



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

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

Date: 10/27/2014  
Jurisdiction: City of Sisters  
Local file no.: TA 14-04  
DLCD file no.: 003-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/24/2014. 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 less than 35 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](mailto:plan.amendments@state.or.us)



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

**FOR DLCD USE**  
File No.: 003-14  
{ 22428 }  
Received: 10/24/2014

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 14-04**

Date of adoption: 10/23/2014                      Date sent: 10/24/2014

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): 8/18/2014

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:

**Added exceptions to Vision Clearance Areas within Chapter 2.15.2300; clarified 2 water meters and service lines are optional for Accessory Dwelling Units, Chapter 2.15.0300.**

Local contact (name and title): Eric Porter, Senior Planner

Phone: 541-323-5219

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

Street address: PO Box 39, 520 E. Cascade Avenue

City: Sisters

Zip: 97759-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

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

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

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

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

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

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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

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

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

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

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

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

Chapter 2.2, Residential District; Chapter 2.3, Multi-Family Residential District; Chapter 2.4, Downtown Commercial District; Chapter 2.13, Sun Ranch Residential District; Chapter 2.15, Special Provisions; Chapter 4.0, Applications and Review Procedures; Chapter 4.1, Types of Applications and Review Procedures; Chapter 4.6 (new chapter), 'Cluster Developments'.

**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: |
|---------------------------|--------------|----------------|

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

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

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.

Adopting Ordinance No. 453, including Exhibit A (adopted text changes), Exhibit B (Planning Commission resolution no. 2014-19, including supporting findings); Agenda Item Summary (staff report) for City Council.

## **ORDINANCE NO. 453**

AN ORDINANCE AMENDING THE CITY OF SISTERS DEVELOPMENT CODE, CHAPTERS 2.2, 2.3, 2.4, 2.13, 2.15, 4.0, 4.1, AND 4.6, TO ADD CLUSTER DEVELOPMENT STANDARDS, TO REDUCE MINIMUM LOT SIZES IN THE MULTI-FAMILY ZONING DISTRICT, TO ADD EXCEPTIONS TO THE VISION CLEARANCE AREAS, AND TO RELIEVE THE REQUIREMENT FOR SEPARATE WATER METERS AND UTILITY LINES FOR ACCESSORY DWELLING UNITS.

**WHEREAS**, The City seeks amendments to the Sisters Development Code that would (1) allow Cottage Developments within certain zoning districts; (2) allow a reduction in the minimum size of single family dwelling lots in the Multi-Family Residential District; (3) allow certain exceptions to the vision clearance areas at vehicle intersections; and (4) remove the mandatory requirement for two water meters and two services lines for Accessory Dwelling Units; and,

**WHEREAS**, Text Amendment TA 14-04 is necessary to encourage more economic development; and,

**WHEREAS**, Text Amendment TA 14-04 is necessary to encourage more types of residential development and reduce costs associated with accessory dwelling units; and,

**WHEREAS**, in accordance to the provisions found in the Sisters Development Code Table 4.1.200 and Section 4.1.600, the proposed Development Code amendments are processed as a Type IV application; and,

**WHEREAS**, the DLCD received the Notice of Proposed Development Code Amendments electronically on August 18, 2014; and,

**WHEREAS**, Text Amendment TA 14-04 is consistent with the Statewide Planning Goals 1, 2, 9, 10 and 14; and,

**WHEREAS**, Text Amendment TA 14-04 is consistent with the Comprehensive Plan; and,

**WHEREAS**, the affected areas are either presently provided or can be provided through development action resulting from these changes with adequate public facilities, services and transportation networks to support the changes proposed; and,

**WHEREAS**, Text Amendment TA 14-04 will not create an action that would cause an evaluation for compliance with 4.7.600, Transportation Planning Rule (TPR); and,

**WHEREAS**, the Sisters Planning Commission held workshops on February 21, 2013, March 21, 2013, April 18, 2013, July 31, 2014 and August 21, 2014 to discuss the changes that are under consideration herein; and,

**WHEREAS**, after due notice, a public hearing on the proposed project was held before the Sisters Planning Commission at the City of Sisters Council Chambers (Sisters City Hall building,

520 E Cascade Avenue, Sisters, 97759) on September 18, 2014 at which time findings were reviewed, witnesses were heard and evidence was received; and,

**WHEREAS**, at the public hearing held on September 18, 2014, the Planning Commission made formal recommendations to the City Council by adopting Resolution No. PC 2014-19; and,

**WHEREAS**, the Sisters City Council held a workshop on October 9, 2014 to discuss the changes proposed to the Development Code and held further discussion at a workshop on October 16, 2014 to clarify several aspects of the Cottage Development standards; and,

**WHEREAS**, after due notice, a public hearing on the proposed text amendment was conducted by the Sisters City Council on October 23, 2014, at which time the Planning Commission's findings were reviewed, witnesses were heard and evidence was received by the City Council; and the City Council found that text amendment TA 14-04 met all applicable legal requirements, including all notice requirements, and that the ordinance adopting the amendment will benefit the City of Sisters.


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

**SECTION 1.** The Sisters Development Code is hereby amended as provided in Exhibit A to this Ordinance.

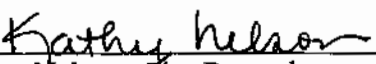
**SECTION 2.** In support of the Development Code text amendment in Section One, the City Council hereby adopts the Planning Commission's Resolution including findings attached hereto as Exhibit B to this Ordinance, which demonstrate compliance with the Sisters Development Code, the City's Comprehensive Plan, and the applicable statewide planning goals, statutes and administrative rules.

**SECTION 3.** Written testimony received by the City is acknowledged and is referenced herein as if fully set forth. All testimony received is public record, and is found in file no. TA 14-04 as received by the City of Sisters.

PASSED by the Common Council of the City of Sisters this 23<sup>rd</sup> day of October, 2014, and APPROVED by the Mayor of the City of Sisters.

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

ATTEST:

  
\_\_\_\_\_  
Kathy Nelson, City Recorder

## Exhibit A – Text Changes resulting from TA 14-04

Note: Except for new chapter 4.6, **bold / underlined** text is new; ~~strikethrough text~~ is to be removed.

### Chapter 2.2 – Residential District (R)

**Table 2.2.1 Use Table for the Residential District**

| Land Use Category  | Permitted/Special Provisions/Conditional Use |
|--|--|
| <b>Residential</b>   |  |
| Single family detached dwelling                                    | P  |
| Manufactured dwelling on individual lot                            | P/SP   |
| Manufactured Dwelling Park   | P/SP   |
| Accessory dwelling on a single family or manufactured dwelling lot | P/SP   |
| Zero lot line dwelling   | P/SP   |
| Attached dwelling (townhome)                                       | SP/ MCU                                      |
| Duplex dwelling  | MCU  |
| Residential Home   | P/SP   |
| <b>Cottage Development</b>   | <b>P / Ch. 4.6</b>                           |
| Manufactured dwelling parks  | P/SP   |
| Child care home (Care for no more than 16 children)                | P  |
| Home occupation  | P/SP   |

### Chapter 2.3 –Multi-Family Residential District (MFR)

**Table 2.3.1 Use Table for the Multi-Family Residential District (partial)**

| Land Use Category  | Permitted/Special Provisions/Conditional Use |
|--|--|
| <b>Residential</b>   |  |
| Single family detached dwelling                                    | P  |
| Manufactured dwelling on an individual lot                         | P/SP   |
| Accessory dwelling on a single family or manufactured dwelling lot | P/SP   |
| Zero lot line dwelling   | P/SP   |
| Attached dwelling (townhome)                                       | P/SP   |
| Duplex and triplex dwellings                                       | P  |
| Multi-family dwellings (4 + units)                                 | P  |
| Manufactured dwelling park   | P/SP   |
| Residential home/Residential facility                              | P/SP   |
| <b>Cottage Development</b>   | <b>P / Ch. 4.6</b>                           |
| Family child care (Care for no more than 16 children)              | P  |
| Home occupation  | P/SP   |

#### 2.3.300 Development Standards

The following property development standards shall apply to all land, buildings and uses in the Multi-Family Residential District:

- A. Lot Area, lot width, lot depth, setbacks, floor area ratio, lot coverage and building height.  
See Table 2.3.2

**Table 2.3.2 Development Standards in the Multi-Family Residential District**

| Development Standard  | Multi-Family Residential District         | Comments/Other Requirements |
|---|---|-----------------------------|
| Minimum lot area  |   |                             |
| Single family detached dwelling, including manufactured dwelling on individual lot and zero lot line dwelling | <del>4,800</del> <b>4,500</b> square feet |                             |

**Chapter 2.4 — Downtown Commercial (DC) District**

**Table 2.4.1 Use Table for the Downtown Commercial District**

| Land Use Category   | Permitted/Special Provisions/Conditional Uses  |
|---|--|
| <b>Residential</b>  |  |
| Dwelling(s) located above, within, or attached to a commercial building not including single family detached dwellings. | P /SP  |
| Accessory dwelling on a single family or manufactured dwelling lot  | P/SP   |
| Child care home (Care for no more than 16 children)   | P  |
| Single family, Duplex, Townhouses (up to 2 units),  | P, Type I review process; applies to lots fronting Adams Avenue and on lots that are located within 114' of Adams Avenue to the south, and 256' to the north of Adams Avenue.    |
| Manufactured Dwelling on an individual lot.   | P/SP, Type I review process; applies to lots fronting Adams Avenue and on lots that are located within 114' of Adams Avenue to the south, and 256' to the north of Adams Avenue. |
| Triplex, Multi-Family Dwellings   | MCU; applies to lots fronting Adams Avenue that are located within 114' of Adams Avenue to the south, and 256' to the north of Adams Avenue, and only west of Fir Street.        |
| Residential facilities  | P/SP   |
| <b><u>Cottage Developments</u></b>  | <b><u>P / Ch. 4.6; applies to lots fronting Adams Avenue and on lots that are located within 114' of Adams Avenue to the south, and 256' to the north of Adams Avenue.</u></b>   |

## Chapter 2.13 – Sun Ranch Residential (SRR) District

**Table 2.13.300 A Use Table for the Sun Ranch Residential District**

| Land Use Category   | Permitted/Special Provisions/Conditional Use |
|---|--|
| <b>Residential</b>  |  |
| Single-family dwellings including townhome and zero lot line dwellings. | P/See Section 2.13.1000                      |
| <b><u>Cottage Developments</u></b>                                      | <b><u>P / Ch. 4.6</u></b>                    |
| Home occupation   | P/SP   |

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

### 2.15.300 Accessory Dwelling Unit (ADU)

Accessory dwellings are subject to a Type I review and are subject to the development standards of the underlying land use district. In addition accessory dwellings shall comply with all of the following:

- A. Oregon Structural Specialty Code. The ADU complies with the Oregon Structural Specialty Code.
- B. Owner-occupied. The primary residence or ADU shall be owner-occupied or by a member of the family.
- C. Number of units. A maximum of one (1) ADU is allowed per lot.
- D. Floor area. The maximum living area of the second residential unit shall not exceed fifty (50%) percent of the gross floor space of the primary unit, provided that in no case shall the gross floor area of the second unit exceed eight hundred (800) square feet.
- E. The ADU may be a detached unit, a unit attached to a garage, or a converted portion of the primary dwelling unit.
- F. Setbacks, Height and lot coverage. All ADUs shall meet the minimum setbacks, height requirements and lot coverage standards of the underlying land use district.
- G. Parking. One additional parking space for the ADU shall be provided on-site, and shall meet all applicable parking standards.
- H. Compatibility standards for ADUs. The exterior finish materials, roof pitch, trim, window proportion and orientation, and eaves for the accessory dwelling must be the same or visually match in type, size and placement, the exterior details of the primary dwelling on the lot.
- I. Lighted Entrance. The entrance of an ADU shall be constructed with an exterior light that complies with the Dark Skies standards.
- J. Addressing. Each ADU shall be identified with house numbers which shall be located in such a manner as to be visible from the street.
- K. ~~The ADU shall have a separate water meter and sewer service.~~ Each property containing an ADU shall have at least one water and sewer lateral from the city main



line to the property line which can be split to accommodate the additional ~~meter~~ **water** and sewer service for the ADU if the existing service line size is adequate. If the size (diameter) of the existing water or sewer lateral line is determined by the developer's Engineer to not be adequate for the proposed use, then it shall be the property owner's responsibility to install an additional or larger service line from the city main line to the property line.

### **Chapter 2.15.2300 Vision Clearance.**

Vision clearance is defined by a triangle created as follows: starting at the intersection of the projections along the edge of the pavement or along curb lines into the intersection of two vehicular ways, measure out from this point along each way for the specified distance to create two legs of a triangle and connect these two legs across the corner of the intersection (as shown in Figure 2.15.2300.A.). The clear vision space is defined by this triangle between 3' and 8' in height from the ground; within this space, the line of sight must remain unobstructed.

The legs of the triangles shall be determined as follows:

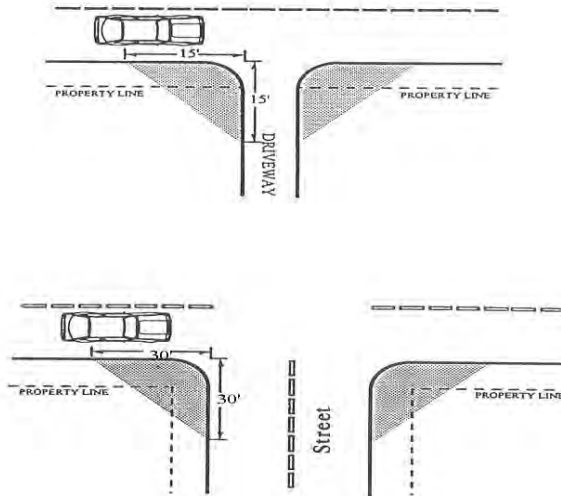
1. At the intersection of a street (public or private) and a driveway, alley, lane, or other vehicle way that is not a street, the minimum distance along each vehicular way as defined above shall be 15'.
2. At an intersection of two streets (public or private) having 90 degree angles at the intersection, the minimum distance along each vehicular way as defined above shall be 30 feet.
3. At traffic circles, acute or obtuse angles, and other non-conventional intersections of two streets, the vision clearance area may be determined by the Public Works Director. However, the every attempt shall be made to ensure that the minimum distance measured along each vehicular way as defined above is 30 feet.

**Except as exempted below,** No signs, structures or vegetation in excess of three feet in height shall be placed in "vision clearance areas," as shown in Figure 2.15.2300 A. This standard applies to the following types of roadways: streets, alleyways and railways. The minimum vision clearance area may be increased by the City Engineer upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.).

#### **The clear vision area provisions do not apply to the following:**

1. **Any sign, post, pole or similar structure installed and maintained by a public entity; or,**
2. **Any private post or pole eight inches or less in diameter (width or length).**

**Figure 2.15.2300 A - Vision Clearance Area**



## Chapter 4.0 — Applications and Review Procedures

### Sections:

- 4.0 – Administration of Land Use and Development Permits
- 4.1 – Types of Applications and Review Procedures
- 4.2 – Site Plan Review
- 4.3 – Land Divisions and Lot Line Adjustments
- 4.4 – Conditional Use Permits
- 4.5 – Master Planned Developments
- 4.6 – Reserved Cluster Developments
- 4.7 – Land Use District Map and Text Amendments
- 4.8 – Code Interpretations

### Chapter 4.1 - Types of Applications and Review Procedures

| Table 4.1.200<br>Summary of Development Decisions/Permit by Type of Decision-making Procedure |                    |   |
|---|--------------------|---|
| Action  | Decision Type      | Applicable Regulations  |
| Accessory Dwelling Unit   | Type I             | Chapter 2.15  |
| Annexation  | Type IV            | Comprehensive Plan and city/county intergovernmental agreement(s), as applicable.                                 |
| Appeals   | Type II/<br>III/IV | Chapter 4.1 – Must be filed no later than 5 p.m. on the fourteenth calendar day following mailing of the decision |
| Code Interpretation   | Type II            | Chapter 4.8   |
| Code Amendment  | Type IV            | Chapter 4.7   |
| Comprehensive Plan Amendment  | Type IV            | Comprehensive Plan  |
| Minor Conditional Use Permit  | Type II            | Chapter 4.4   |
| Conditional Use Permit  | Type III           | Chapter 4.4   |
| Home Occupation Permit  | Type I             | Chapter 2.15  |
| Master Planned Developments   | Type III           | Chapter 4.5   |

| <b>Cluster Developments</b>                 | <b>Type III</b> | <b>Chapter 4.6</b> |
|---|-----------------|--------------------|
| Land Use District Map Change                |                 |                    |
| Quasi-Judicial (no plan amendment required) | Type III/IV     | Chapter 4.7        |
| Legislative (plan amendment required)       | Type IV         | Chapter 4.7        |
| Lot Line Adjustment                         | Type I          | Chapter 4.3        |
| Partition                                   | Type II         | Chapter 4.3        |
| Replat                                      | Type I          | Chapter 4.3        |
| Sign Permit                                 | Type I          | Chapter 3.6        |
| Site Plan Review                            |                 |                    |
| Type II                                     | Type II         | Chapter 4.2        |
| Subdivision                                 | Type III        | Chapter 4.3        |
| Temporary Use Permit                        | Type I/ II      | Chapter 2.15       |
| Minor Variance                              | Type II         | Chapter 5.1        |
| Major Variance                              | Type III        | Chapter 5.1        |

## **Chapter 4.6, Cluster Developments**

### **4.6.100 Cottage Developments**

A. **Purpose.** The purpose of this section is to provide a housing type that responds to changing household sizes and ages (e.g., retirees, small families, single-person households) and provides opportunities for ownership of small, detached single-family dwelling units within the Cottage Development. The Cottage Development supports the following principles:

1. Encourages the creation of more usable open space for residents of the development through flexibility in density and lot standards;
2. Supports the growth management goal of more efficient use of urban residential land;
3. Provides development standards to ensure compatibility with surrounding land uses; and,
4. Allows diversity of land uses within certain commercial zones as well as establishes smaller lot sizes and creative residential development within residential zones.

B. **Applicability and Permitted Uses.**

1. Cottage Developments are permitted in the R-Residential, R-MFD Multi-Family Residential District, Sun Ranch Residential District, and in the portion of the Downtown Commercial (DC) District that allows new single family dwellings.
2. Cottage Developments are reviewed under Cottage Development and Subdivision review processes in addition to the standards and criteria found herein. In the event of conflicts between this chapter and the underlying zoning, these standards and criteria supersede the standards and criteria found in the underlying zone.
3. Buildings accessory to a Cottage Development are subject to the development standards in this section.
4. On a lot to be used for a cottage housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.

5. Accessory dwelling units are not permitted within Cottage Developments.
6. Mixed-use developments (residential and commercial uses) are allowed in Cottage Developments located in the Downtown Commercial (DC) District.
7. Prior to recording a subdivision plat for any new or modified cottage development, all cottage developments shall provide Covenants, Codes and Restrictions (CC&RS) or similar enforceable document that provides assurance of the ongoing maintenance of all common areas within the Cottage Development. All agreements are subject to review and acceptance by the City of Sisters prior to enacting the agreement.

**C. General Requirements.**

1. Cottage development sites in residential districts shall be a minimum of one acre in gross area. Cottage developments are also allowed within approved Master Planned Developments of at least 5 acres in size within any residential district. There is no minimum size for cottage development sites in the eligible lots located within the Downtown Commercial District provided that all minimum standards for cottage developments are met.
2. Each cottage development shall contain a minimum of four cottages and a maximum of 14 cottages per development.
3. A development site may contain more than one cottage development.
4. The permitted density within the Cottage Development shall be consistent with the underlying zoning.
5. Community buildings and all common areas within a cottage development shall be mutually owned by the Home Owner's Association and shall be for the use of the development's inhabitants.
6. Alley access is required where an alley is available.
7. New lots created as a part of a Cottage Development are not required to have frontage on either a public or private street.

**D. Development Standards.** The design standards and floor area requirements ensure that the overall size and scale including bulk and mass of cottage structures remain smaller and incur less visual impact than standard sized single-family dwellings.

**1. Cottages.**

- a. Minimum lot size within the Cottage Development is 2,000 square feet.
- b. The minimum size of any cottage is 650 square feet.
- c. The total floor area of each cottage shall not exceed 1,200 square feet.
- d. The loft shall not exceed 50% of the ground floor.
- e. The maximum main floor area of a cottage is 1,000 square feet. For the purposes of this calculation, the area of interior stairway may be allocated between floors served.
- f. Cottages shall have a roofed porch at least 80 square feet in size with a railing and railing supports.
- g. The porch shall be attached to a common area such as a living room, kitchen, family room or dining room inside of the house and shall not be adjacent to a bedroom or bathroom.

- h. The total square foot area of a cottage may be increased, however at no time shall the size of the cottage exceed the maximum size for a cottage allowed by this code. A deed restriction shall be placed on the title to the property for the purpose of notifying future property owners that increases in the total square footage of a cottage beyond what is allowed by this code is prohibited for the life of the cottage or duration of the applicable Cottage Development regulations.
- i. The maximum height of any cottage shall not exceed 25 feet.
- j. Cottage areas that do not count toward the total floor area calculation include:
  - i. Unheated storage space located under the main floor of the cottage;
  - ii. Architectural projections, such as bay windows or fireplaces;
  - iii. Attached roofed porches;
  - iv. Attached and/or detached garages;
  - v. Spaces with a ceiling height of six feet or less measured to the exterior walls, such as in a second floor area under the slope of the roof.
- k. Window placement within the cottages. One side wall of each cottage shall emphasize windows; the other side wall shall de-emphasize windows to allow privacy for the adjacent neighboring cottage. All cottages shall have windows and/or glass doors that face the commons.
- l. Cottage setbacks:
  - i. Front – 4 feet minimum to common open space.
  - ii. Side – 5 feet minimum or 10 feet between habitable buildings.
  - iii. Rear – 10 feet minimum.
  - iv. Interior separation – 10 feet minimum.
  - v. 10' minimum to all streets.

## **2. Community Building.**

- a. Required when 6 or more cottages are developed in a cottage development located within a residential district.
- b. Minimum size is 650 square feet.
- c. Setbacks:
  - i. 20' from any cottage.
  - ii. 10' from any property line.
  - iii. 10' from any garage or accessory structure.
  - iv. 5' from any driveway, access aisle or parking area.

## **3. Garages.**

- a. One car garage is required per cottage.
- b. Garages shall not have direct access to the street.
- c. Garages may be attached, detached, or clustered together.
- d. Garages when accessed from a private alley shall be setback a minimum of 4 feet.

- e. Garages when accessed from a public alley shall be setback a minimum of 20 feet or 3 feet if side loaded.
  - f. Garages may count towards meeting the parking requirements.
4. **Private Alleys and Access Aisles.**
- a. A private alley shall be a minimum of 20 feet in width.
  - b. A private alley and access aisle shall be setback 5-feet from perimeter property lines.
  - c. Access aisles to parking areas shall be a minimum of 24-feet in width
5. **Parking Requirements.** The parking requirements are designed to ensure minimal visual impact from vehicular use and parking areas for residents of the Cottage Development and adjacent properties, and to maintain a single-family character along public streets.
- a. Two 10' x 20' parking stalls shall be required per cottage.
  - b. All required parking shall be provided on-site.
  - c. Parking, including garages, shall not be located in between a cottage and the front property line.
  - d. Parking may be either provided on individual lots or in a combined parking area or areas. Parking areas shall be set back at least 20' from a street.
  - e. Garage driveways that are at least 20' long by 10' wide may count as parking.
6. **Building Orientation and Architectural Treatments.**
- a. Community buildings, accessory buildings and garages shall match the architectural theme of the cottage development by incorporating similar design treatments on the community buildings, accessory buildings and garages.
  - b. Front and side elevations only shall front a street
  - c. Separation of Identical Building Elevations. Units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevations per cottage development. No two adjacent structures shall be built with the same orientation (reverse elevations do not count as different building elevations), facade, materials, and colors.
  - d. Variety in Building Design. A variety of building elements and treatments of cottages and accessory structures must be incorporated. Structures must include articulation, change in materials or texture, windows, or other architectural features.
7. **Screening Requirements.**
- a. Parking areas shall be screened from public and private streets and cottages by landscaping, fencing or buildings where practicable.
  - b. Boundaries between cottage dwellings and neighboring properties shall be screened with landscaping to reduce the appearance of bulk or intrusion onto adjacent properties, or otherwise treated (i.e., through setbacks or architectural techniques) to meet the intent of this section.
  - c. Common waste and other storage receptacles shall not be placed in the front yard setback area.

- d. Common waste and other storage receptacles shall be architecturally screened and/or screened with landscaping so as to mask their appearance to residents, adjacent property owners, and the public rights-of-way.

## **8. Open Space.**

- a. Shared Open Space.
  - i. Cottages shall be arranged in a manner that at least two sides of a common open space abut each cottage unless otherwise approved by the review authority.
  - ii. Shall provide a centrally located, focal area for the Cottage Development.
  - iii. Shall total a minimum of 500 square feet per cottage when all shared open space areas are combined.
  - iv. Shall abut at least 50 percent of the cottages.
  - v. Shall be within 75 feet walking distance of each cottage.
  - vi. Common parking areas are not counted in the shared open space area requirements.
- b. Private Open Space.
  - i. Shall be a minimum of 300 square feet of private, contiguous, usable open space with no dimension less than 10 feet adjacent to each dwelling unit, for the exclusive use of the cottage resident.

## **9. Landscaping.**

- a. Layered space between porch and common area. Landscaping is an important feature to the transition between public and private spaces within Cottage Developments. The area between the commons and the covered porch shall be landscaped with vertically layered plant material. The width of the planted area shall be no less than 4' between any pedestrian pathway / common area and the start of the covered porch. The height of the planted area may vary, but shall be no less than 1 foot lower than the top of the porch railing at its tallest point.

## **10. Pathways.**

- a. A minimum five-foot-wide paved pedestrian pathway (sidewalks) must be included to provide for movement of residents and guests from parking areas to each cottage, community building, interior courtyard and other amenities.

**11. Public Improvements.** Every cottage development shall improve the public right of way immediately adjacent to the cottage development.

**E. Cottage Development Submittal Requirements.** The applicant shall submit an application containing all of the general information required for a Type III procedure, as governed by Chapter 4.1. In addition, the applicant shall submit the following:

- 1. A detailed project description by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;

2. Burden of Proof documenting compliance with all applicable approval criteria;
3. Complete application form with fee;
4. Electronic copies of all materials submitted (acceptable file types to be determined by the Community Development Director or designee); and,
5. Preliminary title report or equivalent printed within 90 days of the date of the application submittal.
6. Existing Conditions Site Plan.
7. Topographic Map at appropriate contour intervals to be determined by the Community Development Director.
8. Access and Circulation Map.
9. Site Plan – proposed.
10. Landscape/Open Space Plan.
11. Utility Plan.
12. Conceptual Drainage Plan (to include benchmarks and elevations at staffs discretion).
13. Elevations and floor plans of all proposed buildings.
14. Tentative Plat.
15. Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).
16. Special studies prepared by qualified professionals may be required by the Community Development Director, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.

F. **Cottage Development Approval Criteria.** The City shall make findings that all of the following criteria are satisfied when approving, or approving with conditions, the Cottage Development. The City shall make findings that at least one of the criteria is not satisfied when denying an application:

1. Land Division Chapter. All of the requirements for land divisions, as applicable, shall be met (Chapter 4.3);
2. Chapter 2 Land Use and Chapter 3 Design Standards. Land use and design standards contained in Chapter 2 and 3 are met, except as modified by Section 4.6.100.
3. Property Development Standards. Land use and design standards contained in Section 4.6.100 are met.
4. Architectural Features. The Cottage Development includes architectural features that complement and enhance positive characteristics of the site and surrounding area. Setbacks from streets shall be staggered or buildings otherwise provided with architectural features that assure variety and interest along the street. Cottage Developments in the Commercial District shall comply with the 1880's Western Frontier Design Theme.
5. Compliance with Purpose of Cottage Development Chapter. The Cottage Development substantially meets the purpose of Section 4.6.100; and,
6. Conformance with applicable Public Works, Building and Fire code standards.



## **G. Approval Durations, Extensions and Amendments**

1. Cottage Development Approval Duration. The Cottage Development approved by the Planning Commission shall expire three (3) years from the date on which the decision is final, if no construction or significant infrastructure improvements of the planned unit development has been initiated.
2. Extension. The City may, upon written request by the applicant and payment of the required fee, grant up to two (2) one-year extensions of the approval period. The first extension may be approved administratively. The second extension, if needed, shall be considered and may be granted by the original decision body at their discretion. Extensions may be considered if:
  - a. No changes, unless modified as permitted in Chapter 4.1.700, have been made on the original Cottage Development as approved;
  - b. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and
  - c. The extension is requested before expiration of the original approval.

## **H. Modification to an Approved Cottage Development.** All proposed cottages and accessory buildings that are not reviewed under the initial land use review during the establishment of the Cottage Development through a land use review process are subject to the following;

1. The following minor modification examples may be approved administratively by the Community Development Director;
  - a. An increase to the amount of open space or landscaping;
  - b. Changes to dimensional standards identified in Section 4.6 as long as the minimum requirements are satisfied. Changes to dimensional standards approved as part of a land division shall be reviewed using Chapter 4.3 Land Divisions.
  - c. The location of buildings, proposed streets, parking and landscaping or other site improvements shall be as proposed, or as modified through conditions of approval. Changes in the location or alignment of these features by 25 feet or less or other changes of similar magnitude may be approved administratively. Changes to locations approved as part of a land division shall be reviewed using Chapter 4.3 Land Divisions
2. Other modifications are major modifications. See Chapter 4.1
3. The Community Development Director or the applicant shall have the right to refer a proposed amendment directly to the Planning Commission for their determination of whether or not the amendment creates a substantial adverse impact to the approved Cottage Development.



EXHIBIT B

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF SISTERS  
STATE OF OREGON  
PLANNING COMMISSION RESOLUTION PC 2014-19**

**A RESOLUTION OF THE CITY OF SISTERS PLANNING COMMISSION TO AMEND THE DEVELOPMENT CODE TO ALLOW COTTAGE DEVELOPMENTS IN CERTAIN ZONES; TO REDUCE THE MINIMUM LOT SIZE FOR SINGLE FAMILY DWELLING LOTS IN THE RESIDENTIAL MULTI-FAMILY DISTRICT, AND TO ALLOW CERTAIN EXCEPTIONS WITHIN VISION CLEARANCE AREAS.**

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

**WHEREAS**, the City of Sisters has an interest in allowing different and innovative types of residential development to occur within the City; and,

**WHEREAS**, the City of Sisters has experienced slow growth over the past five years and seeks to encourage more residential development; and,

**WHEREAS**, the City of Sisters has been asked by affected property owners of a slow-growth area to consider allowing new cottage residential developments within the Downtown Commercial District along and near Adams Avenue; and,

**WHEREAS**, the City wishes to consider allowing new cottage residential developments within the Residential zones of the City; and,

**WHEREAS**, the City of Sisters has existing lots within the Davidson Addition in the Residential Multi-Family District (R-MFD) that are smaller than the minimum lot size for the R-MFD and are by definition 'existing non-conforming lots'; and,

**WHEREAS**, the City of Sisters has vision clearance areas at vehicular intersections in Sisters; and,

**WHEREAS**, exemptions to 2.15.2300, 'Vision Clearance Areas' are needed to address public entity post signs and similar structures, and to address private posts and poles located within vision clearance areas; and,

**WHEREAS**, the City of Sisters now seeks to amend the Sisters Development Code, Chapters 2.2, 2.3, 2.4, 2.15, 4.0, 4.1 and new chapter 4.6 in order to allow cottage developments, smaller lots and certain exceptions to vision clearance standards in certain qualifying areas; and,

**WHEREAS**, the Department of Land Conservation and Development (DLCD) received the Notice of Proposed Development Code Amendments at least 35-days prior to the first evidentiary hearing; and,



**CITY OF SISTERS  
Planning Commission Resolution**

(APPROVED BY THE PLANNING COMMISSION, SEPTEMBER 18, 2014)

**WHEREAS**, the City has determined that the proposal is consistent with Statewide Planning Goals 1, 2, 9, 10 and 14; with the City's Comprehensive Plan; that approving this proposal will not adversely impact city infrastructure, and that this proposal is consistent with the Transportation Planning Rule; and,

**WHEREAS**, the City of Sisters has held workshops on the proposed Cottage development standards and reduced-sized lots in the Residential Multi Family District; and,

**WHEREAS**, after due notice, a public hearing on the proposed changes was held before the Sisters Planning Commission on September 18, 2014, at which time findings were reviewed, witnesses were heard and evidence was received; and,

**WHEREAS**, the Sisters Planning Commission finds that these changes are in the best interest of the City of Sisters and will not adversely affect the health, safety or welfare of the citizens of the City of Sisters.

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

1. Notice has been given in the time and in the manner required by state law and city code; and,
2. The findings of fact in this matter are located in the staff report dated August 27, 2014, herewith attached and by this reference incorporated herein as Exhibit A.

**AND, BE IT FURTHER RESOLVED THAT BASED ON THE FINDINGS, THE PLANNING COMMISSION HEREBY FINDS AND RECOMMENDS THAT THE CITY COUNCIL ADOPT THE DEVELOPMENT CODE AMENDMENT TA 14-04 SUBJECT TO THE FOLLOWING EXHIBITS:**

- Exhibit A – Staff Report with Findings dated August 27, 2014
- Exhibit B – Development Code Text Amendments

**THIS RESOLUTION IS HEREBY ADOPTED THIS 18<sup>TH</sup> DAY OF SEPTEMBER 2014.**

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

|                                       |     |
|---------------------------------------|-----|
| AYES: Tewalt, Horner, Fairman, Wright | (4) |
| NOES:                                 | (0) |
| ABSENT: Holzman, Gentry, Layne        | (3) |
| ABSTAIN:                              | (0) |

Signed:




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Daryl Tewalt, Pro Tem Chairman

## Exhibit A



## CITY OF SISTERS PLANNING COMMISSION

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**Hearing Date:** September 18, 2014

**Type:** Public Hearing

**Subject:** Development Code Amendments:  
Cottage Development Standards,  
Reduced Lot Sizes in the R-MFD District, and  
Vision Clearance Area Exceptions

**Staff:** Eric Porter

**Dept:** CDD

**Date:** August 27, 2014

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**Action Requested:** Consideration of the adoption of a new Chapter that would allow cottage developments in Sisters; consideration to reduce the minimum lot size for a single family dwelling in the Residential Multi-Family (R-MFD) District to match many lots that were created with the Davidson Addition plat in 1911; and exceptions to allow certain signs, street lights, and support posts within vision clearance areas under specific circumstances.

**Report in Brief - Cottages.** In February and March 2013, staff held workshops with the Planning Commission to discuss the concept of 'pocket neighborhoods' and cottage developments as an alternative to traditional housing options. The Commissioners expressed interest in further development of the concept. On July 31 and August 21, 2014, staff held final workshops on the cottage concept. The Planning Commission gave consent to proceed with the adoption process, thus this public hearing.

The distinctive design features associated with cottage developments include:

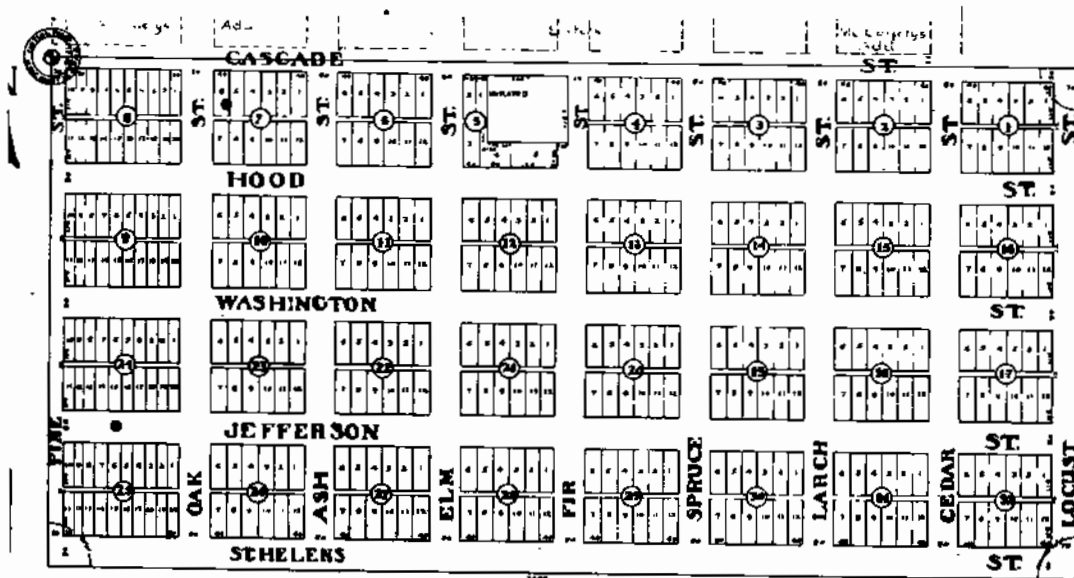
- Small lots
- Small, well-appointed homes with lofts
- Pedestrian emphasis – lots of walkways
- Strategic window placement on certain elevations of each house for neighbor privacy
- Large enclosed or covered porches
- Fronts of each cottage oriented toward central garden / common area
- Each cottage abuts common garden area on at least two sides or portions of sides
- Parking in rear of project; relief to garage and parking space standards

Cottage Developments have parking areas that are not attached to each individual home, but are instead clustered near the main courtyard entrances into the development. The homes feature a large covered front porch intended as an 'exterior room' and garden views. Cottage dwellings are encouraged to use large lofts while being discouraged to use attached garages in favor of screened parking areas that are located behind the dwellings and courtyard.

Staff has received input from several developers who are interested in the cottage concept, and has developed draft text as the result of Planning Commission and developer input. Note: two owners in the Downtown Commercial District are asking that no minimum parent parcel size be put on eligible lots on and near Adams Avenue, but rather leave a 4 cottage minimum / 14 cottage maximum. Likewise staff believes that a common room requirement for cottage developments in the Downtown Commercial District may not be in the best interests of the cottage development.

Commissioner Wright had expressed interest in considering other types of similar concepts in the future; accordingly staff has named new Chapter 4.6 'Cluster Developments' rather than 'Cottage Developments'.

**Report in Brief – Lot Size Reductions for the Residential Multi-Family (R-MFD) District.** The Davidson Addition plat, recorded in 1911, created 32 blocks consisting of 409 lots. Of these, 330 of the lots were 40' x 114' in size; 83 were 30' x 114', and 1 was platted in a later action. Of the 330 lots that were created at 40' x 114', there remain 143 lots in their original configuration in the Residential Multi-Family (R-MFD) District.



Davidson Addition Plat – Recorded in 1911

These lots are each 4560 s.f., whereas the minimum lot size in this zone for a single family dwelling is 4800 s.f. This means that there are 143 lots that are 'existing non-conforming' in this zoning district on the south side of Sisters.

There is a note on the use chart in Chapter 2.3 that allows a single family dwelling to be built on existing non-conforming lots that are below the minimum size, however any other actions that occur on these substandard lots require the lots to be brought to current standards, which has caused some issues with certain property owners.

Staff has discussed this situation with Scott Edelman, area representative for the Oregon Department of Land Conservation and Development. Mr. Edelman encouraged the City to take this action. Approving this request would have the effect of allowing a density of 9.55 units per acre (43560 divided by 4560). The density range required by the Comprehensive Plan for this zone ranges from 9 to 20 units per acre. The 4800 s.f. lot minimum results in density that barely meets the minimum density for this zone (9.07 units per acre), so this reduction proposed is actually closer to the desired range for high density residential development than the 4800 s.f. minimum lot size that is the current standard.

Lastly, Commissioner Wright suggested creating a range rather than a specific lot size minimum standard for lots in this zone. Staff has provided two Exhibits; one with the original 4500 s.f. minimum lot size discussed at the August 18, 2014 workshop (Option 1 below); the other contains the range that had been suggested by Commissioner Wright (Option 2 below).

**Report in Brief - Vision Clearance Area Exceptions.** The last item under consideration would allow exemptions to Section 2.15.2300 Vision Clearance standards. The exemptions would

recognize existing posts that are located in the clear vision triangle. In addition, the Downtown Commercial District allows overhangs and support post in the right-of-way via an encroachment permit. Several new overhangs and support post have been installed with the Cascade Avenue Streetscape project. The proposed exemptions would allow support posts that are eight inches or less in width to be located in the clear vision triangle. Staff posed this question to the Planning List serve to see what other communities allow and several allow exemptions ranging from 8 inches to 12 inches for posts. Bend exempts its downtown core from the clear vision triangle. Staff is recommending the following change;

### **2.15.2300 Vision Clearance.**

Vision clearance is defined by a triangle created as follows: starting at the intersection of the projections along the edge of the pavement or along curb lines into the intersection of two vehicular ways, measure out from this point along each way for the specified distance to create two legs of a triangle and connect these two legs across the corner of the intersection (as shown in Figure 2.15.2300.A.). The clear vision space is defined by this triangle between 3' and 8' in height from the ground; within this space, the line of sight must remain unobstructed.

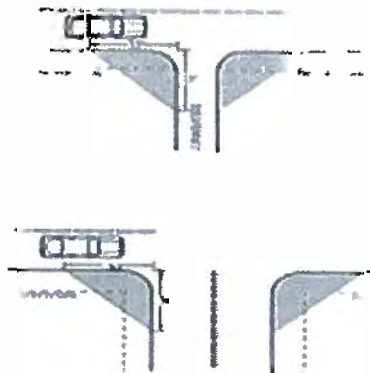
The legs of the triangles shall be determined as follows:

1. At the intersection of a street (public or private) and a driveway, alley, lane, or other vehicle way that is not a street, the minimum distance along each vehicular way as defined above shall be 15'.
2. At an intersection of two streets (public or private) having 90 degree angles at the intersection, the minimum distance along each vehicular way as defined above shall be 30 feet.
3. At traffic circles, acute or obtuse angles, and other non-conventional intersections of two streets, the vision clearance area may be determined by the Public Works Director. However, the every attempt shall be made to ensure that the minimum distance measured along each vehicular way as defined above is 30 feet.

Except as exempted below, no signs, structures or vegetation in excess of three feet in height shall be placed in "vision clearance areas," as shown in Figure 2.15.2300 A. This standard applies to the following types of roadways: streets, alleyways and railways. The minimum vision clearance area may be increased by the City Engineer upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.).

The clear vision area provisions do not apply to the following:

- (a) Any sign, post, pole or similar structure installed and maintained by a public entity,
- (b) Any private post or pole eight inches or less in diameter (width or length).



**Options.** The Planning Commission can do one of the following:

1. Recommend that the City Council adopt the proposed standards within Exhibit B.
2. Recommend that the City Council adopt the proposed standards with specific changes and/or the density range proposed as an alternative to the actual lot size recommended.
3. Continue the public hearing to allow further testimony.
4. Do not recommend any changes to the City Council.

**Recommendation:** Option 1

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**Attachment(s):**

Exhibit B – Draft Text – Amended Chapters 2.2, 2.3, 2.4, 2.13, 2.15, 4.0, 4.1, and new Chapter 4.6, Cluster Development Standards.

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**Chapter 2.2 – Residential District (R)**

**Table 2.2.1 Use Table for the Residential District**

| Land Use Category  | Permitted/Special Provisions/Conditional Use |
|--|--|
| <b>Residential</b>   |  |
| Single family detached dwelling                                    | P  |
| Manufactured dwelling on individual lot                            | P/SP   |
| Manufactured Dwelling Park   | P/SP   |
| Accessory dwelling on a single family or manufactured dwelling lot | P/SP   |
| Zero lot line dwelling   | P/SP   |
| Attached dwelling (townhome)                                       | SP/ MCU                                      |
| Duplex dwelling  | MCU  |
| Residential Home   | P/SP   |
| <b>Cottage Development</b>   | <b>P / Ch. 4.6</b>                           |
| Manufactured dwelling parks  | P/SP   |
| Child care home (Care for no more than 16 children)                | P  |
| Home occupation  | P/SP   |

**Chapter 2.3 –Multi-Family Residential District (MFR)**

**Table 2.3.1 Use Table for the Multi-Family Residential District (partial)**

| Land Use Category  | Permitted/Special Provisions/Conditional Use |
|--|--|
| <b>Residential</b>   |  |
| Single family detached dwelling                                    | P  |
| Manufactured dwelling on an individual lot                         | P/SP   |
| Accessory dwelling on a single family or manufactured dwelling lot | P/SP   |
| Zero lot line dwelling   | P/SP   |
| Attached dwelling (townhome)                                       | P/SP   |
| Duplex and triplex dwellings                                       | P  |
| Multi-family dwellings (4 + units)                                 | P  |
| Manufactured dwelling park   | P/SP   |
| Residential home/Residential facility                              | P/SP   |
| <b>Cottage Development</b>   | <b>P / Ch. 4.6</b>                           |
| Family child care (Care for no more than 16 children)              | P  |
| Home occupation  | P/SP   |

**2.3.300 Development Standards**

The following property development standards shall apply to all land, buildings and uses in the Multi-Family Residential District:

- A. Lot Area, lot width, lot depth, setbacks, floor area ratio, lot coverage and building height. See Table 2.3.2



**Table 2.3.2 Development Standards in the Multi-Family Residential District**

| Development Standard  | Multi-Family Residential District | Comments/Other Requirements |
|---|-----------------------------------|-----------------------------|
| Minimum lot area  |                                   |                             |
| Single family detached dwelling, including manufactured dwelling on individual lot and zero lot line dwelling | 4500 square feet                  |                             |

**Chapter 2.4 — Downtown Commercial (DC) District**

**Table 2.4.1 Use Table for the Downtown Commercial District**

| Land Use Category   | Permitted/Special Provisions/Conditional Uses  |
|---|--|
| <b>Residential</b>  |  |
| Dwelling(s) located above, within, or attached to a commercial building not including single family detached dwellings. | P / SP   |
| Accessory dwelling on a single family or manufactured dwelling lot  | P/SP   |
| Child care home (Care for no more than 16 children)   | P  |
| Single family, Duplex, Townhouses (up to 2 units),  | P, Type I review process; applies to lots fronting Adams Avenue and on lots that are located within 114' of Adams Avenue to the south, and 256' to the north of Adams Avenue.    |
| Manufactured Dwelling on an individual lot.   | P/SP, Type I review process; applies to lots fronting Adams Avenue and on lots that are located within 114' of Adams Avenue to the south, and 256' to the north of Adams Avenue. |
| Triplex, Multi-Family Dwellings   | MCU; applies to lots fronting Adams Avenue that are located within 114' of Adams Avenue to the south, and 256' to the north of Adams Avenue, and only west of Fir Street.        |
| Residential facilities  | P/SP   |
| <b><u>Cottage Developments</u></b>  | <b><u>P / 4.6; applies to lots fronting Adams Avenue and on lots that are located within 114' of Adams Avenue to the south, and 256' to the north of Adams Avenue.</u></b>       |

**Chapter 2.13 – Sun Ranch Residential (SRR) District**

**Table 2.13.300 A Use Table for the Sun Ranch Residential District**

| <b>Land Use Category</b>  | <b>Permitted/Special Provisions/Conditional Use</b> |
|---|---|
| <b>Residential</b>  |   |
| Single-family dwellings including townhome and zero lot line dwellings. | P/See Section 2.13.1000                             |
| <b>Cottage Developments</b>   |   |
| Home occupation   | P/SP  |
| <b>Public and Institutional</b>   |   |
| Multi-use trails, paths and connections                                 | P   |
| Open space, park space and similar uses                                 | P   |

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

**Chapter 2.15.2300 Vision Clearance.**

Vision clearance is defined by a triangle created as follows: starting at the intersection of the projections along the edge of the pavement or along curb lines into the intersection of two vehicular ways, measure out from this point along each way for the specified distance to create two legs of a triangle and connect these two legs across the corner of the intersection (as shown in Figure 2.15.2300.A.). The clear vision space is defined by this triangle between 3' and 8' in height from the ground; within this space, the line of sight must remain unobstructed.

The legs of the triangles shall be determined as follows:

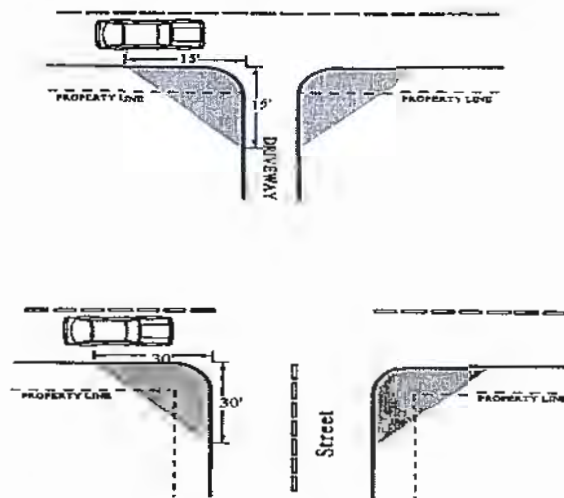
1. At the intersection of a street (public or private) and a driveway, alley, lane, or other vehicle way that is not a street, the minimum distance along each vehicular way as defined above shall be 15'.
2. At an intersection of two streets (public or private) having 90 degree angles at the intersection, the minimum distance along each vehicular way as defined above shall be 30 feet.
3. At traffic circles, acute or obtuse angles, and other non-conventional intersections of two streets, the vision clearance area may be determined by the Public Works Director. However, the every attempt shall be made to ensure that the minimum distance measured along each vehicular way as defined above is 30 feet.

**Except as exempted below**, No signs, structures or vegetation in excess of three feet in height shall be placed in "vision clearance areas," as shown in Figure 2.15.2300 A. This standard applies to the following types of roadways: streets, alleyways and railways. The minimum vision clearance area may be increased by the City Engineer upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.).

**The clear vision area provisions do not apply to the following:**

- 1. Any sign, post, pole or similar structure installed and maintained by a public entity; or,**
- 2. Any private post or pole eight inches or less in diameter (width or length).**

Figure 2.15.2300 A - Vision Clearance Area



**Chapter 4.0 — Applications and Review Procedures**

**Sections:**

- 4.0 – Administration of Land Use and Development Permits
- 4.1 – Types of Applications and Review Procedures
- 4.2 – Site Plan Review
- 4.3 – Land Divisions and Lot Line Adjustments
- 4.4 – Conditional Use Permits
- 4.5 – Master Planned Developments
- 4.6 – **Reserved Cluster Developments**
- 4.7 – Land Use District Map and Text Amendments
- 4.8 – Code Interpretations

**Chapter 4.1 - Types of Applications and Review Procedures**

| Table 4.1.200<br>Summary of Development Decisions/Permit by Type of Decision-making Procedure |                    |   |
|---|--------------------|---|
| Action  | Decision Type      | Applicable Regulations  |
| Accessory Dwelling Unit   | Type I             | Chapter 2.15  |
| Annexation  | Type IV            | Comprehensive Plan and city/county intergovernmental agreement(s), as applicable.                                 |
| Appeals   | Type II/<br>III/IV | Chapter 4.1 – Must be filed no later than 5 p.m. on the fourteenth calendar day following mailing of the decision |
| Code Interpretation   | Type II            | Chapter 4.8   |
| Code Amendment  | Type IV            | Chapter 4.7   |
| Comprehensive Plan Amendment  | Type IV            | Comprehensive Plan  |
| Minor Conditional Use Permit  | Type II            | Chapter 4.4   |
| Conditional Use Permit  | Type III           | Chapter 4.4   |
| Home Occupation Permit  | Type I             | Chapter 2.15  |
| Master Planned Developments   | Type III           | Chapter 4.5   |

| <b>Cottage Developments</b>                 | <b>Type III</b> | <b>Chapter 4.6</b> |
|---|-----------------|--------------------|
| Land Use District Map Change                |                 |                    |
| Quasi-Judicial (no plan amendment required) | Type III/IV     | Chapter 4.7        |
| Legislative (plan amendment required)       | Type IV         | Chapter 4.7        |
| Lot Line Adjustment                         | Type I          | Chapter 4.3        |
| Partition                                   | Type II         | Chapter 4.3        |
| Replat                                      | Type I          | Chapter 4.3        |
| Sign Permit                                 | Type I          | Chapter 3.6        |
| Site Plan Review                            |                 |                    |
| Type II                                     | Type II         | Chapter 4.2        |
| Subdivision                                 | Type III        | Chapter 4.3        |
| Temporary Use Permit                        | Type I/ II      | Chapter 2.15       |
| Minor Variance                              | Type II         | Chapter 5.1        |
| Major Variance                              | Type III        | Chapter 5.1        |

## **Chapter 4.6, Cluster Developments (new chapter)**

### **4.6.100 Cottage Developments**

**A. Purpose.** The purpose of this section is to provide a housing type that responds to changing household sizes and ages (e.g., retirees, small families, single-person households) and provides opportunities for ownership of small, detached single-family dwelling units within the Cottage Development. The Cottage Development is reviewed similarly to a Master Plan. The Cottage Development supports the following principles:

1. Encourages the creation of more usable open space for residents of the development through flexibility in density and lot standards;
2. Supports the growth management goal of more efficient use of urban residential land;
3. Provides development standards to ensure compatibility with surrounding land uses; and
4. Allows diversity of land uses within certain commercial zones as well as establishes smaller lot sizes and creative residential development within residential zones.

### **B. Applicability and Uses Permitted.**

1. Cottage Developments are permitted in the R-Residential, R-MFD Multi-Family Residential District, Sun Ranch Residential District, and in the portion of the Downtown Commercial (DC) District that allows new single family dwellings. Cottage Developments are reviewed under Subdivision and Site Plan Review processes in addition to the standards and criteria found herein. In the event of conflicts between this chapter and the underlying zoning, these standards and criteria supersede the standards and criteria found in the underlying zone.
2. Buildings accessory to a Cottage Development are subject to the development standards in subsection (C.6) of this section.
3. In Residential zoning districts, community buildings in a Cottage Development are required, and shall be incidental in use and size to the cottage housing and shall be commonly owned by the residents.
4. Accessory dwelling units are not permitted within Cottage Developments.

5. Mixed-use developments (residential and commercial uses) are allowed in Cottage Developments located in the Downtown Commercial (DC) District.
6. Prior to recording a subdivision plat for any new or modified cottage development, all cottage developments shall provide Covenants, Codes and Restrictions (CC&RS) or similar enforceable document that provides assurance of the ongoing maintenance of all common areas within the Cottage Development.

**C. Density, Minimum Lot Area, and Development Standards for Cottage Developments.**

1. Cottage housing development sites in residential districts shall be a minimum of 0.5 acres in gross area. There is no minimum size for cottage development sites in the eligible lots located within the Downtown Commercial District.
2. Each cottage development shall contain a minimum of four cottages and a maximum of 14 cottages per development.
3. The permitted density within the Cottage Development shall be consistent with the underlying zoning.
4. Cottages shall be arranged in a manner that at least two sides of a common open space or configuration as otherwise approved by the review authority. A development site may contain more than one cottage housing development.
5. On a lot to be used for a cottage housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.
6. A common building is required for any cottage development containing 6 or more cottages. Common buildings shall be mutually owned by the Cottage Home Owner's Association, and shall be for the use of the development's inhabitants. The common building shall be no less than 650 square feet in usable floor area.

**D. Site Requirements.**

1. Minimum lot size within the Cottage Development is 2,000 square feet.
2. New lots created as a part of a Cottage Development are not required to have frontage on either a public or private street.
3. Cottages adjacent to property lines fronting a public or private street shall be set back a minimum of 10 feet from the public or private street.
4. Accessory structures, garages or carports shall be set back a minimum of 20 feet from property lines fronting a public or private street.
5. Rear yard setbacks shall be a minimum of 10 feet.
6. Interior Separation. There shall be a minimum separation of 10 feet between all buildings.

- E. Development Standards.** The design standards and floor area requirements ensure that the overall size and scale including bulk and mass of cottage structures remain smaller and incur less visual impact than standard sized single-family dwellings.
1. Layered space between porch and common area. Landscaping is an important feature to the transition between public and private spaces within Cottage Developments. The area between the commons and the covered porch shall be landscaped with vertically layered plant material. The width of the planted area shall be no less than 4' between any pedestrian pathway / common area and the start of the covered porch. The height of the planted area may vary, but shall be no less than 1 foot lower than the top of the porch railing at its tallest point.
  2. The total floor area of each cottage shall not exceed 1,200 square feet and the loft shall not exceed 50% of the ground floor.
  3. The minimum size of any cottage is 650 square feet.
  4. The maximum main floor area of a cottage is 1,000 square feet. For the purposes of this calculation, the area of interior stairway may be allocated between floors served.
  5. Cottages shall have a roofed porch at least 80 square feet in size with a railing and railing supports. The porch shall be attached to a common area such as a living room, kitchen, family room or dining room inside of the house and shall not be adjacent to a bedroom or bathroom.
  6. The total square foot area of a cottage may be increased, however at no time shall the size of the cottage exceed the maximum size for a cottage allowed by this code. A deed restriction shall be placed on the title to the property for the purpose of notifying future property owners that increases in the total square footage of a cottage beyond what is allowed by this code is prohibited for the life of the cottage or duration of the applicable Cottage Development regulations.
  7. The maximum height of any cottage shall not exceed 25 feet.
  8. Cottage areas that do not count toward the total floor area calculation include:
    - a. Unheated storage space located under the main floor of the cottage;
    - b. Architectural projections, such as bay windows or fireplaces;
    - c. Attached roofed porches;
    - d. Attached and /or detached garages or carports;
    - e. Spaces with a ceiling height of six feet or less measured to the exterior walls, such as in a second floor area under the slope of the roof.
  9. Window placement within the cottages. One side wall of each cottage shall emphasize windows; the other side wall shall de-emphasize windows to allow privacy for the adjacent neighboring cottage. All cottages shall have windows and/or glass doors that face the commons.
  10. Separation of Identical Building Elevations. Units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevations per cottage development. No two adjacent structures shall be built with the same

orientation (reverse elevations do not count as different building elevations), facade, materials, and colors.

11. **Variety in Building Design.** A variety of building elements and treatments of cottages and accessory structures must be incorporated. Structures must include articulation, change in materials or texture, windows, or other architectural features.
12. A minimum five-foot-wide pedestrian pathways (sidewalks) must be included to provide for movement of residents and guests from parking areas to homes and other amenities.
13. **Screening Requirements;** as follows:
  - a. Boundaries between cottage dwellings and neighboring properties shall be screened with landscaping to reduce the appearance of bulk or intrusion onto adjacent properties, or otherwise treated (i.e., through setbacks or architectural techniques) to meet the intent of this section.
  - b. Common waste and other storage receptacles shall not be placed in the front yard setback area.
  - c. Common waste and other storage receptacles shall be architecturally screened and/or screened with landscaping so as to mask their appearance to residents, adjacent property owners, and the public rights-of-way.

**F. Required Open Space.**

1. **Shared Open Space.**
  - a. Shall provide a centrally located, focal area for the Cottage Development.
  - b. Shall total a minimum of 500 square feet per cottage when all shared open space areas are combined.
  - c. Shall abut at least 50 percent of the cottages.
  - d. Shall be within 75 feet walking distance of each cottage.
  - e. Common parking areas are not counted in the shared open space area requirements.
2. **Private Open Space.**
  - a. Shall be a minimum of 300 square feet of private, contiguous, usable open space with no dimension less than 10 feet adjacent to each dwelling unit, for the exclusive use of the cottage resident.

**G. Parking Standards.** The parking standards are designed to ensure minimal visual impact from vehicular use and parking areas for residents of the Cottage Development and adjacent properties, and to maintain a single-family character along public streets.

1. A minimum of one parking space and a maximum of two parking spaces are required for each cottage.
2. Parking may be either provided on individual lots or in a combined parking area or areas.

3. A parking area is a location for two or more contiguous vehicle spaces, which are required to meet the minimum parking requirements, and are not within a garage or carport. Parking areas:
  - a. May be on lots created for shared parking for the Cottage Development.
  - b. Shall be screened from public and private streets and cottages by landscaping, fencing or buildings where practicable.
  - c. Shall have access via a driveway.
  - d. On-street parking located adjacent to a cottage development may be counted toward meeting the required parking standards.
  - e. Driveways at least 20' long by 10' wide may count as parking, provided the parked car does not block access to other required parking spaces.
  - f. Parking areas on private property shall be set back at least 20' from any public or private road.
- d. Garages and / or carports are not required.

H. **Cottage Development Submittal Requirements.** The applicant shall submit an application containing all of the general information required for a Type III procedure, as governed by Chapter 4.1. In addition, the applicant shall submit the following:

1. A detailed project description by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
2. Burden of Proof documenting compliance with all applicable approval criteria;
3. Complete application form with fee;
4. Electronic copies of all materials submitted (acceptable file types to be determined by the Community Development Director or designee); and,
5. Preliminary title report or equivalent printed within 90 days of the date of the application submittal.
6. Existing Conditions Site Plan
7. Topographic Map at appropriate contour intervals to be determined by the Community Development Director
8. Access and Circulation Map
9. Site Plan - proposed
10. Landscape/Open Space Plan
11. Utility Plan
12. Conceptual Drainage Plan (to include benchmarks and elevations at staffs discretion)



13. Elevations and floor plans of all proposed buildings.
14. Tentative Plat
15. Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).
16. Special studies prepared by qualified professionals may be required by the Community Development Director, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.

#### **I. Cottage Development Approval Criteria**

The City shall make findings that all of the following criteria are satisfied when approving, or approving with conditions, the Cottage Development. The City shall make findings that at least one of the criteria is not satisfied when denying an application:

1. Land Division Chapter. All of the requirements for land divisions, as applicable, shall be met (Chapter 4.3);
2. Chapter 2 Land Use and Chapter 3 Design Standards. Land use and design standards contained in Chapter 2 and 3 are met, except as modified by Section 4.6.100.
3. Property Development Standards. Land use and design standards contained in Section 4.6.100 are met.
4. Architectural Features. The Cottage Development includes architectural features that complement and enhance positive characteristics of the site and surrounding area. Setbacks from streets shall be staggered or buildings otherwise provided with architectural features that assure variety and interest along the street. Cottage Developments in the Commercial District shall comply with the 1880's Western Frontier Design Theme;
5. Compliance with Purpose of Cottage Development Chapter. The Cottage Development substantially meets the purpose of Section 4.6.100; and,
6. Conformance with applicable public works, building and fire code standards.

#### **J. Approval Durations, Extensions and Amendments**

1. Cottage Development Approval Duration. The Cottage Development approved by the Planning Commission shall expire three (3) years from the date on which the decision is final, if no construction or significant infrastructure improvements of the planned unit development has been initiated.
2. Extension. The City may, upon written request by the applicant and payment of the required fee, grant up to two (2) one-year extensions of the approval period. The first extension may be approved administratively. The second extension, if needed, shall be considered and may be granted by the original decision body at their discretion. Extensions may be considered if:

- a. No changes, unless modified as permitted in Chapter 4.1.700, have been made on the original Cottage Development as approved;
- b. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and
- c. The extension is requested before expiration of the original approval.

**K. Modification to Approved Cottage Development.** All proposed cottages and accessory buildings that are not reviewed under the initial land use review during the establishment of the Cottage Development through a land use review process are subject to the following;

1. The following minor modification examples may be approved administratively by the Community Development Director;
  - a. An increase to the amount of open space or landscaping;
  - b. Changes to dimensional standards identified in Section 4.6 as long as the minimum requirements are satisfied. Changes to dimensional standards approved as part of a land division shall be reviewed using Chapter 4.3 Land Divisions.
  - c. The location of buildings, proposed streets, parking and landscaping or other site improvements shall be as proposed, or as modified through conditions of approval. Changes in the location or alignment of these features by 25 feet or less or other changes of similar magnitude may be approved administratively. Changes to locations approved as part of a land division shall be reviewed using Chapter 4.3 Land Divisions
  - d. Other modifications are major modifications. See Chapter 4.1
  - e. The Community Development Director or the applicant shall have the right to refer a proposed amendment directly to the Planning Commission for their determination of whether or not the amendment creates a substantial adverse impact to the approved Cottage Development.

# AGENDA ITEM SUMMARY



# CITY OF SISTERS SISTERS CITY COUNCIL

**Meeting Date:** October 23, 2014

**Staff:** Eric Porter

**Type:** Public Hearing

**Dept:** Community Development

**Subject:** Development Code Text Amendment TA 14-04

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**Action Requested:** Consideration and adoption of Ordinance No. 453: AN ORDINANCE AMENDING THE CITY OF SISTERS DEVELOPMENT CODE, CHAPTERS 2.2, 2.3, 2.4, 2.13, 2.15, 4.0, 4.1, AND 4.6, TO ADD CLUSTER DEVELOPMENT STANDARDS, TO REDUCE MINIMUM LOT SIZES IN THE MULTI-FAMILY ZONING DISTRICT, TO ADD EXCEPTIONS TO THE VISION CLEARANCE AREAS, AND TO RELIEVE THE REQUIREMENT FOR SEPARATE WATER METERS AND UTILITY LINES FOR ACCESSORY DWELLING UNITS.

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**Report in Brief.** There are four distinct code changes under consideration by this action. The four changes proposed are identified below, and have been discussed by the Planning Commission during five workshops held on February 21, 2013, March 21, 2013, April 18, 2013, July 31, 2014 and August 21, 2014.

The City Council held two workshops to discuss these changes on October 9, 2014 and on October 16, 2014. The changes to the Development Code that are under consideration are as follows;

- 1. New chapter 4.6, 'Clusters Developments', subsection 100 'Cottage Developments'.** Of note: staff updated the Planning Commission of the City Council's October 9, 2014 discussion. Two Commissioners requested consideration for remand because of the parking changes desired by the Council. However, a 'call up' requires three Planning Commission call up requests. The remand, while different from a call-up, lacked three Commission votes.
- 2. Reduced-Sized Lots in the R-MFD.** Staff's recommendation is to reduce lots for single family dwellings from 4800 s.f. to 4500 s.f.
- 3. Exceptions to Vision Clearance Area Requirement.** Staff's recommendation is to allow the exceptions to clear vision areas as proposed.
- 4. Clarification of Utilities for Accessory Dwelling Units.** Staff's recommendation is to strike the opening sentence of 2.15.300, subsection K as proposed in the attached text.

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**Attachments:**

A - Ordinance No. 453: AN ORDINANCE AMENDING THE CITY OF SISTERS DEVELOPMENT CODE, CHAPTERS 2.2, 2.3, 2.4, 2.13, 2.15, 4.0, 4.1, AND 4.6, TO ADD CLUSTER DEVELOPMENT STANDARDS, TO REDUCE MINIMUM LOT SIZES IN THE MULTI-FAMILY ZONING DISTRICT, TO ADD EXCEPTIONS TO THE VISION CLEARANCE AREAS, AND TO RELIEVE THE REQUIREMENT FOR SEPARATE WATER METERS AND UTILITY LINES FOR ACCESSORY DWELLING UNITS.

- Exhibit A – Proposed Text Changes to Sisters Development Code (with Cottage Standards)
- Exhibit B – Planning Commission Resolution No. 2014-18 with Findings.

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**Concurrence:** \_\_\_\_\_ CM \_\_\_\_\_ F&A \_\_\_\_\_ CDD \_\_\_\_\_ PW



EXHIBIT B

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF SISTERS  
STATE OF OREGON  
PLANNING COMMISSION RESOLUTION PC 2014-19**

**A RESOLUTION OF THE CITY OF SISTERS PLANNING COMMISSION TO AMEND THE DEVELOPMENT CODE TO ALLOW COTTAGE DEVELOPMENTS IN CERTAIN ZONES; TO REDUCE THE MINIMUM LOT SIZE FOR SINGLE FAMILY DWELLING LOTS IN THE RESIDENTIAL MULTI-FAMILY DISTRICT, AND TO ALLOW CERTAIN EXCEPTIONS WITHIN VISION CLEARANCE AREAS.**

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

**WHEREAS**, the City of Sisters has an interest in allowing different and innovative types of residential development to occur within the City; and,

**WHEREAS**, the City of Sisters has experienced slow growth over the past five years and seeks to encourage more residential development; and,

**WHEREAS**, the City of Sisters has been asked by affected property owners of a slow-growth area to consider allowing new cottage residential developments within the Downtown Commercial District along and near Adams Avenue; and,

**WHEREAS**, the City wishes to consider allowing new cottage residential developments within the Residential zones of the City; and,

**WHEREAS**, the City of Sisters has existing lots within the Davidson Addition in the Residential Multi-Family District (R-MFD) that are smaller than the minimum lot size for the R-MFD and are by definition 'existing non-conforming lots'; and,

**WHEREAS**, the City of Sisters has vision clearance areas at vehicular intersections in Sisters; and,

**WHEREAS**, exemptions to 2.15.2300, 'Vision Clearance Areas' are needed to address public entity post signs and similar structures, and to address private posts and poles located within vision clearance areas; and,

**WHEREAS**, the City of Sisters now seeks to amend the Sisters Development Code, Chapters 2.2, 2.3, 2.4, 2.15, 4.0, 4.1 and new chapter 4.6 in order to allow cottage developments, smaller lots and certain exceptions to vision clearance standards in certain qualifying areas; and,

**WHEREAS**, the Department of Land Conservation and Development (DLCD) received the Notice of Proposed Development Code Amendments at least 35-days prior to the first evidentiary hearing; and,



**CITY OF SISTERS  
Planning Commission Resolution**

(APPROVED BY THE PLANNING COMMISSION, SEPTEMBER 18, 2014)

**WHEREAS**, the City has determined that the proposal is consistent with Statewide Planning Goals 1, 2, 9, 10 and 14; with the City's Comprehensive Plan; that approving this proposal will not adversely impact city infrastructure, and that this proposal is consistent with the Transportation Planning Rule; and,

**WHEREAS**, the City of Sisters has held workshops on the proposed Cottage development standards and reduced-sized lots in the Residential Multi Family District; and,

**WHEREAS**, after due notice, a public hearing on the proposed changes was held before the Sisters Planning Commission on September 18, 2014, at which time findings were reviewed, witnesses were heard and evidence was received; and,

**WHEREAS**, the Sisters Planning Commission finds that these changes are in the best interest of the City of Sisters and will not adversely affect the health, safety or welfare of the citizens of the City of Sisters.

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

1. Notice has been given in the time and in the manner required by state law and city code; and,
2. The findings of fact in this matter are located in the staff report dated August 27, 2014, herewith attached and by this reference incorporated herein as Exhibit A.

**AND, BE IT FURTHER RESOLVED THAT BASED ON THE FINDINGS, THE PLANNING COMMISSION HEREBY FINDS AND RECOMMENDS THAT THE CITY COUNCIL ADOPT THE DEVELOPMENT CODE AMENDMENT TA 14-04 SUBJECT TO THE FOLLOWING EXHIBITS:**

- Exhibit A – Staff Report with Findings dated August 27, 2014
- Exhibit B – Development Code Text Amendments

**THIS RESOLUTION IS HEREBY ADOPTED THIS 18<sup>TH</sup> DAY OF SEPTEMBER 2014.**

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

|                                       |     |
|---------------------------------------|-----|
| AYES: Tewalt, Horner, Fairman, Wright | (4) |
| NOES:                                 | (0) |
| ABSENT: Holzman, Gentry, Layne        | (3) |
| ABSTAIN:                              | (0) |

Signed:




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Daryl Tewalt, Pro Tem Chairman

## Exhibit A



## CITY OF SISTERS PLANNING COMMISSION

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**Hearing Date:** September 18, 2014

**Type:** Public Hearing

**Subject:** Development Code Amendments:  
Cottage Development Standards,  
Reduced Lot Sizes in the R-MFD District, and  
Vision Clearance Area Exceptions

**Staff:** Eric Porter

**Dept:** CDD

**Date:** August 27, 2014

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**Action Requested:** Consideration of the adoption of a new Chapter that would allow cottage developments in Sisters; consideration to reduce the minimum lot size for a single family dwelling in the Residential Multi-Family (R-MFD) District to match many lots that were created with the Davidson Addition plat in 1911; and exceptions to allow certain signs, street lights, and support posts within vision clearance areas under specific circumstances.

**Report in Brief - Cottages.** In February and March 2013, staff held workshops with the Planning Commission to discuss the concept of 'pocket neighborhoods' and cottage developments as an alternative to traditional housing options. The Commissioners expressed interest in further development of the concept. On July 31 and August 21, 2014, staff held final workshops on the cottage concept. The Planning Commission gave consent to proceed with the adoption process, thus this public hearing.

The distinctive design features associated with cottage developments include:

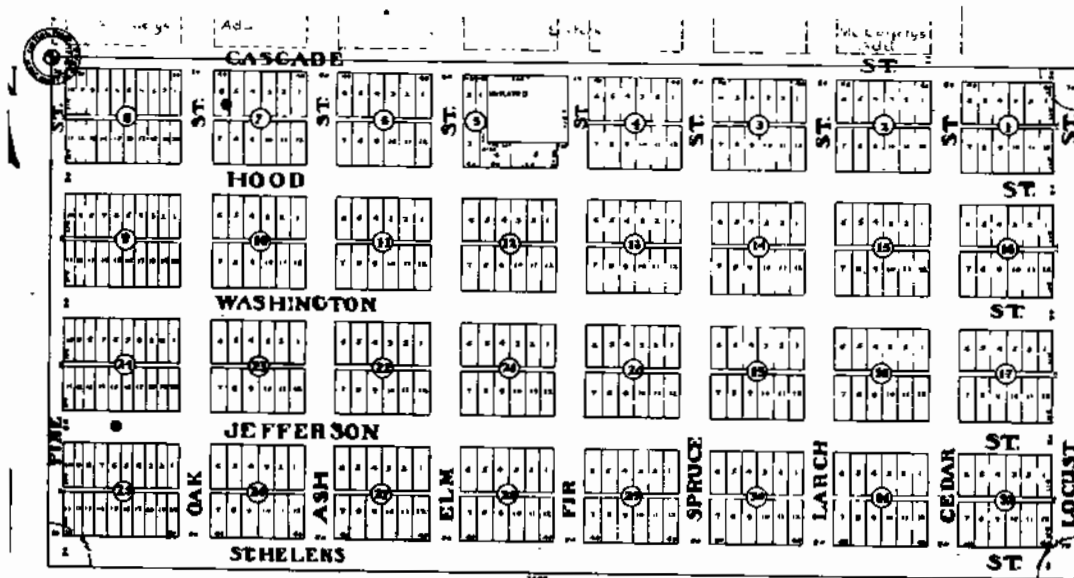
- Small lots
- Small, well-appointed homes with lofts
- Pedestrian emphasis – lots of walkways
- Strategic window placement on certain elevations of each house for neighbor privacy
- Large enclosed or covered porches
- Fronts of each cottage oriented toward central garden / common area
- Each cottage abuts common garden area on at least two sides or portions of sides
- Parking in rear of project; relief to garage and parking space standards

Cottage Developments have parking areas that are not attached to each individual home, but are instead clustered near the main courtyard entrances into the development. The homes feature a large covered front porch intended as an 'exterior room' and garden views. Cottage dwellings are encouraged to use large lofts while being discouraged to use attached garages in favor of screened parking areas that are located behind the dwellings and courtyard.

Staff has received input from several developers who are interested in the cottage concept, and has developed draft text as the result of Planning Commission and developer input. Note: two owners in the Downtown Commercial District are asking that no minimum parent parcel size be put on eligible lots on and near Adams Avenue, but rather leave a 4 cottage minimum / 14 cottage maximum. Likewise staff believes that a common room requirement for cottage developments in the Downtown Commercial District may not be in the best interests of the cottage development.

Commissioner Wright had expressed interest in considering other types of similar concepts in the future; accordingly staff has named new Chapter 4.6 'Cluster Developments' rather than 'Cottage Developments'.

**Report in Brief – Lot Size Reductions for the Residential Multi-Family (R-MFD) District.** The Davidson Addition plat, recorded in 1911, created 32 blocks consisting of 409 lots. Of these, 330 of the lots were 40' x 114' in size; 83 were 30' x 114', and 1 was platted in a later action. Of the 330 lots that were created at 40' x 114', there remain 143 lots in their original configuration in the Residential Multi-Family (R-MFD) District.



Davidson Addition Plat – Recorded in 1911

These lots are each 4560 s.f., whereas the minimum lot size in this zone for a single family dwelling is 4800 s.f. This means that there are 143 lots that are 'existing non-conforming' in this zoning district on the south side of Sisters.

There is a note on the use chart in Chapter 2.3 that allows a single family dwelling to be built on existing non-conforming lots that are below the minimum size, however any other actions that occur on these substandard lots require the lots to be brought to current standards, which has caused some issues with certain property owners.

Staff has discussed this situation with Scott Edelman, area representative for the Oregon Department of Land Conservation and Development. Mr. Edelman encouraged the City to take this action. Approving this request would have the effect of allowing a density of 9.55 units per acre (43560 divided by 4560). The density range required by the Comprehensive Plan for this zone ranges from 9 to 20 units per acre. The 4800 s.f. lot minimum results in density that barely meets the minimum density for this zone (9.07 units per acre), so this reduction proposed is actually closer to the desired range for high density residential development than the 4800 s.f. minimum lot size that is the current standard.

Lastly, Commissioner Wright suggested creating a range rather than a specific lot size minimum standard for lots in this zone. Staff has provided two Exhibits; one with the original 4500 s.f. minimum lot size discussed at the August 18, 2014 workshop (Option 1 below); the other contains the range that had been suggested by Commissioner Wright (Option 2 below).

**Report in Brief - Vision Clearance Area Exceptions.** The last item under consideration would allow exemptions to Section 2.15.2300 Vision Clearance standards. The exemptions would

recognize existing posts that are located in the clear vision triangle. In addition, the Downtown Commercial District allows overhangs and support post in the right-of-way via an encroachment permit. Several new overhangs and support post have been installed with the Cascade Avenue Streetscape project. The proposed exemptions would allow support posts that are eight inches or less in width to be located in the clear vision triangle. Staff posed this question to the Planning List serve to see what other communities allow and several allow exemptions ranging from 8 inches to 12 inches for posts. Bend exempts its downtown core from the clear vision triangle. Staff is recommending the following change;

### **2.15.2300 Vision Clearance.**

Vision clearance is defined by a triangle created as follows: starting at the intersection of the projections along the edge of the pavement or along curb lines into the intersection of two vehicular ways, measure out from this point along each way for the specified distance to create two legs of a triangle and connect these two legs across the corner of the intersection (as shown in Figure 2.15.2300.A.). The clear vision space is defined by this triangle between 3' and 8' in height from the ground; within this space, the line of sight must remain unobstructed.

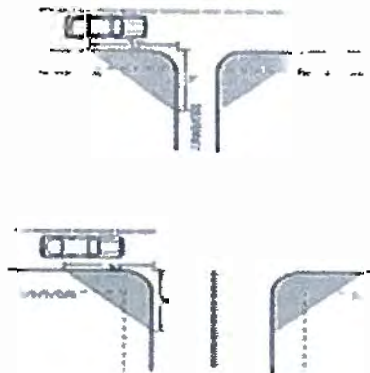
The legs of the triangles shall be determined as follows:

1. At the intersection of a street (public or private) and a driveway, alley, lane, or other vehicle way that is not a street, the minimum distance along each vehicular way as defined above shall be 15'.
2. At an intersection of two streets (public or private) having 90 degree angles at the intersection, the minimum distance along each vehicular way as defined above shall be 30 feet.
3. At traffic circles, acute or obtuse angles, and other non-conventional intersections of two streets, the vision clearance area may be determined by the Public Works Director. However, the every attempt shall be made to ensure that the minimum distance measured along each vehicular way as defined above is 30 feet.

Except as exempted below, no signs, structures or vegetation in excess of three feet in height shall be placed in "vision clearance areas," as shown in Figure 2.15.2300 A. This standard applies to the following types of roadways: streets, alleyways and railways. The minimum vision clearance area may be increased by the City Engineer upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.).

The clear vision area provisions do not apply to the following:

- (a) Any sign, post, pole or similar structure installed and maintained by a public entity,
- (b) Any private post or pole eight inches or less in diameter (width or length).





**Options.** The Planning Commission can do one of the following:

1. Recommend that the City Council adopt the proposed standards within Exhibit B.
2. Recommend that the City Council adopt the proposed standards with specific changes and/or the density range proposed as an alternative to the actual lot size recommended.
3. Continue the public hearing to allow further testimony.
4. Do not recommend any changes to the City Council.

**Recommendation:** Option 1

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**Attachment(s):**

Exhibit B – Draft Text – Amended Chapters 2.2, 2.3, 2.4, 2.13, 2.15, 4.0, 4.1, and new Chapter 4.6, Cluster Development Standards.

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**Chapter 2.2 – Residential District (R)**

**Table 2.2.1 Use Table for the Residential District**

| Land Use Category  | Permitted/Special Provisions/Conditional Use |
|--|--|
| <b>Residential</b>   |  |
| Single family detached dwelling                                    | P  |
| Manufactured dwelling on individual lot                            | P/SP   |
| Manufactured Dwelling Park   | P/SP   |
| Accessory dwelling on a single family or manufactured dwelling lot | P/SP   |
| Zero lot line dwelling   | P/SP   |
| Attached dwelling (townhome)                                       | SP/ MCU                                      |
| Duplex dwelling  | MCU  |
| Residential Home   | P/SP   |
| <b>Cottage Development</b>   | <b>P / Ch. 4.6</b>                           |
| Manufactured dwelling parks  | P/SP   |
| Child care home (Care for no more than 16 children)                | P  |
| Home occupation  | P/SP   |

**Chapter 2.3 –Multi-Family Residential District (MFR)**

**Table 2.3.1 Use Table for the Multi-Family Residential District (partial)**

| Land Use Category  | Permitted/Special Provisions/Conditional Use |
|--|--|
| <b>Residential</b>   |  |
| Single family detached dwelling                                    | P  |
| Manufactured dwelling on an individual lot                         | P/SP   |
| Accessory dwelling on a single family or manufactured dwelling lot | P/SP   |
| Zero lot line dwelling   | P/SP   |
| Attached dwelling (townhome)                                       | P/SP   |
| Duplex and triplex dwellings                                       | P  |
| Multi-family dwellings (4 + units)                                 | P  |
| Manufactured dwelling park   | P/SP   |
| Residential home/Residential facility                              | P/SP   |
| <b>Cottage Development</b>   | <b>P / Ch. 4.6</b>                           |
| Family child care (Care for no more than 16 children)              | P  |
| Home occupation  | P/SP   |

**2.3.300 Development Standards**

The following property development standards shall apply to all land, buildings and uses in the Multi-Family Residential District:

- A. Lot Area, lot width, lot depth, setbacks, floor area ratio, lot coverage and building height. See Table 2.3.2

**Table 2.3.2 Development Standards in the Multi-Family Residential District**

| Development Standard  | Multi-Family Residential District | Comments/Other Requirements |
|---|-----------------------------------|-----------------------------|
| Minimum lot area  |                                   |                             |
| Single family detached dwelling, including manufactured dwelling on individual lot and zero lot line dwelling | 4500 square feet                  |                             |

**Chapter 2.4 — Downtown Commercial (DC) District**

**Table 2.4.1 Use Table for the Downtown Commercial District**

| Land Use Category   | Permitted/Special Provisions/Conditional Uses  |
|---|--|
| <b>Residential</b>  |  |
| Dwelling(s) located above, within, or attached to a commercial building not including single family detached dwellings. | P / SP   |
| Accessory dwelling on a single family or manufactured dwelling lot  | P/SP   |
| Child care home (Care for no more than 16 children)   | P  |
| Single family, Duplex, Townhouses (up to 2 units),  | P, Type I review process; applies to lots fronting Adams Avenue and on lots that are located within 114' of Adams Avenue to the south, and 256' to the north of Adams Avenue.    |
| Manufactured Dwelling on an individual lot.   | P/SP, Type I review process; applies to lots fronting Adams Avenue and on lots that are located within 114' of Adams Avenue to the south, and 256' to the north of Adams Avenue. |
| Triplex, Multi-Family Dwellings   | MCU; applies to lots fronting Adams Avenue that are located within 114' of Adams Avenue to the south, and 256' to the north of Adams Avenue, and only west of Fir Street.        |
| Residential facilities  | P/SP   |
| <b><u>Cottage Developments</u></b>  | <b><u>P / 4.6; applies to lots fronting Adams Avenue and on lots that are located within 114' of Adams Avenue to the south, and 256' to the north of Adams Avenue.</u></b>       |

**Chapter 2.13 – Sun Ranch Residential (SRR) District**

**Table 2.13.300 A Use Table for the Sun Ranch Residential District**

| <b>Land Use Category</b>  | <b>Permitted/Special Provisions/Conditional Use</b> |
|---|---|
| <b>Residential</b>  |   |
| Single-family dwellings including townhome and zero lot line dwellings. | P/See Section 2.13.1000                             |
| <b>Cottage Developments</b>   |   |
| Home occupation   | P/SP  |
| <b>Public and Institutional</b>   |   |
| Multi-use trails, paths and connections                                 | P   |
| Open space, park space and similar uses                                 | P   |

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

**Chapter 2.15.2300 Vision Clearance.**

Vision clearance is defined by a triangle created as follows: starting at the intersection of the projections along the edge of the pavement or along curb lines into the intersection of two vehicular ways, measure out from this point along each way for the specified distance to create two legs of a triangle and connect these two legs across the corner of the intersection (as shown in Figure 2.15.2300.A.). The clear vision space is defined by this triangle between 3' and 8' in height from the ground; within this space, the line of sight must remain unobstructed.

The legs of the triangles shall be determined as follows:

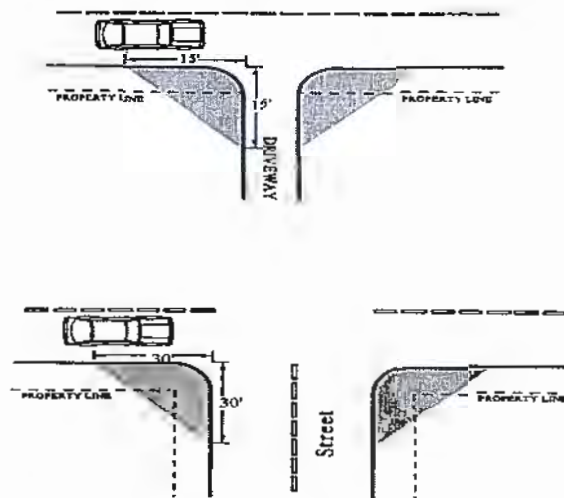
1. At the intersection of a street (public or private) and a driveway, alley, lane, or other vehicle way that is not a street, the minimum distance along each vehicular way as defined above shall be 15'.
2. At an intersection of two streets (public or private) having 90 degree angles at the intersection, the minimum distance along each vehicular way as defined above shall be 30 feet.
3. At traffic circles, acute or obtuse angles, and other non-conventional intersections of two streets, the vision clearance area may be determined by the Public Works Director. However, the every attempt shall be made to ensure that the minimum distance measured along each vehicular way as defined above is 30 feet.

**Except as exempted below**, No signs, structures or vegetation in excess of three feet in height shall be placed in "vision clearance areas," as shown in Figure 2.15.2300 A. This standard applies to the following types of roadways: streets, alleyways and railways. The minimum vision clearance area may be increased by the City Engineer upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.).

**The clear vision area provisions do not apply to the following:**

- 1. Any sign, post, pole or similar structure installed and maintained by a public entity; or,**
- 2. Any private post or pole eight inches or less in diameter (width or length).**

Figure 2.15.2300 A - Vision Clearance Area



**Chapter 4.0 — Applications and Review Procedures**

**Sections:**

- 4.0 – Administration of Land Use and Development Permits
- 4.1 – Types of Applications and Review Procedures
- 4.2 – Site Plan Review
- 4.3 – Land Divisions and Lot Line Adjustments
- 4.4 – Conditional Use Permits
- 4.5 – Master Planned Developments
- 4.6 – **Reserved Cluster Developments**
- 4.7 – Land Use District Map and Text Amendments
- 4.8 – Code Interpretations

**Chapter 4.1 - Types of Applications and Review Procedures**

| Table 4.1.200<br>Summary of Development Decisions/Permit by Type of Decision-making Procedure |                    |   |
|---|--------------------|---|
| Action  | Decision Type      | Applicable Regulations  |
| Accessory Dwelling Unit   | Type I             | Chapter 2.15  |
| Annexation  | Type IV            | Comprehensive Plan and city/county intergovernmental agreement(s), as applicable.                                 |
| Appeals   | Type II/<br>III/IV | Chapter 4.1 – Must be filed no later than 5 p.m. on the fourteenth calendar day following mailing of the decision |
| Code Interpretation   | Type II            | Chapter 4.8   |
| Code Amendment  | Type IV            | Chapter 4.7   |
| Comprehensive Plan Amendment  | Type IV            | Comprehensive Plan  |
| Minor Conditional Use Permit  | Type II            | Chapter 4.4   |
| Conditional Use Permit  | Type III           | Chapter 4.4   |
| Home Occupation Permit  | Type I             | Chapter 2.15  |
| Master Planned Developments   | Type III           | Chapter 4.5   |

| <b>Cottage Developments</b>                 | <b>Type III</b> | <b>Chapter 4.6</b> |
|---|-----------------|--------------------|
| Land Use District Map Change                |                 |                    |
| Quasi-Judicial (no plan amendment required) | Type III/IV     | Chapter 4.7        |
| Legislative (plan amendment required)       | Type IV         | Chapter 4.7        |
| Lot Line Adjustment                         | Type I          | Chapter 4.3        |
| Partition                                   | Type II         | Chapter 4.3        |
| Replat                                      | Type I          | Chapter 4.3        |
| Sign Permit                                 | Type I          | Chapter 3.6        |
| Site Plan Review                            |                 |                    |
| Type II                                     | Type II         | Chapter 4.2        |
| Subdivision                                 | Type III        | Chapter 4.3        |
| Temporary Use Permit                        | Type I/ II      | Chapter 2.15       |
| Minor Variance                              | Type II         | Chapter 5.1        |
| Major Variance                              | Type III        | Chapter 5.1        |

## **Chapter 4.6, Cluster Developments (new chapter)**

### **4.6.100 Cottage Developments**

**A. Purpose.** The purpose of this section is to provide a housing type that responds to changing household sizes and ages (e.g., retirees, small families, single-person households) and provides opportunities for ownership of small, detached single-family dwelling units within the Cottage Development. The Cottage Development is reviewed similarly to a Master Plan. The Cottage Development supports the following principles:

1. Encourages the creation of more usable open space for residents of the development through flexibility in density and lot standards;
2. Supports the growth management goal of more efficient use of urban residential land;
3. Provides development standards to ensure compatibility with surrounding land uses; and
4. Allows diversity of land uses within certain commercial zones as well as establishes smaller lot sizes and creative residential development within residential zones.

### **B. Applicability and Uses Permitted.**

1. Cottage Developments are permitted in the R-Residential, R-MFD Multi-Family Residential District, Sun Ranch Residential District, and in the portion of the Downtown Commercial (DC) District that allows new single family dwellings. Cottage Developments are reviewed under Subdivision and Site Plan Review processes in addition to the standards and criteria found herein. In the event of conflicts between this chapter and the underlying zoning, these standards and criteria supersede the standards and criteria found in the underlying zone.
2. Buildings accessory to a Cottage Development are subject to the development standards in subsection (C.6) of this section.
3. In Residential zoning districts, community buildings in a Cottage Development are required, and shall be incidental in use and size to the cottage housing and shall be commonly owned by the residents.
4. Accessory dwelling units are not permitted within Cottage Developments.

5. Mixed-use developments (residential and commercial uses) are allowed in Cottage Developments located in the Downtown Commercial (DC) District.
6. Prior to recording a subdivision plat for any new or modified cottage development, all cottage developments shall provide Covenants, Codes and Restrictions (CC&RS) or similar enforceable document that provides assurance of the ongoing maintenance of all common areas within the Cottage Development.

**C. Density, Minimum Lot Area, and Development Standards for Cottage Developments.**

1. Cottage housing development sites in residential districts shall be a minimum of 0.5 acres in gross area. There is no minimum size for cottage development sites in the eligible lots located within the Downtown Commercial District.
2. Each cottage development shall contain a minimum of four cottages and a maximum of 14 cottages per development.
3. The permitted density within the Cottage Development shall be consistent with the underlying zoning.
4. Cottages shall be arranged in a manner that at least two sides of a common open space or configuration as otherwise approved by the review authority. A development site may contain more than one cottage housing development.
5. On a lot to be used for a cottage housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.
6. A common building is required for any cottage development containing 6 or more cottages. Common buildings shall be mutually owned by the Cottage Home Owner's Association, and shall be for the use of the development's inhabitants. The common building shall be no less than 650 square feet in usable floor area.

**D. Site Requirements.**

1. Minimum lot size within the Cottage Development is 2,000 square feet.
2. New lots created as a part of a Cottage Development are not required to have frontage on either a public or private street.
3. Cottages adjacent to property lines fronting a public or private street shall be set back a minimum of 10 feet from the public or private street.
4. Accessory structures, garages or carports shall be set back a minimum of 20 feet from property lines fronting a public or private street.
5. Rear yard setbacks shall be a minimum of 10 feet.
6. Interior Separation. There shall be a minimum separation of 10 feet between all buildings.

- E. Development Standards.** The design standards and floor area requirements ensure that the overall size and scale including bulk and mass of cottage structures remain smaller and incur less visual impact than standard sized single-family dwellings.
1. Layered space between porch and common area. Landscaping is an important feature to the transition between public and private spaces within Cottage Developments. The area between the commons and the covered porch shall be landscaped with vertically layered plant material. The width of the planted area shall be no less than 4' between any pedestrian pathway / common area and the start of the covered porch. The height of the planted area may vary, but shall be no less than 1 foot lower than the top of the porch railing at its tallest point.
  2. The total floor area of each cottage shall not exceed 1,200 square feet and the loft shall not exceed 50% of the ground floor.
  3. The minimum size of any cottage is 650 square feet.
  4. The maximum main floor area of a cottage is 1,000 square feet. For the purposes of this calculation, the area of interior stairway may be allocated between floors served.
  5. Cottages shall have a roofed porch at least 80 square feet in size with a railing and railing supports. The porch shall be attached to a common area such as a living room, kitchen, family room or dining room inside of the house and shall not be adjacent to a bedroom or bathroom.
  6. The total square foot area of a cottage may be increased, however at no time shall the size of the cottage exceed the maximum size for a cottage allowed by this code. A deed restriction shall be placed on the title to the property for the purpose of notifying future property owners that increases in the total square footage of a cottage beyond what is allowed by this code is prohibited for the life of the cottage or duration of the applicable Cottage Development regulations.
  7. The maximum height of any cottage shall not exceed 25 feet.
  8. Cottage areas that do not count toward the total floor area calculation include:
    - a. Unheated storage space located under the main floor of the cottage;
    - b. Architectural projections, such as bay windows or fireplaces;
    - c. Attached roofed porches;
    - d. Attached and /or detached garages or carports;
    - e. Spaces with a ceiling height of six feet or less measured to the exterior walls, such as in a second floor area under the slope of the roof.
  9. Window placement within the cottages. One side wall of each cottage shall emphasize windows; the other side wall shall de-emphasize windows to allow privacy for the adjacent neighboring cottage. All cottages shall have windows and/or glass doors that face the commons.
  10. Separation of Identical Building Elevations. Units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevations per cottage development. No two adjacent structures shall be built with the same



orientation (reverse elevations do not count as different building elevations), facade, materials, and colors.

11. **Variety in Building Design.** A variety of building elements and treatments of cottages and accessory structures must be incorporated. Structures must include articulation, change in materials or texture, windows, or other architectural features.
12. A minimum five-foot-wide pedestrian pathways (sidewalks) must be included to provide for movement of residents and guests from parking areas to homes and other amenities.
13. **Screening Requirements;** as follows:
  - a. Boundaries between cottage dwellings and neighboring properties shall be screened with landscaping to reduce the appearance of bulk or intrusion onto adjacent properties, or otherwise treated (i.e., through setbacks or architectural techniques) to meet the intent of this section.
  - b. Common waste and other storage receptacles shall not be placed in the front yard setback area.
  - c. Common waste and other storage receptacles shall be architecturally screened and/or screened with landscaping so as to mask their appearance to residents, adjacent property owners, and the public rights-of-way.

**F. Required Open Space.**

1. **Shared Open Space.**
  - a. Shall provide a centrally located, focal area for the Cottage Development.
  - b. Shall total a minimum of 500 square feet per cottage when all shared open space areas are combined.
  - c. Shall abut at least 50 percent of the cottages.
  - d. Shall be within 75 feet walking distance of each cottage.
  - e. Common parking areas are not counted in the shared open space area requirements.
2. **Private Open Space.**
  - a. Shall be a minimum of 300 square feet of private, contiguous, usable open space with no dimension less than 10 feet adjacent to each dwelling unit, for the exclusive use of the cottage resident.

**G. Parking Standards.** The parking standards are designed to ensure minimal visual impact from vehicular use and parking areas for residents of the Cottage Development and adjacent properties, and to maintain a single-family character along public streets.

1. A minimum of one parking space and a maximum of two parking spaces are required for each cottage.
2. Parking may be either provided on individual lots or in a combined parking area or areas.

3. A parking area is a location for two or more contiguous vehicle spaces, which are required to meet the minimum parking requirements, and are not within a garage or carport. Parking areas:
  - a. May be on lots created for shared parking for the Cottage Development.
  - b. Shall be screened from public and private streets and cottages by landscaping, fencing or buildings where practicable.
  - c. Shall have access via a driveway.
  - d. On-street parking located adjacent to a cottage development may be counted toward meeting the required parking standards.
  - e. Driveways at least 20' long by 10' wide may count as parking, provided the parked car does not block access to other required parking spaces.
  - f. Parking areas on private property shall be set back at least 20' from any public or private road.
- d. Garages and / or carports are not required.

H. **Cottage Development Submittal Requirements.** The applicant shall submit an application containing all of the general information required for a Type III procedure, as governed by Chapter 4.1. In addition, the applicant shall submit the following:

1. A detailed project description by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
2. Burden of Proof documenting compliance with all applicable approval criteria;
3. Complete application form with fee;
4. Electronic copies of all materials submitted (acceptable file types to be determined by the Community Development Director or designee); and,
5. Preliminary title report or equivalent printed within 90 days of the date of the application submittal.
6. Existing Conditions Site Plan
7. Topographic Map at appropriate contour intervals to be determined by the Community Development Director
8. Access and Circulation Map
9. Site Plan - proposed
10. Landscape/Open Space Plan
11. Utility Plan
12. Conceptual Drainage Plan (to include benchmarks and elevations at staffs discretion)

13. Elevations and floor plans of all proposed buildings.
14. Tentative Plat
15. Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).
16. Special studies prepared by qualified professionals may be required by the Community Development Director, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.

#### **I. Cottage Development Approval Criteria**

The City shall make findings that all of the following criteria are satisfied when approving, or approving with conditions, the Cottage Development. The City shall make findings that at least one of the criteria is not satisfied when denying an application:

1. Land Division Chapter. All of the requirements for land divisions, as applicable, shall be met (Chapter 4.3);
2. Chapter 2 Land Use and Chapter 3 Design Standards. Land use and design standards contained in Chapter 2 and 3 are met, except as modified by Section 4.6.100.
3. Property Development Standards. Land use and design standards contained in Section 4.6.100 are met.
4. Architectural Features. The Cottage Development includes architectural features that complement and enhance positive characteristics of the site and surrounding area. Setbacks from streets shall be staggered or buildings otherwise provided with architectural features that assure variety and interest along the street. Cottage Developments in the Commercial District shall comply with the 1880's Western Frontier Design Theme;
5. Compliance with Purpose of Cottage Development Chapter. The Cottage Development substantially meets the purpose of Section 4.6.100; and,
6. Conformance with applicable public works, building and fire code standards.

#### **J. Approval Durations, Extensions and Amendments**

1. Cottage Development Approval Duration. The Cottage Development approved by the Planning Commission shall expire three (3) years from the date on which the decision is final, if no construction or significant infrastructure improvements of the planned unit development has been initiated.
2. Extension. The City may, upon written request by the applicant and payment of the required fee, grant up to two (2) one-year extensions of the approval period. The first extension may be approved administratively. The second extension, if needed, shall be considered and may be granted by the original decision body at their discretion. Extensions may be considered if:

- a. No changes, unless modified as permitted in Chapter 4.1.700, have been made on the original Cottage Development as approved;
- b. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and
- c. The extension is requested before expiration of the original approval.

**K. Modification to Approved Cottage Development.** All proposed cottages and accessory buildings that are not reviewed under the initial land use review during the establishment of the Cottage Development through a land use review process are subject to the following;

1. The following minor modification examples may be approved administratively by the Community Development Director;
  - a. An increase to the amount of open space or landscaping;
  - b. Changes to dimensional standards identified in Section 4.6 as long as the minimum requirements are satisfied. Changes to dimensional standards approved as part of a land division shall be reviewed using Chapter 4.3 Land Divisions.
  - c. The location of buildings, proposed streets, parking and landscaping or other site improvements shall be as proposed, or as modified through conditions of approval. Changes in the location or alignment of these features by 25 feet or less or other changes of similar magnitude may be approved administratively. Changes to locations approved as part of a land division shall be reviewed using Chapter 4.3 Land Divisions
  - d. Other modifications are major modifications. See Chapter 4.1
  - e. The Community Development Director or the applicant shall have the right to refer a proposed amendment directly to the Planning Commission for their determination of whether or not the amendment creates a substantial adverse impact to the approved Cottage Development.

