



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2540

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

Date: 08/26/2014
Jurisdiction: City of Sisters
Local file no.: TA 14-02
DLCD file no.: 002-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 08/19/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 43 days prior to the first evidentiary hearing.

Appeal Procedures

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

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

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

DLCD Contact

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



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

FOR DLCD USE

File No.: 002-14 {22303}

Received: 8/19/2014

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.: **TA 14-02**

Date of adoption: 08/14/14

Date sent: 8/19/2014

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): 06/04/14

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:

2.13.600 Setbacks and Building Orientation.F.Access Spacing was slightly revised to delete access spacing requirements between driveways and streets. The Transporation System Plan and Chapter 3.1 in the Development Code addresses spacing standards between driveways and streets.

Local contact (name and title): Pauline Hardie

Phone: 541-323-5208

E-mail: 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:

For a change to a comprehensive plan map:

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

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

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

<http://www.oregon.gov/LCD/Pages/forms.aspx>

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:

ORD 452 amended Chapter 2.13 Sun Ranch Residential of the Development Code.

For a change to a zoning map:

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

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

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

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

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

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.

Attached is ORD 452 that shows the amended language for Chapter 2.13 Sun Ranch Residential. Also amended was the 2007 Conditions of Approval Agreement which is included in ORD 452.

ORDINANCE NO. 452

AN ORDINANCE AMENDING THE CITY OF SISTERS DEVELOPMENT CODE CHAPTER 2.13 AND THE 2007 SUN RANCH MIXED-USE COMMUNITY CONDITIONS OF APPROVAL AGREEMENT

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

WHEREAS, the City of Sisters adopted a Comprehensive Plan text and map amendment (CP 06-01, CP 06-02) to create the Sun Ranch Mixed-Use Community on April 26, 2007, by Ordinance 365; and,

WHEREAS, the City of Sisters adopted a Development Code and Zoning Map amendment (ZC 06-01) to create the Sun Ranch Mixed-Use Community by adding the Sun Ranch Tourist Commercial Sub-district, the Sun Ranch Residential Sub-district and the North Sisters Business Park Sub-district to the Development Code and Zoning Map on April 26, 2007, by Ordinance 366; and,

WHEREAS, as part of the CP 06-01, CP 06-02 and ZC 06-01, a Conditions of Approval Agreement was made and entered into by and between the City of Sisters and Dutch Pacific Properties, LP; and,

WHEREAS, the City of Sisters updated the Development Code for the City of Sisters on May 13, 2010 which included the Sun Ranch Tourist Commercial (TC) District, the Sun Ranch Residential (SRR) District and the North Sisters Business Park (NSBP) District, by Ordinance No. 397; and,

WHEREAS, the property owner and applicant, Dutch Pacific Properties, LP, requests approval of a Text Amendment (TA 14-02) to amend Chapter 2.13 Sun Ranch Residential (SRR) District text as provided in Exhibit A; and,

WHEREAS, the property owner and applicant, Dutch Pacific Properties, LP, requests approval of an amendment to the 2007 Conditions of Approval Agreement as provided in Exhibit B; and,

WHEREAS, the proposed Text Amendment 14-02 is in compliance with Sisters Development Code Chapter 4.1 (Types of Applications and Review Procedures) and Chapter 4.7 (Land Use District Map and Text Amendments); and,

WHEREAS, the proposed Text Amendment 14-02 is consistent with the Statewide Planning Goals and Comprehensive Plan; and,

WHEREAS, the proposed Text Amendment 14-02 is presently provided with adequate public facilities, services and transportation networks to support the uses; and,

WHEREAS, the proposed Text Amendment 14-02 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 Text Amendment 14-02 (TA 14-02) was held before the Sisters Planning Commission at the City of Sisters Council Chambers (520 E Cascade Avenue, Sisters, 97759) on July 17, 2014 at which time findings were reviewed, witnesses were heard and evidence was received and the Planning Commission recommended

that the City Council adopt Text Amendment 14-02 (TA 14-02) and they also recommended that the affordable housing can be attached or detached units; and,

WHEREAS, after due notice, a public hearing on Text Amendment 14-02 (TA 14-02) was held before the Sisters City Council on August 14, 2014 and at which time the findings were reviewed, witnesses were heard and evidence was received by the City Council and the City Council found that Text Amendment 14-02 (TA 14-02) met all applicable legal requirements, including all notice requirements, and that the ordinance will benefit the City of Sisters and they also found that the affordable housing units can be attached or detached.

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

SECTION 1. The Sisters Development Code Chapter 2.13 Sun Ranch Residential (SRR) District is hereby amended as provided in Exhibit A to this Ordinance.

SECTION 2. The 2007 Conditions of Approval Agreement is hereby amended as provided in Exhibit B to this Ordinance

SECTION 3. In support of the Amendments in Section One and Two, the City Council hereby adopts the findings attached hereto as Exhibit C to this Ordinance.


SECTION 4. The affordable housing units can be attached or detached.

PASSED by the Common Council of the City of Sisters this 14th day of August, 2014 and APPROVED by the Mayor of the City of Sisters.



Brad Boyd, Mayor

ATTEST:



Kathy Nelson, City Recorder

Exhibit A
Amended Chapter 2.13 Sun Ranch Residential (SRR) District

Proposed Modifications shown in **BOLD and underlined** and deletions in ~~Strikethrough~~

Chapter 2.13 – Sun Ranch Residential (SRR) District

Sections:

2.13.100	Purpose
2.13.200	Applicability
2.13.300	Permitted Uses
2.13.400	Lot Requirements
2.13.500	Height Regulations
2.13.600	Setbacks and Building Orientation
2.13.700	Lot Coverage
2.13.800	Off-Street Parking
2.13.900	Landscape Area Standards
2.13.1000	Special Standards for Certain Uses

2.13.100 Purpose

The purpose of the Sun Ranch Residential district is to provide an opportunity for housing for persons who work or own businesses within the Sun Ranch Tourist Commercial district, and neighboring North Sisters Business Park district. Another purpose of the Sun Ranch Residential District is to provide a residential transition area from the urban uses within the City to the low density, rural uses beyond the City limits. Development standards aim at providing flexibility in lot sizes and setbacks in order to cluster homes and protect open spaces. Residential density is relatively low in the sub-district to transition between uses.

2.13.200 Applicability

The standards of the Sun Ranch Residential district, as provided for in this section, shall apply to those areas designated Sun Ranch Residential district on the City's Zoning Map. All structures within the Sun Ranch Residential district shall meet the design requirements contained in the Special/Limited Use Standards in this chapter.

2.13.300 Permitted Uses

All uses within the Sun Ranch Residential district are subject to the requirements of the Airport Overlay District as outlined in section 2.11 of the Sisters Development Code as applicable.

- A. Permitted uses. Uses permitted in the Sun Ranch Residential (SRR) are listed in Table 2.13.300A with a "P". These uses are allowed if they comply with the development standards and other regulations of this Code. Being listed as a permitted use does not mean that the proposed use will be granted an exception or variance to other regulations of this Code.
- B. Special Provisions. Uses that are allowed in the Sun Ranch Residential (SRR) subject to limitations are listed in Table 2.13.300A with an "SP". These uses are allowed if they comply with the special provisions in Chapter 2.15.
- C. Conditional uses. Uses that are allowed in the Sun Ranch Residential (SRR) with

City of Sisters

approval of a conditional use permit are listed in Table 2.13.300A with either a Minor Conditional Use “MCU” or a Conditional Use “CU”. These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.

- D. Similar uses. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 – Interpretations.

Table 2.13.300 A Use Table for the Sun Ranch Residential District

Land Use Category	Permitted/Special Provisions/Conditional Use
Residential	
Single-family detached dwellings	P/See Section 2.13.1000
<u>Manufactured Dwelling on Individual Lot</u>	<u>P/SP</u>
Townhome	P/SP
Zero lot line dwellings	P/SP
Home occupation	P/SP
<u>Accessory dwelling on a single family or manufactured dwelling lot</u>	<u>P/SP</u>
<u>Residential home</u>	<u>P/SP</u>
<u>Family child care (Care for no more than 16 children)</u>	<u>P</u>
Public and Institutional	
Multi-use trails, paths and connections	P
Open space, park space and similar uses	P
<u>Miscellaneous</u>	
<u>Accessory uses and structures</u>	<u>P/SP</u>
<u>Vacation Rentals</u>	<u>P/SP</u>

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

2.13.400 Lot Requirements

A. Lot size and frontage

The minimum lot size for a single-family dwelling is 2,000 square feet. Single-family dwelling lot sizes for subdivisions may be averaged. Other requirements of the Development Code must be met and may preclude lots from being

developed at or below the minimum lot size. All lots within the Sun Ranch Residential district shall have frontage on a private or public street, unless lots

City of Sisters
without frontage are approved during subdivision review process upon a finding that physical access to the lots by residents is effectively assured by other means. Lot frontages, where required, shall be a minimum average width of 30 feet as determined during subdivision, but no lot shall be less than 20 feet wide.

2.13.500 Height Regulations

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 25 feet.

2.13.600 Setbacks and Building Orientation

All building setbacks within the Sun Ranch Residential district shall be measured from the property line to the building wall or foundation, whichever is less.

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

A. Front Yard Setback

The minimum front yard setback is 10 feet except that a porch may encroach 3 feet into the required front yard setback, except the minimum setback adjacent to Camp Polk Road is 20 feet. For those lots that have garages on site that are accessed from the front yard, the front of the garage door shall be setback 20 feet from the front property line.

B. Side Yard Setback

There is no minimum side yard setback required except where clear vision standards apply and except the minimum setback adjacent to Camp Polk Road is 20 feet.

When a zero lot line house shares a side property line with a non-zero lot line development, the zero lot line building shall be setback from the non-zero property line by a minimum of 10 feet.

C. Rear Yard Setback

There shall be a minimum of a 5-foot rear yard setback except the minimum setback adjacent to Camp Polk Road is 20 feet.

D. Boundary Yard Setback

A boundary setback is established for all buildings for a distance of varying-between 24 feet and 50 feet as shown in Figure 2.13.600 in lieu of setbacks in 2.13.600 A-C. The property within the boundary setback area shall be commonly owned or maintained.

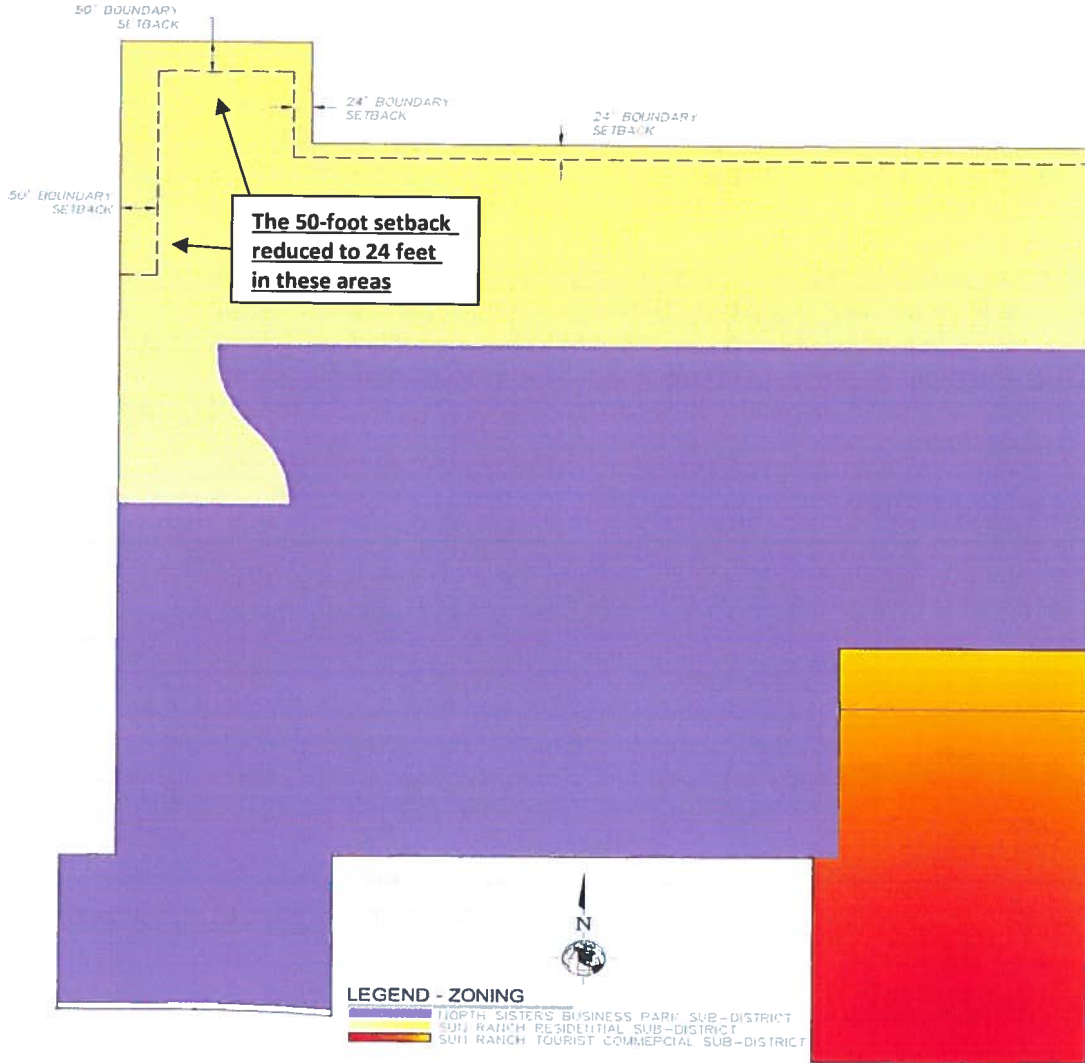
1. Special Setbacks. The special setback for residences proposed on the north side of the road to serve the Sun Ranch Residential district that are subject to the 24-foot Boundary Yard Setback shall be 14 feet from the edge of the Boundary Yard Setback. Accessory structures proposed on properties subject to the 24-foot Boundary Yard Setback that are less than 12 feet in height shall be setback at least 2 feet from the Boundary Yard Setback line with a landscape buffer between the accessory structure and boundary setback. Accessory structures taller than

City of Sisters

12 feet proposed on properties subject to the 24-foot Boundary Yard Setback shall meet the setbacks for residential structures.

- 2. ~~Properties that are subject to the 50-foot Boundary Yard Setback are not subject additional setbacks.~~

Figure 2.13.600



E. Building Orientation

Buildings shall have their primary entrance oriented towards the adjacent street frontage or common access/area that provides access to the lot.

F. Access Spacing

Driveway accesses onto local public streets except Camp Polk Road shall be separated from other driveways and street intersections by a minimum of ~~30~~ **15** feet (as measured from the sides of the driveway/street). Driveway spacing on Camp Polk Road (collector road) shall be governed by the City's Transportation Systems Plan. Shared driveways shall be utilized if needed to meet this requirement.

2.13.700 Lot Coverage

The maximum lot coverage for all structures is 60%.

2.13.800 Off-Street Parking

The off-street parking requirements for uses in the Sun Ranch Residential district may be satisfied by off-site parking lots, structures, or garages per Chapter 3.3. Parking Location and Shared Parking. Parking requirements for uses are established by Chapter 3.3 – Vehicle and Bicycle Parking, of the Sisters Development Code. For residential units, a minimum of one garage per unit. For example, if two off-street parking spaces are required per unit, one must be enclosed.

2.13.900 Landscape Area Standards

A minimum of 20 percent of the gross lot area of proposed developments shall be landscaped according to Chapter 3.2 of the Sisters Development Code.

2.13.1000 Special Standards for Certain Uses

A. Residential Uses

1. The number of residential units within the Sun Ranch Residential district shall not exceed 45.
2. No more than ~~two (2)~~ **four (4)** attached townhomes or zero lot line dwelling units in a row may be permitted.
3. **Construction and Maintenance Easement.** Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards for the affected adjoining property. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot.
4. Prior to approval of building permits for structures containing residential units, the owner(s) of the property shall sign, notarize, and record a waiver of remonstrance prohibiting resident(s) and owners and all successors of the proposed residential units from making complaints or claims against permitted uses on adjacent light industrial lands. A copy of the recorded waiver of remonstrance shall be provided to the City at the time of application for said building permit. The waiver of remonstrance shall not preclude the ability of residents from acting against uses that do not comply with applicable local, state, and federal health and safety regulations.

Exhibit B
Amendment to the 2007 Conditions of Approval Agreement

First Amendment

1. This amendment (the "Amendment") is made by the City of Sisters (City) and Dutch Pacific Properties, LP (Dutch Pacific), parties to the Conditions of Approval Agreement dated June 19, 2007 (the "Agreement"). The Effective Date of this Amendment is _____, 2014.
2. The Agreement is amended as follows:
 - a. Recital 4 is replaced with the following:

At the request of City Council, Dutch Pacific has agreed to provide at least 7, and no more than would be allowed under the City of Sisters's Multi-Family Residential District zone, residential living units within the approved Sun Ranch Residential District for development as affordable housing. As no subdivision was proposed as part of the Sun Ranch Mixed Use Community applications, it is appropriate to assure the provision of such units when the property is subdivided through this Agreement.

- b. Agreement #3 is replaced with the following:

Dutch Pacific will dedicate at least a one-half (1/2) acre park area to the City for park purposes in the location identified on Exhibit A to this Agreement in one of the following ways:

- *The City of Sisters can initiate a land division to create the park area and the owner of the property will sign the application in a timely manner; or*
- *The park area will be created through the first subdivision plat within the Sun Ranch Residential District.*

In either case, Dutch Pacific will sign an easement providing the City access to the area identified for the park in Exhibit A for planning and design purposes. Once the park area has been created, Dutch Pacific shall convey the park to the City by deed free and clear of liens and encumbrances, except for governmental agreements and existing easements of record. Dutch Pacific shall have the ability to review and approve any proposed structure design and fencing materials provided such review does not result in unreasonable budgetary demands or unreasonable review timeframes.

- c. Agreement #8 is replaced with the following:

Dutch Pacific will provide at least seven (7), and no more than would be allowed under the City of Sisters's Multi-Family Residential District zone, affordable housing units within the Sun Ranch Residential District. Dutch Pacific will work with Housing Works, Neighbor Impact, Habitat for Humanity or other affordable housing program provider, approved by the City of Sisters in writing, to assure that the units 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. The units to be constructed shall also meet the covenants, conditions and restrictions for the Sun Ranch Residential District.

Dutch Pacific 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:

- *Units shall remain affordable for a period of at least 50 years.*
- *The square footage of the affordable units shall average a minimum of 858 square feet.*
- *As part of the first tentative plan for a subdivision application in the Sun Ranch Residential District, Dutch Pacific shall include an Affordable Housing Agreement detailing how the program outlined in this Agreement will be achieved.*

3. Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this Amendment and the Agreement or any earlier amendment, the terms of this Amendment will prevail.

CITY OF SISTERS

By: _____

Printed Name: _____

Title: _____

State of Oregon)
)
County of Deschutes) ss.

The foregoing was acknowledged before me by _____, as _____ for the City of Sisters this ___ day of _____, 2014.

DUTCH PACIFIC PROPERTIES, LP

By: _____

Printed Name: _____

Title: _____

Dated: _____

State of Oregon)
)
County of Deschutes) ss.

The foregoing was acknowledged before me by _____, as _____ for Dutch Pacific Properties, LP this ___ day of _____, 2014.

Exhibit C
Planning Commission Resolution No. PC 2014-16
With Staff Report and Findings



**A RESOLUTION OF THE SISTERS PLANNING COMMISSION
OF THE CITY OF SISTERS, STATE OF OREGON
PLANNING COMMISSION RESOLUTION PC 2014-16**

**A RESOLUTION OF THE CITY OF SISTERS PLANNING COMMISSION
RECOMMENDING APPROVAL OF A TEXT AMENDMENT AND AMENDMENT TO
CONDITIONS OF APPROVAL FOR SUN RANCH RESIDENTIAL**

THE SISTERS PLANNING COMMISSION DOES HEREBY FIND AND RESOLVE THAT:

WHEREAS, the property owner and applicant, Dutch Pacific Properties, LP requests approval of Text Amendment (TA 14-02) to amend Chapter 2.13 Sun Ranch Residential (SRR) District text and the Sun Ranch Mixed Use Community Conditions of Approval; and,

WHEREAS, the proposed Text Amendment 14-02 (TA 14-02) is in compliance with Sisters Development Code Chapter 4.1 (Types of Applications and Review Procedures) and Chapter 4.7 (Land Use District Map and Text Amendments); and,

WHEREAS, the proposed Text Amendment 14-02 (TA 14-02) is consistent with the Statewide Planning Goals 1, 2, 8, and 10; and,

WHEREAS, the proposed Text Amendment 14-02 (TA 14-02) is consistent with the Comprehensive Plan; and,

WHEREAS, the proposed Text Amendment 14-02 (TA 14-02) is presently provided with adequate public facilities, services and transportation networks to support the uses; and,

WHEREAS, the proposed Text Amendment 14-02 (TA 14-02) 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 proposed Text Amendment 14-02 (TA 14-02) was held before the Sisters Planning Commission at the City of Sisters Council Chambers (520 E Cascade Avenue, Sisters, 97759) on July 17, 2014 at which time findings were reviewed, witnesses were heard and evidence was received and the Planning Commission recommended that the City Council adopt the proposed Text Amendment 14-02; and,

WHEREAS, during the public hearing the Planning Commission recommended approval of allowing attached or detached affordable housing units.

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

1. All required notices have been sent in the time and in the manner required by state law and city code; and,
2. The findings of fact in this matter are located in the staff report attached and by this reference incorporated herein as Exhibit A.

NOW THEREFORE, BE IT FURTHER RESOLVED THAT BASED ON THE FINDINGS, THE PLANNING COMMISSION HEREBY FINDS AND RECOMMENDS THAT THE CITY COUNCIL ADOPT TEXT AMENDMENT 14-02 SUBJECT TO THE FOLLOWING EXHIBITS:

- Exhibit A - Staff Report with Findings dated July 9, 2014
- Exhibit B - Chapter 2.13 SRR zone amendments
- Exhibit C - First Amendment to Conditions of Approval



CITY OF SISTERS
Planning Commission Resolution

RECOMMENDED BY THE PLANNING COMMISSION ON JULY 17, 2014

THE FOREGOING RESOLUTION IS HEREBY ADOPTED THIS 17TH DAY OF JULY 2014.

Members of the Commission: Holzman, Gentry, Fairman, Layne, Horner, Tewalt, and Wright

AYES: Holzman, Fairman, Horner, Layne, Gentry and Wright

(6)

NOES:

(0)

ABSENT: Tewalt

(1)

ABSTAIN:

(0)

Signed: _____



Alan Holzman, Chairman



CITY OF SISTERS
Planning Commission Resolution

RECOMMENDED BY THE PLANNING COMMISSION ON JULY 17, 2014

Exhibit A

Staff Report with Findings dated July 9, 2014



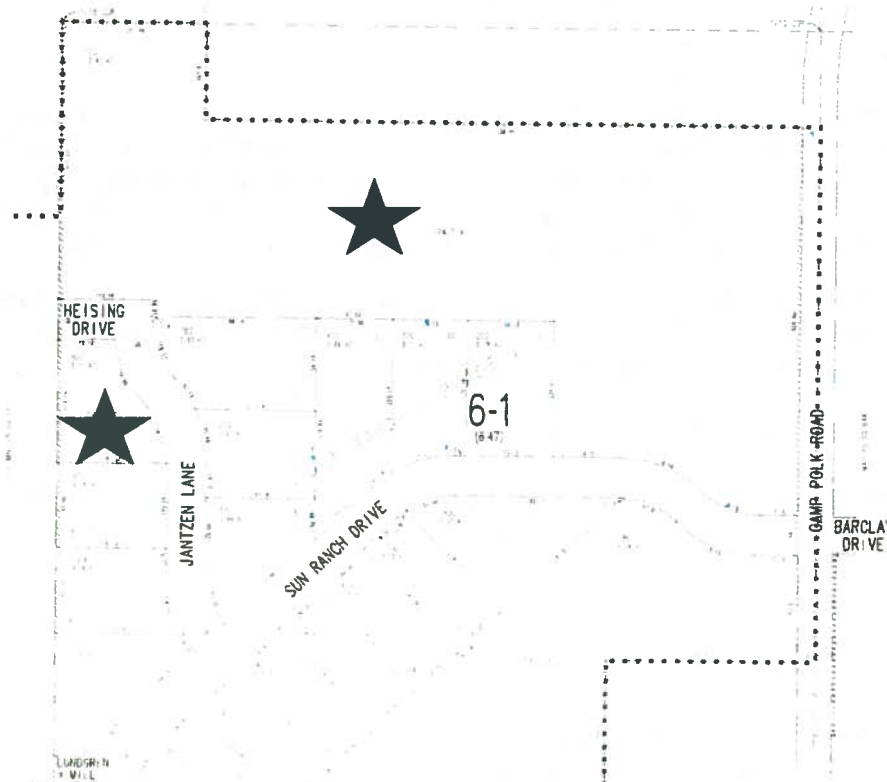
STAFF REPORT

Exhibit A

File #: Text Amendment 14-02
Applicant/ Property Owner: Dutch Pacific Properties, LP
Request: Text Amendment to modify and refine the Sun Ranch Residential (SRR) District text and modifications to the Sun Ranch Mixed Use Community Conditions of Approval
Hearing Date: July 17, 2014, 5:30 pm, Sisters City Council Chambers, 520 E. Cascade Avenue, Sisters, Oregon
Location: Sun Ranch Residential District
Planner: Pauline Hardie
Date: July 9, 2014

I. Property Description

The project site is located north of E. Sun Ranch Drive and west along Camp Polk Road and it is zoned Sun Ranch Residential (SRR) District. It is part of Sun Ranch Phase 1, Tract A and C. The tax lots are 15-10-04BD, 100 and 800 and are approximately 13.43 acres.



II. Background/Request

CITY OF SISTERS
Planning Commission

Title: TA14-02
Hearing Date: July 17, 2014

In April of 2007, the City of Sisters approved the plan and zoning designation of the subject property to enable development of the Sun Ranch mixed use community. Since that time, various improvements were made to the non-residential portion of the community zoned as the North Sisters Business Park (NSBP) District. However, before the residential portion can be developed, the Applicant seeks amendments to the Sun Ranch Residential (SRR) District text in Chapter 2.13 of the Development Code and to the 2007 Conditions of Approval (Attachment A). The proposal requests include the following:

Text Changes to Chapter 2.13 SRR Zone (Exhibit B of the Resolution)

1. Reduce the 50' boundary setback to 24'
2. Reduce the minimum spacing between driveways from 30' to 15'
3. Allow the number of attached units in a row from two to four.
4. Permit manufactured homes, family childcare, vacation rentals, accessory dwellings, structures and uses and residential care homes.

Modifications to the 2007 Conditions of Approval (Exhibit C of the Resolution)

1. Modify Recital #4 to allow a minimum of seven (7) and a maximum (allowed in MFR zone) number of affordable Units (not Lots).
2. Modify Condition #3 to state that the park area shall be "at least one-half (1/2) acre" in size.
3. Modify Condition #8 to specify affordable "Units", not "Lots" and remove requirement to disperse units throughout the SRR District.

III. Conclusionary Findings

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

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

Section 4.1.600 of the SDC states:

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

1. Approval of the request is consistent with the Statewide Planning Goals;
2. Approval of the request is consistent with the Comprehensive Plan; and
3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property. The

CITY OF SISTERS
Planning Commission

Title: TA14-02
Hearing Date: July 17, 2014

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

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

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

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

This action was noticed in the Nugget Newspaper on July 2, 2014, two weeks prior to the July 17, 2014 Planning Commission hearing. The City also notified neighbors within 250 of the project site on June 27, 2014 and posted the project site.

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

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

SDC Chapter 4.1, 'Review Procedures' establishes the process to review Type IV (legislative) changes. Findings are provided throughout the report showing compliance with the Statewide Planning Goals, Comprehensive Plan, Public Facilities and Transportation.

Goal 8 - Recreational Needs. To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

The applicant is required through the 2007 Conditions of Approval agreement to dedicate a one-half acre area to the City for park purposes. The applicant would like to amend this to be "at least one-half acre".

The ability to provide usable open space and park areas allows the development to provide recreational needs to the citizens of Sisters and visitors. The park site will also allow the development to be more economically viable and aesthetically pleasing, and thus, more successful. The open space also enhances the housing component of the project, which will benefit from a larger open space/park area.

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

**CITY OF SISTERS
Planning Commission**

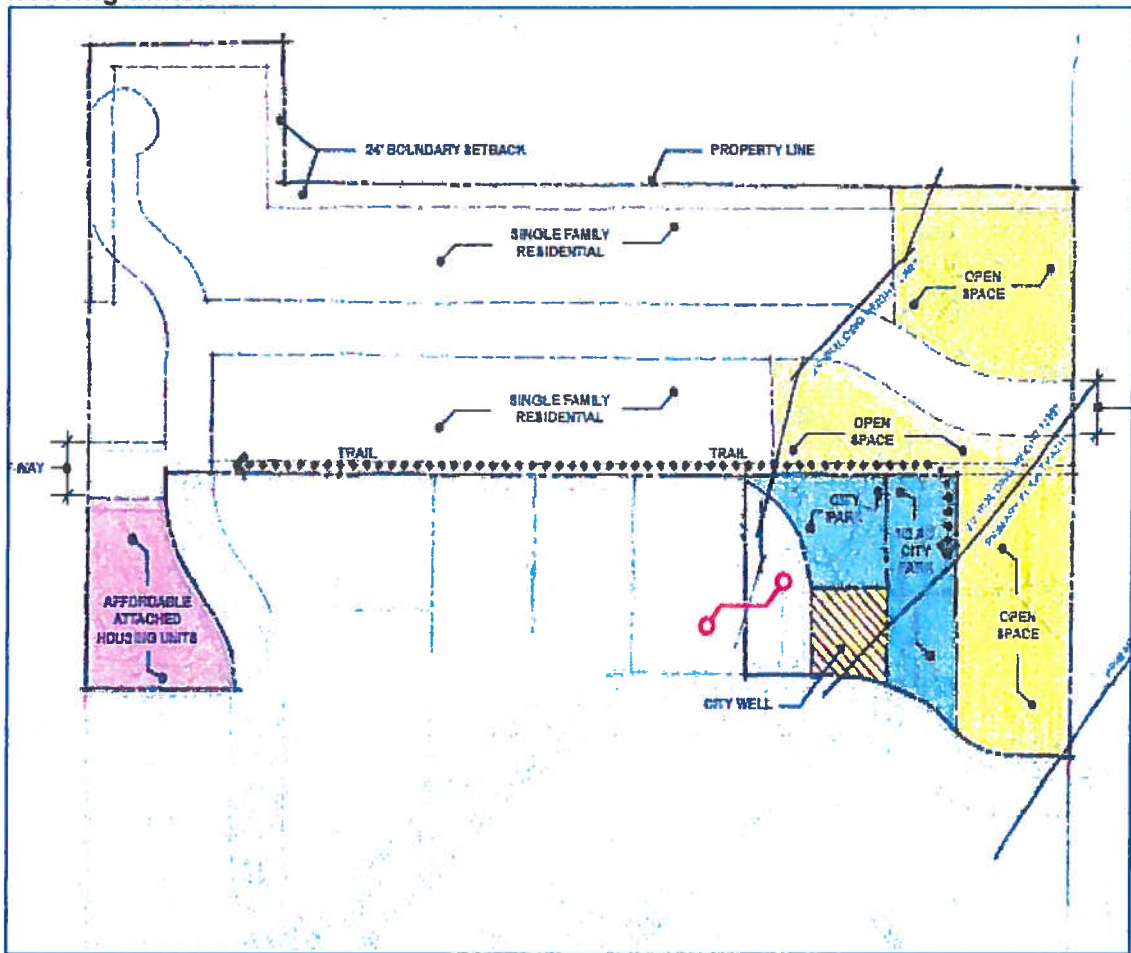
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Goal 10 is the goal that provides for the housing needs of cities.

The request to modify the text in Chapter 2.13 to permit attached housing units to be configured in a row or complex remains consistent with the applicable Goals and is simply a design feature to accommodate townhomes and creative housing types. The ability to develop attached homes up to four units in size will allow for increased efficiency of land use.

In addition, the request to amend the 2007 Condition of Approval not to require dispersing affordable units throughout the site is simply a locational aspect and not substantive change. Preference for units rather than lots allows for greater affordability and flexibility in design. The applicant would prefer to locate the units in Tract C, which is close to other multifamily zones and employment areas. This request provides for greater efficiencies and aesthetic site planning while enhancing the ability to walk to employment, open spaces, parks, and services.

During the Planning Commission Public Hearing on July 17, 2014, the Planning Commission recommended approval of allowing attached or detached affordable housing units.



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Also, the request to amend the 2007 Condition of Approval to permit a minimum/maximum number of affordable housing units serves to address the community's need for a variety of housing choices especially since affordable housing is in high demand. The request to allow a minimum of seven (7) and a maximum (as allowed in MFR zone) number of affordable Units (not Lots) is consistent with Goal 10.

Staff finds that the proposed Text Amendment complies with Goal 1, 2, 8 and 10 of the Statewide Planning Goals.

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

Goal 10: Citizen Involvement

10.4 POLICIES

The Sun Ranch Residential District shall contain flexible site design guidelines to provide an innovative residential layout and needed residential component to the Sun Ranch Mixed Use Community as well as to provide a good transition between the uses north of the community and the urban uses within the City of Sisters. A maximum of 45 units (or about 4.3 units per gross acre) shall be provided within this residential area. Development codes shall protect the economic uses of the land first and foremost, but allow housing as a means of creating more compatibility between adjacent uses and enhancing the economic vitality of the City.

Response: The approval of this request is consistent with the Comprehensive Plan because the development is within the existing Sun Ranch Mixed-Use Community. The proposed uses, such as a variety of housing, parklands and open space, and technical development details (such as setbacks and access spacing) are allowed within the community and will be supported by its implementing ordinance.

As noted above in the policy, the SRR district shall contain *flexible* guidelines. The proposal to reduce the boundary setback to 24 feet in certain areas still provides a significant swath of undevelopable land to be used as a buffer between uses. The 24-foot setback will be combined with the required additional residential setback of 14 feet, which results in a minimum of 38 feet of undevelopable land along the northern boundary. This in combination with the current County housing locations provides a significant buffer area and a good transition between the two residential uses.

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

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

Response: The proposed requests in and of themselves, do not change the demand or need for adequate public facilities, services and transportation networks to support the SRR development because they are minor in nature. Setback changes, increase to open space, unit configuration, and driveway spacing do not negatively affect the ability of the City or developer to provide public services for the residential development. In any event, there will be further review of utility needs through the future master plan and subdivision processes where such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

4. Transportation Planning Rule (TPR) Compliance.

The request to modify text in an existing zone is not a comprehensive plan amendment or a request to create a new land use district. Thus, this criterion does not apply.

IV. Public Comments

The City of Sisters published a notice of Land Use in the Nugget newspaper on July 2, 2014. To date, the City has received email correspondence from Denny Ebner. No other comments have been received.

V. Exhibits

The following exhibits make up the record in this matter (these are contained in file TA 14-02 and are available for review at the City of Sisters City Hall):

1. Application and filing fee
2. DLCDC Notice of Proposed Amendment
3. Nugget Notice, Neighborhood Notice and Post Notice
4. City Decision of Approval CP06-01/02, Z06-01: Sun Ranch including all exhibits and reference materials used previously
5. Conditions of Approval Agreement
6. Title Report
7. Preliminary layout of SRR Residential area
8. Style samples of attached affordable residential units
9. Draft Chapter 2.13 SRR zone modifications
10. Draft First Amendment to Conditions of Approval
11. Email correspondence with Denny Ebner dated July 7, 2014

VI. Attachment

- A. 2007 Condition of Approval

**CITY OF SISTERS
Planning Commission**

Title: TA14-02
Hearing Date: July 17, 2014

Attachment A
2007 Condition of Approval

Conditions of Approval Agreement

This Development Agreement, hereinafter referred to as "Agreement", is made and entered into by and between the City of Sisters, hereinafter referred to as "City", and Dutch Pacific Properties, LP, hereinafter referred to as "Dutch Pacific".

Recitals

1. This Agreement is a conditions of approval agreement with Dutch Pacific Properties, LP, an entity that has legal and equitable interests in the following real property, located within the City of Sisters, Deschutes County, Oregon: Tracts A, B, and C, Sun Ranch Phase 1 Subdivision. Combined, the properties are approximately 18.78 acres in size.
2. Dutch Pacific received Comprehensive Plan Text Amendment, Development Code Text Amendment, Comprehensive Plan Map Amendment and Zoning Map Amendment land use approvals from the City on April 26, 2007. The approvals are for the development of the "Sun Ranch Mixed Use Community" - land use permit files CP06-01, CP06-02 and ZC06-01.
3. The Findings and Recommendation of the Sisters Planning Commission signed November 22, 2006 contained four (4) conditions of approval that were "to be completed prior to development."
4. At the request of the City Council, Dutch Pacific has agreed to provide 7 lots within the approved Sun Ranch Residential District for development with affordable housing units. As no subdivision was proposed as part of the Sun Ranch Mixed Use Community 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 Dutch Pacific to comply with the four 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 the Sun Ranch Mixed Use Community.
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 necessary to create the "Sun Ranch Mixed Use Community." Public hearings were held on December 14, 2006, January 25, 2007, February 8, 2007 and February 22, 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 Dutch Pacific or until the first subdivision for the residential area of the Sun Ranch property has been approved by the City and recorded. When this property is subdivided, the requirements of this agreement, shall have been met or assured.
2. The permitted uses, density, and height within the Sun Ranch Mixed Use Community 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. Dutch Pacific will dedicate a one-half (1/2) acre area to the City for park purposes in the location identified on Exhibit A to this agreement in one of the following ways:
 - o The City of Sisters can initiate a land division to create the ½-acre area and the owner of the property will sign the application in timely manner;
OR
 - o The park area will be created through the first subdivision plat within the Sun Ranch Residential zone.

In either case, the applicant will sign an easement providing the City access to the area identified for the park (Exhibit A) for planning and design purposes. Once the park area has been created, Dutch Pacific shall convey the park to the City by deed free and clear of liens and encumbrances, except for governmental agreements and existing easements of record. Dutch Pacific shall have the ability to review and approve any proposed structure design and fencing materials provided such review doesn't result in unreasonable budgetary demands or unreasonable review timeframes.

4. The City's engineer in an October 31, 2006 letter asserted Dutch Pacific should provide 10.96 acres of pre-1892 water rights to the City to accommodate the additional water required from the proposed rezones. These water rights are valued at approximately \$11,000 per acre, or \$120,560. Dutch Pacific is dedicating an approximately 9,200 sq. ft. well site on industrially zoned land with an approximate value of \$12/square foot, totaling \$110,400. The difference between the value of the well site dedication and required water rights is \$10,160. In lieu of a receiving a cash payment, the City shall accept one acre of pre-1892 water rights from Dutch Pacific. Dutch Pacific will sign all needed City-prepared paperwork for the City to initiate and complete the transfer of one (1) acre of pre-1892 water rights. The City will, within a period not to exceed six months after this Agreement is signed, apply to State of

Oregon Water Resources Department to transfer the water rights. Once the City has obtained approval of the transfer, Dutch Pacific shall convey the water rights to the City on documents prepared by the City and approved by Dutch Pacific.

5. Dutch Pacific will dedicate approximately a 10,000 square foot area to the City for purposes of locating a well, well house and associated items in the location identified on Exhibit A to this agreement in one of the following ways:
 - o The City of Sisters can initiate a land division to create the 10,000 square foot area and the owner of the property will sign the application in timely manner; OR
 - o The well area will be created through the first subdivision plat within Tract A of the Sun Ranch Phase 1 subdivision.

In either case, the applicant will sign an easement providing the City access to the area identified for the well (Exhibit A) for planning and design purposes. Once the well area has been created, Dutch Pacific shall convey the well property to the City by deed free and clear of liens and encumbrances, except for governmental agreements and existing easements of record. Dutch Pacific shall have the ability to review and approve any proposed structure design and fencing materials provided such review doesn't result in unreasonable budgetary demands or unreasonable review timeframes.

6. Dutch Pacific will construct a 3 to 5-foot wall or fence with vegetation between the Sun Ranch Light Industrial District and the Sun Ranch Residential District. This fence will run parallel to the north boundary of Lots 6, 9, 10 and 11, Sun Ranch Phase I Subdivision. The fence/wall shall be completed by such time specified in the first tentative plan approval for the Sun Ranch Residential district.
7. Dutch Pacific will dedicate the pump station as shown on Exhibit B it has constructed on its property to the City of Sisters on forms approved by the City Attorney prior to the issuance of any building permits on Dutch Pacific property that will be served by said pump station. The City must test, inspect and accept the facility as a part of this condition.
8. Dutch Pacific will provide seven (7) affordable housing units/lots within the Sun Ranch Residential District. Dutch Pacific will work with Housing Works, Neighbor Impact, Habitat for Humanity or other affordable housing program provider 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 the covenants, conditions and restrictions for the Sun Ranch Residential District.

Dutch Pacific 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:

- Units shall be dispersed throughout the Sun Ranch Residential District.
- Units shall remain affordable for a period of at least 50 years.
- The square footage of the affordable units shall sum to a minimum of 6,000 square feet.
- Dutch Pacific shall prepare and the Sisters City Council approve an Affordable Housing Agreement detailing how the program outlined in this agreement will be achieved prior to the first tentative plan for subdivision approval in the Sun Ranch Residential District.

9. 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.

10. The following shall constitute defaults on the part of a party:

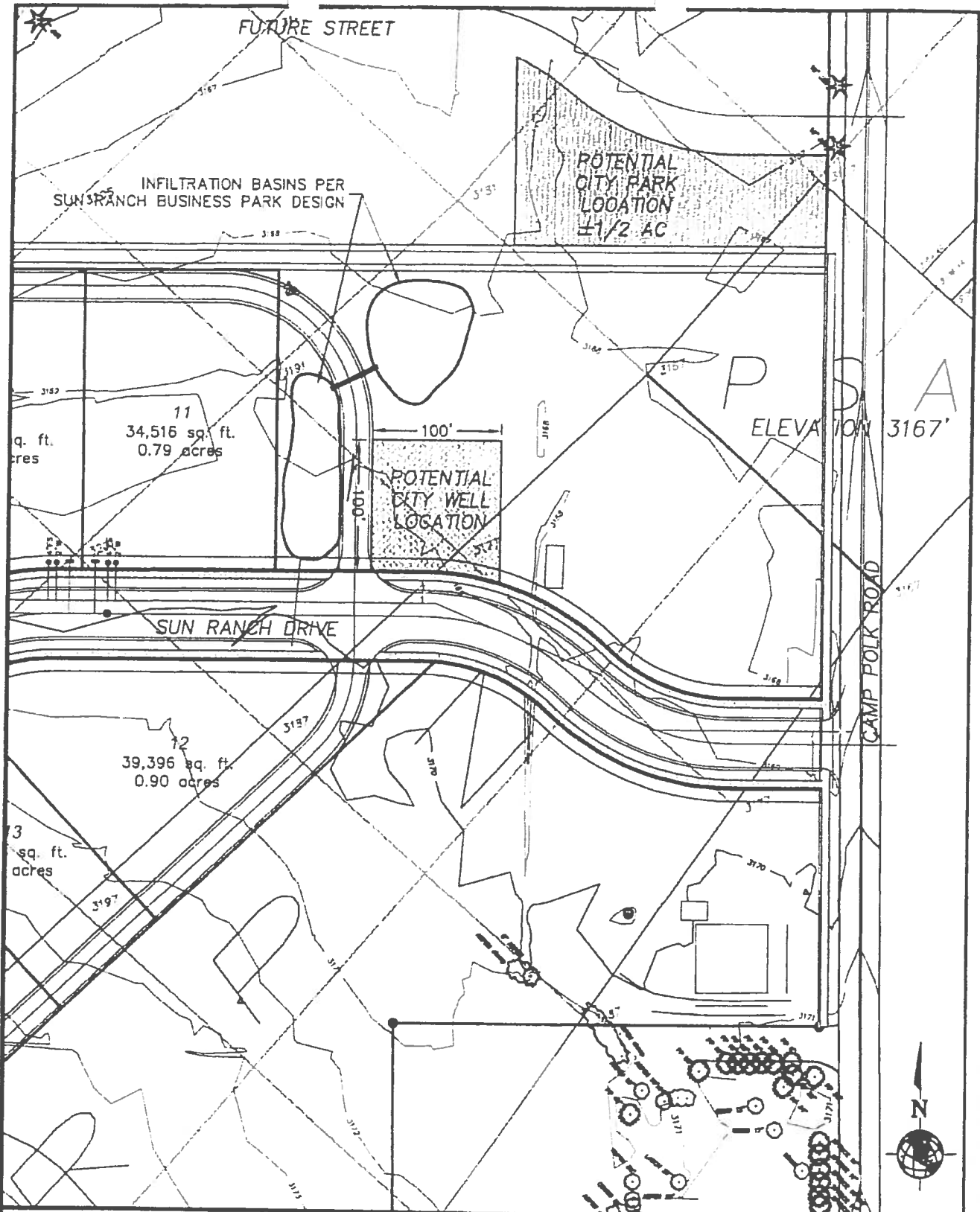
A breach of a material provision of this Agreement, whether by action or inaction of a party which continues and is not remedied within sixty (60) days after the other party has give notice specifying the breach; provided that if the non-breaching party determines that such breach cannot with due diligence 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.

11. 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.

12. This Agreement is not assignable and does not run with the land. If any property subject to this agreement is sold, the obligations of Dutch Pacific under this Agreement shall remain obligations of Dutch Pacific until satisfied.
13. All future discretionary approvals for the "Sun Ranch Mixed Use Community" and lots within shall be as lawfully established at the time such approvals are requested.
14. 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.
15. The City assumes that the "Sun Ranch Mixed Use Community" development will be served with City services like any other property in the City. The City assumes that Dutch Pacific will make a final effort to collect a proportionate share of the costs of the Dutch Pacific pump station from the owners of the Three Sisters Business Park. Should Dutch Pacific not be able to collect a proportionate share of costs from the owners of Three Sisters Business Park, Dutch Pacific may request that the City set up a reimbursement district to collect such funds.
16. 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.
17. 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 the Dutch Pacific property described in this Agreement.



DESIGNED BY	JAM	CHECKED BY	
DRAWN BY	JAM	APPROVED BY	
LAST EXT.	10/28/2008	PLOT DATE	10/27/08
DATE	BY	REV	REVISION
			OK'DIAPP



DUTCH PACIFIC PROPERTIES, LLC
 SUN RANCH BUSINESS PARK
 POTENTIAL CITY PARK
 EXHIBIT A

SISTERS/DESCHUTES CO. OREGON

SCALE 1" = 100'

PROJECT NO 032006

DRAWING FILE NAME 32008-land-city park-ex01

SHEET EX5 0



CITY OF SISTERS

Planning Commission Resolution

RECOMMENDED BY THE PLANNING COMMISSION ON JULY 17, 2014

Exhibit B

Chapter 2.13 SRR zone amendments

Proposed Modifications shown in **BOLD and underlined** and deletions in ~~Strikethrough~~

Chapter 2.13 – Sun Ranch Residential (SRR) District

Sections:

2.13.100	Purpose
2.13.200	Applicability
2.13.300	Permitted Uses
2.13.400	Lot Requirements
2.13.500	Height Regulations
2.13.600	Setbacks and Building Orientation
2.13.700	Lot Coverage
2.13.800	Off-Street Parking
2.13.900	Landscape Area Standards
2.13.1000	Special Standards for Certain Uses

2.13.100 Purpose

The purpose of the Sun Ranch Residential district is to provide an opportunity for housing for persons who work or own businesses within the Sun Ranch Tourist Commercial district, and neighboring North Sisters Business Park district. Another purpose of the Sun Ranch Residential District is to provide a residential transition area from the urban uses within the City to the low density, rural uses beyond the City limits. Development standards aim at providing flexibility in lot sizes and setbacks in order to cluster homes and protect open spaces. Residential density is relatively low in the sub-district to transition between uses.

2.13.200 Applicability

The standards of the Sun Ranch Residential district, as provided for in this section, shall apply to those areas designated Sun Ranch Residential district on the City's Zoning Map. All structures within the Sun Ranch Residential district shall meet the design requirements contained in the Special/Limited Use Standards in this chapter.

2.13.300 Permitted Uses

All uses within the Sun Ranch Residential district are subject to the requirements of the Airport Overlay District as outlined in section 2.11 of the Sisters Development Code as applicable.

A. Permitted uses. Uses permitted in the Sun Ranch Residential (SRR) are listed in Table 2.13.300A with a "P". These uses are allowed if they comply with the development standards and other regulations of this Code. Being listed as a permitted use does not mean that the proposed use will be granted an exception or variance to other regulations of this Code.

B. Special Provisions. Uses that are allowed in the Sun Ranch Residential (SRR) subject to limitations are listed in Table 2.13.300A with an "SP". These uses are allowed if they comply with the special provisions in Chapter 2.15.

C. Conditional uses. Uses that are allowed in the Sun Ranch Residential (SRR) with

City of Sisters

approval of a conditional use permit are listed in Table 2.13.300A with either a Minor Conditional Use “MCU” or a Conditional Use “CU”. These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.

D. Similar uses. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 – Interpretations.

Table 2.13.300 A Use Table for the Sun Ranch Residential District

Land Use Category	Permitted/Special Provisions/Conditional Use
Residential	
Single-family detached dwellings	P/See Section 2.13.1000
<u>Manufactured Dwelling on Individual Lot</u>	<u>P/SP</u>
Townhome	P/SP
Zero lot line dwellings	P/SP
Home occupation	P/SP
<u>Accessory dwelling on a single family or manufactured dwelling lot</u>	<u>P/SP</u>
<u>Residential home</u>	<u>P/SP</u>
<u>Family child care (Care for no more than 16 children)</u>	<u>P</u>
Public and Institutional	
Multi-use trails, paths and connections	P
Open space, park space and similar uses	P
<u>Miscellaneous</u>	
<u>Accessory uses and structures</u>	<u>P/SP</u>
<u>Vacation Rentals</u>	<u>P/SP</u>

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

2.13.400 Lot Requirements

A. Lot size and frontage

The minimum lot size for a single-family dwelling is 2,000 square feet. Single-family dwelling lot sizes for subdivisions may be averaged. Other requirements of the Development Code must be met and may preclude lots from being

developed at or below the minimum lot size. All lots within the Sun Ranch Residential district shall have frontage on a private or public street, unless lots

City of Sisters

without frontage are approved during subdivision review process upon a finding that physical access to the lots by residents is effectively assured by other means. Lot frontages, where required, shall be a minimum average width of 30 feet as determined during subdivision, but no lot shall be less than 20 feet wide.

2.13.500 Height Regulations

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 25 feet.

2.13.600 Setbacks and Building Orientation

All building setbacks within the Sun Ranch Residential district shall be measured from the property line to the building wall or foundation, whichever is less.

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

A. Front Yard Setback

The minimum front yard setback is 10 feet except that a porch may encroach 3 feet into the required front yard setback, except the minimum setback adjacent to Camp Polk Road is 20 feet. For those lots that have garages on site that are accessed from the front yard, the front of the garage door shall be setback 20 feet from the front property line.

B. Side Yard Setback

There is no minimum side yard setback required except where clear vision standards apply and except the minimum setback adjacent to Camp Polk Road is 20 feet.

When a zero lot line house shares a side property line with a non-zero lot line development, the zero lot line building shall be setback from the non-zero property line by a minimum of 10 feet.

C. Rear Yard Setback

There shall be a minimum of a 5-foot rear yard setback except the minimum setback adjacent to Camp Polk Road is 20 feet.

D. Boundary Yard Setback

A boundary setback is established for all buildings for a distance of ~~varying between 24 feet and 50 feet~~ as shown in Figure 2.13.600 in lieu of setbacks in 2.13.600 A-C. The property within the boundary setback area shall be commonly owned or maintained.

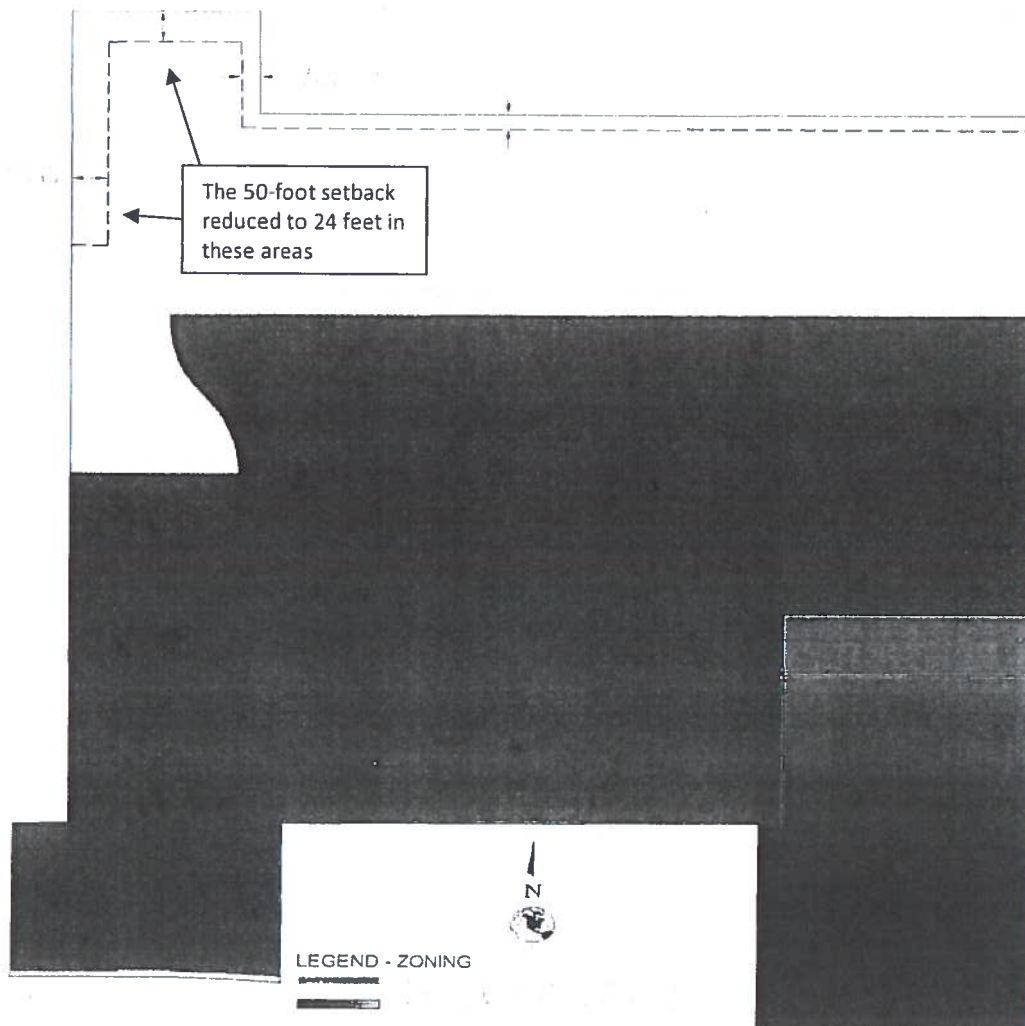
1. Special Setbacks. The special setback for residences proposed on the north side of the road to serve the Sun Ranch Residential district that are subject to the 24-foot Boundary Yard Setback shall be 14 feet from the edge of the Boundary Yard Setback. Accessory structures proposed on properties subject to the 24-foot Boundary Yard Setback that are less than 12 feet in height shall be setback at least 2 feet from the Boundary Yard Setback line with a landscape buffer between the accessory structure and boundary setback. Accessory structures taller than

City of Sisters

12 feet proposed on properties subject to the 24-foot Boundary Yard Setback shall meet the setbacks for residential structures.

2. Properties that are subject to the 50-foot Boundary Yard Setback are not subject additional setbacks.

Figure 2.13.600



E. Building Orientation

Buildings shall have their primary entrance oriented towards the adjacent street frontage or common access/area that provides access to the lot.

F. Access Spacing

Driveway accesses onto local public streets except Camp Polk Road shall be separated from other driveways and street intersections by a minimum of ~~30~~ **15** feet (as measured from the sides of the driveway/street). Driveway spacing on Camp Polk Road (collector road) shall be governed by the City's Transportation Systems Plan. Shared driveways shall be utilized if needed to meet this requirement.

2.13.700 Lot Coverage

The maximum lot coverage for all structures is 60%.

2.13.800 Off-Street Parking

The off-street parking requirements for uses in the Sun Ranch Residential district may be satisfied by off-site parking lots, structures, or garages per Chapter 3.3. Parking Location and Shared Parking. Parking requirements for uses are established by Chapter 3.3 – Vehicle and Bicycle Parking, of the Sisters Development Code. For residential units, a minimum of one garage per unit. For example, if two off-street parking spaces are required per unit, one must be enclosed.

2.13.900 Landscape Area Standards

A minimum of 20 percent of the gross lot area of proposed developments shall be landscaped according to Chapter 3.2 of the Sisters Development Code.

2.13.1000 Special Standards for Certain Uses

A. Residential Uses

1. The number of residential units within the Sun Ranch Residential district shall not exceed 45.
2. No more than ~~two (2)~~ **four (4)** attached townhomes or zero lot line dwelling units in a row may be permitted.
3. Construction and Maintenance Easement. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards for the affected adjoining property. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot.
4. Prior to approval of building permits for structures containing residential units, the owner(s) of the property shall sign, notarize, and record a waiver of remonstrance prohibiting resident(s) and owners and all successors of the proposed residential units from making complaints or claims against permitted uses on adjacent light industrial lands. A copy of the recorded waiver of remonstrance shall be provided to the City at the time of application for said building permit. The waiver of remonstrance shall not preclude the ability of residents from acting against uses that do not comply with applicable local, state, and federal health and safety regulations.



CITY OF SISTERS
Planning Commission Resolution

RECOMMENDED BY THE PLANNING COMMISSION ON JULY 17, 2014

Exhibit C

First Amendment to Conditions of Approval

First Amendment

1. This amendment (the "Amendment") is made by the City of Sisters (City) and Dutch Pacific Properties, LP (Dutch Pacific), parties to the Conditions of Approval Agreement dated June 19, 2007 (the "Agreement"). The Effective Date of this Amendment is _____, 2014.
2. The Agreement is amended as follows:

- a. Recital 4 is replaced with the following:

At the request of City Council, Dutch Pacific has agreed to provide at least 7, and no more than would be allowed under the City of Sisters's Multi-Family Residential District zone, residential living units within the approved Sun Ranch Residential District for development as affordable housing. As no subdivision was proposed as part of the Sun Ranch Mixed Use Community applications, it is appropriate to assure the provision of such units when the property is subdivided through this Agreement.

- b. Agreement #3 is replaced with the following:

Dutch Pacific will dedicate at least a one-half (1/2) acre park area to the City for park purposes in the location identified on Exhibit A to this Agreement in one of the following ways:

- *The City of Sisters can initiate a land division to create the park area and the owner of the property will sign the application in a timely manner; or*
- *The park area will be created through the first subdivision plat within the Sun Ranch Residential District.*

In either case, Dutch Pacific will sign an easement providing the City access to the area identified for the park in Exhibit A for planning and design purposes. Once the park area has been created, Dutch Pacific shall convey the park to the City by deed free and clear of liens and encumbrances, except for governmental agreements and existing easements of record. Dutch Pacific shall have the ability to review and approve any proposed structure design and fencing materials provided such review does not result in unreasonable budgetary demands or unreasonable review timeframes.

- c. Agreement #8 is replaced with the following:

Dutch Pacific will provide at least seven (7), and no more than would be allowed under the City of Sisters's Multi-Family Residential District zone, affordable housing units within the Sun Ranch Residential District. Dutch Pacific will work with Housing Works, Neighbor Impact, Habitat for Humanity or other affordable housing program provider, approved by the City of Sisters in writing, to assure that the units 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. The units to be constructed shall also meet the covenants, conditions and restrictions for the Sun Ranch Residential District.

Dutch Pacific 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

- Units shall remain affordable for a period of at least 50 years.
- The square footage of the affordable units shall average a minimum of 858 square feet.
- As part of the first tentative plan for a subdivision application in the Sun Ranch Residential District, Dutch Pacific shall include an Affordable Housing Agreement detailing how the program outlined in this Agreement will be achieved.

3. Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this Amendment and the Agreement or any earlier amendment, the terms of this Amendment will prevail.

CITY OF SISTERS

By: _____
 Printed Name: _____
 Title: _____

State of Oregon)
) ss.
 County of Deschutes)

The foregoing was acknowledged before me by _____, as _____ for the City of Sisters this ___ day of _____, 2014.

DUTCH PACIFIC PROPERTIES, LP

By: _____
 Printed Name: _____
 Title: _____
 Dated: _____

State of Oregon)
) ss.
 County of Deschutes)

The foregoing was acknowledged before me by _____, as _____ for Dutch Pacific Properties, LP this ___ day of _____, 2014.