts

2.7.1 Western Frontier Architectural Design Theme

2.7.2 Airport Overlay District

2.7.1 Western Frontier Architectural Design Theme

A. Purpose. The Western Frontier Architectural Design Theme. This design theme will apply to all new, reconstructed or remodeled commercial uses in the Downtown Commercial District. Each proposed development is required to complete Site Design Review subject to the following standards:

B. Approved materials.

1. Roofs. Coverings shall be non-reflective metal, tile, asphalt, and other appropriate materials. If wood roofing is used it shall be fire retardant treated.

2. Exterior Finishes. Typical materials are varieties of horizontal wood siding, vertical board and batten (rough sawn or surfaced four sides) and cedar shingles, with the latter particularly applicable to ornamental patterns on residential structures. Brick or stone masonry provides additional choices of material. **Any T-111 (grooved) plywood siding is prohibited.** Smooth plywood shall not be used as an exterior finish material. Rough-sawn plywood may be used as exterior finish material, but only in board and batten applications with battens of no less than nominal 1 x 2 dimension, placed on centers not exceeding 12 inches. All vertical plywood joints and seams shall be covered by battens, and no plywood edges shall be left exposed.

Where the exterior is not painted the exterior is to be oiled and/or stained to protect the surface materials. This is practical with the use of cedar or redwood which both contain natural oils that protect the wood. As a practical matter for extended protection of any board and batten surface, the use of sealer or oil base of solid color stain is warranted. The same is true of vertical surfaces finished with cedar shingles.

Horizontal wood drop siding was normally finished with paint, however, in many instances no finish was applied. Here a sealer or stain would be appropriate in lieu of a painted surface.

3. Windows. Wood sash windows are typical, to include double hung, casement, horizontal sliding and fixed sash. Availability of currently manufactured stock in styles keeping with the period, is limited as to capturing the period window style. This is particularly true for large expanses of glass in commercial storefronts and will undoubtedly require special foundation.

4. Doors. Combination glass and wood panel doors are typical and are available in certain standard types, in single and divided glass lights. To approach the variety of period door styles will require modification of standard door types, particularly in arrangement of glass lights or necessitate special manufacture.

5. Colors. Rough sawn or milled boards and batten, particularly cedar and redwood, may be retained in a natural finish which ultimately weathers to silver gray in color.

During the period, there was a lack of high gloss finishes, therefore color applications were generally flat in nature. To duplicate this character, flat or low gloss products currently on the market should be utilized. Applied surface colors were predominately flat white for most buildings. Large area surface colors other than white were primarily flat earthy ochres, yellows, browns and reds. Trim was found at the cornices, vertical corner trim of a building, windows and doors, porch and balustrade.

Actual color samples on the proposed materials shall be provided for consideration of approval by the hearings body for all site plans and repainting existing buildings.

C. Architectural Techniques.

Examples of typical western frontier architectural styles found during the turn of the century western United States are illustrated in Section 2.7. The false front architectural characteristic as depicted in Section 2.7. shall be utilized for all new, reconstructed or remodeled uses in the Downtown Commercial District. The only alternative to this shall be applicants providing a photograph or plans of an historical commercial building existing during the 1880's east of the Cascade Mountain in Oregon to be reproduced on the site. Decisions about the appropriateness of a particular design will be made on an individual application by the Hearing Body.

D. Public Art.

All sculpture and visual art displayed for the public in the Downtown Commercial District and located on the exterior of a building or on grounds outside of a building shall be subject to Architectural Theme Design and Planning Commission Approval to insure compatibility with the western frontier theme.

E. Benches.

Benches should be provided in both buildable and private pedestrian areas and walkways. Benches in public areas on private property, adjacent to public right of way shall comply with the western frontier theme.

F. Trash Enclosures.

Trash enclosures shall be carefully located and treated to integrate with the appearance of the site/building design. The roof pitch and materials shall be consistent with the western frontier theme and the style of the adjacent buildings. It is recommended that the placement of the enclosures be combined with neighboring properties where reasonably possible.

G. Lighting.

Lighting shall be low intensity, shaded or shielded and subject to review and shall be compatible with the western frontier theme. Exterior lighting shall comply with Section 3.4.200 m., Exterior Lighting Standards. No fluorescent lighting may be exposed.

H. Building Entrances.

Entrances to the building shall be recessed from the sidewalk to provide for an entryway not in conflict with the pedestrian circulation on the sidewalk.

I. Roof, mechanical equipment and satellite dishes.

Such equipment shall be screened in a method consistent and integral with the overall architectural appearance of the structure.

J. Architectural details.

Attention to detail is of significant importance. Lighting fixtures, gates, exterior window treatments, use of material and color must be considered relative to the western frontier period for authenticity and detail.

K. Awnings, canopies, porches.

Awnings, porches canopies or other additions to a structure shall be reviewed and approved by the Hearing Body and shall be compatible with the western frontier theme. Such additions on corner building shall be continuous around the corner.

L. Fences and Gates

Fences and gates shall be constructed of wood, ornamental iron details appropriate to the period may be utilized.

2.7.2 Airport Overlay District (AO)

A. Purpose.

This overlay zone is intended to prevent the establishment of airspace obstructions within the Sisters Eagle Air Airport approach surfaces that are located within the City of Sisters city limits. The protection of the Airport Imaginary Surfaces will be accomplished through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Sisters.

1. In order to carry out the provisions of this overlay zone there is hereby created an Airport Imaginary Surfaces Map that pertains to the Sisters Eagle Air Airport Imaginary Surfaces that are located within the City of Sisters city limits.
2. The airport overlay zone requirements have been designed to comply with the provisions of the following legislation:
 - a. Federal Aviation Regulations, Part 77 – Objects Affecting Navigable Airspace
 - b. Oregon Administrative Rules, Chapter 738, Division 70, Physical Hazards to Air Navigation
 - c. Oregon Revised Statutes Section 836.310, Airports and Landing Fields
 - d. The Land Conservation and Development Commission Transportation Planning Rule
 - e. Goal 12 - Transportation, of the Oregon Land Conservation and Development Commission Statewide Planning Goals and Guidelines, Planning Guideline 2 and Implementation Guideline 3.
 - f. Policy 12 and 13 from the Transportation section of the Sisters Urban Area Comprehensive Plan.

B. Compliance.

In addition to complying with the provisions of the primary zoning district, all uses and activities shall comply with the provisions of this Airport Overlay Zone. In the event of conflict between any provisions of this overlay zone and the primary zoning district, the more restrictive provision shall apply.

C. Definitions.

1. Airport Approach Safety Zone. The land that underlies the Approach Surface, excluding the Runway Protection Zone.
2. Airport Elevation. The runway elevation above mean sea level (MSL): 3,165 feet (MSL).
3. Airport Hazard. Any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.

2.7.2 Airport Overlay District (AO) - (Continued)

4. Airport Imaginary Surfaces. Those imaginary areas in space which are defined by the Approach Surface, Transitional Surface, Horizontal Surface and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.

5. Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of 1,250 feet for a utility runway having only visual approaches. The Approach Surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward (20:1).

6. Conical Surface. Extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway) and upward extending to a height of 350 feet above the airport elevation.

7. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface and connecting the adjacent arcs by lines tangent to those arcs for a utility runway having only visual approaches.

8. Noise Sensitive Areas. Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 Ldn.

9. Place of Public Assembly. Structure of place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.

10. Primary Surface. A surface longitudinally centered on a runway. The Primary Surface extends 200 feet beyond each end of the runway when the runway has a specially prepared hard surface. The width of the Primary Surface is 250 feet for utility runways having only visual approaches.

11. Runway Protection Zone (RPZ). An area off the runway end (formerly the clear zone) used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. It begins 200 feet beyond the end of the areas usable for takeoff or landing, at a width of 250 feet and extends 1000 feet to a width of 450 feet for utility runways having only visual approaches.

12. Structure. Any manmade object either permanent or temporary, including mobile objects.

13. Transitional Surfaces. Extends seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).

2.7.2 Airport Overlay District (AO) - (Continued)

14. Tree. Any object of natural growth.

15. Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less: Runway 02/20.

16. Visual Runway. A runway that is intended solely for the operation of aircraft using visual approach procedures with no instrument approach procedures that has been approved, or planned, or indicated on an FAA or state planning document or military service airport planning document: Runway 02/20.

D. Permitted Uses. The land uses listed in Table 2.7.100.D are permitted in the Airport Overlay District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 2.7.400.C, and land uses which are approved as “similar” to those in Table 2.7.100, may be permitted. Land uses identified as “Sub-district Only” are permitted only within the applicable sub-district. The land uses identified with a “CU” in Table 2.7.100.D require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.

E. Determination of Similar Land Uses. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.

Table 2.7.100.D Land Uses and Building Types Permitted in the Airport Overlay District (AO)		
<p>A. Permitted Uses</p> <p>Any uses permitted outright in the underlying zone are allowed except as provided in section 190.06 and 190.07.</p>	<p>B. Conditional Uses.</p> <p>Any conditional uses listed in the underlying zone which are allowed except as provided in section 190.06 and 190.07.</p>	
<p>Uses marked with an asterisk (*) are subject to the standards in “Special Standards for Certain Uses.” Temporary uses are subject to the standards in Section 4.9. CU= Conditional Use Permit Required</p>		

F. Prohibited Uses

1. New structures or buildings are not allowed within the Runway Protection Zone.
2. New places of public assembly designed to accommodate 50 people or more are not allowed on land zoned Urban Reserve District (UR) within the first 1,500 feet of the Approach Safety Zone. Farm Uses and single-family dwellings are uses permitted outright in the Urban Area Reserve Zone - UAR-10. Please see Section 2.X. Urban Reserve District (UR) for the specific regulations regarding this zone.
3. New wetland enhancements including migratory bird refuges, water impoundment(s), landfills, waste disposal sites, commercial bird farms or similar uses individually exceeding two (2) acres in size that attract and sustains flocks of birds are not allowed on land beneath the Horizontal Surface.

2.7.2 Airport Overlay District (AO) - (Continued)

4. New uses that interfere with aviation due to height of structures, glare from buildings, smoke, or safety considerations are not allowed. Specific evidence of aviation interference must be demonstrated before a use (not listed above in subsection 04 and 05) is prohibited. The evidence must show that the use will regularly produce an interference listed above, based on its normal operating characteristics.

G. Use and Development Limitations

1. No new structure, except one customarily used for aeronautical purposes, shall penetrate into the Airport Imaginary Surfaces as defined in section 190.03.
2. No glare producing material (unpainted metal, reflective glass, and similar materials, etc.) shall be used on the exterior of structures within the Airport Approach Safety Zone.
3. In noise sensitive areas (within 1,500 feet of the airport runway) a Declaration of anticipated noise from aircraft shall be recorded against the property in the deed records of Deschutes County. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits or final plat approval for land divisions.

Within the first 1500 feet of the Airport Approach Safety Zone, a Hold Harmless Agreement and Aviation and Hazard Easement shall be attached to any building permit for residential or places of public assembly, and shall be recorded against the property in the deed records of Deschutes County. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits.

H. Non Conforming Uses (See also Chapter 5.2)

1. The regulations for this overlay district shall not be construed to require the removal, lowering, or alteration of any structure not conforming to such regulations. The regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Airport Overlay Zone.
2. Notwithstanding the preceding provision of this section, the owner of any existing structure that has an adverse effect on air navigation as determined by Oregon Aeronautics is hereby required to permit the installation, operation, and maintenance of obstruction markers as deemed necessary by the Oregon Aeronautics. Certain objects and structures must be marked to make them more visible to pilots. The installation of any such markers will be based on the characteristics of the structure including location, size or height, shape, function and permanence in addition to effects on air navigation.

I. Procedures. (See also Chapter 4.1 for Applications and Review Procedures that are also applicable to this Overlay District.)

1. All proposed development and uses within the overlay zone are subject to site plan review to determine compliance with the provisions of this district. All land use and building permit applications shall provide a site plan showing:

a. Property boundary lines and elevations as they relate to the Airport Imaginary Surfaces.

b. Location and height of all existing and proposed structures, utility lines and roads.

2. All applications requiring site plan approval within the Airport Imaginary Surfaces and noise corridors shall be submitted to the Aeronautics section of the Oregon Department of Transportation for review. The Oregon Aeronautics has 10 days from date of receipt of an application to review and return comments to the Planning Department.

J. Variances. (See also Chapter 5.1)

1. Any person desiring to erect or increase the height of any structure, or use not in accordance with provisions prescribed in this Ordinance may apply for a variance.

2. Application for Variance must be accompanied by a determination from Oregon Aeronautics and the Federal Aviation Administration as to the effect of the proposal on the safe and efficient use of navigable airspace.

3. Any variance granted may be conditioned as to require the owner of the structure to install, operate and maintain, at the owner's expense, obstruction markers.

4. Procedures for a Variance follow those outlined in Section 5.1.

Chapter 3.0 — Design Standards

3.0 – Design Standards Administration

3.0.100 Applicability

3.0.200 Types of Design Standards

3.1 – Access and Circulation

3.2 – Landscaping, Street Trees, Fences and Walls

3.3 – Vehicle and Bicycle Parking

3.4 – Public Works Standards

3.5 – Surface Water Management

3.6 – Other Design Standards

3.7 – Sensitive Lands

3.0.1 Applicability.

All developments within the City must comply with the provisions of Chapters 3.1 through 3.7. Some developments, such as major projects requiring land division and/or site design review approval, may require detailed findings demonstrating compliance with each chapter of the code. For smaller, less complex projects, fewer code provisions may apply. Though some projects will not require land use or development permit approval (e.g., building of single family houses on platted lots, that are not subject to Chapter 3.7 - Sensitive Lands), they are still required to comply with the provisions of this Chapter.

3.0.2 Types of Design Standards.

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply. The City may prepare checklists to assist property owners and applicants in determining which sections apply.

- A. Chapter 3. The design standards contained within the following chapters apply throughout the City, for all land use types:
- 3.1 - Access and Circulation
 - 3.2 - Landscaping, Street Trees, Fences and Walls
 - 3.3 - Automobile and Bicycle Parking
 - 3.4 - Public Facilities Standards
 - 3.5 - Surface Water Management
 - 3.6 - Other Design Standards
 - 3.7 - Sensitive Lands
- B. Chapter 2. Each land use district (Chapter 2) provides design standards that are specifically tailored to the district. For example, the Residential District contains building design guidelines that are different than those provided in the Commercial District, due to differences in land use, building types, and compatibility issues. In addition, each district provides special standards that are meant to address the impacts or characteristics of certain land uses.

Chapter 3.1 — Access and Circulation

Sections:

3.1.1 - Purpose

3.1.2 - Vehicular Access and Circulation

3.1.3 - Pedestrian Access and Circulation

3.1.1 - Purpose.

The purpose of this chapter is to help insure that developments provide safe and efficient access and circulation, for pedestrians and vehicles. Section 3.1.2 provides standards for vehicular access and circulation. Section 3.1.3 provides standards for pedestrian access and circulation. Standards for transportation improvements are provided in Section 3.4.1.

3.1.2 – Vehicular Access and Circulation.

A. Intent and Purpose. The intent of this Section is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. Access shall be managed to maintain an adequate “performance standards” and to maintain the “functional classification” of roadways as required by the City’s Transportation System Plan. Major roadways, including highways, arterials, and collectors, serve as the primary system for moving people and goods. “Access management” is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. This Section attempts to balance the right of reasonable access to private property with the right of the citizens of the City and the State of Oregon to safe and efficient travel. It also requires all developments to construct planned streets (arterials and collectors) and to extend local streets.

To achieve this policy intent, state and local roadways have been categorized in the Comprehensive Plan by function. (See Chapter 3.4.1) Regulations have been applied to these roadways for the purpose of reducing traffic accidents, personal injury, and property damage attributable to access systems, and to thereby improve the safety and operation of the roadway network. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

B. Applicability. This ordinance shall apply to all public streets within the City and to all properties that abut these streets.

C. Access Permit Required. Access to a public street requires an Access Permit in accordance with

3.1.2 – Vehicular Access and Circulation (Continued)

the following procedures:

1. Permits for access to City streets shall be subject to review and approval by the Public Works Director based on the standards contained in this Chapter, and the provisions of Chapter 3.4.1 - Transportation Standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.
2. Permits for access to State highways shall be subject to review and approval by Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City or Deschutes County. In that case, the City or County shall determine whether access is granted based on its adopted standards.
3. Permits for access to County highways shall be subject to review and approval by Deschutes County except where the County has delegated this responsibility to the City, in which case the City shall determine whether access is granted based on adopted County standards.

D. Traffic Study Requirements. The City or other agency with access jurisdiction may require a traffic study prepared at applicant/developers expense by a qualified professional to determine access, circulation and other transportation requirements. See Section 3.4.1 - Transportation Standards.

E. Conditions of Approval. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. The City shall not permit, except for single-family dwellings, accesses that require backing up a vehicle either into a public street from off-street parking or from a public street into off-street parking.

F. Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods. These methods are “options” to the developer/sub-divider, unless one method is specifically required by Chapter 2 (i.e., under “Special Standards for Certain Uses”). A minimum of 10 feet per lane is required.

1. Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.
2. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
3. Option 3. Access is from a public street adjacent to the development parcel. If practicable, the

3.1.2 – Vehicular Access and Circulation (Continued)

owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Section G, below.

4. Subdivisions Fronting Onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).
5. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the Residential District, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the Residential District, a landscape buffer with trees and/or shrubs and ground cover not less than 15 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner's association, etc.).

Important cross-references to other code sections:

Chapters 2 and 3 may require buildings placed at or near the front property line and driveways and parking areas oriented to the side or rear yard. The City may require the dedication of public right-of-way and construction of a street (e.g., frontage road, alley or other street) when the development impact is proportionate to the need for such a street, and the street is identified by the Comprehensive Plan or an adopted Local Streets Plan. (Please refer to Section 3.4.1 - Transportation Standards.)

G. Access Spacing. Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:

1. Local Streets. A minimum of 50 feet separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials), except as provided in subsection 3, below.
2. Arterial and Collector Streets. Access spacing on collector and arterial streets and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the City's Transportation System Plan. Access to Highway shall be subject to the applicable standards and policies contained in the Salem to Bend Corridor Master Plan, 1998.
3. Special Provisions for All Streets. Direct street access may be restricted for some land uses, in

3.1.2 – Vehicular Access and Circulation *(Continued)*

conformance with the provisions of Chapter 2 - Land Use Districts. For example, access consolidation, shared access, and/or access separation greater than that specified by subsections 1-2, may be required by the City, County or ODOT for the purpose of protecting the function, safety and operation of the street for all users. (See Section 'I' herein) Where no other

alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

4. Corner Clearance. The distance from a street intersection to a driveway or other street access shall meet or exceed the minimum spacing requirements for the street classification in the City's Transportation System Plan.

H. Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards in Section 'G', herein). The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Section I, below, in order to maintain the required access spacing, and minimize the number of access points.

I. Shared Driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
2. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval (Chapter 4.3) or as a condition of site development approval (Chapter 4.2).
3. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.
4. Cross Access. Cross access is encouraged, and may be required, between contiguous sites in Commercial and Industrial Districts and for multi-family housing in the Residential Multi-Family Sub-District of the Residential District, in order to provide for more direct circulation between sites and uses for pedestrians, bicyclists, and drivers.

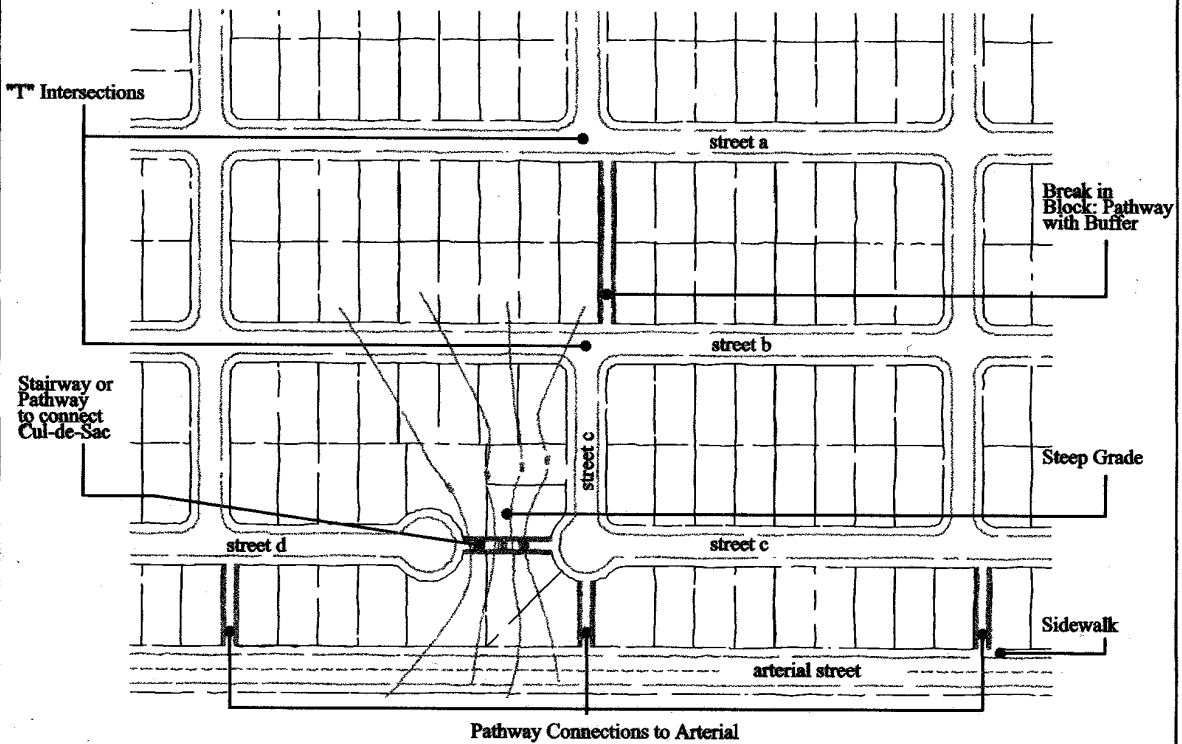
3.1.2 – Vehicular Access and Circulation <i>(Continued)</i>
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Street Connectivity and Formation of Blocks

Standard Blocks

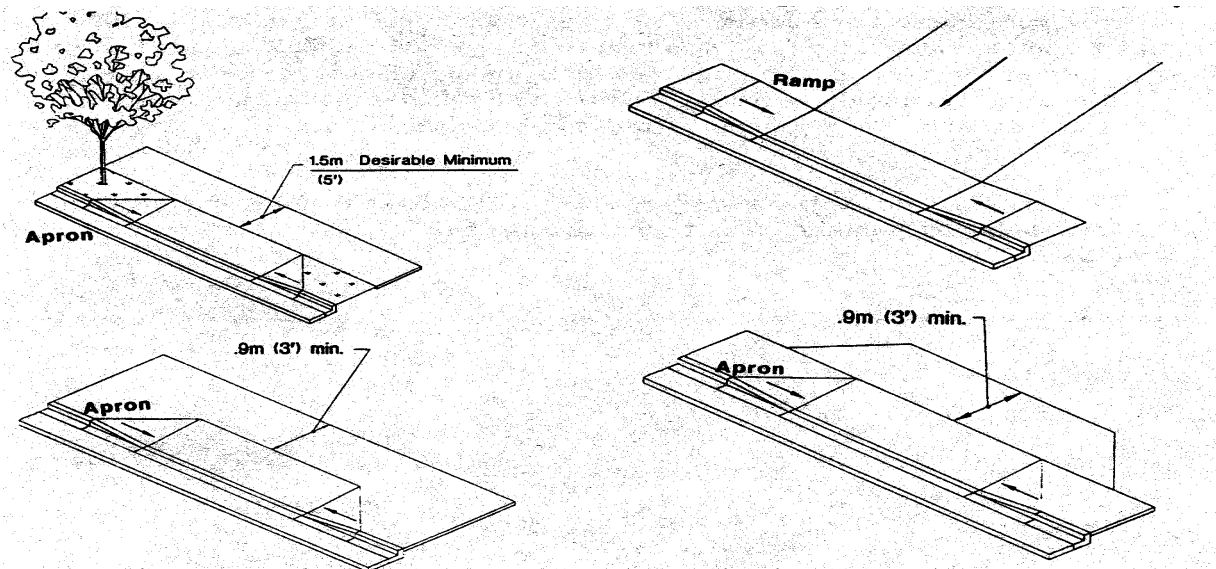


Exceptions



J. Street Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the city, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

1. Block Length and Perimeter. The maximum block length and perimeter shall not exceed:
 - a. 600 feet length and 1,600 feet perimeter in the Residential District;
 - b. 400 feet length and 1,200 feet perimeter in the Downtown Commercial District except as provided by Chapter 2.2, Section 140 - Block Layout and Building Orientation;
 - c. Not applicable to the I Industrial District;
 - d. 600 feet length and 1,600 feet perimeter in the Light Industrial District, except as required for commercial developments subject to Chapter 2.2, Section 140;
2. Street Standards. Public and private streets shall also conform to Chapter 3.4.1 - Transportation Standards, Section 3.1.3 - Pedestrian Circulation, and applicable Americans With Disabilities Act (ADA) design standards.
3. Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of Section 3.1.3.A. Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles.



K. Driveway Openings. Driveway openings [or curb cuts] shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

1. Single family and two-family, uses shall have a minimum driveway width of 10 feet, and a

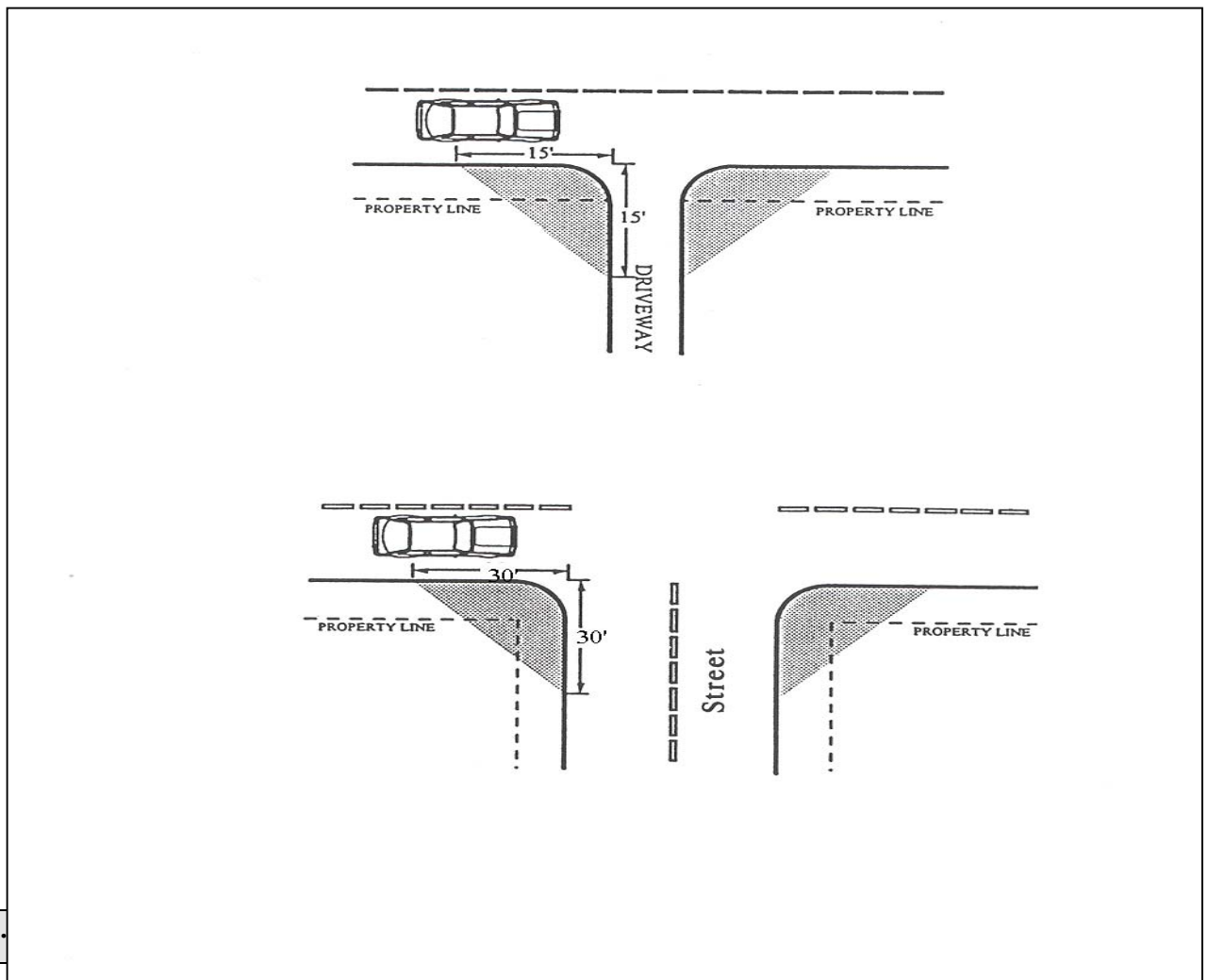
maximum width of 24 feet, (except that one recreational vehicle pad driveway may be provided in addition to the standard driveway for each lot.

2. Multiple family uses with between 3 and 7 dwelling units shall have a minimum driveway width of 20 feet, and a maximum width of 24 feet.
 3. Multiple family uses with more than 8 dwelling units, and off-street parking areas with 16 or more parking spaces, shall have a minimum driveway width of 24 feet, and a maximum width of 30 feet. These dimensions may be increased if the Planning Director determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.
 4. Access widths for all other uses shall be based on 10 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Chapter 3.3.
 5. Driveway Aprons. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown above. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous route of travel that is a minimum of 3 feet in width, with a cross slope not exceeding 2 percent.
 6. Driveway Approaches. Driveway approaches should be designed and located to provide an existing vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes or tapers should be avoided due to the potential for vehicle conflicts.
 7. Loading Area Design. The design of driveways and on-site maneuvering and loading areas for commercial and industrial developments shall consider the anticipated storage length for entering and existing vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.
- L. Fire Access and Parking Area Turn-around.** A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to Chapter 3.4.1.M.
- M. Vertical Clearances.** Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6 " for their entire length and width.
- N. Vision Clearance.** No signs, structures or vegetation in excess of three feet in height shall be placed in "vision clearance areas", as shown in Figure 3.1.N. This standard applies to the following types of roadways: streets, alleyways and railways. The minimum vision clearance area may be increased by the City Engineer upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.).

O. Construction. The following development and maintenance standards shall apply to all driveways and private streets.

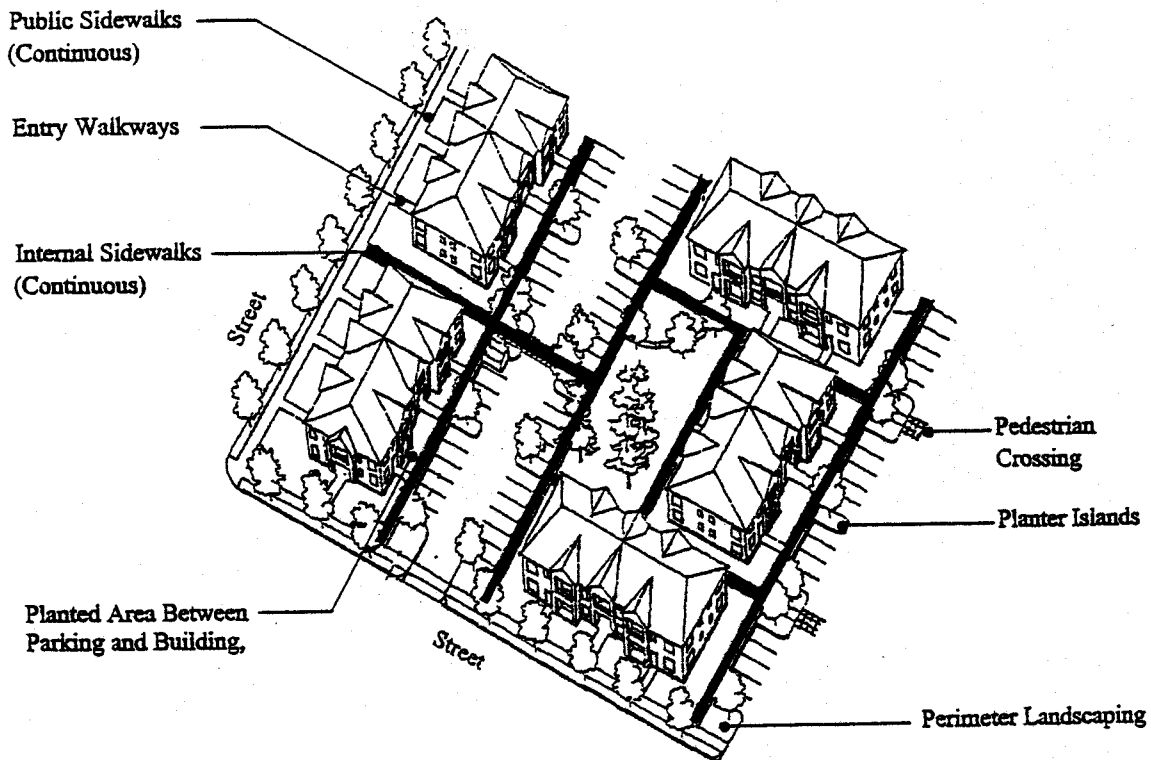
1. Surface Options. Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing, or in areas other than Commercial District, durable non-paving material may be used to reduce surface water runoff and protect water quality. Paving surfaces shall be subject to review and approval by the Public Works Director.
2. Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with City standards. Swales may be considered to control surface water.
3. Driveway Aprons. When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing. (See also, Section 3.1.2K.)

Figure 3.1.N - Vision Clearance Area



3.

**Pedestrian System for Multi-Family Development
Figure 3.1.3A**



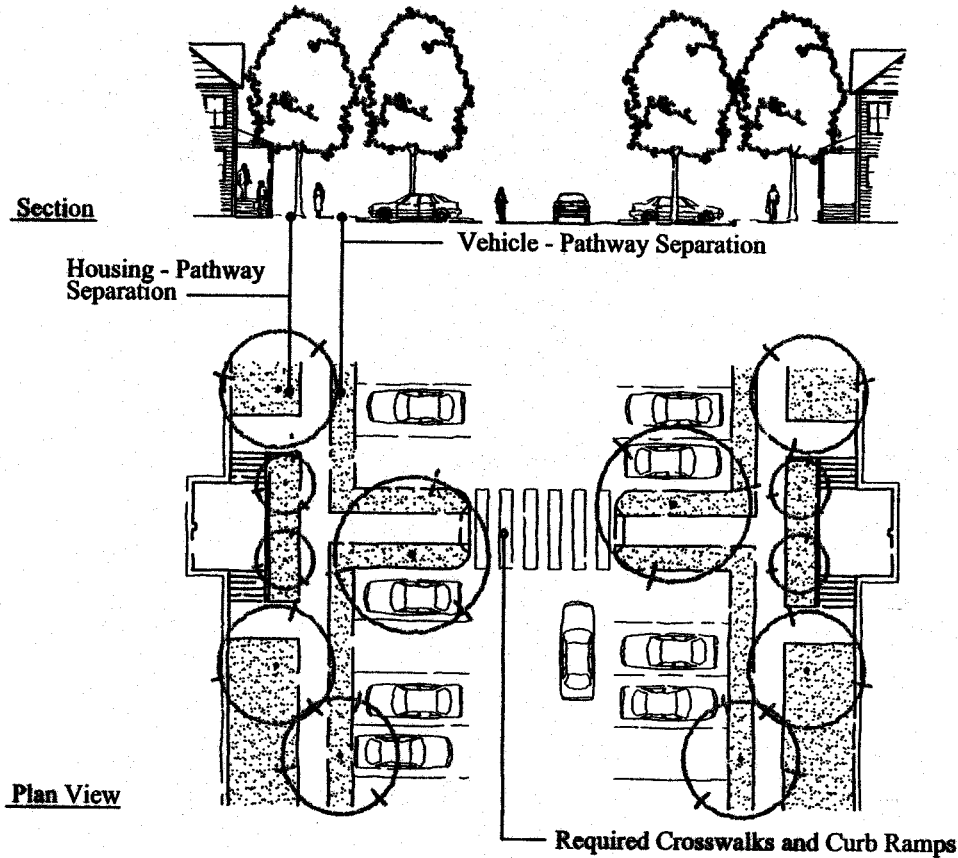
To ensure safe, direct and convenient pedestrian circulation, all developments, except single family detached housing (i.e., on individual lots) and a duplex, shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsections 1-3, below:

1. Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 3.1.2 - Vehicular Access and Circulation, and Chapter 3.4, Section 1 - Transportation Standards.
2. Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:
 - a. Reasonably direct. A route that does not deviate unnecessarily from a straight line or a

3.1.3 – Pedestrian Access and Circulation (Continued)

- route that does not involve a significant amount of out-of-direction travel for likely users.
- b. Safe and convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
 - c. For commercial, industrial, mixed use, public, and institutional buildings, the “primary entrance” is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
 - d. For residential buildings the “primary entrance” is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard or breezeway which serves as a common entrance for more than one dwelling.
3. Connections Within Development. For all developments subject to Site Design Review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.
4. Street Connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 3.1.2. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:
- a. Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 10 feet wide and located within a 20-foot-wide right-of-way or easement that allows access for emergency vehicles;
 - b. If the streets within the subdivision or neighborhood are lighted, the pathways shall also be lighted;
 - c. Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;
 - d. The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties;
 - e. The hearings body [or city official] may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.

3.1.3 – Pedestrian Access and Circulation (Continued)



B. Design and Construction. Pathways shall conform to all of the standards in 1-5:

1. Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
2. Housing/Pathway Separation. Pedestrian pathways shall be separated a minimum of 5 feet from all residential living areas on the ground floor, except at building entrances. Separation is measured as measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of Chapter 3.3. No pathway/building separation is required for commercial, industrial, public, or institutional uses.

3.1.3 – Pedestrian Access and Circulation (Continued)

3. Crosswalks. Where pathways cross a parking area, driveway, or street (“crosswalk”), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application.
4. Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 6 feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 10 feet wide. (See also, Section 3.4.1 - Transportation Standards for public, multi-use pathway standard.)
5. Accessible routes. Pathways shall comply with the Americans With Disabilities Act, which requires accessible routes of travel.

Chapter 3.2 — Landscaping, Street Trees, Fences and Walls

Sections:

3.2.100 Purpose

3.2.200 Landscape Conservation

3.2.300 New Landscaping

3.2.400 Street Trees

3.2.500 Fences and Walls

3.2.100 - Purpose.

The purpose of this chapter is to promote community health, safety and welfare by protecting natural vegetation, and setting development standards for landscaping, street trees, fences and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces.

The chapter is organized into the following sections:

Section 3.2.200- Landscape Conservation prevents the indiscriminate removal of significant trees and other vegetation, including vegetation associated with streams, wetlands and other protected natural resource areas. This section cross-references Chapter 3.7, which regulates development of sensitive lands.

Section 3.2.300 -New Landscaping sets standards for and requires landscaping of all development sites that require Site Design Review. This section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other landscaping standards are provided in Chapter 2 - Land Use Districts, for specific types of development.

Section 3.2.400 - Street Trees sets standards for and requires planting of trees along all streets for shading, comfort and aesthetic purposes.

Section 3.2.500 - Fences and Walls, sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics.

3.2.2 - Landscape Conservation

A. Applicability. All development sites containing Significant Vegetation, as defined below, shall comply with the standards of this Section. The purpose of this Section is to incorporate significant native vegetation into the landscapes of development [and protect vegetation that is subject to requirements for Sensitive Lands (Chapter 3.7)]. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems.

B. Significant Vegetation. “Significant Vegetation” means:

1. Significant Trees and Shrubs and Flora. Individual Ponderosa Pines with a trunk diameter of 12 inches or greater, as measured 4 feet above the ground (DBH), and all plants within the drip line of such trees, shall be protected whenever practical. All measures shall be taken to protect significant/endangered vegetation. Other trees may be deemed significant, when nominated by the property owner and designated by the City Council as “Heritage Trees” (i.e., by virtue of site, rarity, historical significance, etc.)
2. Sensitive Lands. Trees and shrubs on sites that have been designated as “Sensitive Lands”, in accordance with Chapter 3.7 (e.g., due to slope, natural resource areas, wildlife habitat, etc.) shall be protected.
3. Exception: Protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for Deschutes County.

C. Mapping and Protection Required. Significant vegetation shall be mapped as required by Chapter 4.2 – Development Review and Site Design Review [and Chapter 3.7 - Sensitive Lands]. Significant trees shall be mapped individually and identified by species and size (diameter at 4 feet above grade, or “DBH”). A “protection” area shall be defined around the edge of all branches (drip-line) of each tree (drip lines may overlap between trees). The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.

D. Protection Standards. All of the following protection standards shall apply to significant vegetation areas:

1. Protection of Significant Trees (Section B.1) Significant trees identified as meeting the criteria in Section B.1 shall be retained whenever practical. Preservation may become impractical when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district.
2. Sensitive Lands (Section B.2). Sensitive lands shall be protected in conformance with the provisions of Chapter 3.7.

3. Conservation Easements and Dedications. When necessary to implement the Comprehensive Plan, the City may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees and natural rock outcroppings.

E. Construction. All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area, and any required mitigation is provided in conformance with Chapter 3.7 - Sensitive Lands.

F. Exemptions. The protection standards in “D” shall not apply in the following situations:

1. Dead, Diseased, and/or Hazardous Vegetation. Vegetation that is dead or diseased, or poses a hazard to personal safety, property or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.
2. Emergencies. Significant vegetation may be removed in the event of an emergency without land use approval pursuant to Chapter 4, when the vegetation poses an immediate threat to life or safety, as determined by the City Administrator or designate. The City Administrator shall prepare a notice or letter of decision within 7 days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.

3.2.3 - New Landscaping

A. Applicability. This Section shall apply to all developments requiring Site Design Review, and other developments with required landscaping.

B. Landscaping Plan Required. A landscape plan is required. All landscape plans shall conform to the requirements in Chapter 4.2.5Section 5. Landscape Plan.

C. Landscape Area Standards. The minimum percentage of required landscaping equals:

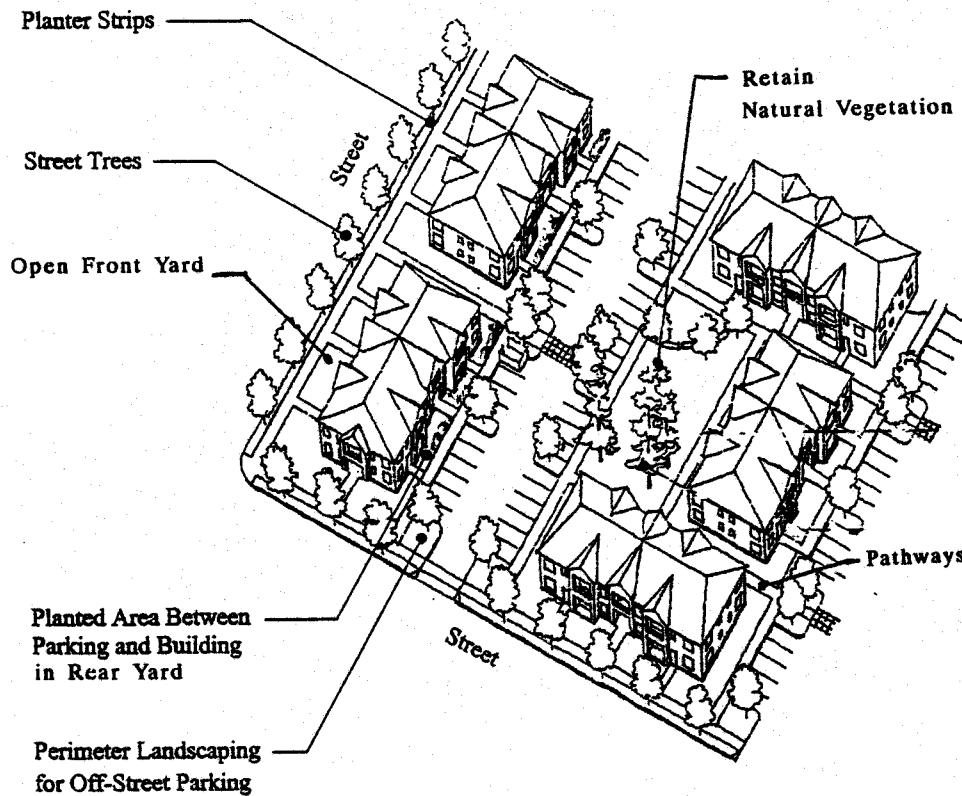
1. Residential Districts. 20 percent of the site shall be landscaped.
2. Commercial District. 10 percent of the site shall be landscaped.
3. Industrial District. 20 percent of the site shall be landscaped.
4. Public Facility District: 20 percent of the site shall be landscaped.

D. Landscape Materials. Landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below:

1. Natural Vegetation. Natural vegetation shall be preserved or planted where practical.

2. Plant Selection. A combination of trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. As necessary, soils shall be amended to allow for healthy plant growth.
3. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 30 percent of the required landscape area; except in the Commercial District where hardscape features may cover up to 50 percent of the landscape area. Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
4. Non-plant Ground Covers. Bark dust, chips, aggregate or other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped. "Coverage" is measured based on the size of plants at maturity or after 2 years of growth, whichever comes sooner.
5. Tree Size. Trees shall have a minimum caliper size of 2 inches or greater measured 4 feet above grade.
6. Ground Cover Ground cover plants shall be sized and spaced so that they grow together to cover a minimum of 75 percent of the underlying soil within 5 years.
7. Storm Water Facilities. Storm water facilities (e.g., detention/retention ponds and swales) shall be landscaped with water tolerant, native plants.

Figure 3.2.3 - Landscape Areas in a Multiple Family Development (Typical)



E. Landscape Design Standards. All yards, parking lots and required street tree planter strips shall be landscaped in accordance with the provisions of this Chapter (Sections 3.2.1 through 3.2.5). Landscaping shall be installed with development to provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering, based on the following standards:

1. Yard Setback Landscaping. Landscaping shall satisfy the following criteria:
 - a. Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes;
 - b. Use shrubs and trees as wind breaks, as appropriate;
 - c. Retain natural vegetation, as practical;
 - d. Define pedestrian pathways and open space areas with landscape materials;
 - e. Provide focal points within a development, such as signature trees (i.e., large or unique trees), hedges and flowering plants;
 - f. Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided;
 - g. Use a combination of plants for year-long color and interest;

F. Maintenance and Irrigation. The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All other landscape features required by this Code shall be maintained in good condition, or otherwise replaced by the owner. Irrigation systems connected to the City water system shall have a back-flow prevention device installed as required by City Code. See City Code Chapter 13.40 for standards.

G. Additional Requirements. Additional buffering and screening may be required for specific land uses, as identified by Chapter 2, and the City may require additional landscaping through the Conditional Use Permit process (Chapter 4.4).

3.2.4 - Street Trees

Street trees shall be planted for all developments that are subject to Land Division or Site Design Review. Requirements for street tree planting strips are provided in Chapter 3.4.1 - Transportation Standards. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

A. Street Tree Standards. Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following applies to street tree planting and selection:

1. Street trees shall be planted between 5' and 15' of the curb, wherever possible.
2. Street trees shall be placed at an average of 45' maximum distance apart from one another. Reduced separation may be required for smaller species of trees. Variety in tree placement using clusters of trees and uneven spacing is encouraged.
3. An approved tree grate or other surface treatment acceptable to the Planning Director or designee shall be used for street trees planted in paved or concrete areas.
4. Street trees shall be pruned to maintain a minimum clearance of 8 feet above sidewalks, and 14 feet above streets, alleys, and other rights of way.
5. Existing trees may be used as street trees if they are not killed or damaged from any new development. Sidewalks of variable width and elevation may be used to save existing street trees.
6. Existing street trees removed as the result of development shall be replaced by the developer with trees approved for specie type as described herein.
7. Low-growing trees shall be required for spaces under utility wires.
8. Narrow or "columnar" trees may be used where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
9. Trees that are susceptible to insect damage shall be avoided.
10. Trees that produce excessive seeds or fruit are prohibited as street trees.
11. Street trees shall be those species suitable for the location in which they are placed. Approved tree species include the following tree types:

Small trees (under 25 feet at maturity)

- a. Canada Red Cherry (*Prunus Virginiana* 'Shubert')

- b. Flowering Crabapple (*Malus* 'variety')
- c. Hawthorn (*Crataegus* 'variety')
- d. Japanese Lilac (*Syringa reticulata*)
- e. Serviceberry (*Amelanchier*)
- f. Honey Locust (*Gleditsia tricanthos* 'variety')

Medium trees (30 to 45 feet at maturity)

- g. Flowering Plum
- h. American Hornbeam (*Carpinus caroliniana*)
- i. Callery Pear (*Pyrus calleryana*)
- j. Hedge Maple (*Acer campestre*)
- k. Mountain Ash (*Sorbus acuparia* 'variety')

Tall trees (over 50 feet at maturity)

- l. Birch (*Betula pendula* 'variety')
- m. Green Ash (*Fraxinus pennsylvanica*)
- n. Honey Locust (*Gleditsia tricanthos* 'variety')
- o. Littleleaf Linden (*Tilia cordata*)
- p. Norway Maple (*Acer platanoides* 'variety')
- q. Pin Oak (*Quercus palustris*)
- r. Red Maple (*Acer rubrum* 'variety')
- s. Red Oak (*Quercus rubra*)

- B. Caliper Size.** The minimum caliper size at planting shall be 2 inches, based on the American Association of Nurserymen Standards.
- C. Location.** Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips.
- D. Street Tree Maintenance.** The adjacent property owner shall be responsible for ongoing irrigation and tree maintenance after planting; including replacement as necessary.
- E. Assurances.** The developer shall install all required landscaping prior to the occupancy of the development. In the event that installation needs to be delayed, the City shall require the developer to provide an estimate of landscaping improvement costs to the City. Upon acceptance of this amount, the City shall require a performance bond in the amount of 120 percent of the accepted estimate from the owner/developer. When all landscaping improvements are finished, 90 percent of the bond is then released to the owner or provider of the bond, and 10 percent is retained by the City.

3.2.5 - Fences and Walls

The following standards shall apply to all fences and walls:

- A. General Requirements.** All fences and walls shall comply with the standards of this Section. The

City may require installation of walls and/or fences as a condition of development approval, in accordance with Chapter 4.2 - Conditional Use Permits or Chapter 4.4 - Site Design Review. Walls built for required landscape buffers shall comply with Section 3.2.3.

B. Dimensions.

1. The maximum allowable height of fences and walls is 6 feet, as measured from the lowest grade at the base of the wall or fence. Retaining walls and terraced walls may exceed 6 feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. A building permit is required for walls exceeding 4 feet in height, in conformance with the Uniform Building Code.
2. The height of fences and walls within a front yard setback shall not exceed 4 feet (except decorative arbors, gates, etc.), as measured from the grade closest to the street right-of-way.
2. Walls and fences to be built for required buffers shall comply with Section 3.2.3.
4. Fences and walls shall comply with the vision clearance standards of Section 3.1.2.

C. Materials. In the areas within the Western Frontier Architectural Design Theme, only wood or ornamental iron details appropriate to the period shall be used. See The Western Frontier Architectural Design Theme Chapter 2.7.1.

D. Maintenance. For safety and for compliance with the purpose of this Chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the owner.

Chapter 3.3 — Vehicle and Bicycle Parking

Sections:

3.3.1 - Purpose

3.3.2 - Applicability

3.3.3 - Automobile Parking Standards

3.3.4 - Bicycle Parking Standards

3.3.1 - Purpose

The purpose of this chapter is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle parking facilities can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. This chapter recognizes that each development has unique parking needs by providing a flexible approach for determining parking space requirements (i.e., “minimum” and “performance-based” standards). This chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

3.3.2 - Applicability.

All developments subject to site design review (Chapter 4.2), including development of parking facilities, shall comply with the provisions of this Chapter.

3.3.3 - Vehicle Parking Standards.

A. The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards in Section 3.3.3.A. Within the downtown commercial parking district, thirty (30%) percent of parking required for a specific use or site shall be provided off street, out of the public right of way, however, the “maximum parking” standards of this Chapter apply.

The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway or landscape area. Credit up to seventy (70%) percent shall be allowed for “on-street parking”, as provided in Section 3.3.3.B., in the parking district.

Residential Uses

Single family detached housing. Two parking spaces shall be provided for each detached single family dwelling or manufactured home on an individual lot.

Two- and three-family housing. 1.5 space per dwelling unit.

Multi-family and single family attached housing.

- a. Studio units or 1-bedroom units less than 500 sq. ft.—1.5 space/unit.
- b. 1-bedroom units 500 sq. ft. or larger—1.5 spaces/unit.
- c. 2-bedroom units—1.5 spaces/unit.
- d. 3-bedroom or greater units—2 spaces/unit.
- e. Retirement complexes for seniors 55-years or greater—1.5 spaces per unit.

Rooming, Bed and Breakfast, and boarding houses, dormitories. Two spaces for each three guest rooms, or one per three beds, whichever is more;

Senior housing. Same as for retirement complexes.

Manufactured home parks. Same as for single family detached housing.

Accessory dwelling. One space per unit.

Commercial Uses

Auto, boat or trailer sales, retail nurseries and similar bulk retail uses. One space per 1,000 square feet of the first 10,000 square feet of gross land area; plus one space per 5,000 square feet for the excess over 10,000 square feet of gross land area; and one space per two employees.

Business, general retail, personal services. General - one space for 350 square feet of gross floor area. Furniture and appliances sales - one space per 700 square feet of gross floor area.

Chapels and mortuaries. One space per four fixed seats in the main chapel.

Hotels and motels. One space for each guest room, plus one space for the manager.

Offices. Medical and Dental Offices - one space per 350 square feet of gross floor area; General Offices - one space per 350 square feet of gross floor area.

Restaurants, bars, ice cream parlors and similar uses. One space per four seats or one space per 100-sq. ft. of gross leasable floor area, whichever is less.

Theaters, auditoriums, stadiums, gymnasiums, similar uses. One space per four seats.

Industrial Uses

Industrial uses, except warehousing. One space per two employees on the two largest shifts, plus one space per company vehicle.

Warehousing. One space per 1,000 square feet of gross floor area plus one for each two employees, plus one space per company vehicle.

Public utilities (gas, water, telephone, etc.), not including business offices. One space per employee on the two largest shifts, plus one space per company vehicle; a minimum of two spaces is required.

Public and Institutional Uses

Child care centers having 13 or more children. One space per employee plus one space per 4 children of design; a minimum of two spaces is required.

Churches and similar places of worship. One space per four seats.

Golf courses, except miniature. Eight spaces per hole, plus additional spaces for auxiliary uses set forth in this section. Miniature golf courses -four spaces per hole.

Hospitals. Two spaces per patient bed.

Nursing and convalescent homes. One space per three patient beds plus one per employee.

Rest homes, homes for the aged, or assisted living. One space per two patient beds or one space per apartment unit plus one per employee.

Schools, elementary and junior high. One and one-half spaces per classroom, or the requirements for public assembly areas as set forth herein, whichever is greater.

High schools. One and one-half spaces per classroom, plus one space per 10 students the school is designed to accommodate, or the requirements for public assembly as set forth herein, whichever is greater.

Colleges, universities and trade schools. One and one-half spaces per classroom, plus one space per five students the school is designed to accommodate, plus requirements for on-campus student housing.

Unspecified Uses

Where a use is not specifically listed in this table, parking requirements shall be determined by finding that a use is similar to those listed in terms of parking needs.

B. On-Street Parking Credit. Within the parking district, the amount of off-street parking required shall be reduced by one off-street parking space for every on-street parking space adjacent to the development up to 30% of the required parking. On-street parking shall follow the established configuration of City of Sisters on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards. The following constitutes an on-street parking space:

- a. Parallel parking, each 20 feet of uninterrupted curb;
- b. 60 degree diagonal, each with 11 feet of curb;
- c. 90 degree (perpendicular) parking, each with 10 feet of curb;
- d. Curb space must be connected to the lot which contains the use;
- e. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
- f. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces are permitted.

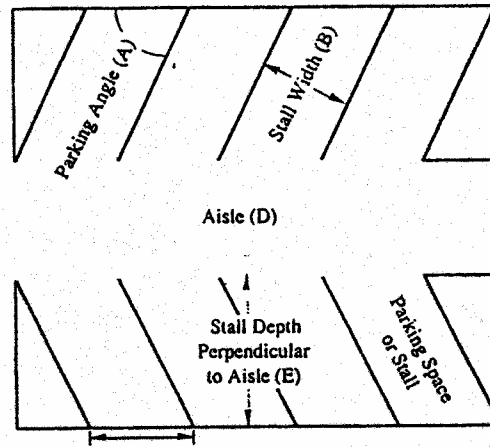
C. Parking Location and Shared Parking.

1. Location. Vehicle parking is allowed only on approved parking shoulders (streets), within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations for parking are indicated in Chapter 2 for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys, for some uses). (See also, Section 3.1 - Access and Circulation).
2. Off-site parking. Except for single family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 700 feet of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.
3. Mixed uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly.
4. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.
5. Availability of facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable. Signs shall conform to the standards of Chapter 3.6.

D. Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this Section by more than 10%. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, may not apply towards the maximum number of allowable spaces. Parking spaces provided through “shared parking” also do not apply toward the maximum number.

E. Parking Stall Standard Dimensions and Compact Car Parking. All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management and striping, and provide dimensions in accordance with the following table. Disabled person parking shall be provided in conformance with Section F. The number of designated Compact Car Parking spaces shall not exceed 30% of the required off street parking spaces.

Figure 3.3.3 - Parking Dimensions



Minimum Parking Space and Aisle Dimensions						
Angle (A)	Type	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Standard	8 ft.	22 ft. 6 in.	12 ft.	24 ft.	8 ft.
	Compact	7 ft. 6 in.	19 ft. 6 in.	12 ft.	24 ft.	7 ft. 6 in.
	Disabled					
30°	Standard	9 ft.	18 ft.	12 ft.	24 ft.	17 ft.
	Compact	7 ft. 6 in.	15 ft.	12 ft.	24 ft.	14 ft.
	Disabled					
45°	Standard	9 ft.	12 ft. 6 in.	12 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	10 ft. 6 in.	12 ft.	24 ft.	16 ft.
	Disabled					
60°	Standard	9 ft.	10 ft. 6 in.	18 ft.	24 ft.	20 ft.
	Compact	7 ft. 6 in.	8 ft. 6 in.	15 ft.	24 ft.	16 ft. 6 in.
	Disabled					
90°	Standard	9 ft.	9 ft.	24 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	7 ft. 6 in.	22 ft.	24 ft.	15 ft.
	Disabled					

See also, Chapter 2 - Land Use District standards; Chapter 3.1 - Access and Circulation; Chapter 3.2 - Landscaping;

F. Disabled Person Parking Spaces. The following parking shall be provided for disabled persons, in conformance with the Americans With Disabilities Act and State Law. Disabled parking is included in the minimum number of required parking spaces in Section E. (Note: State Law may change this Federal table.)

Figure 3.3.3 F – Disabled Person Parking Requirements

Minimum Number of Accessible Parking Spaces ADA Standards for Accessible Design 4.1.2 (5)			
Total Number of Parking spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
Column A			
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column A*	7/8 of Column A**

* one out of every 8 accessible spaces ** 7 out of every 8 accessible parking spaces



ADA
Design Guide

1

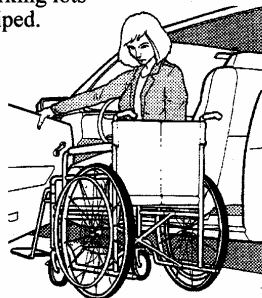
Restriping Parking Lots

Accessible Parking Spaces

When a business, State or local government agency, or other covered entity restripes a parking lot, it must provide accessible parking spaces as required by the ADA Standards for Accessible Design. Failure to do so would violate the ADA.

In addition, businesses or privately owned facilities that provide goods or services to the public have a continuing ADA obligation to remove barriers to access in existing parking lots when it is readily achievable to do so. Because restriping is relatively inexpensive, it is readily achievable in most cases.

This ADA Design Guide provides key information about how to create accessible car and van spaces and how many spaces to provide when parking lots are restriped.



Accessible Parking Spaces for Cars

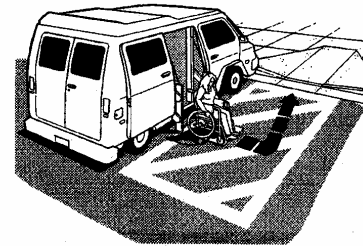
Accessible parking spaces for cars have at least a 60-inch-wide access aisle located adjacent to the designated parking space. The access aisle is just wide enough to permit a person using a wheelchair to enter or exit the car. These parking spaces are identified with a sign and located on level ground.

Van-Accessible Parking Spaces

Van-accessible parking spaces are the same as accessible parking spaces for cars except for three features needed for vans:

- a wider access aisle (96") to accommodate a wheelchair lift;
- vertical clearance to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space, and
- an additional sign that identifies the parking spaces as "van accessible."

One of eight accessible parking spaces, but always at least one, must be van-accessible.



3.3.4 - Bicycle Parking Requirements.

All uses which are subject to Site Design Review shall provide bicycle parking, in conformance with the following standards, which are evaluated during Site Design Review:

- A. Number of Bicycle Parking Spaces. The following additional standards apply to specific types of development:
1. Multi-Family Residences. Every residential use of four (4) or more dwelling units provides at least one sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.
 2. Parking Lots. All public and commercial parking lots and parking structures provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.
 3. Schools. Elementary and middle schools, both private and public, provide one bicycle parking space for every 10 students and employees. High schools provide one bicycle parking space for every 5 students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
 4. Colleges and trade schools provide one bicycle parking space for every 10 motor vehicle spaces plus one space for every dormitory unit. Fifty percent of the bicycle parking spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
 5. Commercial District. Within the Commercial district, bicycle parking for customers shall be provided along the street at a rate of at least one space per use. Individual uses shall provide their own parking, or spaces may be clustered to serve up to six (6) bicycles. Bicycle parking spaces shall be located in front of the stores along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Inverted "U" style racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. Customer spaces may or may not be sheltered. When provided, sheltered parking (within a building, or under an eave, overhang, or similar structure) shall be provided at a rate of one space per 10 employees, with a minimum of one space per store.
 6. Multiple Uses. For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required.
- B. Exemptions. This Section does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, or other developments with fewer than 10 vehicle parking spaces.
- C. Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, street lights, planters and other pedestrian amenities.

- D. Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;
- E. Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;
- F. Lighting. Bicycle parking shall be least as well lit as vehicle parking for security.
- G. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- H. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as not to conflict with vision clearance standards (Chapter 3.1 - Access and Circulation).

Chapter 3.4 — Public Works Standards

Sections:

- 3.4.000 Purpose and Applicability
- 3.4.100 Standards and Specifications
- 3.4.200 Transportation Improvements and Public Use Areas
- 3.4.300 Sanitary Sewer and Water Service Improvements
- 3.4.400 Storm Drainage Improvements
- 3.4.500 Utilities
- 3.4.600 Easements
- 3.4.700 Construction Plan Approval and Assurances
- 3.4.800 Installation
- 3.4.900 Exterior Lighting Standards

3.4.0 Purpose and Applicability

- A. Purpose.** The purpose of this chapter is to provide planning and design standards for public and private transportation facilities and utilities. Streets are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this Chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth, and provide a range of transportation options, including options for driving, walking and bicycling. This Chapter is also intended to implement the City's Transportation System Plan

Important cross-reference to other standards: All public improvements shall be in conformance with the City of Sisters Public Works Construction Standards for the City of Sisters, Oregon, November, 1999. The City requires that streets provide direct and convenient access, including regular intersections. Chapter 3.1 - Access and Circulation, provides standards for intersections and blocks, and requires pedestrian access ways to break up long blocks.

- B. When Standards Apply.** Unless otherwise provided, the standard specifications for construction, reconstruction or repair of transportation facilities, utilities and other public improvements within the City shall occur in accordance with the City of Sisters Public Works Construction Standards and this Chapter . No development may occur unless the public facilities related to development comply with the public works requirements established in this Chapter.

3.4.1 Public Works Standards and Specifications

A. General.

This section is a reference to the "Public Works Construction Standards for the City of Sisters Oregon", November 1999, adopted by ordinance no. 298. All required standards and specifications as stated within the referenced document are applicable to this section.

Figure 3.4.100.F
City of Sisters Street Standards

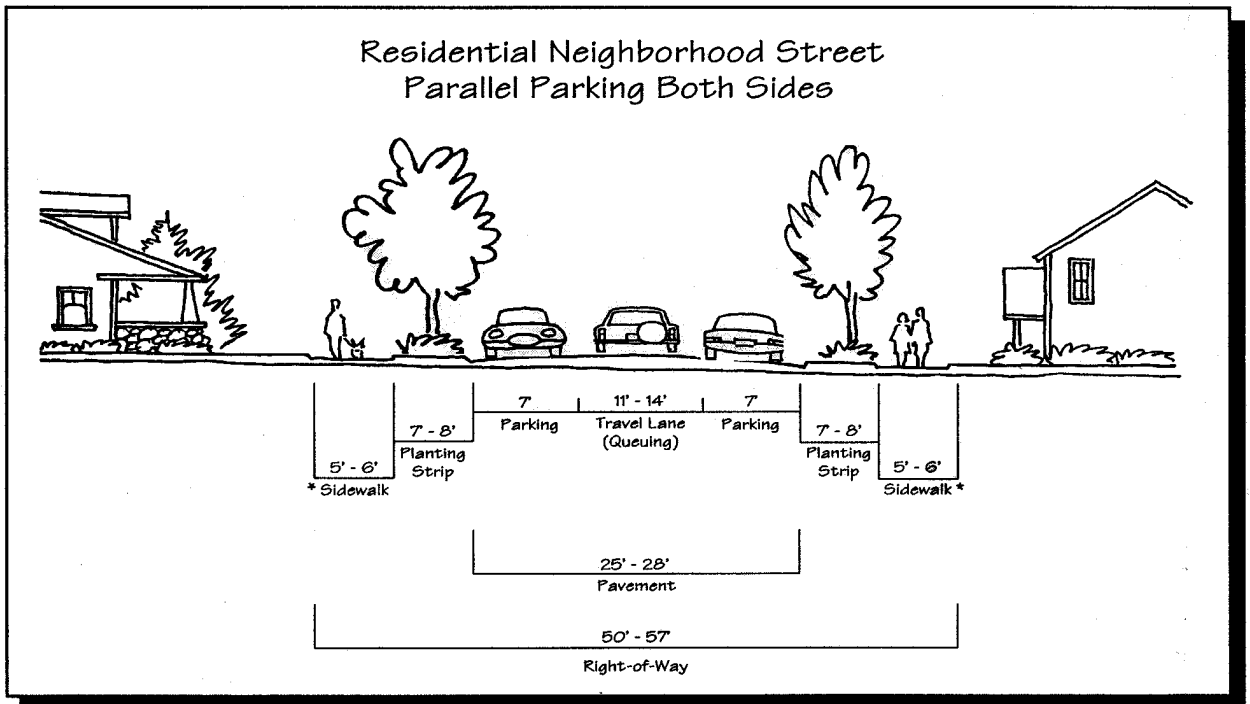
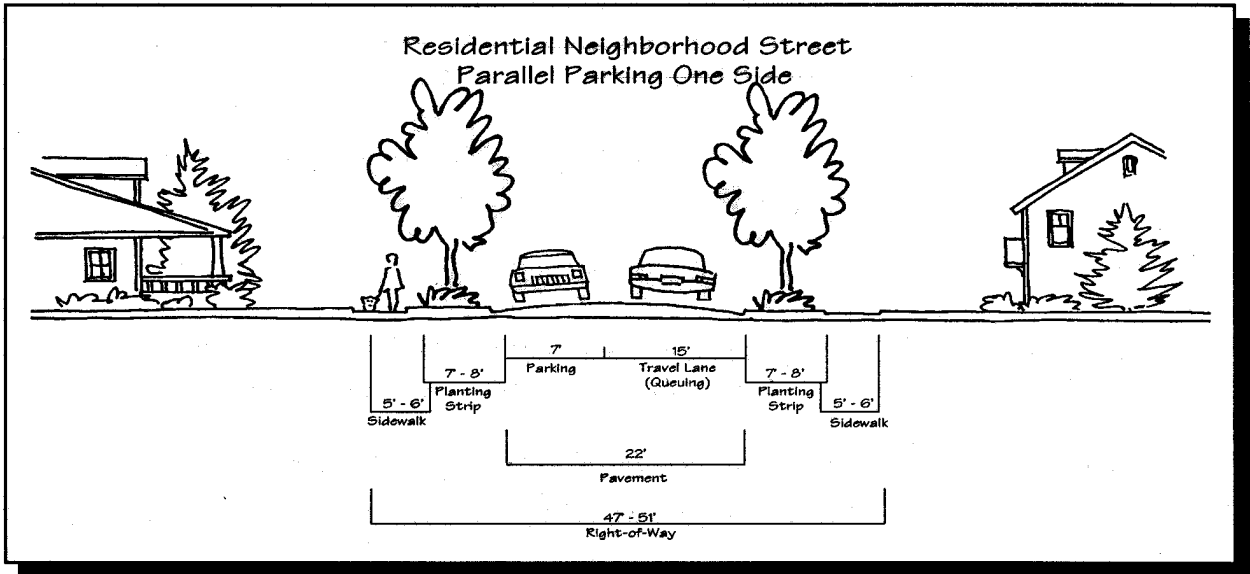
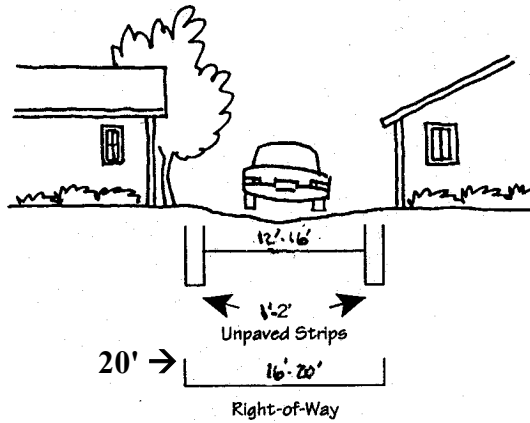
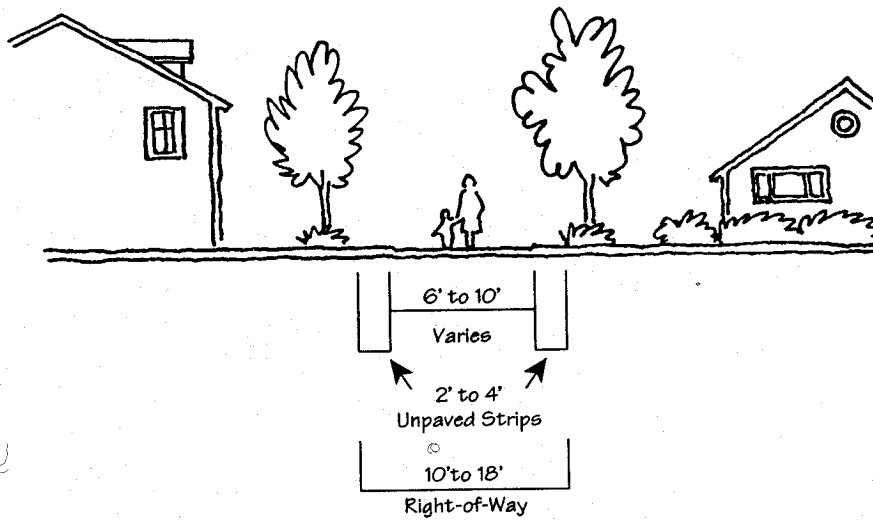


Figure 3.4.100.F - City of Sisters Street Standards

Alley / Lane

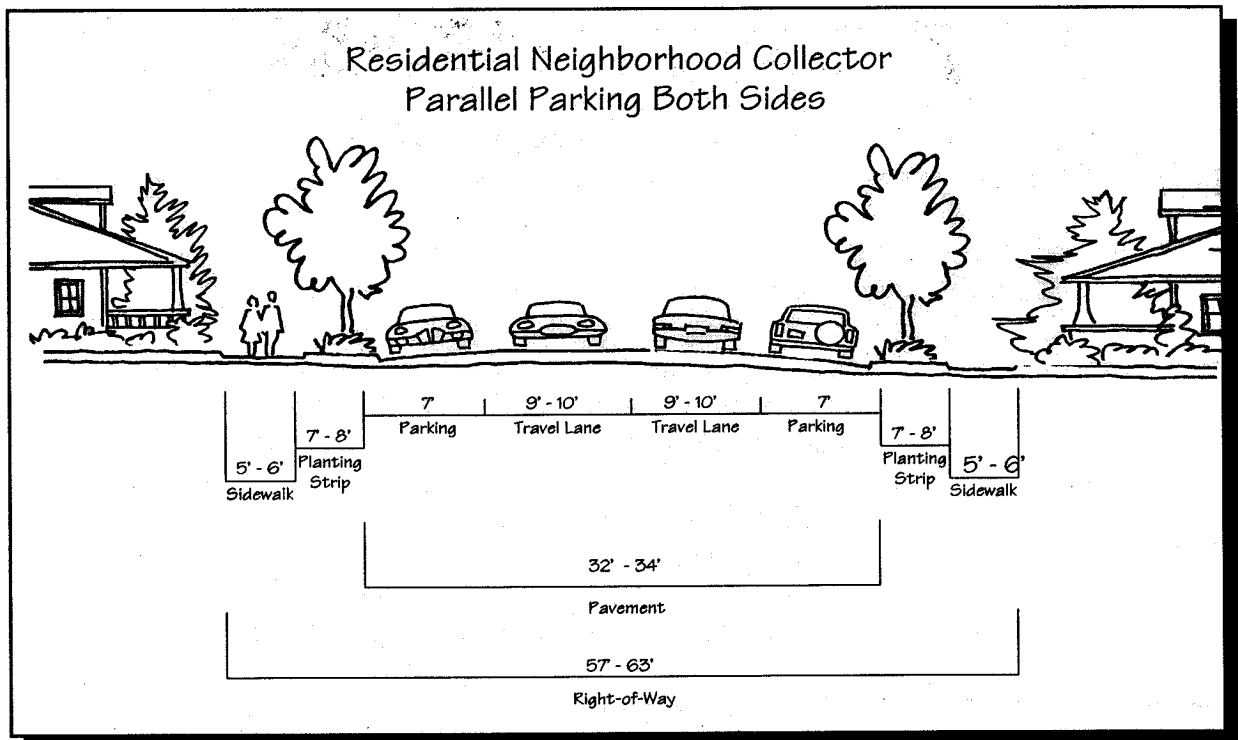
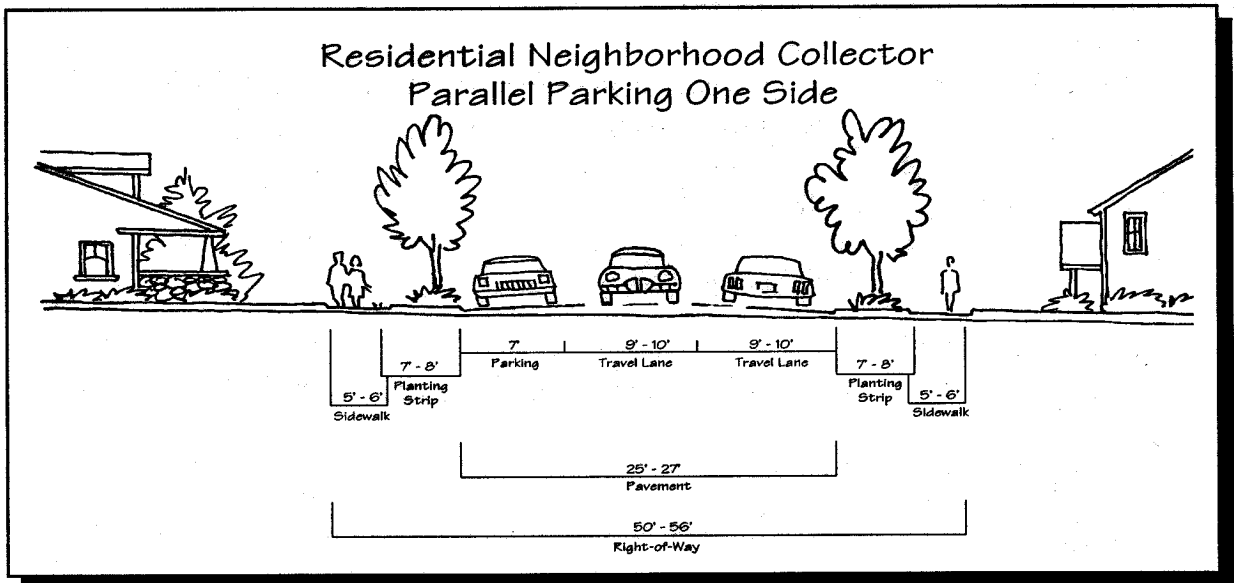


Pathways

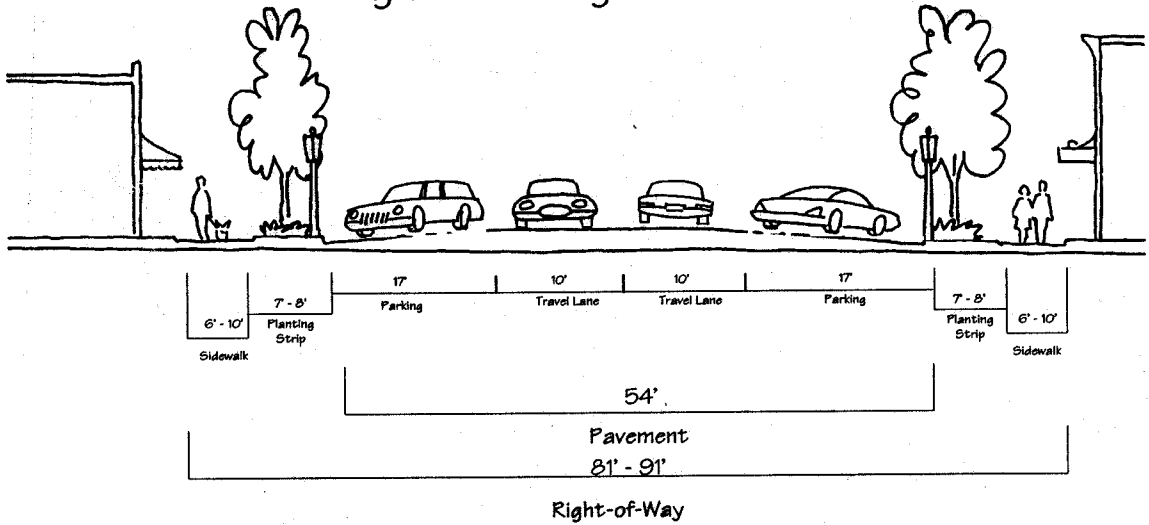


City of Sisters Street Standards

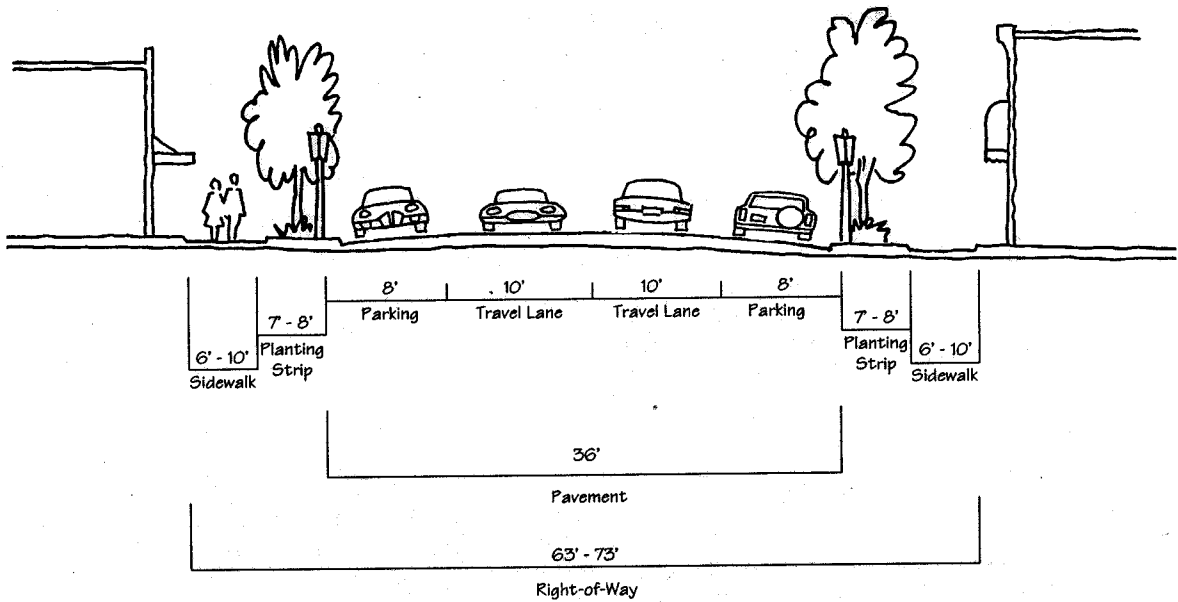
NEED BIKE PATHS WITH ALL COLLECTOR STREETS



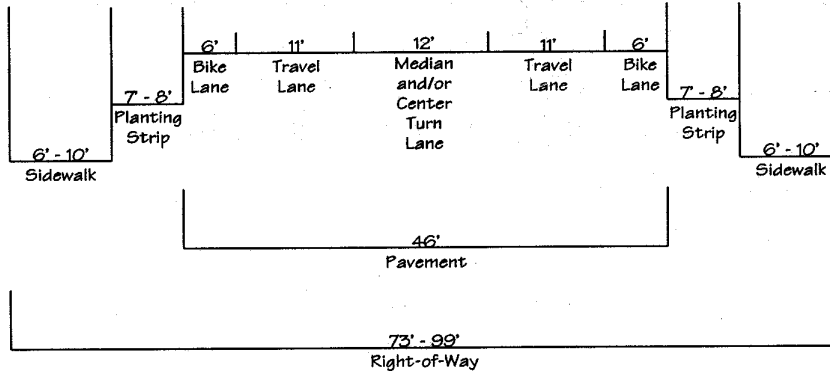
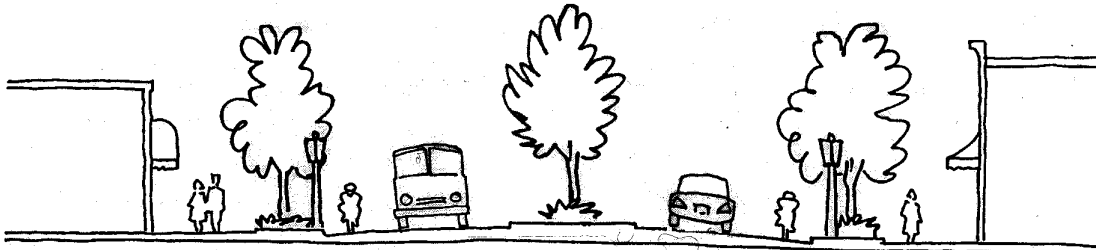
Commercial Neighborhood Collector Angled Parking Both Sides



Commercial Area Collector Parallel Parking Both Sides

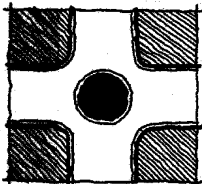
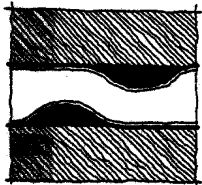
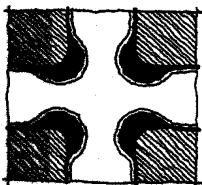
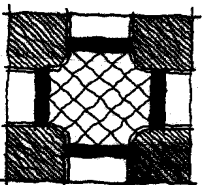


Boulevard 3-Lane



Traffic Calming Features *(remove chicanes and traffic circles)*

Figure 3.4.100 G

<i>Drawing</i>	<i>Technique</i>	<i>Description</i>
	Traffic Circles	Circular raised islands centered within intersections. Circles can be landscaped or surfaced with special paving. Landscaping can be maintained by the local jurisdiction or by neighborhood volunteers.
	Chicanes	Alternately placed curb extensions into the street that force motorists to drive in a serpentine pattern. Chicanes are offset from each other in mid-block locations and can be used to keep through-trucks versus local delivery off residential streets.
	Curb Bulb-Outs, Chokers/ Neckdowns	Curb extensions placed at mid-block locations or intersections which narrow the street to provide visual distinction and reduce pedestrian crossing distances. Bulb-outs help to provide a clear visual signal to drivers that a crossing is approaching and makes waiting pedestrians more visible. Neckdowns are often longer than bulb-outs and often line up with and help to define parallel street parking areas. They narrow the appearance of the street and can be attractive, especially when landscaped.
	Special Paving	Alternative road surfaces, such as brick, colored concrete or special pavers, can be used at crossings, intersections, or along the sides of the street to break up the visual expanse of pavement and define areas of pedestrian travel.

3.4.200 Transportation Improvements and Public Use Areas

- A. Standard Specifications.** The Public Works Director or designee shall establish standard construction specifications consistent with the design standards of this Chapter and application of engineering principles, which are incorporated in this Code by reference.
- B. Conditions of Development Approval.** No development may occur unless required public facilities are in place or are guaranteed in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.
- C. Maximum Block Lengths.** In order to promote efficient vehicular and pedestrian circulation throughout the City, the design of subdivisions and alignment of new streets shall conform to the following standards in Chapter 3.1 - Access and Circulation: The maximum block length shall not exceed:
- a. 600 feet in the Residential District;
 - b. 400 feet in the Downtown District, except as provided by Chapter 2.2, Section 140 - Block Layout and Building Orientation.
 - c. Not applicable to the Industrial District;
 - d. 600 feet in the Business Park District, except as required for commercial developments subject to Chapter 2.2, Section 140;

Exceptions to the above standards may be granted when an access way is provided at or near mid-block, in conformance with the provisions of Section 3.1.300.A.

- D. Variances.** Variances to the transportation design standards in this Section may be granted by means of a Class B Variance, as governed by Chapter 5.1 - Variances. A variance may be granted under this provision only if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands (Chapter 3.7).

E. Traffic Signals and Traffic Calming Features.

1. Traffic-calming features, such as curb extensions, narrow residential streets, and special paving may be used to slow traffic in neighborhoods and areas with high pedestrian traffic.
2. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual, and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval.

F. Future Street Plan and Extension of Streets.

1. A future Street Plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The Plan

shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within 400 feet surrounding and adjacent to the

3.4.200 Transportation Improvements and Public Use Areas (Continued)

proposed land division. The Street Plan is not binding; rather it is intended to show potential future street extensions with future development

2. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the Planning Commission determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to a-c, below:
 - a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
 - b. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the sub-divider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
 - c. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length.
- G. Alleys and Lanes. Alleys and Lanes shall conform to the standards in Table 3.4.100. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.
- H. Private Streets. Private streets shall not be used to avoid connections with public streets. **Gated communities (i.e., where a gate limits access to a development from a public street) are prohibited.** Design standards for private streets shall conform to the provisions of Table 3.4.100; and
- I. Street Names. No street name shall be used which will duplicate or be confused with the names of existing streets in Deschutes County, except for extensions of existing streets. Street names, signs and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers.
- J. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be reestablished and protected.
- K. Street Signs. The city, county or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

- L. Mail Boxes. Plans for mailboxes to be used shall be approved by the United States Postal Service.

3.4.2 Public Use Areas

A. Dedication Requirements.

1. Where a proposed park, playground or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City shall require the dedication or reservation of this area on the final plat for the subdivision.
2. If determined by the Planning Commission to be in the public interest in accordance with adopted Comprehensive Plan policies and the City of Sisters Park Plan, and where an adopted plan of the City does not indicate proposed public use areas, the City shall require the dedication or reservation of areas within the subdivision of a character, extent and location suitable for the development of parks and other public uses.
3. All required dedications of public use areas shall conform to Section 3.4.000.D (Conditions of Approval).

- B. Acquisition by Public Agency. If the developer is required to reserve land area for a park, playground, or other public use, the land shall be acquired by the appropriate public agency within 24 months following final plat approval, at a price agreed upon prior to approval of the plat, or the reservation shall be released to the property owner.

- C. System Development Charge Credit. Dedication of land to the City for public use areas shall be eligible as a credit toward any required system development charge for parks.

3.4.3 Sanitary Sewer and Water Service Improvements.

All sanitary sewer and water improvements associated with a project shall meet all applicable requirements within the City's Public Works Construction Standards, adopted November 1999

- A. Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's Construction Standards, adopted November 1999, and the applicable Comprehensive Plan policies.
- B. Sewer and Water Plan approval. Development permits for sewer and water improvements shall not be issued until the City Engineer and/or DEQ and/or State Health Division has approved all sanitary sewer and water plans in conformance with City standards.
- C. Over-sizing. Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the Comprehensive Plan. The developer shall be

entitled to system development charge credits for the over-sizing at the discretion of the City Council.

- D. Permits Denied. Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system which cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building moratoriums shall conform to the criteria and procedures contained in ORS 197.505.

3.4.4 Storm Drainage

- A. General Provisions. The City shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made in conformance with Chapter 3.5 - Surface Water Management .
- B. Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the Planning Director or designee .
- C. Effect on Downstream Drainage. Where it is anticipated by the Planning Director or designee that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.
- D. Easements. Where a development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance.

3.4.5 Utilities

- A. Underground Utilities. All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:
1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (Chapter 3.1);
 2. The City reserves the right to approve the location of all surface mounted facilities;

3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

B. Easements. Easements shall be provided for all underground utility facilities.

C. Exception to Under-Grounding Requirement. The standard applies only to proposed subdivisions. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands (Chapter 3.7), or existing development conditions.

3.4.6 Easements

Easements for sewers, storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions. See also, Chapter 4.2 - Site Design Review, and Chapter 4.3 - Land Divisions. The developer or applicant shall make arrangements with the City, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be 20 feet unless otherwise specified by the utility company, applicable district, or Public Works Director or designee.

3.4.7 Construction Plan Approval and Assurances

No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. The permit fee shall be set by City Council. The City may require the developer or sub-divider to provide bonding or other performance guarantees to ensure completion of required public improvements. See also, Chapter 4.2.4 - Site Design Review, and Chapter 4.3.180 - Land Divisions.

3.4.8 Installation

- A. Conformance Required. Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City and found within the City's Public Works Construction Standards document adopted November 1999.
- B. Adopted Installation Standards. The Standard Specifications for Public Works Construction, Oregon Chapter A.P.W.A. shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the Public Works Director or designee.

- C. Commencement. Work shall not begin until the City has been notified in advance.
- D. Resumption. If work is discontinued for more than one month, it shall not be resumed until the City is notified.
- E. City Inspection. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to land use review under Chapter 4.6 - Modifications to Approved Plans and Conditions of Approval. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.
- F. Engineer's Certification and As-Built Plans. A registered engineer shall provide written certification in a form required by the City that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide 10 set(s) of "as-built" plans, in conformance with the City Engineer's specifications, for permanent filing with the City.

3.4.9 Exterior Lighting Standards.

1. Requirements for installation. Except as exempted by provisions of this ordinance, as of the date of adoption, the installation of outdoor lighting fixtures shall be subject to the provisions of this ordinance.

2. Shielding. All nonexempt outdoor lighting fixtures shall have light directed luminaires or shielding so as to prevent direct light from the fixture shining beyond the property limits where the fixture is installed. This means that a person standing at the adjacent property line would not see the light emitting source.

3. Prohibitions.

- A. Laser Source Light. The use of laser source light or any similar high intensity light when projected beyond property lines is prohibited.
- B. Searchlights. The operation of searchlights for purposes other than public safety or emergencies is prohibited.

4. Exemptions.

A. Nonconformance.

- 1. Outdoor light fixtures lawfully installed prior to and operable prior on the effective

date of the requirements codified in this ordinance are exempt from all such requirements except as follows:

- (a). All replacement of outdoor lighting fixtures, as of the date of adoption, shall be subject to the provision of this ordinance.
 - (b). Until a date five years after the date of the adoption of this ordinance.
2. Fossil Fuel Light. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the requirements of this ordinance.
- B. Airport operations lighting and aircraft navigational beacons as established by the Federal Aviation Administration are exempt from these provisions. All other airport outdoor lighting must conform with this ordinance.
- C. Multicolored lights of less than 15 watts used for holiday decorations for no more than the period between the day after Thanksgiving and the second week of January are exempt from the requirements of this ordinance. Low wattage clear or white decorative light may be displayed during the period of time corresponding with Pacific Standard Time.
- D. Carnivals and Fairs that require the use of temporary outdoor lighting fixtures are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.
- E. Lighting for U.S. flags properly displayed.
- F. Temporary exemptions to the requirements of this ordinance for up to five days per calendar year.
- G. Construction lighting necessary for an allowed use are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.
- I. Individual light fixtures with lamps of less than 40 watts.
- J. Streetlights shall be installed in accordance with City standards.

Chapter 3.5 — Surface Water Management

[Reserved for Surface Water Management standards that may be adopted by City. Note: The Department of Land Conservation and the Development and Department of Environmental are planning to publish a model ordinance for Urban Surface Water Management/Water Quality that could be added to this document.]

Chapter 3.6 — Other Standards

Sections:

3.6.100 Density Transfer

3.6.200 Telecommunication Facilities

3.6.300 Solid Waste Storage

3.6.400 Environmental Performance

3.6.500 Signs

3.6.600 Solar Access

3.6.100 Density Transfers

- A. Purpose. The purpose of this chapter is to implement the Comprehensive Plan and encourage the protection of open spaces through the allowance of housing density transfers. “Density transfers” are the authorized transfer of allowed housing units (per Chapter 2) from one portion of a property to another portion of the same property, or from one property to another property.
- B. Determination of Allowable Housing Units. The number of allowed housing units on a property is based on the surface area of the property (acres) times the maximum allowed housing density in Chapter 2.
- B. Density Transfer Authorized. Allowed housing units may be transferred from one portion of a property to another portion of the same property, or from one property to another property. A density transfer shall not be approved unless it meets one or more of the criteria in 1& 2 below, and it conforms to subsections D-E:
1. Protection of sensitive land areas as defined in Chapter 3.7 (and listed below) either by dedication to the public or a land trust, or by a non-revocable conservation easement. Sensitive land areas include:
 - a. Land within the 100-year floodplain;
 - b. Land or slopes exceeding 20%
 - c. Drainage ways;
 - d. Wetlands;
 2. Dedication of land to the public for park or recreational purposes; that meets the following minimum criteria:
 - a. Size 5,000 square feet or more guaranteed
 - b. Location within ½ mile walking distance from sending site
 - c. Public Access 24 hours a day;
- D. Prohibited Density Transfers. Density shall not be transferred from land proposed for street right-of-way, storm water detention facilities, private streets, and similar areas that do not provide open space or recreational values to the public.

3.6.100 Density Transfers *(continued)*

E. Density Transfer Rules. All density transfers shall conform to all of the following rules:

1. Allowed housing units shall be transferred only to buildable lands (“receiving areas”). The number of allowed housing units shall be reduced on properties from which density is transferred (“sending areas”) based on the number of housing units transferred. The new number of housing units allowed on the sending area shall be recorded on a deed for a property that runs with the land. The deed shall state that the number of allowed housing units is subject to review and approval by the City, in accordance with current zoning and development codes;
2. The number of units which can be transferred is limited to the number of units which would have been allowed on 100 percent of the unbuildable area if not for these regulations; and
3. The total number of housing units per property or development site shall not exceed 100 percent of the maximum number of units per gross acre permitted under the applicable comprehensive plan designation; except as otherwise permitted through the Master Planned Development process (Chapter 4.5).
4. All density transfer development proposals shall comply with the development standards of the applicable land use district, except as otherwise allowed by the Master Planned Development process (Chapter 4.5).

3.6.2 Telecommunication Facilities

Radio, Television Tower, Utility Station or Substation.

- A. In a residential zone, all equipment storage on the site may be required to be within an enclosed building.
- B. The use may be required to be fenced and landscaped.
- C. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent property.
- D. Transmission towers are limited to the height limitation of the land use district with the exception of 120 feet maximum on Public Facilities District properties T15 R10 S05 900, T15 R10 S06 103 and T15 R10 09 1002 within the City Limits of Sisters. Posts, overhead wires, pumping stations, and similar installations shall be located, designed and installed to minimize conflicts with scenic values.

Applications and Review. All telecommunication facilities shall be either Stealth or Camouflage.

- A. **Stealth** – installations that are indistinguishable from existing structures, Type II Administrative Procedure
- B. **Camouflage** – installations designed to blend into existing building structures and landscape, Type III Quasi-Judicial Procedure.

3.6.3 Solid Waste Storage

[Reserved for cities that want to adopt standards for solid waste storage and recycling facilities. Note: Chapter 3.2 requires landscape or other screening of these facilities.]

3.6.4 Environmental Performance

[Reserved for cities that want to provide reference to state and federal standards for air quality, water quality, emissions, and similar environmental concerns.]

3.6.5 Signs

- A. **Applicability.** All new or remodeled signs within the City Zoning districts shall be permitted, provided that they meet all standards and provisions of this ordinance. The permitting process may be administrative or if necessary, reviewed by a hearings body.
- B. **Basis for Design.** The basis for design shall be the 1880's Western Architectural Theme as outlined in this ordinance for signs located in the City Zoning districts.
- C. **Definitions.** For the purposes of this article, words used in the present tense include the future, the singular includes the plural, the word "shall" is mandatory and the word "building" includes structures other than sign structures.
1. **Awning.** A structure made of cloth, metal or similar material with metal frames attached to a building, projecting over a thoroughfare or entrance.
 2. **Banner.** A flag, bunting or other flexible sign characteristically hung on a building, or otherwise suspended down or along its face or across any public streets of the City. The banner may or may not include copy or other graphic symbols.
 3. **Bench Sign.** Sign. Any sign painted on or otherwise attached to a bench or other seat placed in a public right-of-way or meant to be seen by the public.
 4. **Billboard.** A sign structure subject to the provisions of the Oregon Motorist Information Act of 1971 and erected for the purpose of leasing advertising space to promote an interest other than that of an individual, business, product or service available on the premises the billboard is located on.
 5. **Business.** All of the activities carried on by the same legal entity on the same premises and shall include but not be limited to, service, commercial and industrial uses and fraternal, benevolent, education, government and social obligations.
 6. **Business Complex.** One property ownership with the property owner and one (1) or more business tenants as occupants or two (2) or more business tenants as occupants of the property. In a business complex, business tenants include retail shops, executive or administrative services including medicinal clinics and accessory pharmacies, professional offices and personal service establishments which perform personal services on the premises and similar uses.
 7. **Canopy.** A permanent roofed structure which may be free-standing or partially attached to a building for the purpose of providing shelter to patrons in automobiles, and patrons on foot, but shall not mean a completely enclosed structure.
 8. **Display Surface.** The area made available by the sign structure for the purpose of displaying a message thereon.

9. Eave. Lowest horizontal line of any roof.
10. Erect. To construct, paint, place, affix or otherwise bring into being.
11. Facade. Any face of a building.
 - a. Dominant. The principal facade of the building where its principal entrance is located and which may or may not face the street upon which its legal address is located.
 - b. Subordinate. The sides or rear of a building; facades other than the dominant facade.
12. Flexible Sign. A windsock, flag, pennant, streamer or banner or similar sign or structure constructed of cloth, canvas or similar material, and hung from the building, or sign, which serves to identify the building or the business and/or attract attention to the business. The windsock, banner, pennant, flag or similar sign may or may not include copy or other graphics signs.
12. Frontage, Building. That facade of a building which faces and is parallel to, or most nearly parallel to, the public street which provides the primary direct vehicular access to the building.
13. Frontage, Street. A lot line fronting a public street, unless the premises has only one such frontage, the width along such lot line must be at least fifty feet (50') to qualify as a "frontage".
14. Non-combustible Material. A material that will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit (1200 F) during an exposure of five (5) minutes and which will not continue to burn or glow at that temperature, of which no part will ignite and burn when subjected to fire. The test for a "non-combustible material" shall be conducted as specified in the Uniform Building Code.
15. Maintain. To allow to exist or continue.
16. Person. An individual, corporation, partnership, association, joint venture or other legal entity.
17. Roof Line. The line which marks the highest point of the vertical front of a building in the case of a false front, or the line where the roof is joined to the vertical front wall of the building in other cases.
18. Shopping Center. A premise planned and developed as a unit with an undivided, non-segregated parking area and is advertised as a center or mall and has multiple occupancy by business.
19. Sign. A sign is any object or device or part thereof situated outdoors or indoors which is used to advertise or identify an object, person, institution, organization, business, product, service, event or location. Signs do not include the following:
 - a. Flags of nations or an organization of nations, states, and cities, fraternal, religious and civic organizations.
 - b. Merchandise, pictures or models or products or services in a window display.

- c. Time and temperature devices not related to a product.
- d. National, state, religious, fraternal, professional and civic symbols or crests.
- e. Works of art which in no way identify a product or imply a service.

Sign types include the following:

- a. Building Directory Sign. A sign giving the name, address number or location of the occupants of a building or buildings.
- b. Directional Sign. An on-premise sign designed to be read by a person already on the premises and used only to identify and locate an office, entrance, exit, motor vehicle route, telephone or similar place, service, or route.
- c. Flexible Sign. A windsock, flag, pennant, streamer or banner or similar sign or structure constructed of cloth, canvas or similar material, and hung from the building, or sign, which serves to identify the building or the business and/or attract attention to the business. The windsock, banner, pennant, flag or similar sign may or may not include copy or other graphic signs.
- D. Free-standing Sign. A sign supported by one or more uprights or braces and not attached or incidentally attached to any building or structure but does not include ground mounted signs.
- e. Ground-mounted Sign. A permanently mounted sign which is not attached to any structure or building.
- f. Internally Illuminated Sign. A sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.
- g. Motor Vehicle Directional Sign. A sign identifying motor vehicle entrances or exits to or from the premises on which the sign is located.
- h. Non-conforming Sign. A sign erected prior to the adoption of this ordinance which does not conform to the provisions contained herein.
- i. Outdoor Advertising Sign. A sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.
- j. Portable Sign. Any sign or other graphic which is designed to be or is capable of being transported from one place to another.
- k. Projecting Sign. A sign which extends perpendicularly or nearly perpendicularly from the building face to which it is attached.
- l. Roof Sign. A sign located on or above the roof of any building, not including a false mansard roof or other fascia.
- m. Temporary Sign. A banner, pennant, poster or advertising display constructed of cloth, canvas, plastic, sheet, cardboard, wallboard, sheet metal, plywood or

similar materials and intended to be displayed for a limited period of time. Inflatable or lighter than air signs and/or devices used for advertisement are expressly prohibited. Temporary signs shall be displayed not more than one week before an event and be removed the day after the event. Total time for a temporary sign to be displayed shall not exceed 10 days. Exceptions to this time limit are business closure (Going out of business) and Christmas Seasonal Signage which may be displayed for 30 days prior to the event and removed the day after the event. No extensions of these times shall be permitted.

Temporary Sign Types. Temporary signs may be community event oriented or for private business purposes.

Location. Temporary signs shall not be displayed in the public right of way, and shall have the permission of the property owner on which they are displayed.

Size. Temporary signs shall conform to the size provisions of this ordinance.

- n. Wall Sign. A sign painted or otherwise affixed to the face of a building, roof overhang, facade or gable end in a plan parallel to such face and extending not more than twelve inches (12") therefrom.
- o. Uniform Building Code. The State of Oregon Structural Specialty Code and Fire and Life Safety Code of 1979 Edition (Uniform Building Code) published by the International Conference of Building Officials, as adopted by the City of Sisters and which is referred to as "UBC" in this Ordinance.
- p. Zone. A zoning district established pursuant to the City of Sisters Zoning Ordinance.

D. General Provisions.

1. It is unlawful for any person to erect, repair, alter, relocate or maintain within this City, any sign or other graphic display except as provided in this ordinance.
2. No sign shall be attached to or placed against a building or other structure in such a manner as to prevent or inhibit ingress or egress through any door or window required or designated for access to any building, nor shall any sign obstruct or be attached to a fire escape.
3. No sign or other graphic display other than a City or other public agency sign shall be allowed to be erected, installed, replaced or maintained in, over or on any public property, including parkways, except as provided in this ordinance.
4. Any sign or other graphic display which is supported by more than one means and, therefore, cannot be clearly defined as ground, wall, roof, projecting, or other sign shall be administratively assigned to the sign category most logically applicable and the appropriate standards applied.
5. Service signs such as those identifying VISA or MasterCard shall not be attached to an approved sign. If such services are to be advertised, the signs shall be integrated into the overall sign design and are subject to all requirements of this ordinance.

6. Signing shall be in proportion with and visually related to the architectural character of the building, restrained in the size and be in conformance with generally accepted principles of good design and architecture.
7. Signing for a business within a commercial or industrial center, shall be in harmony with the signing of the entire complex. The signing for any new or remodeled commercial or industrial center shall be approved concurrent with the architectural review of the project in the form of a signing program. The sign permit must be obtained and the permit fee paid prior to the actual erection of the approved sign.
8. This ordinance outlines maximum requirements; however, signs must be appropriate to the nature of the activity to which they pertain and compatible with their surroundings.

E. Procedure.

1. Applications for a sign permit shall be made in writing upon forms furnished by the Planning Director. Such applications shall include a scale drawing of the sign including dimensions, height and materials and showing its relationship to the ground or to any building or structure to which the sign is proposed to be installed or affixed. When appropriate, a plot plan drawn to scale shall be submitted which indicates the location of proposed signing relative to street and property lines. Prior to the issuance of the sign permit, the Planning Director may review the construction aspects of the proposed sign. The Planning Director or Planning Commission may require other pertinent information where in their opinion such information is necessary to determine compliance with the provisions of this ordinance.
2. Following approval, the Planning director shall issue a permit for a sign covered by applications duly made unless the sign is in violation of the provisions of this ordinance.
3. The Planning Director may revoke a sign permit if it is found that there was a material and misleading false statement of fact in the application for the permit.

F. Sign Measurement.

1. The following criteria shall be used in measuring a sign to determine compliance with this ordinance:
 - a. Area or Area of Sign. Area or area of a sign is the area within any perimeter which encloses the limits of any writing, representation, emblem, figure or character. The area of a sign with no such perimeter or the area of a sign with irregular shape shall be computed by enclosing the surface area within a known geometric size or shape. The area of all signs in existence at the time of the enactment of this ordinance, whether conforming or nonconforming, shall be counted in establishing the permitted sign and of all new signs to be allowed for an individual business or premises. Where a sign is of three dimensional or round or irregular size shape, the largest cross section shall be as through it were a flat surface to determine area.
 - b. Clearance. Clearance of a sign is measured from the average grade at the base of the sign to the lowest point of the sign.
 - c. Height. Height is measured from the grade of the curb line closest to the base of the sign to the highest point of the sign. In the absence of a curb line, the

edge of the street pavement shall be used. In the absence of street pavement, the ground level shall be used to measure the height.

2. Area of Front Building Facade. When the area of the front building facade is used to determine sign area, said area shall be computed by multiplying the width of the building frontage or portion thereof by the height of the building or portion thereof which are devoted to the particular business. "False fronts" and mansard roofs may be included when calculating the area of the building facade.

G. Permit Exceptions - The following signs or procedures shall not require a sign permit:

1. Exempt signs listed herein.
2. Temporary signs as defined herein have a separate permit procedure. Permit Application. Temporary sign applications shall be made on forms provided by the Planning Department. All applications shall be made with a \$10 fee per temporary sign or banner, a \$25 refundable deposit and a responsible party identified with their phone number and address included. If the sign is not displayed as required by this ordinance and not removed the day after the event, the deposit is forfeit and the responsible party notified. If the temporary sign is not then removed, City employees or their agents shall remove the sign and the responsible party billed for removal.
3. The changing of advertising or message on an approved painted or printed sign or signs specifically designed for the use of replaceable copy, except for changing the name of the business or use advertised.
4. The painting, repainting, cleaning and normal maintenance and repair of an existing sign unless a substantial structural change is made.

H. Sign Regulation by Class of Sign

Wall Signs are defined as signs attached flat to, written on or painted on a building wall, including facades and gable ends. The following criteria shall be applicable for a wall sign:

1. "Painted on" wall signs or cut out letters pinned away from the building.
2. Wall signs may not stand more than twelve (12) inches away from the wall.
3. Wall signs shall not exceed two hundred (200) square feet in area.
4. Total wall signage shall not exceed thirty percent (30%) of the wall area in square feet on each facade.

Projecting and Hanging Signs - "projecting" signs are fastened at one end to the edge of a wall or other portion of a building, with the opposite end or edge either unsupported or supported only by a wire or other similar device from above attached to the same wall.

"Hanging signs" are those which have both outer edges of the sign attached to a supporting structure above it. A projecting or hanging sign may be allowed in addition to wall signs. The following criteria shall be applicable for both projecting and hanging signs:

1. The sign area of both projecting and hanging signs may not exceed six (6) square feet in area per face.

2. Projecting and hanging signs must clear sidewalks by at least seven (7) feet and may project from the face of the building no more than three (3) feet or one-third (1/3) the width of the sidewalk, whichever is less.

Flexible signs sign must clear sidewalks and public right-of-ways by at least seven (7) feet and shall not interfere with public use of the sidewalk, street or right of way, or obstruct or restrict clear vision for traffic or pedestrian safety.

Ground - mounted signs are defined as permanently mounted signs which are not attached to any structure or building.

1. A ground mounted sign shall not be located within ten (10) feet of any other sign within any street right of way (stop signs, etc.) or within an area which requires clear vision for traffic or pedestrian safety.
2. No more than one (1) ground mounted sign shall be permitted for each street frontage in all zones with the exception of the CH zone where two (2) ground mounted signs are allowed for each street frontage providing they are three hundred (300) feet apart.
3. Sign height shall not exceed twenty (20) feet from ground level.
4. Ground mounted signs shall not exceed thirty-two (32) square feet, with the exception of the CH and LM zone where ground mounted signs shall not exceed fifty (50) square feet.
5. Sign supports shall be compatible with the design requirements and intent of the 1880's Architectural Design Theme.

Roof Signs are defined as any sign permanently secured above the eave/gutter line. Roof signs are permitted subject to the following requirements:

1. In lieu of a wall sign, one roof sign shall be permitted for a building as long as it is architecturally incorporated into the whole scheme of the building and complies with total wall coverage requirements as described herein.
2. Roof signs may not exceed six (6) feet above the roof or twenty-five feet (25) from the curb line.
3. The area of a roof sign shall be deducted from the wall sign area permitted.
4. All supports, bracing, angle iron, guy wires, etc. shall appear to be an architectural and integral part of the building.

Awning signs are defined as signs painted on structures made of cloth, metal or similar materials with metal frames attached to a building projecting over a pedestrian surface or entrance. Awning signs shall be permitted subject to the following requirements:

1. No advertising shall be placed on an awning or canopy, except the name or logo of the owner, business or industry conducted within the premises, address of the building or the building name.
2. The area of a sign on an awning or canopy shall be deducted from the wall sign area permitted.

3. Supports, posts or columns beyond the property line will not be permitted.
4. Lettering shall be painted or otherwise permanently placed.
5. The lowest point of the awning must be at least eight (8) feet above the sidewalk.

Sandwich Board signs -the following criteria shall be applicable for all sandwich board signs:

1. Sandwich boards are permitted in addition to ground signs providing they are limited to one (1) per lot frontage.
2. Sandwich board signs shall be no larger than sixteen (16) square feet per face in size.
3. Sandwich boards shall be securely anchored to the ground.
4. Sandwich boards shall only be permitted in locations on private property which will not interfere with traffic visibility as approved by the Planning Director.

Billboards are defined as sign structures erected for the sole purpose of leasing advertising space to promote an interest other than that of an individual, business, product or service available on the premises the billboard is located on. Billboards are not allowed within the City of Sisters nor the Urban Growth Boundary.

Off Site Signs are described as any business identification sign occupying space on private property which is not the property occupied by the business shall be subject to the following provisions:

1. Such signs may only occupy space along or fronting highways under the jurisdiction of the State of Oregon.
2. All such signs must comply with any applicable rules and regulations of the State. In addition, the following restrictions shall apply:
 - a. The business or activity identified on the sign must be located within two (2) blocks of the sign.
3. All signs shall comply with the design criteria specified in this ordinance.

I. Joint Occupancy or Multiple Use. The size restrictions set forth herein apply to each building. Where a building is occupied by a single occupant who carries on more than one activity within the building, the occupant must allocate the available ground or wall sign area in any manner between the various activities, but the total area so allocated may not exceed the a maximum area available to that occupant were he carrying on only a single activity.

In like manner, where a building is occupied by more than one tenant, the owner may allocate available ground or wall sign area among the various tenants, but the total area so allocated may not exceed the maximum area available to a single tenant occupying the entire building.

J. Auxiliary Design Provisions

1. Outdoor display of merchandise on sidewalks is permitted for all commercial activities, but must be so placed as not to interfere with pedestrian traffic and in no case may they be placed on public property.

2. Temporary window signs are those which are left in place for no more than three (3) weeks in any three (3) month period. They are permitted in all activities. They may not exceed thirty (30) percent of the window area in which they are displayed. Permanent window signs are subject to all provisions of this ordinance.
3. Banners are permitted only for commercial, institutional or civic activities and may be located only in areas approved by the Planning Director. Banners across state highways require the approval of the State Highway Division.
4. Two (2) neon window signs per business are allowed provided the maximum size is two hundred eighty (280) square inches.

K. Exemptions. The following are not subject to the design review provisions of the ordinance:

1. Repainting, cleaning or other normal maintenance or repair of a sign or sign structure for which a Design Review approval has been given, so long as the sign design, color, material, content, etc. is not modified in such a way as to conflict with the intent of the ordinance.
2. The changing of the advertising copy or message on an awning or canopy.
3. Temporary window signs subject to Section 15.13.4.020(2).
4. Construction signs which identify the architects, engineers, contractors and other individuals or firms involved in the construction (but not including any advertisement of any product) and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of sixteen (16) square feet for each firm. The signs shall be confined to the construction site and shall be removed not later than fourteen (14) days after the beginning of the intended use of the project.
5. Real estate signs advertising the sale or lease of the property or part of the property upon which the signs are displayed, up to a total area of twelve (12) square feet. Such signs shall be removed no later than fourteen (14) days after the sale or lease of, or expiration of the listing for such property.
6. Signs directing traffic movement onto or within premises, not exceeding three (3) square feet per sign.
7. Governmental or official notices, flags, emblems or insignia.
8. Religious or holiday decorations.
9. Political campaign signs. Such signs shall be removed no later than seventy-two (72) hours after the closing of the polls.
10. Garage sale, yard sale, patio or other similar sale signs of a temporary nature. Such signs shall be removed no later than forty-eight (48) hours after the related activity ceases.
11. Internally lit soda machines and telephone booths.

12. Gasoline pumps and gasoline price signs.
13. Any other signs that are state or federally regulated and are not required to comply with local sign requirements.
14. No parking signs located on private property.

L. Permitted Materials.

1. Materials for construction of signs and sign structures shall be the quality and grade as specified for building in the Uniform Building Code.
2. In all sign and sign structures, the material and detail of construction shall, in absence of specified requirements, conform to the following:
 - a. Signs shall be constructed of wood or wrought iron only.
 - b. Use of materials other than wood or wrought iron may be approved by the Planning Director, providing the materials are indistinguishable in appearance from wood or wrought iron.

M. Signing Techniques shall be in conformance with the 1880's Western Architectural Theme as defined in the Sisters Urban Area Comprehensive Plan and permitted as follows:

1. Painting the sign directly on the facade of the building.
2. Painting of a sign on a finished material or sign board which is subsequently affixed to the building subject to Section 15.13.3.010.
3. Affixing raised block letters directly on the facade of the building.

N. Lettering Techniques be in conformance with the 1880's Western Architectural Theme as defined in the Sisters Urban Area Comprehensive Plan and permitted as follows:

1. Ornamental lettering, as provided in Exhibit A-1.
2. Shaded block or shaded ornamental lettering painted on contrasting colors on flat surfaces as provided in Exhibit A-1.
3. Raised or routered block letters.

O. Logos which are registered or filed with a state or federal agency and the local enterprise is part of a chain of more than 10 outlets, may be used as part of a sign but such logo shall comply with this section.

P. Illumination Lights - no sign shall be erected or maintained which, by use of lights or illumination creates an unduly distracting and hazardous condition to a motorist, pedestrian or the general public. In addition:

1. No exposed reflective type bulb or incandescent lamp which exceed twenty-five (25) watts, shall be exposed to direct view from a public street or highway but may be used for indirect light illumination of the display surface of a sign.

2. No neon tubing sign or decoration shall be allowed on a building which is visible from the exterior of the building except as otherwise provided in this ordinance.
3. No sign shall be internally illuminated except as specifically allowed by this ordinance. Internally illuminated signs are signs which are wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.
4. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
5. No sign may be erected or maintained if it contains, includes or is illuminated by any flashing intermittent, revolving, rotating or moving light(s), or which moves or which has any animated or moving parts.
6. Signs may be indirectly illuminated by flood lights or other lighting approved by the Planning Director, located on wall or roof area adjacent to the sign intended to be illuminated with illumination directed down.
7. No indirect illumination devices shall be allowed to exceed the building height requirements of the underlying zone.

Q. Prohibited Signs - the following signs are prohibited:

1. Signs that are placed on, affixed to or painted on a motor vehicle or trailer and placed on public or private property for the primary purpose of providing a sign not otherwise permitted by this Ordinance. Signs on vehicles used in the normal course of business shall not be subject to this provision.
2. Signs or sign structures that create a hazard by obstructing clear view of pedestrian and vehicular traffic.

R. Maintenance, Construction and Safety Standards.

1. Maintenance. All signs together with all their supports, braces, guys and anchors shall be kept in good repair and be maintained in a safe condition. All signs and the site on which they are located shall be maintained in a neat, clean and attractive condition. Signs shall be kept free from deterioration. The display surfaces, trims, frames and supports of all signs shall be kept neatly painted or otherwise neatly maintained as applicable. No person shall scatter, daub or leave any paint, paste or glue or other substance used for painting or affixing a message to the display surface of any sign or throw or permit to be scattered or throw any bills, waste matter, paper, cloth or materials of whatsoever kind removed from a sign on any public street, sidewalk or private property.
2. Wind Loads. Signs shall be designed and constructed to withstand wind loads as set forth in Chapter 23 of the Uniform Building Code.
3. Design.
 - A. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to over stress any of the elements thereof.

- B. The overturning moment produced from lateral forces shall in no case exceed two-thirds of the dead load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of the earth super-imposed over footings may be used in determining the dead load resisting moment. Such earth shall be carefully placed and thoroughly compacted.
- 4. Seismic Load. Signs shall be designed and constructed to resist seismic forces as specified in Chapter 23 of the Uniform Building Code.
- 5. Combined Loads.
 - A. Wind and seismic loads need not be combined in the design of signs and only that load producing the larger stresses need be used.
 - B. Vertical design loads, except roof line loads, shall be assumed to be acting simultaneously with the wind and seismic load.
- 6. Allowable Stresses.
 - A. The design of wood, wrought iron and concrete members shall conform to the requirements of Chapter 25,26,27 and 28 of the UBC. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in Chapter 29 of the UBC.
 - B. The working stresses of wire rope and its fastenings shall not exceed twenty-five (25) percent of the ultimate strength of the rope or fasteners.
- 7. Anchorage and Supports.
 - A. Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed safe values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pull out amounting to a force of twenty-five (25) percent greater than the required resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than the frost line.
 - B. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion c\screws of sufficient size and anchorage to support safely the loads applied.
 - C. Unless such wall is designed in accordance with the requirements specified in Chapter 23 of the UBC, no anchor or support of any sign or wall facade for signs shall be connected to or supported by an unbraced parapet wall.
- 8. Clearance From High Voltage Power Lines. Signs shall be located not less than eight (8) feet horizontally and twelve (12) feet vertically from overhead electrical conductors which are energized in excess of standard service loads as determined by the utility company providing the service. The term "overhead conductors" as used in this section means any electrical conductor, either bare or insulated, installed above the ground

except such conductors as are enclosed in the iron pipe or other material covering of equal strength.

9. Clearance From Fire Escapes, Exits or Standpipes. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe.
10. Electrical Construction. All electrical equipment used in connection with such signs shall be installed in accordance with the Uniform Electrical Code, with Oregon amendments.

S. Non-Conforming, Illegal and Abandoned Signs.

A non-conforming sign is a sign erected prior to the adoption of Ordinance No. 224 on July 13, 1989, which does not conform to the provisions contained in this Chapter of the Sisters Municipal Code. Except as otherwise provided within this ordinance or Ordinance No. 224, non-conforming signs must be removed, altered or replaced so as to conform within one (1) year of the effective date of this ordinance so as to conform by July 13, 1992. Notwithstanding the authorized period to bring signs into compliance, a non-conforming sign shall be brought into conformance with this Chapter of the Sisters Municipal Code as set forth in Ordinance No. 224 and this ordinance whenever a change in ownership occurs. Non-conforming temporary signs shall be removed within thirty (30) days of the effective date of this ordinance, unless a change in use or occupation of a site shall require full compliance with the provisions of this Chapter of the Sisters Municipal Code and as set forth in Ordinance No. 224.

Special Requirements for Non-Conforming Signs - non-conforming sign which is structurally altered, relocated or replaced shall immediately conform to the requirements of this ordinance except that:

1. A sign may be removed from its sign structure for the purpose of repair or maintenance.
2. Signs may be structurally altered where such alteration is necessary for public safety.
3. Such signs may be reinstalled if they are moved for construction or repairs of public works or public facilities and such reinstallation is completed within one (1) year.
4. Such signs may be installed if they are damaged by an act of God or an accident, provided such damage does not exceed fifty (50) percent of the cost of reconstruction of the entire sign and provided that such sign is reconstructed within one hundred eighty (180) days of the date the sign is damaged.

Abandoned Signs shall be removed within thirty (30) days by the owner or lessee of the premises upon which the sign is located when the advertised business is no longer conducted on the premises. Abandoned signs may be removed and costs may be collected as provided in Section 26 of the City Zoning Ordinance.

Non-Conforming Signs. Illegal and abandoned signs which are not removed or are erected in violation of this ordinance may be removed by the City of sisters following notice to the property owner. The property owner will be assessed the cost of sign

removal if the owner fails to remove the non-conforming, illegal or abandoned sign and the City exercises its authority under this provision.

Building Owner Responsibility. The owner of a building in which a business or businesses are conducted subject to the provisions of this section shall be responsible for tenants' compliance with this Code section.

- T. Enforcement** - It shall be the duty of the Planning Director to enforce this ordinance. All departments, officials and public employees of the City and County, vested with the duty or authority to issue permits shall conform to the provisions of this ordinance and shall issue no permit, certificate or license for any use, building or purpose, which violates or fails to comply with conditions or standards imposed by this ordinance. Any permit, certificate or license issued in conflict with the provisions of this ordinance, intentionally or otherwise, shall be void.
- U. Penalties for Violations** - any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$100,000. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed or continued by such a person, firm or corporation and shall be punishable as herein provided.
- V. Injunctive Relief.** The foregoing sanctions shall not be exclusive, and where the public health, safety, morals or general welfare will be better served thereby, the Planning Director may institute such proceedings for injunctive relief against a continuing violation as may be authorized by the statutes of the State of Oregon. In the enforcement of provisions prohibiting nuisances caused by odor, sound, vibration and the like, the Planning Director may seek injunction against the specific device, activity or practice causing the nuisance.
- W. Evidence.** In any prosecution for causing or maintaining any condition of use of, an activity on, or construction, moving or maintaining any structure on, any premises in violation of this ordinance, a person in possession or control of the premises, as owner or lessee at the time of the violation, or continuance thereof, shall be presumed to be the person who constructed, moved, caused or maintained the unlawful activity use, condition or structure. This presumption shall be rebuttable by production of evidence to the contrary and either the county or the defendant in such prosecution shall have the right to show that the offense was committed by some person other than, or in addition, to, an owner or lessee or other person(s) in possession or control of the premises, but this shall not be construed as relieving a person in possession and control of property from any prosecution imposed upon him in this ordinance. That a person is taxed according to the records of the Deschutes County Assessor shall be prima facie proof that the person is in possession or control of the premises. Where premises on which the violation is committed are commercial or industrial premises on which a sign is situated identifying the commercial or industrial activity conducted thereon, the same shall constitute prima facie proof that the person is in possession or control of the premises as owner or lessee, any agent, manager, employee or other person who actually committed the violation.
- X. Abatement.** Where, because of the absence of the responsible person, or persons from the County or from the State, as the case may be, the courts of Deschutes County or the State of Oregon cannot secure effective jurisdiction over the person or persons responsible for the cause or continuation of a structure or condition erected or maintained in violation of the ordinance or where the governing body deems it important to the public interest that the unlawful structure or condition be removed and if such removal or correction is not effected within the time prescribed in order, the Planning Director shall cause such abatement, going upon the premises with such men or equipment as may be necessary and the governing body shall thereafter by

ordinance assess the cost of abatement against the real property. The lien or the assessment shall be enforced in the same manner as in the case of street improvement liens. Notice of hearing shall be sufficient if given thirty (30) days in advance of the hearing, either by personal delivery or by mailing the same to the last known address of the owner of the property as shown by the County Assessor's records. The order shall be served upon the owner or responsible person in the manner prescribed for the notice of hearing, and the owner or responsible person shall have such period of time after service of the order but not less than thirty (30) days, as the governing body may deem to be reasonably necessary to accomplish the requirements of the order. The notice of hearing and the abatement order shall contain a notice to the property owner or other person served, that the City of Sisters or Deschutes County shall not be responsible for the condition or storage of the component parts of, or personal property situated within, the structure following abatement by the City of Sisters or the County. The remedy of abatement shall be in addition to and not in lieu of the other remedies prescribed in this section.

- Y. Historical Signs.** The owner of a nonconforming sign in existence on June 9, 1970, may apply to the Planning commission for a determination that the sign qualifies as an Historical Sign under the provisions of Chapter 15.13 of the sisters Municipal Code. The burden of proof shall be on the owner.

3.6.600 Solar Access Standards

A. Solar Height Restrictions.

No building, structure or non-exempt vegetation may exceed the solar height restriction established on a burdened property by the solar access of a benefited property.

B. Building Setbacks for the Protection of Solar Access.

- 1. Purpose.** The purpose of this section is provide as much solar access as practical during the winter solar heating hours to existing or potential buildings by requiring all new structures to be constructed as far south on their lots as is necessary and feasible.

- 2. Standards.** Every new structure or addition to an existing structure shall meet the following standards for a solar setback from the north lot line, except as provided in (3) below:

- a. **South Wall Protection Standard.** The south wall protection standard is based on an eight (8) foot solar fence on the subject property's north lot line which allows solar radiation on a neighboring building's south wall above two feet from the ground, assuming a twenty-foot setback from the common property line to the neighboring building. Solar setbacks for the south wall protection standards can be calculated with the diagram in Appendix A-1 or estimated with the diagram in Appendix A-2.

If a setback meeting this requirement is not feasible due to physical constraints of the lot, including, but not limited to, rock outcroppings, septic systems, existing legal restrictions or lot dimensions, as determined by the Planning Director or Hearings Body, then the structure or addition must be located as far to the south on the lot as feasible and must meet the standard set forth in paragraph (b) below.

- b. **South Roof Protection Standard.** the south roof protection standard is based on a fourteen (14) foot solar fence on the subject property's north lot line which

allows for solar radiation on a neighboring building above eight feet from ground level and assuming a twenty-foot setback from the common boundary line to the neighboring building. solar setbacks for this standard can be calculated using the diagram in Appendix B-1 or estimated using the diagram in Appendix B-2.

- c. **Exceptions.** The south roof protection standard shall not apply only if the applicant establishes:
 - 1. That the structure cannot be located on the lot without violating the requirements contained in Appendix B-1; and
 - 2. That the structure is built with its highest point as far to the south as feasible; and
 - a. That the structure is a single family residence with a highest point less than or equal to 16 feet; or, if not a single family residence;
 - b. That it is a permitted or conditional use for the lot.
- d. **Exemptions.**
 - 1. The Planning Director or Hearings Body may exempt from the provision of this section any area where it is determined that solar uses are not feasible because the area is already substantially shaded due to heavy vegetation and any area or zone in which taller buildings are planned.
 - 2. The Planning Director or Hearings Body shall exempt a structure from the provisions of this section if the structure will shade only a protected area in which solar uses are not feasible because the protected area is already substantially shaded at the time a request for exemption is made and approved by the Planning Director or Hearings Body.

C. **Solar Access Permit.**

- 1. Purpose. The purpose of this section is to provide solar access to productive solar collectors by establishing limitations, on a case by case basis, for the growth of vegetation on certain lots in the vicinity of a productive solar collector.
- 2. Application for Solar Access Permit.
 - a. Any owner may submit an application for a solar access permit to provide solar access for a productive solar collector located on the owner's real property.
 - b. The application for a solar access permit shall be on forms prescribed by the city and shall contain, at a minimum:
 - (1). A legal description of the applicant's lot, including a statement that the applicant is the owner of the lot, and a description of the nature of the applicant's interest in the lot;

- (2). Documentation to show that the solar collector is or will be a productive solar collector within one year of application;
- (3). Descriptive drawings of the solar collector showing its dimensions and precise location;
- (4). A sun chart and a statement of the solar heating hours for which solar access is sought;
- (5). A statement that there is no reasonable alternative location for the solar collector that would result in a lesser burden on a neighboring lot;
- (6). A statement that trimming the vegetation on the applicant's lot will not permit an alternative location that would lessen the burden on a neighboring lot;
- (7). A list of the lots that are within 150 feet to the south, southeast, or southwest of the solar collector, including streets, alley and other unbuildable areas; a legal description for each such lot; the owner of record and his address; the exempt vegetation located on the lot; and any existing non-exempt vegetation likely to encroach on the protected area;
- (8). A plot plan showing the location of an delineating all exempt and non-exempt vegetation as shown on the sun chart photograph as well as any non-exempt vegetation not shown on the sun chart which may encroach on the protected are in the future. The plot plan shall also include:
 - (a) The exact site of the solar collector, its height and its orientation.
 - (b) Scale.
 - (c) A survey of the lot.
 - (d) An indication of true north.

3. The solar access permit application shall be approved if:

- a. The solar collector is or will be a productive solar collector;
- b. The protected area to be created by the solar access permit is reasonably located. A solar access permit shall be denied under this paragraph if the applicant could trim his or her own vegetation to permit an alternative location that would be less burdensome upon a burdened neighboring lot. A solar access permit shall also be denied under this paragraph if there is an alternate location that would impose a lesser burden on a neighboring lot or lots;
- c. The applicant requests solar heating hours no greater than two hours before and after the solar zenith from September 22 to March 21, and three hours before and after the solar zenith from March 22 to September 21;
- d. The solar access provided by the permit does not burden any lot more than 150 feet from the solar collector; and

- e. The application is accurate and complete.
4. Solar Access Permit Issuance and Recordation.
- a. Upon approval of an application, the City shall issue and acknowledge a solar access permit creating the solar access requested in the application.
 - b. Upon receiving such a permit, the County Clerk shall:
 - (1). Record the solar access permit in the chain of title of the applicant's lot and of each neighboring lot identified in the application; and
 - (2). Keep a copy of the approved application on file in County Records;
5. Obligation Created by Solar Access Permit. The owner of any lot burdened by a solar access permit shall trim any vegetation not exempted on the burdened lot that shades the protected area created by the solar access permit, provided that there is no vegetation on the lot benefited by the solar access permit that also shades the protected area. The cost of such trimming shall be borne by the owner of the benefited lot if the vegetation existed at the time of permit application as shown on the plot plan; and for all other vegetation, by the owner of the burdened lot. Before any trimming is required, the collector owner must certify that the collector is still productive.
6. Termination of Solar Access Permit.
- a. The Planning Director or Hearings Body shall terminate the solar access permit with respect to all or part of the neighboring lots burdened by the solar access permit if a petition for termination is submitted by the applicant or the applicant's successor in interest, or the collector is not productive for 12 consecutive months.
 - b. The County Clerk shall record the termination of the solar access permit in the chain of title of each lot affected by the termination.

Chapter 3.7 — Sensitive Lands

Sections: Squaw Creek Flood Plain District

This section is reserved for future design standards that regulate lands such as riparian corridors, steep slopes or other sensitive lands.

The Squaw Creek Flood Plain is designated as a Sensitive Land Area. The riparian area associated with Squaw creek is a valuable resource and buffer. No fill, removal of material, construction, disturbance of landscape shall occur without permit from the City of Sisters within the area identified in Chapter 2.6 – Flood Plain (FP) District.

Chapter 4.0 — Applications and Review Procedures

Sections:

- 4.0 – Administration of Land Use and Development Permits**
- 4.1 – Types of Applications and Review Procedures**
- 4.2 – Development Review and Site Design Review**
- 4.3 – Land Divisions and Lot Line Adjustments**
- 4.4 – Conditional Use Permits**
- 4.5 – Master Planned Developments**
- 4.6 – Modifications to Approved Plans and Conditions of Approval**
- 4.7 – Land Use District Map and Text Amendments**
- 4.8 – Code Interpretations**
- 4.9 – Miscellaneous Permits**

4.0 - Administration of Land Use and Development Permits

4.0.100 Introduction.

Chapter 4 provides all of the application requirements and procedures for obtaining permits required by this code. Please refer to Table 4.1.2 in Chapter 4.1 for a key to determining which land use permits and procedures are required, and the decision-making body for a particular type of permit application.

Chapter 4.1 — Types of Applications and Review Procedures

Sections:

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

4.1.100 Purpose.

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

4.1.200 Description of Permit/Decision-Making Procedures.

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

- A. Type I Procedure (Ministerial). Type I decisions are made by the **Planning Director**, or someone he or she officially designates, without public notice and without a public hearing. The Type I procedure is used when there are clear and objective approval criteria, and applies city standards and criteria that require no use of discretion;
- B. Type II Procedure (Administrative). Type II decisions are made by the **Planning Director** or designee with public notice, and an opportunity for a public hearing if appealed. The appeal of a Type II decision is heard by the Planning Commission;
- C. Type III Procedure (Quasi-Judicial). Type III decisions are made by the Planning Commission after a public hearing, with appeals heard by the City Council. Type III decisions generally use discretionary approval criteria;

4.1.3 Type I Procedure (Ministerial)

A. Application Requirements.

1. Application Forms. Type I applications shall be made on forms provided by the **Planning Director** or designee.
2. Application Requirements. Type I applications shall:
 - a. Include the information requested on the application form;
 - b. Address the criteria in sufficient detail for review and action; and
 - c. Be filed with the required fee.

B. Administrative Decision Requirements. The **Planning Director** or designee's decision shall address all of the approval criteria. Based on the criteria and the facts contained within the record, the **Planning Director** or designee shall approve, approve with conditions, or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at city hall.

C. Final Decision. The decision shall be final on the date it is mailed or otherwise provided to the applicant, whichever occurs first. The decision is the final decision of the City. It cannot be appealed to City officials. Appeals are possible to Oregon Land Use Board of Appeals (LUBA). Effective Date. The decision is effective the day after it is final.

4.1.4 Type II Procedure (Administrative)

A. Pre-application conference. A pre-application conference may be required for Type II applications. Pre-application conference requirements are in Section 4.1.7.

B. Application requirements.

1. Application Forms. Type II applications shall be made on forms provided by the **Planning Director** or designee;
2. Submittal Information. The application shall:
 - a. Include the information requested on the application form;
 - b. Be filed with 3 copies of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making;
 - c. Be accompanied by the required fee.
 - d. Include an impact study for all land division applications. The impact study shall quantify and assess the effect of the development on public facilities and services. The study shall address, at a minimum the following:
 - drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development;
 - For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users.

- In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval.

C. Notice of Application for Type II Administrative Decision.

1. Before making a Type II Administrative Decision, the **Planning Director** shall mail notice to:
 - a. All owners of record of real property within 250 feet (measured from the property line) of the subject site;
 - b. All City-recognized neighborhood groups or associations whose boundaries include the site;
 - c. Any person who submits a written request to receive a notice; and
 - d. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies; ODOT shall be notified when there is a land division abutting a State facility as appropriate, for review of the application.
2. The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application, before the Type II decision is made. The goal of this notice is to invite people to participate early in the decision-making process;
3. Notice of a pending Type II Administrative Decision shall:
 - a. Provide a 14-day period for submitting written comments before a decision is made on the permit; List the relevant approval criteria by name and number of code sections;
 - b. State the place, date and time the comments are due, and the person to whom the comments should be addressed;
 - c. Include the name and telephone number of a contact person regarding the Administrative Decision;
 - d. Identify the specific permits or approvals requested;
 - e. Describe the street address or other easily understandable reference to the location of the site;
 - f. State that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;
 - g. State that all evidence relied upon by the **Planning Director** or designee to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;

- h. State that after the comment period closes, the **Planning Director** or designee shall issue a Type II Administrative Decision. The decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice;
- i. Contain the following notice: “Notice to mortgagee, lienholder, vendor, or seller: The City of Sisters Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.”

D. Administrative Decision Requirements. The **Planning Director** or designee shall make Type II written decisions addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the **Planning Director** or designee shall approve, approve with conditions, or deny the requested permit or action. The decision may include a requirement for non-remonstration for future road improvements.

E. Notice of Decision.

1. Within five days after the **Planning Director** signs the decision, a Notice of Decision shall be posted on the property and sent by mail 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.
2. The **Planning Director** shall cause an affidavit of mailing and posting of the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and posted, and shall demonstrate that the notice was mailed to the people and within the time required by law.
3. The Type II Notice of Decision shall contain:
 - a. A description of the applicant’s proposal and the City’s decision on the proposal (i.e., may be a summary);
 - b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area, where applicable;
 - c. A statement of where the City’s decision can be obtained;
 - d. The date the decision shall become final, unless appealed;
 - e. A statement that all persons entitled to notice or who are otherwise adversely affected or aggrieved by the decision may appeal the decision;

- f. A statement briefly explaining how an appeal can be filed, the deadline for filing an appeal, and where further information can be obtained concerning the appeal process; and
 - g. A statement that unless appellant (the person who files the appeal) is the applicant, the hearing on the appeal shall be limited to the specific issues identified in the written comments submitted during the comment period. Additional evidence related to the Notice of Appeal (See subsection G.2.a, below) may be submitted by any person during the appeal hearing, subject to any rules of procedure adopted by the Planning Commission.
- F. Final decision and effective date. A Type II administrative decision is final for purposes of appeal, when it is mailed by the City. A Type II administrative decision is effective on the day after the appeal period expires. If an appeal is filed, the decision is effective when the appeal is decided.
- G. Appeal. A Type II administrative decision may be appealed to the Planning Commission as follows:
- 1. Who may appeal. The following people have legal standing to appeal a Type II Administrative Decision:
 - a. The applicant;
 - b. Any person who was mailed written notice of the Type II administrative decision;
 - c. Any other person who participated in the proceeding by submitting written comments.
 - 2. Appeal procedure.
 - a. Notice of appeal. Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type II Administrative Decision by filing a Notice of Appeal according to the following procedures:
 - (1) Time for filing. A Notice of Appeal shall be filed with the **Planning Director** within 14 days of the date the Notice of Decision was mailed;
 - (2) Content of notice of appeal. The Notice of Appeal shall contain:
 - (a) An identification of the decision being appealed, including the date of the decision;
 - (b) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 - (c) A statement explaining the specific issues raised on appeal;
 - (d) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period;
 - (e) Filing fee.
 - 3. The amount of the filing fee shall be established by the City. The maximum fee for an initial hearing shall be the City's cost for preparing and for conducting the hearing, or the statutory maximum, whichever is less.

4. Scope of appeal. The appeal of a Type II Administrative Decision by a person with standing shall be limited to the specific issues raised during the written comment period, as provided under Section 4.1.4.C, unless the Planning Commission allows additional evidence or testimony concerning any other relevant issue. The Planning Commission may allow such additional evidence if they determine that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of Type II Administrative Appeals by encouraging persons with standing to submit their specific concerns in writing during the comment period. The written comments received during the comment period will usually limit the scope of issues on appeal. Only in extraordinary circumstances should new issues be considered by the hearings body on appeal of a Type II Administrative Decision;
5. Appeal procedures. Type III notice and hearing procedures shall be used for all Type II Administrative Appeals, as provided in Sections 4.1.5.C - G;

H. Appeal to City Council. The decision of the Planning Commission regarding an appeal of a Type II Administrative Decision is the final decision of the City unless appealed to City Council. An appeal to City Council shall follow the same notification and hearing procedures as for the Planning Commission hearing.

4.1.5 Type III Procedure (Quasi-Judicial)

- A. Pre-application conference. A pre-application conference is required for all Type III applications. The requirements and procedures for a pre-application conference are described in Section 4.1.7.C.
- B. Application requirements.
 1. Application forms. Type III applications shall be made on forms provided by the *Planning Director*;
 2. Content. Type III applications shall:
 - a. Include the information requested on the application form;
 - b. Be filed with 10 copies of a narrative statement that explains how the application satisfies each and all of the relevant criteria in sufficient detail for review and action;
 - c. Be accompanied by the required fee;
 - d. Include an impact study for all Type III applications. The impact study shall quantify/assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval.

C. Notice of Hearing.

1. Mailed notice. Notice of a Type III application hearing or Type II appeal hearing shall be given by the **Planning Director** in the following manner:
 - a. At least 14 days before the hearing date, notice shall be mailed to:
 - (1) The applicant and all owners or contract purchasers of record of the property which is the subject of the application;
 - (2) All property owners of record within 250 feet of the property line of the site;
 - (3) Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175;
 - (4) Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;
 - (5) Any person who submits a written request to receive notice;
 - (6) For appeals, the appellant and all persons who provided testimony; and
 - (7) For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
 - b. The **Planning Director** shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was posted on the property and mailed to the persons who must receive notice;

- c. At least 14 business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record;
 - d. At least 14 business days before the hearing, the applicant shall post notice of the hearing on the property per Subsection 2 below. The applicant shall prepare and submit an affidavit of posting of the notice which shall be made part of the administrative record.
2. Content of Notice. Notice of appeal of a Type II Administrative decision or a Type III hearing to be mailed, posted and published per Subsection 1 above shall contain the following information:
- a. The nature of the application and the proposed land use or uses which could be authorized for the property;
 - b. The applicable criteria and standards from the development code(s) that apply to the application;
 - c. The street address or other easily understood geographical reference to the subject property;
 - d. The date, time, and location of the public hearing;
 - e. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;
 - f. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;
 - g. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at Sisters City Hall at no cost and that copies shall be provided at a reasonable cost;
 - h. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;

- i. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings.
- j. The following notice: “Notice to mortgagee, lienholder, vendor, or seller: The City of Sisters Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.”

D. Conduct of the Public Hearing.

1. At the commencement of the hearing, the hearings body shall state to those in attendance that:
 - a. The applicable approval criteria and standards that apply to the application or appeal;
 - b. A statement that testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations which the person testifying believes to apply to the decision;
 - c. A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue;
 - d. Before the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a “continuance”) per paragraph 2 of this subsection, or by leaving the record open for additional written evidence or testimony per paragraph 3 of this subsection.
2. If the Planning Commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;
3. If the Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Planning Commission shall reopen the record per subsection E of this section;
 - a. When the Planning Commission re-opens the record to admit new evidence or testimony, any person may raise new issues which relates to that new evidence or testimony;
 - b. An extension of the hearing or record granted pursuant to Section D is subject to the limitations of ORS 227.178 (“120-day rule”), unless the continuance or extension is requested or agreed to by the applicant;

- c. If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence.
4. The record.
 - a. The record shall contain all testimony and evidence that is submitted to the City and the hearings body and not rejected;
 - b. The hearings body may take official notice of judicially cognizable facts under the applicable law. If the review authority takes official notice, it must announce its intention and allow persons participating in the hearing to present evidence concerning the noticed facts;
 - c. The review authority shall retain custody of the record until the City issues a final decision.
5. Participants in the appeal of a Type II Administrative decision or a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts (see Section 6 below) as reasonably possible. However, the public has a countervailing right of free access to public officials. Therefore:
 - a. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing ex parte contacts (as defined in Section 6 below) concerning the application or appeal. He or she shall state whether the contact has impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly;
 - b. A member of the hearings body shall not participate in any proceeding in which they, or any of the following, has a direct or substantial financial interest: Their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;
 - c. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;
 - d. If all members abstain or are disqualified, those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;
 - e. If a member of the hearings body abstains or is disqualified, the City shall provide a substitute in a timely manner subject to the impartiality rules in Section 6;
 - f. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.
6. Ex parte communications.

- a. Members of the hearings body shall not:
 - (1) Communicate, directly or indirectly, with any applicant, appellant, other party to the proceedings, or representative of a party about any issue involved in a hearing, except upon giving notice, per Section 5 above;
 - (2) Take official notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.
- b. No decision or action of the hearings body shall be invalid due to ex parte contacts or bias resulting from ex parte contacts, if the person receiving contact:
 - (1) Places in the record the substance of any written or oral ex parte communications concerning the decision or action; and
 - (2) Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.
- c. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;
- d. If all members abstain or are disqualified, those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;
- e. If a member of the hearings body abstains or is disqualified, the City shall provide a substitute in a timely manner subject to the impartiality rules in Section 6;
- f. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section;
- g. A communication between City staff and the hearings body is not considered an ex parte contact.

7. Presenting and receiving evidence.

- a. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;
- b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in Section D;
- c. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the hearing and an opportunity is provided to dispute the evidence. In the alternative, a member of the hearings body may visit the property to familiarize him or herself with the site and surrounding area, but not to independently

gather evidence. In the second situation, at the beginning of the hearing, he or she shall disclose the circumstances of the site visit and shall allow all participants to ask about the site visit.

E. The Decision Process.

1. Basis for decision. Approval or denial of an appeal of a Type II Administrative decision or a Type III application shall be based on standards and criteria in the development code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the City as a whole;
2. Findings and conclusions. Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;
3. Form of decision. The Planning Commission shall issue a final written order containing the findings and conclusions stated in subsection 2, which either approves, denies, or approves with specific conditions. The Planning Commission may also issue appropriate intermediate rulings when more than one permit or decision is required;
4. Decision-making time limits. A final order for any Type II Administrative Appeal or Type III action shall be filed with the **Planning Director** within ten business days after the close of the deliberation.

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

G. Final Decision and Effective Date. The decision of the hearings body on any Type II appeal or any Type III application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the City Council. The notification and hearings procedures for Type III applications on appeal to the City Council shall be the same as for the initial hearing.

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

B. Application requirements.

1. Application forms. Type IV applications shall be made on forms provided by the **Planning Director**;
2. Submittal Information. The application shall contain:

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

C. Notice of Hearing.

1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications, except annexations where only a hearing by the City Council is required.
2. Notification requirements. Notice of public hearings for the request shall be given by the **Planning Director** in the following manner:
 - a. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
 - (1) Each owner whose property would be rezoned in order to implement the ordinance (i.e., owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment);
 - (2) Any affected governmental agency.
 - (3) Recognized neighborhood groups or associations affected by the ordinance;
 - (4) Any person who requests notice in writing;
 - (5) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
 - (6) *[Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.];*
 - b. At least 10 days before the scheduled Planning Commission public hearing date, and 10 days before the City Council hearing date, notice shall be published in a newspaper of general circulation in the City.
 - c. The **Planning Director** shall:
 - (1) For each mailing of notice, file an affidavit of mailing in the record as provided by Subsection a; and
 - (2) For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b.
 - d. The Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 45 days before the first public hearing at which public testimony or new evidence will be received.
 - e. Notifications for annexation shall follow the provisions of this Chapter and ORS 199.
3. Content of notices. The mailed and published notices shall include the following information:

- a. The number and title of the file containing the application, and the address and telephone number of the *Planning Director*'s office where additional information about the application can be obtained;
 - b. A description of the location of the proposal reasonably calculated to give notice of the location of the geographic area;
 - c. A description of the proposal in enough detail for people to determine that a change is proposed, and the place where all relevant materials and information may be obtained or reviewed;
 - d. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall (See subsection E below); and
 - e. Each mailed notice required by section D shall contain the following statement: "Notice to mortgagee, lienholder, vendor, or seller: The Sisters Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."
4. Failure to receive notice. The failure of any person to receive notice shall not invalidate the action, providing:
- a. Personal notice is deemed given where the notice is deposited with the United States Postal Service;
 - b. Published notice is deemed given on the date it is published.

D. Hearing Process and Procedure.

1. Unless otherwise provided in the rules of procedure adopted by the City Council:
 - a. The presiding officer of the Planning Commission and of the City Council shall have the authority to:
 - (1) Regulate the course, sequence, and decorum of the hearing;
 - (2) Direct procedural requirements or similar matters; and
 - (3) Impose reasonable time limits for oral presentations.
 - b. No person shall address the Commission or the Council without:
 - (1) Receiving recognition from the presiding officer; and
 - (2) Stating their full name and address.
 - c. Disruptive conduct such as applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.

2. Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Commission and of the Council, shall conduct the hearing as follows:
 - a. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the City Council or the final decision of the Council;
 - b. The *Planning Director*'s report and other applicable staff reports shall be presented;
 - c. The public shall be invited to testify;
 - d. The public hearing may be continued to allow additional testimony or it may be closed; and
 - e. The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.
- F. Continuation of the Public Hearing. The Planning Commission or the City Council may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.
- G. Decision-Making Considerations. The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:
 1. Approval of the request is consistent with the Statewide Planning Goals;
 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 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.
 4. Compliance with 4.7.600, Transportation Planning Rule (TPR) Compliance

H. Approval Process and Authority.

1. The Planning Commission shall:
 - a. After notice and a public hearing, vote on and prepare a recommendation to the City Council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and
 - b. Within 10 business days of determining a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the **Planning Director**.
2. Any member of the Planning Commission who votes in opposition to the Planning Commission's majority recommendation may file a written statement of opposition with the **Planning Director** before the Council public hearing on the proposal. The **Planning Director** shall send a copy to each Council member and place a copy in the record;
3. If the Planning Commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal, within 60 days of its first public hearing on the proposed change, the **Planning Director** shall:
 - a. Report the failure together with the proposed change to the City Council; and
 - b. Provide notice and put the matter on the City Council's agenda, a public hearing to be held, and a decision to be made by the Council. No further action shall be taken by the Commission.
4. The City Council shall:
 - a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;
 - b. Consider the recommendation of the Planning Commission; however, it is not bound by the Commission's recommendation; and
 - c. Act by ordinance, which shall be signed by the Mayor after the Council's adoption of the ordinance.

I. Vote Required for a Legislative Change.

1. A vote by a majority of the qualified voting members of the Planning Commission present is required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.

2. A vote by a majority of the qualified members of the City Council present is required to decide any motion made on the proposal.
- J. Notice of Decision. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development, within five business days after the City Council decision is filed with the **Planning Director**. The City shall also provide notice to all persons as required by other applicable laws.
- K. Final Decision and Effective Date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.
- L. Record of the Public Hearing.
1. A verbatim record of the proceeding shall be made by stenographic, mechanical, or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record;
 2. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;
 3. The official record shall include:
 - a. All materials considered by the hearings body;
 - b. All materials submitted by the **Planning Director** to the hearings body regarding the application;
 - c. The verbatim record made by the stenographic, mechanical, or electronic means; the minutes of the hearing; and other documents considered;
 - d. The final ordinance;
 - e. All correspondence; and
 - f. A copy of the notices which were given as required by this Chapter.

4.1.7 General Provisions

- A. 120-day Rule. The City shall take final action on permit applications which are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions - plan and code amendments - under ORS 227.178.)
- B. Time Computation. In computing any period of time prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the end of the next day which is not a Saturday or legal holiday.

C. Pre-application Conferences.

1. Participants. When a preapplication conference is required, the applicant shall meet with the **Planning Director** or his/her designee(s);
2. Information provided. At such conference, the **Planning Director** or designee shall:
 - a. Cite the comprehensive plan policies and map designations applicable to the proposal;
 - b. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;
 - c. Provide available technical data and assistance which will aid the applicant;
 - d. Identify other governmental policies and regulations that relate to the application; and
 - e. Reasonably identify other opportunities or constraints concerning the application.
3. Disclaimer. Failure of the **Planning Director** or his/her designee to provide any of the information required by this Section C shall not constitute a waiver of any of the standards, criteria or requirements for the application;
4. Changes in the law. Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.

D. Applications.

1. Initiation of applications:
 - a. Applications for approval under this chapter may be initiated by:
 - (1) Order of City Council;
 - (2) Resolution of the Planning Commission;
 - (3) The **Planning Director**;
 - (4) Recorded owner of property (person(s) whose name is on the most recently recorded deed), or contract purchaser with written permission from the record owner.
 - (5) Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on their behalf.
2. Consolidation of proceedings. When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.
 - a. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the **Planning Director**.

- b. When proceedings are consolidated:
 - (1) The notice shall identify each application to be decided;
 - (2) The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions; and
 - (3) Separate findings and decisions shall be made on each application.
- 3. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:
 - a. Acceptance. When an application is received by the City, the **Planning Director** shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant;
 - (1) The required form;
 - (2) The required fee;
 - (3) The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.
 - b. Completeness.
 - (1) Review and notification. After the application is accepted, the **Planning Director** shall review the application for completeness. If the application is incomplete, the **Planning Director** shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days to submit the missing information;
 - (2) When application deemed complete for review. In accordance with the application submittal requirements of this chapter, the application shall be deemed complete upon the receipt by the **Planning Director** of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the **Planning Director** in (1), above. For the refusal to be valid, the refusal shall be made in writing and received by the **Planning Director** no later than 14 days after the date on the **Planning Director**'s letter of incompleteness. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete on 31st day after the **Planning Director** first accepted the application.
 - (3) Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first accepted.
 - (4) Coordinated Review. The City shall also submit the application for review and comment to City Engineer; ODOT, and other applicable County, State and federal agencies for review.

4. Changes or additions to the application during the review period. Once an application is deemed complete:
 - a. All documents and other evidence relied upon by the applicant shall be submitted to the Planning Director at least seven days before the notice of action or hearing is mailed, if possible. Documents or other evidence submitted after that date shall be received by Planning Director, and transmitted to the hearings body, but may be too late to include with the staff report and evaluation;
 - b. When documents or other evidence are submitted by the applicant during the review period, but after the application is deemed complete, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application;
 - c. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred as part of the decision. In the alternate, the reviewer may inform the applicant either in writing, or orally at a public hearing, that such changes may constitute a significant change (see “d”, below), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change;
 - d. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the City shall take one of the following actions, at the choice of the applicant:

- (1) Continue to process the existing application and allow the applicant to submit a new second application with the proposed significant changes. Both the old and the new applications will proceed, but each will be deemed complete on different dates and may therefore be subject to different criteria and standards and different decision dates;
- (2) Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day rule (Section A., above) on the existing application. If the applicant does not consent, the City shall not select this option;
- (3) Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. The City will complete its decision-making process without considering the new evidence;
- (4) If a new application is submitted by the applicant, that application shall be subject to a separate check for acceptance and completeness and will be subject to the standards and criteria in effect at the time the new application is accepted.

E. **Planning Director's Duties.** The **Planning Director** shall:

1. Prepare application forms based on the criteria and standards in applicable state law, the City's comprehensive plan, and implementing ordinance provisions;
2. Accept all development applications which comply with Section 4.1.7;
3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report should also provide a recommended decision of: approval; denial; or approval with specific conditions that ensure conformance with the approval criteria;
4. Prepare a notice of the proposal decision:
 - a. In the case of an application subject to a Type I or II review process, the **Planning Director** shall make the staff report and all case-file materials available at the time that the notice of the decision is issued;
 - b. In the case of an application subject to a hearing (Type III or IV process), the **Planning Director** shall make the staff report available to the public at least seven days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by Sections 4.1.4.C (Type II), 4.1.5.C (Type III), or 4.1.6.D (Type IV);
4. Administer the hearings process;
5. 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;

6. Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and conditions, if any; all correspondence; minutes of any meeting at which the application was considered; and any other exhibit, information or documentation which was considered by the decision-maker(s) on the application; and
7. Administer the appeals and review process.

F. Amended Decision Process.

1. The purpose of an amended decision process is to allow the **Planning Director** to correct typographical errors, rectify inadvertent omissions and/or make other minor changes which do not materially alter the decision.
2. The **Planning Director** may issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If such a decision is amended, the decision shall be issued within 10 business days after the original decision would have become final, but in no event beyond the 120-day period required by state law. A new 10-day appeal period shall begin on the day the amended decision is issued.
3. Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.
4. Modifications to approved plans or conditions of approval requested by the applicant shall follow the procedures contained in Section 4.6. All other requested changes to decisions that do not qualify as minor or major modifications shall follow the appeal process.

G. Re-submittal of Application Following Denial. An application which has been denied, or an application which was denied and which on appeal or review has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission or the courts, may not be resubmitted as the same or a substantially similar proposal for the same land for a period of at least 12 months from the date the final City action is made denying the application, unless there is substantial change in the facts or a change in City policy which would change the outcome, as determined by the **Planning Director**.

4.1.8 Special Procedures

A. Expedited Land Divisions. An Expedited Land Division (“ELD”) shall be defined and may be used as in ORS 197.360 which is expressly adopted and incorporated by reference here.

1. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned development instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it;
2. Review procedure. An ELD shall be reviewed in accordance with the procedures in ORS 197.365;

3. Appeal procedure. An appeal of an ELD shall be in accordance with the procedures in ORS 197.375.

4.1.9 Neighborhood Meetings

- A. Neighborhood Meeting Requirement. Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input and exchange information about the proposed development. In some cases, the **Planning Director** may require the applicant to meet with a City-recognized neighborhood association or group prior to accepting an application as complete. A Neighborhood Meeting is required for the following types of applications:
 1. Subdivisions.
 2. Site Design Review applications within the Residential Land Use District.
 3. Other development applications that are likely to have neighborhood or community-wide impacts (e.g., traffic, parking, noise, or similar impacts), as determined by the **Planning Director**.

Chapter 4.2 — Development Review and Site Design Review

Sections:

4.2.100 Purpose

4.2.200 Applicability

4.2.300 Development Review Approval Criteria

4.2.400 Site Design Review - Application Review Procedure

4.2.500 Site Design Review - Application Submission Requirements

4.2.600 Site Design Review Approval Criteria

4.2.700 Bonding and Assurances

4.2.800 Development in Accordance With Permit Approval

4.2.1 Purpose.

The purpose of this Chapter is to:

- A. Provide rules, regulations and standards for efficient and effective administration of site development review.
- B. Carry out the development pattern and plan of the City and its comprehensive plan policies;
- C. Promote the public health, safety and general welfare;
- D. Lessen or avoid congestion in the streets, and secure safety from fire, flood, pollution and other dangers;
- E. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage; and
- F. Encourage the conservation of energy resources.
- G. Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design.

4.2.2 Applicability

Development Review or Site Design Review shall be required for all new developments and modifications of existing developments described below. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair shall be exempt.

4.2.3 Applicability *(continued)*

- A. Site Design Review. Site Design Review is a discretionary review conducted by the City Manager or designee and may require a public hearing. (See Chapter 4.1 for review procedure.) It applies to all developments in the City, except those specifically listed under “B” (Development Review). Site Design Review ensures compliance with the basic development standards of the land use district (e.g., building setbacks, lot coverage, maximum building height), as well as the more detailed design standards and public improvement requirements in Chapters 2 and 3.
- B. Development Review. Development Review is a non-discretionary or “ministerial” review conducted by the City Manager or designee without a public hearing. (See Chapter 4.1 for review procedure.) It is for less complex developments and land uses that do not require site design review approval. Development Review is based on clear and objective standards and ensures compliance with the basic development standards of the land use district, such as building setbacks, lot coverage, maximum building height, and similar provisions of Chapter 2. Development Review is required for all of the types of development listed below, *except that all developments in sensitive land areas shall also use the development review procedures specified for those districts.*
1. Single-family detached dwelling (including manufactured homes), when required by a condition of land division approval;
 2. Single-family detached dwelling (including manufactured homes), on lots and parcels created before this ordinance has been approved **6/28/2001**;
 3. A single duplex, up to two single family attached (townhome) units, or a single triplex which is not being reviewed as part of any other development, and accessory parking on the same lot;
 4. Building additions of not more than 200 square feet, and Minor Modifications to development approvals as defined by Chapter 4.6;
 5. Any proposed development which has a valid conditional use permit. Major modifications to a development with a conditional use permit shall require review and approval in accordance with Chapter 4.4 - Conditional Use Permits;
 6. Home occupation, subject to review under Chapter 4.9;(2.1.200K; 2.2.180I)
 7. Temporary use, except that temporary uses shall comply with the procedures and standards for temporary uses as contained in Chapter 4.9;
 8. Accessory structures with less than 600 square feet of floor area, including accessory dwellings;
 9. Other developments, when required by a condition of approval.
 - [10. Reserved for any other types of development, as needed]

4.2.3 Development Review Approval Criteria

Development Review shall be conducted only for the developments listed in Section 4.2.2.B, above, and it shall be conducted as a Type I procedure, as described in Chapter 4.1.3. Prior to issuance of building permits, the following standards shall be met:

1. The proposed land use is permitted by the underlying land use district (Chapter 2);
2. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any sub-district(s) are met (Chapter 2);
3. The standards in Chapter 3.2.2 Landscape Conservation, 3.2.3 New Landscaping ; 3.2.5 Fences and Walls and 3.3 Vehicle and Bicycle Parking are met;
4. All applicable building and fire code standards are met; and
5. The approval shall lapse, and a new application shall be required, if a building permit has not been issued within one year of Site Review approval, or if development of the site is in violation of the approved plan or other applicable codes.

4.2.4 Site Design Review - Application Review Procedure

- A. Site Design Review shall be conducted as a Type III or a Type II procedure [as specified in “B” below], using the procedures in Chapter 4.1, and using the approval criteria contained in Section 4.2.5.
- B. Site Design Review – Determination of Type II Applications. Applications for Site Design Review shall be subject to Type II or Type III review, based on the following criteria
 1. Residential buildings with 3 or fewer dwelling units shall be reviewed as a Type II application, except when Development Review is allowed under Section 4.2.3. Residential buildings with greater than 3 units shall be reviewed as a Type III application.
 2. Commercial, industrial, public/semi-public, and institutional buildings with 5,000 square feet of gross floor area or less shall be reviewed as a Type II application, except when Development Review is allowed under Section 4.2.3. Commercial, industrial, public/semi-public, and institutional buildings with greater than 5,000 square feet of gross floor area shall be reviewed as a Type III application.

4.2.4 Site Design Review - Application Review Procedure *(continued)*

3. Developments with more than one building (e.g., two duplex buildings or an industrial building with accessory workshop) shall be reviewed as Type III applications, notwithstanding the provisions contained in subsections 1 and 2, above.
4. Developments with 4 or fewer required off-street vehicle parking spaces in conformance with Chapter 3.3 shall be reviewed as Type II applications, and those with more than 4 off-street vehicle parking spaces shall be reviewed as Type III applications, notwithstanding the provisions contained in subsections 1-3 (above) and 5-6 (below).
5. Developments involving the clearing and/or grading of ½ acre or a larger area shall be reviewed as Type III applications, notwithstanding the provisions contained in subsections 1-5 (above) and subsection 6 (below).
6. All developments in designated sensitive land districts shall be reviewed as Type III applications.

4.2.5 Site Design Review - Application Submission Requirements

All of the following information is required for Site Design Review application submittal:

- A. General Submission Requirements. The applicant shall submit an application containing all of the general information required by Section 4.1.4 (Type II application) or Section 4.1.5 (Type III application), as applicable. The type of application shall be determined in accordance with subsection A of Section 4.2.4.
- B. Site Design Review Information. An application for site design review shall include the following additional information, as deemed applicable by the City Manager:
 1. Site analysis map. At a minimum the site map shall contain the following:
 - a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified;
 - b. Topographic contour lines at intervals determined by the City;

4.2.5 Site Design Review - Application Submission Requirements (*continued*)

- c. Identification of slopes greater than 5 percent;
 - d. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
 - e. Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards;
 - f. Resource areas, including marsh and wetland areas, streams, wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection;
 - g. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
 - h. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;
 - i. North arrow, scale, names and addresses of all persons listed as owners on the most recently recorded deed.
 - j. Other information, as determined by the City Manager. The City may require studies or exhibits prepared by qualified professionals to address specific site features.
2. Proposed site plan. The site plan shall contain the following information, if applicable:
- a. The proposed development site, including boundaries, dimensions, and gross area;
 - b. Features identified on the existing site analysis map which are proposed to remain on the site.
 - c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
 - d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
 - e. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
 - f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;

4.2.5 Site Design Review - Application Submission Requirements (continued)

- g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable);
 - h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
 - i. Loading and service areas for waste disposal, loading and delivery;
 - j. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements, as applicable;
 - k. Location, type, and height of outdoor lighting;
 - l. Location of mail boxes, if known;
 - m. Name and address of project designer, if applicable.
 - n. Location of bus stops and other public or private transportation facilities.
 - o. Locations, sizes, and types of signs.
 - p. Other information, determined by the City Manager. The City may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code.
3. Architectural drawings. The City Manager may request architectural drawings showing one or all of the following:
 - a. Building elevations (as determined by the City Manager) with building height and width dimensions;
 - b. Building materials, color and type.
 - c. The name of the architect or designer.
 4. Preliminary grading plan. A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 1,000 cubic yards or greater. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required.
 5. Landscape plan. A landscape plan may be required and at the direction of the City Manager or designee shall show the following:

4.2.5 Site Design Review - Application Submission Requirements (*continued*)

- a. The location and height of existing and proposed fences and other buffering or screening materials;
 - b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
 - c. The location, size, and species of the existing and proposed plant materials (at time of planting);
 - d. Existing and proposed building and pavement outlines;
 - e. Specifications for soil at time of planting, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule.
 - f. Other information as deemed appropriate by the City Manager. An arborist's report may be required for sites with mature trees that are protected under Section 3.2.Landscape, Street Trees, Fences and Walls of this Code.
6. Sign drawings shall be required in conformance with the City's Sign Code (Chapter 3.6).
 7. Copies of all existing and proposed restrictions or covenants.
 8. Letter or narrative report documenting compliance with the applicable approval criteria contained in Sub Section 4.2.6 Approval Criteria.
 9. Traffic Impact Study. See Chapter 4.10
 10. Mailing address labels for all owners of record for properties within 250 feet.

4.2.6 Approval Criteria

The review authority shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

- A. The application is complete, as determined in accordance with Chapter 4.1 - Types of Applications and Section 4.2.5, above.
- B. The application complies with the all of the applicable provisions of the underlying Land Use District (Chapter 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;
- C. The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2, Non-Conforming Uses and Development;
- D. The application complies with the Design Standards contained in Chapter 3. All of the following standards shall be met:
 1. Chapter 3.1 - Access and Circulation;
 2. Chapter 3.2 - Landscaping, Significant Vegetation, Street Trees, Fences and Walls;

4.2.6 Approval Criteria *(continued)*

3. Chapter 3.3 - Automobile and Bicycle Parking;
 4. Chapter 3.4 - Public Works Standards;
 5. Chapter 3.5 - Surface Water Management;
 6. Chapter 3.6 - Other Standards (Telecommunications Facilities, Solid Waste Storage, Environmental Performance, Signs), as applicable.
- E. Conditions required as part of a Land Division (Chapter 4.3), Conditional Use Permit (Chapter 4.4), Master Planned Development (Chapter 4.6), Specific Area Plan (Chapter 2.5), or other approval shall be met.
- F. Exceptions to criteria D.1-6, above, may be granted only when approved as a Variance (Chapter 5.3).

4.2.7 Bonding and Assurances

- A. Performance Bonds for Public Improvements. On all projects where public improvements are required, the City shall require a bond in an amount not greater than 120% or other adequate assurances as a condition of site development approval in order to guarantee the public improvements;
- B. Release of Performance Bonds. The bond or assurance shall be released when the City Manager finds the completed project conforms to the site development approval, including all conditions of approval.
- C. Completion of Landscape Installation. Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the City Manager or a qualified landscape architect is filed with the City Recorder assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.
- D. Business License Filing. The applicant shall ensure that all business occupants of the completed project, whether permanent or temporary, shall apply for and receive a City business license prior to initiating business.

4.2.8 Development in Accordance With Permit Approval

Development shall not commence until the applicant has received all of the appropriate land use and development approvals (i.e., site design review approval) and building permits. Construction of public improvements shall not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site public improvements), and may require bonding or other assurances for improvements, in accordance with

4.2.8 Development in Accordance With Permit Approval *(continued)*

Section 4.2.7. Development Review and Site Design Review approvals shall be subject to all of the following standards and limitations:

- A. Modifications to Approved Plans and Developments. Minor modifications of an approved plan or existing development, as defined in Section 4.6, shall be processed as a Type I procedure and require only Site Review. Major modifications, as defined in Section 4.6, shall be processed as a Type II or Type III procedure and shall require site design review. For information on Type I, Type II and Type III procedures, please refer to Chapter 4.1. For Modifications approval criteria, please refer to Chapter 4.6.
- B. Approval Period. Development Review and Site Design Review approvals shall be effective for a period of one year from the date of approval. The approval shall lapse if:
 - 1. A building permit has not been issued within a one-year period; or
 - 2. Construction on the site is in violation of the approved plan.
- C. Extension. The City Manager or designee shall, upon written request by the applicant, grant an extension of the approval period not to exceed one year; provided that:
 - 1. No changes are made on the original approved site design review plan;
 - 2. The applicant can show intent of initiating construction on the site within the one year extension period;
 - 3. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site design review shall be required; and
 - 4. The applicant demonstrates that failure to obtain building permits and substantially begin construction within one year of site design approval was beyond the applicant's control.
- D. Phased Development. Phasing of development may be approved with the Site Design Review application, subject to the following standards and procedures:
 - 1. A phasing plan shall be submitted with the Site Design Review application.
 - 2. The City Manager or designee shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 2 years without reapplying for site design review.
 - 3. Approval of a phased site design review proposal requires satisfaction of all of the following criteria:
 - a. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;

- b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with Section 4.2.4. A temporary public facility is any facility not constructed to the applicable City or district standard, subject to review by the City Engineer;
- c. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and
- d. An application for phasing may be approved after Site Design Review approval as a modification to the approved plan, in accordance with the procedures for minor modifications (Chapter 4.6).

Chapter 4.3 — Land Divisions and Lot Line Adjustments

Sections:

4.3.100	Purpose
4.3.110	General Requirements
4.3.120	Approvals Process
4.3.130	Preliminary Plat Submission Requirements
4.3.140	Approval Criteria: Preliminary Plat
4.3.150	Variances Authorized
4.3.160	Final Plat Submission Requirements and Approval Criteria
4.3.170	Public Improvements
4.3.180	Performance Guarantees
4.3.190	Filing and Recording
4.3.200	Replatting and Vacation of Plats
4.3.210	Lot Line Adjustments

4.3.100 Purpose.

The purpose of this Chapter is to:

- A. Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments.
- B. Carry out the City's development pattern, as envisioned by the Comprehensive Plan.
- C. Encourage efficient use of land resources, full utilization of urban services, and transportation options;
- D. Promote the public health, safety and general welfare through orderly and efficient urbanization;
- E. Lessen or avoid traffic congestion, and secure safety from fire, flood, pollution and other dangers;
- F. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage; and
- G. Encourage the conservation of energy resources.

4.3.110 General Requirements

- A. Subdivision and Partition Approval Through Two-step Process. Applications for subdivision or

partition approval shall be processed through a two-step process: the preliminary plat and the final plat.

1. The preliminary plat shall be approved before the final plat can be submitted for approval consideration; and,
 2. The final plat shall include all conditions of approval of the preliminary plat.
- B. Compliance With ORS Chapter 92. All subdivision and partition proposals shall be in conformance to State regulations set forth in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions.
- C. Future Re-division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. A re-division plan shall be submitted which identifies:
1. Potential future lot division(s) in conformance with the housing and density standards of Chapter 2;
 2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way.
 3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.
- D. Lot Size Averaging. Single family residential lot size may be averaged to allow lots less than the minimum lot size in the Residential district, as long as the average area for all lots is not less than allowed by the district. No lot created under this provision shall be less than 50% of the minimum lot size allowed in the underlying district. For example, if the minimum lot size is 5,000 square feet, one way for three lots to be created from a 15,000 square foot parcel are: 4,000 square feet, 5,000 square feet, and 6,000 square feet.
- E. Temporary Sales Office. A temporary sales office in conjunction with a subdivision may be approved as set forth in Chapter 4.9.1, Temporary Uses.
- F. Minimize flood damage. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway. Development in a 100-year flood plain shall comply with Federal Emergency Management Agency requirements, including filling to elevate structures above the base flood elevation. The applicant shall be responsible for obtaining such approvals from the appropriate agency before City approval of the final plat.

4.3.110 General Requirements *(continued)*

- G. Determination of Base Flood Elevation. Where a development site consists of 3 or more lots, or is located in or near areas prone to inundation, and the base flood elevation has not been provided or is not available from another authoritative source, it shall be prepared by a qualified professional, as determined by the Planning Director.
- H. Need for Adequate Utilities. All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to prevent or minimize flood damage to the extent practicable.
- I. Need for Adequate Drainage. All subdivision and partition proposals shall have adequate surface water drainage provided to reduce exposure to flood damage. Water quality or quantity control improvements may be required; and
- J. Floodplain, Park, and Open Space Dedications. Where land filling and/or development is allowed within or adjacent to the 100-year flood plain outside the zero-foot rise flood plain, and the Comprehensive Plan designates the subject flood plain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway adjoining or within the flood plain. When practicable, this area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the flood plain in accordance with the City’s adopted trails plan or pedestrian and bikeway plans, as applicable. The City shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development’s impact to the park and/or trail system, consistent with Chapter 3.4, and Section 3.4.0.D in particular.
- K. Double Frontage Lots. The creation of double frontage lots shall be avoided wherever possible.

4.3.120 Approvals Process

- A. Review of Preliminary Plat. Review of a preliminary plat with 2 or 3 lots (partition) shall be processed by means of a Type II procedure, as governed by Chapter 4.1.4. Preliminary plats with more than 3 lots (subdivision) shall be processed with a Type III procedure under 4.1.5. All preliminary plats shall be reviewed using approval criteria contained in Section 4.3.140. An application for subdivision may be reviewed concurrently with an application for a Master Planned Development under Chapter 4.5.
- B. Review of Final Plat. Review of a final plat for a subdivision or partition shall be processed by means of a Type I procedure under Chapter 4.1.3, using the approval criteria in Section 4.3.160.
- C. Preliminary Plat Approval Period. Preliminary plat approval shall be effective for a period of 3 years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted within a 2-year period.

D. Modifications and Extensions. The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Chapter 4.6 - Modifications. The Planning Director shall, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed one year; provided that:

1. Any changes to the preliminary plat follow the procedures in Chapter 4.6;
2. The applicant has submitted written intent to file a final plat within the one-year extension period;
3. An extension of time will not prevent the lawful development of abutting properties;
4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and
5. The extension request is made before expiration of the original approved plan.

E. Phased Development.

1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be greater than two years without reapplying for a preliminary plat;
2. The criteria for approving a phased land division proposal are:
 - a. Public facilities shall be constructed in conjunction with or prior to each phase;
 - b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Section 4.3.180. A temporary public facility is any facility not constructed to the applicable City or district standard;
 - c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and
 - d. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

4.3.130 Preliminary Plat Submission Requirements

A. General Submission Requirements. For partitions (up to 3 lots), the applicant shall submit an application containing all of the information required for a partition. For subdivisions (4 lots or more), the application shall contain all of the information required for a subdivision, except as required for Master Planned Neighborhood Developments:

1. Master Planned Development (Residential District only). Submission of a Master Plan, as provided in Chapter 2 shall be required for parcels and development sites with more than one parcel, in the Residential District which are 5 acres or larger. The Master Plan shall be approved either prior to, or concurrent with, the preliminary plat application.
- B. Preliminary Plat Information. In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:
1. General information:
 - a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in the county in which it is located (please check with County surveyor);
 - b. Date, north arrow, and scale of drawing;
 - c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;
 - d. Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor if any, and the date of the survey; and
 - e. Identification of the drawing as a “preliminary plat”.
 2. Site analysis:
 - a. Streets: Location, name, present width of all streets, alleys and rights-of-way on and abutting the site;
 - b. Easements: Width, location and purpose of all existing public and private easements of record on and abutting the site;
 - c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;
 - d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor. This requirement may be waived for partitions when grades, on average, are less than 6 percent;
 - e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for

surveying purposes);

- f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;
 - g. Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection. (See also, Chapter 3.7 and relevant portions of the Comprehensive Plan.);
 - h. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
 - i. Designated historic and cultural resources on the site and adjacent parcels or lots;
 - j. The location, size and species of trees having a caliper (diameter) of 12 inches or greater measured at four feet above grade in conformance with Chapter 3.2, and, any tree with a historic designation regardless of size;
 - k. North arrow, scale, name and address of owner;
 - l. Name and address of project designer, if applicable; and
 - m. Other information, as deemed appropriate by the Planning Director or designee. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.
 - n. A Traffic Impact Statement or Study may be required at the discretion of the Planning Director or designee for any development that will generate less than 200 vehicle trips per day. A Traffic Impact Study shall be required for any development that generates more than 200 vehicle trips per day.
3. Proposed improvements:
- a. Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts which are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
 - b. Easements: location, width and purpose of all easements;
 - c. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all lots and tracts;

- d. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use: potential location of future buildings;
 - e. Proposed improvements, as required by Chapter 3 (Design Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);
 - f. Preliminary location of development showing that future buildings can meet dimensional standards of base zone.
 - g. The proposed source of domestic water;
 - h. The proposed method of sewage disposal, and method of surface water drainage and treatment if required;
 - i. The approximate location and identity of other utilities, including the locations of street lighting fixtures;
 - j. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation related to proposed railroad crossing(s);
 - k. Changes to navigable streams, or other water courses. Provision or closure of public access to these areas shall be shown on the preliminary plat, as applicable;
 - l. Identification of the base flood elevation for development of more than 3 lots may be required at the discretion of the Planning Director or designee. If required, written evidence of initiation of a Federal Emergency Management Agency (FEMA) flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain. FEMA approval of the amendment may be a condition of city land use approval;
 - m. Evidence of written notice to the Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the State's jurisdiction; and
 - o. Evidence of written notice to the applicable natural resource regulatory agency(ies) for any development within or adjacent to jurisdictional wetlands and other sensitive lands, as identified in Chapter 3.7.
4. Traffic Impact Study. See Chapter 4.10.

4.3.140 Approval Criteria: Preliminary Plat

A. General Approval Criteria. The City may approve, approve with conditions or deny a preliminary

plat based on the following approval criteria:

1. The proposed preliminary plat complies with all of the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, and the applicable sections of Chapter 2.0 (Land Use Districts) and Chapter 3.0 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 5.0 (Exceptions);
 2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
 3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat; and
 4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat.
- B. Housing Density. The subdivision meets the City's housing density standards of Chapter 2.
- C. Block and Lot Standards. All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:
1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district (Chapter 2), and the standards of Chapter 3.1, Section 2.J - Street Connectivity and Formation of Blocks.
 2. Setbacks shall be as required by the applicable land use district (Chapter 2).
 3. Each lot shall conform to the standards of Chapter 3.1 - Access and Circulation.
 4. Landscape or other screening may be required to maintain privacy for abutting uses. See also, Chapter 2 - Land Use Districts, and Chapter 3.2 - Landscaping.
 5. In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See also, Chapter 3.1- Access and Circulation.
 6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat and / or property deeds.

- D. Conditions of Approval. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See also, Chapter 3.4.0.D (Public Facilities).

4.3.150 Variances Authorized.

Adjustments to the standards of this Chapter shall be processed in accordance with Chapter 5.1 - Variances. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted, and the applications shall be reviewed together.

4.3.160 Final Plat Submission Requirements and Approval Criteria

- A. Submission Requirements. Final plats shall be reviewed and approved by the City prior to recording with Deschutes County. The applicant shall submit the final plat within 1 year of the approval of the preliminary plat as provided by Section 4.3.120. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the Planning Director.
- B. Approval Criteria. By means of a Type I procedure, the Planning Director or designee shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:
1. The final plat complies with the approved preliminary plat, and all conditions of approval have been satisfied;
 2. All public improvements required by the preliminary plat have been installed and approved by the Planning Director or designee. Alternatively, the developer has provided a performance guarantee in accordance with Section 4.3.180.
 3. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;

4. The streets and roads held for private use have been approved by the City as conforming to the preliminary plat;
5. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal storm drainage and water supply systems;
6. The applicant has provided copies of all recorded homeowners association Codes, Covenants, and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;
7. The plat complies with the applicable Sections of this Code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);
8. Certification by the City or service district, as applicable, that water and sanitary sewer service is available to each and every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider/partitioner to the City that such services will be installed in accordance with Chapter 3.4 - Public Facilities, and the bond requirements of Section 4.3.180. The amount of the bond, contract or other assurance by the subdivider/partitioner shall be determined by a registered professional engineer, subject to review and approval by the City;
9. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location.

4.3.170 Public Improvements

The following procedures apply to subdivisions and partitions when public improvements are required as a condition of approval:

- A. Public Improvements Required. Before City approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved. Alternatively, the subdivider/partitioner shall provide a performance guarantee, in accordance with Section 4.3.180.

4.3.180 Performance Guarantee.

- A. Performance Guarantee Required. When a performance guarantee is required under Section 4.3.170, the subdivider/partitioner shall file an assurance of performance with the City supported by one of the following:

1. Cash deposit, or,
 2. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated.
- B. Determination of Sum. The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.
- C. Itemized Improvement Estimate. The developer shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.
- D. Agreement. An agreement between the City and developer shall be recorded with the final plat that stipulates all of the following:
1. Specifies the period within which all required improvements and repairs shall be completed;
 2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;
 3. Stipulates the improvement fees and deposits that are required.
 4. Provides for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

The agreement may be prepared by the City, or in a letter prepared by the applicant. It shall not be valid until it is signed and dated by both the applicant and authorized City representative.

- E. When Subdivider Fails to Perform. In the event the developer fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call in the bond or cash deposit for reimbursement.
- F. Termination of Performance Guarantee. The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the City.

4.3.190 Filing and Recording.

- A. Filing plat with County. Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to Deschutes County for signatures of County officials as required by ORS Chapter 92.
- B. Proof of recording. Upon final recording with the County, the applicant shall submit to the City a

mylar copy and 10 paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly-created lots.

C. Prerequisites to recording the plat.

1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;
2. No plat shall be recorded until it is approved by the County surveyor in the manner provided by ORS Chapter 92.

4.3.200 Replatting and Vacation of Plats

- A. Replatting and Vacations. Any plat or portion thereof may be replatted or vacated upon receiving an application signed by all of the owners as appearing on the deed.
- B. Procedure. All applications for a replat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to replat or vacate the plat). The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process. (See Chapter 4.1 - Types of Applications and Review Procedures.)
- C. Basis for denial. A replat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable criteria.
- D. Recording of vacations. All approved plat vacations shall be recorded in accordance with 4.3.190 and the following procedures:
1. Once recorded, a replat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and,
 2. Vacations shall also divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described on the plat.
- E.. After sale of lots. When lots have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots within the platted area consent in writing to the plat vacation.
- E. Vacation of streets. All street vacations shall comply with the procedures and standards set forth in ORS Chapter 271.
- G. Vacation of easements or rights-of-ways. The City may require accessways, paths or trails as a condition of the vacation of any public easement or right-of-way, in order to establish or maintain a safe,

convenient, and direct pedestrian and bicycle circulation system.

4.3.210	Lot Line Adjustments.
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Lot Line Adjustments include the consolidation of lots, and the modification of lot boundaries which do not result in the creation of new lots (includes consolidation of lots).

The application submission and approval process is as follows:

A. Submission Requirements. All applications for Lot Line Adjustment shall be made on forms provided by the City and shall include information required for a Type I application, as governed by Chapter 4.1.3. The application shall include a preliminary lot line map identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; location of significant vegetation as defined and mapped in Section 3.2.2.B-C; existing fences and walls; and any other information deemed necessary by the Planning Director or designee for ensuring compliance with City codes..

B. Approval Process.

1. Decision-making process. Lot line adjustments shall be reviewed by means of a Type I procedure, as governed by Chapter 4.1.3, using approval criteria contained in subsection C, below.
2. Time limit on approval. The lot line adjustment approval shall be effective for a period of 1 year from the date of approval, during which time it must be recorded.
3. Lapsing of approval. The lot line adjustment approval shall lapse if:
 - a. The lot line adjustment is not recorded within the time limit in subsection 2;
 - b. The lot line adjustment has been improperly recorded with Deschutes County without the satisfactory completion of all conditions attached to the approval; or
 - c. The final recording is a departure from the approved plan.

C. Approval Criteria. The Planning Director or designee shall approve or deny a request for a lot line adjustment in writing based on findings that all of the following criteria are satisfied:

1. No additional parcel or lot is created by the lot line adjustment, however the number of lots or parcels may be reduced;
2. Lot standards. All lots and parcels comply with the applicable lot standards of the land use

district (Chapter 2) including lot area and dimensions.

3. Access. All lots and parcels comply with the standards or requirements of Chapter 3.1 – Access and Circulation; and
4. Setbacks. The resulting lots, parcels, tracts, and building locations comply with the standards of the land use district (Chapter 2).
5. Non conforming. The resulting lots, parcels, tracts, and building locations may not create development which is non-conforming or closer to non-conformance.
6. Exemptions from Dedications and Improvements. A lot line adjustment is not considered a development action for purposes of determining whether right-of-way dedication or improvement is required.

D. Recording Lot Line Adjustments.

1. Recording. Upon the City's approval of the proposed lot line adjustment, the applicant shall record the lot line adjustment with Deschutes County within 1 year of approval (or the decision expires), and submit a copy of the recorded survey map to the City, to be filed with the approved application.
2. Time limit. The applicant shall submit a copy of the recorded lot line adjustment survey map to the City within 15 days of recording and prior to the issuance of any building permits on the re-configured lots.

E. Extension. The City shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:

1. No changes are made on the original plan as approved by the City;
2. The applicant can show intent of recording the approved partition or lot line adjustment within the one-year extension period;
3. There have been no changes in the applicable Code or plan provisions on which the approval was based. In the case where the lot line adjustment conflicts with a code change, the extension shall be denied; and
4. The extension request is made before expiration of the original approved plan.

Chapter 4.4 — Conditional Use Permits

Sections:

- 4.4.1 Purpose
- 4.4.2 Approvals Process
- 4.4.3 Application Submission Requirements
- 4.4.4 Criteria, Standards and Conditions of Approval
- 4.4.5 Additional Development Standards for Conditional Use Types

4.4.1 Purpose

There are certain uses which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as “Conditional Uses” in Chapter 2 - Land Use Districts. The purpose of Chapter 4.4 is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met.

4.4.2 Approvals Process

- A. Initial Application. An application for a new conditional use shall be processed as a Type III procedure (Chapter 4.1.5). The application shall meet submission requirements in Section 4.4.3, and the approval criteria contained in Section 4.4.4.
- B. Modification of Approved or Existing Conditional Use. Modifications to approved or existing conditional uses shall be processed in accordance with Chapter 4.6 - Modifications.

4.4.3 Application Submission Requirements

In addition to the submission requirements required in Chapter 4.1, an application for conditional use approval must include the following information (A-H), as applicable. For a description of each item, please refer to Chapter 4.2.5 - Site Design Review Application Submission Requirements:

- A. Existing site conditions;
- B. Site plan;
- C. Preliminary grading plan;
- D. A landscape plan;
- E. Architectural drawings of all structures;
- F. Drawings of all proposed signs;
- G. A copy of all existing and proposed restrictions or covenants.
- H. Narrative report or letter documenting compliance with all applicable approval criteria in Section 4.4.4.

4.4.4 Criteria, Standards and Conditions of Approval

The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following standards and criteria:

A. Use Criteria.

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; and
3. All required public facilities have adequate capacity to serve the proposal.

B. Site Design Standards. The criteria for Site Design Review approval (Chapter 4.2.6) shall be met.

C. Conditions of Approval. 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:

1. Limiting the hours, days, place and/or manner of operation;
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
4. Limiting the building height, size or lot coverage, and/or location on the site;
5. Designating the size, number, location and/or design of vehicle access points or parking areas;
6. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height and/or lighting of signs;
9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location and/or materials for fences;
12. Encouraging the protection and preservation of natural features including existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands (Chapter 3.7);
13. Requiring the protection and preservation of designated Historic trees and natural features;
14. Requiring the dedication of sufficient land to the public, and/or construction of a 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, and Section 3.1.0.D in particular.

D. Transportation System Facilities and Improvements. Construction, reconstruction, or widening of highways, roads, bridges or other transportation facilities that are not (1) improvements designated in the city's adopted Transportation System Plan or not (2) designed and constructed as part of an approved subdivision or partition, are allowed in all Districts subject to a Conditional Use Permit and the following criteria.

1. The project and its design are consistent with the city's adopted Transportation System Plan (TSP), or, if the City has not adopted a TSP, consistent with the State Transportation Planning Rule, OAR 660-012 (the TPR).
2. The project design is compatible with abutting land uses in regard to noise generation and public safety and is consistent with the applicable zoning and development standards and criteria for the abutting properties.
3. The project design minimizes environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities, and a site with fewer environmental impacts is not reasonably available. The applicant shall document all efforts to obtain a site with fewer environmental impacts, and the reasons alternative sites were not chosen.
4. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
5. The project includes provisions for bicycle and pedestrian access and circulation consistent with the comprehensive plan, the requirements of this ordinance, and the TSP or TPR.
6. For State transportation facility projects, the State Department of Transportation (ODOT) shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in section 2-5. above.
7. Where applicable an EIS or EA may be used to address one or more of these criteria.
8. If the City determines that the proposed use or activity or its design is inconsistent with the TSP or TPR, then the applicant shall obtain a plan and/or zoning amendment prior to or in conjunction with conditional use permit approval. The applicant's options are as follows:
 - a. If the City determination is made prior to a final decision on the conditional use permit application, permanently withdraw the conditional permit application, or
 - b. If the City determination is made prior to a final decision on the conditional use permit application, withdraw the conditional permit application, apply for a plan/zone amendment, and re-apply for a conditional use permit if and when the amendment is approved, or
 - c. If the City determination is made prior to a final decision on the conditional use permit application, submit a plan/zoning amendment application for joint review and decision with the conditional use permit application, along with a written waiver of the ORS 227.178 120-day period within which to complete all local reviews and appeals once the application is deemed complete, or

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d. If the City determination is part of a final decision on the conditional use permit application, submit a new conditional use permit application, along with a plan/zoning amendment application for joint review and decision.

9. A Conditional Use Permit for Transportation System Facilities shall be void after three (3) years.

4.4.5 Additional Development Standards for Conditional Use Types

A. Concurrent Variance Application(s). A conditional use permit shall not grant variances to regulations otherwise prescribed by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application and both applications may be reviewed at the same hearing.

B. Additional development standards. Development standards for specific uses are contained in Chapter 2 - Land Use Districts.

Chapter 4.5 — Master Planned Developments

Sections:

4.5.100 Purpose

4.5.110 Applicability

4.5.120 Review and Approvals Process

4.5.130 Overlay Zone and Concept Plan Submission

4.5.140 Overlay Zone and Concept Plan Approval Criteria

4.5.150 Administrative Procedures

4.5.160 Detailed Development Plan Submission Requirements

4.5.170 Detailed Development Plan Approval Criteria

4.5.180 Development Review and Building Permit Approvals

4.5.100 Purpose.

A. Purpose. The purpose of this Section is to:

1. Implement the Development standards of Chapter 2, Section 2.1.200 I by providing a means for master planning large development sites;
2. Encourage innovative planning that results in more mixed use development, improved protection of open spaces, and transportation options and site phasing of development;
3. Encourage developments that recognize the relationship between buildings, their use, open space, and transportation options, providing varied opportunities for innovative and diversified employment environments;
4. Facilitate the efficient use of land;
5. Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
6. Preserve to the greatest extent possible the existing landscape features and amenities, that may not otherwise be protected through conventional development;
7. Encourage energy conservation and improved air and water quality and;
8. Assist the City in planning infrastructure improvements.

4.5.110 Applicability

The master planned development designation may be applied over any of the City's land use districts as noted in Chapter 2. An applicant may elect to develop a project as a master planned development in compliance with the requirements of this chapter. In addition, the City may require that the following types of development be processed using the provisions of this Chapter:

- A. Subdivisions required to conform to the Master Planned Development standards of Chapter 2.
- B. Multi Family Housing
- C. Manufactured Home Park.
- D. Master Planned Neighborhood Development

4.5.120 Review and Approvals Process.

A. Review Steps. There are three required steps to planned development approval:

- 1. The approval of a planned development overlay zone and concept plan;
- 2. The approval of a detailed development plan; and
- 3. The approval of a preliminary subdivision plat(s) and/or site design review application(s).

B. Approval Process.

- 1. The Master Planned Development and Concept Plan shall be reviewed together using the Type III procedure in Chapter 4.1.5, the submission requirements in Section 4.5.160, and the approval criteria in Section 4.5.170.
- 2. The detailed development plan shall be reviewed using the Type III procedure in Chapter 4.1.4, to ensure substantial compliance with the approved concept plan.
- 3. Preliminary subdivision plats and site design review applications for approved planned developments shall be reviewed using a Type II procedure, as governed by Chapter 4.2.4.
- 4. The design standards of Chapter 3 apply to all master planned developments. Variances shall conform to the standards and procedures of Chapter 5.1 - Variances.
- 5. Steps 1-4, above, may be combined in any manner, so long as the decision-making sequence follows that in subsection A, above. Notification and hearings may be combined.

4.5.130 Overlay Zone and Concept Plan Submission

A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type III procedure, as governed by Chapter 4.1.5. In addition, the applicant shall submit the following:

1. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
2. A development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.
3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development.
4. Narrative report or letter documenting compliance with the applicable approval criteria contained in Section 4.5.170.
5. Special studies prepared by qualified professionals may be required by the Planning Director Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.

B. Additional information. In addition to the general information described in Subsection "A" above, the concept plan, data, and narrative shall include the following exhibits and information:

1. Existing Conditions map, as defined in Chapter 4.2.5 - Site Design Review Application Submission Requirements;
2. Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);
3. Grading concept (for hillside or sloping properties, or where extensive grading is anticipated);
4. Landscape concept (e.g., shows retention of existing vegetation and general planting areas);
5. Architectural concept (e.g., information sufficient to describe architectural styles, building heights, and general materials);
6. Sign concept (e.g., locations, general size, style and materials of signs);
7. Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).

4.5.140 Overlay Zone and Concept Plan Approval Criteria

The City shall make findings that all of the following criteria are satisfied when approving or approving with conditions, the overlay zone and concept plan. The City shall make findings that all of the criteria are not satisfied when denying an application:

- A. Comprehensive Plan.** All relevant provisions of the Comprehensive Plan are met;
- B. Land Division Chapter.** All of the requirements for land divisions, as applicable, shall be met (Chapter 4.3);
- C. Chapter 2 Land Use and Design Standards.** All of the land use and design standards contained in Chapter 2 for the Industrial Service Commercial District are met, except as modified in Section 4.5.140
- D. Requirements for Common Open Space.** Thirty (30) percent of the total buildable site area shall be designated as Common Open and shall be privately maintained by the owner, homeowner's association, or other responsible private interest.
- E. Time limit on filing of detailed development plan.** Within 3 years after the date of approval of the concept plan, the applicant or his or her successor shall prepare and file with the City a detailed development plan, in conformance with Section 4.5.190.
- F. Extension.** The City shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:
 - 1. No changes have been made on the original conceptual development plan as approved;
 - 2. The applicant can show intent of applying for detailed development plan review within the one year extension period;
 - 2. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and,
 - 4. The extension request is made before expiration of the original approval period.

4.5.150 Administrative Procedures.

- A. Land Use District map designation.** After a planned development overlay zone has been approved, the Land Use District map shall be amended in accordance with Chapter 4.6, to indicate the approved planned development designation for the subject development site. The approval of the planned development overlay zone shall not expire.

4.5.160 Detailed Development Plan Submission Requirements

The contents of the detailed development plan shall be determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes and other features, prior to approval of a development permit (e.g., Land Division, Development Review, Site Design Review, etc.). The detailed development plan shall be reviewed using a Type III procedure.

4.5.170 Detailed Development Plan Approval Criteria.

The City shall approve the detailed development plan upon finding that the final plan conforms with the concept plan and required conditions of approval. Minor changes to the approved concept plan may be approved with the detailed plan, consistent with the following criteria:

- A. Increased residential densities or lot coverages by no more than 15 percent, when such change conforms to the Comprehensive Plan;
- B. A reduction to the amount of open space or landscaping by no more than 10 percent;
- C. An increase in lot coverage by buildings or changes in the amount of parking by no more than 15 percent. Greater changes require a major modification (Chapter 4.6);
- D. No change in land use shall be permitted without approving a major modification to the concept plan (Chapter 4.6);
- E. No change which places development within environmentally sensitive areas or areas subject to a potential hazard shall be approved without approving a major modification to the concept plan (Chapter 4.6); and
- F. The location of buildings, proposed streets, parking lot configuration, utility easements, landscaping or other site improvements shall be as proposed on the concept plan, or as modified through conditions of approval. Changes in the location or alignment of these features by more than 100 feet shall require approval of a major modification, in conformance with Chapter 4.6.
- G. Other substantial modifications made to the approved conceptual development plan shall require approval of either a minor modification or major modification, in conformance with Chapter 4.6.

4.5.180 Development Review and Building Permit Approvals

Upon receiving detailed development plan approval, the applicant may apply for development review (e.g., Land Division, Development Review, Site Design Review, etc.). Building permits shall not be issued until all required development permits have been issued and appeal periods have ended.

- A. Chapter 4.2 applies to developments requiring Development Review or Site Design Review.
- B. Chapter 4.3 applies to Land Divisions.

Chapter 4.6 — Modifications to Approved Plans and Conditions of Approval

Sections:

- 4.6.1 Purpose**
- 4.6.2 Applicability**
- 4.6.3 Major Modifications**
- 4.6.4 Minor Modifications**

4.6.1 Purpose.

The purpose of this Chapter is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development and the need to conserve City resources.

4.6.2 Applicability.

- A This Chapter applies to all development applications approved through the provisions of Chapter 4, including:
 - 1. Site Design Review approvals;
 - 2. Subdivisions, Partitions, and Lot Line Adjustments;
 - 3. Conditional Use Permits;
 - 4. Master Planned Developments; and
 - 5. Conditions of approval on any of the above application types.
- B. This Chapter does not apply to land use district changes, text amendments, temporary use permits, or other permits

4.6.3 Major Modifications

A. Major Modification Defined. The City Manager shall determine that a major modification(s) is required if one or more of the changes listed below are proposed:

1. A change in land use;
2. An increase in the number of dwelling units;
3. A change in the type and/or location of access ways, drives or parking areas that affect off-site traffic;
4. An increase in the floor area proposed for non-residential use by more than 15 percent where previously specified;
5. A reduction of more than 10% percent of the area reserved for common open space and/or usable open space;
6. A reduction to specified setback requirements by more than 10% percent, or to a degree that the minimum setback standards of the land use district cannot be met; or
7. Changes similar to those listed in 1-6, which are likely to have an adverse impact on adjoining properties.

B. Major Modification Request. An applicant may request a major modification as follows:

1. Upon the Planning Director determining that the proposed modification is a major modification, the applicant shall submit an application for the major modification.
2. The modification request shall be subject to the same review procedure (Type I, II, or III) and approval criteria used for the initial project approval, however, the review shall limited in scope to the modification request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated pathways, lighting and landscaping. Notice shall be provided in accordance with the applicable review procedure.

4.6.4 Minor Modifications

A. Minor modification defined. Any modification to a land use decision or approved development plan which is not within the description of a major modification as provided in Section 4.6.3, above, shall be considered a minor modification.

B. Minor Modification Request. An application for approval of a minor modification is reviewed using Type II procedure in Section 4.14. A minor modification shall be approved, approved with conditions, or denied by the City Manager based on written findings on the following criteria:

1. The proposed development is in compliance with all applicable requirements of the Development Code; and,
2. The modification is not a major modification as defined in Section 4.6.3, above.

Chapter 4.7 — Land Use District Map and Text Amendments

Sections:

4.7.100 Purpose

4.7.200 Legislative Amendments

4.7.300 Quasi-Judicial Amendments

4.7.400 Conditions of Approval

4.7.500 Record of Amendments

4.7.600 Transportation Planning Rule Compliance

4.7.100 Purpose.

The purpose of this Chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the Land Use District map. These amendments will be referred to as “map and text amendments.” Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

4.7.200 Legislative Amendments

Legislative amendments are policy decisions made by City Council. They are reviewed using the Type IV procedure in Chapter 4.1, Section 5 and shall conform to Section 4.7.6, as applicable.

4.7.300 Quasi-Judicial Amendment

A. Quasi-Judicial Amendments. Quasi-judicial amendments involve the application of adopted policy to a specific development application or Code revision. Quasi-judicial map amendments shall follow the Type III procedure as governed by Chapter 4.1.5, using standards of approval in Subsection “D” below. The approval authority shall be as follows:

1. The Planning Commission shall review and recommend *Land Use District* map changes which do not involve comprehensive plan map amendments;
2. The Planning Commission shall make a recommendation to the City Council on an application for a comprehensive plan map amendment. The City Council shall decide such applications; and,
3. The Planning Commission shall make a recommendation to the City Council on a land use district change application that also involves a comprehensive plan map amendment application. The City Council shall decide both applications.

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

4.7.300 Quasi-Judicial Amendment *(continued)*

1. Approval of the request is consistent with the Statewide Planning Goals;
2. Approval of the request is consistent with 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 the City of Sisters Master Plans for Water, Sewer, Parks and Transportation Systems subject to City Council approval, to reflect impacts of the rezoning on those facilities and long-range plans. The applicant must demonstrate that the property and affected area shall be served with adequate public facilities, services and transportation networks to support maximum anticipated levels and densities of use allowed by the District without adversely impacting current levels of service provided to existing users; or applicant's proposal to provide concurrently with the development of the property such facilities, services and transportation networks needed to support maximum anticipated level and density of use allowed by the District without adversely impacting current levels of service provided to existing users.
4. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and the provisions of Section 4.7.6, as applicable.

4.7.400 Conditions of Approval.

A quasi-judicial decision may be for denial, approval, or approval with conditions. A legislative decision may be approved or denied.

4.7.500 Record of Amendments.

The Planning Department shall maintain a record of amendments to the text of this Code and the Land Use Districts map in a format convenient for public use.

4.7.600 Transportation Planning Rule Compliance.

- A. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060. Significant means the proposal would:
 1. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal is projected to cause future traffic to exceed the capacity of "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Transportation System Plan; or
 2. Change the standards implementing a functional classification system; or
 3. Allow types or levels of land use that would result in levels of travel or access what are inconsistent with the functional classification of a transportation facility; or

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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 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.

Chapter 4.8 — Code Interpretations

Sections:

4.8.100	Purpose
4.8.200	Code Interpretation Procedure

4.8.100 Purpose

Some terms or phrases within this Code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text.

4.8.200 Code Interpretation Procedure

- A. Requests. A request for a code interpretation (“interpretation”) shall be made in writing to the Planning Director. The Planning Director may develop written guidelines for the application process.
- B. Decision to Issue Interpretation. The Planning Director shall have the authority to review a request for an interpretation. The Planning Director shall advise the requester in writing within 14 days after the request is made, on whether or not the City will issue the requested interpretation.
- C. Declining Requests for Interpretations. The Planning staff is authorized to issue or decline to issue a requested interpretation. Basis for declining may include, but is not limited to, a finding that the subject Code section affords only one reasonable interpretation and the interpretation does not support the request. The Planning staff decision to issue or decline to issue an interpretation is final when the decision is mailed to the party requesting the interpretation and the decision is not subject to any further local appeal.
- D. Written Interpretation. If the Planning staff decides to issue an interpretation, it shall be issued in writing and shall be mailed or delivered to the person requesting the interpretation and any other person who specifically requested a copy of the interpretation. The written interpretation shall be issued within 14 days after the City advises the requester that an interpretation shall be issued. The decision shall become effective 14 days later, unless an appeal is filed in accordance with E-G below.
- E. Appeals. The applicant and any party who received such notice or who participated in the proceedings through the submission of written or verbal evidence of an interpretation may appeal the interpretation to the City Council within 14 days after the interpretation was mailed or delivered to the applicant. The appeal may be initiated by filing a notice of appeal with the Planning Department pursuant to Chapter 4.1.4.G.

4.8.200 Code Interpretation Procedure *(continued)*

- F. Appeal Procedure. City Council shall hear all appeals of a Planning staff interpretation as a Type III action pursuant to Chapter 4.1.5, except that written notice of the hearing shall be provided to the applicant, any other party who has filed a notice of appeal, and any other person who requested notice.
- G. Final Decision/Effective Date. The decision of the City Council on an appeal of an interpretation shall be final and effective when it is mailed to the applicant. If an appeal of the City Council's decision is filed, the decision remains effective unless or until it is modified by the Land Use Board of Appeals or a court of competent jurisdiction.
- H. Interpretations On File. The City shall keep on file a record of all code interpretations.

Chapter 4.9 — Miscellaneous Permits

Sections:

4.9.100 Temporary Use Permits

4.9.100 Temporary Use Permits

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable stands. Three types of temporary uses require permit approval (See A, B and C):

A. Seasonal and Special Events. These types of uses occur only once in a calendar year and for no longer a period than 30 days. Using the Type II procedure under Chapter 4.1.4, the City shall approve, approve with conditions or deny a temporary use permit based on findings that all of the following criteria are satisfied:

1. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval);
2. The applicant has proof of the property-owner's permission to place the use on his/her property;
3. No parking will be utilized by customers and employees of the temporary use which is needed by the property owner to meet their minimum parking requirement under Chapter 3.3 - Vehicle and Bicycle Parking;
4. The use provides adequate vision clearance, as required by Chapter 3.1.2, and shall not obstruct pedestrian access on public streets;
5. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by Chapter 3.1.2 - Vehicular Access and Circulation;
6. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use; and
7. The use is adequately served by sewer or septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits.)

4.9.100 Temporary Use Permits *(continued)*

B. Temporary Sales Office or Model Home. Using a Type I procedure under Section 4.1.4, the City may approve, approve with conditions or deny an application for the use of any real property within the City as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the City, but for no other purpose, based on the following criteria:

1. Temporary sales office and construction storage:
 - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold; and
 - b. The property to be used for a temporary sales office or construction storage shall not be permanently improved for that purpose.
2. Model house:
 - a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and
 - b. The model house shall be designed as a permanent structure that meets all relevant requirements of this Code.

C. Temporary Building. Using a Type II procedure, as governed by Section 4.1.4, the City may approve, approve with conditions or deny an application for a temporary trailer or prefabricated building for use on any real commercial or industrial property such as a construction storage trailer, within the City as a temporary commercial or industrial office or space associated with the primary use on the property, but for no other purpose, based on the following criteria:

1. The temporary trailer or building shall be located within the boundaries of the parcel of land on which it is located;
2. The primary use on the property to be used for a temporary trailer is already developed;
3. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by Chapter 3.1.2 - Vehicular Access and Circulation
4. There is adequate parking for the customers or users of the temporary use as required by Chapter 3.3 - Bicycle and Vehicle Parking.
5. The use will not result in vehicular congestion on streets;

6. The use will pose no hazard to pedestrians in the area of the use;
7. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use; and
8. The building complies with applicable building codes;
9. The use can be adequately served by sewer or septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits); and
10. The length of time that the temporary building will be used *does not exceed 6 months*. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit.

Chapter 4.10 Traffic Impact Study

Sections:

4.10.100 - Purpose

4.10.200 - When Required

4.10.300 - Traffic Impact Study Requirements

4.10.400 - Approval Criteria

4.10.100 Purpose.

A. **Purpose.** The purpose of this section of the code is to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. This Chapter establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study.

B. **Typical Average Daily Trips:** Standards by which to gauge average daily vehicle trips include: 10 trips per day per single family household, 5 trips per day per apartment; and 30 trips per day per 1,000 square feet of gross floor area such a new supermarket or other retail development.

4.10.200 When Required.

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

1. The development application involves one or more of the following actions:
 - a. A change in zoning or a plan amendment designation; or
 - b. Any proposed development or land use action that ODOT states may have operational or safety concerns along a state highway; and

4.10.200 When Required. (continued)

2. The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:

- a. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more; or
- b. An increase in ADT hour volume of a particular movement to and from the State highway by 20 percent or more; or
- c. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
- d. The location of the access driveway does not meet minimum site distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or
- e. A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

4.10.300 Traffic Impact Study Requirements.

A. Preparation. A Traffic Impact Study shall be prepared by a professional engineer in accordance with OAR 734-051-180.

B. Transportation Planning Rule Compliance. See Chapter 4.7, Section 600.

4.10.400 Approval Criteria.

A. Criteria. When a Traffic Impact Study is required, approval of the development proposal requires satisfaction of the following criteria:

- 1. The Traffic Impact Study was prepared by a professional engineer in accordance with OAR 734-051-180; and
- 2. If the proposed development shall cause one or more of the effects in Section 4.10.200A.5. above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Study includes mitigation measures satisfactory to the City Engineer, and ODOT when applicable; and

4.10.400 Approval Criteria. (continued)

3. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
 - a. Have the least negative impact on all applicable transportation facilities; and
 - b. Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and
 - c. Make the most efficient use of land and public facilities as practicable; and
 - d. Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
 - e. Otherwise comply with applicable requirements of the City of Sisters Development Code, including Chapters 3.1 Access and Circulation, 3.2. Landscaping, 3.3 Vehicle and Bicycle Parking, 3.4 Public Facilities Standards, (3.5 *Surface Water Management*,) and 3.8 Loading Standards.

B. Conditions of Approval. The City may deny, approve, or approve the proposal with appropriate conditions.

Chapter 5.0 — Exceptions to Code Standards

5.0 – Introduction

5.1 – Variances

5.2 – Non-Conforming Uses and Developments

5.0 Introduction

This Chapter provides standards and procedures for variances and non-conforming situations (i.e., existing uses or development that do not comply with the Code). This code cannot provide standards to fit every potential development situation. The City's varied geography, and complexities of land development, require flexibility. Chapter 5 provides that flexibility, while maintaining the purposes and intent of the Code. The variance procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with all other codes. The standards for non-conforming uses and development are intended to provide some relief from code requirements for older developments that do not comply.

Chapter 5.1 — Variances

Sections:

5.1.1	Purpose
5.1.2	Class A Variance
5.1.3	Class B Variance
5.1.4	Class C Variance
5.1.5	Variance Application and Appeals

5.1.1 Purpose

The purpose of this Chapter is to provide flexibility to development standards, in recognition of the complexity and wide variation of site development opportunities and constraints. The variance procedures are intended to provide flexibility while ensuring that the purpose of each development standard is met. Because some variances are granted using “clear and objective standards,” they can be granted by means of a Type I procedure. Other variances, as identified below, require a Type II or III procedure because they involve discretionary decision-making.

5.1.2 Class A Variances

A. Class A variances. The following variances are reviewed using a Type I procedure, as governed by Chapter 4.1, using the approval criteria in Subsection B, below:

1. Front yard setbacks. Up to a 10 percent change to the front yard setback standard in the land use district.
2. Interior setbacks. Up to a 10 percent reduction of the dimensional standards for the side and rear yard setbacks required in the base land use district.
3. Lot coverage. Up to 10 percent increase of the maximum lot coverage permitted in the base zone.
4. Landscape area. Up to 10 percent reduction in required landscape area (overall area or interior parking lot landscape area).

B. Class A variance approval criteria. A Class A Variance shall be granted if the applicant demonstrates compliance with all of the following criteria:

1. The variance requested is required due to the lot configuration, or other conditions of the site;
2. The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;
3. The variance will not result in violation(s) of Chapter 3, or other design standards.

5.1.3 Class B Variances

- A. Class B variances.** Due to their discretionary nature, the following types of variances shall be reviewed using a Type II procedure, in accordance with Chapter 4.1:
1. Variance to Vehicular Access and Circulation Standards (Chapter 3.1). Where vehicular access and circulation cannot be reasonably designed to conform to Code standards within a particular parcel, shared access with an adjoining property shall be considered. If shared access in conjunction with another parcel is not feasible, the City may grant a variance to the access requirements after finding the following:
 - a. There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement;
 - b. There are no other alternative access points on the street in question or from another street;
 - c. The access separation requirements cannot be met;
 - d. The request is the minimum adjustment required to provide adequate access;
 - e. The approved access or access approved with conditions will result in a safe access; and
 - f. The visual clearance requirements of Chapter 3.1 will be met.
 2. Variance to Street Tree Requirements (Chapter 3.2). The City may approve, approve with conditions, or deny a request for a variance to the street tree requirements in Chapter 3.2, after finding the following:
 - a. Installation of the tree would interfere with existing utility lines; or
 - b. The tree would cause visual clearance problems; or
 - c. There is not adequate space in which to plant a street tree; and
 - d. Replacement landscaping is provided elsewhere on the site (e.g., parking lot area trees).
 3. Variance to Parking Standards (Chapter 3.3).
 - a. The City may approve variances to the minimum or maximum standards for off-street parking in Chapter 3.3.1 upon finding all of the following:
 - (1) The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity;
 - (2) The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and
 - (3) All other parking design and building orientation standards are met, in conformance with the standards in Chapter 2 and Chapter 3.

- b. The City may approve a reduction of required bicycle parking per Chapter 3.3.2, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.

5.1.3 Class B Variances *(continued)*

- c. The City may allow a reduction in the amount of vehicle stacking area required in for drive-through facilities if such a reduction is deemed appropriate after analysis of the size and location of the development, limited services available and other pertinent factors.

B. Variance to Maximum or Minimum Yard Setbacks to Reduce Tree Removal or Impacts to Wetlands (Chapters 2 and 3.2). The City may grant a variance to the applicable setback requirements of this Code for the purpose of preserving a tree or trees on the site of proposed development or avoiding wetland impacts *Chapter 2.5 Flood Plain Overlay*. Modification shall not be more than is necessary for the preservation of trees on the site.

C. Variances to Transportation Improvement Requirements (Chapter 3.4.1). The City may approve, approve with conditions, or deny a variance to the transportation improvement standards of Chapter 3.4.1, based on the criteria for granting variances provided in Chapter 3.4.1.B. When a variance request cannot be supported by the provisions of that Chapter, then the request shall be reviewed as a Class C variance.

5.1.4 Class C Variances

Due to their discretionary nature and review of special circumstances, the **Class C variances** in this subsection require a Type III process, as described in Section 5.1.4.C.

A. Purpose. The purpose of this section is to provide standards for variances which exceed the Class A and Class B variance criteria in Sections 5.1.2 and 5.1.3. Class C variances may be granted if the applicant shows that, owing to special and unusual circumstances related to a specific property, the literal application of the standards of the applicable land use district would create a hardship to development which is peculiar to the lot size or shape, topography, sensitive lands (Chapter 3.7), or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district); except that no variances to “permitted uses” or “prohibited uses” shall be granted.

5.1.4 Class C Variances *(continued)*

B. Applicability.

1. The variance standards are intended to apply to individual platted and recorded lots only.
2. An applicant who proposes to vary a specification standard for lots not yet created through a land division process may not utilize the Class C variance procedure.
3. A variance shall not be approved which would vary the “permitted uses” or “prohibited uses” of a land use district (Chapter 2).

C. Approvals Process and Criteria.

1. Class C variances shall be processed using a Type III procedure, as governed by Chapter 4.1.5, using the approval criteria in subsection 2, below. In addition to the application requirements contained in Chapter 4.1.5, the applicant shall provide a written narrative or letter describing his/her reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 2.
2. The City shall approve, approve with conditions, or deny an application for a variance based on finding that all of the following criteria are satisfied:
 - a. The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;
 - b. A hardship to development exists which is peculiar to the lot size or shape, topography, sensitive lands, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);
 - c. The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
 - d. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;
 - e. The hardship is not self-imposed; and
 - f. The variance requested is the minimum variance which would alleviate the hardship.
 - g. Variances for deviations regarding access to State highways shall be subject to review and approval by the Oregon Department of Transportation.

5.1.5 Variance Application and Appeals

The variance application shall conform to the requirements for Type I, II, or III applications (Chapter 4.1.3, 4.1.4, 4.1.5), as applicable. In addition, the applicant shall provide a narrative or letter explaining the reason for his/her request, alternatives considered, and why the subject standard cannot be met without the variance. Appeals to variance decisions shall be processed in accordance with the provisions of Chapter 4.1.

Chapter 5.2 — Non-Conforming Uses and Developments

Sections:

5.2.1 Non-conforming Uses

5.2.2 Non-conforming Developments

5.2.1 Nonconforming Uses.

Where at the time of adoption of this Code a use of land exists which would not be permitted by the regulations imposed by this Code and was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful, provided:

- A. Creation of nonconforming situations.** Within the districts established by this title or amendments that may later be adopted, there may exist lots, structure, uses of land, and structures which were lawful before the effective date of the ordinance codified in this title, but which would be prohibited regulated or restricted under the terms of the ordinance codified in this title or future amendment;
- B. Expansion Prohibited.** No such nonconforming use is enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this Code. No additional structure, building or sign shall be constructed on the lot in connection with such nonconforming use of land;
- C. Location.** No such nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this Code;
- D. Discontinuation or Abandonment.** The nonconforming use of land is not discontinued for any reason for a period of more than 12 months. For purposes of calculating the 12 month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:
 - 1. On the date when the use of land is physically vacated;
 - 2. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
 - 3. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or
 - 4. On the date a request for final reading of water and power meters is made to the applicable utility districts.
- E. Application of Code Criteria and Standards.** If the use is discontinued or abandoned for any reason for a period of more than 12 months, any subsequent use of land shall conform to the applicable standards and criteria specified by this Code for the land use district in which such land is located; and

5.2.2 Nonconforming Developments

Where a development exists at the effective date of adoption or amendment of this title that could not be built under the terms of this Ordinance by reason of restrictions on lot area, lot coverage, height, yard, equipment, its location on the lot or other requirements concerning the structure; and the structure was lawful when constructed, the development may remain on the site so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming development may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be enlarged or altered in a way that satisfies the current requirements of the Development Code or will decrease its nonconformity;
- B. Should such nonconforming development or nonconforming portion of development be destroyed by any means to an extent more than 50 percent of its current value as assessed by the Deschutes County assessor, it shall be reconstructed only in conformity with the Development Code; and
- C. Should such development be moved for any reason and by any distance, it shall thereafter conform to the regulations of the Development Code.
- D. Non-conforming street Access Connections that exist prior to June 28, 2001 that do not conform with the standards in Chapter 3.1 shall be brought into compliance when the following conditions exist:
 1. When a new access connection permit is requested for the subject property; or
 2. When a building permit or land use application is submitted that results in an increase of trip generation by 20% and 100 average daily trips (ADT).

Chapter 6.0 – Map Amendments

6.0 - Purpose and Intent

6.1 – Zone Map Amendments

Purpose: The purpose of this section of the code is to create a placeholder for map amendments, including those in place at adoption of this code and future changes. This chapter serves as a placeholder for ordinances to be located for reference for staff and applicants.

The procedures for completing a land use district map and text amendment are located in Chapter 4.7, not here in Chapter 6.

The map amendments are located in this section in chronological order based on adoption date.

City of Sisters: Comprehensive Plan Map

