



# 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: 01/13/2015  
Jurisdiction: City of Sisters  
Local file no.: TA 14-08  
DLCD file no.: 004-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/31/2014. 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.: 004-14 {22595}  
Received: 12/31/2014

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 14-08**

Date of adoption: 12/31/14

Date sent: 12/31/2014

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): 12/16/14

No

Is the adopted change different from what was described in the Notice of Proposed Change?    Yes    No

If yes, describe how the adoption differs from the proposal:

Not materially different from Notice of Proposed Change

Local contact (name and title): Pauline Hardie, CDD Director

Phone: 541-323-5208

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

Street address: 520 E. Cascade / PO Box 39

City: Sisters

Zip: 97759-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

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

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

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

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

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

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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

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

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

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

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

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

Ord. No. 455, adopting the text changes to Development Code chapters 4.2 (Site Plan Review), 4.3 (Land Divisions), and 4.5 (Master Plans) to allow an emergency 6 month extension for certain approved but unbuilt projects.

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

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

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

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

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

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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.

No adverse comments were received by Sisters residents. The City received one letter supporting the changes proposed by an affected applicant. The Planning Commission voted 7-0 in favor of this extension, and the City Council adopted the extension on a 5-0 vote.

## ORDINANCE NO. 455

### AN ORDINANCE OF THE CITY OF SISTERS AMENDING THE SISTERS DEVELOPMENT CODE CHAPTER 4 BY ADOPTING REGULATIONS THAT ALLOW AN AUTOMATIC EXTENSION OF TIME FOR CERTAIN TYPES OF LAND USE PERMITS AND DECLARING AN EMERGENCY.

**WHEREAS**, economic conditions have not been favorable for development and have prevented or delayed completion of approved land use projects in the City of Sisters; and,

**WHEREAS**, the City of Sisters finds that an amendment to Sections 4.2.700(D), 4.3.400(G), and 4.5.800(C) of the Sisters Development Code is necessary to provide a blanket extension of time for Site Plan Review, Land Division and Master Plan land use approvals; and,

**WHEREAS**, the purpose of this update in part is to provide an automatic extension of time to June 30, 2015 for approved Site Plan Review, Land Division and Master Plan land use applications that were unexpired on December 31, 2014, regardless of whether the applicant had previously obtained an extension of time in accordance with the provisions of the Sisters Development Code; and,

**WHEREAS**, the Sisters Planning Commission held a public hearing on December 30, 2014 and adopted Planning Commission Resolution No. 2014-24, attached to this ordinance as Exhibit C, which finds that certain revisions, clarifications and amendments to the City of Sisters Development Code are necessary in order to provide longer approval time frames and extension durations, which in turn will facilitate orderly and beneficial development within the City of Sisters; and

**WHEREAS**, the Sisters City Council held a public hearing on December 31, 2014 on the proposed Development Code amendment and determined that the amendment meets all applicable approval criteria, including all notice requirements, and that the ordinance will benefit the City of Sisters; and,

**WHEREAS**, the City of Sisters provided notice to the Department of Land Conservation and Development; and,

**WHEREAS**, official notice of this public hearing was published in the Nugget Newspaper on December 17, 2014 in the manner prescribed within Section 4.1.700 of the Development Code.

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

**SECTION 1.** The Sisters Development Code is amended as provided in the attached Exhibit A, which is incorporated into this Ordinance by reference.

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

**SECTION 3.** The City Council finds that adoption of this Ordinance is in the best interest of the city; that an emergency exists, and that it is necessary for the immediate preservation of the peace, health and welfare of the community, and that this Ordinance becomes effective upon adoption by the City Council.

PASSED by the Common Council of the City of Sisters this 31st day of December, 2014 and APPROVED by the Mayor of the City of Sisters.



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Brad Boyd, Mayor

ATTEST:



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Kathy Nelson, City Recorder



**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF SISTERS  
STATE OF OREGON  
PLANNING COMMISSION RESOLUTION PC 2014-24**

**A RESOLUTION OF THE CITY OF SISTERS PLANNING COMMISSION AMENDING THE SISTERS DEVELOPMENT CODE CHAPTER 4 BY ADOPTING REGULATIONS THAT ALLOW AN AUTOMATIC EXTENSION OF TIME FOR CERTAIN TYPES OF LAND USE PERMITS.**

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

**WHEREAS**, the City of Sisters seeks to adopt an amendment to Sections 4.2.700(D), 4.3.400(G), and 4.5.800(C) of the Sisters Development Code to provide an extension of time for Land Division, Master Plan, and Site Plan Review land use approvals; and,

**WHEREAS**, the purpose of this update is to provide an automatic extension of time to approved land use applications that were unexpired on December 31, 2014 to June 30, 2015, in recognition of current economic conditions; and,

**WHEREAS**, the proposed amendment will apply to all Land Division, Master Plan, and Site Design Review land use approvals that were unexpired on December 31, 2014, regardless of whether the applicant had previously obtained an extension of time in accordance with the provisions of the Sisters Development Code; and,

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

**WHEREAS**, after due notice, a public hearing on the proposed project was held before the Sisters Planning Commission on December 30, 2014, at which time findings were reviewed, witnesses were heard and evidence was received.

**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 December 15, 2014, herewith attached and by this reference incorporated herein as Exhibit A

**NOW THEREFORE, BE IT FURTHER RESOLVED THAT BASED ON THE  
FINDINGS, THE PLANNING COMMISSION HEREBY FINDS AND RECOMMENDS  
THAT THE CITY COUNCIL ADOPT THE DEVELOPMENT CODE AMENDMENT TA  
14-08 SUBJECT TO THE FOLLOWING EXHIBITS:**

Exhibit A – Staff Report with Findings dated December 15, 2014  
Exhibit B – Development Code Text Amendments

**THE FOREGOING RESOLUTION IS HEREBY ADOPTED THIS 30th DAY OF  
DECEMBER 2014.**



**CITY OF SISTERS**

**Planning Commission Resolution**

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(APPROVED BY THE PLANNING COMMISSION, DECEMBER 30, 2014)

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

AYES: Holzman, Layne, Gentry, Horner, Seymour, Tewalt, Wright

(7)

NOES:

(0)

ABSENT:

(0)

ABSTAIN:

(0)

Signed:

  
Alan Holzman, Chairman

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**EXHIBIT A - FINDINGS AND RECOMMENDATION**

**File No.** TA 14-08

**Applicant:** City of Sisters

**Request:** Consideration of changes to the Sisters Development Code. The desired result is a recommendation to City Council to allow a blanket extension for all approved but unbuilt Site Plan Review, Land Division and Master Plan decisions. Approval duration end-date would be changed from 12/31/2014 to 6/30/2015.

**Location:** City-wide

**Applicable Criteria:** City of Sisters Development Code, Chapters 4.1 Applications and Review Procedures, 4.2 Site Plan Review, 4.3 Land Divisions and Lot Line Adjustments, 4.5 Master Plans.

**Planner:** CDD Staff

**Zoning / Comprehensive Plan:** Varied

**Hearing Date, Time, Location:** December 30, 2014; 5:30 pm, Sisters City Hall, 520 E. Cascade Ave., Sisters, OR

**Report Date:** December 15, 2014

**I. Background.** Although the economy is slowly recovering, the pace of the recovery has caused a number of projects that have been approved through land use actions to remain unbuilt.

This action would be the fourth 'blanket extension' allowed by the City affecting approved but unbuilt projects. On March 25, 2010, the City Council approved a one-year blanket extension to approved but unbuilt land use decisions. On December 8, 2011, the City Council approved a two-year blanket extension affecting the same and additional land use decisions, allowing these decisions to remain valid until after December 31, 2013. On November 14, 2013, the Council approved the most recent blanket extension, which is set to expire on December 31, 2014.

Several of the projects under consideration are not consistent with the code, making them ineligible for any further individual extensions. For example, the DNS Development and the Peaks at Pine Meadows subdivisions both contain lots that are below the minimum size permitted under the current code, and the Hotel exceeds the allowable height limits.

This action would further extend the projects that benefitted from the 2013-2014 blanket extension, and would add additional time onto newer projects that remain unbuilt, which were



not eligible for the 2013 blanket extension because they were still within their original approval period. The affected decisions are below; grayed cells are not affected by this extension.

File No.	Applicant	Project Description:	Approval Date:	Extended:	Expiration without this Blanket Extension:	Proposed: (extension dates shown)	Eligible for individual extension
SP07-07	Trinity Land Development	28-unit apt complex	12/27/2007	12/27/2008	12/31/2014	6/30/2015	No
SUB07-01/ MOD08-06	Tim Bretz/Cirrus Development	8-lot townhome subdivision	08/21/2008	08/20/2009	12/31/2014	6/30/2015	No
SP08-01	Celia Hung	New Sisters Village Hotel	01/29/2009	01/22/2010	12/31/2014	6/30/2015	No
SUB07-04 MP07-01	3 Sisters Partners	57-lot North Park residential subdiv	10/22/2007	10/22/2009	12/31/2014	6/30/2015	No
SUB08-03	Willitts LLC	8-lot cabin subdiv	08/21/2008	09/10/2009	12/31/2014	6/30/2015	Yes
SUB08-04	DNS Devel (Village Meadows)	23-lot twndhome subdiv & 24-unit apartments	04/16/2009		12/31/2014	6/30/2015	No
SUB06-08	Richard Carpenter	18-lot townhome subdivision	02/22/2007	05/28/2008 05/19/2009	12/31/2014	6/30/2015	No
FP 08-01	West Ridge	24 lot subdiv	4/10/2008	4/10/2009	12/31/2014	6/30/2015	Yes
SUB08-02 SP08-04 CU08-01	Black Butte Crossing	4-lot subdivision; 6 mixed use bldgs	02/12/2009	02/11/2011	12/31/2014	6/30/2015	No
SP10-05 CU10-02	Gutenberg	Private college to occupy Multnomah bldg	03/30/2011		12/31/2014 (SP) 12/31/2014 (CU)	6/30/2015	Yes
SP08-05	Mohler	Convert residence to office	11/20/2008		12/31/2014	6/30/2015	Yes
MP10-01 SUB10-02	MMV	10 phase Master Plan and subdiv.	09/21/2010		12/31/2014 (subdivision)	6/30/2015	Yes
SUB10-01	Carpenter	16 lot subdivision	04/02/2010		12/31/2014	6/30/2015	Yes
SP11-03	Skate Park	New skate park at SPRD	07/18/2011		12/31/2014	6/30/2015	Yes
SP11-05	Lodge @ MMV	Assisted Living Facility	09/22/2011		12/31/2014	6/30/2015	Yes

MP 07-01 SUB 07-02	3 Creeks Crossing	28 lot mobile / RV subdivision	11/08/07		12/31/2014	6/30/2015	No
CU 12-01	Stuart Weltzman Revocable Living Trust	allow a church to be located at 601 N Larch Street	05/17/2012		12/31/2014	6/30/2015	Yes
MOD 12-01	MMV	Modify conditions of approval	10/18/12		See MP 10-01	See MP 10-01	See MP 10-01
MOD 12-02	Lodge at MMV	Modify conditions of approval	10/31/12		See SP 11-05	See SP 11-05	See SP 11-05
MP 12-01 SUB 12-01	Steve McGhehey	Subdivide 7 lots into 14 new lots & allow mix use	10/18/12		MP 10/18/2015 SUB 12/31/2014	MP 10/18/2015 6/30/2015	Yes
CU 13-02 SP 13-06	Todd Taylor	Approval of car wash, gas station and formula food with drive-up	10/19/13		CU 10/3/2015 SP 10/19/2015	SP 12/31/15	No Yes
MNR 13-01	Airport	Divide parcel into 2 parcels	02/20/2014		02/20/2016		Yes
SP 13-09	Metabolic Maintenance	Expansion	10/31/2013		10/31/2015		Yes
CU 14-01 MP 14-01 SUB 14-02	Sam Blackwell	Master Plan, mixed use development, subdivision		10/18/2014		10/18/2015 10/18/2016 10/18/2016	Yes Yes Yes
RP 14-01	Paul Holstege	Replat Pine St Commons subdivision		10/19/2014		10/3/2016	Yes
RP 14-02 SP 14-04	Legacy Builders	Turn 3 lots 90 degrees; 3 mixed-use buildings		10/06/2014		10/06/2016 10/06/2016	Yes Yes
SP 14-05 MOD 14-02	FivePine	14 new cabins		10/16/2014		10/16/2016 10/16/2016	Yes Yes
CU 14-02 SP 14-06	U.S. Cellular	New antennas and appurtenant equipment		10/16/2014		10/16/2015 10/16/2016	Yes Yes
SP 14-07	223 E. Hood LLC	Food Cart areas		11/26/2014		11/26/2016	Yes
CU 14-03 SP 14-08	Dickerhoof	Coffee kiosk with drive-through		11/20/2014		11/20/2015 11/20/2016	Yes Yes

## I Conclusionary Findings.

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

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

Section 4.1.600 of the Sisters Development Code states:

- E. Decision-Making Considerations. The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:
1. Approval of the request is consistent with the Statewide Planning Goals;
  2. Approval of the request is consistent with the Comprehensive Plan; and
  3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property. The applicant must demonstrate that the property and affected area shall be served with adequate public facilities, services and transportation networks to support maximum anticipated levels and densities of use allowed by the District without adversely impacting current levels of service provided to existing users; or applicant's proposal to provide concurrently with the development of the property such facilities, services and transportation networks needed to support maximum anticipated level and density of use allowed by the District without adversely impacting current levels of service provided to existing users.
  4. Compliance with 4.7.600, Transportation Planning Rule (TPR) Compliance
1. Approval of the request is consistent with the Statewide Planning Goals. The SDC requires all text amendments comply with the requirements of the Statewide Planning Goals. Compliance with the relevant goals is as follows.

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

This action was noticed in the Nugget Newspaper on December 17, 2014, two weeks prior to the December 30, 2014 Planning Commission hearing, and the December 31, 2014 City Council hearing.

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

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

SDC chapter 4.1, 'Review Procedures' establishes the process to review Type IV (legislative) changes. Staff must make findings that this request will not adversely impact the city's sewer, water or transportation facilities based on all available data. Notably, each land use application that will benefit from this action has undergone rigorous evaluation for consistency with infrastructural capacity, and has been approved accordingly during each original land use review process. Staff finds that the capacity and function of the sewer and water system has not changed between the dates of land use approvals and now, and that water and sewer functions and capacity are acceptable if this blanket extension gets approved.

Regarding the transportation system, the City has one intersection that is operating below acceptable capacity according to City and ODOT standards (Locust and Highway 20). This was known at the time when the land use applications affecting this intersection were approved.

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

The proposed text amendment would provide an opportunity for a variety of land use applications to be built. The applications consist primarily of subdivisions and several large Site Plan review decisions.

The potential construction costs and job creation potential of these projects is significant if these projects were to be developed. The increase in property values, along with a domino-effect of improvements to each area affected by each project, is likely quantifiable, but the analysis is not provided herein.

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

As previously stated, sewer, water and transportation system impacts were evaluated at the time each application was considered, and mitigation measures were added as conditions of approval were deemed necessary to offset impacts related to each project. The capacity of each of these three systems has not since been significantly (adversely) impacted by other projects, and there is adequate capacity to serve each project that would benefit by this extension, provided the mitigation measures required in each decision carry over into the actual construction of each project. Since

no changes are being proposed to any of the projects that would be extended, all conditions would remain in full force and effect.

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

The purpose of this goal is to set parameters on such things as multi-modal transportation options; the placement of transportation facilities (including where they should not be located), and the importance of creating and implementing a regional and local transportation management plan. Further, SOC section 4.7 requires that a text amendment be analyzed for compliance with the Transportation Planning Rule, which is found later in this report.

The road network in Sisters is established within the Transportation System Plan (TSP) update. There are a number of long-range transportation 'fixes' that must occur for the TSP to be realized and for the long-term health of Sisters' transportation system.

Other safety concerns related to vehicle, pedestrian, multi-modal and air travel can be looked at during site-specific review processes, since each lot has its own characteristics that may be associated with potential issues.

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

This Code update would enable several high density developments to occur that relate to Goal 14, such as a townhouse and apartment development located immediately behind the new Ray's on Brooks Camp Drive, and a 92 unit hotel.

Each of these approved but unbuilt projects are already factored into the system's usage of water, sewer and vehicle trips, and related mitigation measures are built into the conditions of approval within each land use decision as was appropriate according to each review / decision.

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

**Goal 1: Citizen Involvement**

**14 POLICIES**

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

**Tasks–**

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

**Response:** This Development Code update request is relatively minor in scope by allowing a 6 month extension to several approved but unbuilt land use actions. Because of the narrow scope, the opportunity for the public to comment is provided through two public hearings that were publicly advertised two weeks prior to each hearing. Copies of the public notice are in the file for city file no. TA 14-08. All comments from the public are part of the public record in this matter. All public hearings are taped, and minutes from each hearing are produced.

Staff finds that the proposed text amendment complies with all relevant policies provided within Goal 1 the Comprehensive Plan.

**Goal 2: Land Use Planning**

**2.4 POLICIES**

- 1. The City of Sisters shall develop land use codes and ordinances that are based on an adequate factual basis as well as applicable local, state, and federal regulations.

**Tasks-**

- a. Codes and ordinances shall spell out responsibilities for administering and enforcing land use policies.
- b. The City of Sisters Development Code shall be used to facilitate the development process and to implement the land use goals outlined in this Plan.

**Response:** This request to amend the code is consistent with the City's stated intention of facilitating the development process ('b'), and in spelling out the administration of a specific land use policy ('a').

- 2. The City shall review the policies in the Comprehensive Plan annually to take into account changing public policies and circumstances and to ensure that it is continuing to function as a guide for community growth.

**Tasks-**

- a. The City shall ensure that other local; state and federal agencies having programs, land ownerships, or responsibilities within the planning area are included in the update process, as needed.

**Response:** No federal or state agencies other than DLCD received notice, as no properties were impacted that concerned other federal or state agencies.

- 3. As economic and social conditions change, it may be appropriate for the City to create new zoning designations that will work to assist the City in meeting the goals and policies of the Comprehensive Plan, the requirements of state law, and state land use goals.

**Tasks -**

- a. The City shall periodically review the Sisters Development Code to determine whether the districts set forth therein are adequate to address the goals, policies and objectives of the Comprehensive Plan and whether economic and social conditions warrant revision of the district codes, or creation of new districts. Any application for a code amendment shall address the policies and facts supporting the proposed code amendments.

**Response:** The basis for this consideration is the economy, which has stagnated in Central Oregon and elsewhere since the mid 2007 period. Staff finds that economic conditions are motivating this action.

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

**Goal 9: Economic Development**

**9.4 POLICIES**

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

**Tasks -**

- a. The City shall maintain and enhance the appearance and function of the Commercial Districts by providing a safe and aesthetically pleasing pedestrian environment, mixed use development, and requiring adherence to the Sisters Western Frontier Architectural Design for all types of development and signage. The Sisters Western Frontier Architectural Design Theme does not apply to the Sun Ranch Tourist Commercial District. In its place a more historically accurate 1900s Rural Farm/Ranch House design standard applies. The City shall establish standards for this design theme in the Development Code.
- d. The City's Development Code should continue to allow mixed-use development within the Commercial Districts, and in transitional light- industrial areas such as the Sun Ranch and Three Sisters Business Parks (as previously noted in the findings), and small commercial uses and home occupation mixed with residential uses.

**Response:** One of the Site (Plan) review projects affected by this extension is located in the Downtown Commercial District.

2. The City shall support the tourist industry and special events that have a positive year-round economic impact on the community.

**Response:** One of the projects that would benefit from this extension is a hotel located immediately south of Les Schwab – the hotel is designed in a manner to attract upscale tourist

use. Staff finds that the proposed update complies with all relevant policies provided within Goal 9 of the Comprehensive Plan.

**Goal 11: Public Facilities and Services.**

**11A POLICIES**

1. The City shall be proactive in planning, financing, obtaining lands, facilities, equipment, and other system elements to ensure the safe and efficient operation of public services.

**Tasks-**

- a. The City shall continue to update its water supply system to meet new State and Federal health requirements, and domestic and emergency needs.
  - b. The City shall continue its policy of assessing fair and equitable charges in System Development Charges to finance the impacts of growth on public facilities.
  - c. The City shall develop policies to adequately fund or require public facilities improvement and budget plans as well as ongoing maintenance for all public infrastructures (water, sewer, roads, etc.).
  - d. Water Management and Conservation Plans shall be required by significant new developments impacting the City's water supply system.
2. The City shall ensure that all properties within the Urban Growth Boundary are able to be provided with water, sewer, electrical and phone utilities.

**Tasks-**

- a. Applications for annexations shall demonstrate that the full development of the annexed property will not reduce levels of service or adversely impact the long-term operation of public infrastructure (water, sewer, roadways).
- b. Public facilities and all utilities (phone, cable, and power) shall be located underground and required "to and through" when a property is developed or redeveloped, in order to ensure that neighboring properties can be served in the future.

**Response:** A finding of the adequacy of public facilities can be made when it can be demonstrated that there is adequate sewer, water and roads available to adequately serve each development within a defined area under consideration. In the case of these approved land use actions, the sewer and water systems have already been determined to be adequate for the unbuilt lots based on their use characteristics.

The adequacy of the roads is also evaluated within each land use decision and accompanying findings, and in some cases, mitigation measures are required before certain specific projects can be developed.

**Goal 12: Transportation**

**12.4 POLICIES**

1. The City shall implement the adopted City of Sisters Transportation System Plan, June



2001.

2. The City will be proactive in obtaining all elements of a well functioning multi-modal transportation system through all legal means.

Tasks -

- a. The City shall plan for the development and maintenance of additional parking spaces and/or facilities.
- b. Right-of-way for planned transportation facilities, access ways, paths, or trails shall be preserved through all practical means, including exaction, voluntary dedication, conditions of approval, setbacks, or other appropriate means.
- c. ~~New development shall integrate with the existing street and grid system to facilitate local traffic flows, access to developments, and safe access to state highways.~~
- d. All streets shall be constructed to City Public Works Construction standards.

**Response:** In all cases, the required street infrastructure is in place and is performing at or above minimum performance standards.

#### **Goal 14: Urbanization**

##### **14.4 POLICIES**

6. The following policies apply to the conversion of urbanizable land to urban land:
  - a. Orderly economic provision for public facilities and services;
  - b. Availability of sufficient land for the various uses to insure choices in the market place;
  - c. Statewide planning goals and LCDC administrative rules; and
  - d. Encouragement of development within the urban areas before conversion of urbanizable areas.

**Response:** This section generally applies to converting rural land to urbanized land. It also requires redundant findings of adequacy of public facilities (as does Goals 9 and 12). Findings of adequate facilities have been presented under earlier findings, and are presented later in this report regarding traffic impacts.

Staff finds that this portion of Goal 14 is met for the reasons stated herein.

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

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

**Response:** This text primarily seeks to establish that there is adequate infrastructure available to accommodate the changes proposed without reducing the service levels available to other sites within each affected area.

Staff therefore shall evaluate each portion of the paragraph as follows;

*The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.*

**Response:** There are presently adequate levels of water and sewer available to serve each of these projects, which was determined through the findings used when deciding each individual request. At that time, the levels of available sewer and water were evaluated, and were determined to be adequate. Since that time, very little development has occurred that place a competitive drain on these resources, and the levels of service to each of the project sites are operating at acceptable levels.

The second part of the paragraph states:

*The applicant shall update City of Sisters Masters Plans for Water, Sewer, Parks and Transportation Systems subject to City Council approval, to reflect impacts of the rezoning on these facilities and long-range plans.*

**Response:** The impacts associated with each approved project has already been taken into account when each was reviewed for Code I Comprehensive Plan compliance, and has been determined that there are no increased impacts to sewer, water (or vehicular trips), or that mitigation measures can occur that will reduce the impacts associated with each project to an acceptable level.

The final portion of the paragraph states:

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

**Response:** This portion of the paragraph essentially says that associated impacts must be mitigated by the person seeking the change. In this case the City has already demonstrated that each project either has minimal impact on the City's infrastructure; has been accounted in the

calculations used to determine the adequacy of infrastructure, or can mitigate associated impacts to an acceptable level. Staff finds that this portion of Goal 14 is met.

**4. Transportation Planning Rule (TPR) Compliance.**

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

Sisters Development Code, section 4.7.600 Transportation Planning Rule compliance, states in part: "When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed by the City to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.

**Response:** This change has no effect on either the Comprehensive Plan or to the zoning of any land use district. This portion of the TPR and the Development Code does not apply.

The remaining portion of Sisters Development Code section 4.7.600 Transportation Planning Rule (TPR) Compliance also require changes to either the Comprehensive Plan or land use standards which significantly affect a transportation facility. Since no zone changes or Comprehensive Plan amendments are sought, staff finds that the TPR does not apply to this request.

**Exhibit A - Development Code Text Changes**

- I. Chapter 4.2, "Site Plan Review", subsection 700, 'Approval Period, Expiration and Extension'

#### **4.2.700 Approval Period, Expiration and Extension**

A. **Approval Period - General.** Site Plan Review approvals shall be effective for a period of two (2) years from the date of approval for a single-phased development, and up to two (2) additional years for all subsequent phases. In no case however shall any approval exceed 4 years for single phase development, including extensions, and 6 years for multi phased development, including extensions, from the original approval date. The approval shall lapse if:

1. A building permit has not been issued within the time period stated herein; or
2. Construction on the site is in violation of the approved plan.

B. **Single-Phased Project Extension.**

1. The Community Development Director or designee may, upon written request by the applicant prior to the expiration date, grant a single one-year extension per project; provided that:

- a. No changes are made on the original approved site plan;
- b. The applicant can show intent of initiating construction on the site within the extension period;
- c. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site plan review shall be required;
- d. The applicant demonstrates that failure to obtain building permits and substantially begin construction within two years of site plan approval was beyond the applicant's control.

2. **Additional Extension by Original Decision-Making Body.** The original decision-making body may or may not, upon written request by the applicant prior to the expiration date granted by the Community Development Director, grant a single additional one-year extension at their discretion. In no case however shall extensions combined with original approval durations exceed four years for single phased development from the original approval date.

C. **Phased Development.** Phasing of development may be approved with the Site Plan Review application, subject to the following standards and procedures:

1. **Approval Procedures and Durations.**

- a. A phasing plan shall be submitted with the Site Plan Review application.
- b. The Community Development Director or designee shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 2 years from the original date of approval for the first phase, and 2 additional years from the original date of approval for all subsequent phases without reapplying for site plan review.
- c. Approval of a phased site plan review proposal requires satisfaction of all of the following criteria:
  - i. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;
  - ii. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City

receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with Section 4.2.4. A temporary public facility is any facility not constructed to the applicable City or district standard, subject to review by the Public Works Director or designee;

- iii. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and
  - iv. An application for phasing may be approved after Site Plan Review approval as a modification to the approved plan, in accordance with the procedures for minor modifications (Chapter 4.6).
2. Extensions.
- a. The Community Development Director or designee may, upon written request by the applicant prior to the expiration date, grant a single one-year extension per project provided that:
    - i. No changes are made on the original approved site plan;
    - ii. The applicant can show intent of initiating construction on the site within the extension period;
    - iii. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site plan review shall be required;
    - iv. The applicant demonstrates that failure to obtain building permits and substantially begin construction within two years of site plan approval was beyond the applicant's control.
  - b. Additional Extension by Original Decision-Making Body. Upon written request by the applicant prior to the expiration date of the extension granted by the Community Development Director, the original decision-making body may or may not, grant a single additional one-year extension at their discretion. In no case however shall extensions combined with original approval durations exceed four years for single phased development, and six years from the original approval date for subsequent phases within a multiple-phased development.
3. Additional Approval Time Extension. Notwithstanding Sections A, B and C, above, all City Site Plan Review approvals, including approvals for which the City has granted an extension of time, that were due to expire on or after December 31, ~~2014~~ 2013, are hereby automatically and exceptionally extended to ~~December 31~~ June 30, ~~2015~~ 2014. Site Plan Review approvals that were approved after January 1, ~~2015~~ 2014 shall comply with Sections A, B, and C, above. Approvals that have been automatically extended by this regulation may apply for an additional extension of time in accordance with Sections B and C, above.

#### **4.3.400 Approval Process**

- A. Subdivision and Partition Approval through Two-step Process. Applications for subdivision or partition approval shall be processed through a two-step process; the preliminary plat and the final plat.

1. The preliminary plat shall be approved before the final plat can be submitted for consideration and approval; and
  2. The final plat shall include all conditions of approval of the preliminary plat.
- B. Review of Preliminary Plat. Review of a preliminary plat with 2 or 3 lots (partition) shall be processed as a Type II procedure, as governed by Chapter 4.1.400. Preliminary plats with more than 3 lots (subdivision) shall be processed as a Type III procedure under 4.1.500. All preliminary plats shall be reviewed using approval criteria contained in Section 4.3.600.
- C. Review of Final Plat. Review of a final plat for a subdivision or partition shall be processed as a Type I procedure under Chapter 4.1.300, using the approval criteria in Section 4.3.700.
- D. Preliminary Plat Approval Period – Single Phased Development. Preliminary plat approval shall be effective for a period of two (2) years from the date of approval (the date it is mailed by the City) for single-phased land divisions. The preliminary plat shall lapse if a final plat has not been submitted within a 2-year period.
- E. Preliminary Plat Approval Period – Multi Phased Development.
1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be greater than two years for the first phase, and up to two additional years for all subsequent phases from the original approval date without reapplying for a preliminary plat. In no case however shall approval durations exceed six years from the original approval date (including extensions) for any phase of a multiple phase development.
  2. The criteria for approving a phased land division proposal are:
    - a. Public facilities shall be constructed in conjunction with or prior to each phase;
    - b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Section 4.3.800. A temporary public facility is any facility not constructed to the applicable City or district standard;
    - c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and
    - d. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.
- F. Extensions
1. The Community Development Director or designee may, upon written request by the applicant and payment of the required fee prior to expiration of the approval period, grant a total of one extension of the approval period not to exceed one year per project; provided that:

- a. The applicant has submitted written intent to file a final plat within the one-year extension period;
- b. An extension of time will not prevent the lawful development of abutting properties;
- c. There have been no changes to the applicable Code provisions on which the approval was based. If the Community Development Director or designee finds that the applicable Code provisions have changed, the Director may add conditions of approval to the land division to bring the land division into compliance with all current standards and ordinances. If conditions have substantially changed the Director shall direct the applicant to refile the application for a new land division; and
- d. The extension request is made before expiration of the original approved plan.

2. Additional Extension by Original Decision-Making Body. The original decision-making body may, upon written request by the applicant prior to the expiration of the approval period granted by the Community Development Director, grant a single additional one-year extension at their discretion. If applicable Code provisions have changed, the original decision-making body may add conditions of approval to the land division to bring the land division into compliance with all current standards and ordinances. If conditions have changed substantially the decision-making body shall direct the applicant to refile the application for a new land division. In no case shall extensions combined with original approval durations exceed four years for single phased development from the original approval date, and six years for subsequent phases within a multiple-phased development from the original approval date.

G. Additional Approval Time Extension. Notwithstanding Sections D, E and F, above, all City Subdivision and Partition approvals, including approvals for which the City has granted an extension of time, that were due to expire on or after December 31, ~~2014~~ 2013, are hereby automatically and exceptionally extended to ~~December 31~~ June 30, ~~2015~~ 2014. Subdivision and Partition approvals that were approved after January 1, ~~2015~~ 2014 shall comply with Sections D, E, and F, above. Approvals that have been automatically extended by this regulation may apply for an additional extension of time in accordance with Sections D, E and F above.

#### **4.5.800 Approval Durations, Extensions and Amendments**

A. **Master Plan Approval Duration.** The Master Plan 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.

B. **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:

1. No changes have been made on the original Master Plan as approved;

2. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and
  3. The extension is requested before expiration of the original approval.
- C. **Additional Approval Time Extension.** Notwithstanding Sections A and B, above, all City Master Plan approvals, including approvals for which the City has granted an extension of time, that were due to expire on or after December 31, ~~2014~~ 2013, are hereby automatically and exceptionally extended to ~~December 31~~ June 30, 2015 ~~2014~~. Master Plan approvals that were approved after January 1, 2015 ~~2014~~ shall comply with Sections A, and B, above. Approvals that have been automatically extended by this regulation may apply for an additional extension of time in accordance with Section B, above.



## ***PUBLIC HEARING SCRIPT – TEXT AMENDMENT TA 14-08***

### **1. Opening**

This is a public hearing on Ordinance No. 455, AN ORDINANCE OF THE CITY OF SISTERS AMENDING THE SISTERS DEVELOPMENT CODE CHAPTER 4 BY ADOPTING REGULATIONS THAT ALLOW AN AUTOMATIC EXTENSION OF TIME FOR CERTAIN TYPES OF LAND USE PERMITS AND DECLARING AN EMERGENCY and it applies to City File number TA 14-08

The hearing is now called to order.

### **2. Conduct of Hearing**

The public hearing will be conducted as follows: staff will give their report and answer any questions from the Council. Following the staff report, I will open the hearing for public testimony. At that point, the Council may have additional questions for staff. I will then close the hearing, and the Council will discuss and consider the matter.

### **3. Testimony**

When you testify, please state your name and address for the record. Please keep your testimony concise and relevant to the issues before us this morning. For the deliberations this morning, the applicable criteria are listed in the staff report. These are the criteria the City Council must use to make its decision. Failure to raise an issue with sufficient specificity to afford the City Council and all parties an opportunity to respond to an issue may preclude an appeal to the Land Use Board of Appeals based on that issue, and may preclude an action in circuit court.

### **4. Disclosures**

At this time I ask the members of the City Council to disclose any ex parte contacts, bias, or conflicts of interest. Please indicate the nature and extent of the ex parte contact, bias or conflict of interest and indicate whether you intend to participate in or abstain from the hearing.

Does any member of the audience wish to challenge the ability of any Councilor to hear this matter?

### **5. Staff Report and Questions**

Staff will now present the staff report and any correspondence on this matter other than those items already included in the record.

Does the Council have any questions for staff?

### **6. Public Testimony**

Is there any testimony regarding this matter?

### **7. Staff Comments**

Does the staff have anything to add in response to the testimony?

### **8. Questions of Clarification**

Does any member of the City Council have any further questions of staff?

**9. Council discretion to allow 7 day written testimony**

The Council may close the hearing now or may close the hearing for oral testimony but allow seven days for submission of final written testimony.

How does the Council wish to proceed?

**10. Close Hearing**

If there are no further questions, I will now close the public hearing.

**11. Discussion and Motion**

Is there any further discussion by the City Council?

Do I have a motion?

SISTERS PLANNING COMMISSION PUBLIC HEARING SCRIPT  
LEGISLATIVE CHANGE  
City file no. TA 14-08  
Emergency Blanket Extension

**1. Open the Hearing**

This is a public hearing on city file number TA 14-08, a proposal to amend the Sisters Development Code in a manner that would allow an emergency extension to approved but unbuilt land use decisions. This hearing is now called to order.

**2. Conduct of Hearing**

The public hearing will be conducted as follows: staff will give their report and answer any questions from the Commission. I will then open the hearing to take public testimony. During the public testimony portion of the hearing, the Commission may have additional questions for staff. I will then close the public testimony portion of the hearing, and the Commission will then discuss and consider the matter.

**3. Testimony**

If anyone wishes to testify, please state your name and address for the record. Please keep your testimony concise and relevant to the issue before us this evening. At my discretion, I may limit testimony to 5 minutes per person.

For the deliberations tonight, the applicable criteria are listed in the staff report. These are the criteria the Planning Commission must use in making its recommendation to the City Council.

Failure to raise an issue with sufficient specificity to afford the Planning Commission and all parties an opportunity to respond to the issue may preclude an appeal to the Land Use Board of Appeals based on that issue, and may preclude an action in circuit court.

**4. Disclosures**

At this time I ask the members of the Planning Commission to disclose any ex parte contacts, bias, or conflicts of interest. Please indicate the nature and extent of the ex parte contact, bias or conflict of interest and indicate whether you intend to participate in or abstain from the hearing.

Does any member of the audience wish to challenge the ability of any Commissioner to hear this matter?

**5. Staff Report and Questions**

Staff will now present the staff report and any correspondence on this matter other than those items already included in the record.

Do any Commissioners have any questions for staff?

**6. Public Testimony**

- Would anyone like to testify in support of this proposal?
- Would anyone like to testify against this proposal?
- Would anyone like to provide neutral testimony?
- Would anyone like to provide rebuttal testimony?

**7. Staff Comments**

Does the staff have anything to add in response to the testimony?

**8. Questions of Clarification**

Does any member of the Planning Commission have any further questions of staff?

**9. Discretion to allow 7 day period for written testimony**

The Commission may close the hearing now, or may close the hearing for oral testimony but allow a period of time for submission of final written testimony.

How does the Commission wish to proceed?

**10. Close Hearing**

If there are no further questions, I will close the public hearing.

**11. Discussion and Motion**

Is there any further discussion by the Commissioners?

Do I have a motion?

Suggested motion:

**Recommendation to Council:** *“I move that the Planning Commission provide a recommendation to the City Council by approving the Resolution that supports the adoption of the changes to the Development Code found within file no. TA 14-08.”*

**NOTICE OF PUBLIC HEARINGS  
DEVELOPMENT CODE AMENDMENT  
BLANKET LAND USE EXTENSIONS**

Notice is hereby given that the City of Sisters Planning Commission and City Council will each be holding a public hearing to discuss and decide the possibility of allowing a single 6-month 'blanket extension' affecting a number of pending land use decisions (city file no. TA 14-08). The extensions will affect previously-approved projects located on various properties throughout the City of Sisters. The hearings will both be held at Sisters City Hall, 520 E. Cascade Avenue, Sisters (mailing address PO Box 39, Sisters, OR 97759). The Planning Commission hearing will take place on **December 30, 2014 at 5:30 p.m.** The City Council hearing will take place on **December 31, 2014 at 8:00 a.m.** Please contact the City of Sisters, Pauline Hardie, Community Development Director, at (541) 323-5208 for more information. Oral and/or written testimony is encouraged at both hearings. The hearings will be held under the rules of procedure adopted by the Council, which are available at City Hall.

**Request:** Discussion of an amendment to the text of Sisters Development Code Sections 4.2.700, 4.3.400, and 4.5.800 to allow an extension of time for prior Land Division, Master Plan, and Site Design Review land use approvals. This amendment would automatically extend the expiration date for these types of land use permits that were effective on or before December 31, 2014 until June 30, 2015. This amendment does not affect other types of land use permits or other City approvals that are not land use permits.

Questions or concerns regarding this application should be directed to the Community Development Department at Sisters City Hall. All correspondence regarding this discussion topic is public record and available for public review. Copies of this evidence can be obtained at a reasonable cost from the City. Sisters City Hall is a handicapped-accessible facility. For information on TTY services, please contact City Recorder Kathy Nelson, (541) 323-5213.

December 17, 2014

Pauline Hardie, AICP, Community Development Director

City of Sisters

520 E. Cascade Avenue

P.O. Box 39

Sisters, OR 97759

Subject: 8 unit Townhouse Project – Pine Meadow Village: Sub 07-01 and MOD 08-06 and FP 14-06

Dear Pauline,

This letter is written in total support of the proposed 6 month or 12 month extension for my project and the other projects/developments that are being considered to be included in this extension.

As you are aware, I am in the final process of recording the Plat on my project and the 12/31/14 deadline is out of phase with my construction loan timing by approximately 90 days - which is preventing me from being able to obtain a performance bond necessary to record the Plat.

Simply, bonding agencies, (and I have applied to 4) will not issue a performance bond without a "dollar for dollar" set aside letter from the construction lender which certifies that the construction loan has funds set aside for the bonded improvements. In my case, the lender, Columbia Bank, cannot issue this letter until February 2015. And as a result, I would have to provide the City a cashier's check in lieu of a bond in order to record the Plat by the end of the year. This would be an extreme hardship along with paying the tax clearance monies required to record. The construction loan will provide funds for both of these items in February.

I have owned the land since 2005 and I have approximately \$500,000 of my own money invested in this project to-date; I am 100 percent committed to start construction in the spring. I believe that the City only benefits from the housing that my project provides and the like benefits from other projects like Celia Huang's planned hotel.

The City has done a masterful and impressive job of improving the "City Scape" - I personally believe that the City truly benefits in the on-going development and improvement of the City by continuing to be supportive of the private developers who are willing to partner and invest in the long-term health of the City.

The City was extremely supportive of my project and others with the granting of the earlier blanket extensions that affected our projects during the financial downturn. Without those extensions, I would not have been able to responsibly continue to hold my project through that period. This is a great example of the cooperation and understanding between the City and developers that I admire and am grateful for.

I want to thank the City staff, City Manager and City Council for consideration of the proposed extension. It is a significant reduction in hardship for me.

**THANK YOU!!!!**

Sincerely,

A handwritten signature in black ink that reads "Tim G. Bretz". The letters are cursive and somewhat stylized, with the first name "Tim" being the most prominent.

Tim G. Bretz

17381 Plainview Road

Bend, OR 97701

Tel: 360-771-7774