



# Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

07/21/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Sisters Plan Amendment  
DLCD File Number 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, August 04, 2014

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

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

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

Cc: Eric Porter, City of Sisters  
Gordon Howard, DLCD Urban Planning Specialist

Thomas Hogue, DLCD Economic Development Policy Analyst

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

<b>FOR DLCD USE</b>	001-14
File No.:	(20189)
	[17941]
Received:	7/14/2014

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

Jurisdiction: City of Sisters

Local file no.: **CP 14-01 and ZC 14-01**

Date of adoption: 07/10/14

Date sent: 7/14/2014

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

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 01/10/14

No

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

The original proposal was for changes to the Sisters Comprehensive Plan, chapters 9 and 14; to the Comprehensive Plan map, and to the Zoning map to rezone a 16+ (gross) acre property from 'North Sisters Business Park' zone to Residential. The adopted change only affects 8.32 acres (lots 9-19).

Local contact (name and title): Pauline Hardie

Phone: 541-323-5208

E-mail: [phardie@ci.sisters.or.us](mailto:phardie@ci.sisters.or.us)

Street address: 520 E Cascade Avenue, PO BOX 39

City: Sisters

Zip: 97759-

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### **For a change to comprehensive plan text:**

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

Pg. 60: Goal 9 , amended the Background, Page 107-108, amended a portion of Table 14.1 and Pg. 119: amended the Commercial and Light Industrial Lands (DC, HC, LI Districts). These amend Goal 9 and 14.

#### **For a change to a comprehensive plan map:**

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

Change from Light Industrial                      to Residential                      8.32 acres.    A goal exception was required for this change.

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

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

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

Location of affected property (T, R, Sec., TL and address): 151004BC00200-1200

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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

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

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

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

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

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

**For a change to a zoning map:**

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

Change from North Sisters Business Park	to Residential	Acres: 8.32
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

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

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 151004BC00200-1200

List affected state or federal agencies, local governments and special districts: DLCD, ODOT, Oregon Dept. of Aviation

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

Included is an Ordinance adopting the Comprehensive Plan and Map Amendments with findings, legal descriptions, maps and text changes. Also included is the Zone Change Ordinance including findings, legal descriptions, maps and conditions of approval.

## ORDINANCE NO. 449

AN ORDINANCE ADOPTING A ZONE CHANGE FROM NORTH SISTERS BUSINESS PARK (NSBP) TO RESIDENTIAL (R) FOR LOTS 9-19 THAT ARE PART OF THE THREE SISTERS BUSINESS PARK – PHASE I

**WHEREAS**, Three Sisters Partners LLC is the property owner of 19 lots that are collectively known as Three Sisters Business Park – Phase I and further identified as lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19; and,

**WHEREAS**, the applicant requested a Zone change (Z 14-01) for 14.85 gross acres (19 platted lots) from North Sisters Business Park (NSBP) District to Residential (R) District that are collectively identified as the Three Sisters Business Park; and,

**WHEREAS**, the proposal would have retained approximately 2.06 acres of land zoned as North Sisters Business Park (NSBP), which would act as a buffer between the light industrial land to the south, and the proposed residential land to the north; and,

**WHEREAS**, after due notice, a public hearing on the proposed application was held before the Sisters Planning Commission at the City of Sisters Council Chambers (520 E Cascade Avenue, Sisters, 97759) on February 20<sup>th</sup> and March 20, 2014 following which the findings were reviewed, witnesses were heard and evidence was received and the Planning Commission on a 6-0 vote recommended that the City Council deny the Zone change (ZC 14-01) due to loss of economic land and potential incompatible land uses (light industrial next to residential uses); and,

**WHEREAS**, after due notice, a public hearing on the proposed Zone change (ZC 14-01) was opened before the City Council at the City of Sisters Council Chambers (520 E Cascade Avenue, Sisters, 97759) on April 24, 2014 following which the City Council remanded the application back to the Planning Commission for review of new material; and,

**WHEREAS**, on May 15, 2014 the Planning Commission held a workshop to review new material including a residential land needs analysis and land use comparison memo; and,

**WHEREAS**, on June 5, 2014 the applicant submitted two new options known as Option 1 and Option 2 for Planning Commission's review at their June 19, 2014 public hearing; and,

**WHEREAS**, Option 2 (Tax Lots 151004BC00200-1200) includes changing the zoning designation to Residential on lots 9-19 which is 8.32 acres and retaining lots 1 – 8 as North Sisters Business Park (NSBP); and,

**WHEREAS**, after due notice, a public hearing on the proposed Zone change (ZC 14-01) was held before the Sisters Planning Commission at the City of Sisters Council Chambers (520 E Cascade Avenue, Sisters, 97759) on June 19, 2014 following which findings were reviewed, witnesses were heard and evidence was received; and,

**WHEREAS**, a motion was made recommending approval of Option 2 (Tax Lots 151004BC00200-1200) for Zone change 14-01 (ZC 14-01) and the Planning Commission had a tie vote (3-3) and therefore the motion was defeated; and,

**WHEREAS**, the City Council found that Option 2 would contribute to the 20-year land supply for residential and that the North Sisters Business Park (NSBP) District exceeded a 20-year land supply even after ZC 14-01 was approved; and,

**WHEREAS**, the City Council found that Option 2 is consistent with the Statewide Planning Goals and Comprehensive Plan; and,

**WHEREAS**, the City Council found that Option 2 and their affected areas can be provided with adequate public facilities, services and transportation networks to support the uses; and,

**WHEREAS**, the City Council found that Option 2 will not have a significant effect on a transportation facility in the region and so the project is in compliance with 4.7.600, Transportation Planning Rule (TPR); and,

**WHEREAS**, after due notice, a public hearing on the Zone change (ZC 14-01) was held before the Sisters City Council at the City of Sisters Council Chambers (520 E Cascade Avenue, Sisters, 97759) on July 10, 2014 following which the findings were reviewed, witnesses were heard and evidence was received and the City Council finds and approves Zone change (ZC 14-01).

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

**SECTION 1.** The City of Sisters approves and adopts the staff report and findings attached to this Ordinance as Exhibit A.

**SECTION 2:** The real property is described in Exhibit B (legal description).

**SECTION 3:** The real property described in Exhibit B shall be zoned as Residential (R) District as shown in Exhibit C.

**Section 4:** The City of Sisters approves and adopts the Conditions of Approval attached to this Ordinance as Exhibit D

PASSED by the Common Council of the City of Sisters this 10<sup>th</sup> day of July 2014, and APPROVED by the Mayor of the City of Sisters.

  
\_\_\_\_\_  
Brad Boyd, Mayor

ATTEST:  
  
\_\_\_\_\_  
Kathy Nelson, City Recorder

**Exhibit A**  
Staff Report and Findings



**STAFF REPORT**  
**Exhibit A**

**File #:** Zone Change 14-01 (Accompanied by Comprehensive Plan Amendment 14-01)

**Applicant:** Peter Hall; 1195 Redfield Circle, Bend, OR 97701

**Request:** The applicant is requesting a Comprehensive Plan Amendment and Zone Change for 14.85 acres (a portion of 19 platted lots) that are identified as the Three Sisters Business Park. The Comprehensive Plan Map amendment would amend the land use designations from Light Industrial to Residential, the Comprehensive Plan amendment would amend Goals 9 and 14 and the Zoning Map amendment would change the land use district from North Sisters Business Park (NSBP) to Residential (R).  
  
The applicant is proposing to retain 2.06 acres of land as North Sisters Business Park (NSBP) District, which would act as a buffer between the light industrial land to the south, and the proposed residential zone land to the north.

**Hearing Date:** July 10, 2014; 7:00 pm, Sisters City Council Chambers, 520 E. Cascade Avenue, Sisters, Oregon

**Property Location:** The property under consideration consists of the 19 lots that comprise the Three Sisters Business Park Phase I subdivision as well as the right of way within the development. The property is situated along Lundgren Mill Drive, east of N Pine Street and West of the intersection with East Sun Ranch Drive.

**Planner:** Pauline Hardie

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- I. **Project Description.** The applicant's original request was for a Comprehensive Plan Map amendment, a Comprehensive Plan amendment and a Zone Change for 16.91 acres that are identified as the Three Sisters Business Park. The Comprehensive Plan Map amendment would amend the land use designations from Light industrial to Residential, the Comprehensive Plan amendment would amend Goals 9 and 14 and the Zoning Map amendment would change the land use district from North Sisters Business Park (NSBP) to Residential (R).

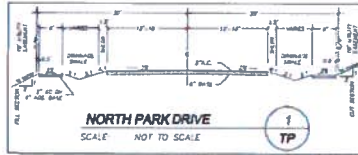
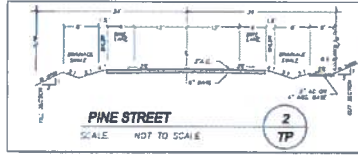
A 12+ acre portion of the original parent parcel is already zoned R-Residential and Multi-Family Residential (R-MFD); this northern property was approved for a residential subdivision called 'North Park' in year 2007, which is still a valid land use decision, and would not be affected by this action.



**CITY OF SISTERS  
City Council**

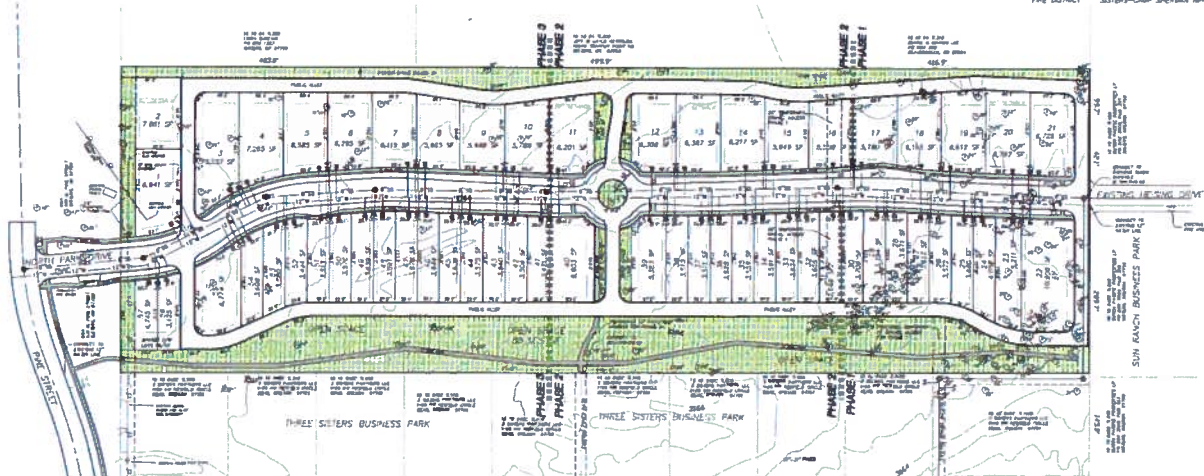
Title: ZC14-01  
Hearing Date: July 10, 2014

**MASTER PLAN AND TENTATIVE SUBDIVISION PLAT  
FOR NORTH PARK**  
LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 29,  
TOWNSHIP 15 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN,  
CITY OF SISTERS, DESCHUTES COUNTY, OREGON



**VICINITY MAP**

- OWNER/APPLICANT:** 3 SISTERS PARTNERS, LLC  
1180 NW PEPPERLOD CIRCLE  
BEND, OREGON 97701  
541-325-2628
- ENGINEER/AGENT:** WEST RIDGE DEVELOPMENT SERVICES  
2708 BURNHAMM TRAIL, SUITE 204  
ESTERES, OREGON 97728  
541-569-1857
- CLUMP ZONING:** R AND MFRP  
**EXISTING PARCELS:** 12.58 ACRES  
**PROPOSED LOTS:** 24 SINGLE-FAMILY DETACHED  
32 ATTACHED TOWNHOME  
1 MIXED-FAMILY
- CLUMP USE:** RESIDENTIAL  
**FORMER USE:** SLIGHT NORTH-EASTERNLY SLOPE  
**INTERIOR:** CITY OF SISTERS  
**STREETS:** PINE STREET - DESCHUTES COUNTY  
ADJACENT WITHIN: CITY OF SISTERS  
SAVANNA SEWER: CITY OF SISTERS  
**STORM WATER:** CHANNEL DRAINS  
**ELECTRICITY:** GENERAL ELECTRIC CO-OP  
**TELEPHONE:** QWEST  
**CABLE TELEVISION BROAD BROADCASTING:**  
**SCHOOL DISTRICT:** SISTERS SCHOOL DISTRICT  
**FIRE DISTRICT:** SISTERS-CHAMP FIRE/EMR BRD



**NOTES:**

QUANTITATIVE INFORMATION FOR ADJACENT PROPERTIES HAS BEEN OBTAINED FROM CLERK'S RECORDS DESCHUTES COUNTY RECORDS.  
THIS INFORMATION IS NOT GUARANTEED ACCURATE BY COUNTY, APPLICANT, OR APPLICANT'S REPRESENTATIVES.  
BOUNDARY AND EASEMENT LOCATIONS SHOWN ARE FROM RECORD DOCUMENTS. ACTUAL LOCATIONS TO BE DETERMINED BY FIELD SURVEY AND SURVEY.  
THIS PLAN IS PRELIMINARY AND IS NOT INTENDED FOR CONSTRUCTION OF THE PLATING.  
TBM IS WEST QUARTER CORNER OF SECTION 7. TBM IS ELEVATION = 3171.83.  
BASE OF MEASUREMENT IS 83' 45" (1/2) WEST BOUNDARY OF SUBJECT PROPERTY PER RECORD OF SURVEY BY 1923 AS' (15' #13481).  
ON-SITE GRADING & DRAINAGE TO BE ADDRESSED WITH SITE PLANS.



**LEGEND**

- EASEMENT
- FENCE
- DRIVEWAY
- UTILITY LINE
- ROAD
- BOUNDARY
- LOT
- STREET

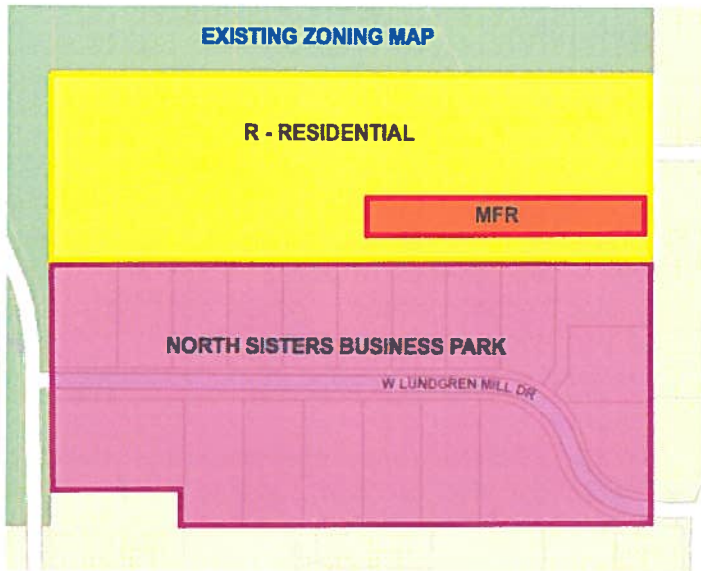


**WEST RIDGE**  
Development Services

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**TENTATIVE SUBDIVISION PLAT  
for NORTH PARK  
3 SISTERS PARTNERS LLC**

1/7



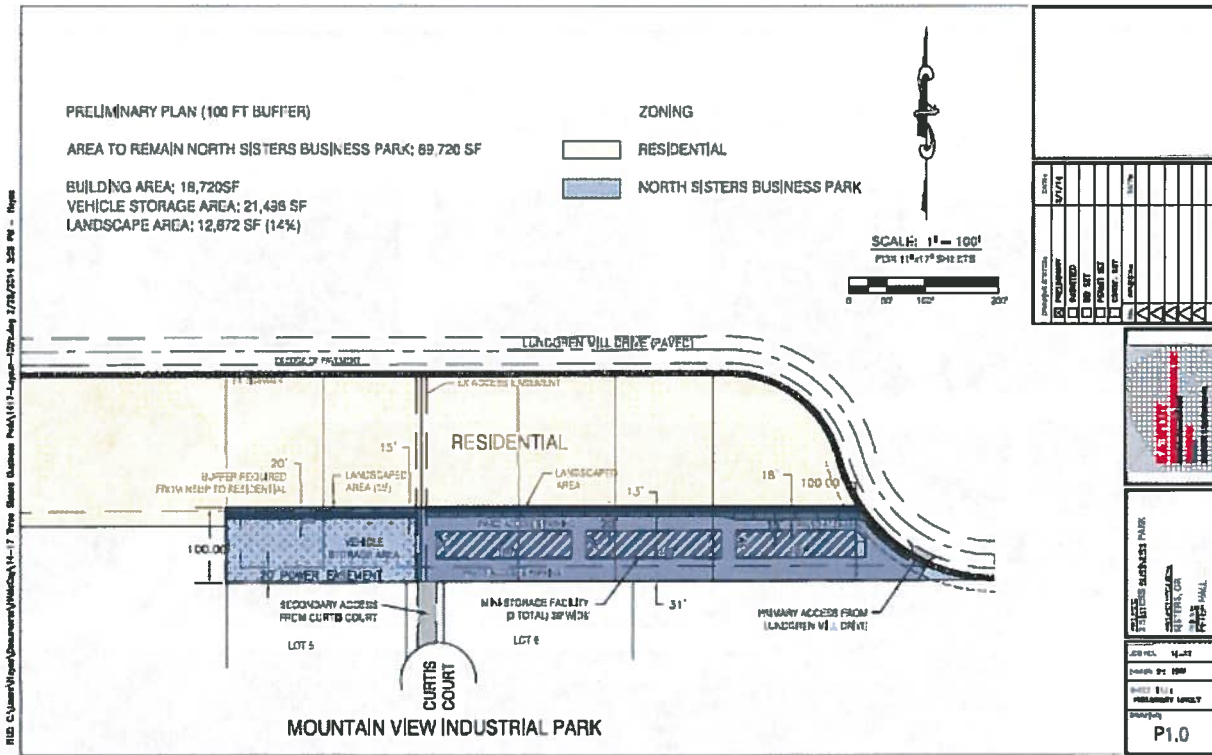
Existing Zoning (the northern Residential portion is not under consideration)



**CITY OF SISTERS  
City Council**

Title: ZC14-01  
Hearing Date: July 10, 2014

During the Planning Commission public hearings held on February 20, 2014 and March 20, 2014, the applicant revised his request to retain 2.06 acres of land as North Sisters Business Park (NSBP) District, which would act as a buffer between the light industrial land to the south, and the proposed residential zone land to the north. On March 20, 2014, the Planning Commission voted 6-0 to recommend that the City Council not approve these two requests. There were three primary concerns raised by the Planning Commission; (1) loss of economic development land, (2) incompatible zoning based on concerns raised by owners of Light Industrial land to the south of the subject site, and (3) questions of whether we need more vacant low-density residential land.



Proposed Zoning Map with 100 foot wide strip of North Sisters Business Park zoning

The City Council held a public hearing on April 24, 2014 and remanded the project back to the Planning Commission for further review of additional material. The Planning Commission held a workshop on May 15, 2014 to review a land needs analysis prepared by staff and land use comparisons between different zones including the North Sisters Business Park (NSBP), Light Industrial (LI) and the Downtown Commercial (DC) District.

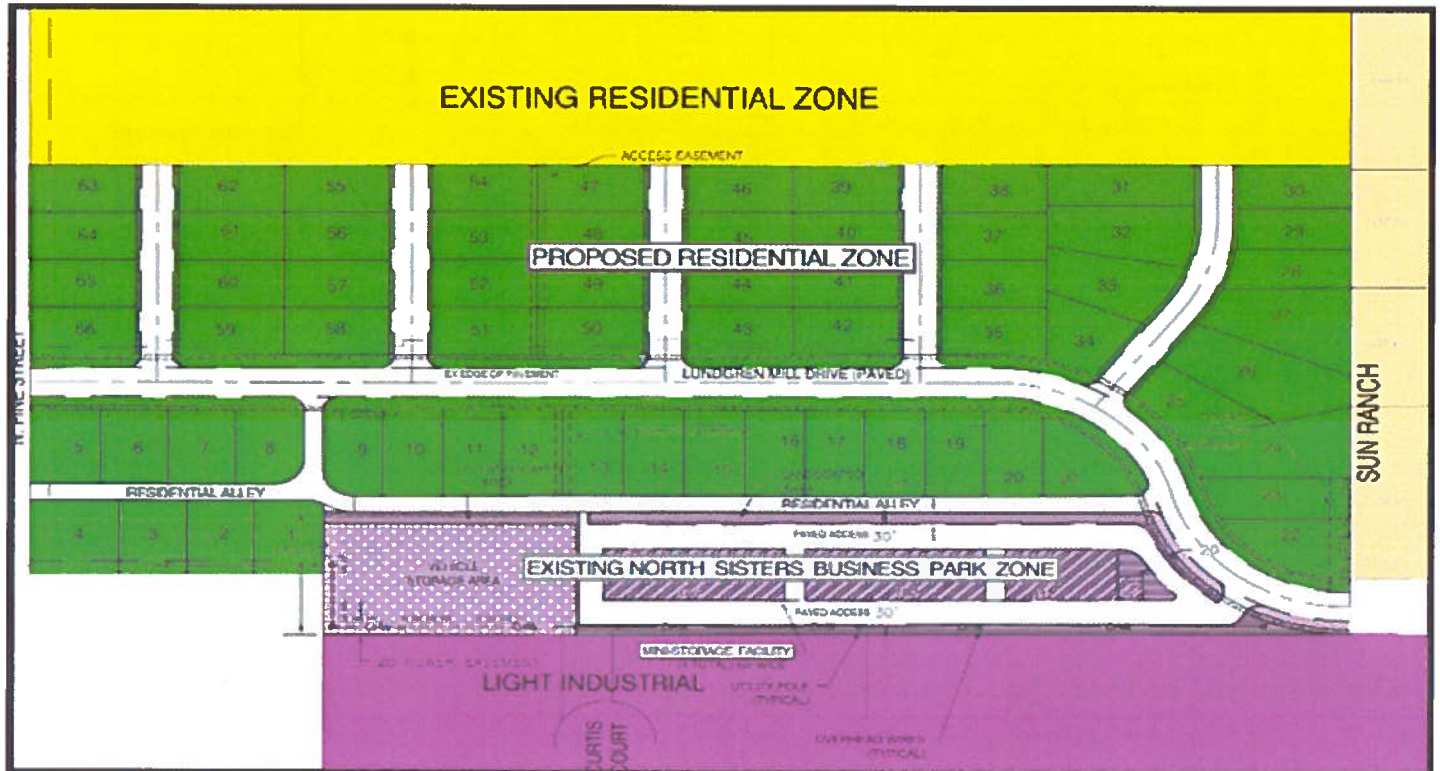
**CITY OF SISTERS  
City Council**

Title: ZC14-01  
Hearing Date: July 10, 2014

During the June 19, 2014 Planning Commission public hearing, staff presented the following two options as provided by the Applicant for the Planning Commission's Review;

**Option 1**

- 150' buffer across Lots 2 – 7 remains North Sisters Business Park
- 100,000 sq.ft. Mini-Storage lot platted as buffer area between zones.
- Mini-Storage buildings are constructed prior to development of single-family homes south of Lundgren Mill Drive
- New R Zone request: 11.1 acres with 66 single-family homes
- Total new R Zone + Residential Tract A: 23.7 acres/126 single-family homes

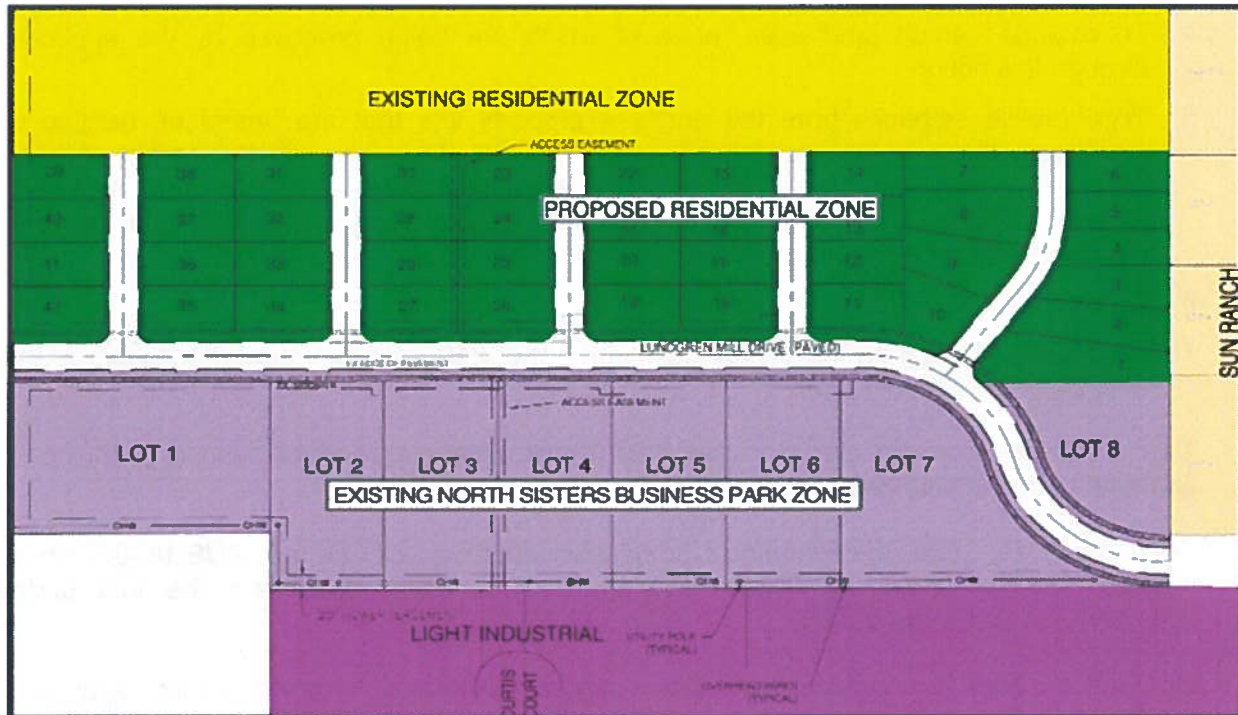


**CITY OF SISTERS  
City Council**

Title: ZC14-01  
Hearing Date: July 10, 2014

**Option 2**

- Lots 9-19 changed from North Sisters Business Park to R Zone.
- Lots 1-8 remain North Sisters Business Park
- Lundgren Mill Drive is dividing line between R and NSBP zones.
- New R Zone request: 7.5 acres with 42 single-family homes
- Total new R Zone + Residential Tract A: 20.1 acres/102 single-family homes



**II. Background of the Property.**

The property is a former sawmill site known as the Lundgren Mill. The Sisters School District purchased the property in 1986. A petroleum leakage problem was documented on the site in the 1990's by the Department of Environmental Quality (DEQ); the leakage was subsequently cleaned up in 2003, and in the summer of 2005 the Oregon Department of Environmental Quality (DEQ) officially closed the file. The former mill site has been deemed to be clean with no further environmental cleanup planned or apparently needed.

The site was brought into the city limits and rezoned from EFU to IL Light Industrial through County files no. PA 99-5 and ZC 99-3 on December 27, 2000. The site is referred to as the 'School District site' throughout the prior County land use actions and within the Development Agreement that was adopted by the City Council on April 12, 2001 via Ordinance No. 317 and recorded with the Deschutes County Clerk's office on May 4, 2001. The recording number is Volume 2001, Page 21130.

The 2001 Development Agreement was designed to accomplish the following;



**CITY OF SISTERS**  
**City Council**

Title: ZC14-01  
Hearing Date: July 10, 2014

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1. To provide limitations on the types of industrial uses allowed on the property.
2. To provide a conceptual plan for future subdivision and industrial development of the property
3. To provide a plan for traffic improvements to address the impacts from the development of the property. The School District (applicant) paid a total of \$158,345 to the City of Sisters as a mitigation fee to offset future vehicular impacts associated with this rezoning of the property from EFU to Light Industrial.
4. To exclude certain land uses, none of which are being proposed by the applicant through this action.
5. To establish setbacks from the northern property line that are based on heights of structures; these setbacks range from 50' to 100' depending on the height of each structure. The land area under consideration is located more than 400' from the northern property line, and therefore does not interfere with the setbacks established in the Development Agreement.
6. To establish lot coverage limits (35%).
7. To place a trip cap on the overall development of 210 total p.m. peak hour trips on the entirety of the 29-acre property

This action will have no effect on the 2001 Development Agreement, and a condition of approval to this effect has been added.

On January 19, 2006, the Planning Commission approved city file no. SUB 05-07, which created 19 lots within the Three Sisters Business Park; these are the lots under consideration within this action.

On June 14, 2007, the applicant and City signed a Development Agreement that applied to the Three Sisters Business Park lots, as well as the unplatted North Park Subdivision ('Tract A'). The relevant portions of the 2007 Development Agreement included the following;

Item 3 – established a maximum of 57 second-story loft (apartment) units within the Three Sisters Business Park portion of the development.

Item 3 – required the developer to provide a total of 11.58 acres of pre-1892 water rights, and allowed for reduced water rights transfer if the developer did not meet the density target of 57-second story loft units.

Item 4 – acknowledged a deposit of \$27,000 made by the applicant for the purpose of constructing a pump station on the Dutch Pacific property to the east. This item contains a 'return clause' whereby upon dedication of this pump station to the City, the City will refund this amount to Dutch Pacific.

Item 5 – contains a requirement for affordable housing within either Tract A (North Park), or Three Sisters Business Park lots 4, 5, 6 and 7, which were intended on containing mini storage units.

Item 13 – allows for the amendment of the Agreement by mutual consent of both parties.

**CITY OF SISTERS**  
**City Council**

Title: ZC14-01  
Hearing Date: July 10, 2014

The Agreement will need to be amended to adapt to this change in zoning; staff is recommending this revision as a condition of approval to this request.

On October 22, 2007, the City approved files no. MP07-02, CU07-03, SUB07-04, which resulted in the tentative plat approval of 'North Park', a residential master plan, subdivision and conditional use permit that affected the northern 12.58 acre portion of the parent parcel. These decisions approved 62 residential dwelling units on 57 residential lots. To date this subdivision plat has not been recorded. These land use decisions remain valid to December 31, 2014 through various extensions.

### III. Review Procedures

1. **Sisters Development Code, chapter 1.3, Definitions.** A legislative change is defined in the Development Code as follows;
  - **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).

**Response:** The zone change is site-specific and as such is probably a quasi-judicial action. However, the applicant must amend the Comprehensive Plan (Chapters 9 and 14), as well as the City's adopted Comprehensive Plan map and Zoning map in order to affect the desired changes. The process of amending the Comprehensive Plan is by definition a legislative amendment and will be processed accordingly. Since these applications are concurrent, staff is treating each as a legislative amendment, and accordingly, both shall require City Council approval.

#### 4.1.700 General Provisions

- E. 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 Community Development 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.

**CITY OF SISTERS**  
**City Council**

Title: ZC14-01  
Hearing Date: July 10, 2014

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**Response:** This action is specific to the zone change. The Comprehensive Plan amendment, file no. CP 14-01, is decided through a separate but concurrent action.

**IV. Conclusionary Findings.** The following Conclusionary findings apply to this request.

**Sisters Development Code, Chapter 4.7, Land Use District Map and Text Amendments**

**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 600 and shall conform to Section 4.7.600, as applicable.

**4.1.600 Type IV Procedure (Legislative)**

A. 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.** The following findings evaluate compliance with the applicable statewide planning goals:

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

**Response:** The Planning Commission reviewed this request at two public hearings held on February 20<sup>th</sup> and March 20, 2014; reviewed the materials in the record, and made a recommendation to the City Council to deny the project based on evidence received and their determination of whether the applications comply with all applicable standards and criteria. The City Council reviewed this request on April 24, 2014 and remanded the application back to the Planning Commission for review of new material. On May 15, 2014 the Planning Commission held a workshop and reviewed the land use analysis of residential development, a land use comparison memo dated April 10, 2014 and the 2007 Conditions of Approval Agreement. A public hearing was then held before the Planning Commission on June 19, 2014. On June 19, 2014 the Planning Commission voted 3-3, which defeated the motion to approve Option 2. Therefore, the recommendation is to deny the application. On July 10, 2014, the City Council found that Option 2 met the approval criteria and that there is a need for residential land and approved Option 2. The hearings and workshops have provided an opportunity for the public to be part of the planning process.

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

**Response:** Chapters 4.1 and 4.7 of the City's adopted Development Code contain the steps and approval criteria and standards that apply to changes such as these. Chapter 4.1.200 requires that at least two public hearings must occur. A notice was published in the Nugget Newspaper in the February 5, 2014 edition, which advertised the February 20, 2014 hearing. Notices were sent to all property owners within 250 feet of the border of the affected land on February 4, 2014, and the site was posted on February 4, 2014, also advertising the public



**CITY OF SISTERS  
City Council**

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Title: ZC14-01  
Hearing Date: July 10, 2014

hearing. A notice was sent to the owner of the Sisters Eagle Airport on February 4, 2014 due to their proximity to this project area. In addition, DLCDD, ODOT and ODA were asked to comment on this process, and their comments are part of the public record for these actions. On February 20, 2014, the Planning Commission took testimony and discussed the merits and concerns associated with the proposal. The Commission Chairman continued the hearing to March 20, 2014 and the Planning Commission recommended denial of the applications. The City Council hearing notice was published in the Nugget newspaper on April 9, 2014 and the public hearing was held on April 24, 2014. The City Council remanded the project back to the Planning Commission for review. The Planning Commission held a workshop on May 15, 2014. The workshop was noticed to the property owners within 250 feet of the project site via mail. For the June 19, 2014 Planning Commission hearing, a notice was published in the Nugget Newspaper on June 4, 2014, a land use action notice was posted on the property on June 4, 2014 and the neighbors within 250 feet of the project site were noticed by mail 14 days prior to the hearing. On June 25, 2014, a land use action notice was published in the Nugget newspaper for the July 10, 2014 City Council Hearing. The property and neighbors were also noticed 14 days prior to the hearing.

*Goal 3 Agricultural Lands: To preserve and maintain agricultural lands.*

**Response:** This criterion is not applicable because there are no designated agricultural lands on the subject property.

*Goal 4 Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

**Response:** This criterion is not applicable because there are no designated forestlands on the subject property.

*Goal 5 Open Space, Scenic and Historic Areas, Natural Resources: To protect natural resources and conserve scenic and historic areas and open spaces.*

**Response:** According to the Sisters Comprehensive Plan and the Deschutes County Goal 5 Inventory, there are no Goal 5 resources located on or near the subject site.

*Goal 6 Air, Water, Land Resource Quality: To maintain and improve the quality of the air, water and land resources of the City.*

**Response:** The subject site is currently zoned North Sisters Business Park (NSBP), a zone that allows various retail and clean light industrial uses, as well as mixed use residential on upper floors and behind the retail / light industrial uses. This site had a logging operation on it, and was cleaned up in the late 1990s. In 2004, Oregon Department of Environmental Quality (DEQ) closed the file on the site cleanup, leaving staff to conclude that the land is now safe for development.

**CITY OF SISTERS**  
**City Council**

Title: ZC14-01  
Hearing Date: July 10, 2014

---

Regarding this proposal, changing the zoning of either 14.85 acres or 8.32 acres as proposed in Option 2 from North Sisters Business Park (NSBP) to Residential (R) District will limit uses that would have more of an adverse impact to air, water and land resource quality than residential uses, which do not typically have significant adverse impacts to air, water or land resource quality. Also, the density proposed will allow for significantly more open space than would the current North Sisters Business Park (NSBP) zoning; the applicant indicates that he wants to limit *residential* density to five units per gross acre, which will yield lots that are approximately 8,678 s.f. in gross area before subtracting out land used for roads and open space. Staff has memorialized this target density within conditions of approval for this action to assure that the target density is met with the actual replat/subdivision or development plan that will be submitted at a later date. Staff finds that residential uses have no greater impact than do light industrial uses on air, water and/or land resource quality.

*Goal 7 Natural Disasters and Hazards: To protect people and property from natural hazards.*

**Response:** The subject site has a recent history of containing significant ladder fuels. The applicant, and the City and County's weed abatement programs have worked together to remove much of the fuel sources that would otherwise present a potentially significant fire risk. Allowing residential uses at this location will help to reduce and remove future ladder fuel sources from this vicinity, thereby reducing the threat associated with wildfires. There are no other obvious natural disaster-related or hazard-related concerns that are observable or known to exist on or adjacent to this land.

*Goal 8 Recreational Needs: To satisfy the recreational needs of the citizens of the City and visitors, and, where appropriate, to provide for the siting of necessary recreational facilities.*

**Response:** The City has a developed park (Clemens Park) located 1,160 lineal feet from the south-eastern edge of the subject site. There is also federal forest land that abuts the west side of the site across Pine Street. Further, new residences pay Park Systems Development Charges (SDC) which are used to purchase and improve city parks, whereas retail, commercial and light industrial uses do not pay these park SDCs. Lastly, the project will be subject to a Master Plan, which requires 15% of the property to be open space. Therefore, by approving this zone change, the City's future park revenues and open space will increase and will help meet recreational needs.

*Goal 9 Economic Development: To provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of the City's citizens.*

**Response:** The applicant purchased the property and brought it into the city limits in 2005 with a vision of creating a business park campus that had a residential component ('live-work' campus); however, the economic downturn has dissuaded investors from developing this land in the manner it was originally intended. The economy is beginning to recover, however the opportunity for new Business Park uses to develop on this land is not occurring, and the property owner sees no immediate change to this situation occurring in the foreseeable future. The applicant believes that he can develop this land as middle-to-upper quality housing, a market that (in the opinion of the applicant) is very limited in Sisters.

**CITY OF SISTERS**  
**City Council**

Title: ZC14-01  
Hearing Date: July 10, 2014

Scott Edelman, representative for the Department of Land Conservation and Development for Central Oregon, initially indicated via email sent on February 6, 2014 that an analysis with Oregon Administrative Rule 660-09-0010(4) is necessary to consider changing the zoning on light industrially zoned land.

The applicant submitted an Economic Lands Needs Analysis, which provides justification that the City will have an abundant supply of buildable light industrial and business park land even if this zone change is approved and 14.85 acres of 'business park' land is removed from the land inventory. This will also apply if Option 2 were approved which would remove 8.32 acres of North Sisters Business Park (NSBP) land and leave at total of 27 vacant North Sisters Business Park (NSBP) lots available for development.

Of note here - the subject property is not light industrially-zoned land, although it shares some use similarities with light industrially-zoned land. The North Sisters Business Park (NSBP) zoning is more of a hybrid between light industrial and commercial zone uses, and also contains a residential component for mixed use with live-work uses.

In response to Mr. Edelman's concerns, OAR 660-09-0010, and staff's response to each of the subsections contained therein are as follows:

**Application**

- (1) This division applies to comprehensive plans for areas within urban growth boundaries. This division does not require or restrict planning for industrial and other employment uses outside urban growth boundaries. Cities and counties subject to this division must adopt plan and ordinance amendments necessary to comply with this division.

**Response:** The affected land is located within the Sisters city limits and urban growth boundary. The City of Sisters has adopted its Comprehensive Plan, including Chapter 9, Economic Development, as is required by this and other State-mandated requirements.

- (2) Comprehensive plans and land use regulations must be reviewed and amended as necessary to comply with this division as amended *at the time of each periodic review* of the plan pursuant to ORS 197.712(3). Jurisdictions that have received a periodic review notice from the Department (pursuant to OAR 660-025-0050) prior to the effective date of amendments to this division must comply with such amendments at their next periodic review unless otherwise directed by the Commission.

**Response:** The City of Sisters is exempt from periodic review requirements because of its population, which is 2080 people according to the most recent population forecast issued by Portland State University.

- (3) Cities and counties may rely on their existing plans to meet the requirements of this division if they conclude:
  - (a) There are not significant changes in economic development opportunities (e.g., a need for sites not presently provided for in the plan) based on a review of new information about national, state, regional, county and local trends; and

**CITY OF SISTERS**  
**City Council**

Title: ZC14-01  
Hearing Date: July 10, 2014

---

- (b) That existing inventories, policies, and implementing measures meet the requirements in OAR 660-009-0015 to 660-009-0030.

**Response:** The economic downturn affected Sisters as well as the other Central Oregon jurisdictions. The City of Sisters issued only one permit in the North Sisters Business Park (NSBP) over the past 6 years.

The applicant proposed to remove a portion of 19 lots (14.85 acres) from the North Sisters Business Park (NSBP) land category. Removing this land would leave 19 vacant North Sister Business Park (NSBP) lots plus the proposed vacant buffer lots of 2.06 acres for mini-storage. If Option 2 were approved, it would leave 27 vacant North Sisters Business Park (NSBP) lots available for development.

Based on the rate of development over the past six years in the North Sisters Business Park (NSBP), the remaining vacant land represents more than a 100 year supply of land in these land categories.

The applicant has provided an Economic Opportunities Analysis that was determined to be consistent with OAR chapter 660-09-0010(4) by DLCD. This analysis is explained in greater detail in a later finding.

(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:

- (a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or
- (b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or
- (c) Adopt a combination of the above, consistent with the requirements of this division.

**Response:** This change represents a change of use designation from potential employment use to residential use designation. The applicable planning requirements are found in this staff report. In addition, if this request is approved, the applicant will need to reconfigure the lot layout, which in turn will trigger a future land use review process and subsequent compliance review with all applicable standards and criteria.

At the June 19, 2014 public hearing, the applicant proposed Option 1 and Option 2. Option 1 would retain a 170' buffer strip that would retain North Sisters Business Park (NSBP) zoning designation, and which is intended to support a mini-storage use. The applicant would need to do the following at such time that the property is considered for mini-storage development;

1. An approved on-site turn-around for Fire code compliance; or,
2. A secondary access for Fire code compliance.

**CITY OF SISTERS**  
**City Council**

Title: ZC14-01  
Hearing Date: July 10, 2014

3. A text amendment that identifies the lots or portions thereof that will support mini-storage uses.

Further, to protect the light industrial properties from complaints that might be driven by their proximity to the new residential land, staff is recommending that deed restrictions be placed on residential properties if any are approved as part of this process south of Lundgren Mill Drive. The deed restrictions would caution buyers of potential noise, odors and wind-blown dust that originates from the south.

*Goal 10 Housing: To provide for the housing needs of citizens of the state.*

**Response: Response:** Staff prepared a housing needs assessment and presented it to the Planning Commission during their workshop on May 15, 2014. Staff has updated it since to reflect additional single-family dwelling permits issued.

**LAND NEEDS (Attachment A)**

**Residential**

- There are 344 vacant residential lots. Eleven of the 344 vacant residential lots can be further subdivided into approximately 363 residential lots. This raises the potential number of single-family residential lots to 696 lots.
  - McKenzie Meadow Village (not recorded, 81 single family dwelling lots),
  - North Park subdivision (not recorded; 57 lots).
  - Hayden's Cold Springs South subdivision (not recorded, 12 lots);
  - Richard Carpenter's (two existing lots) subdivision (not recorded, 12 lots).
  - Tim Bretz' subdivision (not recorded; approved for 8 lots).
  - Brooks Camp Townhouses (not recorded, approved for 23 townhouse lots)
  - Highland Village (not recorded; approved for 24 lots)
  - Three Creeks Crossing (not recorded; approved for 28 lots)
  - Patterson (unplatted, 82 lots)
  - The residential land located on the north side of Sun Ranch (unplatted; approximately 36 lots)
- From September to February, there was an average of 5.7 single-family dwelling unit permits issued per month. Using this rate of permit issuance, there is a 10-year supply of vacant residential lots. Staff has updated this data to include March and April, which generates an average of 4.75 new single-family dwelling unit permits issued per month. Using this rate of permit issuance, there is a 12-year supply of vacant residential lots. Since the workshop, staff has updated the permits issued to include May. This generates an average of 5 new single-family dwelling unit permits issued per month. Using this rate of permit issuance, there is an 11.6-year supply of vacant residential lots.

<u>Month</u>	<u>Permits</u>
September	10
October	4
November	13

**CITY OF SISTERS**  
**City Council**

Title: ZC14-01  
Hearing Date: July 10, 2014

<b>December</b>	<b>2</b>
<b>January</b>	<b>0</b>
<b>February</b>	<b>5</b>
<b>March</b>	<b>3</b>
<b>April</b>	<b>2</b>
<b>May</b>	<b>6</b>
<b>Total</b>	<b>45</b>

Staff finds that the proposed Zone change and Comprehensive Plan are compliant with Goal 10 Housing since it will increase the supply of single-family residential land.

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

**Response:** The applicant initially submitted a burden of proof statement, which the City determined did not have an adequate impact assessment included within the text. The applicant then retained a professional engineer, who provided a Water and Wastewater Impact Analysis on February 11, 2014 for all 19 lots rezoned to Residential, and a revised Water and Wastewater Impact Analysis on February 25, 2014 for a 75-foot wide buffer retained as North Sisters Business Park (NSBP). Both of these analyses concluded that the water and sewer demands associated with the zone change would decrease the demand placed on the City's water and sewer infrastructure. The lots already have water and sewer lines stubbed out to each lot, and the sewer and water system was sized based on flow consumption by light industrial users. The sewer and water use characteristics of single-family dwellings compared to light industrial users is much less.

The February 11, 2014 and the February 25, 2014 Sewer and Water Analyses evaluated flow demands using both zoning scenarios as previously proposed. The water analyses indicated by rezoning the property from North Sisters Business Park (Light Industrial Comprehensive Plan land use category) to Residential (Residential Comprehensive Plan land use category), and assuming a gross density of five units per acre, the total water decrease would amount to 27,571.9 gallons per day under the proposed zoning. Following the February 20, 2014 Planning Commission public hearing, the applicant revised the total land area that would be rezoned to residential; this in turn affected the overall consumption impacts at build out in the proposed residential zone, and in the proposed / retained business park zone. The revised total decrease in water consumption is 24,995 gallons per day, which is slightly higher with the addition of the North Sisters Business Park 'strip' that was added into consideration following the first public hearing. Even with the purposed Option 1 there is still less of an impact.

The sewer analysis projected total usage of 93.83 equivalent dwelling units (EDUs) based on current zoning. The projected use under low-density residential zoning dropped to 73.86 EDUs. The revised sewer impact shows that a total of 70.24 EDU's would result if the strip of North Sisters Business Park (NSBP) land were considered, which is a decrease of 3.62 EDUs from the original zoning scenario.



**CITY OF SISTERS**  
**City Council**

---

Title: ZC14-01  
Hearing Date: July 10, 2014

The City Engineer has reviewed these previous projections and concurred with the projections. The City Engineer has also reviewed Option 2 on June 25, 2014 and concurs that they would still have less impact on public facilities than the current zoning today.

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

**Response:** Traffic impacts are discussed in a later finding.

*Goal 13 Energy Conservation: To conserve energy.*

**Response:** Single family dwellings use less energy than do most business park uses, and in some cases to a significant level. The residential uses proposed will have a reduced impact on energy, and will have the opportunity to use solar enhanced power at their discretion.

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

**Response:** The property is already planned and zoned for North Sisters Business Park (NSBP) uses, and infrastructure is in place to serve these types of uses. The property is 'shovel-ready' for North Sisters Business Park (NSBP) uses, but will require infrastructure changes in order to be shovel-ready for residential uses. This is due to the lot pattern; the lots are overly large for residential uses, and if developed with single family dwellings, would not meet the minimum density in the Residential Zone. Each lot is approximately ½ acre in size or larger; the land will need to be re-platted to achieve the five unit per acre density sought by the applicant. The result of the replat will almost certainly require the relocation of sewer and water lines, and potentially a change to the street location(s) as well depending on the lot layout associated with the replat.

*Goals 15, 16, 17, 18, and 19 Willamette River Greenway, Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.*

**Response:** Goals 15, 16, 17, and 19 concern resources that are not present within the area affected by this proposal (Willamette River Greenway, Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources), nor are they listed in the Sisters Comprehensive Plan.

**2. Approval of the Request is Consistent with the Comprehensive Plan.** The proposed Comprehensive Plan amendments are consistent with the Comprehensive Plan Goals as discussed below, and only the applicable sections are listed.

**Part I**  
**Introduction**

The 2005 Sisters Comprehensive Plan (The Plan) is intended to be an adaptable, living document. The Plan was amended in 2005 to include specific properties, including the

**CITY OF SISTERS**  
**City Council**

Title: ZC14-01  
Hearing Date: July 10, 2014

---

subject site, as future light industrial land. Chapters 9 and 14 specifically contain text that would be modified by this proposal.

**Part II**  
**Citizen Involvement**

As provided under a previous finding addressing compliance with Statewide Planning Goals 1 and 2, the applicant and the City have complied with Goals 1 and 2 by informing the public through various published, posted and mailed notices, and have provided opportunities for the public to be involved in the planning and public hearing processes through these notices.

**Part III**  
**General Goals and Objectives**

The past and current community goals for Sisters are discussed in Part III of the Comprehensive Plan. There are three groups of community goals in this chapter: goals from 1974, goals from 1990, and the most recent goals from the 2005 update of the Plan. The goals from 1974 are included as they existed in the acknowledged Plan from 1982. These demonstrate what was important to the community in 1974 and are included in this chapter for illustrative and comparative purposes. Goals from 1990 are included for the same reasons. Goals from the most current planning process completed in 2005 are the goals applicable to this Comprehensive Plan and subsequent policy making and implementation.

**Part IV**  
**Background**

This chapter of the Comprehensive Plan provides a history of the City of Sisters.

**Part V**  
**Comprehensive Plan Goals, Findings, & Policies**

This chapter sets forth 14 goals that mirror the Statewide Planning Goals. The proposed Comprehensive Plan amendments comply with the Statewide Planning Goals as previously discussed and therefore they also comply with the City's Comprehensive Plan.

**Goal 9:** "To provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of the City's citizens."

**Response:** This chapter identifies future 'employment lands' in Sisters. The North Sisters Business Park (NSBP) zoning and allowable uses are a hybrid of commercial and light industrial uses; the Business Park zone is truly unique in its scope of allowable uses.

As previously stated, the Department of Land Conservation and Development (DLCD) expressed initial concern about the resulting loss of light industrial land, however the applicant provided an Economic Needs Analysis, which was based in part on a 'buildable land inventory' undertaken by the City of Sisters in June, 2013. This inventory included land

**CITY OF SISTERS**  
**City Council**

Title: ZC14-01  
Hearing Date: July 10, 2014

in each of the three primary land use categories (residential, commercial and industrial/business park), and was undertaken largely to give the City an idea of what the supply of buildable land is in each respective land category.

On February 12, 2014, Mr. Edelman sent the following text via email:

"In regard to the Three Sisters Business Park Zone Change, I had submitted comments via email from DLCD indicating that the application did not include sufficient information related to ORS 660-009-010(4) which requires compliance with the city's adopted Economic Opportunities Analysis (Comprehensive Plan Chapter 9). In response to this, you forwarded me additional information from the applicant intended to address this concern. I want to let you know that the revised findings related to the economic opportunities analysis have been reviewed by DLCD staff and it is our opinion that they meet the requirements of ORS 660-009-010(4). DLCD does not have any additional concerns with the zone change/comprehensive plan amendment based on the information we have received."

Projecting land needs over the next 20 year planning period is typically based on historic trends of construction. There has been one building permit issued for a new building in the North Sisters Business Park (NSBP) District over the past 6 years. As previously discussed, if the present rate of construction continues in this District, it will take more than 100 years to exhaust the supply of vacant buildable business park land.

**A. 9.4 POLICIES**

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

**Tasks -**

- a. "The City shall maintain and enhance the appearance and function of the Commercial Districts by providing a safe and aesthetically pleasing pedestrian environment, mixed use development, and requiring adherence to the Sisters Western Frontier Architectural Design for all types of development and signage. The Sisters Western Frontier Architectural Design Theme does not apply to the Sun Ranch Tourist Commercial District. In its place a more historically accurate 1900s Rural Farm/Ranch House design standard applies. The City shall establish standards for this design theme in the Development Code.
- b. "Auto Oriented developments such as restaurants with drive-up windows are not appropriate in the downtown area or Commercial District. Auto oriented uses shall only be permitted in the Highway Commercial District, Light Industrial District, and North Sisters Business Park District, and shall be limited and managed based on their impacts.
- c. "The City shall assure development contiguous to commercial and residential zones is designed and built in a manner that is consistent and integrates with the character and quality of those zones.
- d. "The City's Development Code should continue to allow mixed-use development within the Commercial Districts, and in transitional light-industrial areas such as the

**CITY OF SISTERS**  
**City Council**

Title: ZC14-01  
Hearing Date: July 10, 2014

---

- Sun Ranch and Three Sisters Business Parks (as previously noted in the findings), and small commercial uses and home occupation mixed with residential uses.
- e. "Commercial and Industrial uses shall minimize their impacts on residential areas by being subject to additional development standards, i.e. buffers, setbacks, landscaping, sign regulation and building height restrictions.
  - f. "The City has adopted the Sun Ranch Tourist Commercial District to apply to the Conklin Guest House property. This property is intended to provide commercial uses that will serve the needs of the nearby light industrial uses and visitors to the area. Drive through facilities are not appropriate for this zoning district.
  - g. "Development standards shall be added to the City's Development Code for unique light-industrial parks in transition areas. Standards shall be developed to accomplish the goals outlined in the Business Recruitment and Outreach Activities findings of this chapter.
3. "The City shall continue to partner with the Community Action Team of Sisters, the Chamber of Commerce, Economic Development for Central Oregon, and other economic development agencies, to improve local and regional economic development efforts, attract businesses, and enhance and diversify the City's economic base. The City will participate with these agencies in periodic updating of the *Sisters Strategic Action Plan for Economic Development*.
6. "The City shall ensure an adequate supply of land for the needs of commercial, mixed-use and light industrial purposes.

**Response:** The key issue is whether removing 14.85 acres or 8.32 acres of North Sisters Business Park (NSBP) land from this land category will adversely affect the supply of business park land over a 20 year planning period (or beyond). For the reasons stated, based on the buildable land study and support data provided by the applicant, staff finds that the loss of 14.85 acres or 8.32 acres in the North Sisters Business Park (NSBP) District will not adversely affect the City's 20 year supply of buildable business park land. Further, DLCDC has found this request to be consistent with the applicable Oregon Administrative Rule (660-09-0010(4)).

**Goal 10:** *"To provide for the housing needs of citizens of the City and ensure that land development allows for different housing types and densities."*

(Finding, pg. 81, states):

*"Housing for Moderate- to High-Income Households*

Providing housing for moderate- to high-income households will benefit the City and the City needs to accommodate these housing needs. The BLI and Comprehensive Plan Advisory Committee found that half of all new dwelling units constructed in the planning period should be single-family units in existing or new subdivisions. The range of dwelling units available to these income groups is broad, and includes condominiums, single-family dwellings on a variety of lot sizes, townhomes, and duplexes. The Development Code permits creating lots in new subdivisions up to 10,000 sq. ft. to further promote the development of housing that attracts moderate- to high-income households, providing flexibility for builders to meet the needs of high as well as of low income residents of the City."

**CITY OF SISTERS**  
**City Council**

---

Title: ZC14-01  
Hearing Date: July 10, 2014

“The Development Code (Master Plan section) requires the development of housing which provides site amenities and design features that add to the livability of the City of Sisters. The City recognizes that parks and/or open spaces are important for the livability of residential neighborhoods and that appropriate trees and site landscaping enhance the livability of residential areas. The Development Code is dynamic and may be adjusted to improve livability as new issues and challenges arise.”

**Response:**

There are 344 vacant residential lots. Eleven of the 344 vacant residential lots can be further subdivided into approximately 363 residential lots. This raises the potential number of single-family residential lots to 696 lots.

From September to February, there was an average of 5.7 single-family dwelling unit permits issued per month. Using this rate of permit issuance, there is a 10-year supply of vacant residential lots. Staff has updated this data to include March and April, which generates an average of 4.75 new single-family dwelling unit permits issued per month. Using this rate of permit issuance, there is a 12-year supply of vacant residential lots. Since the workshop, staff has updated the permits issued to include May. This generates an average of 5 new single-family dwelling unit permits issued per month. Using this rate of permit issuance, there is an 11.6-year supply of vacant residential lots.

Rezoning the property to Residential (R) District would increase the number of available residential lots to help the City achieve a 20-year land supply. In addition, the proposed Residential (R) District and Comprehensive Plan land use designation would allow for the range of dwelling units listed above including condominiums, single-family dwellings, townhomes and duplexes.

In addition, the next steps in the process if the Comprehensive Plan and rezone application are approved, would be for a Master Plan and Subdivision application. The Master Plan would require 15% usable open space and amenities.

*Staff finds that this action is consistent with Goal 10, 'Housing'.*

**Goal 11:** “To plan and develop a timely, orderly and efficient arrangement of public facilities to support the City’s development.”

**Response:** The response to Statewide Planning Goal 11 addressed the consistency with this statewide Planning Goal and corresponding chapter of the Comprehensive Plan.

**Goal 12:** "To provide and encourage a safe, convenient and economic transportation system."

**Response:** Transportation has a finding that states Section 660-12-045(2) of the TPR requires that jurisdictions protect future operation of transportation corridors. In addition, the proposed function of a future roadway and other transportation facilities must be protected from incompatible land uses.

**CITY OF SISTERS**  
**City Council**

Title: ZC14-01  
Hearing Date: July 10, 2014

---

According to a Trip Generation Analysis provided by the applicant's engineer dated February 11, 2014, the level of trip generation from residentially zoned land is significantly less than the projected trip generation from light industrial uses, and as such, does not trigger the Transportation Planning Rule. The revised Trip Generation Analysis received on February 25, 2014 similarly showed a decrease in trips compared with the existing business park zoning at build out. The revised Trip Generation Analysis showed a decrease of PM peak hour trips of 165 trips. Option 2 would still generate less trips than under the current North Sisters Business Park (NSBP) zoning.

Also of note, the Oregon Department of Aviation (ODA) submitted two letters that indicated the residential zoning was not compatible with the Transitional Surface overlay zone (affecting tax lots 1100, 1200, 1300 and 1400). If Option 2 were approved, this would only affect tax lots 1100 and 1200.

The Sisters Development Code, chapter 2.11, Airport Overlay District, subsection 2.11.200, 'Compliance', states:

"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."

Subsection 2.11.400 then states:

**2.11.400 Permitted Uses**

1. Uses permitted in underlying zone district. Uses listed as permitted or conditional in the underlying zone are allowed within the Airport Overlay District unless prohibited in Section 2.11.500 or the development limitations of Section 2.11.600.

Subsection 2.11.500, referenced above, states:

**2.11.500 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. Please see Chapter 2.9 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.
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) is



**CITY OF SISTERS**  
**City Council**

Title: ZC14-01  
Hearing Date: July 10, 2014

prohibited. The evidence must show that the use will regularly produce an interference listed above, based on its normal operating characteristics.

The portion of the subject site identified as incompatible (tax lots 1100, 1200, 1300 and 1400) is not zoned Urban Reserve District (ref: subsection 2 above), nor will it contain places of public assembly. These four lots are located just within the 1500 foot distance of the landing strip for the Sisters Eagle Air airport. The three-dimensional 'no build' area places any buildings on these four lots well below the height limit required within the Transitional Surface overlay zone in this location. If Option 2 were approved, this would only apply to tax lots 1100 and 1200.

Chapter 2.11.600 of the Development Code further states:

**2.11.600 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 2.11.300.
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.
4. 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.

Accordingly, a Hold Harmless Agreement and Aviation and Hazard Easement will be required on tax lots 1100, 1200, 1300 and 1400 per subsection 4 of this chapter, and shall be recorded against the property in the deed records of Deschutes County. In addition, a Declaration of Anticipated Noise from the airport will be required to be recorded onto the deeds for these four lots. If Option 2 were approved, this would only apply to tax lots 1100 and 1200.

**Goal 14: Urbanization** - *"To provide for an orderly and efficient transition from rural to urban land use."*

**Response:** Table 14.1 shall be amended if one of the following actions are approved. The following table reflects approval of 14.85 acres as residential.

**CITY OF SISTERS**  
**City Council**

Title: ZC14-01  
Hearing Date: July 10, 2014

**Amended Portion of Table 14.1**

Land Use District	Approx. Gross Acre
<b>Light Industrial District (LI District) Total</b>	<b><del>109.67</del> 94.82</b>
Residential (R District)	
<i>Residential District (R District)</i>	<del>279.68</del> <b>294.53</b>
<i>Residential Multi-Family District (R-MFD District)</i>	188.90
<b>R Districts Total</b>	<b><del>468.58</del> 483.43</b>

Pg. 119: *Commercial and Light Industrial Lands (DC, HC, LI Districts)*

“There are approximately **44 29.15** net buildable acres of vacant LI designated lands inside the Sisters UGB. Adding 3 net buildable acres of re-developable and 17 acres of developable acreage of partially developed lands, a total of **64 49.15** acres of buildable light industrial (LI) lands are available inside the Sisters UGB. There is a projected demand for 34 net buildable acres of industrial land inside the Sisters UGB by the year 2025. A surplus of **30 15.15** acres of net buildable industrial land is predicted based on anticipated supply and demand of industrial lands until the year 2025. There is a sufficient supply of vacant acreage alone to satisfy anticipated demand, without considering re-developable and partially developed lots. For more information see Appendix B.”

If Option 2 were approved, the table would be amended as follows

**Amended Portion of Table 14.1**

Land Use District	Approx. Gross Acres
<b>Light Industrial District (LI District) Total</b>	<b><del>109.67</del> 101.08</b>
Residential (R District)	
<i>Residential District (R District)</i>	<del>279.68</del> <b>288.00</b>
<i>Residential Multi-Family District (R-MFD District)</i>	188.90
<b>R Districts Total</b>	<b><del>468.58</del> 476.90</b>

Pg. 119: *Commercial and Light Industrial Lands (DC, HC, LI Districts)*

“There are approximately **44 35.68** net buildable acres of vacant LI designated lands inside the Sisters UGB. Adding 3 net buildable acres of re-developable and 17 acres of developable acreage of partially developed lands, a total of **64 55.68** acres of buildable light industrial (LI) lands are available inside the Sisters UGB. There is a projected demand for 34 net buildable acres of industrial land inside the Sisters UGB by the year 2025. A surplus of **30 21.68** acres of net buildable industrial land is predicted based on anticipated supply and demand of industrial lands until the year 2025. There is a sufficient supply of vacant acreage alone to satisfy anticipated demand, without considering re-developable and partially developed lots. For more information see Appendix B.”

**14.4 POLICIES**

**CITY OF SISTERS**  
**City Council**

---

Title: ZC14-01  
Hearing Date: July 10, 2014

1. The City shall promote development within the UGB to minimize the cost of providing public services and infrastructure and to protect resource land outside the UGB.

**Response:** These actions are occurring on land located inside the Sisters UGB and city limits, which is consistent with this Policy.

3. The Urban Growth Boundary is the official area for which to plan all land uses, public facilities, and annexations.

**Response:** see prior response.

4. The City shall provide for an orderly and efficient conversion of urbanizable land to urban land, the City will manage the UGB to maintain the potential for planned urban development on urbanizable lands.

**Response:** Because the land is inside the city limits and is already served with sewer, water, roads and power, this policy is met, and this land is appropriate for development.

7. Providing City services is an integral part of the City's growth management strategy. Extension of City services are guided by the following:
  - a. (not applicable)
  - b. The City shall not authorize urban levels of development without the provision of the all necessary urban service (see definition) to support planned levels of development. The City will require provision of urban services as lands are converted to urban lands.
  - c. (not applicable)
  - d. The City and Deschutes County shall require property owners and/or developers to pay their fair and proportionate share of the costs to extend community services to their properties and to pay for or build necessary on- and off-site public improvements.

**Response:** The applicant has provided infrastructure to this property, including sewer, water, roads, and has paid a fair-share contribution to the sewer pump station, and to intersection improvements to Locust / 20 and Barclay / 20 intersections. The applicant has provided adequacy analyses for sewer and water; an original and revised trip generation analysis indicating that the trips generated by this change will decrease versus projected build out under the North Sisters Business Park (NSBP) zoning, and has met his burden regarding specific policies and goals associated with this proposed zone change and concurrent Comprehensive Plan amendment.

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**

**CITY OF SISTERS**  
**City Council**

Title: ZC14-01  
Hearing Date: July 10, 2014

---

**maximum anticipated levels and densities of use allowed by the District without adversely impacting current levels of service provided to existing users; or applicant's proposal to provide concurrently with the development of the property such facilities, services and transportation networks needed to support maximum anticipated level and density of use allowed by the District without adversely impacting current levels of service provided to existing users.**

**Response:** As previously discussed under Goal 11 Public Facilities and Services, the project complies with Goal 11 because public facilities are available to serve the property, and the projected impacts associated with this change of zoning will be less than the North Sisters Business Park (NSBP) zoning for sewer and water usage, as well as the projected trip generation at build out. Any water, sewer and right-of-way improvements needed to reconfigure the lots to accommodate residential uses will be evaluated at a later date and will be based on the actual development plan that will be submitted for the property in order to achieve the 5 unit per acre residential density, which ultimately will require a replat of the lots. This density is stated within a condition of approval herein.

The applicant's engineer (Hayes McCoy) provided an original (all 19 lots rezone to Residential) and revised analyses (75-foot buffer retained as North Sisters Business Park ) of the water, sewer and trip impact projections based on existing and proposed zoning on February 11, 2014 and February 25, 2014 respectively. These analyses were then reviewed by the City Engineer, who offered the following comments via email on February 12, 2014 and on February 26, 2014:

(February 12, 2014):

"I verified all the trip generation calculation assumptions in the ITE manual and I agree with the trip generation results.

"I reviewed the water use calculations and I agree with the rationale and conclusions. Previous calculations in 2007 used 346 gallons per capita per day, which presumably is based on the total gallons used in the City per day divided by the total population. This analysis uses 188 gallons per capita per day, which comes from the 2011 Water Management and Conservation Plan. This is significantly lower number but the rationale in the 2011 plan shows clearly how that number was arrived at.

"I agree with the sewer rationale and conclusions as well. These calculations are based on the Sewer Master Plan methodology, using the calculated number of EDUs. The reduction in EDUs is primarily due to the elimination of the 3 residential units on each light industrial lot.

"I have reviewed and verified the calculations in the engineering letter dated February 11, 2014 and I agree that the anticipated impacts for water, sewer, and trips will be reduced by the zone change."

(February 26, 2014):

"I have reviewed the February 25 calculations and I checked them against the previous letter dated February 11. The February 25 calculations were completed using the same

**CITY OF SISTERS**  
**City Council**

---

Title: ZC14-01  
Hearing Date: July 10, 2014

methods as the February 11 calculations, with adjustments made for 1.57 acres remaining as Light Industrial. The differences in the results are minor and don't affect the overall conclusion that impacts will decrease.

"I agree with the methodologies and results in the February 25 letter, and I agree that the anticipated water/sewer/traffic impacts should decrease as a result of the revised proposed zone change.

"I have 1 question for your consideration: The trip generation for the 75' strip is based on the trip generation for "Mini warehouse" facilities. Do we know for certain that this strip of land will be mini storage and not some other Light Industrial use?

\*Note\* There is one slight typo at the bottom of page 2 of the letter...73.66 should say 66.82."

The City Engineers also finds that if Option 2 was approved, it would still generate less of an impact than the current zoning and that this is consistent with this section of the Development Code.

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

A. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed by the City to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060. *Significant* means the proposal would:

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

**Response:** The applicant initially submitted a trip generation study for the parent parcel in 2007. This study made several assumptions; (1) that the land would be mixed use (light industrial and residential); (2) that the land would develop at a certain density, (3) that the 12 acres under consideration in 2007 would develop under light industrial zoning with 156,800 s.f. of light industrial square footage at build out, which in turn would generate 61 p.m. peak hour trips; (4) that this same 12+ acres of land could support 20 single family dwellings and 42 townhouse units, which in turn would generate a total of 42 p.m. peak hour trips; (5) that the trips forecast to be generated at build out under residential zoning would generate less trips than the previous light industrial zoning; and (6) that the 2007 zone change, which was similar in

**CITY OF SISTERS**  
**City Council**

Title: ZC14-01  
Hearing Date: July 10, 2014

---

nature to what the applicant is now proposing would not adversely affect the transportation system.

The applicant then submitted a new trip generation letter on February 11, 2014 that provided an analysis between trips generated at build out under current zoning versus trips generated at build out under proposed rezoning of all 19 lots as Residential. The projected trip differential showed a total of 217 pm peak hour trips under the North Sisters Business Park (NSBP) zoning, and 86 pm peak hour trips under the proposed zoning and density. According to the applicant, this is a differential of 131 pm peak hour trips.

Following the February 20, 2014 hearing, the applicant revised the trip generation amount due to the removal of 1.57 acres of land from the rezoning consideration. The total projected pm peak hour trips were further reduced to 82 trips, a differential of 135 trips. Staff finds the removal of 2.06 acres (100-foot buffer) or Lots 1-8 (Option 2) would still reduce the number of trips.

As stated in the previous finding, the City Engineer has reviewed the February 11, 2014 submittal and agrees with the methodology and trip calculations that were supplied on Feb. 11, 2014 by the applicant's engineer, and on February 25, 2014 by the applicant's engineer. The conclusion reached by the City is that the proposed changes will not create more trips (pm peak hour or average daily trips) than would the existing North Sisters Business Park (NSBP) zoning, and in fact the projected number of trips generated, even if Option 2 were approved, will be reduced by zoning a portion of these properties to 'Residential'.

The applicant had paid \$67,300 in 2001 for transportation system improvements in Sisters. A Development Agreement between the applicant and the City limited total trips (and future SDC payments) by placing a 'trip cap' on the development of 210 p.m. peak hour trips for the entire 29 acre property. This trip cap shall remain in place on the subject site, although it is clear by the projections that the total new-trip yield will be well under this allowed trip amount.

- 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.

**Response:** According to the trip generation letter submitted by Hayes McCoy P.E, the total number of trips generated by rezoning all 19 lots to Residential will be reduced by 131 pm peak hour trips, and the revised trip generation analysis assuming the retention of 1.57 acres of land devoted to mini-storages further lowers the pm peak hour trip rate to 82 trips (from 86 trips) for an overall reduction of 135 pm peak hour trips. Staff finds the proposal of 14.85 acres as



**CITY OF SISTERS**  
**City Council**

Title: ZC14-01  
Hearing Date: July 10, 2014

Residential or Option 2 of 8.32 acres would also reduce the trips compared to the current zoning today. Staff finds this proposal complies with Development Code chapter 4.7.600.

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

**V. Public Notices**

Notice of the February 20, 2014 Planning Commission public hearing was published in the Nugget newspaper on February 5, 2014. In addition, staff mailed notices to surrounding property owners within 250 feet of the subject properties, as well as the Sisters Eagle Air Airport and to all affected agencies and recognized neighborhood groups and/or associations affected by the proposed amendments on February 4, 2014. The applicant posted a Public Hearing Notice on the property on February 4, 2014. Staff sent notice to DLCD on January 14, 2014 as fulfillment of the 35-day notification period required of these types of changes. Notice of the April 24, 2014 City Council public hearing was published in the Nugget newspaper on April 9, 2014. The Planning Commission held a workshop on May 15, 2014 and the neighbors were notified within 250 feet. For the public hearing on June 19, 2014 a notice was published in the Nugget Newspaper on June 4, 2014, a Public Hearing Notice was posted on the property on June 4, 2014 and the neighbors within 250 feet of the project site were notified by mail 14 days prior to the hearing. A notice of land use action was published in the Nugget Newspaper on June 25, 2014 for the City Council hearing. The neighbors were notified and the property was posted 14 days prior to the hearing.

**VI. Agency Comments**

The City of Sisters received comments from the following and they are contained in file CP 14-01 and ZC 14-01:

1. Department of Land Conservation and Development (Scott Edelman via email sent 2-11-14)
2. Oregon Department of Aviation (Jeff Caines; two letters)
3. City Engineer (Erik Huffman, via email dated 2-12-14)
4. Finance Officer (Lynne Fujita-Conrads via email 2-12-14)
5. Fire District (Gary Marshall, via email dated 2-7-14)
6. Deschutes County Planning (Kevin Harrison, via email on 1-13-14)
7. City Engineer (Erik Huffman, via email dated June 25, 2014)

**VII. Exhibits**

The following exhibits make up the record in this matter, and are contained in file CP 14-01 and ZC 14-01. These exhibits and the entire record are available for review at the City of Sisters City Hall.

- A. This Findings and Recommendation document.
- B. Conditions of Approval (See zone change approval)
- C. Letter from the Oregon Department of Aviation dated 01/14/14.
- D. Letter from the Oregon Department of Aviation dated 01/17/14

**CITY OF SISTERS**  
**City Council**

Title: ZC14-01  
Hearing Date: July 10, 2014

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- E. Water, Sewer and Trip Gen. Projections, prepared by Hayes McCoy, dated 02/11/14
- F. Revised Burden of Proof Statement, prepared by the applicant; dated 01/27/14
- G. Economic Lands Needs Analysis, prepared by applicant, undated.
- H. Housing Needs Analysis, prepared by applicant; undated.
- I. Industrial Land Inventory, 2013
- J. Buildable Land Inventory, Single Family Dwellings; 2013
- K. Preliminary Title Report
- L. Trip Generation Letter, Group McKenzie, dated 02/07/07
- M. 'Traffic Assessment', prepared by applicant, dated 02/07/14
- N. Revised Comprehensive Plan map, prepared by Hayes McCoy, P.E., dated 02/24/14
- O. Legal Description of the 100' wide North Sisters Business Park strip
- P. Legal Description of the revised Residential land area
- Q. Comparative Land Use memo; distributed to the City Council at the 04/10/14 workshop
- R. Staff report from 04/10/14 City Council workshop
- S. Revised Water and Wastewater Impact Analysis dated 02/25/14
- T. Revised Trip Generation Analysis received on 02/25/14
- U. Staff report from 05/15/14 Planning Commission workshop
- V. Letter from Hayden Watson with Hayden Homes dated 04/21/14
- W. Email from Mike Morgan dated 04/22/14
- X. Letter from Jay Campbell with WoodHill Homes dated 04/22/14
- Y. Email from Dan Pahlisch with Pahlisch Homes dated 04/23/14
- Z. Email from Sharlene Weed dated 04/24/14
- AA. Letter from Michael Owen, Phil Rerat and Mike Johnson dated 04/24/14
- BB. Email from Ed Protas dated 04/24/14
- CC. Email from Steve McGhehey dated 05/14/14
- DD. Email from Erik Huffman dated 06/25/14
- EE. Attachments A –D of this staff report

**VIII. Public Comments. Staff has received the following comments throughout the process;**

1. Letter from Hayden Watson with Hayden Homes dated 04/21/14
2. Email from Mike Morgan dated 04/22/14
3. Letter from Jay Campbell with WoodHill Homes dated 04/22/14
4. Email from Dan Pahlisch with Pahlisch Homes dated 04/23/14
5. Email from Sharlene Weed dated 04/24/14
6. Letter from Michael Owen, Phil Rerat and Mike Johnson dated 04/24/14
7. Email from Ed Protas dated 04/24/14
8. Email from Steve McGhehey dated 05/14/14

**IX. Attachments –**

- A. Residential Land
- B. 2007 Conditions of Approval Agreement
- C. Land Use Comparison Memo

**CITY OF SISTERS**  
**City Council**

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Title: ZC14-01  
Hearing Date: July 10, 2014

D. Public Comment

Letter from Hayden Watson with Hayden Homes dated 04/21/14

Email from Mike Morgan dated 04/22/14

Letter from Jay Campbell with WoodHill Homes dated 04/22/14

Email from Dan Pahlisch with Pahlisch Homes dated 04/23/14

Email from Sharlene Weed dated 04/24/14

Letter from Michael Owen, Phil Rerat and Mike Johnson dated 04/24/14

Email from Ed Protas dated 04/24/14

Email from Steve McGhehey dated 05/14/14

**CITY OF SISTERS  
City Council**

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Title: ZC14-01  
Hearing Date: July 10, 2014

**Attachment A  
Residential Land**

## Residentially Zoned SFRs, Townhomes and Condominiums

Area #	Development or Area Name	Total # Platted *	Total Vacant Lots**	Total Possible Vacant Lots ***	Total Developed Lots****	# of Dwelling***** Units	Comments
1	Aspenwood	26	22	22	4	4	
2	Brooks Camp Townhouse	1	1	23	0	0	mixed use townhouses and apts; SUB 08-04
3	Buck Run	72	10	10	62	62	
4	Cold Springs South	1	1	12	0	0	
5	Cottage Grove	9	8	8	1	1	
6	Covey Run	5	2	2	3	3	
7	Coyote Springs	43	22	22	21	21	
8	Creekside	22	5	5	17	17	
9	Fourth Sisters Condos	1	0	0	1	28	28 total condo units; counted w/ multi family
10	Hammond Place	5	2	2	3	3	
11	Highland Village	1	1	24	0	0	
12	McKenzie Meadow Village	1	1	81	0	0	not platted; MP; devel ETA is 5 to 10 years from now
13	North Park	1	1	57	0	0	SUB 07-04, 57 lots, expire 12/31/13; others estimated
14	Patterson Property	1	1	82	0	0	approx. 13.1acres zoned RMFD, no MP for propty
15	Pine Mdw Village (PMV)	109	46	46	63	63	excludes condos; incl. West Village townhouses
16	PMV Townhouses (Bretz)	1	1	8	0	0	SUB 07-05, Bretz
17	PMV (Carpenter)	2	2	12	0	0	MOD 14-01
18	Roaring Springs	13	9	9	4	4	
19	Rolling Horse Meadow	28	1	1	27	27	
20	Saddlestone	85	82	82	3	3	
21	Sisters Park Place	40	0	0	40	40	
22	South View	6	3	3	3	3	
23	Spring Meadows	12	0	0	12	12	
24	Sun Ranch Residential	1	1	36	0	0	
25	The Pines at Sisters	79	6	6	73	73	
26	Three Creeks Crossing	1	1	28	0	20	not platted; contains mfact'ds / RVs on 1 lot
27	Timber Creek	101	21	21	80	80	
28	Village @ Cold Spgs ph. I, II	94	18	18	76	76	24 twnhse lots total, only twnhse lots remain
29	Village @ Cold Spgs ph. IV	25	3	3	22	22	3 townhouse units pending building permit
30	Village Meadows Ph. I	30	24	24	6	6	
31	Winch/Patrick properties	2	1	1	1	1	6 acres; no access to either parcel
32	Other - northeast area	120	8	8	112	112	Locust Street to Saddlestone, E. Cascade Avenue to Black Butte Rd
33	Other - south-central area	67	14	14	53	53	Washington Avenue to St Helens Avenue, Locust Street to Fir Street
34	Other - south-central II	66	15	15	51	51	Washington Avenue to St Helens Avenue, Fir Street to Pine Street
35	Other - far east	16	1	1	15	15	Cowboy Street and east
36	Other - south-central III	151	10	10	141	141	South of St. Helen Avenue; remaining non-platted lots
37	Other - PMV condo's	5	0	0	5	40	40 condo's, counted w/ multi family units
	<b>Total:</b>	<b>1243</b>	<b>344</b>	<b>696</b>	<b>899</b>	<b>981</b>	

\* # of platted developed and vacant residential lots

\*\* # of vacant residential lots

\*\*\* # of vacant lots plus the # of additional vacant lots created if the highlighted areas were to subdivide.

\*\*\*\* # of lots that are developed

\*\*\*\*\* # of dwelling units



**CITY OF SISTERS**

**City Council**

---

Title: ZC14-01  
Hearing Date: July 10, 2014

**Attachment B**  
**2007 Conditions of Approval Agreement**



## Conditions of Approval Agreement

This Development Agreement, hereinafter referred to as "Agreement", is made and entered into by and between the City of Sisters, hereafter referred to as "City", and 3 Sisters Partners, LLC, hereafter referred to as "3 Sisters".

### Recitals

1. This Agreement is a conditions of approval agreement with 3 Sisters Partners, LLC, the owners of the approximately 29-acres of real property that is legally described in Exhibit A attached hereto (hereafter the "Property"). The Property includes lots 1 through 19 (inclusive) and Tract A as depicted on the recorded plat for Three Sisters Business Park, Phase 1, Deschutes County, Oregon.
2. 3 Sisters received Comprehensive Plan Text Amendment, Development Code Text Amendment, Comprehensive Plan Map Amendment and Zoning Map Amendment land use approvals from the City on June 14, 2007. The approvals are for the development proposed in City land use permit files C-06-04, CP06-03, Z06-02.
3. The Findings and Recommendation of the Sisters Planning Commission signed February 27, 2007 recommended two conditions of approval.
4. At the request of the City Council, 3 Sisters has agreed to provide 8 units within the approved Tract A of the Three Sisters Business Park for development with affordable housing units. As no subdivision was proposed as part of the 3 Sisters applications, it is appropriate to assure the provision of such lots when the property is subdivided through this agreement.
5. The intent of this Agreement is to require 3 Sisters to comply with the two conditions of approval specified in the Planning Commission's Findings and Recommendation and to voluntarily amend the proposal to provide affordable housing as part of any future development proposal for Tract A of the Three Sisters Business Park.
6. This Agreement was authorized by the City Council as part of the land use decision approving the Comprehensive Plan Amendments, Development Code Amendments, Comprehensive Plan Map and Zoning Map Amendments proposed by 3 Sisters in connection with the above referenced land use applications. A public hearing was held before the City Council on May 24, 2007 after notice to the public was provided.
7. The execution of this Agreement is in the best interest of the public health, safety and welfare and is consistent with the Sisters Urban Area Comprehensive Plan and implementing ordinances.

## Agreement

In consideration for the mutual promises and performance obligations of each party set out in this Agreement, the parties agree as follows:

1. This Agreement shall be effective upon signing by the parties and shall last until such time as all conditions of approval have been satisfied by 3 Sisters or until a residential subdivision plat is approved and recorded for Tract A of Three Sisters Business Park. When Tract A of the Three Sisters Business Park is subdivided, the requirements of this Agreement, shall have been met or assured.
2. The permitted uses, density, and height within the residential portion of Three Sisters Business Park (Tract A) are regulated by the City Development Code as amended by this series of applications, and any subsequent changes adopted by the City of Sisters.
3. The City Engineer has calculated the impact of the 3 Sisters development proposals on the City water system based on the approval of 62 residential living units in Tract A of Three Sisters Business Park and the construction of a maximum of 57 second story loft units on industrial lots 1-19 of the Three Sisters Business Park. Based on this proposed density, the City Engineer has required 3 Sisters to provide the City with 11.58 acres of pre-1892 water rights. 3 Sisters shall be required to provide such water rights to the City as a condition of any subdivision approval for residential development in Tract A of the Three Sisters Business Park. In the event the City approves a tentative residential subdivision plan for Tract A with densities lower than set forth above, the obligation of 3 Sisters to convey water rights to the City shall be reduced on a proportional basis.
4. The City Engineer has required 3 Sisters to make a proportionate share contribution to the costs of improvements to a sewer pump station constructed on the adjacent Dutch Pacific property. 3 Sisters has deposited approximately \$27,000 with the City which shall be released to Dutch Pacific upon the dedication of sewer pump station #1 to the City.
5. 3 Sisters has agreed to construct affordable housing units within Tract A of Three Sisters Business Park based on obtaining approval to construct 62 residential units in Tract A. In the event 3 Sisters is approved for the development of 62 residential units in Tract A, 3 Sisters will provide eight (8) affordable housing units within Tract A. The number of affordable housing units shall be reduced on a proportional basis in the event 3 Sisters is approved for the development of less than 62 residential units in Tract A. 3 Sisters will work with Housing Works, Neighbor Impact, Habitat for Humanity, or such other affordable housing program provider(s) that is approved by the City of Sisters in writing, to assure that the units/lots are affordable as detailed below. Affordable housing is housing affordable to households earning 80% of Area Median Income (AMI) or lower as designated on a yearly basis for Deschutes County by the federal department of Housing and Urban Development (HUD). Housing is affordable when no more than 30% of annual household income is spent on housing

(principal, interest, taxes and insurance). The units to be constructed shall also meet any covenants, conditions and restrictions developed by 3 Sisters for Tract A. 3 Sisters may choose to construct the dwelling units and work with one of the affordable housing providers to implement the affordability component. The program, as proposed shall include the following:

- The anticipated 6-unit rental complex shall remain affordable for a period of at least 50 years.
  - The anticipated 2 attached townhomes shall remain affordable for a period of at least 20 years.
  - The square footage of all the affordable units provided under this agreement shall sum to a minimum of 7000 square feet in size.
  - In the event a mini-storage facility with second story loft apartments is constructed on either of Lots 4, 5, 6 and/or 7 of the Three Sisters Business Park, the second story loft units shall be constructed to meet applicable Housing Quality Standards as defined for the HUD Voucher program.
6. In the case of any change in regional policy or federal or state law or other change in circumstance which renders compliance with the Agreement impossible or unlawful, the parties will attempt to give effect to the remainder of the Agreement, but only if such effect does not prejudice the substantial rights of any party under the Agreement. If the substantial rights of any party are prejudiced by giving effect to the remainder of the Agreement, then the parties shall negotiate in good faith to revise the Agreement to give effect to its original intent. If the parties fail to agree to an amended Agreement within ninety (90) days of the commencement of negotiations, then any party may request that an arbitrator give an equitable effect to the remainder of the Agreement, and the Agreement shall thereafter be amended pursuant to the order of the arbitrator. If, because of a change in policy, law or circumstance, the Agreement fails of its essential purpose, then the parties shall be placed into their original position to the extent practical. As used herein, however, "change in circumstance" does not include changes in local government land development or land division regulations. It is the intent of this Agreement to vest rights and conditions, as set forth herein, notwithstanding any change in local ordinance or policy.
7. The following shall constitute defaults on the part of a party:

A breach of a material provision of this Agreement, whether by action or inaction of a party which continues and is not remedied within sixty (60) days after the other party has give notice specifying the breach; provided that if the non-breaching party determines that such breach cannot with due diligence be cured within a period of sixty (60) days, the non-breaching party may allow the breaching party a longer period of time to cure the breach, and in such event the breach shall not constitute a default so long as the breaching party diligently proceeds to affect a cure and the cure is accomplished within the longer period time granted by the non-breaching party; or,

Any assignment by a party for the benefit of creditors, or adjudication as a bankrupt, or appointment of a receiver, trustee or creditor's committee over a party.

8. Each party shall have all available remedies at law or in equity to recover damages and compel the performance of the other party pursuant to this Agreement. The rights and remedies afforded under this Agreement are not exclusive and shall be in addition to and cumulative with any and all rights otherwise available at law or in equity. The exercise by any party of any one or more of such remedies shall not preclude the exercise by it, at the same or different time, of any other such remedy for the same default or breach or of any of its remedies for any other default or breach by the other parties, including, without limitation, the right to compel specific performance.
9. This Agreement is not assignable and does not run with the land. If any property subject to this agreement is sold, the obligations of 3 Sisters under this Agreement shall remain obligations of 3 Sisters until satisfied.
10. All future discretionary approvals for Three Sisters Business Park and lots within shall be as lawfully established at the time such approvals are requested.
11. All City obligations to expend moneys under this Agreement are contingent upon future appropriations as part of the local budget process. Nothing in this Agreement obligates the City to appropriate money to fund the obligations undertaken in this Agreement.
12. The City assumes that the Three Sisters Business Park development will be served with City services like any other property in the City.
13. This Agreement may be amended or terminated by the mutual consent of the parties or their assigns or successors in interest. Any amendment which relates to the uses, development limitations, or monetary contributions shall require a public hearing before the parties may execute an amendment. Any other amendment shall not require a public hearing. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.
14. The City may, at its election, record this Agreement at the office of the Deschutes County Clerk no later than 10 days following the execution of this Agreement. The Agreement does not, however, bind subsequent owners of land or Lots within the Three Sisters Business Park, including the land designated as Tract A.



**CITY OF SISTERS  
City Council**

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Title: ZC14-01  
Hearing Date: July 10, 2014

**Attachment C  
Land Use Comparison Memo  
Dated April 10, 2014**





**Memorandum**

To: City Council, Andrew Gorayeb, Pauline Hardie  
 From: Eric Porter

Date: April 10, 2014

Re: **Comparison of Uses – North Sisters Business Park, Light Industrial and Downtown Commercial Zones**

Message:

There have been comparisons drawn by DLCD and the City that the North Sisters Business Park zone and the Light Industrial Zone contain similar uses. Below is a use comparison chart that shows the uses that are allowed in each zone. The right-hand column shows whether the same use is allowed in the Downtown Commercial zone.

<u>Light Industrial</u>	<u>North Sisters Business Park</u>	Allowed in DC Zone?
<b>Residential</b>	<b>Residential</b>	
Caretaker Unit MCU	Loft Apartments Work/Live Townhouses	X X
<b>Commercial</b>	<b>Commercial (Professional Services)</b>	
Auto Parts Sales (indoor only) Vehicle, RV, equipment and boat repair, rental, storage, service and manufacture MCU		X
Medical and dental research labs	Medical / Dental Clinic	X
Veterinary Clinics	Pet Grooming and Similar Uses	X
Indoor Kennels Pet daycares Outdoor Kennels Outdoor commercial uses (i.e., outdoor storage, building and garden supply; nurseries) CU MCU		
Heavy Equipment rental and repair, service and sales Corporate Headquarters/office when co-located with a permitted or conditionally permitted use MCU		

Mini storage warehouse		Mini Storage, in the 3 Sisters BP only; lots 4, 5, 6 and 7	
Contractor storage, supplies and sales	MCU		
Ambulance Service	CU		
Transportation Yards	MCU		
Retail of sport vehicles...			
Call centers, tech support, offices on lots that abut Larch or have access to Larch Street		Professional and Business Services banks, real estate office, attorney office, architect, etc.	X
		Accessory uses to Professional Service uses, including accessory offices	X
		<b>Commercial (Retail Trade)</b>	
		Artist Studios and Galleries	X
		Import and Export Business	X
		Building Supply Stores	X
		Clothing, jewelry, furnishings, appliance, athletic equipment retailers	X
		Automobile-oriented uses excluding drive-up/in/through uses, body shops, and paint shops	
		Similar Uses	
		Accessory Uses Including Offices	X
		<b>Commercial (Personal Services)</b>	
		Outfitters and Guide Services	X
		Florist	X
Distilleries or Breweries not to include restaurants or bars	MCU	Restaurants, pubs, microbreweries, wineries, cafes, coffee shops...	X
		Automobile-oriented uses excluding drive-up/in/through uses, body shops, and paint shops	
		Barber Shop / Beauty Salon	X
		Accessory Uses Including Offices	X
		Similar Uses	X
Direct retail sale of products to the public as an accessory use...		Direct sale of products produced on site to the public as an accessory use...	X
		Contractor Supply Centers and Design Cntrs	X
		<b>Other Uses</b>	
Recreational Uses (indoor & outdoor)		Recreation Uses (indoor)	public
Shooting Range (indoor)	CU	Recreation Uses (outdoor)	CU
<b>Light Industrial</b>		<b>Light Industrial</b>	
Construction: contractors and Related Businesses such as engineering, architecture, surveyors			
Light Manufacturing, Assembly, Compounding, packaging, fabrication and repair.		Light Manufacture (electronic equipment assembly, printing, medical equipment manufacturing, manufacturing and assembly of goods)	Some; as an access. use
		Blacksmith Shop	

Heavy Manufacturing, Assembly, Processing raw materials & recycling Devel. of primary & secondary wood Products Biotechnology	CU		
Broadcast & Production Studios...		Animation studios, film production...	X
Wholesale dry cleaning & Laundry	MCU		
Research and Development Facilities		Research facilities provided that no odors or noxious fumess are produced	X
		Similar Uses	
Wholesale, Warehousing, storage and Distribution		Warehousing and Distribution, including commercial nursery	
Fuel Distribution and Storage	CU		
Food Processing, Packaging & Storage		Manufacturing and Processing of Specialty Food Products, Pharmaceuticals and similar uses excluding ... fish and meat...	
		Commercial Bakeries that produce baked goods primarily to deliver to other Commercial establishments... Automobile-oriented uses excluding drive-up/in/through uses Private Parking Lots Similar Uses Accessory Uses including Offices	X
<b>Public and Institutional</b>		<b>Public and Institutional</b>	
Gov't Facilities where the public is Generally Not Received		Public Buildings	X
Colleges / Universities for lots that abut Larch St or have access to Larch St	CU	Publicly-accessed multi use trails & paths Public Parking Lots Similar Uses Child Care, Nursery School, Kindergarten...	X X X
Vocational Schools Utility Facility Special District Facilities (i.e, Irrigation District and similar facilities) Accessory Uses and Structures	CU CU SP		
Communication Facility	CU/SP	Telecommunication Facility affixed to bldgs, not poles, towers or antennas.	SP X
Data Center Events (if more than 3 events per year...)	MCU	<b>Prohibited Uses</b> Boat Building Fuel/Oil Distributors Cell Towers Asphalt Batch Plants Manufacturing of Concrete Products Auto wrecking, crushing, dismantling, or	

	"chop shops" Mini Storage facilities (Sun Ranch only) Drive-up/in/through uses and facilities Unenclosed/outdoor Light Manufacture or Assembly Any use considered a High Hazard Occupancy Similar Uses	
<b>Legend:</b> Generally Identical Somewhat Similar	Total similar or identical uses NSBP and DC:	<b>29</b>

**CITY OF SISTERS**  
**City Council**

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Title: ZC14-01  
Hearing Date: July 10, 2014

**Attachment D**  
**Public Comment**

Letter from Hayden Watson with Hayden Homes dated 04/21/14  
Email from Mike Morgan dated 04/22/14  
Letter from Jay Campbell with WoodHill Homes dated 04/22/14  
Email from Dan Pahlisch with Pahlisch Homes dated 04/23/14  
Email from Sharlene Weed dated 04/24/14  
Letter from Michael Owen, Phil Rerat and Mike Johnson dated 04/24/14  
Email from Ed Protas dated 04/24/14  
Email from Steve McGhehey dated 05/14/14



www.HAYDEN-HOMES.COM  
Building Life Stories and Family Memories

4/21/14

Mayor Boyd & Sisters City Council Members,

Hayden Homes is a successful regional homebuilder with strong ties to Sisters through our Cold Springs community.

We support Peter Hall's proposed zone change proposal as it will bring needed single-family inventory to market in Sisters. The available single-family lots in Sisters are sporadically located throughout the city, and not suitable for a builder of our scale. To make a project work well, we like to have enough raw land to construct at least 100 units, preferably much more. Of course, a nice setting with mountain views and ready access to open space is also a plus.

Single-family home construction is a very important staple to our regional and local economies. Each new home represents a significant economic transaction for a variety of local businesses. In the case of Sisters, it will also bring new kids into the school system, which would be a big help.

Please approve the proposed zone change.

Thank you,

Hayden Watson



## Pauline Hardie

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**From:** Kathy Nelson  
**Sent:** Tuesday, April 22, 2014 9:27 AM  
**To:** Pauline Hardie  
**Subject:** FW: Proposed Ordinances 445 and 446...

*Kathy Nelson*  
City of Sisters City Recorder  
541-323-5213  
[knelson@ci.sisters.or.us](mailto:knelson@ci.sisters.or.us)

**From:** morgan [<mailto:morgan@bendcable.com>]  
**Sent:** Tuesday, April 22, 2014 9:06 AM  
**To:** Brad Boyd; McKibben Womack; David Asson; Wendy Holzman; Chris Frye  
**Cc:** Andrew Gorayeb; Editor; Alan Holzman; Doug Roberts; David Gentry; Darren Layne; Jeanne Fairman; Daryl Tewalt; Bob Wright; Kathy Nelson  
**Subject:** Proposed Ordinances 445 and 446...

This is official comment to the Sisters City Council for its meeting on April 24, 2014 specific to ordinances 445 and 446.

Can the City Manager and staff change or amend the Comprehensive Plan by decree; i.e., **shaaazzam**, we now have only a three year supply of residential land? Is it appropriate for the City Council to review, and possibly change, a land use decision made by the Planning Commission using data and information that is different than what staff gave the Planning Commission when it made its decision on the same issue? There is a state mandated process that's required to develop, maintain, and amend Comprehensive Plans. The Sisters Comprehensive Plan is found at: <http://www.ci.sisters.or.us/downloads/apc.pdf>

See excerpts below from the Nugget article dated April 15, 2014 on rezoning industrial land into more residential land:

*In terms of available inventories, the data presented in the city council workshop was significantly different from that presented at both planning commission hearings.*

*The city councilors heard that there is only a three-year inventory of single-family home-building lots, and a 50-year inventory of light industrial land. Porter noted that a lot of new information had been discovered between the March planning commission meeting and the April city council meeting.*

*A new four-page spreadsheet comparing light industrial zoning, to North Sisters Business Park and downtown commercial was also handed out at the meeting by City Manager Andrew Gorayeb.*

*In contrast, those at the planning commission meetings heard very different and often conflicting inventory analysis from those addressing the commission. Citizens frequently challenged the staff report numbers.*

**If the City Council makes any land use decision at its meeting on April 24, 2014 based on data and information different than what was presented to the Planning Commission when it made its decision on the same issue it would be a violation of due process required by Oregon Land Use Law.**

Mike Morgan  
PO Box 806  
Sisters, OR 97759



April 22, 2014

Sisters City Council/Mayor Brad Boyd  
City of Sisters  
P.O. Box 39  
Sisters, OR 97759

RE: Three Sisters Business Park zone change

Woodhill Homes would like to voice its support to the proposed zone change at Three Sisters Business Park in Sisters. A new 30-acre project, located within the city limits, with infrastructure in place, creates an attractive opportunity for residential homebuilders.

I am familiar with the history of this property, and it's lack of economic vitality as an industrial site. Demand for new housing, particular mid-range single-family is now in an upward cycle, so new development inventory in Sisters could be attractive as a near-term project for Woodhill Homes, or other similar homebuilders serving Central Oregon.

New home construction creates significant economic activity. We support Peter's proposed zone change, and urge the City Council and Planning Commission to do the same.

A handwritten signature in black ink, appearing to read "Jay Campbell", with a long horizontal line extending to the right.

Jay Campbell  
Woodhill Homes Inc.



## Pauline Hardie

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**From:** Peter Hall <peterhall@bendbroadband.com>  
**Sent:** Tuesday, June 10, 2014 1:15 PM  
**To:** Pauline Hardie  
**Subject:** FW: Sisters Zone Change Proposal

**From:** Dan Pahlisch [<mailto:danp@pahlischhomes.com>]  
**Sent:** Wednesday, April 23, 2014 8:39 AM  
**To:** 'agoraeb@ci.sisters.or.us'  
**Subject:** Sisters Zone Change Proposal

Andrew Gorayeb, Mayor Boyd & Sisters City Council Members,

I am writing on behalf of Pahlisch Homes who is a regionally based builder. We have built several homes in the Sisters community and desire to re-enter the market.

It has come to my attention that council will vote on Peter Hall's proposed zone change resulting in increased availability of single family home sites. We believe this potential zoning adjustment would make for a positive change for the community of Sisters. It will allow absorption to occur at a location which has offered industrial use that is not being taken advantage of for a number of different reasons. Single family home building brings vitality to any community; every new home built brings needed funds to the City and another contributing member to the greater community of Sisters.

Pahlisch Homes hopes to soon be building on a custom and speculative level in the City of Sisters and this zone change would help to expedite that process.

Respectfully,

Dan Pahlisch

**Pahlisch Homes**

Broker w/The Hasson Company Realtors

63088 NE 18<sup>th</sup> Street, Suite 100

Bend, OR 97701

541.385.6762 x 119

[www.PahlischHomes.com](http://www.PahlischHomes.com)

[www.Facebook.com/pahlischhomes](http://www.Facebook.com/pahlischhomes)

*Licensee is licensed in the state of Oregon*

## Kathy Nelson

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**From:** sharlene weed <sharleneweed@gmail.com>  
**Sent:** Thursday, April 24, 2014 11:26 AM  
**To:** Brad Boyd; McKibben Womack; David Asson; Chris Frye; Wendy Holzman  
**Cc:** Andrew Gorayeb; Jim at the Nugget; John Griffith; Kathy Nelson  
**Subject:** NSBP Pubic Hearing  
**Attachments:** 04 24 14 agenda.pdf; 04 24 14 forgive.pdf; 04 24 14 NSBP.pdf

Dear City Council,

As the 155 page packet of information re. the North Sisters Business Park was just made available, I request that tonight's Public Hearing remain open until your next regular meeting. This would give the public time to review the packet and comment.

Thanks for your consideration,  
Sharlene



April 24, 2014

City of Sisters  
City Council  
520 E. Cascade Avenue  
Sisters, OR 97759

RE: Three Sisters Business Park

As property owners adjacent to the Three Sisters Business Park we as a group oppose the proposed zone change for Three Sisters Business Park to residential.

We believe that changing the zoning to residential could pose a safety concern with heavy industrial uses next to a residential development and will adversely affect our property values in the future.

The type of businesses that we operate produce machinery noise beginning early in the morning, and this could lead to potential conflict with residential neighbors.

We feel that the proposed industrial buffer area could sit undeveloped and, therefore; offer no buffer.

Michael Owen  
Robinson & Owen Heavy Construction

Phil Rérat  
Swiss Mountain Log Homes

Mike Johnson  
Mike Johnson Excavation

## Pauline Hardie

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**From:** Ed Protas <EdProtas@nwlinc.com>  
**Sent:** Thursday, April 24, 2014 3:16 PM  
**To:** Brad Boyd; McKibben Womack; David Asson; Chris Frye; Wendy Holzman  
**Cc:** Kathy Nelson; Carol Jenkins; Pauline Hardie; Alan Holzman; Doug Roberts; David Gentry; Darren Layne; Jeanne Fairman; Daryl Tewalt; Bob Wright; edprotas@nwlinc.com; editor@nuggetnews.com; foxeye@bendbroadband.com  
**Subject:** Comments regarding Ordinances 445 and 446

Sisters City Council,

Please consider the following brief comments with respect to the above mentioned Ordinances.

· The information regarding these matters was not available to the public until today, 4/24/2014, and only to those who had specifically requested these documents. As of 3:00 PM today, it is still not available on the City website. This provides limited opportunity for public review and comment.

· There is a discrepancy in the data with respect to the inventory of Residential lots available for construction. One document produced by city staff state 685, while another states 822. A proper decision cannot be made until this disparity is resolved.

· It appears from the record, that the numbers considered by the Planning Commission are not the same numbers being considered by the City Council.

· Using the 822 value, which is supported by an itemized count by named development (while the 685 value is without documented support), the transfer of 19 lots from Light Industrial to Residential represents a 2.3% increase in inventory. How necessary is it to reduce the amount of LI lots by 47.5% to increase Residential lots from 822 to 841? It clearly begs the question as to who is the real beneficiary of this zone change.

· Considering the Planning Commission vote against this proposal was unanimous, a reversal of that decision can only be viewed as political, as opposed to one that represents a concerted planning decision. Politics is not a substitute for planning.

Thanks in advance for your consideration.

Ed Protas

Sisters. OR

## Pauline Hardie

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**From:** Steve McGhehey <stevemcgheheymps@gmail.com>  
**Sent:** Wednesday, May 14, 2014 4:06 PM  
**To:** Pauline Hardie  
**Subject:** Planning Workshop on 5/15/14

Dear Pauline:

I will be unable to attend the workshop tomorrow as I will be out of town.

I would like to suggest an idea regarding Lundgren Mill Drive, and the proposal by Mr. Peter Hall for the rezoning of a large portion of his property to residential.

My suggestion is that lots 2 through 7 be reconfigured with 174 ft. from the South property line adjacent to the present industrial by 949.80 ft. For a grand total of approximately 165,265.20 sq. ft.

This described land would remain in the present industrial zone, allowing for an adequate buffer of property containing storage facilities, incubator space and other appropriate industrial uses.

This described configuration would then allow for all of Lot 1 to become residential; allowing for the first 100 ft. of lots 2 through 7 facing Lundgren Mill Drive to be reconfigured into residential as well.

Obviously an 8 ft. block wall would be constructed at the back edge of the residential lots of 2 through 7 to ensure adequate separation between the industrial and residential uses.

Pauline, I'm sorry I will not be able to attend the workshop and I hope you're able to understand the configuration I have suggested.

Thank you,

Steve McGhehey  
313 S. Pine Meadow St.  
Sisters, OR

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Steve McGhehey  
Broker, licensed in Oregon  
Metolius Property Sales

## Exhibit B Legal Description

R Land

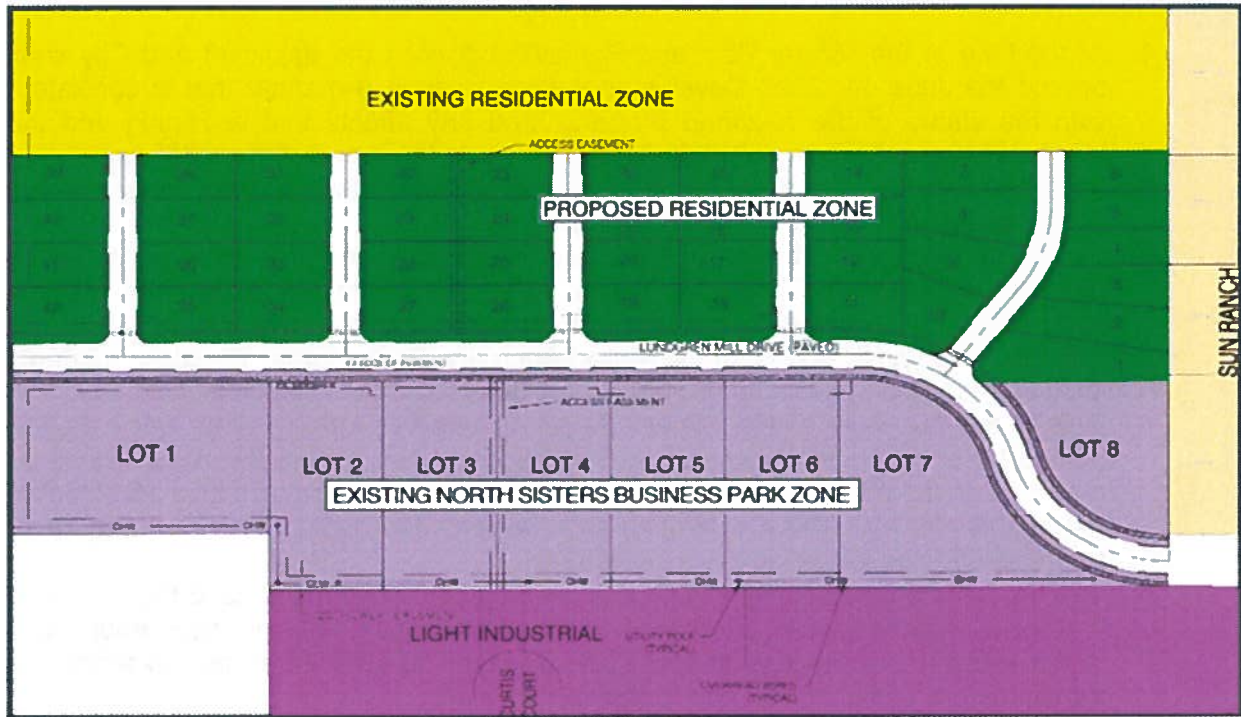
Land located in the Northwest One-Quarter of Section 4, Township 15 South, Range 10 East, Willamette Meridan, in the City of Sisters, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the northwest corner of Lot 19 of "Three Sisters Business Park - Phase 1", being a 5/8" iron rod with an orange plastic cap marked "FRED AST JR - PLS 1938"; thence  $S00^{\circ}04'19''E$  266.18 feet to a 5/8" iron rod with an orange plastic cap marked "FRED AST JR - PLS 1938" on the centerline of Lundgren Mill Drive; thence along the centerline of Lundgren Mill Drive,  $N89^{\circ}49'30''E$  963.91 feet to a 5/8" iron rod with an orange plastic cap marked "FRED AST JR - PLS 1938"; thence continuing along said centerline, along a curve to the right with a length of 154.34 feet, a radius of 183.81 feet, a central angle of  $48^{\circ}06'32''$ , and a chord that bears  $S66^{\circ}07'14''E$  149.84 feet; thence leaving said centerline,  $N47^{\circ}56'02''E$  34.00 feet to a 5/8" iron rod with an orange plastic cap marked "FRED AST JR - PLS 1938" on the right-of-way line of Lundgren Mill Drive and also being the northwest corner of Lot 8; thence along the north line of said Lot 8,  $N89^{\circ}49'30''E$  193.89 feet to a 5/8" iron rod with an orange plastic cap marked "FRED AST JR - PLS 1938", being the northeast corner of said Lot 8; thence along the east line of "Three Sisters Business Park - Phase 1",  $N00^{\circ}04'55''W$  304.55 feet to the southeast corner of Tract A, being a 5/8" iron rod with an orange plastic cap marked "FRED AST JR - PLS 1938"; thence along the south line of Tract A,  $S89^{\circ}49'30''W$  1319.96 feet to the said point of beginning.

The above described land contains 8.32 acres feet, more or less. The Basis of Bearings is per the plat "Three Sisters Business Park - Phase I".



# Exhibit C Zoning Map



**Exhibit D**  
**Conditions of Approval**

1. At the time of the Master Plan and Replat/Subdivision the applicant and City shall amend the June 14, 2007 Development Agreement in a manner that is consistent with the status of the re-zoned property, and any affects that re-zoning and the Master Plan and Subdivision of the property has on the terms of the agreement.
2. Tract A and Lots 9-19 shall be processed as a Master Plan development concurrently with a replat/subdivision application.
3. Once the re-platted/subdivision lot configuration is known and due to the close proximity of the Sisters Eagle Air airport, a Hold Harmless Agreement and Aviation and Hazard Easement will be required on the portions of tax lots 1100 and 1200 that are within the first 1500 feet of the Airport Approach Safety Zone. These Agreements shall be recorded against the property in the deed records of Deschutes County.
4. Due to the proximity of the Sisters Eagle Air airport's landing strip, once the re-platted lot configuration is known, a Declaration of Noise from the Airport shall be recorded on the portion of tax lots 1100 and 1200 that are located within 1500 feet of the airport runway. This Declaration shall be recorded against each property deed for these affected lots or on the recorded plat.
5. The trip generation associated with this development shall not exceed the total trips that were projected under the older Business Park zoning (217 pm peak hour trips). In the event that the actual dwelling density resulting from the re-plat exceeds this trip amount, a Traffic Impact Study shall be required.
6. In the event that the density of the re-platted Residentially-zoned lots exceeds the 5 lots per gross acre density that was the basis of the revised water and sewer analysis submitted and dated 2-25-2014, a revised water and sewer impact analysis shall be required that is based on the actual density that results from the re-platted land.
7. The approved density range for the residentially zoned portion of this property is 3 to 5 single family dwelling units per gross acre. Any increase in density above five units per gross acre shall cause the replat/subdivision of this development not to occur until water and sewer impact assessments are provided to the City, and are evaluated and are found not to adversely impact the City's infrastructure. Further, if the density exceeds five units per gross acre, a new Development Agreement shall be prepared by the Applicant; reviewed and if acceptable to the City approved by the Sisters City Council. This revised Agreement shall address the actual density and associated impacts; the mitigation measures needed for these impacts, and requirement for water rights transfer or equivalent cash contribution based on projected usage at the higher density.
8. The 2001 Development Agreement (volume 2001, page 21131) remains in full force and effect.
9. All properties within the airport overlay zone are subject to the development restrictions listed in Sisters Development Code chapter 2.11.500 and 2.11.600.