

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
APRIL 08, 2010

MEMBERS PRESENT:

Lon Kellstrom Mayor
Bill Merrill Council President
Sharlene Weed Councilor
Pat Thompson Councilor
Jerry Bogart Councilor

GUESTS:

Dave Wheeler Sisters Fire Marshall

STAFF PRESENT:

Eileen Stein City Manager
Steve Bryant City Attorney
Brad Grimm Public Works Director
Lisa Young Finance Director
Pauline Hardie Senior Planner
Laura Lehman Associate Planner
Kathy Nelson City Recorder

ABSENT:

Eric Porter Community Devel Director

The meeting was called to order by Mayor Kellstrom at 7:55 p.m.

1. Development Code Update

The workshop from the morning of April 08, 2010 was continued.

Mayor Kellstrom stated that after speaking with Roger Lee, Executive Director of Economic Development of Central Oregon (EDCO) he was advised to expand the definition for vocational schools to include the broadest definition possible and be inclusive of types of schools not previously identified in the Development Code. Mr. Lee informed Mayor Kellstrom this would aid economic development in Sisters. The **Council** agreed to a broader definition.

The **Council** revisited the issue of set-backs in the Highway Commercial District. **City Attorney Bryant** explained how the Council cannot diminish the value of properties involved or participate in a "partial taking". He stated if a master plan is already filed for a lot then any new set-back restrictions would not apply. **Mayor Kellstrom** told the Council he had recently been informed that Ray's Food Place has control over the three lots in front of the store relative to blocking visibility. He stated that meant the footprint of the businesses that locate on the three lots will likely be on the smaller size. **Councilor Weed** voiced her concern for trees that would be cut down if the highway buffer is not kept at least 40 feet.

The **Council** discussed if drive-through businesses, including food establishments should be limited in some manner. **Councilor Merrill** was in favor of keeping the original decision that the placement of fast food establishments should be limited to opposite and adjacent. **Councilor Weed** was in favor of restricting the total number of drive-through fast food restaurants to a total of four with an unlimited number of any other types of drive-through business in the zone. She stated the option would allow more opportunity for drive-through businesses but limit fast food establishments which seem to be the concern of citizens. **Councilor Thompson** stated he didn't

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like putting a limit on the number of drive-through restaurants but did like the idea of opening the zone up to other drive-through businesses.

City Attorney Bryant explained the City can regulate businesses, formula food or drive-through businesses provided there is a very clear nexus and rational behind the reason. He stated if the City can tie its concerns to traffic or safety issues and the Development Code supports that, it is legitimate. He stated the City can prohibit drive-through businesses, but it must be all drive-through businesses not just restaurants. He stated the reason to place restrictions on a type or placement of a business must be articulated.

Mayor Kellstrom stated there are two issues with regard to drive-throughs; drive-through restaurants in particular and drive-through businesses in general. He stated he supported no prohibition of any type of drive-through business, including drive-through restaurants. **Councilor Thompson** agreed, stating he doesn't feel there is a safety issue due to traffic. **Councilor Merrill** replied the Comprehensive Plan states that Sisters will be pedestrian friendly so traffic concerns are an issue. He stated limited drive-through businesses to not be built opposite and adjacent to other drive-through businesses is reasonable and defensible. **Councilor Thompson** stated he was not in favor of placing any restrictions on any property since it could adversely affect property values.

The **Council** made the following decisions with regard to the Highway Commercial Zone:

- There will not be a limit to the number of formula food restaurants allowed.
- Drive-through facilities of any type will be allowed as long as they are not opposite or adjacent and have a minimum of 200 feet between drive-ways.
- The minimum set-back from the highway will be 20 feet from the property line.

The workshop was adjourned at 9:06 p.m.

Respectfully submitted,

Kathy Nelson, City Recorder

Lon Kellstrom, Mayor