2010Development Code

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Chapter 1.1 — How to Use the Development Code

Welcome to the City of Sisters Development Code. This is a comprehensive land use and development code that governs all of the land within the incorporated limits of Sisters. The six chapters of this Code are used together to review land use applications. They are organized as follows:

Chapter 1 - In addition to this brief introduction, Chapter 1 provides definitions for selected terms and information on the legal construct of the Code. It also explains the City's authority to enforce the Development Code.

Chapter 2 - Every parcel, lot, and tract of land within the City's incorporated boundaries is within a "land use district". Each of the City's land use districts are shown on the City's official Land Use District map. Chapter 2 identifies the land uses that are permitted within each district, and the standards that apply to each type of land use, such as lot standards, setbacks, and use-specific design standards. As required by State statutes, the zones or "land use districts" conform to the Sisters Comprehensive Plan. The districts reserve land for planned land uses, provide compatibility between different uses, and implement planned housing densities.

Chapter 3 - The design standards contained in Chapter 3 apply throughout the City. They are used in preparing development plans and for reviewing applications; to ensure compliance with City standards for access and circulation, landscaping, parking, public facilities, surface water management and signs.

Chapter 4 - Chapter 4 provides all of the application requirements and procedures for obtaining permits required by this Code. Four types of permit procedures are covered: Type I Procedure (Ministerial). Type I decisions are made by the Community Development Director, or someone he or she officially designates, without public notice and without a public hearing. The Type 1 procedure is used when there are clear and objective approval criteria, and applies city standards and criteria that require no use of discretion; Type II Procedure (Administrative). Type II decisions are made by the Community Development Director or designee with public notice, and an opportunity for a public hearing if appealed. The appeal of a Type II decision is heard by the Planning Commission; Type III Procedure (Quasi-Judicial). Type III decisions are made by the Planning Commission after a public hearing, with appeals heard by the City Council. Type III decisions generally use discretionary approval criteria; and Type IV ("legislative" decision by City Council). Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments which apply to entire districts). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council.

Chapter 5 - Chapter 5 provides standards and procedures for variances and non-conforming situations (for example, existing uses or developments that do not comply with this Code). This Code cannot provide standards to fit every potential development situation. The City's varied geography and complexities of land development require flexibility. Chapter 5 provides that flexibility while maintaining the purposes and intent of the Code.

Chapter 6 - Chapter 6 contains Map Amendments that have been approved by Administrative or Legislative decision. The Land Use District (zoning) map found in Chapter 6 is the official designated District Map for the City of Sisters.

Chapter 1.2 - General Administration

Sections:

1.2.100 Severability
1.2.200 Compliance and Scope
1.2.300 Consistency with Plan and Laws
1.2.400 Use of a Development
1.2.500 Pre-Existing Approvals
1.2.600 Building Permit and Certificate of Occupancy
1.2.700 Official Action

1.2.100 Severability

The provisions of this title are severable. If any section, sentence, clause or phrase of this title is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this title.

1.2.200 Compliance and Scope

A. Compliance with the provisions in the Development Code. Land and structures may be used or developed by construction, reconstruction, alteration, occupancy, use or otherwise, only as this Development Code ("Code") or any amendment thereto permits. No plat shall be recorded or no building permit shall be issued without compliance with the provisions of this Code.

B. Obligation by successor. The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons' successors in interest.

C. Most restrictive regulations apply. Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, or where there is an internal conflict within this code, the most restrictive or that imposing the higher standard shall govern; however, if the conflict is with Special Provisions (Chapter 2.15,) Special Provisions shall govern.

D. Variances. Variances shall be governed by the provisions within Chapter 5.1.

E. Transfer of development standards prohibited. No lot area, yard or other open space or off-street parking or loading area which is required by this Code for one use shall be a required lot area, yard or other open space or off-street parking or loading area for another use, except as otherwise specifically allowed by this Code.

F. Applicable Building, Electrical and Fire Codes. All approved development within the City of Sisters shall be developed in conformance with the applicable building, electrical, and fire codes in use at the time the development is approved. A list of the building, electrical, and fire codes currently adopted by the City of Sisters shall be available for review at the Community Development Department.

G. Public Works Construction Standards. Unless otherwise provided, the standard specifications for construction, reconstruction or repair of transportation facilities, utilities and other public improvements within the City shall occur in accordance with the City of Sisters Public Works Construction Standards, latest edition, and this Chapter. No development may occur unless the public facilities related to development comply with the public works requirements established in this Chapter.

1.2.300 Consistency With Plan and Laws.

Each development and use application and other procedure initiated under this Code shall be consistent with the adopted Comprehensive Plan of the City of Sisters as implemented by this Code, and with applicable state and federal laws and regulations. All provisions of this Code shall be construed in conformity with the adopted Comprehensive Plan.

1.2.400 Use of a Development.

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this Code (including non-conforming uses, subject to Chapter 5.2), and is not prohibited by law.

1.2.500 Pre-Existing Approvals

A. Legality of pre-existing approvals. Developments, including subdivisions, projects requiring development review or site design review approval, or other development applications for which approvals were granted prior to the effective date of this Code, may occur pursuant to such approvals.

B. Subsequent development applications. All development proposals and applications received by the Community Development Director or designee after the adoption of this Code shall be subject to review for conformance with the standards under this Code or as otherwise provided by state law.

1.2.600 Building Permit and Certificate of Occupancy

A. Building permit. A building permit shall not be issued until the Community Development Director or designee has issued a development permit in accordance with the provisions of Chapter 4 - Administration of Land Use and Development Review, or otherwise found that a development permit is not required.

B. Certificate of occupancy required. To ensure completion of a development or use in the manner approved, a development shall not be occupied and a use shall not begin until the Building Inspector has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable land use and building permits.

C. Prior to final completion. Prior to the final completion of all work, a certificate of occupancy may be issued for a portion of the structure conditioned upon further work being completed by a date certain.

1.2.700 Official Action

A. Official Action. All officials, departments, employees (including contractor-officials), of the City vested with authority to issue permits or grant approvals shall adhere to and require conformance with this Code, and shall issue no permit or grant approval for any development or use which violates or fails to comply with conditions or standards imposed to carry out this Code.

B. Severability. Any permit or approval issued or granted in conflict with the provisions of this Code shall be void.

C. Notice. The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code.

Chapter 1.3 — Definitions

Sections:

1.3.100 Meaning of Words Generally
1.3.200 Meaning of Common Words
1.3.300 Meaning of Specific Words and Terms

1.3.100 Meaning of Words Generally

All of the terms used in this Development Code have their commonly accepted, dictionary meaning unless they are specifically defined in this chapter or the context in which they are used clearly indicates to the contrary. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered the standard reference.

1.3.200 Meaning of Common Words

Tense - All words used in the present tense include the future tense.

Singular/plural - All words used in the singular include the plural, and all words used in the plural include the singular unless the context indicates to the contrary.

Use of "shall," "will", "should" and "may" - The words "shall" and "will" are mandatory and the words "should", and "may" are permissive.

Use of "land," "property," "lot" and "parcel" – The words "land," "property," "lot" and "parcel" are used interchangeably unless the context clearly indicates to the contrary.

1.3.300 Meaning of Specific Words and Terms

As used in this Code, the following words and phrases mean:

A

Abutting - Two or more lots or features (such as buildings) joined by a common boundary line or point. It shall include the terms adjacent, adjoining and contiguous.

Access – A way or means by which pedestrians, bicycles and vehicles enter or leave property.

Access easement – An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a parcel across intervening property under separate ownership from the parcel being provided access.

Access management – The control of street (or highway) access for the purpose of improving the efficiency, safety and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement.

Access Point – Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

Accessible – Any physical feature, structure or improvement that is approachable and usable by people with physical disabilities, consistent with the Americans with Disabilities Act (ADA).

Accessory building or structure – A building or structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures may be attached or detached from the primary structure. Examples of accessory structures include: garages, sheds, workshops, greenhouses, guest houses and similar structures.

Accessory dwelling – see Dwelling-Related Definitions.

Accessory use – A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

Adjacent – See Abutting.

Administrative – See Land Use Decision Types.

Adult business/Adult entertainment – Any business activity or establishment involving the display or exhibition of live or reproduced materials which has an emphasis on nudity, and/or sexual activity, and which limit their patrons to persons of at least 18 years of age.

Adverse Impact – Negative effect of development that can be measured, including but not limited to excessive traffic, noise, air pollution, vibration, light, odors, density, massing, and dust.

Affordable housing – Affordable housing is defined as housing in which low income residents spend no more than 30 percent of their gross household incomes on housing-related expenses. Households are considered "cost-burdened" if they pay more than 30 percent of total household income on housing costs. Housing-related expenses are defined by HUD as follows:
• For homebuyers, housing-related expenses include mortgage principle and interest, taxes, property insurance, mortgage insurance, and essential utilities;
• For renters, housing-related expenses include rent and utilities.

Agriculture – As used in this Code, "agriculture" is the same as "farm use." See also ORS 215.203.

Alley – See Street/Road Related Definitions.

Ambient – Something that surrounds, as in the level of light, dust or noise.

Amusement use – A building or site that provides a means of entertainment that is not otherwise defined (arcade, bowling alley, billiard parlor, etc).

Animal Hospital – A place where animals or pets are given medical or surgical treatments and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be limited to be incidental to such hospital use.

Applicant – A person who applies for a land use review or building permit. An applicant can be the owner of the property or an authorized agent of the property owner, such as a builder, developer, consultant, or architect.

Arterial – See Street/Road Related Definitions.

Articulate/articulation – The joining and interrelating of building spaces through offsets, projections, overhangs, extensions and similar features.

Assembly, Club – An organization of people who voluntarily meet on a regular basis for a mutual purpose.

Assisted Living Facility - A facility that provides a "social model of care", designed to meet the social needs as well as the medical needs of people requiring placement in a supervised care facility. Costs for care are flexible, depending on the level of care necessary for individuals to maintain their independence. Assisted living facilities are considered a type of residential care facility, see also residential care facility.

Attached dwelling/townhome – See Dwelling-Related Definitions.

Auto-dependent use – The use services motor vehicles and would not exist without them, such as vehicle repair, gas station, quick lube/service facilities, car wash, auto and truck sales.

B

Bed and breakfast inn – Generally owner-occupied dwelling with guest rooms, plus guest common areas separate from the owner's quarters. Breakfast is the only meal served, to overnight guests only. Located in a legally zoned area, and complies with all local tax, fire, building and health requirements.

Berm –Mounded or elongated landscape hills constructed for many reasons such as blocking out unwanted or unsightly views, directing or redirecting foot traffic or drainage, creating subtle and natural-looking privacy, adding raised elements to the garden, or simply emphasizing a particular area or focal point.

Beveled building corner – A rounded or flat edge on a building, usually at a street corner; may include an entrance, windows, pillars or other architectural details and ornamentation.

Bicycle – See Bicycle/Pedestrian Related Definitions.

Bicycle facilities – See Bicycle/Pedestrian Related Definitions.

Bicycle, pedestrian and non-motorized related definitions:

- **Bicycle** - A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride with wheels at least 4 inches in diameter.

- **Bicycle facilities –** A general term describing improvements and provisions made to accommodate or encourage bicycling, including bicycle parking facilities (i.e. racks and lockers) and bikeways.

- **Bikeway** –Any road, path, or way that is specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The two types of bikeways are:

  - **Bike lane –** A portion of the roadway that has been designated by permanent striping and pavement markings or signage for the exclusive use of bicycles.

  - **Shoulder bikeway –** The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in areas without curbs and sidewalks.

- **Multi-Use related definitions:**

  - **Multi-use path –** A paved access way that accommodates bicycles and other non-motorized users; typically shared with pedestrians.

  - **Multi-use trail –** An unpaved path that accommodates all-terrain bicycles and other non-motorized users; typically shared with pedestrians.

- **Pedestrian/Non-motorized related definitions:**

  - **Pathway** – An at-grade paved path that is generally separated from the roadway by a planter strip or drainage swale.

  - **Sidewalk –** A paved walkway that is generally located adjacent to and separated from a street/road by a curb or curb and planter strip.

- **Pedestrian amenities –** Pedestrian areas and objects that serve for socializing, gathering, resting and enjoyment of the City's commercial areas and contribute to a walkable district.

- **Pedestrian facilities** – A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, crosswalks, ramps, pathways and trails.

- **Pedestrian-oriented development –** Development which is designed to maximize pedestrian access to the site and building, rather than ~~on~~ auto access and parking areas. The building's main entrance is oriented to the street sidewalk.

Bike lane – See Bicycle/Pedestrian Related Definitions.

Block – A parcel of land or group of lots bounded by intersecting grid streets.

Bollard – A post of metal, wood or masonry that is used to separate or direct traffic (vehicles, pedestrians and/or bicycles). Bollards are usually decorative, and may contain sidewalk or pathway lighting.

Boulevard – A street with broad open space areas, typically with planted medians.

Building-related definitions:

- **Building –** Any structure used or intended for supporting or sheltering any use or occupancy.
- **Elevation -** Refers to a building facade, or scaled drawing of the same, from grade to the highest point on the structure.
- **Envelope –** The three dimensional space which is to be occupied by a building.
- **Façade** – The exterior walls of a building exposed to public view.
- **Footprint –** The outline of a building as measured around its exposed foundation.
- **Frontage** – A lineal front footage of a building or portion thereof devoted to a specific business or enterprise.
- **Height –** The vertical distance measured between the highest point of the roof and the nearest average finished grade.
- **Mass –** The volume of a building, or the total height, width, and depth of all its parts.
- **Orientation –** The positioning of a building or a focal point of a building (such as an entrance) toward a particular point of reference (e.g., "the front façade of the building is oriented to the street").
- **Pad** – A vacant building site on a lot with other building sites.
- **Ridge line** – The top of a roof at its highest point above the finished grade.
- **Roof line** - The line which marks the highest point of the vertical front of a building in the case of a false front, or the line where the roof is joined to the vertical front wall of the building in other cases.
- **Roof pitch** – The slope of a roof, usually described as a ratio of rise to run.
- **Scale** – The dimensional relationship of a building and its component parts to other buildings.

Bulkhead – The wall below ground-floor windows on a building (i.e., may be differentiated from other walls by using different materials or detailing).

Business - A commercial or industrial enterprise or establishment.

Business Premises - A parcel of property or that portion thereof occupied by one tenant.

C

Canopy – A permanent roofed structure which may be free-standing or partially attached to a building for the purpose of providing shelter to patrons in automobiles, and patrons on foot, but shall not mean a completely enclosed structure.

Capacity – Maximum holding or serviceability, as used for transportation, utilities, parks and other public facilities.

Caretaker's Unit – A caretaker unit is a separate dwelling unit that is accessory to a principal non-residential use and situated on the same parcel.

Carport – A stationary structure consisting of a roof, and its supports, not fully enclosed, and used to shelter motor vehicles, recreational vehicles, or boats.

Carport, portable – A portable and relocateable as opposed to permanently built accessory structure, for the storage of automobiles, boats or trailers.

Centerline radius – The radius of a centerline of a street right-of-way.

Child Care Center (commercial) – Any registered or certified child care facility which is not a family child care home.

Child Care Home (residential) - Any registered or certified family child care home where child care is offered to for no more than 16 children, including children of the provider, regardless of full-time or part-time status (ORS 657A.).

Clear and objective – Relates to decision criteria that do not involve substantial discretion or individual judgment in their application.

Collector – See Street/Road Related Definitions.

College or university – a place of higher education.

Commercial – Land use involving buying/selling of goods or services as the primary activity.

Common area –Land commonly owned to include open space, landscaping, recreation, parking, or access facilities and available for public use or use by all property owners association members and guests.

Communication facility - Includes cell towers, antennae, lattice-type and monopoles, and related facilities and equipment that are associated with telecommunication or media signal transmission and receiving.

Community Center - A public meeting place, often a complex of buildings, where people may carry on cultural, recreational, or social activities.

Comprehensive Plan – The plan adopted by the City of Sisters pursuant to ORS 197 and 215 in compliance with the Statewide Planning Goals. The Comprehensive Plan is an expression of public policy and it provides the basis for implementation through this Development Code.

Concert Hall – An area where concerts are given; a room or area for gatherings or entertainment.

Conditional use – A use that may be allowed, if it meets prescribed conditions in the Development Code or additional conditions as set forth by the decision-making body. A Minor Conditional Use Permit is processed as a Type II procedure and a Conditional Use Permit is processed as a Type III procedure.

Conservation easement – An easement that protects identified natural features of the land, such as wetlands, woodlands, significant trees, floodplains, wildlife habitat, and similar resources.

Convenience Market – A store selling a limited variety of basic items including prepackaged foods, snack foods, beverages and nonfood products. Also known as a mini-mart.

Corner clearance – The distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.

Corner lot – See Lot-Related Definitions.

Corner radius – The radius of a street corner, as measured around the curb or edge of pavement.

Cornice – The projecting horizontal element that tops a wall or flat roof.

Cottage – A small house that may be used as an accessory dwelling.

Courtyard – A court or enclosure adjacent to a building which usually includes amenities such as gardens, planters, seating, or art.

Criteria - Criteria are the elements required to comply with a particular standard.

Cross Access – A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

Cul-de-sac - A dead end street intended for local traffic that typically terminates with a bulb or other vehicle turnaround.

Curb cut – A driveway opening where a curb is provided along a street.

D

Data Center - Data storage and processing facilities, electronic products – manufacture, storage and assembly, together with all related and supporting uses and facilities.

Deciduous – Tree or shrub that sheds its leaves seasonally.

Decorative Lighting - Festoon type lights, limited to small individual low wattage bulbs on a string.

Dedication – The conveyance of land by its owner for any public use as shown on an approved plat, map or deed. Dedication does not include reservations or easements.

Density – A measurement of the number of dwelling units in relationship to a specified amount of land. As used in this Code, density is determined based on the gross parcel or lot area and includes all buildable and unbuildable land such as streets, streams, slopes, open space, easements, other rights-of-ways and land that will be dedicated as right-of-way through the development process. It does not include land previously dedicated as right-of-way.

Developable – Buildable land, as identified by the City's Comprehensive Plan. Includes both vacant land and land likely to be redeveloped, per ORS 197.

Developed open space – See Open Space Definitions.

Development – All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, grading, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or landscapes.

Diameter at Breast Height (DBH): Tree diameter at breast height. Breast height is defined as 4.5 feet above the ground on the uphill side of the tree.

Discontinued/abandoned use – A use that physically vacates the land it was on for a period of one calendar year or longer, cessation of an allowed activity, or use terminated at the end of any lease or contract.

Discretionary – Describes a permit action or decision that involves substantial judgment or discretion.

Drip-line – Imaginary line around the eave of a structure, or a tree or shrub at a distance from the trunk equivalent to the canopy (leaf and branch) spread.

Drive lane/travel lane – A paved driving surface for one lane of vehicles.

Drive-through facility – A facility or structure that is designed to allow patrons to remain in their vehicles while services and/or goods are being provided on the site. Drive-through facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers either perform the service for themselves, or wait on the site for the service to be rendered. Examples include but are not limited to drive-up windows for banks, restaurants, coffee kiosks and

similar vendors; gas pump islands; car wash facilities; auto service facilities such as quick-lube or quick-oil change facilities; and drive-in theaters.

Driveway – Areas that provide vehicular access to a site, except for public and private streets. A driveway begins at the property line and extends into the site. Driveways do not include parking spaces, maneuvering, or circulation areas in parking lots.

Driveway apron/approach – The edge of a driveway where it abuts a public way, usually constructed of concrete.

Drought Tolerant – Vegetation which is adapted to dry, arid or drought conditions.

Duplex – See Dwelling-Related Definitions.

Dwelling-related definitions:

- **Accessory dwelling** – A second dwelling unit with one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit. The accessory dwelling may be attached or detached but is always smaller than the primary dwelling.

- **Attached dwelling/townhome –** Two or more dwelling units attached side by side on two or more contiguous, separate lots with some structural parts connected at a common property line.

- **Duplex dwelling –** A building with two attached housing units on one lot or parcel. The units must share a common wall or common floor/ceiling.

- **Dwelling unit –**A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

- **Manufactured dwelling –** A residential trailer, mobile home or manufactured home.

- **Multi-family dwelling –** A structure that contains four or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-family dwelling includes structures commonly called apartments, multi-plexes and condominiums.

- **Single family detached dwelling –** One dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot.

- **Triplex dwelling –** A building with three attached housing units on one lot or parcel.

- **Work/live townhome** - A residential townhome unit in which a business shall be operated.

- **Zero-lot line dwelling** – Detached single family dwelling that is not subject to side yard setbacks on one side of a lot.

E

Easement – A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

Eave – Lowest horizontal line of a roof.

Electric Vehicle (EV) charging stations – Designated areas containing external chargers for electric vehicles. Each station contains a plug that becomes attached to the vehicle, providing it with a current of electrical energy needed for propulsion.

Elevation – See Building-Related Definitions.

Event – A gathering that may include a ceremony, competition, convention, festival, party or sporting event that is not accessory to the primary use.

Evidence – Application materials, plans, data, testimony and other factual information used to demonstrate compliance or non-compliance with a code standard or criterion.

F

Façade – See Building-Related Definitions.

Fire apparatus lane – Unobstructed area or driveway meeting applicable Fire Code requirements; typically may not be used for parking or loading area.

Flag lot – See Lot-Related Definitions.

Flood-related definitions:

- Area of special flood hazard – The land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Insurance Rate Maps. Zone A may be refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.
- Base flood – The flood having a one percent chance of being equaled or exceeded in any given year. Base flood is the same as the “100-year flood”.
- Basement – Any area of the building having its floor subgrade (below ground level) on all sides.
- Development – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- Elevated building –A nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

- Flood Insurance Rate Map (FIRM) – An official map of a community on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.
- Floodplain – Any land area susceptible to being inundated by water from any source.
- Floodway – See regulatory floodway.
- Lowest floor – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of CFR 60.3.
- Regulatory floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. This term is the same as "floodway".
- Squaw Creek – See Whychus Creek.
- Whychus Creek – The creek running through the City of Sisters, originating in the Three Sisters Wilderness and terminating in the Deschutes River above Lake Billy Chinook. FEMA flood studies identify this feature as Squaw Creek, but the name of the creek was officially changed to Whychus Creek in 2005.

Floor area ratio – The gross floor area of a building on a lot divided by the lot area (in square footage).

Formula Food Establishment - An eating or drinking establishment that: (a) is required by contractual or other arrangements to offer standardized menus, ingredients, food preparation, employee uniforms, interior decor, signage or exterior design; or (b) adopts a name, appearance or food presentation format that causes it to be substantially identical to thirteen or more other establishments regardless of ownership or location.

Front lot line – See Lot Line Definitions.

Frontage – The portion of a development site which abuts a public or private street.

Frontage street or road – See Street/Road Related Definitions.

Functional classification – The classification given to streets (such as "alley", "local", "collector" or "arterial") by the City's Transportation System Plan, or by adopted County or State Transportation System Plans.

G

Garage – A fully enclosed covered structure designed to provide shelter for vehicles, and which is accessory to residential dwellings/units. A garage may be attached to or detached from another structure.

Garage, Parking: A publicly or privately owned structure having one or more tiers of height, used for the parking of automobiles. Public parking garages may include parking spaces for customers, patrons or clients.

Grade – The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building. This is the definition used in the Oregon Structural Specialty Code.

Grading – All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

Grocery Store - A store, organized into departments, offering a wide variety of food including meat, produce, dairy, and baked goods along with canned and packaged goods as well as various nonfood items such as household cleaners, pharmacy products, and pet supplies.

Gross Floor Area - The total usable floor area in a building, measured to the outside of the exterior walls.

Ground cover – Plant material or non-plant material (e.g., mulch, gravel, bark chips) that is used to cover bare ground.

Guest House – An accessory structure used in conjunction with the main building for temporary housing of non-paying visitors and guests and containing no cooking facilities.

H

Hammerhead turnaround – See Street/Road related definitions.

Hardscape – Hard surface landscape elements, including pathways, decorative pavers, benches, drinking fountains, arbors, pergolas, plazas, and similar amenities.

Height – See Building related definitions.

Home occupation –A home occupation is a legal, nonresidential income-producing use or activity that is a secondary use of a residence.

Hostel – Budget oriented, sociable accommodation where guests can rent a bed, usually a bunk bed, in a dormitory and share a bathroom, lounge and sometimes a kitchen. Limited to 25-person occupancy per night excluding manager and/or employees. Rooms can be mixed or single-sex, although private rooms may also be available. Hostels may include a hot meal in the price.

I

Impervious surface – Surface area which does not allow infiltration of water into the ground (e.g., roofs, pavement, etc.).

Improvements – Any man-made physical addition to a property affecting the value or use of that property.

Incidental and subordinate to - A use or portion of a development that is secondary to, and less apparent, than the primary use or other portion of the development.

Infill Development – Development or redevelopment of parcels of land in otherwise built-up areas.

Interior Lot - See Lot related definitions.

K

Kennel – Any premises or building in which four (4) or more dogs or cats or other small animals or any combination thereof at least four (4) months of age are kept commercially for board, breeding, training or sale, except veterinary animal clinics.

L

Land division –The subdividing or partitioning of land for any purpose into lots or parcels, or the creation of lots or parcels for the purpose of sale or lease.

Land use - The main activity that occurs on a piece of land, (e.g., residential, commercial, mixed use, industrial, open space, recreation, street rights-of-way, vacant, etc.).

Land use decision types:

- **Administrative** – A discretionary action or permit decision made without a public hearing, but requiring public notice and an opportunity for appeal.

- **Legislative** - A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e.g., adoption of, or amendment to, a comprehensive plan or development regulation).

- **Ministerial** - A routine governmental action or decision that involves little or no discretion. The issuance of a building permit is considered a ministerial action.

- **Quasi-judicial –** Refers to an action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code, and usually involves a public hearing.

Land use district - As used in this Code, a land use district is the same as a zoning district.

Landscaping - Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Landscaping also includes irrigation systems, mulches, topsoil, and re-vegetation or the preservation, protection and replacement of existing trees.

Lane, mid-block lane – See Street/Road-Related Definitions.

Legislative – See Land Use Decision Types.

Level of service (LOS) – Level of Service, a range of operating conditions defined for each type of facility and related to the amounts of traffic that can be accommodated at each level.

Livestock – Domestic animal types customarily raised or kept on farms for profit or other purposes. This definition does not include household pets such as dogs and cats.

Local Improvement District (LID) – A public district formed for the purpose of carrying out local improvements (street paving, construction of storm sewers, development of a park, etc.) Property owners within the LID are assessed for the cost of the improvements in accordance with ORS Chapter 223.

Local street – See Street/Road-Related Definitions.

Lot – See Lot-Related Definitions.

Lot area – See Lot-Related Definitions.

Lot coverage – See Lot-Related Definitions.

Lot depth – See Lot-Related Definitions.

Lot width – See Lot-Related Definitions.

Lot-related definitions:

- **Corner lot –** A lot situated at the intersection of two streets where the interior angle of such intersection does not exceed 135 degrees.

- **Flag lot –** A lot located behind a frontage lot, plus a strip of land out to the street for an access drive. There are two distinct parts to a flag lot: the “flag” which comprises the actual building site located at the rear portion of the original lot, and the “pole” which provide access from a street to the flag lot.

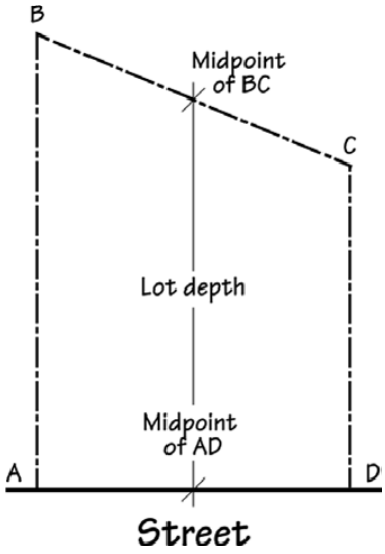
- **Interior lot –** A lot other than a corner lot and having frontage on only one street.

- **Lot –** A lot is a legally defined piece of land other than a tract that is the result of a land division. This definition includes the State definition of lot (result of subdividing) and parcel (result of partitioning).

- **Lot area –** The total surface area (measured horizontally) within the property lines of a lot.

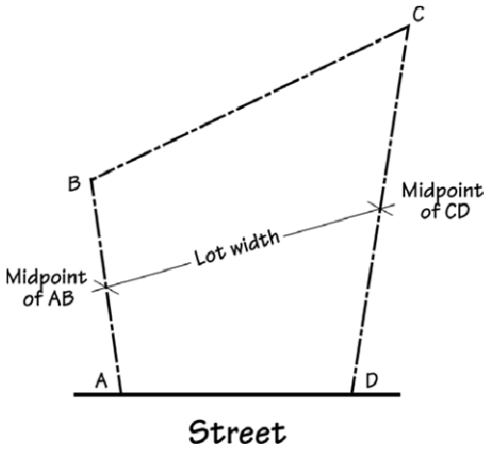
- **Lot coverage –** The area of a lot covered by a building or buildings and other structures with surfaces more than 30 inches above the finished grade expressed as a percentage of the total lot area.

- **Lot depth –** The distance from the midpoint of the front lot line to the midpoint of the rear lot line.



- **Lot of Record -** Lawfully established unit of land means:
  (A) A lot or parcel created pursuant to ORS 92.010 to 92.190; or
  (B) Another unit of land created:
  (i) In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or
  (ii) By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations.
  A lawfully established unit of land does not mean a unit of land created solely to establish a separate tax account.

- **Lot width –** The distance from the midpoint of the side lot line to the midpoint of the opposite side lot line.



- **Parcel** – A legally created lot of record, usually created by partitioning of land (ORS Chapter 92).

- **Through lot –** A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

Lot Lines – The property lines along the edge of a lot or site:

- **Exterior lot line -** Any lot line, other than the front lot line, separating a lot from a street (as in a corner lot).

- **Front lot line –** In the case of an interior lot, a property line which abuts the street; in the case of a corner lot, the applicant can choose which lot line is to be the front lot line and then orient the main entrance to the front lot line.

- **Rear lot line –**The interior lot line opposite and most distant from the front lot line. A triangular lot has two side lot lines but no rear lot line.

- **Side lot line –** Any interior lot boundary that is not a front or rear lot line.

Lot line adjustment – The adjustment of a common property line where no additional lots are created. This Development Code also defines the consolidation of lots (resulting in fewer lots) as a lot line adjustment.

Low-income – a person or household that earns 80 percent or less of the median family income for the area, as published each year by the U.S. Department of Housing and Urban Development.

M

Main/primary entrance – A main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance. Main entrances are the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. Buildings may also have main entrances opening directly into a reception or sales area, a courtyard, or plaza.

Major Retail Development - A major commercial development involves any one or a combination of the following as defined herein:

a. New construction of a commercial development that is greater than twenty thousand (20,000) gross square feet in size; or,

b. New construction of a commercial development on a parcel or combination of parcels comprising five (5) acres or larger; or,

c. Expansion of a commercial development that exists as of the effective date of adoption of this ordinance and which said expansion will increase the square footage of a commercial development to more than twenty thousand (20,000) gross square feet in area or increase the size of the development to more than a total of five (5) acres.

Maneuvering area/aisle – Refers to the driving area in a parking lot where motor vehicles are able to turn around and access parking spaces.

Manufactured dwelling – See Dwelling related definitions.

Manufactured dwelling park - Change definition of Manufactured Dwelling Park as follows: "Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. 'Manufactured dwelling park' does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192"

Mid-block lane – See Street/Road-Related Definitions.

Ministerial – See Land Use Decision Types.

Mitigation - To avoid, rectify, repair, or compensate for negative impacts which result from other actions (e.g., improvements to a street may be required to mitigate for transportation impacts resulting from development).

Mixed-use building/development – Includes a variety of complementary uses – including but not limited to residential, service, office, retail and civic uses – that are integrated vertically or horizontally within a single building or multiple buildings on a lot or development site.

Multi-family dwelling – See Dwelling-Related Definitions.

Multi-use path – See Bicycle/Pedestrian Related Definitions.

Multi-use trail – See Bicycle/Pedestrian Related Definitions.

N

Natural hazard - Natural areas that can cause dangerous or difficult development situations. For example, natural hazard areas may include steep slopes, unstable soils, landslides, or areas subject to flooding.

Natural open space – See Open Space Definitions.

Neighborhood Market - A small grocery store, 6,000 square feet or smaller.

Neighborhood-scale design - Site and building design elements that are dimensionally related to housing and pedestrians, such as narrower streets with tree canopies, smaller parking areas, lower building heights (as compared to downtown areas) and similar neighborhood characteristics.

Non-conforming use/non-conforming development – An existing land use/structure that would not be permitted by the regulations imposed by the current Development Code, but was lawful at the time it was established.

Nude/Nudity - Being devoid of a covering for the male or female genitalia consisting of an opaque material which does not simulate the organ covered, and in the case of a female, exposing to view one or both breasts without a circular covering, centered on the nipple, that is at least 3 inches in diameter and does not simulate the organ covered.

O

Off-street parking - All off-street areas designed, used, required or intended to be used for the parking of motor vehicles. Parking areas do not include driveways or drive aisles.

On-street parking - Parking in the street right-of-way, typically in parking lanes or bays. Parking may be "parallel" or "angled" in relation to the edge of the right-of-way or curb.

Open space definitions:

- **Developed open space –** includes enhanced or developed landscape set aside as a common area for the purpose of active or passive recreation. Developed open space requires improvements to support and promote higher levels of public use. Improvements may be publicly or privately owned and/or maintained and may include, but are not limited to irrigated and maintained landscaped areas, open play areas and fields, golf courses, playgrounds, picnic shelters and seating, trails or pathways, community plazas. Developed open space does not include landscaped areas or planter strips within a public right-of-way.

- **Natural open space –** natural, undisturbed landscape set aside (through dedication, conservation easement or an open space tract) for the purpose of preservation or conservation of natural resources, natural features or scenic/aesthetic values.

- **Private open space –** includes private yards, balconies, porches and other outdoor areas that may be landscaped but that are not generally available for public access or use.

Opposite - Placed or located directly across from something else or from each other.

Oriel window – Similar in style and function to a bay window but that project out beyond or is not supported flush by the building foundation.

Outdoor commercial use - A use supporting a commercial activity which provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumber yards and equipment rental businesses.

Overlay zone/district - A supplemental zoning designation for a property or area that may provide more restrictive regulations than the underlying zoning designation.

P

Parcel – See Lot-Related Definitions.

Park – Public or privately owned land set apart and devoted to the purposes of pleasure, recreation, ornament, light and air for the general public. Parks may include picnic areas, playgrounds, indoor recreation facilities, athletic fields, courts, amphitheatres and open space.

Parking Area: Privately or publicly owned property other than streets or alleys, on which parking spaces are defined, designated or otherwise.

Partition – To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. See also ORS Chapter 92.

Pathway – See Bicycle/Pedestrian Related Definitions.

Pedestrian facilities – See Bicycle/Pedestrian Related Definitions.

Pedestrian-oriented development – See Bicycle/Pedestrian Related Definitions.

Pier – Exterior vertical building elements that frame each side of a building or its ground-floor windows (usually decorative).

Planter strip - A landscape area for street trees and other plantings within the public right-of-way or other area intended for public use, usually between the street and a sidewalk.

Plat, Final – The final plan of all or a portion of a subdivision or partition that is presented to the approving authority for final signature and recording in accordance with state law.

Plat, Tentative – A plan of all or a portion of a subdivision or partition that is submitted for approval in accordance with state law, and that is not a final plat.

Plaza - A public square or extra-wide sidewalk (e.g., as on a street corner) that allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activity.

Pocket park - A small park, usually less than one-half acre in size.

Porch - A covered exterior area attached to a structure or dwelling; six (6) feet or greater in depth.

Primary - The largest or most substantial of a given element on the property. This may include the use, residence, entrance, etc. All other similar items are secondary in size or importance.

Private open space – See Open Space Definitions.

Public art - Including but not limited to, paintings, sculptures, site specific installations, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues and bas-reliefs. However, the following shall not be considered "public art ":

(1) Art objects which are mass produced;

(2) Works that are decorative, ornamental or functional elements of the architecture or landscape design, except when commissioned from an artist as an integral aspect of a structure or site;

(3) Architectural rehabilitation or historical preservation.

Q

Quasi-judicial – See Land Use Decision Types.

R

Rear lot line – See Lot Line Definitions.

Recreation Area, Indoor - A room or rooms within an enclosed building which is designed and used for recreational purposes by the public and/or occupants of a residential development. Activities provided for within an indoor recreation area may include, but are not limited to, the following: indoor swimming pools, saunas, gymnasiums, exercising rooms, dance, music or martial art studios, tennis or handball courts, and games such as pool, ping- pong, shuffleboard, etc.

Recreational facility, private means a recreation facility under private ownership and operated by a for profit or nonprofit organization, open to members, and providing one or more of the following types of recreation activity, fitness center, indoor gymnasium, spa or health center including: tennis, handball, golf, squash, volleyball, racquetball, badminton, skate park and swimming.

Recreational facilities, public means a publicly-owned facility, land, or improvements designated for leisure and recreational activities, open to the general public, with or without payment of fees.

Recreational vehicle – A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

Recreational vehicle park – Two or more recreational vehicles located on one lot and as permitted by the underlying zoning district

Residential care - Services such as supervision; protection; assistance while bathing, dressing, grooming or eating; management of money; transportation; recreation; and the providing of room and board.

Residential care facility - A facility that provides, for six or more socially dependent individuals or individuals with physical disabilities, residential care in one or more buildings on contiguous properties.

Residential facility - A residential care facility, residential training facility, residential treatment facility, residential training home or residential treatment home.

Residential home - A residential treatment or training or adult foster home licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

Retail Sales Establishment - An establishment or place of business primarily engaged in selling goods directly to the consumer, where such goods are generally available for immediate purchase and removal from the premises by the purchaser.

Ridge line – See Building-Related Definitions.

Right-of-way – Land that is owned in fee simple by the public, usually for transportation facilities, or in an easement.

Roof pitch – See Building-Related Definitions.

Roof-top garden – A garden on a building terrace, or on top of a building with a flat roof (usually on a portion of a roof).

S

Senior housing - Housing designated and/or managed for persons over the age of 55. (Specific age restrictions may vary.)

Sensitive lands - Wetlands, significant trees, steep slopes, flood plains and other natural resource areas designated for protection or conservation by the Comprehensive Plan or other state and federal agencies.

Series partition – The creation of more than three lots in more than one calendar year from one parent parcel through a partition process. Subdivision standards and requirements may be applied to a series partition. Note: the creation of more than 3 lots within one calendar year is a subdivision.

Service Station - A vehicle fueling station that also may offer such services as oil change and minor mechanical repairs to automobiles in an enclosed area and may include a convenience market.

Setback –Yard setbacks are measured along a horizontal plane from a property line to the edge of a building wall, or structure as defined herein. Minimum and maximum setbacks may be required from front, side and rear property lines.

Shared driveway - Common street access used by two or more lots or parcels. An easement or tract (owned in common) may be created for this purpose.

Shared parking – Required parking facilities for two or more uses, structures, or parcels of land that may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap.

Shooting Range – An enclosed firing range with targets for rifle or handgun practice. shooting gallery.

Shoulder bikeway – See Bicycle/Pedestrian Related Definitions.

Side lot line – See Lot Line Definitions.

Sidewalk – See Bicycle/Pedestrian Related Definitions.

Significant Trees - Individual trees with a trunk diameter of eight (8) inches or greater as measured 4.5 feet above the ground (DBH), shall be identified as significant.

Single-family attached dwelling (townhome) – See Dwelling-Related Definitions.

Single-family detached dwelling – See Dwelling-Related Definitions.

Single-family detached "Zero Lot Line" Dwelling – See Dwelling-Related Definitions.

Site - A property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this Code.

Site Plan Review –Site Plan Review ensures compliance with the basic development standards of the land use district, as well as the more detailed design standards and public improvement requirements in Chapters 2 and 3.

Specific Area Plan – Describes in more detail the type of development planned for a specific area than is typically found in a comprehensive plan, zone map, or public facilities plan.

Standards - Standards are code requirements.

Steep slopes - Slopes that are greater than 20 percent.

Storefront character – The character of a commercial building expressed by buildings with ground-floor display windows, weather protection (e.g., awnings or canopies), corner building entrances or recessed entries, and similar features.

Stormwater facility -A facility designed to improve the quality and manage the quantity of stormwater runoff. Stormwater facilities include vegetated swales and sand filters, wet or dry ponds, marshes, infiltration facilities, and structural storm sewer devices. Stormwater facilities do not include conveyance systems that are meant only for conveying the stormwater from one place to another and do not affect the quality or quantity of the stormwater.

Street/Road-Related Definitions:

- **Alley** –A narrow way providing a means of public or private access to the back or side of a property and not intended for general traffic circulation.

- **Arterial street –** Arterial streets serve to interconnect the City. These streets link major commercial, residential, industrial and institutional areas. Arterial streets reduce the incidence of traffic using collectors or local streets for through traffic in lieu of a well placed arterial street. Access control is the key feature of an arterial route.

- **Collector street –** Collector streets provide both access and circulation within and between residential and commercial/industrial areas. Collectors differ from arterials in that they provide more of a citywide circulation function, do not require as extensive control of access (compared to arterials) and penetrate residential neighborhoods, distributing trips from the neighborhood and local street system.

- **Frontage street -** A designated local street that parallels an arterial street in order to provide access to abutting properties and minimize direct access onto the arterial.

- **Hammerhead turn-around –** A "T" or "L" shaped dead-end street that allows for vehicles to turn around.

- **Local street –** Local streets have the sole function of providing immediate access to adjacent land. Service to through traffic movements on local streets is deliberately discouraged by design. All other city streets in the City of Sisters that are not designated as arterial streets, collector streets, or neighborhood routes are considered to be local streets.

- **Mid-block lane –** A narrow, limited use roadway facility usually used to access a limited number of dwelling units, similar to an alley in design.

- **Neighborhood Routes -** Neighborhood routes are usually long relative to local streets and provide connectivity to collectors or arterials. Because neighborhood routes have greater connectivity, they generally have more traffic than local streets and are used by residents in the area to get into and out of the neighborhood, but do not serve citywide/large area circulation.

- **Street/Road** - A public or private thoroughfare or right-of-way dedicated, deeded or condemned for use as such, which affords access to two or more parcels of abutting property.

- **Street stub** - A temporary street ending where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

Street connectivity - The number and distance of street connections to other streets within a specific geographic area.

Street furniture/furnishings - Benches, lighting, bicycle racks, drinking fountains, mailboxes, kiosks, and similar bicycle and pedestrian amenities located within a public right-of-way.

Street stub – See Street/Road-Related Definitions.

Street tree - Any tree located within the public or private right of way or easement for vehicular access, or associated public utility easements.

Structure – Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include uncovered paved areas or vegetative landscaping materials.

Studio, artist - An artist's or worker's workroom, or an artist and his or her employees who work within that studio. This can be for the purpose of architecture, painting, pottery (ceramics), sculpture, photography or animation.

Subdivision – The division of land to create four or more lots. See also ORS Chapter 92.

Swale - A broad, shallow depression designed for storm water runoff channelization, which might contain plants to filter contaminants.

T

Tandem Parking - Residential motor vehicle parking where two motor vehicles park nose-to-end in tandem. The first motor vehicle does not have independent access, and the second motor vehicle must move to provide access.

Temporary Use - A short-term, seasonal, or intermittent use. A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Terrace – A landing or promenade supported by columns, or a flat roof or other platform on a building.

Theater – A building, room, or outdoor structure for the presentation of plays, films, or other dramatic performances.

Through lot – See Lot-Related Definitions.

Topographic constraint – Where existing slopes or other (non-vegetative features) prevent conformance with a Code standard.

Townhome – See Dwelling-Related Definitions.

Tract: private/public - A piece of land set aside in a separate area for dedication to the public, a homeowner's association, or other entity (e.g., open space tract for open space, recreation facilities, sensitive lands, etc.); or, a tract can define a land area reserved for future development.

Transportation facilities and improvements - The physical improvements used to move people and goods from one place to another; i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc. Transportation improvements include the following:

a. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

b. Projects specifically identified in the City's adopted Transportation System Plan as not requiring further land use review and approval.

c. Landscaping as part of a transportation facility.

d. Emergency measures necessary for the safety and protection of property.

e. Construction of a street or road as designated in the City's adopted Transportation System Plan, except for those that are located in exclusive farm use or forest zones.

f. Construction of a street or road as part of a subdivision or land partition.

Transportation mode – The method or transportation (e.g., automobile, bus, walking, bicycling, etc.)

Triplex – See Dwelling Related Definitions.

U

Urban Forestry:

- **City Property** - Real property owned or controlled by the City either within or outside the City limits.

- **Crown** - The leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree.

- **Hazardous Tree** - A tree or tree part that has a high potential to fail and cause damage or injury to people or property.

- **Major Prune** - The selective removal of 20% or more of a tree's crown.

- **Pruning** - The selective cutting and removal of plant parts to meet specific goals and objectives.

- **Public Tree** - Any tree located on City of Sisters property or in a public right-of-way over which the City of Sisters has jurisdiction.

- **Topping** - An inappropriate technique to reduce tree size; cutting a stem more than 2 years old at an indiscriminate location or back to a lateral branch too small

to keep the cut stem vital (typically less than 1/3 the diameter of the cut stem); a type of pruning cut that destroys tree architecture and serves to initiate discoloration and perhaps decay in the cut stem.

- **Tree** – A woody perennial, usually with one main trunk, that is or will attain a height of at least six feet or a trunk diameter of at least 2 inches at 4.5 feet above natural grade.

- **Urban Forest Management Plan** – A document that guides the work of the City's urban forestry program and envisions a long range plan for the preservation and improvement of the Sisters urban forest. The Plan shall provide a 10-year outline for achieving urban forestry administrative, policy, educational and management goals and may contain such data as deemed necessary by the Planning Director or designee, with advice from the City Urban Forestry Board, to carry out its legal mandate. This Plan will further implement the policies and goals of the City of Sisters Comprehensive Plan. The initial Plan and subsequent updates are subject to the approval of the City Council.

- **Urban Forestry** – The planting, management and maintenance of trees and related vegetation growing within the city's urban growth boundary for the present and potential positive benefits and contributions to the health and livability of the city.

Utilities – Public or private infrastructure which includes but is not limited to sewer, water, electric, telephone, natural gas and cable television.

Utility Facility – Any major structure owned or operated by a public, private or cooperative electric, fuel, communication, sewage or water company for the generation, transmission, distribution or processing its products or for the disposal of cooling water, waste, or by-products, and including power transmission lines, major trunk pipelines, power substations, dams, water towers, sewage lagoons, sanitary landfills and similar facilities, but excluding sewer, water, gas, telephone and power local distribution lines and similar minor facilities allowed in any zone.

V

Vacate plat/street - To abandon a subdivision or street right-of-way. A plat may be vacated, returning the property to an undivided condition. A public right-of-way that is not needed or cannot be used for a street or other public purpose may also be vacated, subject to statutory requirements.

Vacation rental - The use of a residential dwelling unit by any person or group of persons entitled to occupy for rent for a period of less than 30 consecutive days per month and that is rented in such a manner for more than 10 days in a calendar year.

Variance - An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of this Code.

Veterinary animal clinic - A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

Vision clearance area – A triangular three-dimensional space located at the intersection of a street (public or private) and a driveway, alley, lane, or other vehicle way that is not a street or at an intersection of two streets (public or private) having 90 degree angles at the intersection, established to protect the visibility of pedestrians, cyclists and persons in motor vehicles.

Vocational School - A use providing post secondary education or training in business, technology, commercial trades, language, arts or other similar activity or occupational pursuit.

W

Wetland - Wetlands are land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities. Wetlands are defined more specifically by the Federal Clean Water Act (Section 404) and Oregon Administrative Rules (OAR 141-85-010).

Window hood – An architectural detail placed above a window, used as an accent.

Y

Yard – The area between buildings and property lines generally defined by setbacks.

Z

Zero-lot line dwelling – See Dwelling-Related Definitions.

Chapter 1.4 — Enforcement

Sections:

1.4.100 Provisions of this Code Declared to be Minimum Requirements
1.4.200 Violation of Code Prohibited
1.4.300 Penalty
1.4.400 Complaints Regarding Violations
1.4.500 Inspection and Right of Entry
1.4.600 Abatement of Violations
1.4.700 Stop-Order Hearing

1.4.100 Provisions of this Code Declared to be Minimum Requirements

A. Minimum requirements intended. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.
B. Most restrictive regulations apply. Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, or where there is an internal conflict within this code, the most restrictive or that imposing the higher standard shall govern; however, if the conflict is with Special Provisions (Chapter 2.15), Special Provisions shall govern.

1.4.200 Violation of Code Prohibited

It is unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment or cause or permit the same to be done in violation of this code.

1.4.300 Penalty

A. Class C penalty. A violation of this Development Code shall constitute a Class C civil infraction unless noted otherwise, and shall be processed accordingly.

B. Each violation a separate infraction. Each violation of a separate provision of this Code shall constitute a separate infraction, and each day that a violation of this Code is committed or permitted to continue shall constitute a separate infraction.

C. Abatement of violation required. A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of other remedies available to the City.

D. Responsible party. If a provision of this Code is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

1.4.400 Complaints Regarding Violations

A. Filing written complaint. Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a signed, written complaint.

B. File complaint with Community Development Department. Such complaints, stating fully the causes and basis thereof, shall be filed with the Community Development Department. The Community Development Director or designee shall properly record such complaints, investigate and take action thereon as provided by this Code.

1.4.500 Inspection and Right of Entry

See Municipal Code Title 7.

1.4.600 Abatement of Violations

Any development or use which occurs contrary to the provisions of this Code or contrary to any permit or approval issued or granted under this Code is unlawful, and may be abated by appropriate proceedings.

1.4.700 Stop-Order Hearing

A. Stop order issued. Whenever any work is being done in violation of the provisions of this Code or a condition of any permit or other approval granted pursuant hereto, the Community Development Director or designee may order the work stopped by notice in writing served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is authorized to continue.

B. Stop order hearing. The Community Development Director or designee shall schedule a Planning Commission hearing if requested on the stop order for the earliest practicable date, but not more than 30 days after the effectiveness of any required notice. At the discretion of the Community Development Director or designee such hearing may be:

1. Part of a hearing on revocation of the underlying development approval; or

2. Solely to determine whether a violation has occurred. The Community Development Director or designee shall hold this hearing and shall make written findings as to the violation within 30 days of issuing the stop-work order. Upon a finding of no violation, the Planning Commission shall require the issuance of a resume work order. Upon finding a violation, the stop order shall continue to be effective until the violating party furnishes sufficient proof to the Planning Commission that the violation has been abated. The Planning Commission decision is subject to review under Chapter 4.1.500 - Type III Procedure (Quasi-Judicial).

Chapter 2.0 – Land Use Districts

Chapters:

2.1 - Land Use District Administration
2.2 - Residential District
2.2.400 - Pine Meadow Village Residential Single Family Sub-District (R-PMV)
2.3 - Multi-Family Residential District
2.4 - Downtown Commercial District
2.5 - Highway Commercial District
2.6 - Light Industrial District
2.7 - Public Facility District
2.8 - Open Space District
2.9 - Urban Area Reserve District
2.10 - Flood Plain District
2.11 - Airport Overlay District
2.12 - Sun Ranch Tourist Commercial District
2.13 - Sun Ranch Residential District
2.14 - North Sisters Business Park District
2.15 - Special Provisions

2.1 – Land Use District Administration

Sections:

2.1.100 Classification of Land Use Districts
2.1.200 Land Use District Map
2.1.300 Determination of Land Use District Boundaries

2.1.100 Classification of Land Use Districts. All areas within the urban growth boundary of the City of Sisters are divided into land use districts. The use of each lot, parcel and tract of land is limited to the uses permitted by the applicable land use district. The applicable land use district shall be determined based on the Land Use District Map, and the provisions of this Chapter.

2.1.200 Land Use District Map.

A. Consistency with Land Use District map. The boundaries of each of the land use districts contained within this Chapter shall coincide with the land use district boundaries identified on the City's official Land Use Districts (zoning) map, retained by the City Recorder. The City's official Land Use Districts map by this reference is made a part of this Development Code. A certified print of the adopted Land Use District map, and any map amendments, shall be maintained by the City.

B. Applicability of zoning requirements. Each lot, tract and parcel of land or portion thereof within the land use district boundaries as designated and marked on the zoning map, is classified, zoned and limited to the uses as hereinafter specified and defined for the applicable district classification.

C. Land use district map amendments. All amendments to the City's official Land Use Districts (zoning) map shall be made in accordance with the provisions of Chapter 4.7.

1. Copies of all map amendments shall be dated with the effective date of the ordinance adopting the map amendment, and shall be maintained without change, together with the adopting documents, on file at the City; and

2. The City shall make available for public inspection an up-to-date copy of the revised land use district map, so that it accurately portrays changes of zone boundaries or classification, as applicable.

2.1.300 Determination of Land Use District Boundaries

Where due to the scale, lack of scale, lack of detail or illegibility of the City zoning district map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of district boundary lines, the boundary lines shall be determined by the City Administrator in accordance with the following:

1. Boundaries indicated as approximately following the centerlines of streets, highways, railroad tracks or alleys shall be constructed to follow such center lines;

2. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries;

3. Boundaries indicated as approximately following a City boundary, or the Urban Growth Boundary, shall be constructed as following said boundary;

4. Boundaries indicated as approximately following river, stream and/or drainage channels or basins shall be constructed as following river, stream and/or drainage channels or basins, as applicable; and

5. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same land use district designation that is applicable to lands abutting the vacated area. In cases where the right-of-way formerly served as a land use district boundary, the lands formerly within the vacated right-of-way shall be allocated proportionately between the subject land use districts.

Chapter 2.2 – Residential District (R)

Sections:

2.2.100 Purpose
2.2.200 Uses
2.2.300 Development Standards
2.2.400 Pine Meadow Village Residential Single Family Sub-District (R-PMV)

2.2.100 Purpose

The Residential District is intended to promote the livability, stability and improvement of neighborhoods in the City of Sisters. This chapter provides standards for the orderly development and improvement of neighborhoods based on the following principles:

- Make efficient use of land and public services, accommodate a range of housing types consistent with the Comprehensive Plan, and provide minimum and maximum density standards for land divisions.

- Provide for compatible building and site design at an appropriate neighborhood scale which includes public security and fire protection.

- Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling. Provide direct and convenient access to schools, parks and neighborhood services.

- Maintain and enhance the City's historic and natural characteristics.

2.2.200 Uses

A. Permitted uses. Uses permitted in the Residential District are listed in Table 2.2.1 with a "P". These uses are allowed if they comply with the development standards and other regulations of this Code.

B. Special Provisions. Uses that are either permitted or conditionally permitted in the Residential District subject to special provisions for that particular use are listed in Table 2.2.1 with an "SP". Uses subject to an SP shall comply with the applicable special use standards included in Chapter 2.15.

C. Conditional uses. Uses that are allowed in the Residential District with approval of a conditional use permit are listed in Table 2.2-1 with either a Minor Conditional Use "MCU" or a Conditional Use "CU". These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.

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

Table 2.2.1 Use Table for the Residential District

Land Use Category	Permitted/Special Provisions/Conditional Use
Residential	
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
Cottage Development	P / Ch. 4.6
Manufactured dwelling parks	P/SP
Child care home (Care for no more than 16 children)	P
Home occupation	P/SP
Commercial	
Childcare center (17 or more children)	CU
Public and Institutional	
Churches and places of worship	CU
Clubs, lodges	CU
Libraries, museums, community centers	CU
Utility Facility	CU
Parks	P
Recreational facilities	CU
Schools	CU
Miscellaneous	
Accessory uses and structures.	P/SP
Bed and breakfast inn	SP /MCU
Vacation Rentals	P/SP

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

2.2.300 Development Standards

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

A. Lot Area, lot width, lot depth, setbacks, floor area ratio, lot coverage and building height. See Table 2.2.2.

Table 2.2.2 Development Standards in the Residential District

Development Standard	Residential District	Comments/Other Requirements
Minimum lot area		
Single family detached dwelling, manufactured dwelling on individual lot, zero lot line dwelling	6,000 square feet	
Duplex dwelling	11,000 square feet	
Attached dwelling (townhome)	5,500 square feet	
Child Care Center, Public and Institutional uses	None	
Lot width at front property line		
Single Family and manufactured dwelling	Minimum 45	Except for Flag Lots and Driveway Courts: See Land Divisions and Lot Line Adjustments; or as required by this Code to protect sensitive lands, significant trees, etc
Duplex	Minimum 65 feet	
Attached Dwelling	Minimum 45 feet	
Cul-de-sacs, all uses	Minimum 30 feet	
Child Care Center, Public and Institutional uses	No minimum lot sizes	
Lot depth		
All housing types	No maximum lot depth for child care center, public and institutional uses, For all other uses, maximum lot depth of three times the lot width	Except as required by this Code to protect sensitive lands, significant trees, etc.
Floor Area Ratio		
	Building construction may not exceed 50% of the total lot area for lots 10,000 square feet or larger.	The areas of a building subject to this development standard shall include the following: a. Areas within the building footprint considered to be habitable space. b. Garages exceeding 500 sq ft in size. Exceptions to FAR: - Accessory structures less than 10 ft in height and 200 sq ft in area, child care center and public and institutional uses.

Lot Coverage		
	Maximum of 60 percent; except child care center and public and institutional uses shall be 80 percent	
Building Height		
	Maximum 35-feet for all residential uses; 35-feet maximum for all non-residential uses, also refer to exceptions.	
Pre-existing lots. A single family, town home or manufactured dwelling may be developed on an existing lot or parcel that is smaller than the requirements listed above provided all other applicable development standards can be met.		

Continued - Table 2.2.2 Development Standards in the Residential District

Front Yard Setbacks	
Porch	10 ft. min.
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min.
Garage (front-loaded street accessed)	20 ft. min.
Garage (side-loaded street accessed)	10 ft. min.
Interior Side Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	5 ft. min.
Exterior Side Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min
Garage (front-loaded) when accessed from a street	20 ft. min
Garage (side-loaded) when accessed from a street	10 ft. min
Garage (front-loaded) when accessed from an alley	20 ft. min.
Garage (side-loaded) when accessed from an alley	3 ft. min.
Rear Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Attached garage (street accessed)	15 ft. min
Accessory Building	5 ft. per story min.
Detached Garage (street accessed)	5 ft. per story min.
Garage (front-loaded) when accessed from an alley	20 ft. min.
Garage (side-loaded) when accessed from an alley	3 ft. min.
See also garage requirements 2.2.300.E	
Accessory dwelling units shall comply with living space setbacks	

B. General Exceptions to Setbacks and Building Height

1. Front and Rear Deck. An uncovered deck not exceeding 30 inches in height above grade may encroach into the front yard setback by no more than 6 feet and rear yard setback by no more than 8 feet, as long as it does not encroach into a public utility easement.

2. Acceptable Encroachments into Setbacks.
   a. The following features are allowed to encroach into the required side setbacks by no more than two (2) feet: eaves, chimneys, overhangs, canopies, fire escapes, landing places, outside stairways, and similar architectural features.

   b. The following features are allowed to encroach into the required rear setbacks by no more than two (2) feet: bay windows, chimneys, overhangs, canopies, fire escapes, balconies, landing places, outside stairways and similar architectural features.

   c. The following feature is allowed to encroach into the front and rear setbacks no more than three (3) feet: eaves.

3. General Exceptions to Building Height. Exceptions to the building height standard are available for certain types of affordable housing as set forth in Special Provisions. Chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features that are not intended for human occupancy and which do not exceed 40 feet in height are not subject to building height limits.

C. Walls and Fences. Walls and fences may be placed on property lines, subject to the standards in Chapter 3.2 – Landscaping and Fences and Walls. Walls and fences within front yards shall also comply with the vision clearance standards in Special Provisions, Chapter 2.15.

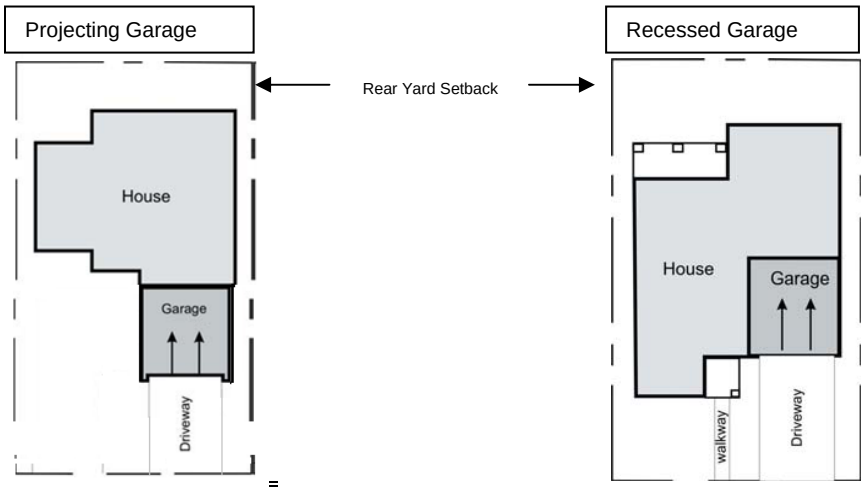
D. Special Yards. Distance between buildings on the same lot. To provide usable yard area and allow air circulation and light, the distance between buildings on the same lot shall be a minimum of six feet.

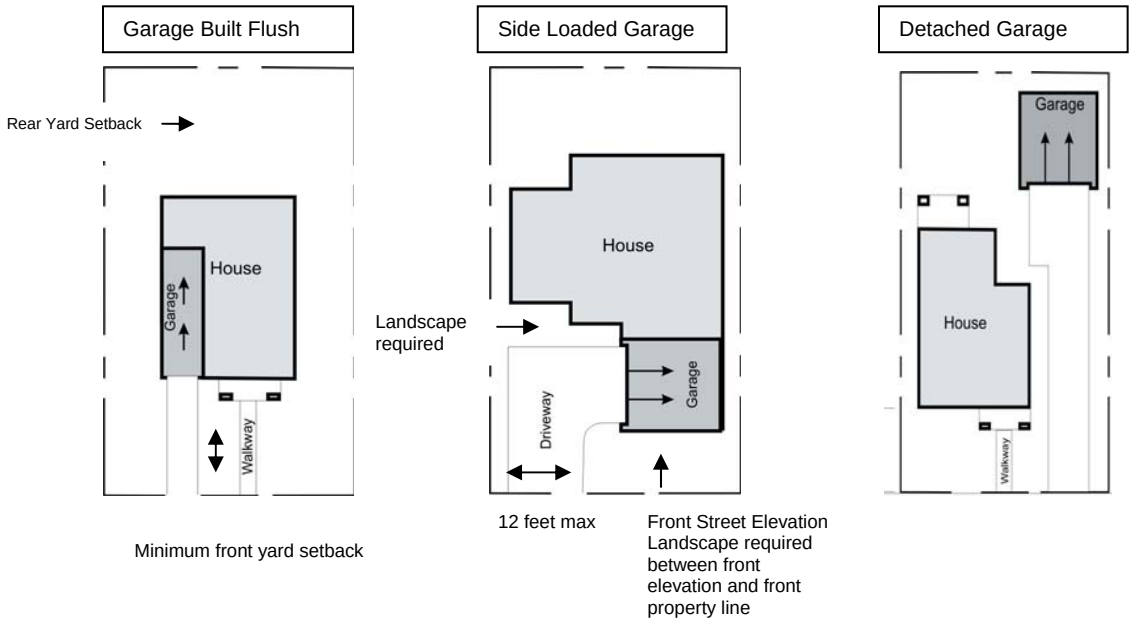
E. Garage Requirements. In addition to Table 2.2.2, the following standards shall apply;

1. Minimum one car garage shall be required per unit for single-family detached dwelling, manufactured dwelling on individual lot, zero lot line dwelling, townhome and duplex dwelling

2. Garages and carports shall be accessed from alleys where available.

3. Side loaded street accessed garages. The street facing elevation of the garage shall include windows and landscaping shall be provided between the dwelling unit and the driveway and between the street facing elevation of the garage and front property line. The throat of the driveway shall be a maximum of 12 feet in width.





F. Residential Density Standards. The following residential density standards apply to all land divisions in the Residential District.

1. The density range for the Residential District shall be 3 units per gross acre minimum and 8 units per gross acre maximum.

2. Minimum and maximum residential densities are calculated by multiplying the gross acres by the applicable density standard. For example, if the parcel size is 5 acres, the minimum density is 15 units and the maximum density is 40 units. When calculating minimum and maximum densities, figures are rounded down to the closest whole number.

3. The following types of housing are exempt from the density standards:

   a. Accessory dwelling units
   b. Bed and breakfast inns

G. Design Standards

1. Applicability. The design standards are applicable to the following types of uses and buildings in the Residential District:

   a. Single-Family Detached Dwelling Units
   b. Duplexes and triplex dwellings
   c. Attached dwelling (townhome)
   d. Public and institutional buildings
   e. Manufactured dwellings

2. Base Standards. This section is intended to show examples of how to comply with the design standards. Other building styles and designs can be used to comply, so long as they are consistent with the text of the standard. An architectural feature may be used to comply with more than one standard.

   a. Building Orientation. All buildings shall have their primary entrance oriented to the street or a common area (private street, courtyard, or open space). If oriented to a common area, the development shall provide a pedestrian sidewalk or pathway connecting the building entrance to the street.

   b. Eyes on the Street. All building elevations visible from a street right-of-way shall provide doors, porches, balconies, and/or windows. The standard applies to each full and partial building story.

   c. Detailed Design. All buildings included in the applicability section shall provide detailed design along all elevations (e.g., front, rear and sides). Detailed design requires use of at least five of the following architectural features on all front and exterior side (corner lot) elevations and at least three of the following architectural features on all interior and rear yard elevations, as appropriate for the building type and style. Architectural features shall be varied on the different building elevations.
      1. Dormers
      2. Gables
      3. Recessed entries
      4. Covered porch entries
      5. Cupolas or towers
      6. Pillars or posts
      7. Eaves (minimum 6-inch projection)
      8. Off-sets in building face or roof (minimum 16 inches)
      9. Window trim
      10. Bay or oriel windows
      11. Balconies
      12. Decorative patterns on exterior finishes (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
      13. Decorative cornices and roof lines (e.g., for flat roofs)

14. An alternative feature providing visual relief and detail, similar to options 1-13 above.

3. Garbage and Recycling Collection Areas. An exterior garbage and recycling collection area is required and shall be oriented away from the street.

4. Mechanical Equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps or generators, must be screened from the street by walls, fences, or vegetation. Landscaping and screening shall be tall enough to screen the equipment. Mechanical equipment is not permitted to be placed on roofs. Screening shall be compliant with all applicable fire codes.

4. Gated Communities. Gated communities are prohibited except as may be permitted by Chapter 4.5 Master Plans.

2.2.400 Pine Meadow Village Residential Single Family Sub-District (R-PMV)

A. Purpose. This section provides specific development standards for the Pine Meadow Village (PMV) Subdivision, a residential sub-district, by adopting certain development standards originally approved in 1998 prior to PMV being annexed into the City limits. This sub-district is separated from the Residential (R) District due to differences in building setbacks, building height, maximum lot coverage and other development standards.

B. Development Standards. The following property development standards shall apply to all land, buildings and uses in the R-PMV Sub District:

Table 2.2.3 Development Standards in the Pine Meadow Village Sub-District

R-PMV Single Family Development	
Front Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)	15 ft. min. to 20 ft. max.
Side Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)	6 ft. min.
Accessory Buildings	0 ft. or 6 ft. for detached garage/other permitted accessory structures 6 ft. for attached garage/other permitted accessory structures
Rear Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)	15 ft. for Lots 30-60; 4 ft. min. for all other Lots
Accessory Buildings	4 ft. required for alley access garage; 4 ft. min for street access parking
Detached Garage Setbacks	
Garage setback from main dwelling	15 ft. min. setback between main dwelling and garage
Garage setback from neighboring garage	6 ft. separation between detached garages unless zero lot line attached garage.

Continued - Table 2.2.3 Development Standards in the Pine Meadow Village Sub-District

Development Standard	R-PMV District	Comments/Other Requirements
Minimum lot area		
	6,000 square feet	
Lot width at front property line		
	50 feet	
Lot Coverage		
	Maximum of 50 percent with A.R.C. approval for alley accessed garage; Maximum of 45 percent for street access parking.	Lot coverage includes that portion of a lot which, when viewed directly from above, would be covered by a building or structure, or any part thereof. All building footprints subject to maximum lot restrictions.
Building Height		
	Single story lots: 20' max. Two story lots: 30' max (main building); 20' max (garage); 25' max (bonus)	Height measured to midpoint of sloping roof.
Accessory Building Size Limits		
	600 square foot max.	Dimensions: 22 ft. x 25 ft. max. except as approved by A.R.C.

B. **Other Development Standards.** Development standards not specifically addressed under Section 2.2.400 will be reviewed per the development standards in the base district, which are listed under Section 2.2.

Chapter 2.3 –Multi-Family Residential District (MFR)

Sections:

2.3.100 Purpose
2.3.200 Uses
2.3.300 Development Standards

2.3.100 Purpose

The Multi-Family Residential District is intended to accommodate a range of housing types and lot sizes and to make efficient use of land and public facilities by establishing minimum and maximum density standards for housing. Multi-Family Residential District design standards ensure compatible building and site design at an appropriate neighborhood scale.

2.3.200 Uses

A. Permitted uses. Uses permitted in the Multi-Family Residential District are listed in Table 2.3.1 with a "P". These uses are allowed if they comply with the development standards and other regulations of this Code.

B. Special Provisions. Uses that are either permitted or conditionally permitted in the Multi-Family Residential District subject to special provisions for that particular use are listed in Table 2.3.1 with an "SP". Uses subject to an SP shall comply with the applicable special use standards included in Chapter 2.15.

C. Conditional uses. Uses that are allowed in the Multi-Family Residential District with approval of either a Minor Conditional Use "MCU" or a Conditional Use Permit "CU" as listed in Table 2.3.1. These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.

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

Table 2.3.1 Use Table for the Multi-Family Residential District

Land Use Category	Permitted/Special Provisions/Conditional Use
Residential	
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

Land Use Category	Permitted/Special Provisions/Conditional Use
Multi-family dwellings (4 + units)	P
Manufactured dwelling park	P/SP
Residential home/Residential facility	P/SP
Cottage Development	P / Ch. 4.6
Family child care (Care for no more than 16 children)	P
Home occupation	P/SP
Multifamily dwelling units with a density of greater than 15 gross units per acre up to 20 gross units per acre	MCU
Commercial	
Child care center (more than 16 children)	CU
Public and Institutional	
Churches and places of worship	CU
Libraries and museums	CU
Utilities Facility	CU
Parks, recreational facilities, and community centers	CU
Schools	CU
Miscellaneous	
Accessory uses and structures.	P/SP
Bed and breakfast inn	P/SP
Vacation Rentals	P/SP

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

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	4,500 square feet	
Duplex dwelling	7,500 square feet	

Development Standard	Multi-Family Residential District	Comments/Other Requirements
Triplex dwelling	9,000 square feet	
Fourplex	10,000 square feet	
Attached dwelling (townhome~~s~~)	3,500 square feet	
Multi-family dwelling (5 or more units)	12,000 square feet	Structures with 5 or more units shall provide an additional 200 square feet of usable open space per dwelling unit. The standard applies starting at the 6th unit
Child Care Center, Public and Institutional uses and Residential facility	none	
Lot width at front property line		
Single-family detached, zero lot line and manufactured dwellings	Minimum 40 feet	Except for flag lots and Driveway Courts – see Land Divisions and Lot Line Adjustments; or as required by this Code to protect sensitive lands, significant trees, etc.
Duplex	Minimum 50 feet	
Triplex	Minimum 55 feet	
Attached dwelling (townhome)	Minimum 35 feet	
Cul-de-sac, all uses	30-feet	
All other housing types	minimum 60 feet	
Child Care Center, Public and Institutional uses and Residential facility	None	
Lot depth		
Lot depth	No maximum lot depth for multi-family, Child Care Center, Public and Institutional uses and Residential facility; for all other uses, maximum lot depth of three (3) times the lot width	Except as required by this Code to protect sensitive lands, significant trees, etc.
Floor Area Ratio		
	Building construction may not exceed .60 FAR (60%) of the total lot area.	The areas of a building subject to this development standard shall include the following: a. Areas within the building footprint considered to be habitable space. b. Individual garages exceeding 500 sq ft in size.

Development Standard	Multi-Family Residential District	Comments/Other Requirements
		Exceptions to FAR: Accessory structures less than 10 ft in height and 200 sq ft in area, residential facility, public and institutional uses and child care centers
Lot Coverage		
	Maximum of 60 percent, except Child Care Center, Public and Institutional uses and Residential facility shall be 80 percent	-
Building Height		
	35' for all residential uses except 5 or more multifamily units; 35' for all non-residential uses.	Multifamily: 5 or more units 35' within habitable area, 35' to 50' may include non-habitable area
Pre-existing lots. A single family, town home or manufactured dwelling may be developed on a lot or parcel smaller than the requirements listed above provided all other applicable Development Standards can be met.		

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

Setbacks	
Front Yard Setbacks	
Porch	10 ft. min.
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min.
Garage (front-loaded street accessed)	20 ft. min.
Garage (side-loaded street accessed)	10 ft. min.
Interior Side Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	5 ft. min.
Exterior Side Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min
Garage (front-loaded) when accessed from a street	20 ft. min
Garage (side-loaded) when accessed from a street	10 ft. min
Garage (front-loaded) when accessed from an alley	20 ft. min.
Garage (side-loaded) when accessed from an alley	3 ft. min.
Rear Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Attached garage (street accessed)	15 ft. min

Accessory Building	5 ft. per story min.
Detached Garage (street accessed)	5 ft. per story min.
Garage (front-loaded) when accessed from an alley	20 ft. min.
Garage (side-loaded) when accessed from an alley	3 ft. min.
See also garage requirements 2.3.300.E	
Accessory dwelling units shall comply with living space setbacks	

B. General Exceptions to Setbacks and Building Height

1. Front and rear deck. An uncovered deck not exceeding 30 inches in height above grade may encroach into the front yard setback by no more than 6 feet and rear yard setback by no more than 8 feet, as long as it does not encroach into a public utility easement.
2. Acceptable encroachments into setbacks.
   a. The following features are allowed to encroach into the required side setbacks by no more than two (2) feet: eaves, chimneys, overhangs, canopies, fire escapes, landing places, outside stairways, and similar architectural features.
   b. The following features are allowed to encroach into the required rear setbacks by no more than two (2) feet: bay windows, chimneys, overhangs, canopies, fire escapes, balconies, landing places, outside stairways and similar architectural features.
   c. The following feature is allowed to encroach into the front and rear setbacks no more than three (3) feet: eaves.
3. General Exceptions to building height. Exceptions to the building height standard are available for certain types of affordable housing as set forth in Special Provisions. Chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features that are not intended for human occupancy and which do not exceed 40 feet in height are not subject to building height limits.

C. Fences and walls. Fences and walls may be placed on property lines, subject to the standards in Chapter 3.2 – Landscaping and Fences and Walls. Fences and walls within front yards shall also comply with the vision clearance standards in Special Provisions, Chapter 2.15.

D. Special Yards. Distance Between Buildings on the Same Lot
Distance between buildings on the same lot. To provide usable yard area and allow air circulation and light, the distance between buildings on the same lot shall be a minimum of six feet.

E. Garage Requirements. In addition to Table 2.3.2, the following standards shall apply;

1. Minimum one car garage shall be required per unit for single-family detached dwelling, manufactured dwelling on individual lot, zero lot line dwelling, town home, duplex and triplex dwelling.

2. Garages and carports shall be accessed from alleys where available.

3. Side loaded street accessed garages. The street facing elevation of the garage shall include windows and landscaping shall be provided between the dwelling unit and the driveway and between the street facing elevation of the garage and front property line. The throat of the driveway shall be a maximum of 12 feet in width.

4. Garage and Carport Requirements for Multi-Family. Minimum one car garage or carport shall be required for 50 percent of the units provided. Garage and carport design shall use the same architectural features as the multi-family dwelling units. Affordable multi-family dwelling units are exempt from the garage and carport requirements.

F. Gated Communities. Gated communities are prohibited except as may be permitted by Chapter 4.5 Master Plans.

G. Residential Density Standards. The following residential density standards apply to all land divisions in the Multi-Family Residential District and to multi-family housing on individual lots.

1. The density range for the Multi-Family Residential District shall be 7 units per gross acre minimum and 15 units per gross acre maximum; more than 15 units per acre up to 20 units per acre allowed via Minor Conditional Use.

2. Minimum and maximum residential densities are calculated by multiplying the gross acres by the applicable density standard. For example, if the parcel size is 5 acres, the minimum density is 45 units and the maximum is 100 units. When calculating minimum and maximum densities, figures are rounded down to the closest whole number.

3. Accessory dwelling units are exempt from the minimum density standards.

H. Design Standards. The following design standards are intended to provide detailed, pedestrian-oriented design, while affording flexibility to use a variety of building styles.

1. Applicability. The design standards are applicable to the following types of uses and buildings in the Multi-Family Residential District.

   a. Single-Family Detached Dwelling Units
   b. Duplex and triplex dwellings
   c. Town home
   d. Multi-family dwellings
   e. Public and institutional buildings
   f. Manufactured dwellings

2. Base standards. The figures in this section are intended to show examples of how to comply with the design standards. Other building styles and design can be used to comply, so long as they are consistent with the text of the standard. An architectural feature may be used to comply with more than one standard.

a. Building orientation. All buildings shall have their primary entrance oriented to the street or a common area (private street, courtyard, or open space). If oriented to a common area, the development shall provide a pedestrian sidewalk or pathway connecting the building entrance to the street.

b. Location of off-street parking. Off-street parking areas shall not be placed between the primary building facades and streets for multi-family, public and institutional and neighborhood commercial buildings. Alley access is required where existing alleys are available or can be extended to serve new development. Alley access is recommended for all uses unless it is not feasible because of existing development patterns or topography.

3. Eyes on the street. All building elevations visible from a street right-of-way shall provide doors, porches, balconies, and/or windows. The standard applies to each full and partial building story.

4. Detailed design. . All buildings included in the applicability section shall provide detailed design along all elevations (e.g., front, rear and sides). Detailed design requires use of at least five of the following architectural features on all front and exterior side (corner lot) elevations and at least three of the following architectural features on all interior and rear yard elevations, as appropriate for the building type and style. Architectural features shall be varied on the different building elevations.

   a. Dormers
   b. Gables
   c. Recessed entries
   d. Covered porch entries
   e. Cupolas or towers
   f. Pillars or posts
   g. Eaves (minimum 6-inch projection)
   h. Off-sets in building face or roof (minimum 16 inches)
   i. Window trim
   j. Bay or oriel windows
   k. Balconies
   l. Decorative patterns on exterior finishes (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
   m. Decorative cornices and roof lines (e.g., for flat roofs)
   n. An alternative feature providing visual relief and detail, similar to options a-m above.

I. Garbage and Recycling Collection Areas. An exterior garbage and recycling collection area is required and shall be oriented away from the street.

J. Mechanical Equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps or generators, must be screened from the street by walls, fences, or vegetation. Landscaping and screening shall be tall enough to screen the equipment. Mechanical equipment is not permitted to be placed on roofs. Screening shall be compliant with all applicable fire codes.

K. Additional Design Standards for Multi-Family Housing. In addition to the design standards set forth in Section 2.3.300.H above, development of multi-family housing (5 or more units) shall also comply with the following additional standards.

1. Usable open space shall be exclusive of dedicated street right-of-ways, land dedicated to other public uses like parks and schools, and vehicular circulation and parking areas. Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the usable open space requirements.

2. Private open space. Private open space shall be required for all multi-family units based on the following standards:

   a. Ground floor housing units shall have front or rear patios or decks measuring at least 48 square feet.

   b. To the extent possible, private open space areas shall be oriented toward common open space areas and away from adjacent single family residences, parking areas and driveways and trash enclosures.

3. Trash receptacles. A common trash enclosure shall be required and is subject to the following standards.
   1. Trash enclosures shall be oriented away from adjacent residences and shall be screened.
   2. Trash enclosures shall be accessible to trash pick-up trucks.
   3. Trash enclosures, a minimum of six-feet in height, shall be constructed of solid, durable and attractive walls with solid screen doors and shall be visually consistent with project architecture.
   4. A minimum two (2) foot irrigated and landscaped perimeter shall be provided around the enclosure (excepting door entries).
   5. Enclosure areas shall contain sufficient space to accommodate both waste disposal and recycling containers.

4. Building form. All buildings shall incorporate design features such as offsets, balconies, projections, window trim, or similar elements to preclude large expanses of uninterrupted building surfaces. Along the façade of the structure, such features shall occur at a minimum of every ~~20~~ 30 lineal feet, and each floor shall contain at least two of the following features:

   a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet;
   b. Extension (e.g., floor area, deck, patio, entrance or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
   c. Offsets or breaks in roof elevation of 2 feet or greater in height.

Chapter 2.4 — Downtown Commercial (DC) District

Sections:

2.4.100 Purpose
2.4.200 Uses
2.4.300 Development Standards

2.4.100 Purpose

The purpose of the Downtown Commercial District is to strengthen and reinforce the downtown of Sisters as the "heart" of the community. This chapter is intended to support this purpose through design and appropriate mixed-use development in the Downtown Commercial District, consistent with the following principles:

- Strongly encourage downtown revitalization
- Encourage efficient use of land and urban services
- Provide a mix of land uses to encourage walking as an alternative to driving
- Expand employment
- Provide more options for housing
- Improve accessibility between the Downtown Commercial District and neighborhoods and other employment areas
- Enhance visitor accommodations and tourism amenities
- Provide standards that maximize the pedestrian friendly scale and quality of the District
- Sustain the historic tourist character of the City of Sisters through the Western Frontier Architectural Design Theme standards

2.4.200 Uses

A. Permitted uses. Uses allowed in the Downtown Commercial District are listed in Table 2.4.1 with a "P". These uses are allowed if they comply with the development standards and other regulations of this Code.

B. Special Provisions Uses that are either permitted or conditionally permitted in the Downtown Commercial District subject to special provisions for that particular use are listed in Table 2.4.1 with an "SP". Uses subject to an SP shall comply with the applicable special use standards included in Chapter 2.15.

C. Conditional uses. Uses that are allowed in the Downtown Commercial District with approval of a conditional use permit are listed in Table 2.4.1 with either a Minor Conditional Use "MCU" or a Conditional Use "CU". These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.

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

Table 2.4.1 Use Table for the Downtown Commercial District

Land Use Category	Permitted/Special Provisions/Conditional Uses
Residential	
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
Cottage Developments	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.
Commercial	
Amusement Uses	P
Artist studio	P
Assembly, Club	P
Concert Hall	P
Electric Car Charging Stations (regardless if accessory)	CU
Gallery	P
Hotel	P
Brewery and Distillery	MCU
Eating and drinking establishments	P/See Section 2.4.300.K
Retail sales establishment	P
Professional and personal services (dry cleaners, barber shops/salons, etc.)	P

Land Use Category	Permitted/Special Provisions/Conditional Uses
Offices (medical, dental, professional)	P
Animal veterinary clinics	CU
Neighborhood market	P
Health club (e.g. gym, yoga studio, martial arts, etc.)	P
Small item repair services (e.g., jewelry, small appliances, etc.)	P
Light manufacture (e.g., small-scale crafts, electronic equipment, furniture, similar goods) when in conjunction with retail	CU
Theater	P
Public and Institutional	
Community centers and similar uses	P
Churches and places of worship	CU
Service clubs, lodges, etc.	P
Government offices	P
Museums	P
Public parking lots and garages	P
Public parks and recreational facilities	P
Schools (including child care centers)	CU
Miscellaneous	
Accessory uses and structures	P/SP
Adult business	P/ SP
Bed and breakfast inn	P/SP
Communication facility	CU/SP, incl. height exception
Home Occupation	P/SP
Hostel	P; accessory use to primary permitted use; 25 guest occupancy limit plus staff, and 14 day stay limit for each 30 day period
Vacation Rental	P
PROHIBITED USES Drive-through facilities, motorized vehicle repair uses and sales, and outdoor storage, except for electric car charging stations (CU)	

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

2.4.300 Development Standards

The following property development standards shall apply to all land, buildings and uses in the Downtown Commercial District. Setbacks and other development standards for stand-alone residential uses are found in Table 2.4.2.a

A. Lot Area, lot frontage, setbacks, lot coverage and building height. See Table 2.4.2.

Table 2.4.2 Development Standards for the Downtown Commercial District

Development Standard	Downtown Commercial District	Comments/Other Requirements
Minimum lot area	No minimum	-
Lot frontage	No minimum	-
Front yard setback	First Floor - 5 feet minimum; 10 feet maximum Second and third floor - 0 feet.	Except where vision clearance standards apply. First Floor -The maximum setback may be increased to 20 feet when a usable public space with pedestrian amenities is provided between the building and the front property line. First Floor - No more than 50 percent of the front building elevation shall exceed the maximum 10 foot setback Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks shall apply. The following features are allowed to encroach into the required setback: eaves, chimneys, overhangs, canopies, fire escapes, landing places, outside stairways, and similar architectural features. Balconies, overhangs, bay windows, awnings, eaves, signs and similar features may extend into the right-of-way subject to the following requirements; A. Support posts are permitted in compliance with the Building Codes B. Awnings may extend over public property but no portion shall extend nearer than two feet to the face of the nearest curb line measured horizontally.

Development Standard	Downtown Commercial District	Comments/Other Requirements
		C. Encroachments shall not obstruct or prevent the placement of street trees or other improvements within the public right-of-way. D. All permanent encroachments (part of the building structure) which infringe into the City ROW require the execution of an encroachment agreement. E. The lowest point of the overhead architectural feature, (Signs use Chapter 3.4), must be at least eight (8) feet above the sidewalk.
Interior Side yard setback a. Abutting non-residential district b. Abutting residential district	No minimum 5 foot minimum	
Exterior Side Yard setback	First Floor - 5 feet minimum; 10 feet maximum Second and third floor - 0 feet.	First Floor - The maximum setback may be increased to 20 feet when a usable public space with pedestrian amenities is provided between the building and the property line. First Floor - No more than 50 percent of the building elevation shall exceed the maximum 10 foot setback The following features are allowed to encroach into the required setback: eaves, chimneys, overhangs, canopies, fire escapes, landing places, outside stairways, and similar architectural features. Balconies, overhangs, bay windows, awnings, eaves, signs and similar features

Development Standard	Downtown Commercial District	Comments/Other Requirements
		may extend into the right-of-way subject to the following requirements; A. Support posts are permitted in compliance with the Building Codes. B. Awnings may extend over public property but no portion shall extend nearer than two feet to the face of the nearest curb line measured horizontally. C. Encroachments shall not obstruct or prevent the placement of street trees or other improvements within the public right-of-way. D. All permanent encroachments (part of the building structure) which infringe into the City ROW require the execution of an encroachment agreement. E. The lowest point of the overhead architectural feature, (Signs use Chapter 3.4), must be at least eight (8) feet above the sidewalk.
Rear yard setback	No minimum	Except where vision clearance standards apply.
Lot coverage	No maximum	Compliance with other sections of the Code (landscaping, parking, pedestrian circulation, etc.) may preclude 100 percent lot coverage for certain uses
Building height	30 feet; 35 feet if building includes second-floor residential use	See exceptions to building height in Section 2.4.300.B.

Table 2.4.2.a Development Standards for Stand-Alone Residential Uses located within the Downtown Commercial District. These standards only apply 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

Development Standard	Downtown Commercial District	Comments/Other Requirements
Minimum lot area:		
Townhouse	3500 square feet	
Single Family Dwelling; Manufactured Home	4000 square feet	
Duplex Dwelling	4500 square feet	
Triplex Dwelling	6000 square feet	On lots that are located west of Fir Street only
Multi-Family Dwellings (4 or more units)	7500 square feet for first 4 units, plus 1500 square feet for each additional unit.	On lots that are located west of Fir Street only
Lot frontage		
	No minimum	

Continued - Table 2.4.2a Development Standards for Stand-Alone Residential Uses located within the Downtown Commercial District. These standards only apply 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

Development Standard	Downtown Commercial District	Comments/Other Requirements
Setbacks		
Front		
Porch	10 ft. min., 20 ft. max.	
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min., 20 ft. max.	The following features are allowed to encroach into the required front setback up to 24": eaves, chimneys, overhangs, canopies, fire escapes, landing places, outside stairways, and similar architectural features.
Garage (front-loaded)	20 ft. min.	Recessed 10 ft. min. behind front wall of house
Garage (side-loaded)	10 ft. min.	
Interior Side Yard Setbacks		
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	5 ft. min.	

Exterior Side Yard Setbacks		
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min.	Lots that are less than 35' wide may reduce the exterior side yard setback to 5'.
Garage (front-loaded) when accessed from a street	20 ft. min.	Recessed 10 ft. min. behind front wall of house.
Garage (side-loaded) when accessed from a street	10 ft. min.	
Rear Yard Setbacks		
Primary Building/Living Space (Enclosed habitable area)/Attached garage (street accessed)	15 ft. min.	
Accessory Building	5 ft. min. per story	
Detached Garage (street accessed)	5 ft. min. per story	
Garage (front-loaded) when accessed from an alley	20 ft. min.	
Garage (side-loaded) when accessed from an alley	3 ft. min.	
See also garage requirements 2.4.300.B		
Accessory dwelling units shall comply with living space setbacks		
Other Standards		
Lot coverage		
	60%	
Building height		
	35 feet	

Parking		
	See Chapter 3.3 for lot / aisle dimensions, and Subsection 2.4.300B	The parking exception in 3.3.200D does not apply to stand-alone residential uses.
Pre-existing lots. A single family, town home or manufactured dwelling may be developed on an existing lot or parcel that is smaller than the requirements listed above provided all other applicable development standards can be met.		

B. Garage Requirements. In addition to Table 2.4.2.a, the following standards shall apply;

1. Minimum one car garage shall be required per unit for single-family detached dwelling, town home, duplex and triplex dwelling.

2. Garages and carports shall be accessed from alleys where available.

3. Side loaded street accessed garages. The street facing elevation of the garage shall include windows and landscaping shall be provided between the dwelling unit and the driveway and between the street facing elevation of the garage and front property line. The throat of the driveway shall be a maximum of 12 feet in width.

4. Garage and Carport Requirements for Multi-Family. Minimum one car garage or carport shall be required for 50 percent of the units provided. Garage and carport design shall use the same architectural features as the multi-family dwelling units. Affordable multi-family dwelling units are exempt from the garage and carport requirements.

C. Exceptions to Building Height

1. The building height increase allowed for housing shall apply only to vertical mixed use buildings, and shall only apply to that portion of the building that contains housing.

2. Not included in the maximum height limit are bell towers, steeples, flagpoles, and similar features that are not intended for human occupancy and by their vertical orientation do not block views.

3. Not included in the maximum height limit are western design theme facades (false front facades), which may extend to 35 feet for a maximum 25 percent of the street-facing building length.

D. Building Orientation Standards. The building orientation standards are intended to promote the pedestrian-oriented, storefront character of the Downtown Commercial District by placing buildings with a primary entrance facing the sidewalk. The building orientation standards are met when:

1. Buildings shall have their primary entrance(s) oriented to (facing) the street. On corner lots, buildings shall have at least one entrance oriented to the street. All other street facing elevations shall comply with the Design Standards including ground floor windows. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces).

2. Off-street parking, driveways or other vehicular circulation areas shall not be placed between a building and the street used to comply with the building orientation standard. Parking, driveways and other vehicle areas are prohibited between buildings and street corners

E. Design Standards. The design standards for non stand-alone residential buildings within the Downtown Commercial District recognize that this district is intended for pedestrian-oriented rather than auto-oriented uses. The design standards are met when:

Active ground floor uses and windows.

The street-side portions of the lower floors of all buildings shall contain shops, offices, lobbies, and other activities oriented toward pedestrians. Ground-floor windows for viewing the activity inside the building shall be provided and blank walls are prohibited along all street frontages.

F. Major Retail Development, as defined, shall refer to Chapter 2.15, Special Provisions.

G. Pedestrian Amenity Standards. Except for single family, manufactured dwelling, townhouse and duplex residences (where permitted), all development in the Downtown Commercial District shall provide at least two (2) of the pedestrian amenities listed below. Pedestrian amenities may be provided within a public right-of-way (i.e., on the sidewalk, curb, or street pavement) when approved by the City (for city street), Deschutes County (for county roads) or ODOT (for state highways).

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 8 feet); and/or
2. Sitting space (i.e., benches or ledges between the building entrance and sidewalk, with a minimum of 16 inches in height and 30 inches in width); and/or
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a privately owned sidewalk or pedestrian space); and/or
4. Public art; and/or
5. Water feature.

H. Outdoor Displays, Sales, and Dining. Outdoor display, sale of merchandise, and dining associated with the primary use is permitted and shall be limited to the private property of that primary use. Merchandise shall be limited to items such as cards, plants, floral products, food, books, newspapers, bicycles, and similar small items for sale or rental to pedestrians (i.e., non-auto oriented). A minimum clearance of 4 feet shall be maintained at all times to allow pedestrians to pass by the displays, sales and dining areas. Display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, and similar vehicles and equipment is prohibited. This section does not include public art; see Special Provisions.

I. Screening. The following screening standards address specific unsightly features which detract from the appearance of commercial areas.

1. Garbage and recycling collection areas. Garbage and recycling collection enclosures are required and shall be orientated away from the street and adjacent properties. Enclosures shall be constructed of solid, durable and attractive walls/fences, a minimum of six (6) feet in height, with solid doors, and shall be visually consistent with project architecture. Trash receptacles for pedestrian use are exempt. Enclosures shall be compliant with all applicable fire codes.

2. Mechanical equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps or generators, must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Landscaping and screening shall be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened by a parapet around the façade or the equipment that is as tall as the tallest part of the equipment. Screening shall be compliant with all applicable fire codes and height requirements.

J. Western Frontier Design Theme. See Special Provisions, Chapter 2.15.

K. Formula Food Establishments. The City of Sisters has developed a unique community character in its commercial districts. The City desires to maintain this unique character and protect the community's economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs. To meet these objectives, the City limits Formula Food Establishments to a maximum of one within this zone.

Chapter 2.5 – Highway Commercial District (HC)

Sections:

2.5.100 Purpose
2.5.200 Uses
2.5.300 Development Standards

2.5.100 Purpose

The purpose of the Highway Commercial (HC) District is to provide areas suitable for commercial uses and services. However, the HC District is also intended to achieve the following objectives:

- Limit direct access to highways
- Provide opportunities for off-highway internal circulation
- Provide attractive opportunities for a variety of economic activities
- Enhance the gateways into the City of Sisters
- Sustain the historic tourist character of the City of Sisters by applying the Western Frontier Architectural Design Theme standards in the HC District
- Provide opportunities for automobile-oriented development

2.5.200 Uses

A. Permitted uses. Uses allowed in the Highway Commercial District are listed in Table 2.5.1 with a "P". These uses are allowed if they comply with the development standards and other regulations of this Code.

B. Special Provisions. Uses that are either permitted or conditionally permitted in the Highway Commercial District subject to special provisions for that particular use are listed in Table 2.5.1 with an "SP". Uses subject to an SP shall comply with the applicable special use standards included in Chapter 2.15.

C. Conditional uses. Uses that are allowed in the Highway Commercial District with approval of a conditional use permit are listed in Table 2.5.1 with either a Minor Conditional Use "MCU" or a Conditional Use "CU". These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.

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

Table 2.5.1 Use Table for the Highway Commercial District

Land Use Category	Permitted/Special Provisions/Conditional Uses
Residential	
Dwelling(s) located above, within, or attached to a commercial building not including single family dwellings.	P/SP
Child care home (Care for no more than 16 children)	P
Residential facility	P/SP
Commercial	
Amusement Uses	P
Artist studio	P
Assembly, Club	P
Concert Hall	P
Electric Car Charging Station	P
Gallery	P
Car Wash	CU/SP
Hotel or motel	P
Brewery and Distillery	MCU/See Section 2.5.300.L
Eating and drinking establishments	P/See Section 2.5.300.L
Retail Sales Establishment	P
Professional and personal services (dry cleaners, barber shops/salons, and similar uses)	P
Offices (medical, dental, professional)	P
Grocery stores, convenience store or neighborhood market	P
Health club	P
Ambulance service	P
Service stations	P/SP
Vehicle repair and servicing	MCU
Animal veterinary clinic	P
Light manufacture (e.g., small-scale crafts, electronic equipment, furniture, similar goods) when in conjunction with retail	CU
Permitted Uses with a drive-through	CU/SP
Recreation Uses (indoor)	P
Recreation Uses (outdoor)	CU
Theater	P
Public and Institutional	
Museums	P
Community centers and similar uses	P
Public parking lots and garages	P
Public parks and recreational facilities	P
Schools (including child care centers)	CU
Utility Facility	CU
Churches and religious institutions	CU

Miscellaneous	
Accessory Uses	P/SP
Adult business	P/SP
RV parks, including caretaker's residence	CU/SP
Bed and breakfast inn	P
Vacation Rental	P
Communication facility	CU/SP
Home Occupation	P/SP
Hostel	P; accessory use to primary permitted use; 25 guest occupancy limit plus staff, and 14 day stay limit for each 30 day period.
Permitted Uses with a drive-through require a Conditional Use Permit (except for Electric Vehicle Charging Stations), see also Special Provisions	

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

2.5.300 Development Standards

The following property development standards shall apply to all land, buildings and uses in the Highway Commercial District:

A. Lot Area, lot frontage, setbacks, lot coverage and building height. See Table 2.5.2.

Table 2.5.2 Development Standards for the Highway Commercial District

Development Standard	Highway Commercial District	Comments/Other Requirements
Minimum lot size	No minimum lot size	
Lot frontage	No minimum lot frontage	-
Front yard setback a. Abutting local street b. Abutting state highway c. Abutting Arterial d. Abutting Collector street	 10 foot minimum 50 foot minimum; 30 foot buffer setback which shall not include parking or vehicular circulation (See Buffering) 20 foot minimum 10 foot minimum	Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks shall apply. The following features are allowed to encroach into the required setback by no more than five (5) feet: eaves, chimneys, overhangs, canopies, fire escapes, landing places, outside stairways, and similar architectural features.
Interior side yard setback a. Abutting non-residential district b. Abutting residential	 No minimum 15 foot minimum	 - See Buffering

district		
Exterior side yard setback a. Abutting local street b. Abutting state highway c. Abutting Arterial d. Abutting Collector street	 10 foot minimum 50 foot minimum building setback; 30 foot buffer setback which shall not include parking or vehicular circulation (See Buffering) 20 foot minimum 10 foot minimum	The following features are allowed to encroach into the required setback by no more than five (5) feet: eaves, chimneys, overhangs, canopies, fire escapes, landing places, outside stairways, and similar architectural features.
Rear yard setback a. Abutting non-residential district b. Abutting residential district	 No minimum 15 foot minimum	 - See Buffering
Lot coverage	No maximum lot coverage	Compliance with other sections of the Code (landscaping, parking, pedestrian circulation, etc.) may preclude 100 percent lot coverage for certain uses
Building height	35-feet	See exceptions to building height in Section 2.5.300.B

B. Exceptions to Building Height

1. The building height increase allowed for housing shall apply only to vertical mixed use buildings, and shall only apply to that portion of the building that contains housing.

2. Not included in the maximum height limit are bell towers, steeples, flagpoles, and similar features that are not intended for human occupancy and by their vertical orientation do not block views.

3. Not included in the maximum height limit are western design theme facades (false front facades), which may extend to 40 feet for a maximum 25 percent of the street-facing building length.

C. All uses shall be conducted wholly within a completely enclosed building, except for service stations, off-street parking and loading facilities and outdoor displays, sales and dining. The Planning Commission may permit the outdoor operation of other permitted use by approving a conditional use permit including display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, and similar vehicles and equipment.

D. Outdoor Displays, Sales, and Dining. Outdoor display, sale of merchandise and dining associated with the primary use is permitted and shall be limited to the private property of that primary use. Merchandise shall be limited to items such as cards, plants, floral products, food, books, newspapers, bicycles, and similar small items for sale or rental to pedestrians. A minimum clearance of 4 feet shall be maintained at all times to allow pedestrians to pass by the displays, sales and dining areas. This section does not include public art; see Special Provisions.

E. Buffering. When abutting residential districts or a state highway, the setback area shall include landscaping to screen parking, services and delivery areas, and building walls without windows or entries, as applicable. The buffer may contain pedestrian seating but shall not contain any trash receptacles, parking or vehicular circulation, loading facilities or storage of equipment, materials, vehicles, etc. The landscaping standards in Chapter 3.2 may require buffering of other activities, as well.

F. Building Orientation Standards. The following standards shall apply to <u>all</u> development within the Highway Commercial District in order to reinforce streets as public spaces and encourage alternative modes of transportation such as walking and bicycling.

1. Building entrances. Buildings shall have their primary entrance(s) oriented to (facing) the street. On corner lots, buildings shall have at least one entrance oriented to the street. All other street facing elevations shall comply with the Design Standards including ground floor windows. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces).

2. Arterial street orientation and pedestrian connections. When the only street abutting the development is an arterial street, the building entrance may be oriented to an internal drive. The internal drive shall ensure a direct pedestrian connection between the street and buildings on the site, and between buildings and other activities within the site. In addition, options should be provided for extension of the pedestrian connection to adjacent sites, where feasible. The pedestrian connections must be hard-surfaced, and be at least 6 feet wide. Where the system crosses driveways, parking areas, and loading areas, the pedestrian system must be identifiable, through the use of elevation changes, speed bumps, different paving materials, or other similar methods and shall be in compliance with American Disability Act (ADA) Standards.

G. Design Standards. The design standards in this section apply to all uses and buildings in the Highway Commercial District.

1. Ground floor windows shall be provided along all street facing facades for viewing the activity inside the building and blank walls are prohibited.

2. Architectural features include, but are not limited to the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections or other features that complement the design of the structure.

3. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the Western Frontier Architectural Design theme. Architectural methods shall be used to conceal flat roof tops. Overhanging eaves, sloped roofs, articulated parapet walls and multiple roof elements are highly encouraged. Mansard style roofs are prohibited.

4. Clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls, and/or integral planters are required.

H. Major Retail Development, as defined, shall refer to Chapter 2.15, Special Provisions.

I. Pedestrian Amenity Standards. Development in the Highway Commercial District shall provide at least two (2) of the pedestrian amenities listed below. Pedestrian amenities may be provided within a public right-of-way (i.e., on the sidewalk, curb, or street pavement) when approved by the City (for city street), Deschutes County (for county roads) or ODOT (for state highways).

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 8 feet).
2. Sitting space (i.e., benches or ledges between the building entrance and sidewalk, with a minimum of 16 inches in height and 30 inches in width).
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a privately owned sidewalk or pedestrian space).
4. Public art
5. Water feature

J. Screening. The screening standards address specific unsightly features which detract from the appearance of commercial areas.

1. Garbage and recycling collection areas. Garbage and recycling collection enclosures are required and shall be orientated away from the street and adjacent properties. Enclosures shall be constructed of solid, durable and attractive walls/fences, a minimum of six (6) feet in height, with solid doors, and shall be visually consistent with project architecture. Trash receptacles for pedestrian use are exempt. Enclosures shall be compliant with all applicable fire codes.

2. Mechanical equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps or generators, must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Landscaping and screening shall be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened by a parapet around the façade or the equipment that is as tall as the tallest part of the equipment. Screening shall be compliant with all applicable fire codes and height requirements.

K. Western Frontier Architectural Design Theme. See Special Provisions, Chapter 2.15.

L. Formula Food Establishments. The city of Sisters has developed a unique community character in its commercial districts. The city desires to maintain this unique character and protect the community's economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs. To meet these objectives, the city limits Formula Food Establishments to a maximum of six within this zone.

Chapter 2.6 — Light Industrial District (LI)

Sections:

2.6.100 Purpose
2.6.200 Uses
2.6.300 Development Standards

2.6.100 Purpose

The Light Industrial District provides land for light manufacturing, warehousing, processing, and distribution of goods and other low intensity industrial uses. It is intended for industrial uses which involve the low level of noise, vibration, air pollution, radiation, glare, or fire and explosive hazards.

2.6.200 Uses

A. Permitted uses. Uses allowed in the Light Industrial District are listed in Table 2.6-1 with a "P". These uses are allowed if they comply with the development standards and other regulations of this Code.

B. Special Provisions. Uses that are either permitted or conditionally permitted in the Light Industrial District subject to special provisions for that particular use are listed in Table 2.6.1 with an "SP". Uses subject to an SP shall comply with the applicable special use standards included in Chapter 2.15.

C. Conditional uses. Uses that are allowed in the LI District with approval of a conditional use permit are listed in Table 2.6.1 with either a Minor Conditional Use "MCU" or a Conditional Use "CU". These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.

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

Table 2.6.1 Use Table for the Light Industrial District

Land Use Category	Permitted/Special Provisions/Conditional Uses
Residential	
One caretaker dwelling unit not to exceed 800 square feet on one acre minimum lot area. One covered parking stall required.	MCU
Commercial	
Auto Parts Sales (indoor only)	P
Vehicle, RV, equipment and boat repair, rental, storage, service and manufacture	MCU
Medical and dental laboratories	P
Animal veterinary clinic, indoor kennels and pet daycares	P

Land Use Category	Permitted/Special Provisions/Conditional Uses
Outdoor Kennels	CU
Outdoor commercial uses (e.g., outdoor storage. Building and garden supply and nurseries)	MCU
Heavy equipment rental and repair services and sales	MCU
Corporate Headquarter/Office when co-located with a permitted or conditionally permitted use	P
Mini-storage warehouse	P
Contractor storage, supplies and sales	MCU
Ambulance Service	CU
Transportation yards	MCU
Retail of sport vehicles, such as recreational vehicles, ATVs, snowmobiles, boats, motorcycles, tractors and other industrial/recreational vehicles and automobiles and agricultural machinery and equipment	P
Call centers, technology support and office uses for lots that abut Larch Street or have access to Larch Street.	P
Distilleries, cideries, wineries and breweries, not to include a restaurant or bar.	P
Direct retail sale of products to the public as an accessory use. Up to 25% of the total building floor area, up to a maximum of 1000 square feet, may be used for retail sales. Up to 10% of the total building floor area may contain retail items that are not manufactured on site or related to the primary use on the site. The remainder of the allowable retail area must be used selling items that are either manufactured on site or directly relate to the primary light industrial activity occurring on site.	P
Recreational uses (indoor and outdoor)	P
Shooting Range (indoor)	CU
Industrial	
Construction: Contractors and related businesses. This category comprises businesses whose primary activity is performing specific building or other construction related work. Examples of contractors are residential and nonresidential building construction,	P

Land Use Category	Permitted/Special Provisions/Conditional Uses
utility/civil engineering construction, specialty trade contractors, and moving companies. Examples of related businesses are engineering, architectural and surveying services and which often take place in office-type buildings.	
Light manufacturing, compounding, assembly, packaging, fabrication and repair (e.g., appliances, electronic, equipment, printing, furniture, cosmetics, signs and similar goods) with incidental sales associated with a permitted use.	P
Heavy manufacturing, assembly, and processing of raw materials and recycling	CU
Development of primary and secondary wood products	P
Biotechnology	P
Broadcast and production studios/facilities	P
Wholesale dry cleaning and laundry	MCU
Research and development facilities	P
Wholesale, warehousing, storage and distribution	P
Fuel Distribution and storage, not including Service Stations	CU
Food processing, packaging and storage, including milk products, fruits, nuts, vegetables, blended foods, candies, nonalcoholic beverages, preserves, bakery goods and frozen foods, and further meat processing (not including slaughtering).	P
Public and Institutional	
Government facilities where the public is generally not received (e.g., public safety, school district bus facilities, public works yards, transit and transportation facilities. and similar facilities)	P
Colleges/universities for lots that abut Larch Street or have access to Larch Street	CU
Vocational Schools	CU
Utility Facility	P
Special district facilities (e.g., irrigation	P

Land Use Category	Permitted/Special Provisions/Conditional Uses
district, and similar facilities)	
Miscellaneous	
Accessory Uses and Structures	P/SP
Communication Facility	CU/SP
Data Center	P
Events (if more than 3 events per calendar year; must be secondary to a primary established Light Industrial use; may be indoor or outdoor)	MCU

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

2.6.300 Development Standards

The following property development standards shall apply to all land, buildings and uses in the Light Industrial District:

A. Lot Area, lot frontage, setbacks, lot coverage and building height. See Table 2.6.2.

Table 2.6.2 Development Standards for the Light Industrial

Development Standard	Light Industrial District	Comments/Other Requirements
Minimum lot size	No minimum lot size	
Front yard setback	15 feet	Additional setback may be required for planned street widening
Interior side yard setback a. Abutting non-residential district b. Abutting residential districts	 No minimum Minimum 20 feet	 See Buffering
Exterior side yard setback	15 feet	
Rear yard setback c. Abutting non-residential district d. Abutting residential districts	 No minimum Minimum 20-feet	 See Buffering
Lot coverage	No maximum lot coverage	Compliance with other sections of the Code (landscaping, parking, pedestrian circulation, etc.) may preclude 100 percent lot coverage for certain uses -
Building height	35 feet	

B. All developments shall meet applicable fire and building code standards, which may require greater setbacks than those listed.

C. Buffering. A 20-foot minimum buffer zone shall be required between development in the LI District and any adjacent Residential District. The buffer zone shall provide

landscaping to screen parking, services and delivery areas, and walls without windows or entries, as applicable. The buffer may contain pedestrian seating but shall not contain any trash receptacles, loading facilities or storage of equipment, materials, vehicles, etc. The landscaping standards in Chapter 3.2 may require buffering of other activities, as well.

D. Building Orientation and Design Standards. The following standards shall apply to new development within the Light Industrial District in order to reinforce streets as public spaces and encourage alternative modes of transportation such as walking and bicycling.

1. Building entrances. All buildings shall have a primary entrance oriented to (facing) a street or connected to the street by a direct and convenient pathway. Primary entrances may face the front parking or side parking areas. Streets used to comply with this standard may be public streets, private streets, or internal drives that include sidewalks or pathways and street trees, in accordance with the design standards in Chapter 3.

2. Primary building entrances shall be well defined through the use of projections, recesses, columns, roof structures, or other design elements.

3. Buildings should be located near the front portion of a property.

E. Pathway Connections. Pathways may be required through yard setbacks as necessary to provide direct and convenient pedestrian circulation between developments and neighborhoods. If required, pathways shall conform to the standards in Chapter 3.

F. Design Guidelines and Standards
Architectural elements shall be used on the front of the building and shall be incorporated side and rear elevations when visible to the street. Architectural features include windows, projections, building off-sets, detailing, change in materials, or similar.

G. Outside Operations, Display and Storage. Outdoor operations, display and storage are permitted which are related activities to the principal use.

1. Appearance of stored material. All materials stored on site shall be stored in a neat and orderly manner.

2. Material may be stored within a front setback area. Material may not be stored or displayed within clear vision areas, landscaped areas, parking areas or pedestrian or other ingress/egress areas.

H. Paving

1. The following areas shall be paved for properties located within the LI District.

   a. Driveway Aprons.

   b. Primary public-use driveways leading to primary public-use parking area.

1. 16' wide (minimum) paved width required.

c. Primary public-use parking area.

d. ADA pathways.

2. Except for driveway aprons, which must always be paved, the Hearings Body may allow compacted gravel as an alternative to on-site paving in the Light Industrial District, in part or in full, upon a reasonable finding that pavement may not be suitable for the intended use of the site. Criteria for paving exemption consideration includes the following;

a. Nature of site usage (such as unusual driveway construction or maintenance costs due to heavy equipment usage and/or material handling).

b. Infrequent or no public access onto site.

c. Future site usage (such as future site development or modifications to the site that would conflict with pavement surface; future product inventory needs; other operational and/or development factors).

I. Screening. The screening standards address specific unsightly features which detract from the appearance of industrial areas.

1. Garbage and recycling collection areas. All exterior garbage cans, garbage collection areas, and recycling collection areas must be orientated away from the street and adjacent properties. Trash enclosures shall be constructed of solid, durable and attractive walls/fences, a minimum of six (6) feet in height, with solid doors, and shall be visually consistent with project architecture. As an alternative, trash dumpsters may be located behind structures, or shielded in a manner to conceal them from public roads. Trash receptacles for pedestrian use are exempt. If constructed, trash enclosures shall be compliant with all applicable fire codes.

2. Mechanical equipment.

a. Mechanical equipment located on the ground, must be screened. Landscaping and screening shall be tall enough to screen the equipment.

b. Mechanical equipment placed on roofs must be screened by a parapet around the façade or the equipment that is as tall as the tallest part of the equipment. Screening shall be compliant with all applicable fire codes and height requirements.

c. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside of an enclosed building, shall be located away from abutting residential zones, schools, parks and other non-industrial zoned properties.

J. Screening from view from any street or neighboring site is required for long-term (one month or more) vehicle repair storage yards and any manufactured non-

display, non-uniform assemblies consisting of metal, plastic or glass. Items such as old iron, paper or other waste, and items that are secondhand, worn, or discarded shall be screened.

1. Screening shall be achieved by a minimum 6' tall fence, landscape screen, berm or a combination of these screening methods. The applicant may propose an alternative screening method, which the Community Development Director may accept as an alternative at his/her discretion.

2. In the event that the applicant and city staff disagree on which items qualify for the screening requirement, the applicant may request that a determination be made by the Hearing Body.

3. Natural materials such as logs, timber, firewood, gravel, landscape products and their protective coverings do not require screening, but shall be maintained in an orderly fashion.

4. Properties that are not required to screen shall construct a visual demarcation along their street-facing property lines. Examples of visual demarcation devices include a split-rail fence, log buttress, hedge line or landscape berm.

Chapter 2.7 — Public Facility District (PF)

Sections:

2.7.100 Purpose
2.7.200 Uses
2.7.300 Development Standards

2.7.100 Purpose

The Public Facility (PF) District is intended to provide areas primarily for the location and establishment of facilities which are maintained in public and quasi-public ownership and which utilize relatively large areas of land.

2.7.200 Uses

A. Permitted uses. Uses permitted in the Public Facilities District are listed in Table 2.7.1 with a "P". These uses are allowed if they comply with the development standards and other regulations of this Code.

B. Special Provisions. Uses that are either permitted or conditionally permitted in the Public Facility District subject to special provisions for that particular use are listed in Table 2.7.1 with an "SP". Uses subject to an SP shall comply with the applicable special use standards included in Chapter 2.15.

C. Conditional uses. Uses that are allowed in the Public Facilities District with approval of a conditional use permit are listed in Table 2.7.1 with either a Minor Conditional Use "MCU" or a Conditional Use "CU". These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.

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

Table 2.7.1 Use Table for the Public Facility District

Land Use Category	Permitted/Special Provisions/Conditional Use	References
Public and Institutional Uses		
Community building	P	-
Concession stand providing food, beer and/or wine as an accessory use	P	-
Museum & libraries	P	-
Public buildings and structures	P	
Public yards	MCU	-
Public park, playground, swimming pool, skateboard park or similar facilities intended for public use	P/CU	Uses with outdoor night lighting and/or amplified sound system require a conditional use approval (CU)
Public play fields, sport complexes and similar recreational facilities	P/ CU	Uses with outdoor night lighting and/or amplified sounds require conditional use approval (CU)
Utility Facility	P	-
Public or private schools	P	-
Public trails, natural areas, open space, future park sites, and similar sites owned by public or special districts with minimal improvements	P	-
College or university	P	-
Public utility maintenance facilities and operation yards with outdoor storage of materials and supplies for T15R10S09 1002	MCU	
Permanent outdoor facilities for performance of music, theater, and similar community events	P/CU	Uses with outdoor night lighting and/or amplified sound system require a conditional use approval (CU)
Communication facilities	CU/SP	-
Solid waste disposal site or transfer site T15R10S09 1002	CU	-
Sewage treatment facilities T15R10S09	CU	-

Land Use Category	Permitted/Special Provisions/Conditional Use	References
1002		
Miscellaneous		
Accessory uses and structures to a primary use are allowed if they comply with all development standards and any referenced special use standards.	P/SP	-

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

2.7.300 Development Standards

The following property development standards shall apply to all land, buildings and uses in the Public Facility District:

A. Lot Area, lot frontage, setbacks, lot coverage and building height. See Table 2.7.2.

Table 2.7.2 Development Standards in the Public Facility District

Development Standard	Public Facilities District	Comments/Other Requirements
Lot area	No minimum requirement	-
Lot width	No minimum requirement	-
Lot depth	No minimum requirement	-
Front yard setback	10 foot minimum, unless abutting a residential zone	When abutting a lot in a residential zone, the front yard setback to a building or parking area shall be the required setback of the abutting residential zone
Side and rear yard setbacks a. Abutting non-residential district b. Abutting residential district	 No minimum 20 foot minimum	
Lot coverage	80 percent maximum	-
Building height	35 feet maximum	Wireless communication facilities on T15 R10 S05 900, T15 R10 S06 103 and T15 R10 S09 1002 shall not exceed 120 feet height School facilities such as gymnasiums or

		auditoriums may exceed 35 foot height with Site Design approval.

B. **Activities within enclosed building.** All service, repair, processing or storage on property within the Public Facilities District that is abutting or across the street from a lot in a Residential District shall be conducted wholly within an enclosed building unless screened from the Residential District by a site-obscuring fence or wall.

C. **Openings to buildings abutting a Residential District.** Where buildings in the PF District abut lots in the Residential Districts, openings to the buildings that face the Residential Districts shall be prohibited (e.g., doors and windows) if such openings would cause glare, excessive noise or similar conditions that would have an adverse affect on property in the Residential Districts.

D. **Access points.** Access points from a public road to a use or building in the PF District shall be located to minimize traffic congestion and to avoid directing traffic onto streets of a primarily residential character.

E. **Materials and grounds.** All materials, including wastes, shall be stored and all grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents or create a health or fire hazard.

F. **Building mass.** Where buildings in the PF District are accessible and open to the public and oriented to the public street, architectural features such as windows, pedestrian entrances, building off-sets, projections, detailing, a change in materials or similar features, shall be used to break up and articulate large building surfaces and volumes.

G. **Pedestrian entrances.** Recessed entries, canopies, and/or similar features shall be used at the main entries to buildings in the PF District that are accessible and open to the public.

H. **Parking and loading areas.** Where the parking and loading area for a use in the PF District is abutting or directly across the street from a Residential District, a minimum 10 foot front yard setback to the parking area shall be required. The parking and loading setback area shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property and to shield vehicle headlights.

Chapter 2.8 —Open Space District (OS)

Sections:

2.8.100 Purpose
2.8.200 Uses

2.8.100 Purpose

The OS District recognizes the unique scenic character of the Sisters area by providing tree buffers, or large areas of open spaces, at major highway entries into the community. The OS District may also be applied to provide buffers between conflicting land uses and to protect scenic foreground views for residents and visitors.

2.8.200 Uses

A. Permitted uses. Uses allowed in the Open Space District are listed in Table 2.8.1 with a "P". These uses are allowed if they comply with the development standards and other regulations of this code.

B. Special Provisions. Uses that are either permitted or conditionally permitted in the Open Space District subject to special provisions for that particular use are listed in Table 2.8.1 with an "SP". Uses subject to an SP shall comply with the applicable special use standards included in Chapter 2.15.

C. Conditional uses. Uses that are allowed in the Open Space District with approval of a conditional use permit are listed in Table 2.8.1 with either a Minor Conditional Use "MCU" or a Conditional Use "CU". These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.

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

Table 2.8.1 Use Table for the Open Space District

Land Use Category	Permitted/Special Provisions/Conditional Uses
Public and Institutional	
Recreational Vehicle Park/Campground	P/SP
Public trails, natural areas, open space, park sites, and similar sites owned by public or special districts	P
Scenic vista turnouts, with kiosks for area information, and non-conflicting roadside rest area facilities	P
Truck scale facility existing at time of Development Code adoption	CU
Utility Facility	MCU
Miscellaneous	
Access to adjacent residential, commercial or industrial uses	P
Accessory uses and structures to a primary use are allowed if they comply with all development standards and any referenced special use standards.	P
Pastures	CU

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

Chapter 2.9 – Urban Area Reserve District (UAR)

Sections:

2.9.100 Purpose
2.9.200 Uses
2.9.300 Development Standards

2.9.100 Purpose

The purpose of the Urban Area Reserve District is to serve as a holding zone for lands that are within the Sisters Urban Growth Boundary and within City jurisdiction and to retain parcels in larger sizes until public facilities (including water, sewer and transportation) are available and the land is rezoned for urban uses and densities.

2.9.200 Uses

A. Permitted uses. Uses allowed in the UAR District are listed in Table 2.9.1 with a "P". These uses are allowed if they comply with the development standards and other regulations of this Code.

B. Special Provisions. Uses that are either permitted or conditionally permitted in the Urban Area Reserve District subject to special provisions for that particular use are listed in Table 2.9.1 with an "SP". Uses subject to an SP shall comply with the applicable special use standards included in Chapter 2.15.

C. Conditional uses. Uses that are allowed in the UAR District with approval of a conditional use permit are listed in Table 2.9.1 with either a Minor Conditional Use "MCU" or a Conditional Use "CU". These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.

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

Table 2.9.1 Use Table for the Urban Area Reserve District

Land Use Category	Permitted/Special Provisions/Conditional Use
Residential	
Single family detached dwelling~~s~~	P
Manufactured Home on individual lot	P
Residential Home	P/SP
Childcare Home	P
Accessory dwelling on a single family or manufactured dwelling lot	P/SP
Home occupations	P/SP
Public and Institutional	
Only the existing churches and places of worship at the time of adoption of the Development Code shall be conditionally	CU

Land Use Category	Permitted/Special Provisions/Conditional Use
permitted (CU) and shall be considered conforming uses.	
Open space and parks	P
Schools	CU
Miscellaneous	
Accessory uses and structures to a primary use	P/SP
Farm uses	CU
Nursery	CU
Dude or guest ranch	CU
Commercial riding stable	CU
Bed and breakfast inns	MCU/SP
Vacation rentals	P/SP

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

2.9.300 Development Standards

A. The development standards for the UAR District are set forth in Table 2.9.2 below and are intended to retain large parcels and setbacks in order to avoid premature or inefficient patterns of development and to protect future street corridors. The following property development standards shall apply to all land, buildings and uses in the Urban Area Reserve District:

Table 2.9.2 Development Standards in the Urban Area Reserve District

Development Standard	Urban Area Reserve District	Comments/Other Requirements
Minimum lot area	10 acres	-
Minimum lot width at front property line	50 feet	-
Front yard setback a. Abutting designated arterial or collector right-of-way b. Abutting designated local street right-of-way	 50 feet 20 feet	-
Side and rear yard setbacks a. Abutting designated arterial or collector right-of-way b. Abutting designated local street right-of-way	 50 feet 20 feet	-
Building height	30 feet	General exceptions to building height. Exceptions to the building height

		standard are available for certain types of affordable housing as set forth in Special Provisions. Chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features that are not intended for human occupancy and which do not exceed 40 feet in height are not subject to building height limits.-

Chapter 2.10 Flood Plain District

Sections:

2.10.100	**Purpose**
2.10.200	**General**
2.10.300	**Permitted Uses**
2.10.400	**Prohibited Uses**
2.10.500	**Review**
2.10.600	**Development Standards**
2.10.700	**Criteria of Approval**
2.10.800	**Conditions of Approval**
2.10.900	**Emergency Approval**
2.10.1000	**Post-Flood Substantial Damage Procedures**
2.10.1100	**Periodic Floodplain Inspections and Enforcement Actions**

2.10.100 Purpose

A. This zone intends to identify sections of the city subject to the hazards of 100 year periodic stream flooding as determined by the limits and extent of the Special Flood Hazard Area shown on Federal Emergency Management Agency (FEMA) Flood Insurance Map (FIRM) #41017C0245D, dated September 28, 2007 and associated Flood Insurance Study #19163CV000A, and any revision thereto, or more accurate studies, and to preclude future development or redevelopment that may suffer a loss of life or property in the subject area. Because the natural watercourse of waterways is dynamic and subject to change, the boundaries of the floodplain district may be revisited and adjusted, as necessary and warranted.

B. Warning and Disclaimer of Liability. The degree of flood protection required by this Chapter in the areas designated by the studies referenced in 2.10.100.A. is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within these areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City, or any officer or employee of the City, for any flood damage that may result from reliance on this Chapter or any administrative decision lawfully made under this Chapter.

C. It is the purpose of this Chapter to promote the public health, safety and general welfare, to maintain streams and floodplains in their natural state to the maximum extent possible so they reduce flood hazards, and to minimize public and private losses due to flood conditions in specific areas. The provisions of this Chapter are designed to:

1. Protect human life and health.
2. Minimize expenditure of public money on costly flood control projects.
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

4. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazards.
5. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard to minimize future flood blight areas.
6. Provide information to potential buyers of property in areas of special flood hazard.
7. Minimize the threat to persons, property and urban water quality from flooding and inadequate or improper drainage resulting from uncontrolled development or redevelopment of land to include filling, grading, excavation, removal; earthwork construction including berms and dikes; stockpiling of materials; or other alterations.
8. Ensure that flood loss reduction measures under the National Flood Insurance Program (NFIP) are consistent with retaining natural floodplain functions.
9. Ensure no net loss of hydraulic and geomorphic functions of floodplains.
10. To balance the public interests with those of individual property owners in the designated areas.
11. Allow the functions of the creek to continue, including erosion, deposition, and channel migration.
12. To implement the policies of the City's Comprehensive Plan.

D. In order to accomplish its purpose, this Chapter includes methods and provisions for:

1. Accurately determining the extent of areas of special flood hazard in the city and restricting uses in these areas.
2. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
3. Requiring that uses vulnerable to floods, including facilities which serve these uses, be protected against flood damage at the time of initial construction or relocated and possibly relocating uses outside of the floodplain.
4. Controlling the alteration of natural flood plains, stream channels and protective barriers, which help accommodate or channel flood waters.
5. Controlling filling, grading, dredging and other development, which may increase flood damage.
6. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters in such a way as to drastically impede channel migration, or which may increase special flood hazards in other areas.

2.10.200 General

A. This Chapter shall apply to all areas of special flood hazard within the City of Sisters and its urbanizable areas. These regulations shall supplement the

regulations of the underlying or applicable District. Where the regulations and permitted uses of an underlying district conflict with those of this zoning district, the more restrictive standards shall apply.

B. The areas of special flood hazard for the City and its urbanizable areas under the jurisdiction of this Code are identified through the use of the most accurate source of information, as determined by the Community Development Director or designee, based on the following:

1. Those areas identified as the Special Flood Hazard Area shown on Federal Emergency Management Agency (FEMA) Flood Insurance Map (FIRM) #41017C0245D, dated September 28, 2007 and associated Flood Insurance Study #19163CV000A, and any revision thereto (i.e. Letters of Map Change), or

2. Areas of special flood hazard designated by the Community Development Director or designee, as susceptible to inundation of water from any source where the above-referenced maps have not identified any special flood areas; or

3. Areas of special flood hazard <u>not depicted</u> on the Federal Emergency Management Agency (FEMA) Flood Insurance Map (FIRM) #41017C0245D, dated September 28, 2007 and associated Flood Insurance Study #19163CV000A, and any revision thereto, <u>but shown to be within an area of special flood hazard by subsequent engineering, surveying, hydrologic, or other studies</u>.

4. Areas found to be outside the area of special flood hazard are regulated by the underlying district and not this Chapter. Areas inside the areas of special flood hazard are regulated by this Chapter.

C. The flood insurance studies set forth above are hereby adopted by City Ordinance and filed with the Community Development Department. These studies, subsequent revisions, and additional engineering, surveying, hydrologic, or other studies denoting areas of special flood hazard shall form the basis for the administration and implementation of this Chapter. These studies are available for review at Sisters City Hall, 520 E Cascade Avenue, Sisters, Oregon.

D. The following definitions apply to this Chapter and supersede conflicting definitions in the Development Code.

1. Area of special flood hazard – is the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Insurance Rate Maps. Zone A may be refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

2. Base flood – the flood having a one percent chance of being equaled or exceeded in any given year. Base flood is the same as the “100-year flood”.

3. Basement – any area of the building having its floor subgrade (below ground level) on all sides.

4. Development – any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
5. Elevated building –a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
6. Flood Insurance Rate Map (FIRM) – an official map of a community on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.
7. Flood plain – any land area susceptible to being inundated by water from any source.
8. Floodway – see regulatory floodway.
9. Lowest floor – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of CFR 60.3.
10. Manufactured home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
11. Recreational vehicle – means a vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
12. Regulatory floodway – means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. This term is the same as "floodway".
13. Structure – means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
14. Squaw Creek – means the creek running through the City of Sisters, originating in the Three Sisters Wilderness and terminating in the Deschutes River above Lake Billy Chinook. Squaw Creek is the name used in the FEMA flood studies, but the name of the creek is now Whychus Creek.
15. Substantial damage – means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
16. Substantial improvement – means any reconstruction, rehabilitation, addition, or other improvement of a structure (including structural elements, interior

finishing elements like trim, utility service equipment, demolition, labor, overhead, and profit), the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This tem includes structures which have incurred substantial damage, regardless of the actual repair work performed. This term does not include either: any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

17. Whychus Creek – see Squaw Creek.

2.10.300 Permitted Uses

A. The land uses listed in Table 2.10.300.A are permitted in the Flood Plain District and in areas of special flood hazard as designated in 2.10.200, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.10.300.A, and land uses that are approved as "similar" to those in Table 2.10.300.A., may be permitted. The land uses identified as "Conditional Uses" in Table 2.10.300.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4. Applications for development within the Floodplain District shall be on an appropriate form provided by the Sisters Community Development Department, accompanied by the appropriate fee.

Table 2.10.300.A **Land Uses Permitted in the Flood Plain District**	
Permitted Uses:	**Conditional Uses:**
A. Permitted uses below are allowed assuming fill is not added to the area of special flood hazard, and flood heights are not increased as a result of the permitted use: 1. Open space, excluding farming activities that require ground breaking. 2. Portions of a residential use that do not contain structures, such as lawn, garden or play areas. 3. Existing camping facilities, providing that waste disposal sites are not within the area subject to the hazards of 100-year periodic stream flooding. 4. Repair or remodel of an existing structure within its existing footprint, including buildings damaged by fire or other casualties.	1. Crossings by transportation facilities and utility lines. 2. Parks, trails and pervious multi use paths. 3. Water-dependent uses, such as fish enhancement projects. 4. Restoration or enhancement of the stream bank, and bank stabilization projects. 5. A new single-family dwelling elevated without placement of fill on existing lots with less than 2,000 sq. ft. of land outside the 100-year flood plain as determined by site specific engineering, surveying, and hydrologic studies. 6. Expansion of existing dwellings in the 100-year flood plain.

5. Removal of noxious weeds. 6. Replacement of non-native vegetation with native vegetation. 7. On-going activities such as lawn and garden maintenance. 8. Removal of hazardous trees. 9. Normal maintenance of existing public utilities and facilities.	7. Land divisions. All new lots created in the Flood Plain District must result in a minimum of 2,000 sq. ft. of land area outside of the area of special flood hazard to serve as a building envelope.

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

2.10.400 Prohibited Uses. The following uses and activities are prohibited within the Flood Plain District or special flood hazard area, except as allowed in Table 2.10.300.A.:

A. New dwellings on existing lots within areas of special flood hazard where 2,000 sq. ft. of area outside the area of special flood hazard is available for building.

B. New construction, including accessory buildings, is prohibited.

C. Clear cutting, scraping with motorized equipment, removal of root systems, or removal of native vegetation on stream banks.

D. Any encroachment during construction.

E. New impervious surfaces.

F. Removal of native vegetation on stream banks excluding trimming of no more than approximately 25% of the vegetation.

G. New clearing, grading, filling, land-disturbing activity or other “development”, other than for the purpose of replacing non-native vegetation with native vegetation, and for other restoration work that may be approved by the local administrator.

H. Septic tanks and drain fields, dumping of any materials, hazardous or sanitary waste landfills, and receiving areas for toxic or hazardous waste or other contaminants.

I. Subdivision and partitioning of land for residential purposes is prohibited if land is located entirely within the Flood Plain District or area of special flood hazard. All new lots created in the Flood Plain District or area of special flood hazard must result in a minimum of 2,000 sq. ft. of land area outside of the area of special flood hazard to serve as a building envelope.

J. Modification of the stream channel, except for where necessary for bank stabilization and/ or fish habitat enhancement projects.

K. Developments that would result in a rise of flood heights in the FEMA regulatory floodplain.

2.10.500 Review

A. Development proposals within the Flood Plain District shall be reviewed under Type II procedure. Development approval within the Flood Plain District shall be obtained before construction or development begins within any area of special flood hazard as established by 2.10.200 of this Chapter. Approval shall be required for all structures, stream bank erosion control or enhancement projects, and development.

B. Review Procedures. The Community Development Director shall administer this Chapter in consultation with the Building Official and the Public Works Director. They shall:

1. Review all development applications to determine that the application requirements of this Chapter have been satisfied.
2. When base flood elevation data has not been provided by the Federal Emergency Management Agency (FEMA) Flood Insurance Map (FIRM) #41017C0245D, dated September 28, 2007 and associated Flood Insurance Study #19163CV000A, and any revision thereto, the City Engineer shall obtain, review and utilize any base flood elevation data and floodway data available from a Federal, State or other source in order to administer this Chapter.
3. Where base flood elevation data is provided through the Flood Insurance Study or as specified in 2.10.200, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
4. Maintain for public inspection all records pertaining to the provisions of this Section.
5. Notify adjacent communities and the Division of State Lands prior to any alteration or relocation of a watercourse, and submit evidence of this notification to the Federal Emergency Management Agency.
6. Require that a program of periodic inspection and maintenance be provided with the altered or relocated portion of a watercourse so that the flood carrying capacity of the watercourse is not diminished.
7. Make interpretation, where needed, as to exact location of the boundaries of areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

C. Floodplain development applications shall include the following information and be processed as follows:

1. A topographic survey is required for all lots or parcels subject to the land use permit. The survey in relation to mean sea level shall be established and stamped by a licensed surveyor or engineer depicting the 100-year flood plain in relation to site topography, structures, and proposed developments. Calculations used to determine the 100-year flood plain shall be provided.
   a. If the 100-year flood plain on the subject lots or parcels is different than the 100-year flood plain depicted on the City's adopted FIRM maps, the applicant shall receive a Letter of Map Amendment (meets and bounds

LOMA or equivalent) from FEMA prior to the city approving development. Applications shall be considered incomplete until the city receives evidence a LOMA has been obtained.

2. A site plan drawn to scale showing the nature, location and dimensions and elevation referenced to mean sea level of the area in question, including existing and proposed structures and/or expansions, fill and removal, areas proposed for enhancement, storage of materials and drainage facilities. A cross section drawn to scale is also required, illustrating depths and proposed materials. This site plan shall include, at a minimum, existing and proposed site contours in relation to the base flood elevation, existing and proposed structures, drainage facilities, and an explanation of how anticipated erosion will be dealt with during and after construction of the use.
3. A letter of review from appropriate State and Federal agencies that the proposal has been reviewed by the agency. Agencies include, but are not limited to, the Division of State Lands, U.S. Army Corps of Engineers, Oregon Department of Fish and Wildlife.
4. A narrative describing why it is necessary to conduct the proposed use in the Flood Plain District.
5. The elevation of the lowest floor and of any basement floor for any dwelling unit or structure;
6. The elevation to which the structure is to be flood proofed, if applicable;
7. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development and an explanation of how the flood carrying capacity within the altered or relocated portion of any watercourse will be maintained.
8. Certification by a registered professional engineer or architect that the flood proofing methods for any structure meet the flood proofing criteria established by the Federal Emergency Management Agency and within this Chapter.
9. Other elements or information requested by the Community Development Director or designee, which will assist in the evaluation of the proposed development and conformance with the applicable criteria.

2.1.600 Development Standards. The following standards apply to all development and land divisions within the Flood Plain District or area of special flood hazard in the City and its urbanizable areas.

A. In all areas of special flood hazard within the City and its urbanizable area as determined in 2.10.200. where base flood elevation data has been provided, the following provisions apply to all new and reconstructed structures:

1. Setbacks.
   a. The purpose of setback requirements is to not encroach upon Whychus Creek and to protect structures from erosion and flooding while also allowing an economic use of the land.
   b. The setback standards herein are to be used in combination with setback standards of the underlying district, with the more restrictive setbacks superseding the less restrictive setbacks.

c. All portions of new structures shall be sited within a distance of 1/2 the depth of the lot, away from the area of special flood hazard, measuring from the lot line opposite of the area of special flood hazard. The depth of the lot shall be determined by averaging the side lot lines. For example, if a lot is 150 ft. deep, all new structures shall be within 75 ft. of the lot line opposite to Whychus Creek. Setback standards of the underlying district apply in addition to this general setback standard.

d. Existing dwellings may be expanded, but not towards Whychus Creek. Existing setbacks from dwellings to Whychus Creek shall not be decreased as a result of expansions.

e. These setback requirements seek to decrease risks to structures from erosion and flooding. Where the literal application of the setback standards conflict with the purposes of this Chapter, a Class C Variance may be used to allow placement of new structures to achieve this Chapter's purposes.

2. Elevating.

a. All new residential structures must be elevated so that the lowest floor (including a basement) is elevated to one foot above the Base Flood Elevation.

b. Fill is not to be used to elevate structures as it reduces the flood carrying capacity of the flood plain.

3. Flood proofing.

a. All new non-residential structures and improvements to non-residential structures must be elevated so the lowest floor is one foot above the Base Flood Elevation.

4. Construction materials and methods.

a. Structures shall meet the following requirements and City's adopted building codes as they pertain to flood-resistant construction, with the more restrictive provisions applying.

b. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

c. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

d. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

e. Foundations. Foundations for all substantial improvements and manufactured homes subject to 18 inches or less of flood water during a 100 year flood shall be as specified in the City's adopted Building Safety Codes. Foundations for substantial improvements and manufactured homes not in a mobile home park or subdivision subject to 18 inches or more of flood water during a 100 year flood or located within a designated

floodway shall be certified by an engineer to meet the following foundation requirements:

i. Concrete footings sized for 1,000 p.s.f. soil pressure unless data to substantiate the use of higher values are submitted.

ii. Footings shall extend not less than 18 inches below the undisturbed natural grade or engineered fill and in no case less than the frost line depth.

iii. Reinforced concrete, reinforced masonry, or other suitably designed supporting systems to resist all vertical and lateral loads which may reasonably occur independently or combined.

f. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood-waters. Designs for meeting this requirement shall either be certified by an engineer or architect or shall meet or exceed the following minimum criteria:

i. A minimum of two openings of equal size having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

ii. The bottom of all openings shall be no higher than one foot above grade.

iii. Openings shall be located to allow unrestricted cross-flow of flood-waters through the enclosed area from one side to the other.

iv. Openings may be equipped with screens, louvers, or other coverings or devices if certified by an engineer or architect, provided that they permit the automatic entry and exit of flood-waters.

v. Be certified by an engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this Chapter based on their development and/or review of the structural design, specifications and plans. The certifications shall be provided to the Building Official prior to approval of the foundation.

g. Nonresidential structures that are elevated, not flood-proofed, shall meet the same standards for space below the lowest floor as specified in this Chapter.

i. Elevating is not to be achieved by adding or building on fill.

h. Anchoring. All substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

i. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

5. Utilities.
    a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
    b. New and replacement sanitary systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into flood waters.
    c. Existing on-site waste disposal systems shall be maintained located to avoid impairment to them or contamination from them during flooding.
6. Substantial damage and substantial improvement.
    a. Any residential structure that has been substantially damaged from any cause, or will be substantially improved shall have the lowest floor, including basement, elevated to one foot above the base flood elevation and meet the requirements of this section.
    b. Elevating is not to be achieved by adding or building on fill.
7. Manufactured Homes.
    a. All manufactured homes that are substantially improved within the special flood hazard area as determined in 2.10.200.B or that have incurred substantial damage as the result of flood shall be elevated to a permanent foundation such that the lowest floor of the manufactured home is elevated to a height of one foot above the base flood elevation.
        a. Elevating is not to be achieved by adding or building on fill.
    b. All manufactured homes to be substantially improved on sites in an existing manufactured home park or subdivision within the special flood hazard area as determined in 2.10.200. that are not subject to the provisions of Subsection “a” above shall be elevated so that:
        i. The lowest floor of the manufactured home is 1 ft. above the base flood elevation, or
        ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.
        iii. Elevating is not to be achieved by adding or building on fill.
    c. Anchoring. All manufacture homes must be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
8. Recreational vehicles.
    a. Recreational vehicles which are located within the special flood hazard area as determined in 2.10.200. shall:
        i. Be on the site for fewer than 180 consecutive days, or
        ii. Be fully licensed and ready for highway use, or
        iii. Elevated and anchored, and

iv. Satisfy the review procedure of 2.10.500 of this Chapter.

B. Regulatory floodway.

1. Development shall not encroach upon the FEMA regulatory floodway unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

C. Conditional Use Permits.

1. A conditional use permit in a Flood Plain District or area of special flood hazard shall not be approved unless all standards established by the Federal Emergency Management Agency and this Chapter have been met.
2. A conditional use permit shall be based upon findings which relate to the property and existing and proposed structure(s) or development(s). They shall not pertain to the property owner, inhabitants, economic or financial circumstances.

D. Subdivision and partition proposals, for properties not entirely within the Flood Plain District or area of special flood hazard shall have:

1. All new lots created result in a minimum of 2,000 sq. ft. of land area outside of the special flood hazard area to serve as building envelopes.
2. Measures to minimize flood damage.
3. Public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
4. Adequate drainage provided to reduce exposure to flood damage.
5. Measures to prevent erosion and where applicable, stream bank enhancement methods are incorporated into the subdivision design.

2.10.700 Criteria of Approval

A. An application for development permit in the Flood Plain District or area of special flood hazard shall not be approved unless all standards established by this Chapter are addressed and findings are made by the Community Development Director or designee that each of the standards and criteria are satisfied. All proposals shall be evaluated according to the following criteria of approval:

1. The proposal does not reduce the effective base flood storage volume of the floodplain. Grading or any other activity which would reduce the effective storage volume shall be mitigated by creating compensatory storage on the site or off the site if legal arrangements can be made to assure that the effective compensatory storage volume will be preserved over time.
2. The proposal minimizes threats to persons, property, and the natural flood carrying function of the area of special flood hazard.
3. The proposal does not cause a net loss of hydraulic and geomorphic functions of the area of special flood hazard and associated waterways.

4. The proposal will not have the effect of increasing special flood hazards in other areas.
5. Stream bank erosion control and stream bank stabilization measures shall utilize the basic design guidelines and principles referenced in the report *Stream Bank Stabilization – Engineering Floodplain Report, City of Sisters, Whychus Creek,, Deschutes County, Oregon*, July 2007, by PBS&J.

2.10.800 Conditions of Approval. The Community Development Director or designee, upon review of the Flood Plain Review application, may require conditions of approval, including:

A. Mitigation and/ or restoration, necessary to assure that the action will not degrade the area of special flood hazard's functions.

B. Development of a plan for stream bank protection by a registered engineer or professional skilled in bio-engineering or stream bank enhancement.

C. Consultation and review of plans by agencies including but not limited to such as the Oregon Department of Fish and Wildlife, Oregon Division of State Lands, U.S. Army Corps of Engineers, and Upper Deschutes Watershed Council.

2.10.900 Emergency Approval. In the case of an emergency, the Community Development Director or designee may issue development approval in writing.

A. Emergency approval may be issued to protect existing stream bank or structures under immediate threat by flood or storm waters or for the prevention of channel changes that threaten immediate and significant loss of property.

B. A representative of the City may inspect the project site to verify that an emergency condition exists and that the emergency action will not adversely impact water resources.

C. Emergency approval shall be in effect for the time required to complete the authorized emergency action and shall not exceed 60 days.

2.10.1000 Post-Flood Substantial Damage Procedures

A. Building inspectors from the City shall make post-flood inspections immediately after a flood event to determine damage to structures by the flooding.

B. A list of damaged structures, which are not in compliance with the provisions of this Chapter, shall be reported to FEMA and the Oregon Department of Land Conservation and Development.

C. The City shall notify affected property owners prior to submitting the damage report to FEMA.

2.10.1100 Periodic Floodplain Inspections and Enforcement Actions

City staff or its representatives shall make periodic inspections of floodplain areas both within the city limits and outside the city limits, but within the City's urban services area to establish that any activity involving the fill and/or removal of materials within the floodplain is being performed in compliance with an approved development permit. The staff shall prepare a field report listing non-complying conditions to be delivered to the Community Development Director. Upon receipt of the report, the Community

Development Director or designee shall proceed with enforcement actions including, but not limited to: the issuance of a Stop Work Order; the issuance of a citation; and the commencement of civil legal proceedings.

Chapter 2.11 — Airport Overlay District (AO)

Sections:

2.11.100 Purpose
2.11.200 Compliance
2.11.300 Definitions
2.11.400 Permitted Uses
2.11.500 Prohibited Uses
2.11.600 Use and Development Limitations
2.11.700 Non-Conforming Uses
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2.11.900 Variances

2.11.100 Purpose

A. Purpose

This overlay zone is intended to prevent the establishment of airspace obstructions within the Sisters Eagle Air Airport approach surfaces that are located within the City of Sisters city limits. The protection of the Airport Imaginary Surfaces will be accomplished through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Sisters.

1. In order to carry out the provisions of this overlay zone there is hereby created an Airport Imaginary Surfaces Map that pertains to the Sisters Eagle Air Airport Imaginary Surfaces that are located within the City of Sisters city limits.

2. The airport overlay zone requirements have been designed to comply with the provisions of the following legislation:

    a. Federal Aviation Regulations, Part 77 – Objects Affecting Navigable Airspace

    b. Oregon Administrative Rules, Chapter 738, Division 70, Physical Hazards to Air Navigation

    c. Oregon Revised Statutes Section 836.310, Airports and Landing Fields

    d. The Land Conservation and Development Commission Transportation Planning Rule

    e. Goal 12 - Transportation, of the Oregon Land Conservation and Development Commission Statewide Planning Goals and Guidelines, Planning Guideline 2 and Implementation Guideline 3.

    f. Policy 12 and 13 from the Transportation section of the Sisters Urban Area Comprehensive Plan.

2.11.200 Compliance

In addition to complying with the provisions of the primary zoning district, all uses and activities shall comply with the provisions of this Airport Overlay Zone. In the event of conflict between any provisions of this overlay zone and the primary zoning district, the more restrictive provision shall apply.

2.11.300 Definitions

1. Airport Approach Safety Zone. The land that underlies the Approach Surface, excluding the Runway Protection Zone.

2. Airport Elevation. The runway elevation above mean sea level (MSL): 3,165 feet (MSL).

3. Airport Hazard. Any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.

4. Airport Imaginary Surfaces. Those imaginary areas in space which are defined by the Approach Surface, Transitional Surface, Horizontal Surface and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.

5. Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of 1,250 feet for a utility runway having only visual approaches. The Approach Surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward (20:1).

6. Conical Surface. Extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway) and upward extending to a height of 350 feet above the airport elevation.

7. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface and connecting the adjacent arcs by lines tangent to those arcs for a utility runway having only visual approaches.

8. Noise Sensitive Areas. Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 Ldn.

9. Place of Public Assembly. Structure of place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.

10. Primary Surface. A surface longitudinally centered on a runway. The Primary Surface extends 200 feet beyond each end of the runway when the runway has a specially prepared hard surface. The width of the Primary Surface is 250 feet for utility runways having only visual approaches.

11. Runway Protection Zone (RPZ). An area off the runway end (formerly the clear zone) used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. It begins 200 feet beyond the end of the areas usable for takeoff or landing, at a width of 250 feet and extends 1000 feet to a width of 450 feet for utility runways having only visual approaches.

12. Structure. Any manmade object either permanent or temporary, including mobile objects.

13. Transitional Surfaces. Extends seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).

14. Tree. Any object of natural growth.

15. Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less: Runway 02/20.

16. Visual Runway. A runway that is intended solely for the operation of aircraft using visual approach procedures with no instrument approach procedures that has been approved, or planned, or indicated on an FAA or state planning document or military service airport planning document: Runway 02/20.

2.11.400 Permitted Uses

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

2. Determination of Similar Land Uses. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.

2.11.500 Prohibited Uses

1. New structures or buildings are not allowed within the Runway Protection Zone.

2. New places of public assembly designed to accommodate 50 people or more are not allowed on land zoned Urban Reserve District (UR) within the first 1,500 feet of the Approach Safety Zone. Please see Chapter 2.9 Urban Reserve District (UR) for the specific regulations regarding this zone.

3. New wetland enhancements including migratory bird refuges, water impoundment(s), landfills, waste disposal sites, commercial bird farms or similar uses individually exceeding two (2) acres in size that attract and sustains flocks of birds are not allowed on land beneath the Horizontal Surface.

4. New uses that interfere with aviation due to height of structures, glare from buildings, smoke, or safety considerations are not allowed. Specific evidence of aviation interference must be demonstrated before a use (not listed above) is prohibited. The evidence must show that the use will regularly produce an interference listed above, based on its normal operating characteristics.

2.11.600 Use and Development Limitations

1. No new structure, except one customarily used for aeronautical purposes, shall penetrate into the Airport Imaginary Surfaces as defined in section 2.11.300.

2. No glare producing material (unpainted metal, reflective glass, and similar materials, etc.) shall be used on the exterior of structures within the Airport Approach Safety Zone.

3. In noise sensitive areas (within 1,500 feet of the airport runway) a Declaration of anticipated noise from aircraft shall be recorded against the property in the deed records of Deschutes County. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits or final plat approval for land divisions.

4. Within the first 1500 feet of the Airport Approach Safety Zone, a Hold Harmless Agreement and Aviation and Hazard Easement shall be attached to any building permit for residential or places of public assembly, and shall be recorded against the property in the deed records of Deschutes County. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits.

2.11.700 Non Conforming Uses (See also Chapter 5.2)

1. The regulations for this overlay district shall not be construed to require the removal, lowering, or alteration of any structure not conforming to such regulations. The regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Airport Overlay Zone.

2. Notwithstanding the preceding provision of this section, the owner of any existing structure that has an adverse effect on air navigation as determined by Oregon Aeronautics is hereby required to permit the installation, operation, and maintenance of obstruction markers as deemed necessary by the Oregon Aeronautics. Certain objects and structures must be marked to make them more visible to pilots. The installation of any such markers will be based on the characteristics of the structure including location, size or height, shape, function and permanence in addition to effects on air navigation.

2.11.800 Procedures (See also Chapter 4.1 for Applications and Review Procedures that are also applicable to this Overlay District.)

1. All proposed development and uses within the overlay zone are subject to site plan review to determine compliance with the provisions of this district. All land use and building permit applications shall provide a site plan showing:

a. Property boundary lines and elevations as they relate to the Airport Imaginary Surfaces.

b. Location and height of all existing and proposed structures, utility lines and roads.

2. All applications requiring site plan approval within the Airport Imaginary Surfaces and noise corridors shall be submitted to the Aeronautics section of the Oregon Department of Transportation for review. The Oregon Aeronautics has 10 days from date of receipt of an application to review and return comments to the Planning Department.

2.11.900 Variances (See also Chapter 5.1)

1. Any person desiring to erect or increase the height of any structure, or use not in accordance with provisions prescribed in this Ordinance may apply for a variance.

2. Application for Variance must be accompanied by a determination from Oregon Aeronautics and the Federal Aviation Administration as to the effect of the proposal on the safe and efficient use of navigable airspace.

3. Any variance granted may be conditioned as to require the owner of the structure to install, operate and maintain, at the owner's expense, obstruction markers.

4. Procedures for a Variance follow those outlined in Section 5.1.

Chapter 2.12– Sun Ranch Tourist Commercial (TC)

Sections:

2.12.100 Purpose
2.12.200 Applicability
2.12.300 Permitted Uses
2.12.400 Lot Requirements
2.12.500 Height Regulations
2.12.600 Setbacks and Buffering
2.12.700 Lot Coverage
2.12.800 Off-street Parking
2.12.900 Landscape Area Standards
2.12.1000 Special Standards for Certain Uses
2.12.1100 Design Theme

2.12.100 Purpose

The purpose of the Sun Ranch Tourist Commercial district is to establish landmark lodging, dining, and recreation destinations and gathering places for business travelers, tourists and the residents of the area. The district is for commercial properties in transition areas between residential, light industrial and commercial areas. This district establishes commercial uses to complement adjacent mixed-use light industrial and residential districts. Special design standards apply to create a rural ranch setting separate from, but compatible with, the 1880s Western Frontier Architectural Design Theme. Another purpose of this district is to provide flexibility for expansion of lodging facilities and improve accessory components of the commercial lodging establishment such as meeting facilities, restaurant, bar, neighborhood market, etc.

2.12.200 Applicability

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

2.12.300 Permitted Uses

A. Permitted uses. Uses permitted in the TC District are listed in Table 2.12.300 with a "P". These uses are allowed if they comply with the development standards and other regulations of this Code. Being listed as a permitted use does not mean that the proposed use will be granted an exception or variance to other regulations of this Code.

B. Special Provisions. Uses that are allowed in the TC District subject to special provisions are listed in Table 2.12.300 with an "SP". These uses are allowed if they comply with the special provisions in Chapter 2.15.

C. Conditional uses. Uses that are allowed in the TC District with approval of a conditional use permit are listed in Table 2.12.300 with either a Minor Conditional Use "MCU" or a Conditional Use "CU". These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.

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

Table 2.12.300 Use Table for the Sun Ranch Tourist Commercial District

Land Use Category	Permitted/Special Provisions/Conditional Uses	Special Use References
Commercial		
Cottages. The types of cottages are: 1. Studio, one, and two bedroom detached cottage units. 2. Studio, one, and two bedroom attached cottage units (max. 3 units per building).	P	See Section 2.12.100
Lodging facilities.	P	
Office	P	
Restaurant, bar and food services.	P	
Saunas, steam rooms, hot tubs, exercise equipment facilities and other spa-related uses.	P	
Amusement Uses (e.g. game rooms and other entertainment) oriented uses primarily for enjoyment by guests staying in the cottages or lodging facilities within the Sun Ranch Tourist Commercial district including, but not limited to, bicycle rentals, canoe rentals and movie rentals, etc.	P	
Neighborhood Market	P	See Section 2.12.1000
Laundry Establishment focusing on providing for needs of guests staying in the cottages or lodging facilities within the Sun Ranch Tourist Commercial district.	P	See Section 2.12.1000

Multi-use trails and paths.	P	
Small chapels, ceremonial pavilions and outdoor seating areas. Such uses designed to accommodate occupancies of 300 persons or more shall require a Conditional Use Review.	P/CU	
Decks, docks and other areas to provide enjoyment of the ponds.	P	
Special events/meeting facility, reception hall or community center. Such uses designed to accommodate occupancies of 300 persons or more shall require a Conditional Use Review.	P/CU	
Cideries, Distilleries, Wineries and Breweries	P	
Similar uses.	P	
Accessory uses.	P	
Utility service lines.	P	
Prohibited Uses		
Auto-oriented uses and drive-through uses.	P	
Telecommunications equipment, other than telecommunication service lines and cell towers.	P	
Industrial, residential, and public and institutional uses except as allowed in Table.2.12.300	P	

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

E. Formula Food Establishments. The City of Sisters has developed a unique community character in its commercial districts. The City desires to maintain this unique character and protect the community's economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs. To meet these objectives, the City does not permit Formula Food Establishments within this zone.

2.12.400 Lot Requirements

Lot requirements for the Sun Ranch Tourist Commercial district will be determined by the spatial requirements for that use, associated landscape areas, and off-street parking requirements.

2.12.500 Height Regulations

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 30 feet.

2.12.600 Setbacks and Buffering

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

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

A. Front Yard Setback
New buildings shall be at least ten feet from the front property line except buildings and structures adjacent to Camp Polk Road or Barclay Drive shall have a minimum of a 20 foot setback from the edge of the right of way.

B. Side Yard Setback
There is no minimum side yard setback required except where clear vision standards apply. However, structures adjacent to Camp Polk Road or Barclay Drive shall have a minimum of a 20 foot setback from the edge of the right of way. Buildings shall conform to applicable fire and building codes.

C. Rear Yard Setback
There is no minimum rear yard setback required except where clear vision standards apply. However, structures adjacent to Camp Polk Road or Barclay Drive shall have a minimum of a 20 foot setback from the edge of the right of way. Buildings shall conform to applicable fire and building codes.

D. Buffering
Any outside storage area (including trash/recycling receptacles) associated with a use on any site shall be buffered by masonry wall, site obscuring fencing or other measures using materials that are compatible with the color and materials of the primary buildings on site.

2.12.700 Lot Coverage
There is no maximum lot coverage requirement, except that complying with other sections of this code (landscape and pedestrian circulation, parking, etc.) may preclude full lot coverage for some land uses.

2.12.800 Off-Street Parking
The off-street parking requirements for uses in the Sun Ranch Tourist Commercial district may be satisfied by off-site parking lots or garages per Chapter 3.3. Parking Location and Shared Parking. Parking requirements for uses are established by Chapter 3.3 – Vehicle and Bicycle Parking, of the Sisters Development Code.

2.12.900 Landscape Area Standards
A minimum of 10 percent of the gross site area of proposed developments shall be landscaped according to Chapter 3.2 of the Sisters Development Code.

2.12.1000 Special Standards for Certain Uses

A. Neighborhood Market and Laundry Establishment
A neighborhood market and self-serve laundry establishment shall:

1. Be focused on meeting the needs of the Sun Ranch Mixed Use Community residents, workers and guests.

2. Such uses shall not operate past 10:00 p.m.

3. Structures housing such uses shall be setback from Camp Polk Road and Barclay Drive by at least 50 feet.

4. Structures housing such uses shall not exceed 1000 square feet, excluding storerooms.

B. Cottages

1. A maximum of 30 cottage units are permitted in the Sun Ranch Tourist Commercial Zone.

2.12.1100 Design Theme

A. All structures proposed within the Sun Ranch Tourist Commercial district shall be consistent with the early 1900's Rural Farm/Ranch House design standards outlined below. Figures 2.12.1100 A and B provide illustrations of examples of architectural styles that are consistent with the theme.

1. Era. Rural farm and ranches of the early 1900s.

2. Architecture. Buildings shall be designed to emulate rural farm and ranch outbuildings of the era. Such buildings typically have simple gable and shed roof forms, small pane wood windows and wooden doors.

3. Exterior Materials. Rough sawn boards and/or board and batten walls, rough stone and brick. Dimensional composition shingle roofs.

4. Roof Pitches. A majority of 8:12 pitched main roof forms, with 6:12 and 4:12 sheds.

Figure.2.12.1100 A

Figure 2.12.1100 B

Chapter 2.13 – Sun Ranch Residential (SRR) District

Sections:

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

2.13.100 Purpose

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

2.13.200 Applicability

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

2.13.300 Permitted Uses

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

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

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

C. Conditional uses. Uses that are allowed in the Sun Ranch Residential (SRR) with approval of a conditional use permit are listed in Table 2.13.300A with either a Minor Conditional Use "MCU" or a Conditional Use "CU". These uses must comply with the

criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.

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

Table 2.13.300 A Use Table for the Sun Ranch Residential District

Land Use Category	Permitted/Special Provisions/Conditional Use
Residential	
Single-family detached dwellings	P/See Section 2.13.1000
Cottage Developments	P / Ch. 4.6
Manufactured Dwelling on Individual Lot	P/SP
Townhome	P/SP
Zero lot line dwellings	P/SP
Home occupation	P/SP
Accessory dwelling on a single family or manufactured dwelling lot	P/SP
Residential home	P/SP
Family child care (Care for no more than 16 children)	P
Public and Institutional	
Multi-use trails, paths and connections	P
Open space, park space and similar uses	P
Miscellaneous	
Accessory uses and structures	P/SP
Vacation Rentals	P/SP

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

2.13.400 Lot Requirements

A. Lot size and frontage

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

developed at or below the minimum lot size. All lots within the Sun Ranch Residential district shall have frontage on a private or public street, unless lots without frontage are approved during subdivision review process upon a finding that physical access to the lots by residents is effectively assured by other means. Lot frontages, where required, shall be a minimum average width of 30 feet as determined during subdivision, but no lot shall be less than 20 feet wide.

2.13.500 Height Regulations

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

2.13.600 Setbacks and Building Orientation

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

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

A. Front Yard Setback

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

B. Side Yard Setback

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

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

C. Rear Yard Setback

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

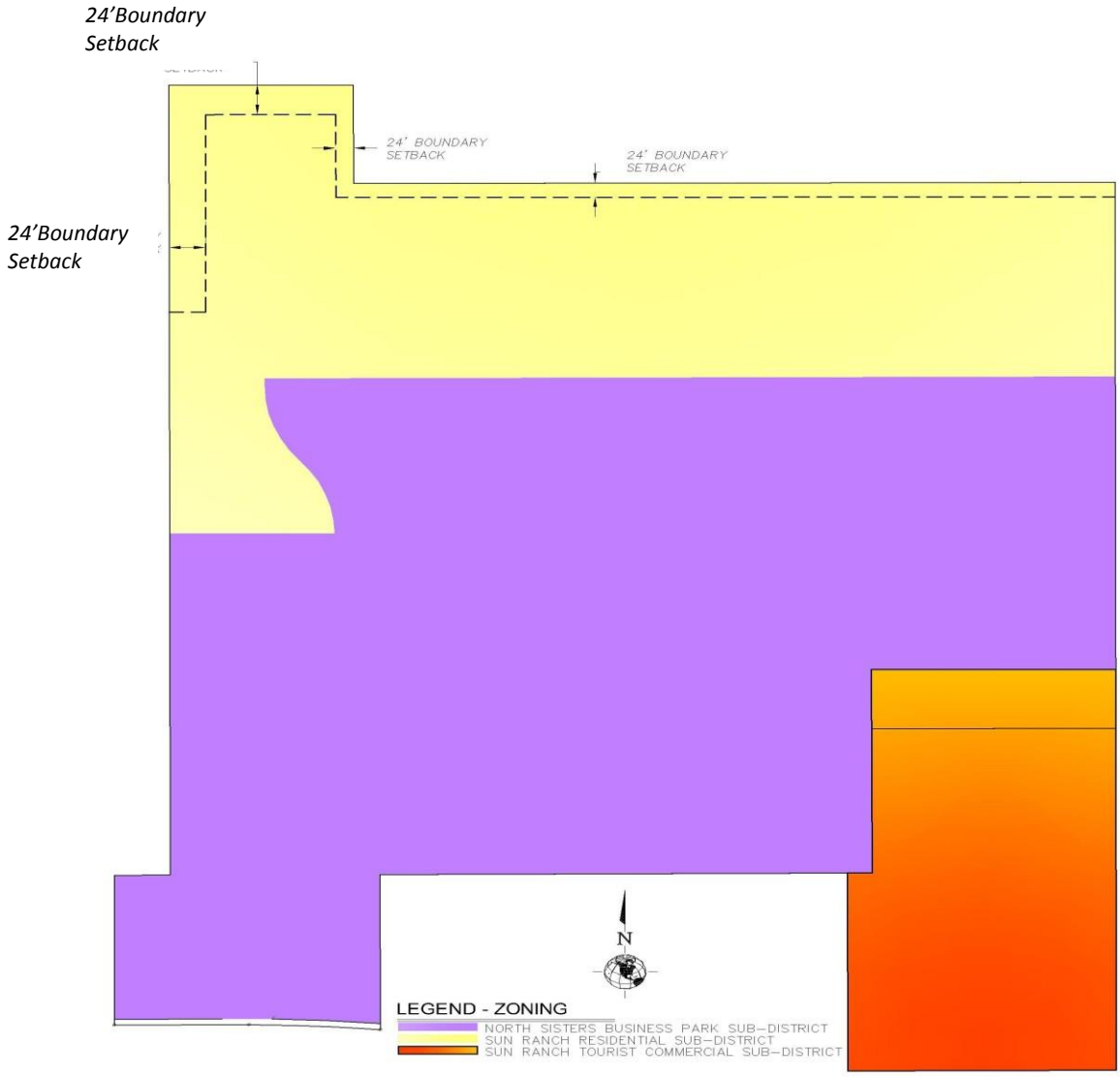
D. Boundary Yard Setback

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

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

accessory structure and boundary setback. Accessory structures taller than 12 feet proposed on properties subject to the 24-foot Boundary Yard Setback shall meet the setbacks for residential structures.

Figure 2.13.600



E. Building Orientation

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

F. Access Spacing

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

2.13.700 Lot Coverage

The maximum lot coverage for all structures is 60%.

2.13.800 Off-Street Parking

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

2.13.900 Landscape Area Standards

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

2.13.1000 Special Standards for Certain Uses

A. Residential Uses

1. The number of residential units within the Sun Ranch Residential district shall not exceed 45.

2. No more than four (4) attached townhomes or zero lot line dwelling units in a row may be permitted.

3. Construction and Maintenance Easement. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards for the affected adjoining property. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot.

4. Prior to approval of building permits for structures containing residential units, the owner(s) of the property shall sign, notarize, and record a waiver of remonstrance prohibiting resident(s) and owners and all successors of the proposed residential units from making complaints or claims against permitted uses on adjacent light industrial lands. A copy of the recorded waiver of remonstrance shall be provided to the City at the time of application for said building permit. The waiver of remonstrance shall not preclude the ability of residents from acting against uses that do not comply with applicable local, state, and federal health and safety regulations.

Chapter 2.14 – North Sisters Business Park (NSBP) District

Sections:

2.14.100
2.14.200
2.14.300
2.14.400
2.14.500
2.14.600
2.14.700
2.14.800
2.14.900
2.14.1000

2.14.100 Purpose

The purpose of the North Sisters Business Park district is to create a mix of land uses that effectively transition between neighboring residential, light industrial, and commercial land uses. The primary uses are light manufacturing and professional services, but secondary uses such as retail and living quarters are allowed. The purposes of allowing light manufacturing and professional services as primary uses are to maximize economic opportunities for the city while also decreasing opportunities for environmentally disruptive high-impact industrial uses. The purpose of allowing living quarters and retail is to establish a more vibrant economic center with the presence of full-time residents, provide more affordable housing types in close proximity to jobs, create investment incentives to locate in the city, and as a transition to adjacent residential areas. Restrictions on living quarters and retail are established to prevent uses from gravitating away from light manufacturing and professional services towards retail and additional residential uses. Enhanced construction requirements for mixed use buildings are established to protect the long-term economic use of the land and promote compatibility between traditionally incompatible uses. Development standards also aim to create an attractive light industrial park that will contribute to the long term economic health and aesthetic character of the City of Sisters.

2.14.200 Applicability

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

2.14.300 Uses

All uses within the North Sisters Business Park District are subject to the requirements of the Airport Overlay District as outlined in Chapter 2.11 of the Sisters Development Code as applicable.

A. Permitted uses. Uses permitted in the North Sisters Business Park District (NSBP) are listed in Table 2.14.300.A with a "P". These uses are allowed if they comply with the development standards and other regulations of this Code.

Being listed as a permitted use does not mean that the proposed use will be granted an exception or variance to other regulations of this Code.

B. Special Provisions. Uses that are allowed in the North Sisters Business Park District (NSBP) subject to limitations are listed in Table 2.14.300.A with an "SP". These uses are allowed if they comply with the special provisions in Chapter 2.15.

C. Conditional uses. Uses that are allowed in the North Sisters Business Park District (NSBP) with approval of a conditional use permit are listed in Table 2.14.300.A with either a Minor Conditional Use "MCU" or a Conditional Use "CU". These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.

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

2.14.300A Use Table for the North Sisters Business Park District

Land Use Category	Permitted/Special Provisions/Conditional Use
Residential	
Loft apartments	P/ See Section 2.14.1000
Work/live townhome	P/See Section 2.14.1000
Home Occupations	P/SP
Commercial (Professional Services)	
Professional & business service offices (banks, real estate office, attorney office, architect, etc.)	P/See Section 2.14.1000
Animation studios, film production facilities and similar uses	P/See Section 2.14.1000
Medical / dental clinic and similar uses (veterinary clinics, physical therapy, etc.)	P/See Section 2.14.1000
Research facilities provided that no odors or noxious fumes are produced from the site	P/See Section 2.14.1000
Similar uses	P/See Section 2.14.1000
Accessory uses to Professional Service uses, including accessory offices	P/See Section 2.14.1000
Commercial (Retail Trade)	
Artist's studio & galleries	P/See Section 2.14.1000
Import/export business	P/See Section 2.14.1000
Building supply stores	P/See Section 2.14.1000
Clothing, jewelry, furnishings, appliance, athletic equipment retailers	P/See Section 2.14.1000
Automobile-oriented uses excluding drive-up/in/through uses, body shops, and paint shops	P/See Section 2.14.1000
Similar uses	P/See Section 2.14.1000
Accessory uses including offices	P/See Section 2.14.1000

Land Use Category	Permitted/Special Provisions/Conditional Use
Commercial (Personal Services)	
Outfitters and guide services	P/See Section 2.14.1000
Florist	P/See Section 2.14.1000
Restaurants, pubs, microbreweries, wineries, cafes, coffee shops, coffee roasters, catering/food services	P/See Section 2.14.1000
Automobile-oriented uses excluding drive-up/in/through uses, body shops, and paint shops	P/See Section 2.14.1000
Pet grooming and similar uses	P/See Section 2.14.1000
Barber shop/beauty salon	P/See Section 2.14.1000
Child care, nursery school, kindergarten or day-care facility	P/See Section 2.14.1000
Accessory uses including offices	P/See Section 2.14.1000
Similar uses	P/See Section 2.14.1000
Other Services	
Recreation Uses (indoor)	P/See Section 2.14.1000.B
Recreation Uses (outdoor)	CU
Light Industrial	
Light manufacture (electronic equipment assembly, printing, medical equipment manufacturing, manufacturing and assembling of goods)	P/See Section 2.14.1000
Warehousing and distribution including commercial nursery	P/See Section 2.14.1000
Blacksmith shop	P/See Section 2.14.1000
Commercial bakeries that produce baked goods primarily for sale to other commercial establishments or delivery to customers off-site	P/See Section 2.14.1000
Manufacturing and packaging of specialty food products, pharmaceuticals and similar uses excluding the production of meat or fish products, fermented foods or other products that produce noxious odors, except for breweries, cideries, distilleries, wineries, and coffee roasting	P/See Section 2.14.1000
Automobile-oriented uses excluding drive-up/in/through uses	P/See Section 2.14.1000
Private parking lots	P/See Section 2.14.1000
Direct sale of products produced on site to the public as an accessory use in area less than 1,000 sq. ft. of same building	P/See Section 2.14.1000
Contractors' supply centers, building design centers and similar uses	P/See Section 2.14.1000
Similar uses	P/See Section 2.14.1000

Land Use Category	Permitted/Special Provisions/Conditional Use
Accessory uses including offices.	P/See Section 2.14.1000
Mini storage, in the Three Sisters Business Park only, lots 4, 5, 6, and 7.	P/See Section 2.14.1000
Public and Institutional	
Public buildings	P
Publicly accessed multi-use trails and paths	P
Public parking lots	P
Similar uses	P
Telecommunications Facilities	
Telecommunication facilities affixed to buildings not poles, towers, or antennas	P/SP
Prohibited Uses	
Boat Building	
Fuel/oil distributors	
Cell towers	
Asphalt batch plants	
Manufacturing of concrete products	
Auto wrecking, crushing, dismantling, or "chop shops"	
Mini-storage facilities, in the Sun Ranch Mixed-Use Community only.	
Drive-up/in/through uses and facilities	
Unenclosed/outdoor light manufacture or assembly	
Any use considered a High-Hazardous Occupancy (H Occupancy) by the most recently State of Oregon adopted International Building Code	
Similar uses	

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

E. Formula Food Establishments. The City of Sisters has developed a unique community character in its commercial districts. The City desires to maintain this unique character and protect the community's economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs. To meet these objectives, the City does not permit Formula Food Establishments within this zone.

2.14.400 Lot Requirements

A. Lot size and frontage.
Lot requirements for the North Sisters Business Park district will be determined by the spatial requirements for that use, associated landscape areas and parking requirements.

Each non-condominium lot shall have a minimum of 30 ft. of frontage on a public or private street to insure a minimum level of access to all newly created lots.

2.14.500 Height Regulations

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 30 feet. The maximum height may be increased to 35 feet when loft apartments are provided in the second story above a light industrial, professional service, retail trade, or public use.

2.14.600 Setbacks and Building Orientation

All building setbacks within the North Sisters Business Park district shall be measured from the property line to the building wall or foundation, whichever is less.

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

A. Front Yard Setback
50% of the primary building façade measured horizontally from wall to wall shall be sited between 10 and 25 feet from the primary front property line. All outside storage areas shall be located at least 20 feet from the primary front property line.

B. Side Yard Setback
Ten (10) feet. Lots having a side yard along the pedestrian paths or alley easements shall maintain a minimum of five (5) feet between the pedestrian path or alley easement and any structure.

C. Rear Yard Setback
Ten (10) feet, except that buildings shall be setback 20 feet from any residential district. Lots having a rear yard along the pedestrian paths or alley easements shall maintain a minimum of five (5) feet between the pedestrian path or alley easement and any structure.

D. Buffering
All outside storage areas (including trash/recycling receptacles) associated with a use on any site shall be buffered by a masonry wall, site obscuring fencing or other measures using materials that are compatible with the color and materials of the primary building on site. Such buffers shall not encroach into any required clear vision area. All outside storage areas shall be located at least 20 feet from the primary front property line.

E. Building Orientation and Pedestrian Amenities

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

2. All buildings within the North Sisters Business Park district shall have a pedestrian connection from the sidewalk along the front lot line to the main entrance of the building on site.

3. Recessed entrances, canopies or other similar features in proportion to the whole building shall be used at the entries to buildings in order to create a pedestrian scale.

2.14.700 Lot Coverage
The maximum lot coverage for all structures is 60%.

2.14.800 Off-Street Parking
The off-street parking requirements for uses in the North Sisters Business Park district are established by Chapter 3.3– Vehicle and Bicycle Parking, of the Sisters Development Code.

2.14.900 Landscape Area Standards
A minimum of 20 percent of the gross site area of proposed developments shall be landscaped according to Chapter 3.2 of the Sisters Development Code.

2.14.1000 Special Standards for Certain Uses

A. Loft Apartments
Loft apartments are a residential use accessory to the primary light industrial or commercial use in the North Sisters Business Park district. As such, they are subject to the following standards to protect the long-term viability of the economic uses while establishing a safe and habitable dwelling unit.

1. A loft apartment unit is a dwelling unit on the second story above a light industrial or commercial use.
2. A maximum of 4 loft apartment units shall be permitted per lot.
3. Separate ingress/egress shall be provided for the loft apartments and other entrances (emergency) shall be provided as required by applicable building codes.
4. A maximum of 60 total loft apartment units shall be permitted in the North Sisters Business Park district component of the Sun Ranch Mixed Use Community. This includes lots 1-20 of the Sun Ranch Phase 1 subdivision.
5. A maximum of 57 total loft apartment units shall be permitted in the North Sisters Business Park district component of the Three Sisters Business Park, lots 1-19.
6. Prior to approval of building permits for structures containing loft apartment(s), the owner of the property shall sign, notarize and record a waiver of remonstrance prohibiting resident(s) and owner(s) and all successors of the proposed loft apartment(s) from making complaints or claims against permitted uses on the subject property and surrounding commercial and light industrial lands. Such waivers shall utilize the City's waiver form or must be reviewed and approved by the City of Sisters prior to recording. A copy of the recorded waiver of remonstrance shall be provided to the City at the time of application for said building permit. The waiver of remonstrance shall not preclude the ability of residents from acting against uses that negligently cause property damage or injury, or do not comply with the air emission standards listed below.
7. The second story floor between the commercial or light industrial use and loft apartments shall achieve a Sound Transmission Class rating of 60 to 64.

8. The minimum number of parking spaces required per loft apartment shall be 1.5 per loft unit. Parking spaces must be provided on the same lot as the loft units. The total parking requirements for a lot, when other than a whole number, shall be rounded up.
9. Proposals for buildings and site plans containing loft apartments shall explicitly state the proposed light industrial and commercial uses occurring in proposed buildings. Land use approvals shall be limited to disclosed and approved uses, unless and until a change of use is approved by the City.

B. Light Industrial and Commercial Uses

1. Impacts disclosure for mixed-use loft apartment buildings. The following requirements apply to all new, remodeled, or enlarged uses occurring on lots or in structures containing loft apartments.
   a. All odor, noise, vibration, or sound created by the proposed light-industrial and commercial use that negatively impact or cause hazards to residents of the loft apartments shall be disclosed prior to land use approval. During site plan review, including a change of use if applicable, the property owner shall demonstrate that the proposed use will not pose a hazard to residents of the loft apartments located above the use in order to obtain approval of the use. Reasonable conditions of approval may be imposed to insure compatibility between the residential, light industrial and commercial uses.
   b. Hours of operation and deliveries shall be disclosed.
   c. There shall be no emission of odorous, toxic, noxious matter or dust in such quantities from industrial operations as to produce a public nuisance or hazard. All emissions shall meet DEQ standards.
   d. Changes of use shall require Site Design Review per Chapter 4.2, if applicable.

2. Auto-oriented uses. All auto-oriented uses shall meet the following guidelines:
   a. All storage, parking of vehicles to be serviced, and service of vehicles shall occur within fully enclosed buildings or carports or a sight obscuring fence such as wood or vinyl, excluding slat fences.

3. Direct sale of products produced on site to the public as an accessory use in an area less than 1,000 sq. ft. of same building is allowed on all lots and does not count towards the ten lot retail and personal service use maximum in 2.14.1000.C.

C. Retail and Personal Services

1. A maximum of ten (10) lots (each) within the North Sisters Business Park district zoned areas of the Sun Ranch Mixed Use Community and Three Sisters Business Park may contain retail and personal service uses. Direct sale of products produced on site to the public as an accessory use in an area less than 1,000 sq. ft. of same building is allowed on all lots and does not count towards the maximum.
2. A maximum of 10,000 square feet of retail trade and personal service uses are allowed per lot in the North Sisters Business Park district zoned portions of the Sun Ranch Mixed Use Community. A maximum of 11,000 square feet of retail trade and personal service uses are allowed per lot in the North Sisters Business Park district portions of the Three Sisters Business Park. However, limitations in.2.14.1000.C.1, C.3, and C.4. may preclude developing some or all retail trade and personal services

on any lot. Direct sale of products produced on site to the public as an accessory use in an area less than 1,000 sq. ft. of the same building is allowed on all lots and does not count towards the maximum.

3. A maximum of 50,000 square feet of retail trade uses are allowed in the North Sisters Business Park district zoned portions of the Sun Ranch Mixed Use Community. A maximum of 55,000 square feet of retail trade uses are allowed in the North Sisters Business Park district zoned portions of the Three Sisters Business Park.
4. A maximum of 50,000 square feet of personal service uses are allowed in the North Sisters Business Park district zoned portions of the Sun Ranch Mixed Use Community. A maximum of 55,000 square feet of personal service uses are allowed in the North Sisters Business Park district zoned portions of the Three Sisters Business Park.
5. All limitations in 2.14.1000.C.1-4 must be met in order to receive land use approval for retail and personal service uses.

D. Design Standards for Mini-Storage

A "mini-storage" is a 'self-service storage facility'. It is real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to the space for the purpose of storing and removing personal property on a self-service basis, but does not include a garage or other storage area in a private residence.

1. Site Design Requirements:

a. Site Entrances: One or more secured ingress and egress entrance drives shall be provided as approved by the 3 Sisters ARC and the City of Sisters. The drive(s) shall be designed to provide separate lanes for entering and exiting traffic so that either lane can be used for emergency vehicle access.

b. Access: shall be controlled by a security system consisting of key or keypad - controlled gate arms, gates or similar devices. Each lessee shall have key access or pass code access through the security system. The system shall be approved by the 3 Sisters ARC.

c. Parking: Parking shall conform to the standards per the City of Sisters Development Code.

d. On-site circulation and driveways: All two-way driveways directly serving storage spaces or buildings shall provide for one 10-foot parking lane on each side and one 24 -foot two way driving lane. Traffic direction and parking shall be designated by signing or painting.

e. Landscaping: Every Lot on which a mini-storage building resides shall be landscaped according to plans approved by the 3 Sisters ARC and the City of Sisters and shall be maintained in a sightly and well-kept condition per section 6.19 of the 3 Sisters CC&R's.

2. Spaces for Open Storage of Recreational Vehicles, Boats and Trailers:

a. Open Storage: The space devoted to open storage shall be properly screened by fencing and landscape in a manner consistent with the North Sisters Business Park district, Chapter 2.14.

3. Architectural Design Requirements:

a. Exterior Wall Construction: All exterior walls shall be finished with architectural masonry units, natural stone, concrete, or metal panel subject to the approval of the 3 Sisters ARC. Buildings utilizing metal wall panels shall incorporate a masonry wainscot around the entire perimeter. The wainscot shall be a minimum of 4' high where the walls are less than 12' high and a minimum of 7'-4" where the wall height exceeds 12'. The metal panels must be high quality, flush or box ribbed, architectural grade with concealed fasteners.

b. Eaves: Eaves with the exception of flat roof units, shall consist of overhangs that are of appropriate scale relative to height of unit. The minimum overhang shall be two (2) feet. Eave brackets and similar articulations are encouraged.

c. Roofs: Roof materials shall be subject to approval of the 3 Sisters ARC. Metal roofs are required to have a standing seam application, and a minimum 3:12 minimum slope Composition shingle roofs shall have a minimum slope of 3:12. Steeper roof slopes are encouraged. Low slope roofs shall incorporate a parapet around the entire perimeter that completely screens the roof surface from view.

d. Windows, Glazing, Doors and Entrances. Vinyl or pre-finished metal window frames are allowed. Glazing shall be clear or Low E units. No reflective glass is allowed. Aluminum window and doorframes must be pre-finished with a factory-applied coating or anodized finish. Interior window treatments shall compliment the exterior façade. Entrance Doors, no entrance doors to storage compartments shall front on any public street.

e. Gutters and Downspouts. Gutters and downspouts are recommended and may be required on some buildings where either pedestrian traffic may occur or where roof or building surface drainage will need to be controlled. Gutters and downspouts shall be designed as a continuous architectural design feature. Exposed gutters and downspouts shall be colored or painted to blend in with the adjacent surface. All drainage pipes that are connected to downspouts must be concealed from view of neighboring properties.

f. Exterior Colors. Exterior colors shall be compatible with the colors of the natural surroundings and adjacent buildings and are subject to the approval of the 3 Sisters ARC. Single color buildings are discouraged. Walls should be articulated with an accent/trim color and roofs shall be of different complimentary color.

4. Building Orientation

a. Purpose. The following standards are intended to orient the office, storage buildings and loft units close to streets to promote human-scale development, create an active and inviting appearance from the street, and greatly diminish the view of the storage unit entrances, access ways, and mini-storage operations from the street.

b. Applicability. This section applies to: mini-storage developments including the office, manager quarters and lofts, and storage units.

c. Building orientation standards. All developments in B, above, shall establish a main focal point to the street, including dwelling unit or office entrances, primary architectural features, porches, landscaping, windows, and areas for meeting and recreation. The building orientation standard is met when the following criteria are satisfied:

1. Office buildings and uses receiving the public, loft units, and managers quarters shall have their primary entrances oriented to the street.
2. All building elevations visible from a street right-of-way shall provide doors, porches, balconies, and/or windows. A minimum of 40% of the front (street facing) elevations meet this standard. This is measured as the horizontal plane (lineal feet) containing these features. The standard applies to each full and partial building story.
3. Storage units shall be visually screened by the lofts, office buildings, and/or manager quarters, and shall not directly face the street. This standard does not require the storage units to be completely obscured from view.
4. Access ways serving the units shall be visually screened by the lofts, office buildings, and/or manger quarters, and not be placed between the street and these buildings.
5. Landscaped areas including lawn areas shall be provided between the street and buildings to provide shade, greenery, and a visual buffer between the street and buildings.
6. In as much as possible, lofts, office buildings, and/or manager quarters, will serve as a visual buffer between the storage units, access ways, and street.

5. Open space. Access to private or public open spaces enhances the living environment of the loft units and provides active uses close to the street. Private open space areas or common open space areas are required for manager quarters and loft units based on the following standards:

a. Loft units shall have balconies or porches measuring at least 48 square feet.

b. Loft units shall have access to commonly-owned landscaped open space areas at least 100 square feet per loft unit. Open space areas shall be oriented towards the street and away from trash receptacles, vehicular access areas, and the mini-storage units.

F. Work/live townhome. A residential townhome unit in which a business shall be operated and are subject to the following standards to protect the long-term viability of the economic uses while establishing a safe and habitable dwelling unit.

1. The maximum number and width of consecutively attached work/live townhomes (i.e., with attached walls at property line) shall not exceed 4 townhome units.
2. Residential units shall be limited to the second floor, except for garages.

3. A minimum of 50 percent of the first floor shall be commercial/industrial/retail and no less than 500 square feet.

4. One-hundred (100) percent of the first floor street frontage shall be commercial/industrial/retail. Ground floor entrances or breezeways are permitted for dwellings located above or behind a non-residential storefront use.

5. The exterior units shall maintain a 10-foot side yard setback.

6. The minimum number of parking spaces required per townhome is 2 per unit. Additional parking for the commercial/industrial/retail use shall be based on Chapter 3.3 Vehicle and Bicycle Parking. Parking spaces shall be located on the same lot as the work/live townhome.

7. To preserve the pedestrian orientation of the North Sisters Business Park, alley access is required to provide trash service and parking when alley access is available.

8. The number of units shall be deducted from the allowable loft units in section 2.14.1000.

9. All light industrial and commercial uses shall comply with 2.14.1000.B

10. All retail and personal service uses shall comply with 2.14.1000.C.

11. Prior to approval of building permits for work/live townhomes, the owner of the property shall sign, notarize and record a waiver of remonstrance prohibiting resident(s) and owner(s) and all successors of the proposed units from making complaints or claims against permitted uses on the subject property and surrounding commercial and light industrial lands. Such waivers shall utilize the City's waiver form or must be reviewed and approved by the City of Sisters prior to recording. A copy of the recorded waiver of remonstrance shall be provided to the City at the time of application for said building permit. The waiver of remonstrance shall not preclude the ability of residents from acting against uses that negligently cause property damage or injury, or do not comply with the air emission standards listed in Section 2.14.1000.B.

12. Open space. Access to private or public open spaces enhances the living environment of the work/live townhome and provides active uses close to the street. Private open space areas or common open space areas are required for work/live townhome based on the following standards:

    a. Work/live townhome shall have balconies or porches measuring at least 48 square feet; or,

    b. Work/live townhome units shall have access to commonly-owned landscaped open space areas at least 100 square feet per loft unit. Open space areas shall be oriented towards the street and away from trash receptacles and vehicular access areas.

13. Platting Lots for work/live townhomes shall include the following;

    a. The location of lots where live/work townhomes may be sited shall be specified on the subdivision plat.

    b. The final plat for a subdivision in the North Sisters Business Park shall specify the lots where work/live townhomes uses will be permitted.

c. Prior to recording the final plat, a deed restriction shall be recorded with each lot identified on the final plat as a work/live townhomes.

Chapter 2.15 – Special Provisions

Sections:

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2.15.2500 Solar Access Standards
2.15.2600 Western Frontier Architectural Design Theme
2.15.2700 Vacation Rental Housing Units

2.15.100 Purpose of Special Provisions

This Chapter supplements the standards contained in this ordinance. It also provides standards for certain land uses to ensure compatibility of those uses within all the zoning Districts.

2.15.200 Applicability

The regulations in this Section shall apply in all zoning districts. Where conflict between regulations occurs, the regulations in this Section shall apply.

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. 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 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.

2.15.400 Accessory Structures

All accessory structures shall comply with the following special use standards.

A. Primary use required. An accessory structure shall not be allowed without another primary structure on the lot.

B. Floor area. The maximum gross floor area of an accessory structure in the Residential Districts shall not exceed 1200 square feet.

C. Setbacks, Height and lot coverage. All accessory structures shall meet the minimum setbacks, height requirements and, lot coverage standards of the underlying land use district, unless specified otherwise in this Development Code.

D. Compatibility standards for accessory structures. Except for yurts, green houses, swimming pools, tree houses and structures under 200 square feet, the exterior finish materials, roof pitch, trim, window proportion and orientation, and eaves for the accessory structure must be the same or visually match in type, size and placement, the exterior details of the primary structure on the lot.

2.15.500 Bed and Breakfast Inn

A bed and breakfast inn shall comply with all of the following special use standards in addition to the standards of the underlying zone:

A. Accessory use. The bed and breakfast inn must be a use that is accessory to a household already occupying the structure as a residence.

B. Maximum size. The bed and breakfast inn is limited to a maximum of four (4) bedrooms for guests within the R District; and eight (8) bedrooms for guests within the RMF and Commercial Districts.

C. Food service. Food services may be provided only to overnight guests of the bed and breakfast inn.

D. Owner or operator-occupied. The bed and breakfast inn shall be owner or operator-occupied and shall maintain the exterior physical characteristics of a single-family dwelling. No separate structures shall be allowed (except for customary residential accessory buildings such as sheds, or detached garages).

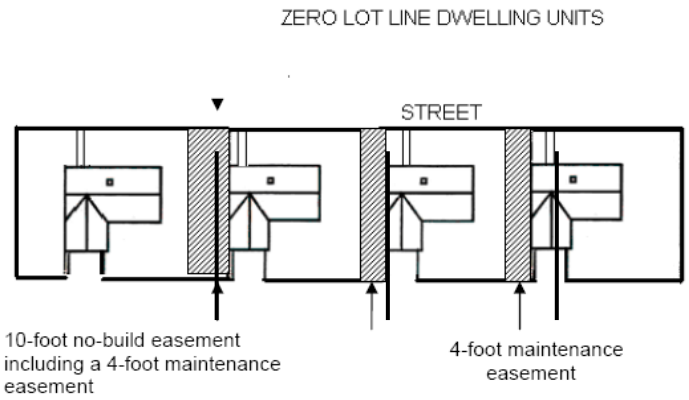
E. Signs. See Signs, Chapter 3.4.

F. Parking. See Vehicle and Bicycle Parking, Chapter 3.3.

G. Spacing. Bed & breakfast inns must be spaced a minimum of 1320 feet from any other bed and breakfast inn within the residential districts.

H. All inns shall comply with the provisions of the City's Transient Room Tax Ordinance, where applicable.

2.15.600 Zero Lot Line Dwellings~~s~~



A zero lot-line detached single-family dwelling on an individual lot may deviate from the required side yard building setback by being located on one side property line. Such a dwelling shall be permitted only when conforming with the following requirements:

A. The adjoining lot abutting the zero side yard setback shall be, at the time of initial construction, under the same ownership; or the zero lot-line dwelling shall be within a land division specifically developed for zero lot-line dwellings, thereby ensuring that the zero setback will not adversely impact adjoining property owners.

B. A 10-foot no build easement including a 4-foot maintenance easement shall be recorded on the adjoining lot to the zero side yard setback if the adjoining lot will not be developed as a zero lot line dwelling unit.

C. Buffering. The building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting “zero lot line” lots. For example, this standard is met by placing ground-floor windows (along the zero setback) where views are directed into adjacent yards, or by directing views away from yards or by using frosted glass or other window covering that obscures any view to the interior but allows light into the interior. This standard does not apply to adjoining non-zero lot line lots.

D. A maintenance easement at least four feet in width shall be recorded on the adjoining lot abutting the zero side yard setback.

E. The side yard building setback from the lot-line located opposite of the zero lot-line shall be 10 feet. Zero lot-line dwellings shall conform with all other site development standards specified herein.

2.15.700 Home Occupations

A home occupation is a legal, nonresidential income-producing use or activity that is a secondary use of a residence. The purpose of this section is to allow professional and commercial ventures that are appropriate in terms of scale and impact to operate from

a dwelling. Home occupations are subject to a Type I review and are subject to the development standards of the underlying land use district. A home occupation shall require continual compliance with the following:

A. All businesses conducted within the City limits and from a dwelling shall comply with the licensing requirements for businesses in the City.

B. Prior to receipt of a business license to conduct a business in and from a dwelling, a Home Occupation Permit shall be obtained from the Community Development Department.

C. Application for a Home Occupation Permit shall be submitted to the Community Development Department and include a Filing Fee as established by the City Council.

D. The Community Development Department shall review the Home Occupation Permit application and determine whether or not the proposed home occupation complies with to the regulations of this Section. The applicant may appeal any decision of the Department as provided in Chapter 4.

E. If the Community Development Director certifies that the proposed home occupation complies with the standards and criteria listed herein, the Home Occupation Permit shall be issued subject to the following requirements:

1. The person conducting the business shall reside on the premises on a regular full-time basis and the business shall be clearly incidental and secondary to the residential use.

2. The residential appearance of the premises shall not be altered through remodeling or new construction so as to give the appearance of other than normal residential premises or to call attention to the premises.

3. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. Commercial vehicle deliveries are allowed during the hours of 8 a.m. to 5 p.m. weekdays, excluding holidays.

4. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one full time equivalent employee at the home occupation site at any given time. As used in this section, the term “home occupation site” means the lot on which the home occupation is conducted.

5. There shall be no more than two client or customer vehicles at any one time and no more than eight per day at the home occupation site or in the right-of-way abutting the site.

6. Business Hours - There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation site only from 8 a.m. to 7 p.m. daily.

7. The business shall be conducted entirely within buildings designed and built for normal residential use; not more than twenty-five (25) percent of all buildings on the property shall be devoted to the home occupation; and there shall be no outside activity, storage or display.

8. Required Off-Street Parking shall be maintained for vehicle parking purposes and shall not be converted for Home Occupation use.

9. No trucks or construction equipment shall be parked or stored on or near the premises.

10. One non-illuminated wall or window home occupation sign not exceeding two (2) square feet in area, and indicating only the name and occupation of the resident. Sign shall be located on the first floor.

11. The conduct of the home occupation business shall not create a disturbance or nuisance by reason of noise, odor, fumes, dust, vibration, smoke, electrical interference or other causes which are not commonly associated with typical residential activities. The conduct of the home occupation shall comply with the City of Sisters Noise Element in the Municipal Code.

12. Vehicle painting, repair and/or body and fender work shall be prohibited.

13. By affixing a signature to the Home Occupation Permit, the applicant acknowledges the Home Occupation Permit requirements, certifies compliance to those requirements, and expresses the understanding that the Home Occupation Permit may be revoked for non-compliance with any of the requirements.

F. Enforcement - The Community Development Director or designee, with reasonable notice and during normal business hours, may periodically visit and inspect the site of the home occupation in accordance with this section to ensure compliance with all applicable regulations. Code violations shall be processed in accordance with Chapter 1.4 – Enforcement.

2.15.800 Affordable Housing

A. Purpose. The purpose of this Section is to encourage the development of affordable housing for low-income residents, as defined in this section.

B. Definitions. Affordable housing is defined as housing in which low income residents spend no more than 30 percent of their gross household incomes on housing-related expenses. Households are considered “cost-burdened” if they pay more than 30 percent of total household income on housing costs. Housing-related expenses are defined by HUD as follows:
• For homebuyers, housing-related expenses include mortgage principle and interest, taxes, property insurance, mortgage insurance, and essential utilities;
• For renters, housing-related expenses include rent and utilities.

C. Applicability. Except where explicitly stated otherwise in this Section, Affordable Housing must comply with the standards of this Code as they apply to all other residential development.

D. Eligibility.

1. Residential portions of proposals using this bonus shall include one of the following:

   a. At least 10 percent of units must be affordable to those earning no more than 30 percent of the area median family income;

   b. At least 20 percent of units must be affordable to those earning no more than 60 percent of the area median family income; or

   c. At least 40 percent of units must be affordable to those earning no more than 80 percent of the area median family income.

2. In addition, the bonus provisions of this Section are exclusively available for development that meets one of the three following criteria:

   a. The development will use funding or loans from State or Federal agencies designated for the purpose of developing low-income affordable housing. As determined by the City Community Development Director, developers utilizing the provisions of this Section may be required to enter into covenants stating that they have or will enter into Use and Regulatory Agreements with one of the following entities: Oregon Department of Housing and Community Services, Federal Department of Housing and Urban Development (HUD), and/or the USDA Rural Development Project.

   b. The development will create low-income affordable housing and the developer agrees to enter into a covenant with the City, that must be reviewed by the City Attorney, approved by the City Community Development Director, and ratified by the planning commission. The covenant shall do all of the following as a minimum condition of approval with the exception of income monitoring for home ownership programs such as Habitat for Humanity:

      1. State the percentage of the housing units that will be rented or sold at a rate that is affordable to low-income residents.

      2. Delineate a system that enables the City to easily monitor the specified percentage of units is in the fact rented affordably to low-income residents, who qualify under Section 8 HUD guidelines.

      3. Guarantee that the developer or any successor will maintain rent/payments and income controls for a period of 20 years.

      4. Stipulate that if the developer or any successors do not charge affordable rents as provided for in the covenant or do not make a good faith effort to monitor the income level of residents to ensure that they meet the definition of low income at the start of their occupancy, the City is entitled to significant recompense. The amount of recompense

shall be specifically stated in the covenant and determined jointly by the developer and the City.

c. The development will be built by a recognized non-profit organization (such as Habitat for Humanity) whose mission is to provide affordable housing. The organization will be required to provide the following documentation:

1. 501c3 Status
2. Mission Statement
3. Family Selection Criteria (including family income less than 60% of area median income).
4. Trust Deed or Sales document used by the organization which ensures long-term affordability (such as a shared appreciation agreement or other deed restriction).

E. Density Bonus. Housing developments that meet the eligibility requirements of this section may be up to 125% as dense as is otherwise allowed within the applicable district. This density bonus may be translated into the creation of new lots that are no smaller than 80% of the permissible lot size in any residential zone.

F. Height Bonus. Housing developments that meet the eligibility requirements of this section may be up to 5 feet taller and multi-family housing may be up to 7 feet taller than is normally allowed within the applicable district.

2.15.900 Manufactured Dwellings on Individual Lots

Manufactured dwellings are permitted on individual lots, subject to all of the following special use standards, and consistent with ORS 197.307(5). However, the following standards do not apply to manufactured dwellings placed on individual lots within the City prior to the effective date of this Code.

A. The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.
B. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
C. The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.
D. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.
E. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.
F. The manufactured home shall have a garage or carport constructed of like materials. An attached or detached garage in lieu of a carport shall be required

where such is consistent with the predominant construction of immediately surrounding dwellings

2.15.1000 Manufactured Dwelling Parks

A manufactured dwelling park shall be developed to state standards in effect at the time of construction and the following special use standards:

A. Evidence of certificate of sanitation. The applicant shall provide evidence that the manufactured dwelling park will be eligible for a certificate of sanitation as required by state law.

B. Water, electrical and sewerage connections. Each space within the manufactured dwelling park shall be provided with piped potable water, electrical and sewerage connections.

C. Density. The maximum number of manufactured dwellings allowed within a manufactured dwelling park shall not exceed 12 units per acre of the total acres within the manufactured dwelling park. The hearings body may authorize density bonuses for the following amenities:

1. If dedicated open space equals 50% or more of the total area of the manufactured dwelling park, a 10% density bonus may be granted.

2. If playground equipment such as swings, slides, etc. is provided in the required recreational area (see I below), a 5% density bonus may be granted.

3. If an approved recreation/community building is provided, a 10% density bonus may be granted.

The maximum total density bonus available is 25%, or a maximum of 15 manufactured dwellings per acre.

D. Setbacks. Placement of manufactured dwellings on individual spaces shall maintain the following setbacks:

1. No manufactured dwelling pad or other building or structure shall be located within 10 feet of a public street property boundary or 10 feet of another property boundary. No garage shall be located within 20 feet from the public street property boundary or of another property boundary.

2. No manufactured dwelling pad in the park shall be located closer than 15 feet from another manufactured dwelling pad or from a general use building in the park.

3. No manufactured dwelling accessory building shall be closer than 10 feet from a manufactured dwelling accessory building on another manufactured dwelling-space.

E. Storage. Facilities shall be provided to assure that there will be no outdoor storage of furniture, tools, equipment, building materials or other supplies belonging to the manufactured dwelling owners or management of the park.

F. Screening. The manufactured dwelling park shall be surrounded, except at entry and exit points, by a sight-obscuring fence or hedge not less than six feet in height.

G. Street signs. If the manufactured dwelling park provides spaces for 50 or more units, each vehicular way in the park shall be named and marked with signs that are similar in appearance to those used to identify public streets. A map of the named vehicular ways shall be provided to the fire department.

H. Fire hydrants. The manufactured dwelling park shall have water supply mains designed to serve fire hydrants and shall meet Public Works standards.

I. Recreational area. A minimum of at least 2,500 square feet plus 100 square feet per manufactured dwelling space shall be provided for recreational play area, group or community activities. The hearings body may require that this area be protected from streets and parking areas by a fence at least 30 inches in height. Recreation areas shall be improved with grass, plantings, surfacing or buildings suitable for recreational use. No recreation facility created within a manufactured dwelling park to satisfy the requirements of this section shall be open to the general public.

J. Parking. Two parking spaces shall be provided for each manufactured dwelling space on the site. Additional guest parking spaces shall be provided in every manufactured dwelling park within 200 feet of the spaces served, at a ratio of one guest parking space for each four manufactured dwelling spaces. Parking spaces shall have durable surfaces adequately maintained for all-weather use and shall be properly drained.

K. Access. All manufactured dwelling parks shall have access to a public street. Secondary access to the manufactured dwelling park shall connect to the public street system at least 150 feet from the primary access.

L. Internal streets. Roadways within the manufactured dwelling park shall conform to City of Sisters Public Works pavement standards. The minimum surfaced width of internal manufactured dwelling park streets shall be 20 feet if there is no parking allowed and 30 feet if parking is allowed on both sides.

M. Traffic safety. In instances where a manufactured dwelling park is sited on a parcel larger than 10 acres, access via a collector street may be required, and additional requirements for traffic safety may be imposed. These elements will be addressed during Site Design Review or Development Review.

N. Improvement standards. The improvement of driveways, walkways, streets, drainage and other utilities shall conform to adopted State standards for such or shall conform to the City's standards specifications manual, whichever is more restrictive.

2.15.1100 Residential Care Homes and Facilities

Residential care homes and facilities as defined shall comply with the following special use standards, consistent with ORS.

A. Licensing. All residential care homes and facilities shall be duly licensed by the State of Oregon.

B. Site Design Review. Site Design Review shall be required for new structures or conversion of existing structures to be used for residential care facilities, to ensure compliance with the licensing, parking and other requirements of this Code. Residential care homes are exempt from this requirement.

2.15.1200 Residential Uses in Commercial Districts

Except as may be modified by Master Plan, all non stand-alone residential uses in commercial districts (DC and HC) shall comply with the standards listed below, in addition to the development and design standards in the base land use district. The Western Frontier Architectural Design Theme standards are applicable to residential dwellings in mixed-use development and to stand-alone residential uses located in the Downtown Commercial District.

A. Mixed-use development standards. Both vertical mixed use (dwellings above the ground floor), and horizontal mixed use (dwellings on the ground floor) developments are allowed, subject to the following limitations:

1. Limitation on street-level dwellings on mixed use buildings.
   a. One-hundred (100) percent of the first floor street frontage shall be commercial.
   b. A minimum of 50 percent of the ground floor shall be commercial uses.
   c. Ground floor entrances or breezeways are permitted for dwellings located above or behind a non-residential storefront use.

2. Density. There is no minimum or maximum residential density standard.

3. Parking, Garages and Driveways. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, or located in parking areas behind or to the side of the building; except that side yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side street (i.e., away from the main street) when access cannot be provided from an alley.

4. Common areas. All common areas shall be maintained through a legally enforceable maintenance agreement approved by the Community Development Director.

2.15.1300 Attached Dwelling (Townhome)

Single-family attached dwellings (townhome units on individual lots) shall comply with the standards listed below.

A. Building mass supplemental standard. Within the Residential District (R), the number of consecutively attached townhomes (i.e., with attached walls at the property line) shall not exceed 2 units. In the Residential Multi-Family District (RMF), the number of consecutively attached townhome units shall not exceed 4 units.

B. Alley access. Townhome dwellings shall receive vehicle access from a rear alley where an alley is available or can be extended. Alleys should be created at the time of land division approval.

C. Street access. Where alley access is not feasible or practical because of existing development patterns or topography, townhomes receiving access directly from the street shall comply with the following standards in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for improved stormwater management.

1. When garages access the street, they shall comply with the following standards.
   a. Garages shall be recessed behind the front building elevation (enclosed habitable area) by a minimum of 10 feet when the dwelling is built to the minimum front yard setback of the underlying zone district.
   b. Garages may be built flush with or recessed behind the front building elevation when the dwelling is setback a minimum of 20 feet.

2. The maximum combined garage width per unit is 50 percent of the total building width.

3. Two adjacent townhomes may share one driveway with a maximum width of 20 feet when individual driveways would otherwise be separated by less than 20 feet. When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.

D. Common areas. Where applicable common areas shall be maintained by a homeowners association or other legal entity.

2.15.1400 Adult Business / Adult Entertainment

The purpose of this section is to establish parameters by which an adult business/adult entertainment use may locate within the City of Sisters. An adult business/adult entertainment use is permitted in the Commercial Districts in the City of Sisters, subject to compliance with the following special use standards.

A. Spacing. A use defined as an adult business/adult entertainment use must be at least the minimum distance away from all of the following pre-existing uses (as measured in a straight line):

1. 1,500 feet from a public or private school;

2. 1,500 feet from a church, synagogue or other place of worship;

3. 1,500 feet from a public park, library or recreational facility;

4. 1,500 feet from an Residential District; and

5. 1,500 feet from an established adult business/adult entertainment use.

B. Permit required. A permit shall be required from the Bureau of Licenses for any proposed adult business prior to the establishment of the use or business. It shall be a violation of this Code for any person or persons to engage in, conduct or carry on or to permit to be engaged in or upon any premises within the City of Sisters the operation of any adult business or use unless a permit has first been obtained from the Bureau of Licenses. At no time shall a person or persons be employed by such a use prior to permit issuance by the Bureau of Licenses.

C. Application requirements. An applicant for an adult business or use shall provide the following:

1. Written proof that the applicant is at least 18 years of age.

2. Business occupation or employment information for the 3 years immediately preceding the date of the application.

3. Business license and permit history of the person operating a business identical to or similar to those regulated by this Code section.

4. Whether such person previously operating such business in this or any other city or state under any license or permit, has had such license or permit revoked or suspended. Reasons for any permit suspension or revocation shall be provided, and the business activity or occupation of the person subsequent to such action or suspension or revocation shall be provided.

5. The name, address, telephone number, birth date, and principal occupation of the applicant and managing agent.

6. The name, address, telephone number of the proposed business or use, and a written description of the exact nature of the business to be operated.

7. The names, addresses, telephone number, birth dates of all partners in the business or use. Included shall be the principal occupation of each of the partners, whether general, limited or silent, and the respective

share of the business held by each partner. If a corporation, the corporate name, a copy of the Articles of Incorporation, and the names, addresses, birth dates, telephone numbers and principal occupations of every officer, director and shareholder (having more than 5% of the outstanding shares) and the number of shares held by each.

8. Any criminal convictions or arrests relating to theft, controlled substances, gambling, prostitution, obscenity, racketeering, fraud, or tax evasion as defined in Chapter 166 of Oregon Revised Statutes, of each applicant and natural person enumerated in section 1-7 herein.

9. All residence addresses of all persons described in section 1-7 herein within the last 3 years.

10. A personal financial statement of each natural person enumerated in section 1-7 herein, including the location of all bank accounts, the amounts respectively deposited therein, and a complete listing of all outstanding debts and loans.

11. Each applicant and person described within section 1-7 shall appear in person before the Deschutes County Sheriff, or his designee, for fingerprinting and the taking of photographs.

D. Confidentiality. The application form required pursuant to this section, which contains personal and business information, shall remain confidential to the maximum extent permitted by law.

2.15.1500 Service Stations

The following special use standards shall apply to vehicle service stations with pump islands.

A. Minimum lot size. The minimum lot size for a service station shall be 12,000 square feet with a minimum street frontage of 100 feet on a street corner and 120 feet on an interior lot.

B. Required front yard setback. A 10-foot landscaped front yard (and side yard when facing a street) setback from the property line is required. Landscaping shall be a minimum of three (3) feet in height within the 10 foot setback area. Only access driveways constructed with the minimum width necessary for the use may encroach into this required setback.

C. Lighting. Lighting fixtures installed within the fueling island canopy shall not extend below the canopy ceiling.

D. Other provisions.

A. No storage of inoperable automobiles or parts thereof shall be permitted except in enclosed structures.

B. Landscape planters shall be used when practical as fuel island bollards to protect gas pumps.

C. Pedestrian sidewalk or pathway connection(s) linking the vehicle service station to the street are not required.

D. Vehicle service stations shall comply with standards for Drive-Through Facilities in Section 2.15.1600, unless specifically exempted.

2.15.1600 Drive-Through Facilities

It is the City of Sisters intent and policy to promote and encourage pedestrian use of the city. Many events are held within the City of Sisters that are predominately pedestrian based. It is the City's intent to support these events, future events, the 1880's theme, and resident use of the city by promoting pedestrian safety. To that end, the standards for drive-through facilities are intended to:

- Promote safer and more efficient on-site vehicular and pedestrian circulation
- Reduce conflicts between vehicles and pedestrians on adjacent streets.
- Reduce conflicts between queued vehicles and traffic circulation on adjacent streets
- Reduce noise, lighting, vehicular traffic and visual impacts on abutting uses.

A. Vehicular access. All driveway entrances, including stacking lane entrances, must meet vehicular access and circulation standards in Chapter 3.1, the Transportation System Plan, and the Public Works Standards, as applicable.

B. Stacking lane standards. The stacking lane is the space occupied by vehicles queuing for the service to be provided.

1. A minimum of four (4) stacking spaces for one lane, two (2) stacking spaces per lane for multiple stacking lanes is required (20-feet per stacking space). A stacking lane is measured from the back of sidewalk to the service area.
2. Stacking lanes must be designed so they do not interfere with on-site pedestrian, parking and vehicle circulation.
3. Pedestrians must be able to enter the establishment from the sidewalk or on-site parking lot without crossing the stacking lane(s).
4. All stacking lanes must be clearly identified, through the use of means such as striping, landscaping, or directional signs.
5. Drive-through elements (e.g., stacking lanes, queuing lanes, order windows, pick-up windows) shall not be oriented to a street or corner and shall be primarily oriented to the rear or the side of a lot. On a corner lot, drive-through elements may be oriented to the lower class side street. This standard is not applicable to service stations.

C. Setbacks and landscaping. All drive-through facilities must provide the setbacks and landscaping stated below.

1. Service areas and stacking lanes must be set back a minimum of 15 feet from all lot lines which abut Residential Districts. The 15-foot setback area must be landscaped with a combination of 5 shade trees per 100 lineal feet (deciduous trees capable of at least 25 feet in height and spread at maturity); and 50 evergreen shrubs per 100 lineal feet (capable of at least 8 feet in height at maturity); with the balance of the buffer area devoted to ground cover. Additionally, a minimum 6-foot masonry sound wall shall be placed along the property line**.**

2. Service areas and stacking lanes must be set back a minimum of 10 feet from all lot lines which abut non-Residential Districts. The 10-foot setback area must be landscaped with 40 evergreen shrubs per 100 lineal feet, with the balance of the buffer area devoted to ground cover. A wall or fence may also be required as a condition of site design review for screening or noise protection.

3. Service areas and stacking lanes must be set back a minimum of 20 feet and buffered from adjacent streets. Properties in the Highway Commercial District which abut a state highway shall refer to Table 2.5.2 for buffer setbacks.

4. A minimum 10-foot wide landscape area shall be provided along all street frontages.

D. Compliance with design standards required. Drive-through facilities must comply with all of the development and design standards of the base zone. At a minimum, the following design elements are required:

1. A main entry to the drive-through building, if provided, must be oriented to the public street, with a direct pedestrian connection from the public street sidewalk to the main entry. The pedestrian connection shall be separate from and not crossed by driveway or stacking lanes. This standard is not applicable to service stations and other drive-through businesses that do not also serve pedestrians (e.g., car washes, lube services, etc.).

2. Building massing and roofs shall be designed with multiple features that break down the box, with a primary emphasis on windows, colors, textures, and broken roof lines. Windows shall be provided on all sides of the building that are visible from a public street or sidewalk. Building areas that are not conducive to windows can be fitted with “false windows.” There shall be a minimum of one dormer or roof offset for every 40 feet of ridgeline when a pitched roof style is chosen. This standard is not applicable to service stations.

2.15.1700 Recreational Vehicle (RV) Parks/ Campgrounds

A recreational vehicle (RV) park shall conform to state standards in effect at the time of construction and the following special use standards:

A. RV pad surface. The space provided for an RV shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide for the control of runoff or surface water. The part of the space which is not occupied by the recreational vehicle and not intended as an access way to the recreational vehicle or part of an outdoor patio need not be paved or covered with gravel, provided the area is landscaped or otherwise treated to prevent dust or mud.

B. Roadways. Internal RV park roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or not less than 20 feet in width if parking is not permitted on the edge of the roadway. Roadways shall be paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each recreational vehicle space.

C. Entrance driveways. Entrance driveways to an RV park shall be located no closer than 150 feet from the intersection of public streets.

D. Trash receptacles. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park, screened with solid, durable and attractive walls/fences, a minimum of six (6) feet in height, with solid doors, and located in such number and of such capacity that there is no uncovered accumulation of trash at any time.

E. Parking. The total number of parking spaces in the park, except for the parking provided for the exclusive use of the manager or employees of the park, shall be equal to one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.

F. Restrooms. The park shall provide toilets, lavatories and showers for each sex as required by the State Building Agency Administrative Rules, Chapter 918. Such facilities shall be lighted at all times of night and day, shall be ventilated, and shall be provided with adequate floor drains to permit easy cleaning.

G. Screening. The recreational vehicle park shall be enclosed by a fence, wall, landscape screening, berms, or by other designs approved by the Hearings Body which will complement the landscape and assure compatibility with the adjacent environment.

H. Perimeter strip. The recreational vehicle park shall set aside along the perimeter of the park a minimum ten foot strip which shall be sight obscuring landscaping and used for no other purpose. Additional area for landscaping may be required through the Site Design Review process.

I. Accessory uses. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and

structures customarily incidental to operation of a RV park and campground are permitted as accessory uses to the park.

2.15.1800 Communication Facilities

The following special use standards are applicable to all telecommunication facilities including radio, television tower, and cellular communication facilities.

A. Equipment storage. In residential districts, all equipment storage on the site may be required to be within an enclosed building.

B. Fencing and landscaping. The review authority may require fencing and landscaping of the facility.

C. Minimum lot size. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent property.

D. Height. Transmission towers are limited to the maximum height limit of the base land use district with the exception of the following; (1) 120 feet maximum on Public Facilities District properties T15 R10 S05 900, T15 R10 S06 103 and T15 R10 09 1002 within the city limits of Sisters, and (2) 50 feet maximum, as measured above grade in the Downtown Commercial and Highway Commercial districts. Posts, overhead wires, pumping stations, and similar facilities shall be located, designed and installed to minimize conflicts with scenic values.

D. Stealth or camouflage. All telecommunication facilities shall be either stealth or camouflage design. Stealth is defined as installations that are indistinguishable from existing structures. Camouflage installations are designed to blend into existing building structures and landscapes. All telecommunication facilities are reviewed through a Type III quasi-judicial procedure, except for co-location, which shall be a Type II.

E. The applicant shall remove the tower and equipment within 60 days of expiration of the lease or within one year of abandonment of the use.

F. The applicant shall post a performance bond in a sufficient amount to cover the costs of restoring the leased area to its original condition after the lease expires or the use ceases, in the event the applicant fails to do so.

2.15.1900 Temporary Uses

A. Purpose

Approval may be granted for structures or uses which are temporary in nature provided such uses are consistent with the intent of the underlying zoning district and comply with all provisions of this Code.

B. Application and Fee

The applicant shall pay the required fee as established by the City Council. The applicant is responsible for submitting a complete application which addresses

all review criteria. Temporary use permits, except reviews for Temporary Sales Office, Model Home or Construction Building and Trailers, and seasonal sales as defined herein, shall be subject to a TYPE II review process.

C. Permit Approval

1. Approval Criteria

A temporary use permit (TUP) may be authorized by the Community Development Director or his/her designee provided that the applicant demonstrates that the proposed use:

a. Meets all applicable City and County health and sanitation requirements.

b. Meets all applicable Building Code requirements and zoning setbacks and will obtain permits for any proposed construction, electrical service or plumbing required to serve the temporary use.

c. Is not being located in the public right-of-way or impeding the safety or movement of pedestrians.

d. Is located in such a manner that they will not impede the normal use of driveways or circulation aisles, nor be located in a manner that encourages customers to stop in the street, driveway or circulation aisle to obtain vendor service.

e. Is restricted to the immediate confines of the temporary stand or structure, or area approved as part of the permit.

2. Time Limits

Time Limits. Unless otherwise noted, the temporary use shall cease and any approved structure removed upon expiration of the temporary use permit, unless renewed by the Community Development Director or his/her designee. In no case shall a temporary use permit be issued for a period exceeding 180 days in any 365 day period.

3. Additional Conditions

In issuing a temporary use permit, the Community Development Director or his/her designee may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to the following: increased yard dimensions; fencing, screening or landscaping to protect adjacent or nearby property; limiting the number, size, location or lighting of signs; restricting certain activities to specific times of day; refuse containers; and providing sanitary lavatory facilities or have a written agreement for use of lavatory facilities by operators and patrons within 200 feet of the vehicle's location.

4. Revocation

Any departure from approved plans not authorized by the Community Development Director or his/her designee shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of TUP approval are not or cannot be satisfied, the TUP approval, or building and occupancy permits, shall be revoked.

D. Signs. All signs shall comply with Chapter 3.4.

E. Seasonal sales. The applicant shall pay the required fee as established by the City Council. The applicant is responsible for submitting a complete application which addresses all review criteria. Seasonal sales shall be subject to a Type I review procedure unless otherwise noted herein. The following standards shall apply to seasonal sales which are limited to:

1. **Fireworks Sales**
   Fireworks sales shall be consistent with the Municipal Code.

2. **Christmas Tree Sales**

   a. The annual season for Christmas tree sales shall commence no sooner than the day after Thanksgiving and shall continue no longer than December 27.

   b. A business license shall be required pursuant to the Municipal Code.

3. **Pumpkin Patch Sales**

   A. The annual season for pumpkin sales shall commence no sooner than September 25 and continue no longer than November 5.

   B. A business license shall be required pursuant to the Municipal Code.

4. **Signs.** All signs for seasonal sales shall comply with Chapter 3.4 and shall be removed no later than the day after the holiday.

5. **Non-profit fundraiser sales.** Temporary non-profit seasonal sales are permitted up to 30 consecutive days per calendar year and are not subject to City review. However, temporary non-profit seasonal sales that operate for more than 30 consecutive days per calendar year shall pay the required fee and shall undergo the Type I review process established in Chapter 4.1. Verification of the non-profit status shall be required prior to waiving the City review.

F. Temporary Sales Office, Model Home or Construction Building and Trailers.

1. **Temporary sales office and Model Homes.** The use of any real property within the City as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the City, but for no other purpose, shall require a Type I review. The City may approve, approve with conditions or deny an application for a temporary sales office or model home, based on the following criteria:

   a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold; and

   b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.

c. Use of an off-street enclosed parking space (i.e., garage) as a temporary office shall be terminated upon occupancy of the residence and the garage returned to its original use for vehicle parking.

d. The temporary sales office shall be removed at the end of construction, or once all lots and/or dwelling units are sold, rented, or leased

2. Temporary construction buildings or trailers at a building site are permitted and shall be removed at the end of construction or once all lots and/or dwelling units are sold, rented, or leased.

2.15.2000 Major Retail Development Standards.

A. A Major Retail Development shall require a Master Plan.

B. Major Retail Development Standards. The following development standards apply to all Major Retail Development. The goal of these development standards is to affirm the City's objective that Major Retail Development create or impart a sense of place and/or streetscape at a scale appropriate to the character of Sisters with its small town atmosphere, its exceptional unique architectural characteristics and rural western community heritage, as well as preserving the diversity and vitality of Sisters' commercial districts and the quality of life of Sisters residents. It is generally noted that the typical or classic "big box" type of commercial building and development pattern does not meet these community development objectives. In addition to the development standards prescribed elsewhere in this Chapter and the Development Code, all Major Retail Development shall comply with the following development standards:

1. All development shall comply with the 1880’s Western Frontier Design Theme.
2. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; 1880s theme wall lighting; and similar features.
3. The design of service areas, including outdoor storage, trash collection, loading, etc., shall be incorporated into the primary building design and shall be of materials of comparable quality and appearance as that of the primary building.
4. When the service areas (loading docks, refuse storage and enclosures, etc.) are adjacent to or across the street from residential neighborhoods, all delivery trucks, garbage trucks, and other large vehicles servicing the commercial development shall access the service areas via internal driveways and not from the residential street.
5. Any equipment, whether on the roof, side of building, or ground, shall be screened. The method of screening should be architecturally integrated with the building design in terms of materials, color, shape and size. Screening shall be applicable to all fire codes and height requirements.

6. Parking and security lights shall not be taller than the buildings within the development, or a maximum of twenty (20) feet above grade, whichever is less and shall comply with the Dark Skies Standards in Special Provisions.
7. All ground mounted and monuments signs permitted by the Sign Ordinance for the applicable zoning district shall be located in a landscaped area that is equal in size or larger than the total sign area for that freestanding sign.
8. Maximum size of interior shall not exceed 50,000 square feet

C. Major Retail Development - Abandoned Building Surety Bond. As may be required by the City, all Major Retail Development as defined herein, shall obtain, provide evidence to the City, and carry in full force and effect throughout the duration of the life of the building, or time period as may be stipulated by a development agreement, a performance/surety bond providing for demolition of the primary building or buildings as identified by the City. Said performance/surety bond shall be an amount 120 % of an estimate of the funds to cover the cost of complete building demolition and maintenance of the vacant building site if the primary building is ever vacated or abandoned, and remains vacant or abandoned for a period of more than 24 consecutive months following primary business closure. The cost estimate must be submitted to and accepted by the City prior to bonding.

2.15.2100 Portable Carports

The following regulations shall apply to all portable carports:
A building permit may be required prior to the installation of any portable carport to be consistent with Fire and Building Codes, including proper placement and anchoring.
Portable carports shall not be located within twenty (20) feet of the front property line in a Residential Districts, and in no case shall these carports be permitted to encroach beyond the front elevation of the residence.
Portable carports shall meet the minimum setback standards of the underlying land use district except as stated in 2.15.2100.

2.15.2200 Public Art

All sculpture and visual art shall incorporate themes related to Sisters' western heritage, culture, recreation, natural surroundings, wildlife, history and educational opportunities. These themes can be interpreted by a wide range of artistic styles, ranging from traditional to contemporary. Such displays shall be subject to Planning Commission approval.

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:

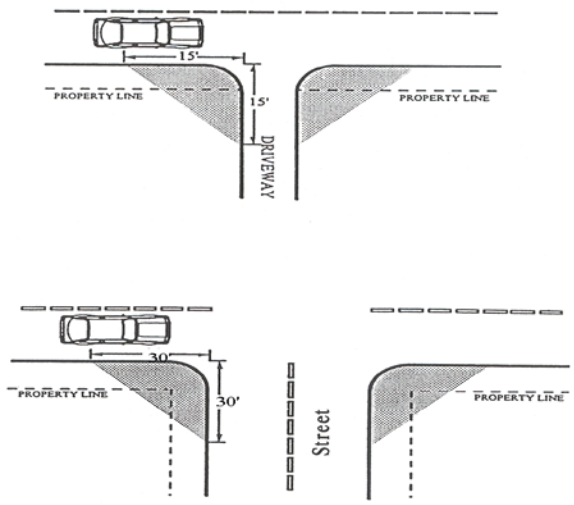
1. At the intersection of a street (public or private) and a driveway, alley, lane, or other vehicle way that is not a street, the minimum distance along each vehicular way as defined above shall be 15'.
2. At an intersection of two streets (public or private) having 90 degree angles at the intersection, 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



2.15.2400 Dark Skies Standards.

A. Requirements for installation. Except as exempted by provisions of this ordinance, as of the date of adoption, the installation of outdoor lighting fixtures shall be subject to the provisions of this ordinance and with the provisions of the applicable building Code and electrical Code, and with the Sign Chapter 3.4

B. Shielding. All nonexempt outdoor lighting fixtures shall have light directed luminaires or shielding so as to prevent direct light from the fixture shining beyond the property limits where the fixture is installed. This means that a person standing at the adjacent property line would not see the light emitting source. Shielding by design or external application directs light downward and limits direct line-of-sight of a fixture's lamp to the property upon which the fixture is installed and light directed upward is prohibited.

C. Permitted.

1. Maximum Lamp Wattage and Required Luminaire or Lamp Shielding:

   All lighting installations shall be designed and installed to be fully shielded (full cutoff), except as in exceptions below, and shall have a maximum lamp wattage of 250 watts High Intensity Discharge (HID) or lumen equivalent for commercial lighting and 100 watts incandescent, and 26 watts compact fluorescent lighting or lumen equivalent for residential lighting (or approximately 1,600 lumens).

2. Landscape and Deck lighting. Low voltage landscape lighting, but such lighting shall be shielded in such a way as to eliminate glare and light trespass. Luminaries shall be mounted in or at grade (but not more than 3 feet above grade) and shall be used solely for landscape rather than any area lighting.

D. Prohibitions.

1. Laser Source Light. The use of laser source light or any similar high intensity light when projected beyond property lines is prohibited.

2. Searchlights. The operation of searchlights for purposes other than public safety or emergencies is prohibited.

E. Exemptions.

1. Existing.

   A. Outdoor light fixtures lawfully installed prior to and operable prior on the effective date of the requirements codified in this ordinance (May 13, 2010) are exempt from all such requirements except as follows:

1. All replacement of outdoor lighting fixtures, as of the date of adoption, shall be subject to the provision of this ordinance.
2. Until a date five years after the date of the adoption of this ordinance.

2. Fossil Fuel Light. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the requirements of this ordinance.

3. Airport operations lighting and aircraft navigational beacons as established by the Federal Aviation Administration are exempt from these provisions. All other airport outdoor lighting must conform with this ordinance.

4. Decorative Lighting
   a. All non-residential districts multicolored lights of less than 15 watts used for holiday decorations for no more than the period between the day after Thanksgiving and the second week of January are exempt from the requirements of this ordinance.
   b. Decorative low wattage lights in residential districts.
   c. Low wattage clear or white decorative lights.

5. Special events that require the use of temporary outdoor lighting fixtures are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.

6. Lighting for U.S. flags properly displayed.

7. Temporary exemptions to the requirements of this ordinance for up to five consecutive days per calendar year.

8. Construction lighting necessary for an allowed use are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.

9. Individual light fixtures with lamps of less than 40 watts or lumen equivalent.

10. Athletic field lighting; steps should be taken to minimize glare and light trespass, and utilize sensible curfews. Light directed upward is prohibited.

2.15.2500 Solar Access Standards

<u>Building Setbacks for the Protection of Solar Access.</u>

A. Purpose. The purpose of this Section is to provide as much solar access as feasible during the winter solar heating hours to existing or potential buildings by requiring all new structures to be constructed as far south on their lots as is necessary and feasible.

B. Standards.

1. All new structure or addition to existing residential structures shall meet the following standards except those mentioned in (C) (2) below:
   a. South Wall Protection Standard. The south wall protection standard is established in Figure 2.15.2500.A, and all new structures or additions shall meet this standard if feasible. If it is not feasible due to physical constraints of the lot, including but not limited to rock outcroppings, septic systems, existing legal restrictions, or lot dimensions as determined by the Community Development Director, then the structure or addition must be located as far to the south on the lot as feasible and must meet the standards set forth in (b) below.
   b. South Roof Protection Standard. All new structures or additions to existing structures shall meet the standard for south roof protection set forth in Figure 2.15.2500.B.
   c. Exceptions. The south roof protection standard shall not apply only if the applicant establishes:
      1. that the structure cannot be located on the lot without violating the requirements contained in Figure 2.15.2500.B; and
      2. that the structure is built with its highest point as far to the south as feasible; and
      3. that the structure is a single family residence with its highest point less than or equal to 16 feet in heights; or, if not a single family residence;
      4. that it is a permitted use for the lot.

   d. Exemptions:
      1. Property which is zoned commercial or industrial shall be exempt from meeting the solar setback. That portion of residential property abutting commercial or industrial property shall be exempt from meeting the solar setback requirements.
      2. All new residential lots, when approved through the subdivision, Master Plan or partition process, shall be exempt except when along the northern property line of the fully phased master plan.
      3. The governing body may exempt from the provisions of this Section any area in which it determines that solar uses are not feasible because the area is already substantially shaded due to heavy vegetation, steep north facing slopes, and any area or zone in which taller buildings are planned.
      4. The Community Development Director shall exempt a structure from the provisions of this Section if the structure will shade only a protected area in which solar uses are not feasible because the protected area is already substantially shaded at the time a request for exemption is made and approved by the Community Development Director. Notice of the proposed exemption shall be sent to the affected property owner(s). Any exemption may be appealed by the affected property owner(s) in accordance with Chapter 4.1

Figure A

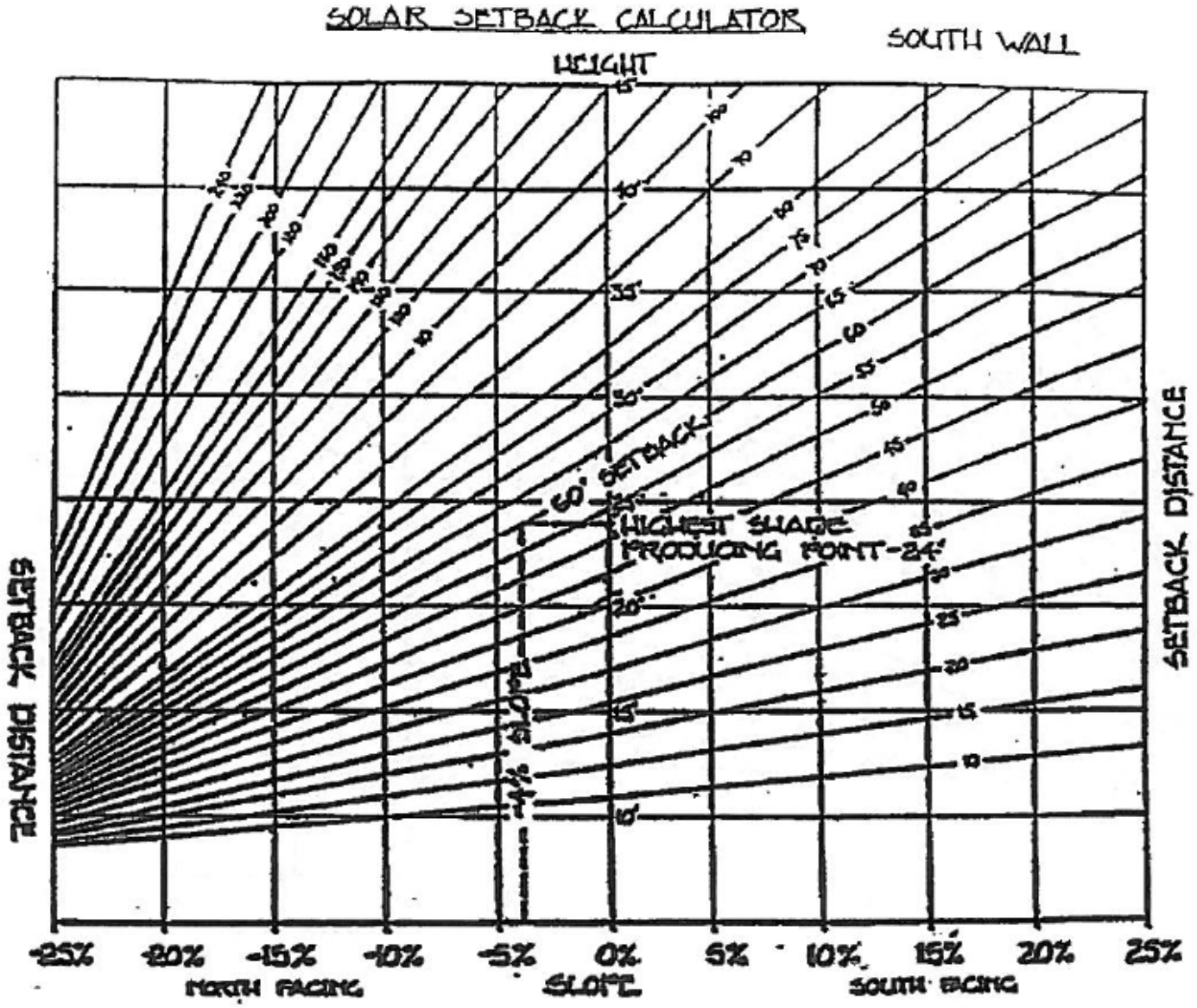

SOLAR SETBACK CALCULATOR
SOUTH WALL
HEIGHT
SETBACK DISTANCE
SETBACK DISTANCE
60' SETBACK
HIGHEST SHADE PRODUCING POINT-24'
24% SLOPE
-25%
-20%
-15%
-10%
-5%
0%
5%
10%
15%
20%
25%
NORTH FACING
SLOPE
SOUTH FACING

Figure B

ESTIMATED SOLAR SETBACKS

SOUTH WALL PROTECTION

8-Foot Fence

		HIGHEST SHADE PRODUCING POINT							
	SLOPE	16'	18'	20'	22'	24'	26'	28'	30'
North Facing	15°	42.2	52.8	63.4	73.9	84.5	95.0	105.6	116.2
	10°	34.6	43.3	51.9	60.6	69.3	77.9	86.6	95.2
	5°	29.5	36.9	44.3	51.6	59.0	66.4	73.8	81.1
Level	0°	25.8	32.3	38.7	45.2	51.7	58.1	64.6	71.0
South Facing	5°	23.1	28.8	34.6	40.4	46.1	51.9	57.6	63.4
	10°	20.9	26.1	31.3	36.6	41.8	47.0	52.2	57.4
	15°	19.1	23.9	28.7	33.5	38.3	43.1	47.9	52.7

NOTE: These are solar setback lines, calculated 29° east (and west) of north for a lot with no slope gradient (0°) or a slope gradient towards the north (north facing) or south (south facing). Solar setbacks will vary if the property slopes in any other direction. The building setback line, measured perpendicular from the north property line to the structure, will normally be less than the solar setback distance indicated in the table above.

2.15.2600 Western Frontier Architectural Design Theme

A. Purpose. The purpose of the 1880's Western Frontier architectural design theme is to improve the City's image and visual appearance. It has also been developed with the desire to establish City identity and interest and to attract visitors and tourists in support of a significant community economy.

B. Applicability. The Western Frontier Architectural Design Theme applies to all new, reconstructed or remodeled uses in all Commercial Districts. Each proposed development is required to complete land use review process subject to the following standards. All designs must comply with all applicable Building and Fire Codes.

1. Architectural Compatibility. Architectural styles may vary from building to building, or from block to block. This variety helps to generate architectural interest in the commercial districts. At the same time it is important to recognize that the existing architectural styles are an influence to new designs.

Applications for development subject to the Western Design Theme shall indicate how the proposed building will relate to existing architecture on the block or within the area if no buildings are present on the block.

Rhythm of spacing of buildings on streets. Moving past a series of buildings generates a rhythm of recurrent building masses. An irregular and disjointed spacing can detract from the streetscape. Spacing within a block or a building group shall be organized to create a vertically harmonious transition of building facades; this may be achieved by 'stepping up' the heights of the horizontal center portions of taller buildings that abut shorter / single storied buildings.

Proportion of buildings' front facades. The relationship between the width to height of the front elevation of a building must be in proportion to those of the immediately adjacent neighboring buildings where feasible.

2. Architectural Design Themes. The 1880's were a lively and diverse architectural period. The Comprehensive Plan lists 4 buildings that are on the Inventory of Historic Sites. These buildings include:

   - Leithauser Store, Commercial, 120 E. Cascade ("The Sisters Bakery")
   - Aitken Drugstore, Commercial, 158 W. Cascade ("The Palace")
   - Hotel Sisters, Commercial, 105 W. Cascade ("Bronco Billy's Ranch Grill & Saloon")
   - Hardy Allen House, Commercial, 310 E. Main ("Nettie's")

   In addition to the four buildings listed on the Inventory of Historic Sites, there are other examples of architectural themes for structures that are consistent with the 1880's Western Design Theme. At the discretion of the City, architectural themes of buildings seen in photos constructed east of the Cascades within the Pacific Northwest may be mimicked.

   The following photos depict historic themes that are acceptable within the City of Sisters.

Hotel Sisters / Bronco Billy's – 105 W. Cascade Avenue

The Sisters Hotel (Bronco Billy's) is characterized by horizontal lap siding, flat roof, wood-clad windows that are approximately twice as tall as they are wide; an awning over the storefront windows, and white trim. Note the false second floor balcony used to enhance the separation between floors.

Aitken Drug Store / The Palace building – 158 W. Cascade Avenue

The Aitken Drug Store (Palace) is an historic building whose appearance is characterized by horizontal lap siding and upper-floor windows that are roughly twice as tall as they are wide. This building has a false front façade with corbels on the top / front of the false facade, a pitched roof, and covered pedestrian walkway.

South Valley Bank building – 610 N. Arrowleaf Trail

This style is represented by round arches over narrow windows and/or entryways; thick, cavernous entryways and window openings; thick masonry walls. This style may incorporate facades that are asymmetrical, variable stone and brick facades, and may incorporate wrought-iron trim and details.

First American Title building – 392 E. Main Avenue

Popular features of this style of building included lower floor masonry arches over windows and doors and masonry belt courses. The upper floor windows are tall and narrow, and all windows and doors use wood cladding and trim. This building also used false facades on the sides of the building. This style was quite popular for courthouses and university campuses in the late nineteenth and early twentieth century.

Antique Mall Building – 261 W. Cascade Avenue

This architectural style is characterized by the use of board and batten siding; wood-clad windows, false façade, and muted earth-tone colors. Covered pedestrian overhangs are commonly found with this architectural style.

Sisters Coffee Company – 273 W. Hood Street

The Sisters Coffee Company building is characterized by treated natural board and batten wood siding, a covered pedestrian walkway with wood supports, wood-clad windows, and a false façade. The height of the building generally matches the width to give a sense of balance to the building.

Three Creek Professional Building – 220 SW Ash Street

Log structures are found throughout Sisters and replicate a style of construction found east of the Cascades in the 1880's. It represents a simple log structure style, incorporating horizontal log usage on the lower floor, vertical logs on the upper floor, a

moderate to steeply-pitched roof, a small covered pedestrian area, wood-clad windows, and an exterior stairway leading to the upper floor.

3. Guidelines for building designs. The following construction materials are recommended for use in the 1880's Western Design Theme construction. Durable synthetic or manufactured building materials that simulate wood, stone or masonry are permitted. Certain siding is prohibited as stated below.

   a. Roofs. Coverings shall be non-reflective metal, tile, asphalt, and other appropriate materials. All roofing shall meet all applicable Fire and Building Codes.

   b. Exterior Finishes. Typical materials are varieties of actual or simulated horizontal wood siding, vertical board and batten (rough sawn or surfaced four sides) and cedar shingles, with the latter particularly applicable to ornamental patterns on residential structures. Brick or stone masonry provides additional choices of material. Any T-111 (grooved) plywood siding is prohibited. Smooth plywood shall not be used as an exterior finish material. Logs or rough-sawn plywood may be used as exterior finish material. Board and batten applications with battens shall have no less than nominal 1 x 2 dimension, placed on centers not exceeding 12 inches when plywood is used, and all vertical plywood joints and seams shall be covered by battens, and no plywood edges shall be left exposed.

      During the period, there was a lack of high gloss finishes, therefore color applications were generally flat in nature. To duplicate this character, flat or low gloss products currently on the market should be utilized. Where the exterior is not painted the exterior is to be oiled and/or stained to protect the surface materials. This is practical with the use of cedar or redwood which both contain natural oils that protect the wood. As a practical matter for extended protection of any board and batten surface, the use of sealer or oil base of solid color stain is warranted. The same is true of vertical surfaces finished with cedar shingles.

      Horizontal wood drop siding was normally finished with paint, however, in many instances no finish was applied. Here a sealer or stain would be appropriate in lieu of a painted surface.

   c. Windows. Wood sash windows are typical, to include double hung, casement, horizontal sliding and fixed sash. Simulated wood is acceptable in commercial construction provided that it replicates the appearance of wood. This is particularly true for large expanses of glass which are permitted in commercial storefronts and will undoubtedly require special foundation.

   d. Doors. Combination glass and wood panel doors are typical and are available in certain standard types, in single and divided glass lights. Synthetic or simulated wood is acceptable as it provides durability, but must have the appearance of authentic 1880's western design.

e. Colors. Rough sawn or milled boards and batten, particularly cedar and redwood, may be may be left unfinished and which may ultimately weather to silver gray in color.

Applied surface colors were predominately flat white for most buildings. Large area surface colors other than white were primarily flat earthy ochres, yellows, browns and reds. Trim was found at the cornices, vertical corner trim of a building, windows and doors, porch and balustrade.

Color samples are available at the Sisters City Hall.

C. Benches.

Benches should be provided in both buildable and private pedestrian areas and walkways.

D. Trash Enclosures.

Trash enclosures shall be carefully located and treated to integrate with the appearance of the site/building design. Trash enclosures shall incorporate construction materials which are consistent with the western frontier theme and the style of the adjacent buildings. All trash enclosures shall meet all applicable Fire and Building codes for placement and materials used. Placement of the enclosures shall be combined with neighboring properties where reasonably possible.

E. Lighting.

Lighting shall be low intensity, shaded or shielded and subject to review and shall be compatible with the western frontier theme. Exterior lighting shall comply with Section 3.4.200 m., Dark Skies Standards.

F. Building Entrances.

Entrances to the building shall be receded from the sidewalk to provide for an entryway not in conflict with the pedestrian circulation on the sidewalk.

G. Roof, mechanical equipment and satellite dishes.

Such equipment shall be screened in a method consistent and integral with the overall architectural appearance of the structure.

H. Architectural details.

Attention to detail is of significant importance. Lighting fixtures, gates, exterior window treatments, use of material and color must be considered relative to the western frontier period for authenticity and detail.

I. Awnings, canopies, porches.

Awnings, porches, canopies or other additions to a structure shall be reviewed and approved by the city, and shall be compatible with the western frontier theme. Such additions on corner buildings shall be continuous around the corner.

J. Fences and Gates.

Fences and gates shall be constructed of wood and may contain ornamental iron details. Fence designs shall be consistent with the overall architectural style of the development, and shall meet all applicable clear vision, Fire and Building Code requirements.

2.15.2700 Vacation Rental Housing Units

A. **Type I Process**. Establishing a vacation rental housing unit in a Residential Zone and in the Urban Area Reserve zone is a Type I review process, however the approval of a vacation rental unit has a neighbor notice requirement that is not found in other Type I processes. Notice and process requirements are established in Chapter 4.1, 'Type I process', except as described herein:

1. *Neighbor notice*. A written notice shall be mailed to all neighboring properties within 100 feet of the subject site at least 14 days before the decision is issued. Any neighboring property owner who requests, shall receive notice of the decision. They may appeal the decision to the Planning Commission. Contents of the notice shall:

a. Provide a 14 calendar day period for submitting written comments before a decision is made on the permit, and shall list the relevant approval criteria by name and code section number;

b. State the place, date and time the comments are due, and the person to whom the comments should be addressed;

c. Include the name and telephone number of a contact staff person regarding the action;

d. Identify the specific request;

e. Describe the street address or other easily understandable reference to the location of the site;

f. State that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;

g. State that all evidence relied upon by the Community Development Director or designee to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;

h. State that after the comment period closes, the Community Development Director or designee shall issue a Type I Administrative Decision. The decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice;

i. Contain the following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Sisters Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

B. **Approval Criteria.** A vacation rental application review shall meet the following standards and criteria.

1. *Business license and Transient Room Tax*. The owner of the vacation rental unit shall annually renew a business license with the City, and shall coordinate with the City's Finance Department to pay the associated Transient Room Tax as is required by the City.

2. *Prohibited uses*. No recreational vehicle, travel trailer or other temporary shelter shall be inhabited in conjunction with vacation home rental.

3. *Pets*. Pets shall comply with the City's Municipal Code.

4. *Trash and Recycling Facilities*. Recycling and refuse storage bins shall not be stored within public view as established within the City's Development Code and Municipal Code except for the vacation rental units that are identified in Section E.

5. *Noise Limits*. All activities associated with the vacation rental shall meet the Noise Standards contained within the City's Municipal Code.

6. *Conditions*. For those vacation rental housing units subject to special provisions, the City shall require such conditions as it deems appropriate to minimize any impacts on the surrounding neighbors.

C. **Inspection.** Before operating as a vacation rental housing unit, the City's Building Official may require the unit to be inspected for verification that the unit is in compliance with all applicable Building codes.

D. **Permit Revocation.** Complaints to the City regarding the use of the vacation rental housing unit will be reviewed by the Community Development Department. The City shall notify the property owner in writing of any necessary corrective action. The property owner shall correct the identified problem within 30 days of the date of the City's letter. In the event the City receives three or more complaints within any twelve month period, the Community Development Department may recommend to the Planning Commission that the permit for use of the property as a vacation rental housing unit be revoked or that additional special provisions as determined to be appropriate by the Planning Commission be added to the permit. The owner of the unit may appeal this decision to the City Council. The determination of the City Council shall be final.

E. **Existing Vacation Rentals.** Any vacation rental located in a Residential or Urban Area Reserve District shall not be required to undergo a Type I review as specified in subsection A of this provision, or to obtain an inspection under subsection C of this provision as a condition to obtaining a vacation rental housing unit permit if the Community Development Director or designee determines that the vacation rental was in existence and operating for more than one year prior to the effective date of this ordinance. The owner of the vacation rental shall have the burden to prove that the vacation rental meets the qualifications of this subsection E. Proof of existence and operation shall

include payment of any transient room tax, if applicable, and any other evidence required by the City which demonstrates the existence and operation of the vacation rental. Any expansion of the vacation rental unit shall require an inspection. Existing vacation rentals must comply with and maintain compliance with all of the approval criteria contained in subsection B, except for Section B.4, and are subject to the provisions of subsection D and the enforcement provisions of this code section.

Chapter 2.16 — Airport District (A)

Sections:

2.16.100 Purpose
2.16.200 Uses
2.16.300 Development Standards

2.16.100 Purpose

The purpose of the Airport District is to recognize the location of a privately-owned public use airport and to provide for the continued operation and vitality consistent with state law. The priority within the Airport Zone is to protect the safety of air travelers and the general public. Unobstructed visibility is essential to protect the safety of air travelers and the general public.

2.16.200 Uses

A. Permitted uses. Uses allowed in the Airport District are listed in Table 2.16.1 with a "P." These uses are allowed if they comply with the development standards and other applicable regulations of this Code. The City of Sisters may authorize commercial, industrial, manufacturing and other uses in addition to 2.16.200 within the airport boundary where such uses are consistent with applicable provisions of the acknowledged comprehensive plan, statewide planning goals and LCDC administrative rules and where the uses do not create a safety hazard or otherwise limit approved airport uses.

B. Special Provisions. Uses that are either permitted or conditionally permitted in the Airport District subject to special provisions for that particular use are listed in Table 2.16.1 with an "SP."

C. Conditional uses. Uses that are allowed in the Airport District with approval of a conditional use permit are listed in Table 2.16.1 with a "CU." These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.

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

Table 2.16.1 Use Table for the Airport District

Land Use Category	Permitted/Special Provisions/Conditional
Residential	
Caretaker dwelling unit, security officer area	P
Pilot overnight accommodations, campground for pilots and flight groups, and emergency services overnight accommodations	P
Airport Facility and Operation Uses	
Aircraft takeoffs and landings	P
FAA mandated facilities, equipment and operations, including safety lighting and beacons, communication signals	P

Fixed based operator facility	P
Emergency medical flight services, operations and/or command facility including law enforcement, search and rescue, land management, and fire protection services	P
Hangars and tie-downs	P
Uses permitted by ORS 836.616 (2)	P
Expansion of existing uses including construction of additional hangars and tie-downs	P
Expansion/construction/maintenance/repair of existing runway, taxiways, service roads, maintenance areas, and related facilities	P
Air passenger and freight service	P
Fuel storage and sales	P
Pilot lounge and food services	P
Aviation service and repair, sales of aeronautic equipment and supplies	P
Aviation training and education services	P
Aeronautical recreation and sporting activities	P
Airplane Agricultural Services such as crop dusting	P
Aircraft rental and sales	P
Aviation compatible uses such as vehicle and equipment rental, storage, service and manufacturing	P
Commercial	
Aviation compatible office space for contractors, and research and development facilities for engineers	P
Information technology (IT) services	P
Corporate headquarter/office when co-located with a permitted or conditionally permitted use	P
Contractor storage, supplies, supply base, and sales	P
Direct retail sale of products produced on site to the public as an accessory use. Up to 25% of the total building floor area, may be used for retail sales. Up to 10% of the total building floor area may contain retail items that are not manufactured on site or related to the primary use on the site. The remainder of the allowable retail area must be used selling items that either are manufactured on site or directly relate to the primary activity occurring on site.	P
Industrial	
Aviation related industrial uses	P
Technology and technology hub including design, fabrication, testing, manufacture, maintenance, marketing, and sales	P

Engineering-type activities and base for engineering firms. Operations including design, testing, construction, shipping, and overhaul services to support engineered products, including renewable energy bio-gas and bio-mass facilities, and manufacture of engineered products.	P
Manufacture of products from natural and manmade materials such as wood, metal, plastics, stone, clay, leather, and glass	P
General contractor-type activities and supply base for subcontractors. Operations include storage and use of machinery, machine shop, welding services, carpentry, plumbing, concrete and asphalt, masonry, and construction supplies.	P
Communication facility with a height limit of 50 feet, as measured above grade.	CU/SP
Public and Institutional	
Forestry Activities	P
Government facilities where the public is generally not received (no point of service) and similar facilities	P
Utility Facility	P
Miscellaneous	
Accessory uses and structures	P/SP
Increase in additional aircraft and increases in flight Activity	P
Community garden, including greenhouse	P
Recreational Uses (Indoor)	P
Recreational Uses (Outdoor)	CU
Events – up to three events per calendar year no City permit needed. An event includes gatherings where the actual cumulative number is reasonably anticipated to be more than 150 persons; gatherings with less than 150 persons are exempt.	MCU

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

2.16.300 Development Standards

The following property development standards shall apply to all land, buildings and uses in the Airport District:

A. Lot Area, lot frontage, setbacks, lot coverage and building height.

Table 2.16.2 Development Standards for the Airport District

Development Standard	Airport District	Comments/Other Requirements
Minimum lot size	No minimum lot size	
Front yard setback	15 feet	

Interior side yard setback a. Abutting non-residential district b. Abutting residential districts	 No minimum Minimum 20 feet	 See Buffering
Exterior side yard setback	15 feet	
Rear yard setback c. Abutting non-residential district d. Abutting residential home	 No minimum Minimum 20-feet	 See Buffering
Lot coverage	No maximum lot coverage	Compliance with other sections of the Code i.e. landscaping, parking, pedestrian circulation, etc. may reduce 100 percent lot coverage for certain uses
Building height	35 feet	

B. Greater Setbacks. All developments shall meet applicable FAA, ODA, fire and building code standards, which may require greater setbacks than those listed.

C. Buffering. A 20-foot minimum buffer zone shall be required between development in the Airport District and any home in an abutting Residential District. The buffer zone shall provide landscaping to screen any abutting parking, services and delivery areas, and walls without windows or entries, as applicable and subject to applicable aviation standards. The buffer may contain pedestrian seating but shall not contain any trash receptacles, loading facilities or storage of equipment, materials, vehicles, etc. The landscaping standards in Chapter 3.2 may require buffering of other activities, as well.

D. Design Guidelines and Standards. A variety of architectural elements shall be used on the front of the building and shall be incorporated side and rear elevations when visible to a street. Architectural features include windows, projections, building off-sets, detailing, and change in materials, paint, or similar devices. The Airport District is exempt from the 1880's architectural and design theme.

E. Outside Operations, Display and Storage. Outdoor operations, display and storage are permitted so long as related to the principal use. All materials stored on site shall be stored in a neat and orderly manner. Material may not be stored or displayed within clear vision areas, landscaped areas, parking areas or pedestrian or other ingress/egress areas.

F. Paving

1. The following areas shall be paved for properties located within the Airport District.

    a. Driveway Aprons.

    b. Primary public-use driveways leading to primary public-use parking area.

        i. 24' wide (minimum) paved width required.

    c. Primary public-use parking area.

d. ADA pathways.

2. Except for driveway aprons, which must always be paved, the City may allow compacted gravel as an alternative to on-site paving in the Airport District, in part or in full, upon a reasonable finding that pavement may not be suitable for the intended use of the site. Criteria for paving exemption consideration includes the following;

a. Nature of site usage (such as unusual driveway construction or maintenance costs due to heavy equipment usage and/or material handling).

a. Infrequent or no public access onto site such as service roads, runway perimeters, and other airport service areas.

b. Future site usage (such as future site development or modifications to the site that would conflict with pavement surface; future product inventory needs; other operational and/or development factors).

G. Screening and Landscaping. The screening standards address specific unsightly features which detract from the appearance of the airport.

1. Garbage and recycling collection areas. All exterior garbage cans, garbage collection areas, and recycling collection areas must be orientated away from the street and abutting homes. Trash enclosures shall be constructed of solid, durable and attractive walls/fences, a minimum of six (6) feet in height, with solid doors, and shall be visually consistent with project architecture. As an alternative, trash dumpsters may be located behind structures, or shielded in a manner to conceal them from public roads. Trash receptacles for pedestrian use are exempt. If constructed, trash enclosures shall be compliant with all applicable fire codes.

2. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of the airport use that are outside of an enclosed building, shall be located away from abutting residential zones, schools, parks and other non-airport zoned properties.

3. Landscaping. This Section supplements the landscaping requirements contained in Chapter 3.

4. Plant Materials. Fewer plant materials are necessary because airplanes need clear vision and no obstructions on the ground. Any ground level obstructions are hazards and are allowed only where necessary to serve the use.

Landscape requirements within the Airport District:

a. Trees will not be planted on either end of the runway, including no street trees along Camp Polk Road;

b. A landscaped island after every fifth parking space is not required;

c. Plant materials that may attract wildlife and/or birds to the

runways are discouraged in the Airport District.

5. Open Space and Landscaping Amounts. The standard open space requirement typically required for commercial and industrial developments would result in more than five acres to be set aside within the airport. The airport could accommodate this but since airport and safety needs must take precedence, most of the open space will not be freely accessible to the general public. Thus, the landscaping and open space shown on the Airport Master Plan will be the maximum that will be required.

Chapter 3.0 — Design Standards

3.0 – Design Standards Administration
3.1 – Access and Circulation
3.2 – Landscaping, Street Trees, Fences and Walls
3.3 – Vehicle and Bicycle Parking
3.4 – Signs

Section :
3.0.100 Applicability
3.0.200 Types of Design Standards

3.0.100 Applicability

All developments within the City must comply with the provisions of Chapters 3.1 through 3.4. Some developments, such as major projects requiring land division and/or site design review approval, may require detailed findings demonstrating compliance with each chapter of the code. For smaller, less complex projects, fewer code provisions may apply. Though some projects will not require land use or development permit approval, they are still required to comply with the provisions of this Chapter.

3.0.200 Types of Design Standards

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply. The City may prepare checklists to assist property owners and applicants in determining which sections apply.

A. Chapter 3. The design standards contained within the following chapters apply throughout the City, for all land use types:
   3.1 - Access and Circulation
   3.2 - Landscaping, Street Trees, Fences and Walls
   3.3 - Automobile and Bicycle Parking
   3.4 – Signs

B. Chapter 2. Each land use district (Chapter 2) provides design standards that are specifically tailored to the district. For example, the Residential Districts contain building design guidelines that are different than those provided in the Commercial Districts, due to differences in land use, building types, and compatibility issues. In addition, each district provides special standards that are meant to address the impacts or characteristics of certain land uses.

Chapter 3.1 – Access and Circulation

Sections:

3.1.100 Purpose
3.1.200 Applicability
3.1.300 Vehicular Access and Circulation
3.1.400 Pedestrian/Bicyclist Access and Circulation

3.1.100 Purpose

The purpose of this Chapter is to ensure that developments provide safe and efficient access and circulation for pedestrians, bicycles (including ADA and transit accessibility) and motorized vehicles including emergency vehicles and to preserve the transportation system in terms of safety, capacity, and function.

3.1.200 Applicability

A. Applicability. This Chapter applies to all rights-of-way within the City and to all properties that abut these rights-of-way. The standards apply when lots are created, consolidated, or modified through a land division, partition, or street vacation; and when properties are subject to Site Plan Review. These standards also may be applied at the City's discretion during Conditional Use permit.

3.1.300 Vehicular Access and Circulation

A. Traffic Study and Control Requirements

1. The City or other agency with access jurisdiction may require a traffic study prepared at applicant/developers expense by a qualified professional to determine access, circulation and other transportation requirements. A Traffic Impact Study shall be required for all development applications that will result in a traffic impact or increase in traffic impact of 200 or more average daily trips (ADT).

2. Traffic control devices, subject to the approval of the Hearings Body, shall be required with development when traffic signal warrants are met, in conformance with the Oregon State Highway Capacity Manual, and Manual of Uniform Traffic Control Devices. The location of traffic control devices shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal or other traffic control device, a device meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval.

3. Traffic-calming features, such as curb extensions, narrow residential streets, and special paving shall be required where appropriate and in accordance with the Transportation System Plan and Public Works' Standards and Specifications, latest edition, in order to slow traffic in neighborhoods and areas with high pedestrian traffic and to maximize a pedestrian friendly environment.

B. Access Management. The City or other agency with access permit jurisdiction may

require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system

C. Fire Access and Turnarounds. When required under the Oregon Fire Code, fire access lanes with turnarounds shall be provided. Except as waived in writing by the Fire Marshal, a fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. The drive shall contain unobstructed adequate aisle width (20 feet) and turn-around area for emergency vehicles. The Fire Marshal may require that fire lanes be marked as "No Stopping/No Parking."

D. Vertical Clearances. Except for drive-through windows, all driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

E. Vision Clearance. Visual obstructions between three (3) feet and eight (8) feet in height are subject to Special Provisions, Vision Clearance.

F. Surface Options. Required driveway~~s~~, aprons, parking areas, aisles, and turn-arounds shall be paved with asphalt, concrete or comparable durable surfacing, subject to review and approval by the Community Development Director. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.

G. Surface Water Management. All driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with City standards. Swales may be considered to control surface water.

H. Private Streets and Alleys. Public and private streets and alleys shall conform to the standards in the City of Sisters Public Works Construction Standards, latest edition. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 20 feet.

I. Access Standards

1. **Access spacing standards.** Street intersection and driveway spacing shall comply with the table below (Figure 3.1.300.A):

Figure 3.1.300.A. Access Spacing Standards

Street Facility	Maximum spacing* of roadways	Minimum spacing* of roadways	Minimum spacing*of roadway to driveway	Minimum Spacing* driveway to driveway
Arterial	1,000 feet	660 feet	330 feet	330 feet or combine
Collector:	600 feet	330 feet	100 feet	100 feet or combine
Neighborhood/Local	600 feet	150 feet	50 feet	10 feet

Notes: *Measured centerline to centerline
TSP January 2010

2. **Properties with Multiple Frontages.** Where a property has frontage on more than one street, access shall be limited to the street with lesser classification.

3. **Alley Access.** If a property has access to an alley or lane, direct access to a public street is not permitted.

4. **Closure of Existing Accesses.** Existing accesses that are not used as part of development or redevelopment of a property shall be closed and replaced with curbing, sidewalks/pathways, and landscaping, as appropriate.

5. **Shared Driveways on Arterial Streets.** The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:
   a. Where there is an abutting developable property, a shared driveway shall be provided. When shared driveways are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway temporarily ends at the property line, but may be accessed or extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
   b. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
   c. No more than two lots may access one shared driveway.

6. **Frontage Streets and Alleys.** The hearing body for a design review or subdivision may require construction of a frontage street to provide access to properties fronting

an arterial or collector street.

7. **Exceptions**
   a. The Community Development Director or designee may allow exceptions to the access standards above in any of the following circumstances:
      1. Where existing and planned future development patterns or physical constraints, such as topography, parcel configuration, and similar conditions, prevent access in accordance with the above standards.
      2. Where the proposal is to relocate an existing access for existing development, where the relocated access is closer to conformance with the standards above and does not increase the type or volume of access.
      3. Where the proposed access results in safer access, less congestion, a better level of service, and more functional circulation, both on-street and on-site, than access otherwise allowed under these standards.
      4. When access requirements are divided by one or more multi-use pathway(s), in conformance with the provisions of Section 3.1.400. Multi-use pathways shall be located to minimize out-of-direction travel by pedestrians and bicycles and shall be 10-feet wide and located within an easement whose width is specified by the Fire Marshal.

   b. Where an exception is approved, the access shall be as safe and functional as practical in the particular circumstance. The City may allow construction of an access connection at a distance less than required from an intersection, provided the access is as far away from the intersection as possible. In such cases, the City may impose turning restrictions (i.e., right in/out, right in only, or right out only) and may also require that the applicant submit a traffic study by a registered engineer to show the proposed access meets these criteria.

8. **Access Management Plan.** In addition, all requests for an access spacing exception shall be required to complete an access management plan for review and approval by the Public Works Director or City Engineer, which should include at a minimum the following items:
   a. Review of the existing access conditions within the study area (defined the property frontage plus the distance of the minimum access spacing requirement). This should include a review of the last three years of crash data, as well as collection of traffic volume information and intersection operations analysis.
   b. An analysis of the study area safety and operations with the proposed access configuration, as well as with a configuration that would meet access spacing standards. This scenario should also include consideration of the long-term redevelopment potential of the area and discussion of how access spacing standards may be achieved.

J. Driveways, Access Connections and Driveway Design

1. **Driveway Openings.** Driveway openings (or curb cuts) shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet minimum width for each travel lane). The following standards are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians (as measured where the front property line meets the sidewalk or right-of-way):

a. Single family, two-family, and three-family residential uses shall have a minimum driveway opening width of 10 feet, and a maximum width of 24 feet. Wider driveways may be necessary to accommodate approved paved recreational vehicle pads, but the driveway opening or connection to the street shall not be allowed to be wider.

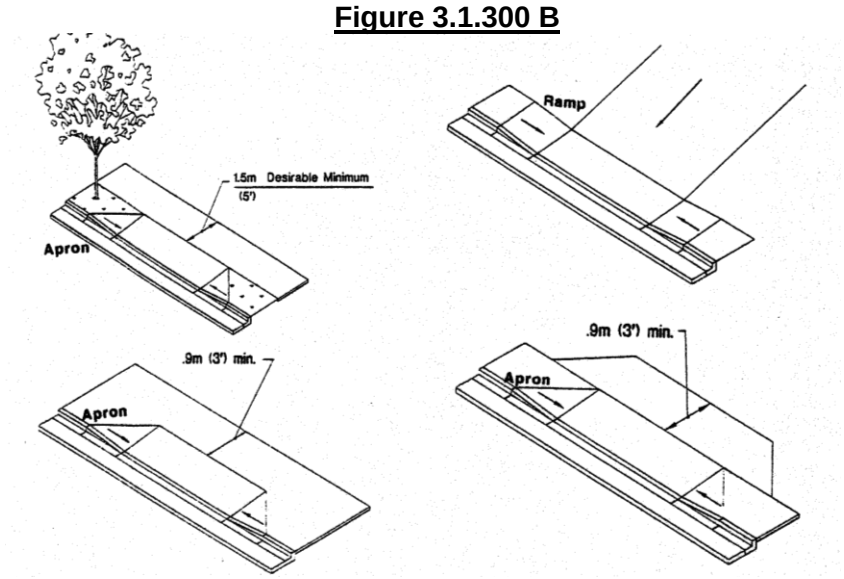
b. Multi-family developments shall have a minimum driveway opening width of 20 feet, and a maximum width of 26 feet. These dimensions may be increased subject to the City Engineer approval.

c. Other Uses. Access widths for all other uses shall be based on 10 feet of width for every travel lane. These dimensions may be increased subject to the City Engineer approval. Driveways providing direct access to parking spaces shall conform to the parking area standards in Chapter 3.3, Vehicle and Bicycle Parking. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.

2. **Driveway Approaches.** Driveway approaches shall be designed and located to provide exiting vehicles with an unobstructed view of other vehicles and pedestrians, and to prevent vehicles from backing into the flow of traffic on the public street or causing conflicts with on-site circulation. Construction of driveway accesses along acceleration or deceleration lanes or tapers should be avoided due to the potential for vehicular conflicts. Driveways should be located to allow for safe maneuvering in and around loading areas.

3. **Driveway Construction.** Driveway aprons (when required) shall be installed between the street right-of-way and the private drive, as shown in Figure 3.1.300.B. Driveway aprons shall conform to ADA requirements for sidewalks and pathways,

Figure 3.1.300 B



K. No development may occur unless required public facilities are in place or are

guaranteed in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact. All public improvements shall be in conformance with the City of Sisters Public Works Construction Standards, latest edition.

3.1.400 Pedestrian/Bicyclist Access and Circulation

A. Site Layout and Design. To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections 1-3, below:

1. **Continuous Access and Circulation System.** The pedestrian/bicycle circulation system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub pathways or multi-use paths to adjacent streets and to private property with a previously reserved public access easement for this purpose.

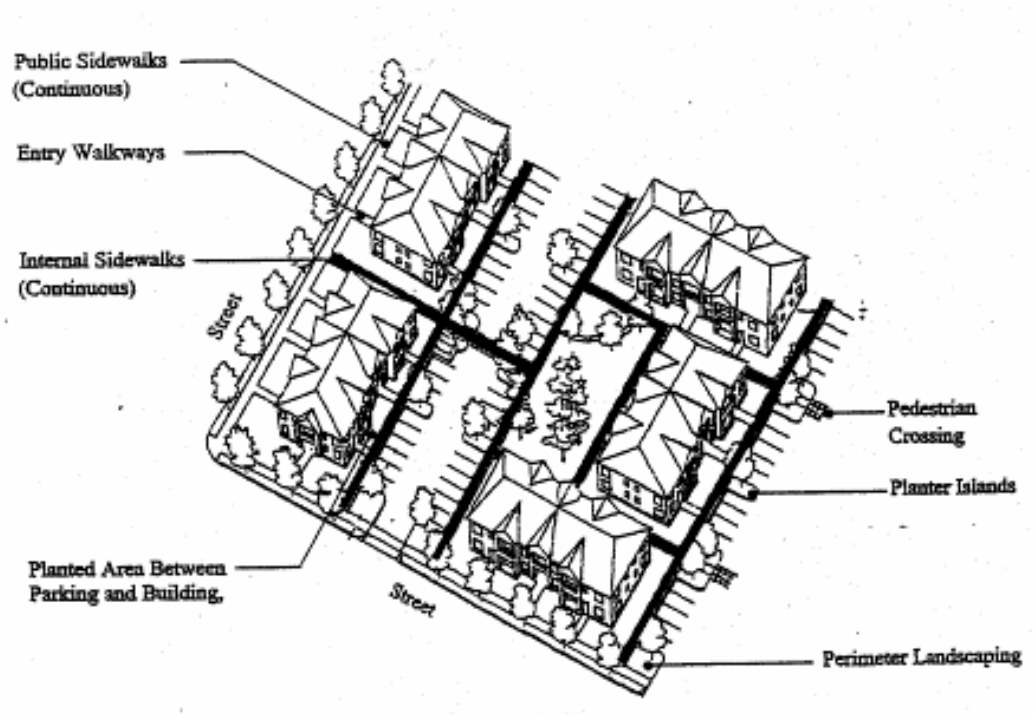
2. **Safe, Direct, and Convenient.** Pathways and multi-use paths within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets

3. **Pathway Connections within Development.** Connections within developments shall conform to the following standards:

   a. Pathways shall connect all building entrances to one another to the extent feasible;

   b. Pathways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent feasible. Topographic or existing development constraints may be cause for not making certain pathway connections, as generally shown in Figure 3.1.400A; and

Figure 3.1.400.A Pedestrian Pathway System (Typical)

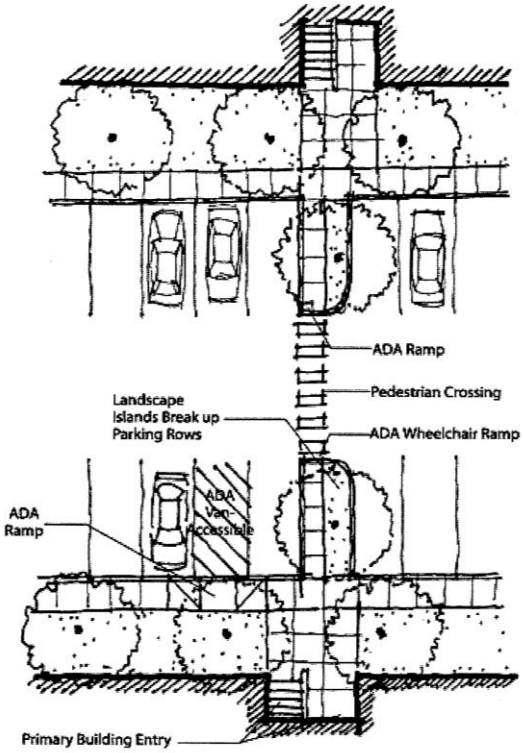


B. Pathways Design and Construction. Pathways and multi-use paths shall conform to the following standards:

1. Vehicle/ Pathway and Multi-use Path Separation. Except for crosswalks (subsection 2) and for properties in the Light Industrial Zone, where a pathway or multi-use path abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a pathway or multi-use path abutting a driveway at the same grade as the driveway if the pathway or multi-use path is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians and bicyclists.

2. Crosswalks. Where pathways and multi-use paths cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials (*e.g.,* light-color concrete inlay between asphalt), which may be

Figure 3.1.400.Crosswalk Detail (Typical)



part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.

3. Pathway and Multi-use Path Width and Surface.
Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director or designee, at least 6 feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 10 feet wide and shall conform to ADA requirements.

Chapter 3.2 - Landscaping and Screening

Sections:

3.2.100 Purpose
3.2.200 Landscape Requirements
3.2.300 Screening
3.2.400 Nonconforming
3.2.500 Existing Trees
3.2.600 Street Trees
3.2.700 Urban Forestry

3.2.100 Purpose

The purpose of this chapter is to promote community health, safety and welfare by protecting existing trees and setting development standards for landscaping, street trees, fences and walls. Landscaped areas should help to control surface water drainage and can improve water quality.

3.2.200 Landscape Requirements

A. Requirements by Zone. In the following designated districts, not less than the stipulated percent of gross site area shall be occupied by landscaping.

1. Residential (R), twenty (20%) percent.
2. Residential Multiple Family (RMF), twenty (20%) percent.
3. Downtown Commercial (DC), ten (10%) percent.
4. Highway Commercial (HC), ten (10%) percent.
5. Light Industrial (LI), five (5%) percent.
6. Public Facility (PF), ten (10%) percent
7. Open Space (OS), twenty-five (25%) percent
8. North Sisters Business Park Sub-district (NSBP), twenty (20%) percent
9. Sun Ranch Tourist Commercial (TC), ten (10%) percent
10. Sun Ranch Residential (SRR), twenty (20%) percent
11. Floodplain (FP), thirty (30%) percent
12. Urban Area Reserve, twenty (20%) percent

B. **Determination of Landscaped Area.** In determining landscaped area setbacks, private patios and all other areas not occupied by buildings, parking lots, vehicle storage areas, or driveways may be included.

C. **Development Standards**

1. All landscaping within the City shall comply with the requirements of the Oregon Forestland-Urban Interface Fire Protection Act, also known as Senate Bill 360.

2. Areas occupied by clubhouses, recreation buildings, pools, saunas, interior walkways and similar amenities may be also included as landscaped areas, up to fifty (50) percent of the required landscape area.

3. A hard surface pedestrian plaza or combined hard surface and soft surface pedestrian plaza, if proposed shall be counted towards meeting the minimum landscaping requirement, provided that the hard-surface portion of the plaza shall not exceed twenty-five (25) percent of the minimum landscaping requirement, and shall be comprised of the following:
   a. Any permeable surface such as brick pavers, or stone, scored, or colored concrete; and,
   b. One (1) tree having a minimum mature height of at least twenty (20) feet for every three hundred (300) square feet of plaza square footage; and,
   c. Street furniture including but not limited to benches, tables, and chairs; and,
   d. Pedestrian scale lighting consistent with the City's Dark Skies Standards; and,
   e. Public trash receptacles.

4. Bark dust, chips, aggregate and other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped.

5. Street trees shall be planted in accordance with the provisions of Street Tree Section 3.2.600 of this Code.

6. Any landscaping area provided in front of building(s) in the Downtown Commercial or Light Industrial zoning district shall be counted as double toward meeting the total landscape requirements.

7. A landscape strip, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, or similar screen shall screen parking lots from adjacent streets to a height of three (3') feet. The required wall or screening shall provide breaks, as necessary, to allow for access to the site and sidewalk by pedestrians via pathways. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other ground cover.

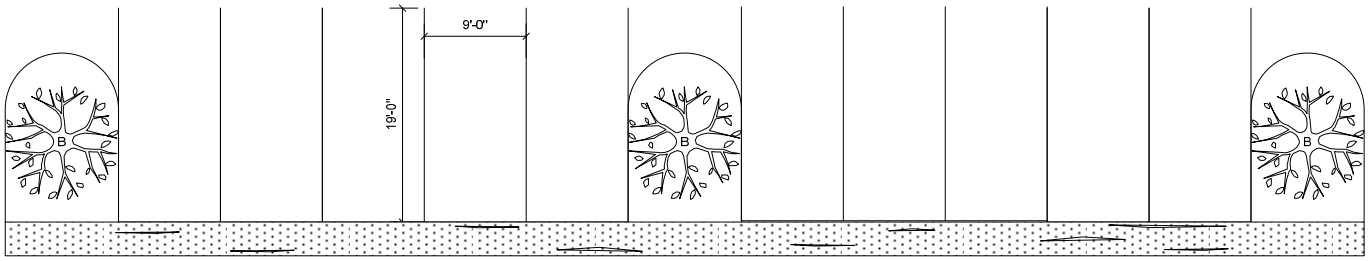
8. All mechanical equipment, refuse area, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and Residential districts. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6 for screening requirements.

9. Landscaping shall also be provided where practical in areas within a parking lot not used for the parking of vehicles, drives or turning area.

10. Parking Areas. All parking areas containing more than 10 spaces and all parking areas in conjunction with an off-street loading facility shall provide landscaping and screening in accordance with the following standard;

    a. Except for Light Industrial Zone properties, landscape islands shall be provided to break up the parking area into rows of not more than five (5) contiguous parking spaces. Landscape islands shall be a minimum of 15 feet X 7 ½ feet and include at least one tree in compliance with the Street Tree section and shrubs and ground cover.

Figure 3.2.200.A – Landscape Islands



b. Divider medians between rows of parking spaces that are a minimum of 6 feet in width (as measured from the inside of the curb or edge of pavement to the inside of the curb or edge of pavement) may be substituted for interior islands, provided that 1 tree is planted for every 40 feet and shall be landscaped in accordance with Chapter 3.2. Where divider medians are parallel with the buildings, there shall be designated pedestrian crossings to preserve plant materials.

c. A row of parking spaces shall be terminated on each end by a terminal island that is a minimum of 6 feet in width. The terminal island shall contain at least 1 tree and shall be landscaped in accordance with Chapter 3.2.

d. At the sole discretion of the decision authority, the requirement for landscaped islands or medians may be met through the design of additional parking lot landscaping if the configuration of the site makes the use of islands or medians impractical.

11. Buffering is required for parking areas containing four or more spaces, loading areas, and vehicle maneuvering areas. Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. A minimum five (5) foot - wide perimeter landscaping buffer shall be provided around parking areas; and a minimum ten (10) foot-wide perimeter landscaping buffer shall be provided around trees. Additionally, where parking abuts this perimeter landscape buffer, either parking stops shall be used or landscape buffers shall be increased in width by three (3) feet.

12. When a commercial or industrial site adjoins a Residential District, where fences are required, such fencing shall be landscaped as appropriate.

13. All required building setbacks shall be incorporated in the landscape design, unless these areas are utilized in driveways, etc.

14. A combination of trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, drought-tolerance, water availability, and drainage conditions; ground covers alone are not acceptable. As necessary, soils shall be amended to allow for healthy plant growth. The Community Development Director or designee may require the substitution of any

plant material which they have reason to believe will not survive successfully under the particular conditions of the site in question.

15. Planted trees shall have a minimum caliper size of two (2) inches and shall conform to the standards described by the ANSI A300 standards for nursery stock, latest edition.

16. Detention facilities, such as ponds, shall be graded so that the sides of the facilities are no steeper than 3:1. Additionally, the facilities shall be landscaped with plant materials that provide erosion control and biofiltration.

17. Plans for the development of required landscaping shall be submitted to the Community Development Department for review and approval prior to the issuance of any building permit. When special conditions of design warrant, changes may be submitted for consideration.

18. All required landscaping shall be installed by the developer and approved by Community Development Department, prior to occupancy of any building, unless other arrangements are agreed to by the Community Development Director.

19. The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available. If the plantings fail to survive, the property owner shall replace them in kind or in consultation with the Community Development Director or designee. All other landscape features required by this Code shall be maintained in good condition, or otherwise replaced by the owner. Irrigation systems connected to the City water system shall have a back-flow prevention device installed as required by Public Works' Standards and Specifications, latest edition.

D. Landscaping in Right-of-Way

1. Landscaping in Right-of-Way -- Any landscaped area within the public right-of-way shall not be used when determining required percentage of landscaping provided on-site.

2. Design -- The design of the landscaping of the public right-of-way shall be included in the Landscape Plan and meet the requirements as specified in this section. Adequate space shall be provided in the landscape area to allow free, unrestricted growth and development of the landscaping and street trees.

E. All planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Whenever necessary, planting shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements.

3.2.300 Screening

Screening refers to a wall, fence, hedge, informal planting, or berm, provided for the purpose of buffering a building or activity from neighboring areas or from the street. When required, screening may be provided by one or more of the following means:

A. A solid masonry wall, board fence, or equivalent meeting the standards of the applicable building code.

B. An evergreen hedge.

C. An earth berm may be used in combination with any of the above types of screening, but not more than two-thirds (2/3) of the required height of such screening may be provided by the berm. The slope of a berm may not exceed 3:1. The faces of a berm's slope shall be planted with ground cover, shrubs, and trees.

D. Prescribed screening need not be placed along a lot line so long as a building wall, solid fence, or freestanding wall of the required height exists immediately abutting and on the other side of the lot line.

E. Screening shall comply with the vision clearance standards in Chapter 2.15 Special Provisions.

F. In the areas within the Western Frontier Architectural Design Theme, wood, stone or iron or their visual equivalent shall be used consistent with Chapter 2.15 Special Provisions.

G. Screening walls and fences shall be maintained in good repair including painting, if required, and shall be kept free of litter or advertizing.

H. Height and Location of Screening. Unless otherwise specified, screening required by this Section shall be a minimum six (6) feet in height. In the front yard or street-side yards in R or C Zoning District such screening shall not be more than four (4) feet in height, unless otherwise specified. All screening shall follow the lot line of the lot to be screened, or the inside edge of the sidewalks, or shall be so arranged within the boundaries of the lot as to substantially hide from adjoining properties the building, facility or activity required to be screened.

I. Heights of plant screens or hedges specified herein indicate the height which may be expected within three (3) years of planting. The height at the time of planting shall be such that in accordance with good landscape practice the fully required height may be achieved within a three (3) year period.

J. The standards set forth herein for location and height of landscaping or screening may be modified as directed by the Community Development Director whenever it appears that such landscaping or screening would constitute a danger to traffic by reasons of impairment of vision at a street or driveway intersection.

3.2.400 Nonconforming

For sites that do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building or parking lot expands, e.g. if the building or parking lot area is to expand by twenty-five percent (25%), then twenty-five percent (25%) of the site must be brought up to the standards required by this ordinance.

3.2.500 Existing Trees

A. **Applicability** All development sites containing Significant Trees, shall comply with the standards of this Section. The purpose of this Section is to preserve significant trees within the city limits. The preservation of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature trees reduce air and water pollution, provide~~s~~ summer shade and wind breaks, and require less water than new landscaping plants having established root systems.

B. **Significant Trees** - Individual trees with a trunk diameter of eight (8) inches or greater as measured 4.5 feet above the ground (DBH), shall be identified as significant. Other trees may be deemed significant, when nominated by the property owner and designated by the City Council as "Heritage Trees" (i.e., by virtue of site, rarity, historical significance, etc.).

C. **Mapping Required** Existing significant trees shall be identified on all site plans, partitions and subdivisions and shall be retained whenever possible. Trees to be retained must be identified prior to the commencement of any construction activity and shall be protected during construction pursuant to D below.

D. **Protection Standards** All of the following protection standards shall apply to significant vegetation areas:

1. Significant trees shall be retained whenever practical. Preservation may become impractical when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district.

2. Significant trees removed shall be replaced at a 3:1 ratio of trees removed to trees planted. Replacement trees of an appropriate species shall have a minimum two (2) inch caliper size and shall be planted in a suitable location as substitutes for removed trees, at the sole expense of the applicant. Ponderosa pines may be planted as replacement trees where appropriate.

    a. The Community Development Director or designee shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced onsite and within the same general area as trees removed.

    b. When it is not feasible or desirable to relocate or replace trees on-site, relocation or replacement may be made at another location approved by the Community Development Director or designee.

    c. Where it is not feasible to relocate or replace trees on site or at another approved location in the City, the applicant shall pay into the City Tree Fund, which fund is hereby created, an amount, to be set by the City Council and incorporated into the City of Sisters Master Fee Schedule, for each of the replacement trees that would otherwise be required by this section. This amount shall reflect both the cost of purchasing and the cost of installing a replacement tree. The City shall use the City Tree Fund for the purpose of producing, maintaining and preserving wooded areas and heritage trees, and for planting trees within the City. In addition, and as funds allow, the City Tree Fund may provide educational materials to assist with tree planting, mitigation, and relocation.

3. Significant trees that are identified to be retained prior to any construction activity, as required by C, above, shall be removed only with the prior approval of the Community Development Director or designee.

4. Significant trees that are identified to be retained shall be protected before and during all construction and site preparation activity. Protection measures shall include, but not be limited to, installation of a high visibility tree protection fence [minimum three (3) foot high fence with metal stakes/posts at eight (8) to ten (10) foot intervals] around the dripline(s) of a tree or trees to be preserved.

5. Grading, operation of vehicles and heavy equipment, and storage of construction materials are prohibited within the dripline of significant trees to be preserved, except as approved by the City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area.

6. When proposed developments encroach into the dripline area of significant trees, special construction techniques to allow the roots to breathe and obtain water may be required by the Director with respect to any application for a building, grading or development permit.

7. The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.

8. Conservation Easements and Dedications. When necessary to implement the Comprehensive Plan, the City may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees and natural rock outcroppings.

E. Exemptions. The protection standards in "D" shall not apply in the following situations:

1. Dead, Diseased, and/or Hazardous Vegetation. Vegetation that is dead or diseased, or poses a hazard to personal safety, property or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.

2. Emergencies. Significant vegetation may be removed in the event of an emergency without land use approval pursuant to Chapter 4, when the vegetation poses an immediate threat to life or safety, as determined by the Community Development Director or designee. The Community Development Director shall prepare a notice or letter of decision within 7 days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.

3.2.600 Street Trees

Street trees shall be planted for all developments that are subject to Land Division or Site Design Review. Planting on unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

A. Street Tree Standards. Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following applies to street tree planting and selection:

1. Street trees shall be planted between 5' and 15' of the curb, wherever possible.
2. Street trees shall be placed at an average of 35' maximum distance apart from one another. Reduced separation may be required for smaller species of trees. Variety in tree placement using clusters of trees and uneven spacing is encouraged.
3. An approved tree grate or other surface treatment acceptable to the Community Development Director or designee shall be used for street trees planted in paved or concrete areas.
4. Except for immature trees of insufficient height to prune and retain a crown that is at least 2/3 the height of the tree, street trees that overhang city property and public rights-of-way shall be pruned to maintain at a minimum a clearance height of 8' over sidewalks and a clearance height of 14' over streets.
5. Existing trees may be used to meet minimum street tree~~s~~ requirements if they are not killed or damaged during or as a result of development. Sidewalks of variable width and elevation may be used to save existing street trees.
6. Existing street trees removed as the result of development shall be replaced by the developer with trees of a species appropriate to the site, as determined by the Community Development Director or designee.
7. Low-growing trees shall be required for spaces under utility wires.
8. Narrow or "columnar" trees may be used where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
9. Trees that are extremely susceptible to insect damage shall be avoided.
10. Trees that produce excessive seeds or fruit are prohibited as street trees.
11. Street trees shall be those species suitable for the location in which they are placed. Recommended tree species include the following tree types, and within these, consideration should be given to those that are most drought-resistant. Drought resistant trees are marked with an asterisk (*):

<u>Small trees (under 25 feet at maturity)</u>

a. Canada Red Cherry (*Prunus virginiana*)*
b. Flowering Crabapple (*Malus spp.*)*
c. Hawthorn (*Crataegus spp.*)*
d. Japanese Tree Lilac (*Syringa reticulata*)
e. Serviceberry (*Amelanchier spp.*)

Medium trees (30 to 45 feet at maturity)

f. Flowering Plum (*Prunus cerasifera*)
g. American Hornbeam (*Carpinus caroliniana*)
h. Callery Pear (*Pyrus calleryana*)
i. Hedge Maple (*Acer campestre*)
j. Mountain Ash (*Sorbus aucuparia*)*

Tall trees (over 50 feet at maturity)
k. Birch (*Betula spp.*)
l. Green Ash (*Fraxinus pennsylvanica*)*
m. Honey Locust (*Gleditsia triacanthos 'inermis'*)*
n. Littleleaf Linden (*Tilia cordata*)
o. Norway Maple (*Acer platanoides*)
p. Pin Oak (*Quercus palustris*)*
q. Red Maple (*Acer rubrum*)*
r. Red Oak (*Quercus rubra*)*

B. Prohibited Street Tree Species. Use of the following tree species as street trees is prohibited for one or more of the following reasons: 1) their roots cause injury to sewers or pavements; 2) they are particularly subject to insects or diseases; 3) they cause safety and visibility problems along streets and at intersections; 4) they create messy sidewalks and pavements. Prohibited species include the following:

a. Walnut *(Juglans spp.)*
b. Osage Orange *(Maclura pomifera)*
c. Weeping varieties of mulberries, crabapples, cherries, etc. (*Morus, Prunus, etc. (weeping)*)
d. Fruiting Mulberry (*Morus alba)*
e. Poplar (*Populus trichocarpa)*
f. Commercial Fruit Trees (*Prunus, Pyrus, etc. (fruiting)*)
g. Weeping Willow (*Salix babylonica)*
h. American Elm (*Ulmus americana)*
i. Siberian Elm (*Ulmus pumila)*

C. Caliper Size. Planted trees shall have a minimum caliper size of one and one-half (1 ½) inches and shall conform to the standards described by the ANSI A300 standards for nursery stock, latest edition.

D. Location. Street trees shall be planted within existing and proposed planting strips and in sidewalk tree wells on streets without planting strips.

E. Street Tree Maintenance

1. Except for trees located in medians within public rights-of-way, which shall be maintained by the City, it shall be the continuing duty and routine obligation of property owner(s) of land abutting public rights-of-way to perform activities required to maintain trees located within the abutting right-of-way in good health and vigor. Activities may include watering, pruning, protection against damage, and replacement if necessary.

2. Street tree removal and planting shall be the obligation of the adjacent property owner(s).
3. All maintenance activities shall be conducted in accordance with the City of Sisters Urban Forestry Ordinance and City of Sisters Public Works Construction Standards, latest edition.

F. Assurances. The developer shall install all required landscaping prior to the occupancy of the development. In the event that installation needs to be delayed, the City shall require the developer to provide an estimate of landscaping improvement costs to the City. Upon acceptance of this amount, the City shall require a performance bond in the amount of 120 percent of the accepted estimate from the owner/developer. .

3.2.700 Urban Forestry

A. Purpose. The purpose of the Urban Forestry section is to:

1. Promote a diverse, healthy and sustainable urban forest;
2. Enhance the livability of the City of Sisters and maintain the City's unique character;
3. Promote public health and safety; and
4. Provide for the general welfare of Sisters' citizens; by effectively managing, maintaining, conserving and enhancing the City of Sisters' existing and future trees located on city property or public rights-of-way; by providing ongoing education on proper tree planting, maintenance, removal and protection techniques and the benefits of trees and of Sisters' urban forest. This ordinance further implements the policies and goals of the City of Sisters Comprehensive Plan.

B. Intent. It is the intent of the City by this section to promote:

1. The effective management of the urban forest resource;
2. The planting, maintenance, restoration and survival of desirable trees within the City;
3. The protection of community residents from personal injury and property damage; and,
4. The protection of the City from property damage caused or threatened by the improper planting, maintenance, or removal of trees located in and upon public areas and rights-of-way within the City.

C. Applicability and Jurisdiction

1. The provisions of this ordinance shall apply to trees located now and hereafter on city property and public rights-of-way.
2. The City of Sisters shall have jurisdiction of all trees located now and hereafter on city property and public rights-of-way and shall have the authority to regulate the protection, planting, maintaining, removing and replacing of such trees.
   a. The Community Development Director or designee is authorized to:
      1. Supervise the urban forestry program and implement the provisions of this ordinance.
      2. With assistance from the City Urban Forestry Board, develop an Urban Forest Management Plan within three (3) years of the adoption of this ordinance and, thereafter, periodically update the Plan.
      3. Implement the approved Urban Forest Management Plan.
      4. Develop and update code provisions establishing standards for planting, protection, maintenance and removal of public and private trees.

5. Review development applications to insure compliance with Sisters' City Code provisions concerning street trees and other trees located on city property or public rights-of-way.
6. Implement and enforce code provisions concerning both public and private trees.
7. Be the city staff liaison to the City Urban Forestry Board.

D. Urban Forestry Board

The Urban Forestry Board shall function as an advisory body to the City with respect to this ordinance and urban forestry matters generally.

E. Removal, Major Pruning, Planting, or Attachment of Seasonal Holiday Lights to Public Trees

1. Requires City Authorization. Written authorization by the Community Development Director or designee is required for the removal, major pruning, or planting of public trees or the attachment of seasonal holiday lights to public trees.
   a. Request for written authorization shall be made at least 3 working days before the intended activity.
   b. The Community Development Director or designee shall base their written authorization on the standards, goals, and objectives set forth in this section and the Urban Forestry Standards and Specifications.
   c. Work done under such written authorization shall be performed in accordance with the provisions of this section and the Urban Forestry Standards and Specification, unless otherwise authorized by the Community Development Director or designee.
   d. No such written authorization shall be valid for a period greater than 90 days after the date of issuance.
   e. The written authorization to remove trees may include a provision requiring the replacement of the tree(s) removed with tree(s) appropriate to the site conditions, as determined by the Community Development Director or designee.
   f. If the Community Development Director or designee determines that a tree is hazardous, he/she may authorize immediate emergency removal or pruning of such tree. Work shall be done in accordance with the urban Forestry Standards and Specifications, unless otherwise authorized by the Community Development Director or designee.

2. Work Standards and Specifications.
   a. Activities on and near trees located on city property and public rights-of-way shall be performed in accordance with the provisions of this ordinance and the Urban Forestry Standards and Specifications.
   b. The Community Development Director or designee shall develop specifications and standards for activities affecting trees located on city property and public rights-of-way, called Urban Forestry Standards and Specifications, including planting, maintenance, protection and removal of trees within the City of Sisters Public Works Construction Standards.
      i. The Urban Forestry Standards and Specifications shall include a Tree Selection Guide; a list of tree species, varieties and cultivars thereof, approved for planting as well as those prohibited from planting on city property and public rights-of-way. Tree species, varieties and cultivars

thereof, not included in the Tree Selection Guide as approved for planting may be considered and approved by the Community Development Director or designee for planting. Approval shall be based upon the suitability and appropriateness, including drought-tolerance, of the tree species, variety or cultivar for the planting site.

ii. The Community Development Director or designee shall maintain and update as necessary these standards and specifications. The initial standards and specifications and subsequent updates are subject to the approval of the City Council.

c. The City recognizes the American National Standards Institute A-300 Standards for Tree Care Operations, most recent version, as the appropriate standard for tree care. ANSI A300 Standards shall apply to any person or entity repairing, maintaining, or preserving trees on city property or on public rights-of-way. The City shall incorporate by reference the most recent version of the ANSI A300 within the Urban Forestry Standards and Specifications and maintain the most recent version of the ANSI A300 for public review.

d. Trees located on city property and public rights-of-way with trunk, branches and/or roots located 15 feet or less from any excavation, grading, demolition or construction site, include the erection, repair, alteration, or removal of any buildings, structures, street, utilities or landscaping, shall require protection from harm and injury, as determined by the Community Development Director or designee. Protection measures shall be conducted in accordance with the Urban Forestry Standards and Specifications.

3. Activities Prohibited. Unless specifically authorized in writing by the Community Development Director or designee:

a. No person shall top a tree located on city property or on public rights-of-way. Authorization by the Community Development Director or designee to top a tree shall be based upon their determination that topping is necessary to alleviate a dangerous condition, including electric service interruptions, which pose an imminent threat to the public or property.

b. No person shall attach or keep attached to any trees located on city property or on public rights-of-way any ropes, wires, nails, chains, or other device whatsoever, except that which is within the Urban Forestry Standards and Specifications as approved for tree support or protection.

i. Seasonal holiday lights attached in accordance with the Urban Forestry Standards and Specifications is permissible for a period not to exceed 90 days, unless otherwise approved by the Community Development Director or designee.

c. No person shall damage any public tree; allow any gaseous liquid or solid substance which is harmful to trees to come in contact with them; cut or carve, attach advertising posters or other contrivance; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any public tree.

d. No person shall major prune, plant, remove or attach seasonal holiday lights to a public tree without authorization from the Community Development Director or designee.

4. Requirements of City Personnel.
   a. City personnel on official business shall notify the Community Development Director or designee of all activities affecting public trees.
   b. City personnel on official business are exempt from the written authorization requirement of this section.
   c. City personnel on official business shall conduct all activities in accordance with the provisions of this section and the Urban Forestry Standards and Specifications.

5. Requirements of Public Utility Companies.
   a. Public utility companies and their affiliates shall notify the Community Development Director or designee of all activities affecting public trees within city limits.
   b. Public utility companies holding a current franchise agreement with the City are exempt from the written authorization requirement of this section.
   c. All activities shall be conducted in accordance with the provisions of the current franchise agreement.

F. **Penalties.** If, as the result of the violation of the provisions of this ordinance, the injury, mutilation, or death of a tree located on city property or the public right-of-way is caused, the cost of repair or replacement of such tree, of similar size, shall be borne by the party in violation. The replacement value of trees shall be determined by the city in accordance with the latest edition of *Guide for Plant Appraisal*, authored by the Council of Tree and Landscape Appraisers.

G. **Appeals.** Any action related to this code section by the Community Development Director or designee may be appealed to and heard by the City Urban Forestry Board. To be effective, an appeal shall be filed within fourteen (14) working days after the decision of the Community Development Director or designee. The appeal shall be in writing and shall be filed with the City Recorder for placement on the City Urban Forestry Board's agenda. The appeal shall clearly specify the reasons for which a hearing is requested. After a hearing, the City Urban Forestry Board shall render its decision, which shall be final unless appealed to the Planning Commission. To be effective, an appeal to the Planning Commission must be in writing, state the reasons for the appeal, and must be filed with the City Recorder within fourteen (14) working days after notice of the decision of the City Urban Forestry Board is mailed to the applicant. After a hearing, the Planning Commission shall render its decision, which shall be final unless appealed to the City Council. To be effective, an appeal to the City Council must be in writing, state the reasons for the appeal, and must be filed with the City Recorder within fourteen (14) working days after notice of the decision of the Planning Commission is mailed to the applicant. The decision of the City Council shall be final.

Chapter 3.3 - Vehicle and Bicycle Parking

Sections:

3.3.100 Purpose
3.3.200 Applicability
3.3.300 General Provisions
3.3.400 Standards For Off-Street Parking
3.3.500 Off-Street Loading Facility Requirements
3.3.600 Bicycle Parking Requirements

3.3.100 Purpose. The purpose of this section is to ensure adequate off street parking is provided by each land use in a manner that avoids street congestion, minimizes impacts on neighboring properties, increases vehicular and pedestrian safety, and promotes good aesthetic design to create and preserve an attractive community character.

3.3.200 Applicability

A. New Structures. When a structure is constructed, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with this chapter.

B. Alteration of Existing Structures and Use. When an existing use or structure is enlarged or expanded, additional parking to meet the requirements of this Chapter shall be provided for the enlarged or expanded portion only, while maintaining previously existing parking for that use.

C. Change in Use. No additional parking shall be required when an existing structure is changed from one use type to another and the vehicle and bicycle parking requirements for each use type are the same. When the change in use requires additional vehicle and/or bicycle spaces, additional parking and bicycle space shall be provided to compensate for the increased intensity of use.

D. Exception to Parking Space Requirement in the Downtown Commercial District. Properties that develop or that change uses in a manner that requires additional parking spaces to be provided may be excepted from adding additional vehicle parking spaces by the Community Development Director or designee if the public right of way adjacent to the subject site is already developed with curbs, sidewalks and parking.

3.3.300 General Provisions

A. The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway or landscape area.

B. Downtown Parking District

1. Within the downtown commercial parking district the parking required for a specific

use or site may be provided on-street when located 100% adjacent to the development.

2. Within the parking district, the amount of off-street parking required shall be reduced by one off-street parking space for every on-street parking space adjacent to the development up to 100% of the required parking. On-street parking shall follow the established configuration of the City of Sisters existing on-street parking or be configured as required by the Public Works Director in accordance with the latest Transportation System Plan and Public Works Construction Standards. Acceptable on-street parking spaces shall include the following:

   a. Parking space dimensions consistent with 3.3.400.L.
   b. Curb space shall be 100% connected to the lot which contains the use;
   c. Parking spaces shall not obstruct a required clear vision area, nor any other parking that violates any law or street standard;
   d. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces are permitted.

C. **Fee-In-Lieu of Parking.** A Parking Development Fee, as established by the City Council, may be paid per parking space in-lieu of providing the required off-street parking spaces for a project in the downtown parking district. All in-lieu parking fees shall be paid prior to the issuance of a building permit.

D. **Floor Area.** For the purpose of this chapter, " floor area" in the case of office, merchandising, restaurant or service types of uses means the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients, or patients including areas occupied by fixtures and equipment used for display or sales of merchandise. It does not include areas used principally for non-public purposes, such as storage or restaurant kitchen facilities.

E. **Maximum Parking.** The number of parking spaces provided by any particular use in ground-level surface parking lots shall not exceed the following;

1. 1 to 10 required parking spaces shall not exceed 20% or a maximum of 3 parking spaces

2. 11 to 100 required parking spaces shall not exceed 20% maximum

3. More than 100 required parking spaces shall not exceed 10% maximum

Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, may not apply towards the maximum number of allowable spaces. Parking spaces provided through “shared parking” also do not apply toward the maximum number.

F. **More Than One Use On a Site.** If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking

shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly.

G. Electric vehicle charging station spaces shall be allowed to be used in the computation of required off-street parking spaces provided, that the electric vehicle charging station(s) is accessory to the primary use of the property.

H. **Unspecified Uses.** Where a use is not specifically listed in this table, parking requirements shall be determined by finding that a use is similar to those listed in terms of parking needs. Similar uses shall be determined by the Community Development Director or designee.

Table 3.3.300.A – Minimum Required Parking by Use

Use Categories	**Minimum Parking per Land Use (Fractions rounded down to the closest whole number) (See 3.3.300 D Floor Area)**
Residential Categories	
Accessory dwelling	1 space per accessory dwelling unit
Residential units in Commercial Districts, Duplex, and Triplex	1.0 spaces per studio 1.0 spaces per 1 -bedroom unit 1.5 spaces per 2-bedroom unit 2.0 spaces per 3-bedroom unit
Multi-family (4 or more units)	1.0 space per studio 1.0 space per 1-bedroom unit 1.5 spaces per 2-bedroom unit 2.0 spaces per 3-bedroom unit
Manufactured Dwelling Park	2 spaces per manufactured home
Residential home/Residential facility, and other types of group homes	1 space per three persons for which sleeping facilities are provided, based on the maximum number of people to be accommodated
Single-family detached dwelling, manufactured dwelling, zero lot line dwelling and town home	2 spaces per dwelling unit
Commercial Categories	
Ambulance dispatch	1 space per 300 square feet of office floor area plus one space per 1,000 square feet garage/warehouse floor area
Ambulance service	3 spaces per emergency vehicle
Art gallery and studio	1 space per 500 square feet of floor area.

Bed and breakfast inn	1 space per rentable bedroom plus 1 space for owner/manager plus one space for an employee.
Bowling alleys	1 space per bowling lane plus 1 space for every 3 employees.
Building and landscape materials and construction and heavy equipment sales and rental	1 space per 400 square feet of office floor area plus 1 space per 500 square feet of indoor sales floor area plus 1 space per 2,000 square feet of warehouse or outdoor sales area.
Car Wash	2 spaces
Convenience store	2 spaces for employee parking, plus 1 space per 500 square feet of floor area
Drive -through facilities	No parking requirement if drive-through is in conjunction with a business. If not in conjunction with a business, then one space per employee is required.
Eating and drinking establishments	1 spaces per 200 square feet of floor area
Educational services, not a school (e.g., tutoring or similar services)	1 space per 500 square feet of floor area
Entertainment uses (e.g., theaters, clubs, amusement uses, etc.)	1 space per 4 fixed seats and 1 space per 350 square feet of floor area where there are no fixed seats.
Equipment rental	1 space per 400 square feet of office floor area plus 1 space per 500 square feet indoor display/storage floor area plus 1 space per 1,000 square feet of outdoor display/storage area
Furniture, furnishings and large appliance stores and services	1 space per 500 square feet of floor area.
Grocery stores	1 space per 350 square feet of floor area
Health Clubs, Gyms and spas	1 space per 350 square feet of floor area
Kennels	2 spaces
Laundry Services including dry cleaners, laundry mats and wholesale laundry	1 space per 500 square feet of floor area
Lodging (hotels, motels, inns).	1 space per rentable room plus 1 space for the manager.
Neighborhood market	1 space per 500 square feet of floor area
Offices (medical, dental, professional)	1 space per 400 square feet of floor area
Professional and personal services (barber shops/salons, banks and financial institutions, etc.)	1 space per 400 square feet of floor area
Recreation (indoor commercial)	1 space per 300 square feet of floor area
Recreation (outdoor commercial)	1 space per 2,000 square feet of floor area
Retail Sales Establishment	1 space per 400 square feet of floor area

Service stations	1 space for attendant booth plus two spaces per service bay plus one space per four fuel pumps
Small item repair services (e.g., jewelry, small appliances, shoes, etc.)	1 space per 400 square feet of floor area
Vehicle sales and rental	1 space per 400 square feet of office floor area, plus 1 space per 500 square feet of parts, indoor sales or services floor area, plus 1 space per 5,000 square feet of outdoor sales area
Vehicle servicing or vehicle repair	1 space per 500 square feet of floor area
Veterinary clinics	1 space per 400 square feet of floor area
Public and Institutional	
Community centers, assembly, concert halls, churches and places of worship, clubs, lodges and similar uses	1 space per four fixed seats and 1 space per 350 square feet of public assembly floor area where there are no fixed seats.
Daycare facility, adult or child daycare; does not include family daycare (16 or fewer children) under ORS 657A.250	1 drop-off space for every 10 children plus 1 space for each employee
Library, reading room and museum	1 space per 500 square feet of floor area.
Parks	None required except as required for ADA compliance
Recreational facilities (indoor)	1 space per 300 square feet of floor area
Schools	Kindergarten and preschool: two spaces per teacher Grade, elementary, middle, junior high schools: 2 spaces per classroom plus 1 space per 400 square feet of office, assembly or common floor area High schools, colleges, universities and trade schools: 6 spaces per classroom plus 1 space per 400 square feet of office, assembly or common floor area Colleges and universities: 1 space per 4 students and 1 space per 2 employees.
Industrial Categories	
Biotechnology	1 space per 400 square feet of floor area.
Broadcast and production studios/facilities	1 space per 400 square feet of floor area
Food and beverage packaging	1 space per 500 square feet of floor area: a minimum of 2 spaces
Fuel distribution and storage	1 space per 1,000 square feet of floor area: a minimum of 2 spaces.

Heavy manufacturing, assembly, and processing of raw materials and recycling Light manufacturing, compounding, assembly, packaging, fabrication and repair (e.g., appliances, electronic, equipment, printing, furniture, signs and similar goods) with incidental sales associated with a permitted use.	1 space per 400 square feet accessory office floor area plus 1 space per 500 square feet of manufacturing floor area, plus 1 space per 1,500 square feet of outdoor manufacturing floor area.
Medical and dental laboratories (Medical, analytical, research, testing)	1 space per 400 square feet of floor area
Research and development facilities	1 space per 400 square feet of office floor area or laboratory floor area, plus 1 space per 500 square feet of indoor assembly or fabrication floor area, plus 1 space per 1,500 square feet of outdoor work area or indoor warehouse floor area.
Self-service storage, mini-storage warehouse and vehicle, RV, equipment and boat storage service	2 spaces
Storage yard	1 space per 2,000 square feet
Transportation yards	1 space per 1,000 square feet of garage/warehouse floor area
Warehousing	1 space per 1,000 square feet of floor area

3.3.400 Standards for Off-Street Parking

A. Tandem Parking. Only in the case of single-family, townhomes and duplex structures tandem parking may be permitted and shall not overhang into the right-of-way.

B. Pavement. The parking area, aisles, and access drives shall be paved with asphalt, concrete or comparable surfacing so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water on-site. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.

C. Backing or Maneuvering of Vehicles. Except for residential developments requiring less than four parking spaces, vehicular backing or maneuvering movements shall not occur across public sidewalks or within any public street other than an alley, except as approved by the Community Development Director. Evaluations of requests for exceptions shall consider constraints due to lot patterns and effects on the safety and capacity of the adjacent public street and on bicycle and pedestrian facilities.

D. Parking Maneuvering Areas and Driveways Adjacent to Buildings. Except for the Light Industrial District, where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a raised pathway, plaza, or landscaped buffer no less than 6 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by

vehicles. When parking areas are located adjacent to residential ground-floor living space, a landscape buffer is required to fulfill this requirement.

E. **Maximum Parking Lot Size.** Off-street parking serving development shall be divided into multiple lots, as necessary, so that no single lot has more than one hundred twenty (120) parking spaces. Parking lots shall be separated with plazas, large landscape areas with pedestrian access ways (*i.e.,* at least 20 feet total width), streets, or driveways with street-like features. Street-like features, for the purpose of this section, means a raised sidewalk of at least 6-feet in width, 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting.

F. **Lighting.** A parking facility serving an establishment which remains open during hours of darkness shall be provided with adequate illumination. Any lights provided to illuminate a parking facility shall be arranged so as to reflect the light away from any adjacent properties, streets, or highways consistent with the Dark Skies standards in Special Provisions.

G. **Off-site parking.** Except for residential uses, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 700 feet of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a deed, lease, easement, or similar recorded written instrument subject to the review and approval of the Community Development Director.

H. **Shared parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), and provided that the right of joint use is evidenced by a deed, lease, contract, or similar recorded written instrument establishing the joint use subject to the review and approval of the Community Development Director.

I. **Parking Space Signage.** Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable. Signs shall conform to the standards of Chapter 3.4.

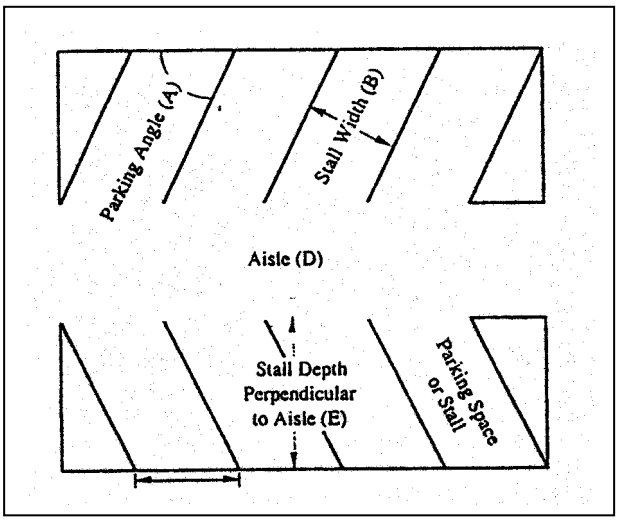
J. **Availability of Parking Spaces**. Required vehicle and bicycle parking spaces shall be unobstructed, and available for parking of vehicles and bicycles of residents, customers, patrons, and employees only. Required spaces shall not be used for storage or sale of vehicles or materials, or for parking of vehicles or bicycles used in conducting the business or conducting the use, and shall not be used for sale, repair or servicing of any vehicle or bicycle. No repair work or servicing of vehicles shall be conducted on a public parking area, other than emergency service such as changing a tire or starting a motor.

K. **Maintenance.** The provision and maintenance of off-street parking and loading spaces are the continuing obligation of the property owner.

L. Parking Stall Standard Dimensions and Compact Car Parking. All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management and striping, and provide dimensions in accordance with the following figure. Accessible parking spaces shall be provided in conformance with Section 3.3.400.M. The number of designated Compact Car Parking spaces shall not exceed 30% of the required off street parking spaces.

Minimum Parking Space and Aisle Dimensions						
Angle (A)	Type	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Standard	8 ft	22 ft 6 in	12 ft	24 ft	8 ft
	Compact	7 ft 6 in	19 ft 6 in	12 ft	24 ft	7 ft 6 in
30°	Standard	9 ft	18 ft	12 ft	24 ft	17 ft
	Compact	8ft	15 ft	12 ft	24 ft	14 ft
45°	Standard	9 ft	12 ft 6 in	12 ft	24 ft	19 ft
	Compact	8ft	10 ft 6 in	12 ft	24 ft	16 ft
60°	Standard	9 ft	10 ft 6 in	18 ft	24 ft	18 ft
	Compact	8ft	8 ft 6 in	15 ft	24 ft	16 ft 6 in
90°	Standard	9 ft	9 ft	24 ft	24 ft	19 ft
	Compact	8ft	8ft	22 ft	24 ft	15 ft

Figure 3.3.400.A - Parking Dimensions



M. Accessible Parking Spaces. Where parking is provided accessory to an affected building, accessible parking shall be provided, constructed, striped, signed and maintained as required by the Americans with Disabilities Act and Oregon State Statutes. Accessible parking is included in the minimum number of required parking spaces (Note: State Law may change this Federal table.). The access aisle shall include “no parking”.

Figure 3.3.400.C – Accessible Parking Requirements

Total Parking In Lot	Required Minimum Number of Accessible Spaces	Required Minimum Number Number of Van Accessible Spaces	Required Minimum Number of “Wheelchair User Only” Spaces
1 to 25	1	1	-
26 to 50	2	1	-
51 to 75	3	1	-
76 to 100	4	1	-
101 to 150	5	-	1
151 to 200	6	-	1
201 to 300	7	-	1
301 to 400	8	-	1
401 to 500	9	-	2
501 to 1,000	2% of total	-	1 in every 8 accessible spaces or portion thereof
1,001 and over	20 plus 1 for each 100 over 1,000	-	1 in every 8 accessible spaces or portion thereof

N. See Chapter 3.2 Landscaping and Screening for additional standards.

3.3.500 Off-Street Loading Facility Requirements

A. Any building intended to be used for retail, wholesale, warehouse, freight, hospital, industrial, manufacturing uses and similar uses shall be provided with off-street loading berths according to this schedule:

1. One berth for each building containing 10,000 to 25,000 square feet of floor area.

2. Two berths for each building containing 25,000+ square feet of floor area.

B. Any building intended to be used for a hotel, eating or drinking establishments, community center, convention hall, medical clinics and other similar use shall be provided with off-street loading berths according to this schedule:

1. One berth for each building containing 20,000 to 50,000 square feet of floor area.

2. Two berths for each building containing 50,000+ square feet of floor area.

C. Off-street loading facilities shall conform to the following standards:

1. Each loading berth shall be at least 35 feet by 10 feet and shall have a minimum height clearance of 14”.
2. Such space may occupy all or any part of any required setback or court space, except front and exterior setbacks, and shall not be located closer than fifty (50) feet to any lot in any R District, unless enclosed on all sides by a masonry wall not less than eight (8) feet in height. In no case shall it be located in a required buffer area.
3. Sufficient room for turning and maneuvering vehicles shall be provided on the site.
4. The loading area, aisles, and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained so as to dispose of surface water without damage to private or public properties. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.
5. No repair work or servicing of vehicles shall be conducted in a loading area.
6. Landscaping and screening are required in accordance with the standards of Chapter 3.2 Landscaping and Screening. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.
7. No on-site loading facilities shall be required where buildings abut an alley, provided that loading operations can be conducted from the alley in accordance with applicable access and parking ordinances, unless specified elsewhere.
8. Space allocated to required off-street loading berths may be used to satisfy the requirements of off-street parking spaces provided the timing of their use is such as to create no conflict, as determined by the Community Development Director or designee.

3.3.600 Bicycle Parking Requirements

All bicycle parking facilities required in conjunction with development shall conform to the standards in this Section.

A. Number of Bicycle Parking Spaces. The following additional standards apply to specific types of development:

1. **Multi-Family Residences.** Every residential use of four (4) or more dwelling units shall provide at least one bicycle parking space for each dwelling unit.
2. **Parking Lots.** All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.
3. **Schools.** Elementary and middle schools, both private and public, shall provide one bicycle parking space for every 10 students and employees. High schools shall provide one bicycle parking space for every 5 students and employees.
4. **Colleges and trade schools** shall provide one bicycle parking space for every 5 motor vehicle spaces plus one space for every dormitory unit.
5. **All Other Uses.** All uses which require off street parking, except as specifically noted, shall provide one bicycle parking space for every 10 required vehicle parking spaces.
6. **Multiple Uses.** For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required.

B. Exemptions. This Section does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, or other developments with fewer than 10 vehicle parking spaces.

C. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as not to conflict with vision clearance standards (Chapter 2.15 – Special Provisions).

D. Location. Racks shall be conveniently located to the street and the building entrance (no farther away than the closest vehicle parking space), visible from sidewalks and entrances for security, as well lit as parking spaces, and clearly marked.

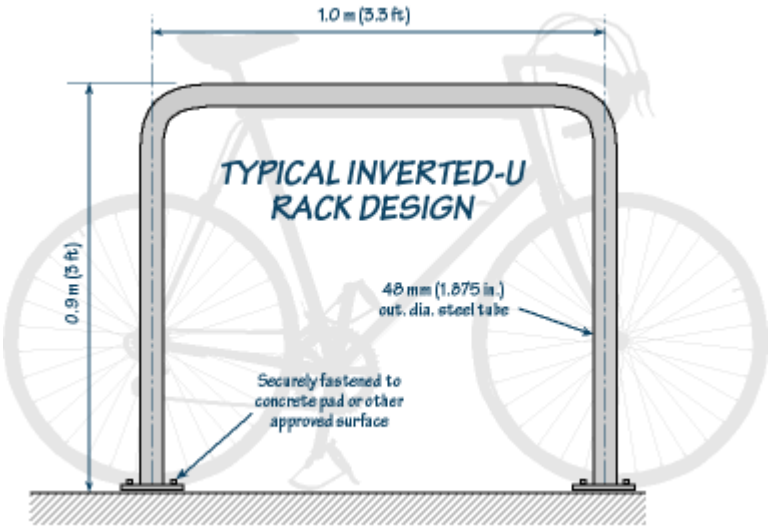
E. Dimensions

1. Bicycle parking spaces shall each be a minimum of six feet by two feet.
2. Overhead clearance in covered areas shall be at least seven feet.
3. A minimum five foot-wide aisle shall be provided beside or between each row of bicycle parking. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least five feet between bicycles and other existing and potential obstructions, or impede with the clear vision standards in Chapter 2.15 Special Provisions.

F. Enclosure and Racks

1. Bicycle parking facilities shall include lockable enclosures (lockers) in which the bicycle is stored, or stationary objects (racks) to which bicycles may be locked.
2. Lockers and racks shall be securely anchored to the pavement or a structure.
3. All bike racks shall have following design features:

    a. Inverted "U" style racks or similar design as illustrated below.
    b. Each rack shall provide each bicycle parking space with at least two points of contact for a standard bicycle frame and shall be sized to accommodate a standard U-lock.
    c. The bike rack shall have rounded surfaces and corners;
    d. The bike rack shall be coated in a material that will not damage the bicycle's painted surfaces
    e. Bike racks shall be securely mounted to a hard surface, such as asphalt or concrete.



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G. Lighting. For security and convenience, lighting shall be provided in bicycle parking areas such that the facilities are thoroughly illuminated and visible from adjacent sidewalks and/or vehicle parking areas during all hours of use. Lighting shall be consistent with the Dark Skies standards in Chapter 2.15 Special Provisions.

Chapter 3.4 - Signs

Sections:

3.4.100 Purpose
3.4.200 Applicability
3.4.300 Definitions
3.4.400 General Provisions
3.4.500 Permit Exemptions
3.4.600 Prohibitions
3.4.700 Procedures
3.4.800 Sign Measurement
3.4.900 Requirements for Signs by Specific Zone
3.4.1000 Temporary Signs
3.4.1100 Reserved
3.4.1200 Reserved
3.4.1300 Non-Conforming, Illegal and Abandoned Signs
3.4.1400 Maintenance
3.4.1500 Enforcement
3.4.1600 Penalty

3.4.100 Purpose

The purpose of this chapter is to maintain or improve the aesthetic quality of the City's residential and business environment in a manner which recognizes and balances the need for signs with other visual, aesthetic and safety concerns of the community.

3.4.200 Applicability

All new or remodeled signs within the City Zoning districts shall require a permit, provided that they meet all standards and provisions of this ordinance. The permitting process may be administrative or if necessary, reviewed by a hearings body.

3.4.300 Definitions

A. The following definitions apply to this Chapter and supersede conflicting definitions in the Development Code.

1. Alteration - Any change including but not limited to the size, content, shape, method of illumination, position, location, materials, construction, or supporting structure of a sign.
2. Awning – An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached.
3. Billboard - A sign structure subject to the provisions of the Oregon Motorist Information Act of 1971 and erected for advertising space to promote an interest other than that of an individual, business, product or service available on the premises the billboard is located on.
4. Building Directory Sign - A sign giving the name, address number or location of the occupants of a building or buildings.

5. Building Face of Wall - All window and wall area of a building in one plane or elevation.
6. Bulletin Board or Reader Board - A sign of a permanent nature, but which accommodates changeable copy to announce an event or attraction or used to convey a specific message related to the building or use of the property on which the bulletin board is located.
7. Directional Sign - An on-premise sign designed to identify and locate an office, entrance, exit, motor vehicle route, telephone or similar place, service, or route.
8. Directory Signs - Used for multi-tenant buildings to provide a directory of tenant locations within the building. They may also serve as the address sign for the property. Directory signs are small scale and are oriented to pedestrians.
9. Display Surface - The area made available by the sign structure for the purpose of displaying a message thereon.
10. Double-faced Sign - Signs which have only two sign surfaces back-to-back.
11. Event (Community Event) - A significant and organized occurrence that is beyond the scope of day-to-day activities and that benefits the community at large. Community events may take place at single or multiple sites. Examples of a community event include, but are not limited to, the Sisters Rodeo, Quilt Show, music festival, farmer's market, car show, fundraiser or Chamber of Commerce occurrence. Determination of whether an occurrence qualifies as a community event shall be determined by the CDD Director in the Director's sole discretion.
12. Externally Illuminated - A sign which is illuminated by an external source from which light is directed toward a sign so that the beam of light falls upon the exterior surface of the sign
13. Flexible Sign - A windsock, flag, pennant, streamer or banner or similar sign or structure constructed of cloth, canvas or similar material, and hung from the building, or sign, which serves to identify the building or the business and/or attract attention to the business. The windsock, banner, pennant, flag or similar sign may or may not include copy or other graphic signs.
14. Free-standing Sign. A sign supported by one or more uprights or braces and not attached or incidentally attached to any building or structure.
15. Ground-mounted Sign - A permanently mounted sign which is not attached to any structure or building.
16. Hanging Sign - Those which have one or more edges of the sign attached to a supporting structure above it.
17. Internally Illuminated - A sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.
18. Logo - Pictures, figures, symbols, letters, sign copy or similar graphic design which advertises or identifies a business, building or use.
19. Monument Sign **-** A low profile, ground-mounted freestanding sign that is ~~supported by a solid base~~ as an essential element of the design of the sign.
20. Non-conforming Sign - An existing sign, lawful at the time of enactment of this Ordinance, which does not conform to the requirements of this Code.

21. Off-site Sign – A business identification sign occupying space on private property which is not the property occupied by the business.
22. Portable Sign - Any sign or other graphic, including an A-frame sign, which is designed to be or is capable of being transported from one place to another and not permanently affixed to a structure or building.
23. Projecting Signs - Signs other than wall signs, which are attached to and project from a structure or building elevation, usually perpendicular to the building elevation.
24. Roof Sign - A sign located on or above the roof of any building.
25. Shopping Center/Business Complex - A group of three (3) or more commercial retail/industrial businesses which have been designed and developed together as an integral unit on a single parcel of land or separate parcels of land and which businesses utilize common off-street parking or access.
26. Sign - Any structure, device, fixture or placard using graphics, symbols and /or written copy designed specifically for the purpose of advertising or identifying any business occupant, establishment, product, goods or services. However, a sign shall not include the following:
    a. Legal notices, identification, information or directional signs erected by governmental bodies or public utilities.
    b. Flags and insignia of a government, school, religious group, or nonprofit organization.
    c. A memorial plaque, tablet or cornerstone made an integral and permanent part of the building or structure.
    d. Signs within a building which cannot be seen from outside the building.
    e. Holiday decorations.
27. Temporary Sign - A sign which is not permanently affixed. A banner, pennant, poster or advertising display constructed of cloth, canvas, flags, (not including flags of national, state or city governments) plastic, sheet, cardboard, wallboard, sheet metal, plywood or similar materials and intended to be displayed for a limited period of time. Temporary signs do not include portable signs.
28. Wall Sign - A sign attached to or erected against the wall of a building with the face in a parallel plane of the building wall.
29. Sign, Public - A sign erected by a public officer or employee in the performance of a public duty which shall include, but not be limited to, motorist informational signs and warning lights.
30. Wayfinding Sign – An off-premise sign for the purpose of facilitating vehicular tourist to local tourist destinations as designated.
31. Wind Sign - Any cloth or plastic or other flexible light material which is fastened together by wire, rope, cord, string or other means in such manner as to move by wind pressure and which are used or displayed to attract attention to a business, product, service or entertainment.
32. Window Area - An individual pane of glass or a contiguous area of glass separated only by nonstructural elements of dissimilar (non-glass) material.

33. Window Sign - A sign painted on, etched, attached to or placed upon glass surfaces of windows or doors of a building intended for viewing from the exterior of the building.

3.4.400 General Provisions

A. Basis for Design. Sisters has a sense of time and place dating from the 1880's. Signage at that time was pedestrian-oriented. The size, lettering and placement of signs were, for the most part, designed to attract the attention of foot and slower-moving horse traffic. The basis for design shall be compatible with the 1880's Western Frontier Architectural Design Theme in Chapter 2.15, Special Provisions.

B. Permitted Materials. Wood, stone, dimensional lumber, metal or iron or their visual equivalent are the recommended substrate materials for both the sign and the stanchion (in the case of ground mounted or monument signs.

C. Signing Techniques shall be in conformance with the 1880's Western Architectural Theme as defined in the Sisters Urban Area Comprehensive Plan and permitted as follows:

1. Painting the sign directly on the facade of the building.
2. Painting of a sign on a finished material or sign board which is subsequently affixed to the building.
3. Affixing raised block letters directly on the facade of the building.

D. Lettering Techniques shall be in conformance with the 1880's Western Architectural Theme as defined in the Sisters Urban Area Comprehensive Plan and permitted as follows:

1. Ornamental lettering, similar to in Exhibit A-1

E. Illumination - no sign shall be erected or maintained which, by use of lights or illumination creates an unduly distracting and hazardous condition to a motorist, pedestrian or the general public. In addition:

1. Signs may be externally illuminated by flood lights or other lighting approved by the Community Development Director or designee, located on wall or roof area adjacent to the sign intended to be illuminated with illumination directed down.
2. No exposed reflective type bulb or incandescent lamp shall be exposed to direct view from a public street or highway but may be used for indirect light illumination of the display surface of a sign. This means that a person standing at the adjacent property line would not see the light emitting source.
3. No external illumination devices shall be allowed to exceed the building height requirements of the underlying zone.
4. All illumination shall comply with the Dark Skies Standards in Chapter 2.15, Special Provisions.

F. Any sign or other graphic display which is supported by more than one means and, therefore, cannot be clearly defined as ground, wall, roof, hanging, awning, projecting, or other sign shall be administratively assigned to the sign category most logically applicable and the appropriate standards applied.

G. All signs shall comply with the vision clearance standards.

H. All signs shall be non-reflective materials and paint.

3.4.500 Permit Exceptions

A. The following signs or procedures shall not require a sign permit:

1. The changing of advertising or message on an approved painted or printed sign or signs specifically designed for the use of replaceable copy, except for changing the name of the business or use advertised.
2. Repainting, cleaning or other normal maintenance or repair of a sign or sign structure for which a Sign Permit approval has been given, so long as the sign design, color, material, content, etc. is not modified in such a way as to conflict with the intent of the ordinance.
3. Real estate sign not exceeding twelve (12) square feet in area and six (6) feet in height, and unlighted which advertises the sale, rental or lease of the premises upon which the sign is located. Such signs shall be removed no later than fourteen (14) days after the sale or lease of, or expiration of the listing for such property.
4. One development sign per development site which identify the architects, engineers, contractors and other individuals or firms involved in the construction (but not including any advertisement of any product) and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of thirty two (32) square feet. The signs shall be confined to the construction site and shall be removed not later than fourteen (14) days after the beginning of the intended use of the project. Construction signs are considered double sided when the faces are 90 degrees or less.
5. One construction sign for an individual lot which identify the architects, engineers, contractors and other individuals or firms involved in the construction (but not including any advertisement of any product) and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of six (6) square feet. The signs shall be confined to the construction site and shall be removed not later than fourteen (14) days after the beginning of the intended use of the project.
6. One on-site temporary subdivision sign not exceeding thirty-two (32) square feet in area and (10) ten feet in height for each recorded subdivision; provided that such signs shall be removed not later than two (2) years from the recording date of the subdivision or until building permits have been issued on all of the lots, whichever occurs first. Construction signs are considered double sided when the faces are 90 degrees or less.
7. Temporary unlighted subdivision directional signs not exceeding sixteen (16) square feet in area and six (6) feet in height for each recorded subdivision as follows:

   a. When the boundaries of any recorded subdivision or any part thereof abut an arterial, as identified in the Sisters Comprehensive Plan, one (1) subdivision directional sign shall be permitted which may be located on any vacant lot or parcel which is owned by the subdivision owner.

b. When the boundaries of any recorded subdivision, or any part thereof, do not abut an arterial as identified in the Sisters Comprehensive Plan, two (2) off-site subdivision directional signs shall be permitted, which signs may be located as follows:

1. One such sign may be located on property not owned by the subdivision owner with the permission of the property owner on whose property it is to be located.

2. One or both signs may be located only on property owned by the subdivision owner.

c. Such signs shall be removed not later than two (2) years from the recording date of the subdivision or until building permits have been issued on all of the lots, whichever occurs first.

8. Home occupation signs shall comply with the following:

   a. The sign may be wall or window mounted.

   b. The sign shall not exceed two (2) square feet in area.

   c. The sign shall indicate only the name and occupation of the resident

   d. The sign shall comply with the 1880's Western Frontier Architectural Design Theme in Chapter 2.15, Special Provisions.

9. Signs directing traffic movement onto or within premises, not exceeding three (3) square feet per sign and four (4) feet in height, excluding drive-through signage. The signs shall comply with the 1880's Western Frontier Architectural Design Theme in Chapter 2.15, Special Provisions.

10. Campaign/Political signs are allowed to be displayed without a permit provided the sign complies with the following:

    a. The sign shall only be located on private property, with the permission of the property owner.

    b. The sign shall not be illuminated.

    c. The sign shall not be located in a manner to cause any traffic or pedestrian safety issues.

    d. The sign shall not be installed more than 60 days prior to the election and removed within 3 days after.

    e. In Residential zones the sign is limited to a maximum of 6 square feet in area and if freestanding, not more than 4 feet in height.

    f. In all other zones (commercial, industrial mixed-use, etc.) the sign shall not exceed 32 square feet in area and if freestanding, 5 feet in height.

    g. Signs shall not be installed in a manner that is prohibited per code.

11. Garage sale, yard sale, patio or other similar sale signs of a temporary nature. Such signs shall be placed no sooner than 48 hours before the sale begins and removed no later than 12 hours after the sale ends

12. Any other signs that are state or federally regulated and are not required to comply with local sign requirements.

13. Memorial tablets, cornerstones, or similar plaques not exceeding six square feet in size.

14. Small illuminated/non-illuminated informational signs related to the operation of a business. Examples of such signs are "open/closed" signs and signs of a similar nature. Small illuminated/non-illuminated signs are permitted as follows;

    a. One sign per business elevation

    b. Three (3) square feet maximum per sign

    c. Two (2) colors maximum per sign

15. Parking Space Signage. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable.

16. Event-related A-Frame signs, announcing a community event are permitted subject to the following;

    a. City approval of qualifying signs, placement and duration is required before signs may be used. Written acceptance by the City shall be provided for qualifying signs.

    b. Signs are limited up to 16 square feet in area per sign.

    c.Up to 4 signs per venue are allowed.

    d. May be used up to 10 days in advance of the event.

    e. No sign permit is required. An encroachment permit is required when a sign is sited in public right of way. No fee is required for this permit.

    f. Signs shall be in compliance with the clear vision areas and ADA accessibility.

    g. Event-related A-Frame signs shall be removed within 72 hours of the end of the event.

17. Menu signs, representative of those given to customers.

18. One chalkboard shall be permitted to advertise specials & shall be no larger than 16” by 24” in size & shall be affixed to a building face of a wall of which it represents. Chalk of any color may be used and exempt from 1880s font;

19. Public signs such as kiosks, historical markers, safety signs and street signs.

3.4.600 Prohibitions

A. No sign shall have or consist of any moving, rotating or otherwise animated part or any flashing, blinking, fluctuating or otherwise animated light. In addition, no sign shall approximate or resemble in any way an emergency light or sign. The provisions of this subsection shall not be applied so as to prohibit the following types of signs:

1. A conventional clock face.
2. An on-premises barber pole, of a length not to exceed 30 inches, of traditional design which shall be permitted to revolve during the time that a barbershop is open for business. The top of the pole shall not be more than ten feet six inches (10' 6") above the ground.

B. Signs that are placed on, affixed to or painted on a motor vehicle or trailer and placed on public or private property for the primary purpose of providing a sign not otherwise permitted by this Ordinance. Signs on vehicles used in the normal course of business shall not be subject to this provision.

C. Signs or sign structures that create a hazard by obstructing clear view of pedestrian and vehicular traffic.

D. Service signs such as those identifying VISA or MasterCard shall not be attached to an approved sign. If such services are to be advertised as part of a permitted sign, the signs shall be integrated into the overall sign design and are subject to all requirements of this ordinance.

E. No sign shall be attached to or placed against a building or other structure in such a manner as to prevent or inhibit ingress or egress through any door or window required or designated for access to any building, nor shall any sign obstruct or be attached to a fire escape.

F. Signs in right-of-way. Signs shall not be located in or extended onto public rights of way except as otherwise provided in this ordinance. Traffic control signs and devices installed by the governmental entity responsible for the right-of-way and City signs are exempt from this prohibition.

G. Noise-emitting signs. Signs that emit sounds.

H. Billboards shall not be allowed within the City of Sisters or the Urban Growth Boundary.

I. No neon tubing sign or decoration shall be allowed on or in a building which is visible from the exterior of the building except as otherwise provided in this ordinance.

J. No sign shall be internally illuminated except as specifically allowed by this ordinance. Internally illuminated signs are signs which are wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign. Illuminated signs are prohibited within six feet of inside windows, whose illuminated face(s) are visible from the street;

K. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

L. Billboards or off-premises advertising signs, wind signs or devices.

M. Sandwich boards, A-frame, bench and portable signs are prohibited when way-finding signs are available. Portable signs, such as A-frame signs, shall comply with the following requirements:

1. All portable signs require a permit from the Community Development Department prior to placement, which shall be renewed by the applicant on an annual basis as long as portable signs continue to be placed upon the premises and the wayfinding signs are not available. An annual permit fee as established by City Council Resolution shall be charged. Applicant shall provide the Community Development Department with sign models and proposed sign locations prior to issuance of the permit. Permits will be issued for those signs meeting the Sign Ordinance criteria.
2. Portable signs shall be securely anchored to the ground.
3. No portable sign shall affect easements, nor restrict or impede pedestrians or disabled persons. Portable signs shall not restrict the clear vision of pedestrians or vehicles. Portable signs shall only be permitted in locations on private property as approved by the Community Development Director or designee.
4. Portable signs shall be no larger than sixteen (16) square feet per side. Sign size within the allowed parameters may be regulated by the Community Development Department depending on location and safety considerations
5. Each business shall be allowed one (1) sign per entrance, with sign placed within ten (10) feet of the primary public entrance or occupied building space, but no business may have more than two (2) portable signs.
6. Signs shall be displayed only during business hours.
7. Sign shall include the business name and may include products sold or offered.

N. Exposed vending machines, such as those used to dispense soft drinks, not including newspaper and magazine stands.

O. Signs attached to trees, telephone poles, public benches, street lights or placed on any public property or public right-of-way.

P. Roof signs that exceed the height of the existing building or structure.

3.4.700 Procedure

A. **Sign Permit Required**. A sign permit is required in each of the following instances:
1 Upon the erection of any new sign except exempted signs.
2. To make alteration to an existing sign, including a change in the size or materials. Permits shall not be required for minor maintenance and repairs to existing signs.
3. To alter an existing non-conforming sign.
4. To erect a temporary sign for a new business.

B. **Required Information for a Sign Permit.** For the purposes of review by the Community Development Director or designee and Building Official, a drawing to scale shall be submitted which indicates fully the material, color, texture, dimensions, shape, lighting, relation and attachment to building and other structures, structural elements of the proposed sign, and the size and dimensions of any other signs located on the applicant's building or property.

C. **Sign Permit Fee**. The applicant shall pay the required fee as established by the City Council. It is unlawful for any person to erect, repair, alter, relocate or maintain within this City, any sign or other graphic display except as provided in this ordinance. When a sign is erected or placed prior to approval of a required sign permit, the sign permit application fee shall be doubled. Payment of the double fee shall not relieve an applicant from fully complying with the requirements of this ordinance or from any penalties prescribed herein.

D. Either the Community Development Director or the applicant shall have the right to refer a Sign Permit application directly to the Planning Commission in lieu of the normal process for Sign Permits.

3.4.800 Sign Measurement

A. The following criteria shall be used in measuring a sign to determine compliance with this ordinance:

1. Area. The area of the sign surface is computed by calculating the area encompassed within any regular geometric figure which would enclose all parts of the sign (excluding structural supports, provided they are not used to attract attention).
2. Double-faced signs. Allowable sign square footage applies to only one side of double-faced signs.
3. Clearance. Clearance of a sign is measured from the average grade at the base of the sign to the lowest point of the sign.
4. Height. Signs shall comply with the following requirements:
    a. Height is measured from the grade of the curb line closest to the base of the sign to the highest point of the sign. In the absence of a curb line, the edge of the street pavement shall be used. In the absence of street pavement, the average finish grade shall be used to measure the height.
    b. The maximum height of any sign shall be as stated herein, but in no case shall a ground mounted sign exceed fifteen (15) feet in height. No ground mounted sign shall project above the roof line of any building.
    c. Height. The height of an attached sign shall not exceed the ridgeline of the building or the top of the false façade.

5. Logos shall be considered as part of the allowable sign area and are encouraged to comply with the 1880s Western Architectural Frontier Design Theme.

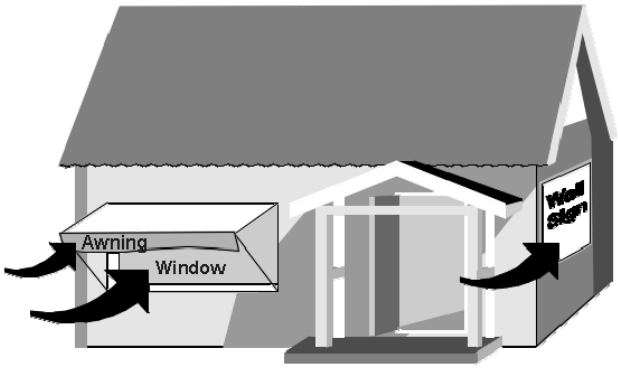
3.4.900 Requirements For Signs By Specific Zone

A. Residential Zones

1. Except as specified herein, sign regulations for non-residential uses are as follows:
   a. One bulletin board or monument sign not exceeding twenty five (25) square feet in area and six (6) feet in height when associated with churches, synagogues, civic or similar organizations.
   b. Awnings and wall signs limited to one-half square foot in combined sign area for each horizontal lineal foot of any wall. Awning and wall signs may have external illumination only; no internal illumination shall be permitted.
2. For residential facilities and multiple family developments and mobile home parks containing four (4) or more units there may be one identification sign limited to twenty (20) square feet in area and not exceeding six (6) feet in height located at each entrance to the park or building complex. In addition, at each entrance, there may be an externally lit sign not to exceed fifteen (15) square feet in area containing a map showing the location of individual sites or units.
3. Permanent Subdivision Signs. One (1) monument sign not to exceed 20 square feet in area and a maximum height of four feet. The subdivision sign shall be permitted at the primary street entrance into the subdivision.
4. Bed and Breakfast Signs. One (1) freestanding, on-premise sign not to exceed six (6) square feet in area and six feet (6') in height.

B. All Other Districts

Sign regulations for all other Districts are as follows:



1. Wall, Awning, Projecting, and Roof Signs

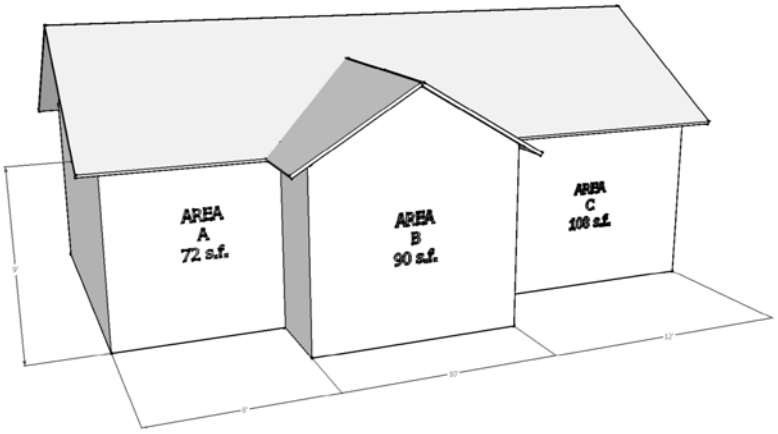
a. Each business shall be allowed a maximum of two of the following signs per elevation; wall, awning, projecting, or roof sign. The face of a wall projecting from another wall shall not be considered part of the adjoining wall. Awning, projecting, hanging and wall signs shall be located on the portion of a building wherein the use or occupancy is conducted.

Examples of Allowable Sign Areas:

Area A = 72 s.f.
Allowable sign area = 10.8 s.f.

Area B = 90 s.f.
Allowable sign area = 13.5 s.f.

Area C = 208 s.f.
Allowable sign area = 31.2 s.f.



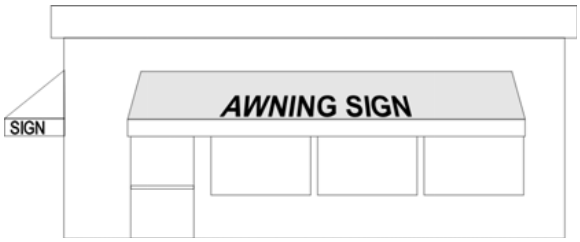
b. Area of Front Building Facade. When the area of the building elevation is used to determine sign area, said area shall be computed by multiplying the width of the building frontage or portion thereof by the height of the building or portion thereof which are devoted to the particular business. "False fronts" and mansard roofs shall be included when calculating the area of the building facade.

c. Lettering may include the name and logo of the business and a general description of the products or services provided by the business, but shall not include brand names or logos of specific products.

d. Wall Signs.

1. Wall signs may not stand more than twelve (12) inches away from the wall.
2. Wall signs shall not exceed two hundred (200) square feet in area per elevation, except in the Downtown Commercial (DC) District where they are limited to fifty (50) square feet in area per sign per elevation
3. Total wall signage shall not exceed fifteen percent (15%) of the wall area in square feet on each facade.
4. The top of a wall sign shall not exceed the ridgeline of the building or the top of the false façade.

e. Awning Sign.



1. The maximum total area for each awning sign shall be based on the horizontal lineal length of the awning where the sign is to be located. Awning signs shall not exceed one square foot per two horizontal lineal feet of awning.
2. The area of a sign on an awning shall be deducted from the wall sign area permitted.
3. Supports, posts or columns beyond the property line will not be permitted.
4. Lettering shall be painted or otherwise permanently placed.
5. The lowest point of the awning must be at least eight (8) feet above the sidewalk.

f. Projecting Signs.

1. Where a building is built to the property line, a "Projecting" sign may extend over the public right-of-way. The signs' supporting structure shall not extend more than 42 inches from the building wall and the sign itself can be no more than 36 inches wide and 16 square feet in area per face. A minimum 7 (seven) foot clearance from the bottom of the sign to finished grade is required. Alleys require a minimum 14 foot clearance. Projecting signs are not permitted over the Oregon Department of Transportation's (ODOT) right-of-way.

2. The top of a projecting sign shall not exceed the ridgeline of the building or the top of the false façade.

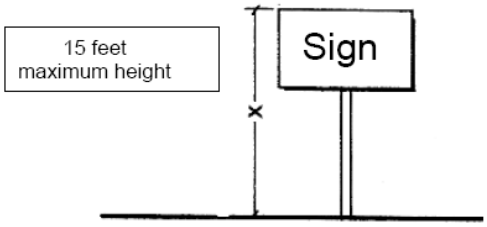
3. A reduction in the required clearance height of the sign may be permitted by the CDD Director or designee if findings can be made that (1) the sign is not located over any vehicle, bicycle or pedestrian walkway; (2) that no vision clearance areas are affected by the reduction, and (3) that the reduced height will not adversely impact any neighboring structures or uses.

g. Roof Signs.
   1. Roof signs shall not exceed 50 square feet in area and no taller than 3 feet in height per roof.
   3. Total roof signage per sign shall not exceed fifteen percent (15%) of the wall area below roof line.
   4. The top of a roof sign shall not exceed the ridgeline of the building or the top of the false façade.

2. Permanent Window Signs

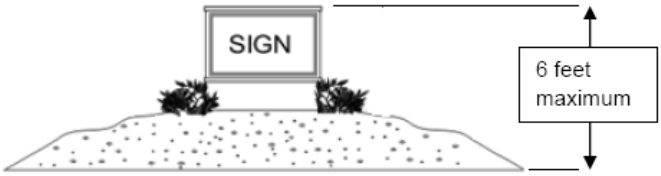
a. The total area of such permanent window signs, in combination with temporary window signs, shall not exceed 25% of the total window area.
b. The sign area of each window sign shall be deducted from the maximum sign area permitted on the elevation . See wall signs.
c. Permanent window signs shall not be illuminated.
d. Hours of operation or open/close signs shall not count towards sign allowance

3. Ground Mounted Signs.



a. Ground mounted signs shall only be permitted in the Highway Commercial (HC) District and Public Facility (PF) District.
b. Ground mounted signs shall not exceed thirty-two (32) square feet in area.
c. Ground mounted signs shall not exceed fifteen (15) feet in height. No ground mounted sign shall project above the roof line of any building.
d. A ground mounted sign shall not be located within ten (10) feet of any other sign within any street right of way (stop signs, etc.)
e. No more than one (1) ground mounted sign shall be permitted for each lot.
f. Sign supports shall be compatible with the design requirements and intent of the 1880's Western Frontier Architectural Design Theme in Chapter 2.15, Special Provisions.

4. Monument Signs –



a. Monuments signs shall not exceed twenty-five (25) square feet in area.

b. The bottom of the sign shall not be more than four feet (4') from the ground.

c. Monument signs shall not exceed six (6) feet in height.

d. A monument sign shall not be located within ten (10) feet of any other sign within any street right of way (stop signs, etc.)

e. No more than one (1) monument sign shall be permitted for each lot.

f. Sign supports shall be compatible with the design requirements and intent of the 1880's Architectural Design Theme.

g. Downtown Commercial (DC) District
   1. Monument sign shall be located more than ten (10) feet behind the front or exterior side property line.
   2. No more than one monument sign shall be permitted for each lot.

5. Directory Signs

A. Directory signs may be free standing or may be fixed on an exterior wall. Free standing Directory signs for Downtown Commercial (DC) District, see B below.

1. One directory sign may be permitted per premises.

2. Directory signs shall be no larger than 12 square feet in area, and individual letters shall not exceed 6 inches in height.

3. Directory signs shall have a maximum height of 5 feet.

B. Free standing directory signs located in the Downtown Commercial District shall only be permitted for shopping centers.

1. One free standing or wall directory sign may be permitted per premises.

2. Free standing directory signs shall be no larger than 6 square feet in area, and individual letters shall not exceed 6 inches in height.

3. Free standing Directory signs shall have a maximum height of 4 feet.

6. Shopping Center Signs

a. A shopping center shall be allowed one (1) ground mounted sign in compliance with Section 3.4.900.B.3 indicating the total shopping center use or listing of uses.

b. A shopping center in the Downtown Commercial (DC) District shall refer to Section 3.4.900.B.5.B. The lettering for the listing of such uses shall be of a size not greater than one-half the size of the lettering of the shopping center name on such sign.

c. In addition, each business in the shopping center will be allowed signage in compliance with Section 3.4.900 B.

d. No additional ground mounted or monument signs shall be allowed within the shopping center

7. Drive Through Menu Boards

a. Menu boards shall be located out of the setbacks.

b. Maximum height of this sign shall be 8 feet and maximum size shall be 30 square feet.

c. Each drive through will be limited to 2 menu boards.

8. Service Station Price Signs

a. In compliance with Section 3.4.900.B.3, when a lot or parcel of land is used for gasoline service station purposes there may be a maximum of one ground mounted changeable copy sign for the purpose of advertising gasoline prices subject to the following standards:

1. That such sign shall advertise only the name of the business, price of the gasoline sold and the hours of operation.
2. Such sign shall not exceed an area of thirty-two (32) square feet.
3. Such sign shall not exceed fifteen feet (15) feet in height. No ground mounted sign shall project above the roof line of any building.
4. All signs shall comply with the 1880's Western Frontier Design Theme including interchangeable gasoline prices.
5. No other ground mounted or monument signs shall be permitted.

9. Building Identification Name

a. One Building identification name shall be permitted per building. The sign shall be in compliance with Section 3.4.900 Requirements for Signs by Specific Zone.

10. Hanging Signs

a. Hanging signs shall maintain a minimum 7 (seven) foot clearance above pathways from the bottom of the sign to finished grade. Hanging signs are not permitted over the Oregon Department of Transportation's (ODOT) right-of-way.

b. Three hanging signs are allowed per elevation.

c. Individual hanging signs shall not exceed 6 square feet in area.

d. A reduction in the required clearance height of the sign may be permitted by the CDD Director or designee if findings can be made that (1) the sign is not located over any vehicle, bicycle or pedestrian pathway; (2) that no vision clearance areas are affected by the reduction, and (3) that the reduced height will not adversely impact any neighboring structures or uses.

3.4.1000 Temporary Signs

A. Window. Temporary signs placed upon a window opening are allowed when such signs do not obscure more than twenty-five (25) percent of the window area, and are maintained for a period not exceeding thirty (30) days where upon they shall be removed. The total area of such temporary window signs, in combination with permanent window signs, shall not exceed 25% of the total window area. Temporary window sign's font and color shall comply with the 1880's Western Design Theme.

B. On-site Temporary signs, other than window signs and limited duration event portable A-frame signs, shall be displayed not more than 14 consecutive days. Two on-site temporary sign permits are permitted at one time and used during the same time duration. In no case shall a new on-site temporary sign permit be issued until 45 days after the last approval ended.

C. Seasonal Signage which may be displayed for 30 days prior to the event and removed the day after the event. No extensions of these times shall be permitted.

D. Temporary signs, other than window signs and limited duration event portable A-frame signs, as defined herein have a separate permit procedure. Temporary sign applications shall be made on forms provided by the Community Development Department. A temporary sign permit fee, as established by the City Council, shall be paid prior to the issuance of a temporary sign permit. If the sign is not displayed as required by this ordinance and not removed the day after the event, the deposit is forfeited and the responsible party notified. If the temporary sign is not then removed, City employees or their agents shall remove the sign and the responsible party billed for removal.

E. Prohibited Signs. Inflatable or lighter than air signs and/or devices used for advertisement are expressly prohibited.

F. Location. Temporary signs shall not be displayed in the public right of way, and shall have the permission of the property owner on which they are displayed.

F. Size. Temporary signs shall be a maximum of twenty (20) square feet in area.

G. Off-site Temporary Sign. Off-site temporary signs are limited to Events (Community Events). Banners shall be allowed to be hung for 2 weeks (14 consecutive days) prior to an event, and shall be removed within 3 days of the event's completion.

3.4.1100 Reserved

3.4.1200 Reserved

3.4.1300 Non-Conforming, Illegal and Abandoned Signs.

A. A nonconforming sign shall not be replaced, altered, reconstructed, relocated or expanded in any manner unless it is made to conform with all the provisions of this article except as follow:

1. Other nonconforming signs on the same property need not be made to conform as a result; however, they are encouraged to comply.
2. Change in copy shall be permitted if no structural changes in the sign are necessary except that no change in copy shall be permitted for nonconforming painted wall signs.
3. Ordinary maintenance and minor repairs which will not increase the normal life of the sign and which are required for safety purposes shall be permitted. Structural alterations to a nonconforming sign are prohibited unless they are made to conform to all requirements of the Development Code.

B. If the use identified by a nonconforming sign is abandoned for a period of not less than ninety (90) days, the sign shall be removed unless it is made to conform to the provisions of this Section. If such sign is not made to conform or if it is not removed within one hundred twenty (120) days from the time the use is abandoned, it shall thereafter be unlawful. "Abandoned" shall mean cessation of operation or change of use. "Abandoned" shall not mean an ownership change or a name change as long as there is no cessation of the operation for longer than ninety (90) days and the use is not changed.

3.4.1400 Maintenance

A. All signs together with all their supports, braces, guys and anchors shall be kept in good repair and be maintained in a safe condition. All signs and the site on which they are located shall be maintained in a neat, clean and attractive condition. Signs shall be kept free from deterioration. The display surfaces, trims, frames and supports of all signs shall be kept neatly painted or otherwise neatly maintained as applicable. No person shall scatter, daub or leave any paint, paste or glue or other substance used for painting or affixing a message to the display surface of any sign or throw or permit to be scattered or throw any bills, waste matter, paper, cloth or materials of whatsoever kind removed from a sign on any public street, sidewalk or private property.

3.4.1500 Enforcement

A. If the Building Official shall find that any sign regulated in this chapter is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, the Building Official shall give written notice to the permittee thereof. If the permittee fails to remove or alter the structure so as to comply with the standard set forth in this chapter, within ten days after such notice, such sign may be removed or altered to comply by the city at the expense of the permittee or owner of the property upon which it is located. The Building Official may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

B. The owner of any sign, including supporting structures, shall keep the same in a presentable condition at all times. All painted signs, and all supporting structures of

any sign, shall be repainted whenever such action is necessary to keep them in good condition.

C. Any sign which no longer advertises a bona fide business conducted, or a product available for purchase by the public, shall be taken down and removed within six months of closing by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found, within thirty (30) days after written notification from the Building Official, and upon failure to comply with such notice within the time specified in such order, the Building Official is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached, or, if the sign is not attached to a building, by the owner of the sign.

D. Any signage that is determined by the City to be in violation of these sign regulations is subject to citation and associated fine as established in subsection 3.4.1600 herein.

Section 3.4.1600, Penalty

A. Violation of any portion of Chapter 3.4 of this Development Code is a Class A Violation.

EXHIBIT A-1

LETTER STYLES

ACADEMY
BIG IRON
CIBOLA
Lachesis
PERDIDO
Plowright
PRIMER
RIUDOSO
Niederwald
Stonehouse
MANQUO
Rochambeau
New Times Roman
Bookman Old Style

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 – Cottage Developments
4.7 – Land Use District Map and Text Amendments
4.8 – Code Interpretations

Sections:

4.0.100 Introduction

4.0.100 Introduction

Chapter 4 provides all of the application requirements and procedures for obtaining permits required by this code. Please refer to Table 4.1.200 in Chapter 4.1 for a key to determining which land use permits and procedures are required, and the decision-making body for a particular type of permit application.

Chapter 4.1 - Types of Applications and Review Procedures

Sections:

4.1.100 Purpose
4.1.200 Description of Permit Procedures
4.1.300 Type I Procedure
4.1.400 Type II Procedure
4.1.500 Type III Procedure
4.1.600 Type IV Procedure
4.1.700 General Provisions
4.1.800 Appeals
4.1.900 Special Procedures
4.1.1000 Neighborhood Meetings

4.1.100 Purpose

The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way.

4.1.200 Description of Permit/Decision-Making Procedures

All land use and development permit applications, except building permits, shall be decided by using the procedures contained in this Chapter. General provisions for all permits are contained in Section 4.1.700. Specific procedures for certain types of permits are contained in Section 4.1.200 through 4.1.600. The procedure "type" assigned to each permit governs the decision-making process for that permit. There are four types of permit/decision-making procedures: Type I, II, III, and IV. These procedures are described in subsections A-D below. In addition, Table 4.1.200 lists all of the City's land use and development applications and their required permit procedure(s).

A. Type I Procedure (Ministerial). Type I decisions are made by the Community Development Director, or someone he or she officially designates, without public notice and without a public hearing. The Type 1 procedure is used when there are clear and objective approval criteria, and applies city standards and criteria that require no use of discretion. Appeals are possible to Oregon Land Use Board of Appeals (LUBA);

B. Type II Procedure (Administrative). Type II decisions are made by the Community Development Director or designee with public notice, and an opportunity for a public hearing if appealed. The appeal of a Type II decision is heard by the Planning Commission;

C. Type III Procedure (Quasi-Judicial). Type III decisions are made by the Planning Commission after a public hearing, with appeals heard by the City Council. Type III decisions generally use discretionary approval criteria;

D. Type IV Procedure (Legislative). Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments which apply to entire districts). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council and appeals possible to the Oregon Land Use Board of Appeals.

Table 4.1.200
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/ 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 Development	Type III	Chapter 4.5
Cottage Developments	Type III	Chapter 4.6
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

E. Notice of all Type III and IV hearings will be sent to public agencies and local jurisdictions (including those providing transportation facilities and services) that may be affected by the proposed action. Affected jurisdictions could include ODOT, the Department of Environmental Quality, the Oregon Department of Aviation, and neighboring jurisdictions

4.1.300 Type I Procedure (Ministerial)

A. Application Requirements. See 4.1.700.

B. Administrative Decision Requirements. The Community Development Director or designee's decision shall address all of the approval criteria. Based on the criteria and the facts contained within the record, the Community Development Director or designee shall approve, approve with conditions, or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file by the City.

C. Final Decision. The decision shall be final on the date it is mailed or otherwise provided to the applicant, whichever occurs first. The decision is the final decision of the City. It cannot be appealed to City officials. Appeals are possible to Oregon Land Use Board of Appeals (LUBA).

D. Effective Date. The decision is effective the day after it is final.

4.1.400 Type II Procedure (Administrative)

A. Application requirements. See 4.1.700.

B. Notice of Application for Type II Administrative Decision.

1. Before making a Type II Administrative Decision, the Community Development Director or designee shall mail notice to:

    a. All owners of record of real property within 250 feet (measured from the property line) of the subject site;
    b. All City-recognized neighborhood groups or associations whose boundaries include the site;
    c. Any person who submits a written request to receive a notice; and
    d. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies; ODOT shall be notified when there is a land division abutting a State facility as appropriate, for review of the application.

2. Posted Notice. Before making a Type II Administrative Decision, the Community Development Director or designee shall post the notice on-site 14 calendar days prior to the date of the decision.

3. The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application, before the Type II decision is made. The goal of this notice is to invite people to participate early in the decision-making process.

4. Notice of a pending Type II Administrative Decision shall:

   a. Provide a 14 calendar day period for submitting written comments before a decision is made on the permit; List the relevant approval criteria by name and number of code sections;

   b. State the place, date and time the comments are due, and the person to whom the comments should be addressed;

   c. Include the name and telephone number of a contact person regarding the Administrative Decision;

   d. Identify the specific permits or approvals requested;

   e. Describe the street address or other easily understandable reference to the location of the site;

   f. State that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;

   g. State that all evidence relied upon by the Community Development Director or designee to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;

   h. State that after the comment period closes, the Community Development Director or designee shall issue a Type II Administrative Decision. The decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice;

   i. Contain the following notice: “Notice to mortgagee, lien holder, vendor, or seller: The City of Sisters Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.”

C. Administrative Decision Requirements. The Community Development Director or designee shall make Type II written decisions addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the Community Development Director or designee shall approve, approve with conditions, or deny the requested permit or action. The decision may include a requirement for non-remonstration for future road improvements. At the discretion of the Community Development Director or designee, any Type II application may be forwarded to the Planning Commission for decision.

D. Notice of Decision.

1. Within five days after the Community Development Director or designee signs the decision, a Notice of Decision shall be posted on the property and sent by mail unless stated otherwise to:

a. Any person who submits a written request to receive notice, or provides comments during the application review period;

b. The applicant and all owners or contract purchasers of record of the site which is the subject of the application;

c. Any person who submits a written request to receive notice, or provides comments during the application review period;

d. Any City-recognized neighborhood group or association whose boundaries include the site;

e. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies which were notified or provided comments during the application review period.

f. Planning Commission shall be noticed by email.

2. The Community Development Director or designee shall cause an affidavit of mailing and posting of the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and posted, and shall demonstrate that the notice was mailed to the people and within the time required by law.

3. The Type II Notice of Decision shall contain:

a. A description of the applicant's proposal and the City's decision on the proposal (i.e., may be a summary);

b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area, where applicable;

c. A statement of where the City's decision can be obtained;

d. The date the decision shall become final, unless appealed;

e. A statement that all persons entitled to notice or who are otherwise adversely affected or aggrieved by the decision may appeal the decision;

f. A statement briefly explaining how an appeal can be filed, the deadline for filing an appeal, and where further information can be obtained concerning the appeal process; and

g. A statement that unless appellant (the person who files the appeal) is the applicant, the hearing on the appeal shall be limited to the specific issues identified in the written comments submitted during the comment period. Additional evidence related to the Notice of Appeal may be submitted by any person during the appeal hearing, subject to any rules of procedure adopted by the Planning Commission.

E. Final decision and effective date. A Type II administrative decision is final for purposes of appeal, when it is mailed by the City. A Type II administrative decision is effective on the day after the appeal period expires. If an appeal is filed, the decision is effective when the appeal is decided.

F. Appeal. Appeals shall be processed in accordance with the requirements and procedures provided by 4.1.800.

4.1.500 Type III Procedure (Quasi-Judicial)

A. Application requirements. See 4.1.700.

B. Notice of Hearing.

1. Mailed notice. Notice of a Type III hearing shall be given by the Community Development Director or designee in the following manner:

   a. At least 14 calendar days before the hearing date, notice shall be mailed to:

      1. The applicant and all owners or contract purchasers of record of the property which is the subject of the application;

      2. All property owners of record within 250 feet of the property line of the site;

      3. Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175;

      4. Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;

      5. Any person who submits a written request to receive notice;

      6. For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

   b. The Community Development Director or designee shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was posted on the property and mailed to the persons who must receive notice;

   c. At least 14 calendar days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record;

   d. At least 14 calendar days before the hearing, the applicant shall post notice of the hearing on the property. The applicant shall prepare and

submit an affidavit of posting of the notice which shall be made part of the administrative record.

2. Content of Notice. Notice of appeal of a Type II Administrative decision or a Type III hearing to be mailed, posted and published per Subsection 1 above shall contain the following information:

   a. The nature of the application and the proposed land use or uses which could be authorized for the property;

   b. The applicable criteria and standards from the development code(s) that apply to the application;

   c. The street address or other easily understood geographical reference to the subject property;

   d. The date, time, and location of the public hearing;

   e. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;

   f. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;

   g. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at Sisters City Hall at no cost and that copies shall be provided at a reasonable cost;

   h. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;

   i. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings.

   j. The following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Sisters Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

C. Conduct of the Public Hearing.

1. At the commencement of the hearing, the hearings body shall state to those in attendance that:

   a. The applicable approval criteria and standards that apply to the application or appeal;

b. A statement that testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations which the person testifying believes to apply to the decision;

c. A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue;

d. Before the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a "continuance") per paragraph 2 of this subsection, or by leaving the record open for additional written evidence or testimony per paragraph 3 of this subsection.

2. If the Planning Commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;

3. If the Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Planning Commission shall reopen the record per subsection D of this section;

   a. When the Planning Commission re-opens the record to admit new evidence or testimony, any person may raise new issues which relates to that new evidence or testimony;

   b. An extension of the hearing or record granted pursuant to Section C is subject to the limitations of ORS 227.178 ("120-day rule"), unless the continuance or extension is requested or agreed to by the applicant;

   c. If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence.

4. The record.

a. The record shall contain all testimony and evidence that is submitted to the City and the hearings body and not rejected;

b. The hearings body may take official notice of judicially cognizable facts under the applicable law. If the review authority takes official notice, it must announce its intention and allow persons participating in the hearing to present evidence concerning the noticed facts;

c. The review authority shall retain custody of the record until the City issues a final decision.

5. Participants in a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts (see Section 6 below) as reasonably possible. However, the public has a countervailing right of free access to public officials. Therefore:

a. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing ex parte contacts (as defined in Section 6 below) concerning the application or appeal. He or she shall state whether the contact has impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly;

b. A member of the hearings body shall not participate in any proceeding in which they, or any of the following, has a direct or substantial financial interest: Their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;

c. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;

d. If all members abstain or are disqualified, those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;

e. If a member of the hearings body abstains or is disqualified, the City shall provide a substitute in a timely manner subject to the impartiality rules in Section 6;

f. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.

6. Ex parte communications.

a. Members of the hearings body shall not:

1. Communicate, directly or indirectly, with any applicant, appellant, other party to the proceedings, or representative of a party about any issue involved in a hearing, except upon giving notice, per Section 5 above;

2. Take official notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.

b. No decision or action of the hearings body shall be invalid due to ex parte contacts or bias resulting from ex parte contacts, if the person receiving contact:

1. Places in the record the substance of any written or oral ex parte communications concerning the decision or action; and

2. Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.

c. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;

d. If all members abstain or are disqualified, those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;

e. If a member of the hearings body abstains or is disqualified, the City shall provide a substitute in a timely manner subject to the impartiality rules in Section 6;

f. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section;

g. A communication between City staff and the hearings body is not considered an ex parte contact.

7. Presenting and receiving evidence.

a. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;

b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in Section C;

c. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the hearing and an opportunity is provided to dispute the evidence. In the alternative, a member of the hearings body may visit the property to familiarize him or herself with the site and surrounding area, but not to independently gather evidence. In the second situation, at the beginning of the hearing, he or she shall disclose the circumstances of the site visit and shall allow all participants to ask about the site visit.

D. The Decision Process.

1. Basis for decision. Approval or denial of a Type III application shall be based on standards and criteria in the development code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the City as a whole;

2. Findings and conclusions. Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;

3. Form of decision. The Planning Commission shall issue a final written decision containing the findings and conclusions stated in subsection 2, which either approves, denies, or approves with specific conditions. At the close of the hearing, the Planning Commission shall make its decision including the supportive findings of fact and conclusions of law. The decision of the Planning Commission shall be prepared in the form of a Planning Commission Resolution from the official hearing minutes and record, The Planning Commission may also issue appropriate intermediate rulings when more than one permit or decision is required;

4. Decision-making time limits. A final order for any Type III action shall be filed with the Community Development Director or designee within ten business days after the close of the deliberation.

E. Notice of Decision. Written notice of a Type III decision shall be mailed to the applicant and to all participants of record and emailed to the City Council within five business days after the hearings body decision. Failure of any person to receive mailed or emailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail or email the notice. The decision many include a requirement for non-remonstration for future road improvements.

F. Final Decision and Effective Date. The decision of the hearings body on any Type III application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires. If an

appeal is filed, the decision becomes effective on the day after the appeal is decided by the City Council. The notification and hearings procedures for Type III applications on appeal to the City Council shall be the same as for the initial hearing.

4.1.600 Type IV Procedure (Legislative)

A. Application requirements. See 4.1.700.

B. Notice of Hearing.

1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications, except annexations where only a hearing by the City Council is required.

2. Notification requirements. Notice of public hearings for the request shall be given by the Community Development Director or designee in the following manner:

   a. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
      1. Each owner whose property would be rezoned in order to implement the ordinance (i.e., owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment);
      2. Any affected governmental agency.
      3. Recognized neighborhood groups or associations affected by the ordinance;
      4. Any person who requests notice in writing;
      5. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
      6. Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.

   b. At least 14 calendar days before the scheduled Planning Commission public hearing date, and 14 calendar days before the City Council hearing date, notice shall be published in a newspaper of general circulation in the City.

   c. The Community Development Director or designee shall:
      1. For each mailing of notice, file an affidavit of mailing in the record as provided by Subsection a; and
      2. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b.

d. The Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 35 days before the first public hearing at which public testimony or new evidence will be received.

e. Notifications for annexation shall follow the provisions of this Chapter and ORS 199.

3. Content of notices. The mailed and published notices shall include the following information:
   a. The number and title of the file containing the application, and the address and telephone number of the Community Development Director's office where additional information about the application can be obtained;

   b. A description of the location of the proposal reasonably calculated to give notice of the location of the geographic area;

   c. A description of the proposal in enough detail for people to determine that a change is proposed, and the place where all relevant materials and information may be obtained or reviewed;

   d. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall (See section C below); and

   e. Each mailed notice required by section B shall contain the following statement: "Notice to mortgagee, lien holder, vendor, or seller: The Sisters Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

4. Failure to receive notice. The failure of any person to receive notice shall not invalidate the action, providing:
   a. Personal notice is deemed given where the notice is deposited with the United States Postal Service;

   b. Published notice is deemed given on the date it is published.

C. Hearing Process and Procedure.

1. Unless otherwise provided in the rules of procedure adopted by the City Council:

   a. The presiding officer of the Planning Commission and of the City Council shall have the authority to:

      1. Regulate the course, sequence, and decorum of the hearing;

      2. Direct procedural requirements or similar matters; and

      3. Impose reasonable time limits for oral presentations.

b. No person shall address the Commission or the Council without:

1. Receiving recognition from the presiding officer; and
2. Stating their full name and address.

c. Disruptive conduct such as applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.

2. Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Commission and of the Council, shall conduct the hearing as follows:

a. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the City Council or the final decision of the Council;

b. The Community Development Director's or designee's report and other applicable staff reports shall be presented;

c. The public shall be invited to testify;

d. The public hearing may be continued to allow additional testimony or it may be closed; and

e. The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.

D. Continuation of the Public Hearing. The Planning Commission or the City Council may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.

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

F. Approval Process and Authority.

1. The Planning Commission shall:

   a. After notice and a public hearing, vote on and prepare a recommendation in the form of a Resolution to the City Council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and

   b. Within 14 calendar days of determining a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the Community Development Department.

2. Any member of the Planning Commission who votes in opposition to the Planning Commission's majority recommendation may file a written statement of opposition with the Community Development Department before the Council public hearing on the proposal. The Community Development Director or designee shall send a copy to each Council member and place a copy in the record;

3. If the Planning Commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal, within 60 days of its first public hearing on the proposed change, the Community Development Director or designee shall:

   a. Report the failure together with the proposed change to the City Council; and

   b. Provide notice and put the matter on the City Council's agenda, a public hearing to be held, and a decision to be made by the Council. No further action shall be taken by the Commission.

4. The City Council shall:

   a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;

   b. Consider the recommendation of the Planning Commission; however, it is not bound by the Commission's recommendation; and

c. Act by ordinance, which shall be signed by the Mayor after the Council's adoption of the ordinance.

G. Vote Required for a Legislative Change.

1. A vote by a majority of the qualified voting members of the Planning Commission present is required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.

2. A vote by a majority of the qualified members of the City Council present is required to decide any motion made on the proposal.

H. Notice of Decision. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development, within five business days after the City Council decision is filed with the Community Development Department. The City shall also provide notice to all persons as required by other applicable laws.

I. Final Decision and Effective Date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

J. Record of the Public Hearing.

1. A verbatim record of the proceeding shall be made by stenographic, mechanical, or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record;

2. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;

3. The official record shall include:

a. All materials considered by the hearings body;

b. All materials submitted by the Community Development Director or designee to the hearings body regarding the application;

c. The verbatim record made by the stenographic, mechanical, or electronic means; the minutes of the hearing; and other documents considered;

d. The final ordinance;

e. All correspondence; and

f. A copy of the notices which were given as required by this Chapter.

4.1.700 General Provisions

A. Application Requirements.

1. Include the information requested on the application form;
2. Include electronic copies of all materials submitted (acceptable file types to be determined by the Community Development Director or designee);
3. Include a preliminary title report or equivalent printed within 90 days of the date of the application submittal;
4. Be filed with a minimum of one (1) copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. The Community Development Director or designee may require additional copies to be provided;
5. Be filed with the required fee;
6. Land Divisions. Include an impact study for all land division applications. The impact study shall quantify and assess the effect of the development on public facilities and services. The study shall address, at a minimum the following:

    a. Drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development;
    b. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users.
    c. In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval.

7. Type III. Include an impact study for all Type III applications. The impact study shall quantify/assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval; and,

8. Type IV - A map and/or plan addressing the appropriate criteria and

standards in sufficient detail for review and decision (as applicable);

B. 120-day Rule. The City shall take final action on permit applications which are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete unless superseded by other ORS chapters or provisions. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions - plan and code amendments - under ORS 227.178.)

C. Time Computation. In computing any period of time prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the end of the next day which is not a Saturday or legal holiday.

D. Pre-application Meetings.

1. Participants. A Pre-Application Conference is optional for Type I, II, III and IV applications.

2. The fee charged for pre-application reviews shall be credited towards any additional city application fee charges applied to the proposed subject project. If no additional city permits are sought for the proposed project subject to the pre-application review, the applicant shall not be refunded any portion of the pre-application review fee.

3. At such meeting, the Community Development Director or designee may:
   a. Cite the comprehensive plan policies and map designations applicable to the proposal;
   b. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;
   c. Provide available technical data and assistance which will aid the applicant;
   d. Identify other governmental policies and regulations that relate to the application; and
   e. Reasonably identify other opportunities or constraints concerning the application.
   f. The written comments received are advisory and intended as a guideline to assist developers in preparing land use applications. Comments received for these reviews are not land use decisions, and are subject to change. Comments are based solely on the information submitted and may not apply to subsequent applications.

4. Disclaimer. Failure of the Community Development Director or his/her designee to provide any of the information required by this Section C shall not constitute a waiver of any of the standards, criteria or requirements for the application;

5. Changes in the law. Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application

complies with all applicable laws on the day the application is deemed complete.

E. Applications.

1. Initiation of applications:

   a. Applications for approval under this chapter may be initiated by:

      1. Order of City Council;
      2. Resolution of the Planning Commission;
      3. The Community Development Director or designee;
      4. Recorded owner of property (person(s) whose name is on the most recently recorded deed), or contract purchaser with written permission from the record owner.
      5. Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on their behalf.

2. Consolidation of proceedings. When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.

   a. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the Community Development Director.

   b. When proceedings are consolidated:

      1. The notice shall identify each application to be decided;

      2. The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions; and

      3. Separate findings and decisions shall be made on each application.

3. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:

   a. Acceptance. When an application is received by the City, the Community Development Director or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant;

1. The required form;

2. The required fee;

3. The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.

b. Completeness.

1. Review and notification. After the application is accepted, the Community Development Director or designee shall review the application for completeness. If the application is incomplete, the Community Development Director or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days to submit the missing information;

2. When the application is deemed complete for review. In accordance with the application submittal requirements of this chapter, the application shall be deemed complete upon the receipt by the Community Development Director or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the Community Development Director or designee in (1), above. For the refusal to be valid, the refusal shall be made in writing and received by the Community Development Director or designee. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete.

3. Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first accepted.

4. Coordinated Review. The City shall also submit the application for review and comment to City Engineer; ODOT, and other applicable County, State and federal agencies for review.

4. Changes or additions to the application during the review period. Once an application is deemed complete:

a. All documents and other evidence relied upon by the applicant shall be submitted to the Community Development Department at least seven days before the notice of action or hearing is mailed, if possible. Documents or other evidence submitted after that date shall be received by the Community Development Department, and transmitted to the hearings body, but may be too late to include with the staff report and evaluation;

b. When documents or other evidence are submitted by the applicant during the review period, but after the application is deemed complete, the

assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application;

c. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred as part of the decision. In the alternate, the reviewer may inform the applicant either in writing, or orally at a public hearing, that such changes may constitute a significant change (see “d”, below), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change;

d. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the City shall take one of the following actions:

1. Continue to process the existing application and allow the applicant to submit a new second application with the proposed significant changes. Both the old and the new applications will proceed, but each will be deemed complete on different dates and may therefore be subject to different criteria and standards and different decision dates;
2. Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day rule (Section A, above) on the existing application. If the applicant does not consent, the City shall not select this option
3. Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. The City will complete its decision-making process without considering the new evidence;
4. If a new application is submitted by the applicant, that application shall be subject to a separate check for acceptance and completeness and will be subject to the standards and criteria in effect at the time the new application is accepted.

F. The Community Development Director or designee shall:

1. Prepare application forms based on the criteria and standards in applicable state law, the City’s comprehensive plan, and implementing ordinance provisions;

2. Accept all development applications which comply with Section 4.1.700;

3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report should also provide a recommended decision of: approval; denial; or approval with specific conditions that ensure conformance with the approval criteria;

4. Prepare a notice of the proposal decision:

   a. In the case of an application subject to a Type I or II review process, the Community Development Director or designee shall make the staff report and all case-file materials available at the time that the notice of the decision is issued;

   b. In the case of an application subject to a hearing (Type III or IV process), the Community Development Director or designee shall make the staff report available to the public at least seven days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by Sections 4.1.400.B (Type II), 4.1.500.B (Type III), or 4.1.600.C (Type IV);

5. Administer the hearings process;

6. File notice of the final decision in the City's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law, and in the case of Type II decisions by staff also email the final decision to the Planning Commission on the date the notice is mailed to the Applicant and in the case of Type II and Type III decision by the Planning Commission, email the final decision to the City Council on the date the Decision is mailed to the Applicant;

7. Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and conditions, if any; all correspondence; minutes of any meeting at which the application was considered; and any other exhibit, information or documentation which was considered by the decision-maker(s) on the application; and

8. Administer the appeals and review process.

G. Amended Decision Process.

1. The purpose of an amended decision process is to allow the Community Development Director or designee to correct typographical errors, rectify inadvertent omissions and/or make other minor changes which do not materially alter the decision.

2. The Community Development Director or designee may issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If such a decision is amended, the decision shall be issued within 10 business days after the original decision would have become final, but in no event beyond the 120-day period required by state law. A new 14-calendar day appeal period shall begin on the day the amended decision is issued.

3. Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.

4. Modifications to approved plans or conditions of approval requested by the applicant shall follow the procedures contained in Chapter 4. All other requested changes to decisions that do not qualify as minor or major modifications shall follow the appeal process.

H. Review by Planning Commission and City Council.

1. All Type II Decisions shall be emailed to Planning Commission members on the date the Decision is mailed to the applicant. Three or more members of the Planning Commission may initiate review of a Type II decision.
2. All Decisions (Type II and III) approved by the Planning Commission shall be emailed to City Council members on the date the Decision is mailed to the applicant. Two or more members of the City Council may initiate review of a Type III Decision.
3. The review shall be initiated in writing and delivered to the Community Development Department no later than 5 p.m. on the 14 calendar days following the date of the mailing of the final written decision to the applicant.
4. Review shall be conducted in the same manner provided for in appeals, except that an appeal fee shall not be required.

I. Re-submittal of Application Following Denial. An application which has been denied, or an application which was denied and which on appeal or review has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission or the courts, may not be resubmitted as the same or a substantially similar proposal for the same land for a period of at least 12 months from the date the final City action is made denying the application, unless there is substantial change in the facts or a change in City policy which would change the outcome, as determined by the Community Development Director or designee.

J. Major Modification.

1. An applicant may apply to modify an approval at any time after a period of 60 days has elapsed from the time a development approval has become final.

2. Unless otherwise specified in this Code and is not considered a minor modification, the grounds for filing a modification shall be that a change of circumstances since the issuance of the approval makes it desirable to make changes to the proposal, as approved. A modification shall not be filed as a substitute for an appeal or to apply for a substantially new proposal or one that would have significant additional impacts on surrounding properties.

3. An application to modify an approval shall be directed to one or more discrete aspects of the approval, the modification of which would not amount to approval of a substantially new proposal or one that would have significant additional impacts on surrounding properties. Any proposed modification, as defined in this section, shall be reviewed only under the criteria applicable to that particular aspect of the proposal. Proposals that would modify an approval in a scope

greater than allowable as a modification shall be treated as an application for a new proposal.

4. An application for a modification of a Type I approval shall be processed as a Type I application. An application for a modification of a Type II approval shall be processed as a Type II application. An application for a Type III approval shall be processed as a Type III application. The Communication Development Director shall have the discretion to forward any Type I or Type II modification to the Planning Commission for review.

5. The effect, if any, of a modification upon the original approval time limitation shall be established in the modification decision.

4.1.800 Appeals

A. Purpose
The purpose of this Section is to establish uniform procedures for the appeal of land use and development and policy decisions provided in Chapter 4 of this Code.

B. Appeal Authority
1. Decisions reached by the following review authorities pursuant to Chapter 4 shall be subject to appeal to the authority shown:
   a. Community Development Department/Community Development Director/Planner - Decision may be appealed to the Planning Commission.
   b. Planning Commission - Decision may be appealed to the City Council
   c. City Council - Decision may be appealed to the Land Use Board of Appeals (LUBA).

2. Any request for modification or removal of conditions of approval shall be subject to review by the approving body. The approving body shall grant such request or portions thereof, only upon finding that the application of the condition or conditions would impose an undue or unnecessary hardship on the applicant, and that the condition causing the difficulty was not created by the applicant.

C. Standing to Appeal
To have standing to appeal, persons must participate either orally or in writing at the public hearing.

D. Initiation of Appeal
A decision of a review authority pursuant to Chapter 4 shall be appealed by a party with standing within the time limits prescribed. The filing of a Notice of Appeal shall be accompanied by the fee prescribed by Resolution of the City Council. Except as otherwise required, the notice of appeal and appeal fee must be received by the Community Development Department no later than 5 p.m. on the fourteenth calendar day following mailing of the decision. Notices of Appeals may not be filed by facsimile machine. The Notice of Appeal shall be submitted upon the form provided by the Community Development Department, shall include any such information as listed on the application submittal checklist and shall contain the following:

1. A concise description of the land use decision sought to be reviewed, including the date of decision.

2. A statement of the interest of the appellant seeking review and, that the appellant was a party to the initial proceedings.

3. The grounds relied upon for review.

E. Scope of Review on Appeal
All appeals to the Planning Commission or City Council shall include a de novo evidentiary hearing.

F. Review of the Record
1. When an appeal is scheduled for hearing by the Planning Commission or City Council, the Community Development Department shall prepare and transmit the Record, which shall include:
   a. Findings prepared by the Community Development Department and the Resolution adopted by the Planning Commission.
   b. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.
   c. Minutes of any hearing or meeting during which the matter was discussed.

2. The appeal authority shall make its decision based upon the Record and the testimony received during the hearing.

G. Notice of Appeal Hearing
Notice of the hearing held by an appeal authority shall be of the same type as that required for the original hearing. Notice shall be mailed to the appellant, to all persons originally notified, and to parties to the hearing who may not have been on the original notification list.

H. Appeal Authority Decision
1. Upon review, the appeal authority may by Resolution remand, affirm, reverse, or modify a determination or requirement of the decision that is under review. When the appeal authority renders a decision that reverses or modifies a decision of the hearing body, the appeal authority, in its Resolution, shall set forth its findings and state its reasons for taking the action encompassed in the Resolution. When the appeal authority elects to remand the matter to the hearing body for further consideration, it shall include a statement explaining the errors or omissions found to have materially affected the outcome of the original decision and the action necessary to rectify such.
2. Action by the appeal authority shall be decided by a majority vote of a quorum of the hearing body. The appeal authority shall render its decision no later than thirty (30) days from the date at which review was made. Decision, Findings of Fact and Resolution shall be prepared in accordance with Chapter 4.

4.1.900 Special Procedures

A. Expedited Land Divisions. An Expedited Land Division ("ELD") shall be defined and may be used as in ORS 197.360 which is expressly adopted and incorporated by reference here.

1. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned development instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it;

2. Review procedure. An ELD shall be reviewed in accordance with the procedures in ORS 197.365;

3. Appeal procedure. An appeal of an ELD shall be in accordance with the procedures in ORS 197.375.

4.1.1000 Neighborhood Meetings

A. Neighborhood Meeting Requirement. Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input and exchange information about the proposed development. In some cases, the Community Development Director or designee may require the applicant to meet with adjacent property owners or neighborhood representatives prior to accepting an application as complete.

Chapter 4.2 - Site Plan Review

Sections:

4.2.100 Purpose
4.2.200 Applicability
4.2.300 Application Procedure
4.2.400 Submittal Requirements
4.2.500 Approval Criteria
4.2.600 Modifications
4.2.700 Approval Period, Expiration and Extension
4.2.800 Bonding and Assurances

4.2.100 Purpose

The purpose of Site Plan Review is to ensure that structures, parking areas, walks, refuse containers, landscaping and street improvements are properly related to their sites and to surrounding sites and structures; to protect natural features; and to encourage originality in site design and development in a manner which will enhance the physical appearance and attractiveness of the community.

4.2.200 Applicability

A. Any new development, structure, building, or substantial alteration of an existing structure or use shall require Site Plan Review in accordance with Chapter 4.1 and 4.2 . For the purposes of this Chapter, the term "substantial alteration" shall mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

1. The activity structurally alters the exterior of a structure, building or property by more than 25% of the existing floor area up to an area not to exceed 500 square feet of additional area or both. Construction not requiring public improvements may be exempted from this requirement upon staff determination.
2. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial.
3. The activity involves non-conforming uses as defined in Chapter 5.2

B. Exemptions from site plan review are as follows:

1. Exterior elevation alterations that do not increase the square footage of the existing structures' interior.
2. Interior work which does not alter the exterior of the structure or affect parking standards by increasing floor area.
3. Regular building maintenance including the repair or maintenance of structural members (e.g., roof, siding, paint, awnings, etc.), parking resurfacing.
4. All residential development, except multi-family and group residential.
5. Manufactured homes on individual lots;
6. Child Care Home;
7. Home occupation; or
8. Residential accessory structures and accessory dwelling units.
9. Other Accessory structures 200 square feet or less
10. Landscaping, fences and similar developments/structures

4.2.300 Application Procedure

A. Application Review. Site Plan Review shall be conducted as a Type II procedure using the procedures in Chapter 4.1, and using the approval criteria contained in Section 4.2.500.

B. The Community Development Director shall have discretion to forward any site plan submitted for administrative approval to the Planning Commission for review.

4.2.400 Submittal Requirements

In addition to the submission requirements required in Chapter 4.1, the Community Development Director or designee shall require all of the following existing and proposed information as deemed applicable for Site Plan Review;

A. The scale, north arrow, date of preparation, name and address of project designer, street address and tax lot number;

B. Lot or site dimensions.

C. All existing and proposed buildings and structures: location, square footage and height.

D. Elevations, floor plans with dimensions, building materials, color, and details of all mechanical equipment screening.

E. Setbacks and space between buildings.

F. Walls and fences: location, height and materials.

G. Off-street vehicular and bicycle parking and off-street loading: location, number of spaces and dimensions of vehicular and bicycle parking and loading areas, internal circulation pattern.

H. Access - pedestrian, bicycle, vehicular, service: points of ingress and egress, internal circulation. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;

I. Signs: location, size, height and type of illumination.

J. Lighting in compliance with the Dark Skies Ordinance: location and general nature.

K. Name all adjacent streets, roads or alleys, showing right-of-way and dedication widths, reservation width, easements, utilities and all types of improvements existing or proposed.

L. Landscaping: location, type, and method of irrigation

M. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements, as applicable

N. Refuse enclosures: location, type and material.

O. Location of mail boxes, if known

P. Location and descriptions of any major topographic, natural or man-made features on the site such as rock outcrops, water features, existing vegetation, trees, graded areas, etc.

Q. Preliminary grading plan. A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 1,000 cubic yards or greater. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required.

R. Topographic contour lines at intervals determined by the City

S. Such other data pertaining to site development as may be required by the Community Development Department to make the required findings.

T. Emergency vehicle turning movements and wheel tracking.

4.2.500 Approval Criteria

Prior to issuance of building permits, the Community Development Director or designee shall approve, approve with conditions or disapprove the proposed site plan. In approving the plan, the Community Development Director or designee shall find that all provisions of the Development Code are met. The following criteria shall be considered:

A. Conformance with applicable Design Standards in Chapter 3.

B. Adequacy of public and private facilities.

C. Traffic safety, internal circulation and parking, including pedestrian and bicycle safety;

D. Provision for adequate noise and/or visual buffering from non-compatible uses.

E. Conformance with applicable public works, building and fire code standards~~.~~

F. Conformance with development requirements of the underlying zone.

4.2.600 Modifications

A. Following site plan approval, an applicant may make modifications to the plan consistent with the following procedures. The Community Development Director or designee will determine whether the proposed modification is a minor or a major modification.

1. Minor modifications are those which are in substantial compliance with the layout, uses and conditions of the original plan review. Minor adjustments are those that entail minor changes in dimensions or siting of structures and location of public amenities, but do not entail changes to the intensity or character of the use or changes to the required development standards. The Community Development Director or designee may approve a minor modification upon finding that the modification is substantially consistent with the approved plan review, is consistent

with the provisions of this code and the conditions of approval, and do not have substantially greater impacts on surrounding properties than the original plan. Other modifications are major modifications. See Chapter 4.1

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, are hereby automatically and exceptionally extended to June 30, 2015. Site Plan Review approvals that were approved after January 1, 2015 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.

4.2.800 Bonding and Assurances

A. Performance Bonds for Public Improvements. On all projects where public improvements are required, the City shall require a bond in an amount not greater than 120% or other adequate assurances as a condition of site development approval in order to guarantee the public improvements;

B. Release of Performance Bonds. The bond or assurance shall be released when the Community Development Director, Public Works Director or designee finds the completed project conforms to the site development approval, including all conditions of approval.

C. Completion of Landscape Installation. Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the Community Development Director, designee or a qualified landscape architect is filed with the City Recorder assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.

D. Business License Filing. The applicant shall ensure that all business occupants of the completed project, whether permanent or temporary, shall apply for and receive a City business license prior to initiating business.

Chapter 4.3 - Land Divisions and Lot Line Adjustments

Sections:

4.3.100 Purpose
4.3.200 General Requirements
4.3.300 Infill Development Options
4.3.400 Approval Process
4.3.500 Preliminary Plat Submission Requirements
4.3.600 Approval Criteria for Preliminary Plat
4.3.700 Final Plat Submission Requirements and Approval Criteria
4.3.800 Performance Guarantees
4.3.900 Filing and Recording
4.3.1000 Replatting and Vacation of Plats
4.3.1100 Lot Line Adjustments

4.3.100 Purpose

The purpose of this Chapter is to:

A. Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments;

B. Carry out the City's development pattern, as envisioned by the Comprehensive Plan;

C. Encourage efficient use of land resources, full utilization of urban services, and adequate provisions for motor vehicle, pedestrian and bicycle circulation;

D. Promote the public health, safety and general welfare through orderly and efficient urbanization;

E. Lessen or avoid traffic congestion, and secure safety from fire, flood, pollution and other dangers;

F. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage; and

G. Encourage the conservation of energy resources.

4.3.200 General Requirements

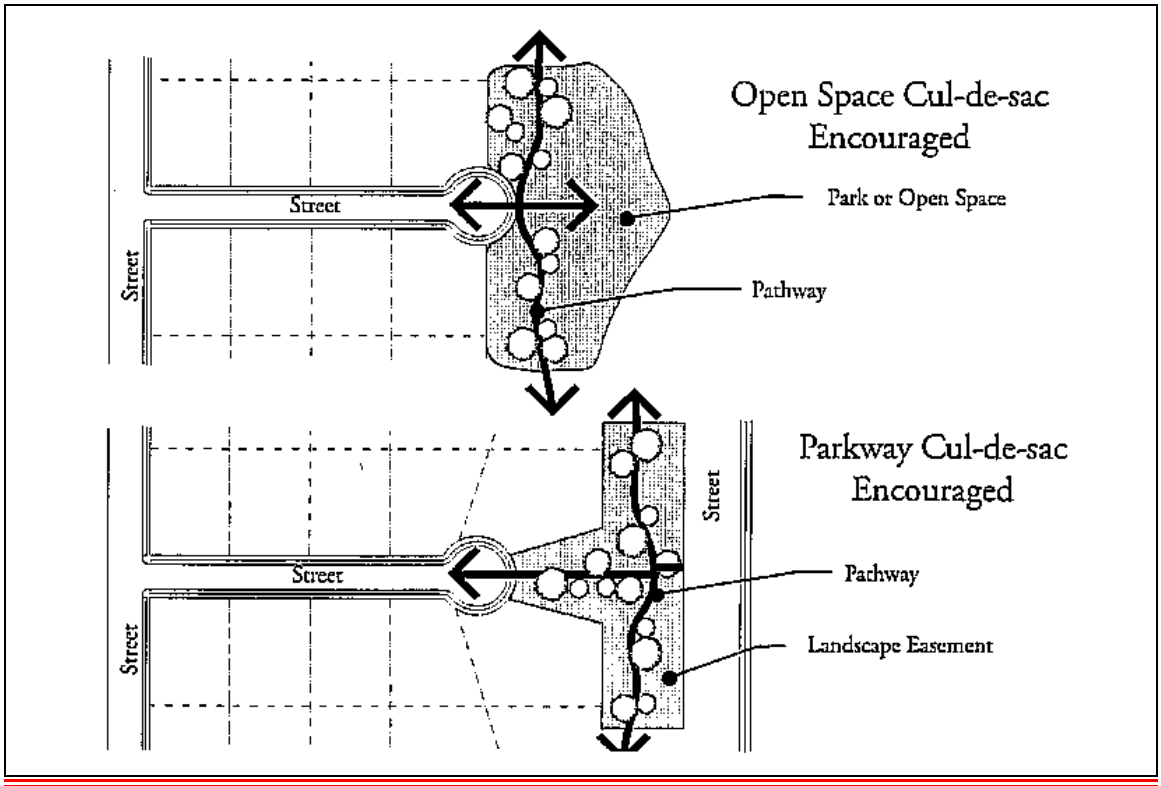
A. Compliance with ORS Chapter 92. All subdivision and partition proposals shall be in conformance with State regulations set forth in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions.

B. Need for Adequate Utilities. All lots created through land division shall be served by public utilities and facilities such as sewer, gas, electrical, and water systems.

C. Floodplain. Where land filling and/or development is allowed within or adjacent to the 100-year flood plain outside the zero-foot rise flood plain, and the Comprehensive Plan designates the subject flood plain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway adjoining or within the flood plain. When practicable, this area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the flood plain in accordance with the City's adopted trails plan or pedestrian and bikeway plans, as applicable. The City shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact to the park and/or trail system, consistent with the Public Works Construction Standards, latest edition.

D. Cul-de-sacs shall be "day-lighted" to provide pedestrian and bicycle access as allowed by neighboring properties as shown below. The Planning Commission, in conjunction with tentative subdivision plat applications, shall approve the design of all day-lighted cul-de-sacs (opening width, fencing, landscaping, hardscape, etc.).

Figure 4.3.200.A - Daylighted Cul-de-sacs



E. Easements for sewers, storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions, prior to any connection to public infrastructure, in conformance to the Public Works Construction Standards, latest edition.

F. Public Improvements Required. Before City approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved in accordance with the City's Public Works Construction Standards, latest edition. Alternatively, the subdivider/partitioner shall provide a performance guarantee, in accordance with Section 4.3.800.

G. Underground Utilities. This standard applies only to proposed subdivisions. All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that above ground equipment does not obstruct vision clearance areas for vehicular traffic (Chapter 3.1);

2. The City reserves the right to approve the location of all surface mounted facilities;

3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and

4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

5. Exception to Under-Grounding Requirement. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands or refusal by utility companies.

H. Dedication Requirements.

1. Where a proposed park, playground or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City shall require the dedication or reservation of this area on the final plat for the subdivision.

2. If determined by the Planning Commission to be in the public interest in accordance with adopted Comprehensive Plan policies and the City of Sisters Park Plan, and where an adopted plan of the City does not indicate proposed public use areas, the City shall require the dedication or reservation of areas within the subdivision of a character, extent and location suitable for the development of parks and other public uses.

3. All required dedications or reservations of public use areas shall conform to Section 4.3.200.K (Conditions of Approval).

I. Acquisition by Public Agency. If the developer is required to reserve land area for a publicly owned park, playground, or other public use, the land shall be acquired by the appropriate public agency within 24 months following final plat approval, at a price agreed upon prior to approval of the plat, or the reservation shall be released to the property owner.

J. System Development Charge Credit. Dedication of land to the City for public use areas shall be eligible as a credit toward any required system development charge for parks.

K. Conditions of Development Approval. No development may occur unless required public facilities are in place or are guaranteed in conformance with the provisions of this Code and the Public Works Construction Standards, latest edition.. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

L. When subdividing or partitioning tracts into large lots (i.e., greater than two times the minimum lot size allowed by the underlying land use district), the lots shall be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code.

M. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the Hearings Body determines that the extension is necessary to give street access to or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to 1-3, below.

1. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.

2. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the sub-divider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.

3. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length and in accordance to Oregon Fire Code.

4.3.300 Infill Development Options Some lots in existing neighborhood may have standard widths but may be unusually deep compared to other lots in the area. Infill candidate areas generally consist of unused space at the back of a lot that may provide room for one or more lots for infill housing. Infill lots may be developed as “flag lots” or “driveway courts” as defined herein.

A. Flag Lots. Flag lots shall comply with the following development standards;

1. To determine if an existing lot is eligible for Flag lot development, the following criteria shall be met:
   a. Minimum lot area: twice that required by the underlying zone.
   b. Minimum lot width: 20 feet wider than the width required by the underlying zone.

2. Development Standards.
   a. The minimum lot frontage for a flag lot shall be 20 feet. A 20-foot wide flag lot driveway pole may serve no more than two (2) parcels or lots (the front parent parcel and the flag lot) and no more than four (4) dwelling units, including accessory dwellings. A shared drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots.
   b. A flag lot driveway shall not exceed 150 feet in length, unless Oregon Fire Code (OFC) standards are met.
   c. The pole shall not be less than 20 feet wide. The pole shall be improved with a minimum 12 foot wide paved driveway.
   d. No fence, structure or other obstacle shall be placed within the shared drive alignment.
   e. Residential lots created as flag lots shall be subject to Floor Area Ratio (FAR) standards. For the purpose of calculating FAR the Flag Pole area of the lot shall not be counted.
   f. Flag lot development shall not be permitted on collector or arterial streets.
   g. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Code.
   h. If the flag portion is adjacent to a street, the dwelling unit shall have its primary entrance oriented to the street. If the flag portion is not adjacent to a street, the structures located on the flag portion are exempt from orientation standards.

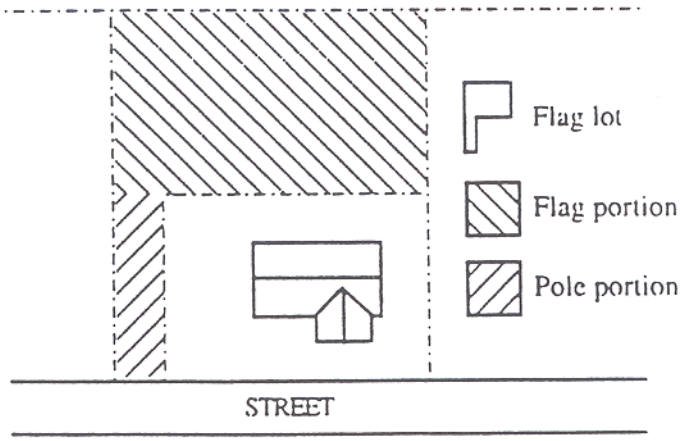
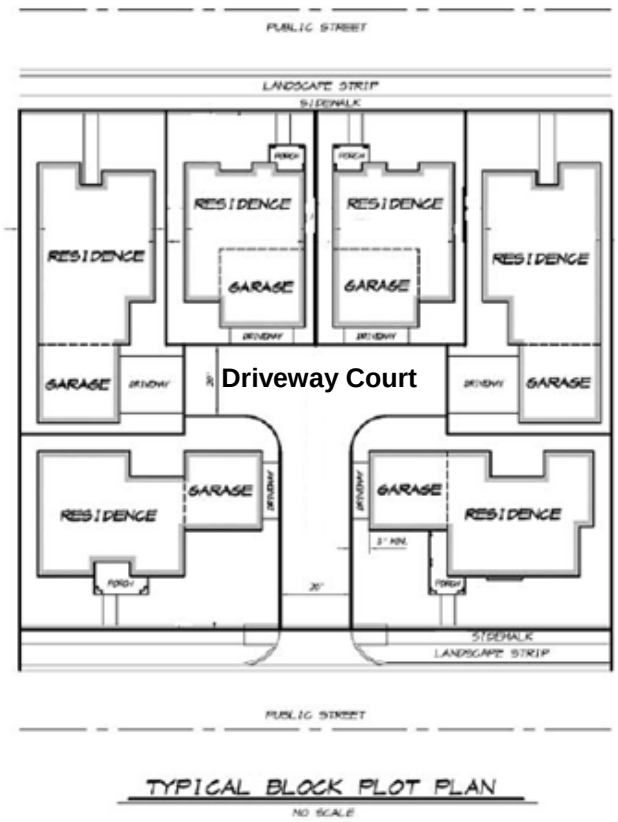


Figure 4.3.400.B – Flag Lot (Typical)

B. Driveway courts. Driveway provide access to public or private streets. Driveway courts are intended to facilitate residential infill and redevelopment of properties when no other development alternative exists. Driveway court development shall comply with the following development standards.

1. Minimum private drive aisle pavement width shall be 20 feet.
2. Pavement width shall be recorded as an easement or a tract and shall include private utility easements as needed and shall be maintained by property owners association or other legal entity.
3. Maximum length of the driveway court shall be 150 feet from the centerline of the intersecting street to the centerline of the driveway court.
4. No parking is allowed within the driveway court. “No Parking” signs shall be required and maintained.
5. A pedestrian pathway shall be provided at the “T” to connect to adjoining development.
6. Design shall be in compliance with the provisions of the Oregon Fire Code.
7. All buildings shall have their primary entrance oriented to a street where feasible.

Figure 4.3.400.D - Driveway Court



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, are hereby automatically and exceptionally extended to June 30, 2015. Subdivision and Partition approvals that were approved after January 1, 2015 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.

H. Modifications

Following partition or subdivision approval, an applicant may make modifications to the plan consistent with the following procedures. The Community Development Director or designee will determine whether the proposed modification is a minor or major modification.

1. Minor modifications are those in keeping with the general layout and pattern of the approved plan and include minor relocations of property lines, streets, walkways and alleys, changes in the site utilities, and changes which do not increase the number of lots. The Community Development Director or designee may approve a minor modification upon finding that the modification is substantially consistent with the approved tentative plan, is consistent with the provisions of this code and the conditions of approval, and does not have substantially greater impacts on surrounding properties than the original tentative plan.

2. Other modifications are major modifications. See Chapter 4.1

4.3.500 Preliminary Plat Submittal Requirements

A. General Submittal Requirements. The following information shall be submitted:

B. Preliminary Plat Information. In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

1. General Information:

   a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in the county in which it is located (please check with County Surveyor);

   b. Date, north arrow, and scale of drawing;

   c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;

   d. Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor if any, and the date of the survey; and

   e. Identification of the drawing as a “preliminary plat”.

2. Site analysis:

   a. Streets: Location, name, present width of all streets, alleys and right-of-way on and abutting the site;

   b. Easements: Width, location and purpose of all existing public and private easements of record on and abutting the site;

c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;

d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor. This requirement may be waived for partitions when grades, on average, are less than 6 percent;

e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;

g. Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection;

h. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;

i. Designated historic and cultural resources on the site and adjacent parcels or lots;

j. The location, size and species of trees having a caliper (diameter) of eight inches or greater measured at four feet above grade in conformance with Chapter 3.2, and, any tree with a historic designation regardless of size;

k. North arrow, scale, name and address of owner;

l. Name and address of project designer, if applicable; and

m. Other information, as deemed appropriate by the Community Development Director or designee. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

n. A Traffic Impact Statement or Study may be required at the discretion of the Community Development Director or designee for any development that will generate less than 200 vehicle trips per day. A Traffic Impact Study shall be required for any development that generates more than 200 vehicle trips per day.

3. Proposed improvements:

   a. Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts which are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;

   b. Easements: location, width and purpose of all easements;

   c. Lots and private tracts (e.g., private open space, common area, or street); approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all lots and tracts;

   d. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use; potential location of future buildings;

   e. Proposed improvements, as required by Chapter 3 (Design Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);

   f. Preliminary location of development showing that future buildings can meet dimensional standards of base zone;

   g. The proposed source and preliminary plans for ~~of~~ domestic water;

   h. The proposed method and preliminary plans of sewage disposal and method and preliminary plans of surface water drainage and treatment, if required;

   a. The approximate location and identity of utilities, including the locations of street lighting fixtures;

   i. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation related to proposed railroad crossing(s);

   j. Changes to navigable streams, or other water courses. Provision or closure of public access to these areas shall be shown on the preliminary plat, as applicable;

   k. Identification of the base flood elevation for development of more than 3 lots may be required at the discretion of the Community Development Director or designee. If required, written evidence of initiation of a Federal Emergency Management Agency (FEMA) flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain. FEMA approval of the amendment may be a condition of city land use approval;

l. Evidence of written notice to the Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the State's jurisdiction; and

m. Evidence of written notice to the applicable natural resource regulatory agency(ies) for any development within or adjacent to jurisdictional wetlands and other sensitive lands.

n. Phase development plan shall include the following;
   1. Overall tentative plan, including phase or unit sequence, and the schedule of initiation of improvements and projected completion date.

   2. Overall facility development phasing plan, including transportation and utility facility plans that specify the traffic pattern plan for motor vehicles, bicycles and pedestrian, water systems plans, sewer system plans and utility plans.

   3. Development and phasing plans for any common elements or facilities.

4.3.600 Approval Criteria for Preliminary Plat

A. General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

1. All relevant provisions of the Comprehensive Plan are met.

2. The proposed preliminary plat complies with all of the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, and the applicable sections of Chapter 2 (Land Use Districts) and Chapter 3 (Design Standards) shall apply;

3. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

4. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat; and

5. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat.

B. Housing Density. The subdivision meets the City's housing density standards of Chapter 2.

C. Conditions of Approval. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties.

4.3.700 Final Plat Submission Requirements and Approval Criteria

A. Submission Requirements. Final plats shall be reviewed and approved by the City prior to recording with Deschutes County. The applicant shall submit the final plat within two years of the approval of the preliminary plat as provided by Section 4.3.400. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the Community Development Director or designee.

B. Approval Criteria. By means of a Type I procedure, the Community Development Director or designee shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:

1. The final plat complies with the approved preliminary plat, and all conditions of approval have been satisfied;

2. All public improvements required by the preliminary plat have been installed and approved by the Community Development Director or designee. Alternatively, the developer has provided a performance guarantee in accordance with Section 4.3.800.

3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;

4. The streets and roads held for private use have been approved by the City as conforming to the preliminary plat;

5. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal, storm drainage and water supply systems;

6. The applicant has provided copies of all recorded homeowners association Code, Covenants, and Restrictions (CC&R;s); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc); and other recorded documents pertaining to common improvements recorded and referenced on the plat);

7. The plat complies with the applicable sections of this Code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);

8. Certification by the City or service district, as applicable, that water and sanitary sewer service is available to each and every lot depicted on the plat;

or bond, contract or other assurance has been provided by the subdivider/partitioner to the City that such services will be installed in accordance with Public Works Construction Standards, latest edition, and the bond requirements of Section 4.3.800. The amount of bond, contract or other assurance by the subdivider/partitioner shall be determined by a registered professional engineer, subject to review and approval by the City;

9. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location.

4.3.800 Performance Guarantees

A. Performance Guarantee Required. When a performance guarantee is required under Section 4.3.200(F), the subdivider/partitioner shall file an assurance of performance with the City supported by one of the following:

1. Cash deposit, or

2. A surety bond executed by a surety company authorized to transact business in the State of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated.

B. Determination of Sum. The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

C. Itemized Improvement Estimate. The developer shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.

D. Agreement. An agreement between the City and developer shall be recorded with the final plat that stipulates all of the following:

1. Specifies the period within which all required improvements and repairs shall be completed;

2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;

3. Stipulates the improvement fees and deposits that are required.

4. Provides for construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

The agreement may be prepared by the City, or in a letter prepared by the applicant. It shall not be valid until it is signed and dated by both the applicant and authorized City representative.

E. When the Subdivider Fails to Perform. In the event the developer fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call in the bond or cash deposit for reimbursement.

F. Termination of Performance Guarantee. The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the City.

4.3.900 Filing and Recording

A. Filing plat with County. Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to Deschutes County for signatures of County officials as required by ORS Chapter 92.

B. Proof of recording. Upon final recording with the County, the applicant shall submit to the City a mylar copy and 3 paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly-created lots.

C. Prerequisites to recording the plat.

1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92.

2. No plat shall be recorded until it is approved by the County Surveyor in the manner provided by ORS Chapter 92.

4.3.1000 Replatting and Vacation of Plats

A. Replatting and Vacations. Any plat or portion thereof may be replatted or vacated upon receiving an application signed by all of the owners as appearing on the deed.

B. Procedure. All applications for a replat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to replat or vacate the plat). The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process. (See Chapter 4.1 – Types of Applications and Review Procedures).

C. Basis for denial. A replat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable criteria.

D. Recording of vacations. All approved plat vacations shall be recorded in accordance with 4.3.900 and the following procedures:

1. Once recorded, a replat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and

2. Vacation shall also divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described on the plat.

E. After sale of lots. When lots have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots within the platted area consent in writing to the plat vacation.

F. Vacation of streets. All street vacations shall comply with the procedures and standards set forth in ORS Chapter 271.

G. Vacation of easements or rights-of-ways. The City may require accessways, paths or trails as a condition of the vacation of any public easement or right-of-way, in order to establish or maintain a safe, convenient, and direct pedestrian and bicycle circulation system.

4.3.1100 Lot Line Adjustments

Lot Line Adjustments include the consolidation of lots, and the modification of lot boundaries which do not result in the creation of new lots (includes consolidation of lots).

The application submission and approval process is as follows:

A. Submission Requirements. All applications for Lot Line Adjustment shall be made on forms provided by the City and shall include information required for a Type I application, as governed by Chapter 4.1.3. The application shall include a preliminary lot line map identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; location of significant vegetation as defined and mapped in Section 3.2.2.B-C; existing fences and walls; and any other information deemed necessary by the Community Development Director or designee for ensuring compliance with City codes.

B. Approval Process

1. Decision-making process. Lot line adjustments shall be reviewed by means of a Type I procedure, as governed by Chapter 4.1.3, using approval criteria contained in subsection C, below.

2. Time limit on approval. The lot line adjustment approval shall be effective for a period of 1 year from the date of approval, during which time it must be recorded.

3. Lapsing of approval. The lot line adjustment approval shall lapse if:

   a. The lot line is not recorded within the time limit in subsection 2.

   b. The lot line adjustment has been improperly recorded with Deschutes County without the satisfactory completion of all conditions attached to the approval; or

   c. The final recording is a departure from the approved plan.

C. Approval Criteria. The Community Development Director or designee shall approve or deny a request for a lot line adjustment in writing based on findings that all of the following criteria are satisfied:

1. No additional parcel or lot is created by the lot line adjustment, however, the number of lots or parcels may be reduced;

2. Lot standards. All lots and parcels comply with the applicable lots standards of the land use district (Chapter 2) including lot area and dimensions;
3. Access. All lots and parcels comply with the standards or requirements of Chapter 3.1 – Access and Circulation;

4. Setbacks. The resulting lots, parcels, tracts, and building locations comply with the standards of the land use district (Chapter 2);

5. Non-conforming. The resulting lots, parcels, tracts, and building locations may not create development which is non-conforming or closer to non-conformance;

6. Exemptions from Dedications and Improvements. A lot line adjustment is not considered a development action for purposes of determining whether right-of-way dedication or improvement is required.

D. Recording Lot Line Adjustments

1. Recording. Upon the City's approval of the proposed lot line adjustment, the applicant shall record the lot line adjustment with Deschutes County within 1 year of approval (or the decision expires), and submit a copy of the recorded survey map to the City, to be filed with the approved application.

2. Time limit. The applicant shall submit a copy of the recorded lot line adjustment survey map to the City within 15 days of recording and prior to the issuance of any building permits on the re-configured lots.

E. Extension. The Community Development Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:

1. No changes are made on the original plan as approved by the City;

2. The applicant can show intent of recording the approved partition or lot line adjustment within the one-year extension period;

3. There have been no changes in the applicable Code or plan provisions on which the approval was based. In the case where the lot line adjustment conflicts with a code change, the extension shall be denied; and

4. The extension request is made before expiration of the original approved plan.

Chapter 4.4 - Conditional Use Permits

Sections:

4.4.100 Purpose
4.4.200 Application Submittal Requirements
4.4.300 Approval Process
4.4.400 Conditional Use Permit Approval Criteria
4.4.500 Conditions of Approval
4.4.600 Transportation System Facilities and Improvements
4.4.700 Approval Period
4.4.800 Revocation
4.4.900 Alterations to an Approved Use Permit

4.4.100 Purpose

The purpose of a Minor Conditional Use Permit and Conditional Use Permit is to review uses that may be permitted in the underlying zoning district but which because of their size, operation, or other characteristics require review on a case-by-case basis. The purpose of review shall be to determine that the characteristics of any such use shall be reasonably compatible with the type of uses permitted in surrounding areas, and for the further purpose of stipulating such conditions as may be reasonable to protect the health, safety, general welfare and well- being of the persons residing or working in the neighborhood or for the general welfare of the City.

4.4.200 Application Submittal Requirements

In addition to the submission requirements required in Chapter 4.1, an application for a Minor Conditional Use Permit or Conditional Use Permit approval shall include the following existing and proposed information (A-K) as deemed applicable by the Community Development Director or designee and in compliance with the Development Code:

A. Existing site conditions;
B. Site plan;
C. Preliminary grading plan;
D. A landscape plan;
E. Floor plans and elevations;
F. Signs: location, size, height and type of illumination;
G. A copy of all restrictions or covenants.
H. Narrative or letter documenting compliance with all applicable approval criteria in Section 4.4.400.
I. Preliminary title report or equivalent up to six months old
J. Pdf's of all drawings.
K. Any additional information deemed necessary by the Community Development Director or designee.

4.4.300 Approval Process

A. Initial Application. An application for a Minor Conditional Use Permit shall be processed as a Type II procedure and a Conditional Use Permit shall be processed as a Type III procedure (Chapter 4.1). The application shall meet submittal requirements in Section 4.4.200 and the approval criteria in Section 4.4.400.

B. Either the Community Development Director or the applicant shall have the right to refer a Minor Conditional Use Permit application directly to the Planning Commission in lieu of the normal process for Minor Conditional Use Permits.

4.4.400 Conditional Use Permit Approval Criteria

Approval Criteria. The Planning Commission (Conditional Use Permit) or Community Development Director or designee (Minor Conditional Use Permit) shall determine whether or not the establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood or the general welfare of the City. The City shall approve, approve with conditions, or deny an application for a Minor Conditional Use Permit or Conditional Use Permit based on the following criteria:

A. That the location, size, design, and operating characteristics of the proposed use will be compatible with and will not have significant adverse effects on the appropriate development and use of abutting properties and the surrounding neighborhood. Consideration shall be given to scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effects, if any, upon desirable neighborhood characteristics and livability; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.
B. The location, design, and site planning of the proposed use will provide a convenient, attractive and functional living, working, shopping or civic environment.
C. The proposed use is in conformance with this Development Code.
D. The criteria for Site Design Review approval (4.2.500) shall be met.

4.4.500 Conditions of Approval

The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

A. Limiting the hours, days, place and/or manner of operation;
B. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
C. Requiring larger setback areas, lot area, and/or lot depth or width;
D. Limiting the building height, size or lot coverage, and/or location on the site;
E. Designating the size, number, location and/or design of vehicle access points or parking areas;
F. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;

G. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
H. Limiting the number, size, location, height and/or lighting of signs;
I. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
J. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
K. Requiring and designating the size, height, location and/or materials for fences;
L. Encouraging the protection and preservation of natural features including existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;
M. Requiring the protection and preservation of designated Historic trees and natural features;
N. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted Transportation System Plan, where applicable. Dedication of land and construction shall conform to the provisions of Chapter 3.1.
O. Such other conditions as will make possible orderly and efficient development in conformance to the Sisters Comprehensive Plan and this Development Code.

4.4.600 Transportation System Facilities and Improvements

Construction, reconstruction, or widening of highways, roads, bridges or other transportation facilities that are not (1) improvements designated in the city's adopted Transportation System Plan or not (2) designed and constructed as part of an approved subdivision or partition, are allowed in all Districts subject to a Conditional Use Permit and the following criteria.

A. The project and its design are consistent with the city's adopted Transportation System Plan (TSP).

B. The project design is compatible with abutting land uses in regard to noise generation and public safety and is consistent with the applicable zoning and development standards and criteria for the abutting properties.

C. The project design minimizes environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities, and a site with fewer environmental impacts is not reasonably available. The applicant shall document all efforts to obtain a site with fewer environmental impacts, and the reasons alternative sites were not chosen.

D. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

E. The project includes provisions for bicycle and pedestrian access and circulation consistent with the Comprehensive Plan, the requirements of this ordinance, and the city's adopted Transportation System Plan.

F. For State transportation facility projects, the State Department of Transportation (ODOT) shall be given the opportunity to provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in sections B-E above.

G. Where applicable an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.

H. If the City determines that the proposed use or activity or its design is inconsistent with the city's adopted Transportation System Plan, then the applicant shall obtain a plan and/or zoning amendment prior to or in conjunction with Conditional Use Permit approval. The applicant's options are as follows:

1. If the City determination is made prior to a final decision on the conditional use permit application, permanently withdraw the conditional permit application, or
2. If the City determination is made prior to a final decision on the conditional use permit application, withdraw the conditional permit application, apply for a plan/zone amendment, and re-apply for a conditional use permit if and when the amendment is approved, or
3. If the City determination is made prior to a final decision on the conditional use permit application, submit a plan/zoning amendment application for joint review and decision with the conditional use permit application, along with a written waiver of the ORS 227.178 120-day period within which to complete all local reviews and appeals once the application is deemed complete, or
4. If the City determination is part of a final decision on the conditional use permit application, submit a new conditional use permit application, along with a plan/zoning amendment application for joint review and decision.

I. A Conditional Use Permit for Transportation System Facilities shall be void after three (3) years of the original date of decision if no construction has begun within that time period.

4.4.700 Approval Period

A. Not including Section 4.4.500 Transportation System Facilities and Improvements, within one (1) year following the approval date of a Minor Conditional Use Permit or Conditional Use Permit, substantial construction on the development shall be completed or underway, or if a use, the use shall have commenced operation. If a request for an extension is filed with the planning department within one (1) year from the approval date, the approving authority (Community Development Director or Planning Commission), may, upon written request by the applicant, grant a single extension of the expiration date for a period not to exceed one (1) year from the expiration date. An extension shall be based on findings that the facts upon which the Minor Conditional Use Permit or Conditional Use Permit was first approved have not changed to an extent sufficient to warrant refiling of the use permit.

B. Any Minor Conditional Use Permit or Conditional Use Permit granted pursuant to this code is transferable to subsequent owners or contract purchasers of the property unless otherwise provided at the time of granting such permit.

C. Expiration. The Minor Conditional Use Permit or Conditional Use Permit shall expire when the use has been discontinued for a period of twelve (12) consecutive months.

4.4.800 Revocation

If at any time any development code standards or conditions attached to a Minor Conditional Use Permit or Conditional Use Permit approval have been violated, the Community Development Director may initiate revocation through a public hearing before the Planning Commission. Revocation of a Minor Conditional Use Permit or Conditional Use Permit shall require the use to cease and desist immediately if approved by the Planning Commission. If revocation occurs, a new use permit approval shall be required prior to resuming the use.

The revocation process is subject to appeal in the manner used for the appeal of a Type II decision, including fees, notices and time-frames.

4.4.900 Alterations to an Approved Use Permit. Any change in a valid Minor Conditional Use Permit or Conditional Use Permit be considered and processed as a new Minor Conditional Use Permit or Conditional Use Permit application.

Chapter 4.5 – Master Planned Developments

Sections:

4.5.100 Purpose
4.5.200 Applicability and Uses
4.5.300 Review and Approvals Process
4.5.400 Property Development Standards
4.5.500 Master Plan Submittal Requirements
4.5.600 Comprehensive Sign Plan
4.5.700 Master Plan Approval Criteria
4.5.800 Approval Durations, Extensions, and Amendments

4.5.100 Purpose

The purpose of this Section is to encourage creativity, flexibility and open space in the planning of Residential, Commercial, Industrial and Mixed Use Developments.

4.5.200 Applicability and Uses

A. Applicability. The Master Planned development designation may be combined with any of the City's land use districts. An applicant may develop a project as a Master Planned Development. A Master Planned development shall be used for any property or combination of contiguous properties of ten (10) acres or larger in the Residential District and of five (5) acres or larger in the Residential Multi-Family, Industrial or the Commercial Districts, and for all Major Retail Developments.

B. Uses.
   1. Master Planned development (MP) in the Residential (R) and Multi-Family Residential (MFR) Districts shall include uses in accordance with the underlying zoning districts. Master Plans are encouraged to have a mix of residential uses.

   2. MP in other Districts shall have a mix of appropriate uses in accordance with the underlying zoning district.

   3. Use(s) not permitted in the underlying zone may be permitted and approved to occupy up to 20% of the gross area of the MP. Said use(s) shall be considered to be a conditional use and may be approved subject to compliance with the conditional use permit criteria in Chapter 4.4.

C. Accessory Uses. Accessory uses such as laundry rooms, recreational vehicle storage areas, storage and maintenance facilities and similar uses may be permitted. All accessory buildings/uses shall be approved per the Master Plan,

4.5.300 Review and Approvals Process

A. Submittal requirements as required by Site Plan Review, Chapter 4.2, may be processed as part of the Master Plan Approval. When the submittal requirements including elevations and floor plans are not included as part of the Master Plan application, then subsequent Site Plan Review applications and approvals shall be required as a condition of approval of the Master Plan. All Site Plan Review applications shall be submitted prior to the expiration of the Master Plan approval.

B. The Master Planned development and all other concurrent applications shall be reviewed using the Type III procedure in Chapter 4.1, the submittal requirements in Section 4.5.500, and the approval criteria in Section 4.5.700.

C. As a condition of approval, the applicant shall record a deed restriction on the subject property and all future lots and parcels created, noting inclusion in the approved Master Planned Development.

D. Land Use District map designation. After the Master Plan has been approved, the Land Use District Map shall be amended to indicate the approved Master Planned Development (MPD) designation for the subject development site.

4.5.400 Property Development Standards

A. If the continuous horizontal distance (i.e., as measured from end-wall to end-wall) of an individual multi-family building shall incorporate five of the following features on all elevations;
   1. Upper story setbacks, provided one or more of the upper stories are set back from the face of the building at least six feet.
   2. Dormers
   3. Gables
   4. Recessed entries
   5. Covered porch entries
   6. Cupolas or towers
   7. Pillars or posts
   8. Eaves (min. 12-inch projection)
   9. Window trim (minimum 4-inches wide)
   10. Bay or oriel windows
   11. Balconies
   12. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
   13. Decorative cornices and roof lines (e.g., for flat roofs)
   14. An alternative feature providing visual relief, similar to options 1-13.

B. Development standards, except for density, landscape and open space, may be modified by up to 20 percent of the required standard of the underlying Zone District. Dimensional standards include lot area, lot width, setbacks, lot coverage, lot depth, and access spacing on local streets. These development standards may be modified upon a finding by the Planning Commission that such modification will not be detrimental to the general welfare,

health or safety of the City of Sisters and will enhance the visual characteristics of the neighborhood.

C. Except for residential uses, parking space requirements may be modified up to 20 percent of the required standard upon a finding by the Planning Commission that such modification will not be detrimental to the general welfare, health or safety of the City of Sisters and will enhance the visual characteristics of the neighborhood. All other vehicle and bicycle parking standards shall be per City Standards and shall be provided for in the submitted plan.

D. Public and private streets and alleys shall comply with the Public Works Construction Standards, latest edition. See also Access and Circulation, Chapter 3.1.

E. Landscaping. A landscaping plan in accordance to Chapter 3.2 showing all fences, walls, hedges, screen plantings and trees shall be provided for in the submitted plan.

F. Laundry Facilities. All dwelling units shall be provided with internal laundry facilities or an accessory laundry building shall be provided on site.

G. Garbage and recycling collection areas. All exterior garbage cans, garbage collection areas, and recycling collection areas shall be oriented away from the street and adjacent properties. Trash enclosures shall be constructed of solid, durable and attractive walls/fences, a minimum of six (6) feet in height, with solid doors, and shall be visually consistent with project architecture. Trash receptacles for pedestrian use are exempt. Trash enclosures shall be compliant with all applicable fire codes.

H. Open Space. The net acreage of the development site shall be used to calculate the minimum required open space of 15%. Net acres shall be determined by subtracting land dedicated to the public for rights-of- way or private streets and alleys.

Usable open spaces may be provided in the form of natural areas, tree preservation areas, playgrounds, active or passive recreational areas, and similar areas. Portions of the right-of-ways that include tree preservation or parkway strips 10-feet or greater may also be counted as open space. Usable open space area shall not include: drainage swales with slopes steeper than a 3:1 slope, right-of-ways for public or private streets and alleys, parkway strips less than 10-feet, vehicle parking areas, areas adjacent to or between any structures less than ten (10) feet apart, setbacks, patios and private yards.

Open space area calculations and dimensions shall be provided for in the plan submitted. Open space must be readily accessible to all lots and uses within the Master Plan development, and be generally accessible to the public (using a public access easement). Access to private recreational buildings can be restricted to residents within the Master Plan development.

Open space shall be designated as a common area on the Master Plan and on all plats, as applicable. Open space may be dedicated to the public, if approved by a public agency with responsibility for open space, recreation, or park facilities. If the open space is privately owned, it shall be maintained by a homeowners association, property owner, or other legal entity.

I. Amenities. All residential planned developments shall provide recreational amenities which may include: a swimming pool, spa, clubhouse, tot-lot with play equipment, picnic area, gazebo, barbecue area, day care facilities, and court-game facilities. The minimum number of amenities required shall be according to the following schedule.

1 to 11 units	1 amenity
12 to 40 units	2 amenities
41 to 100 units	3 amenities
More than 100 units	4 amenities

J. Public Improvements Needed for Development. Development shall not occur unless the public improvements serving the development comply with the Public Works Construction Standards, latest edition,

K. Conditions of Development Approval. No development may occur unless required public facilities are in place or are guaranteed in conformance with the provisions of this Code and the Public Works Construction Standards, latest edition. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

L. Mixed-use Development Requirement

1. The Master Plan process may be used to transfer ground-floor commercial and residential uses between parcels in the same development, which may result in stand-alone residential structures or ground-floor residential uses fronting the street, provided that a minimum of 50 percent of the ground floor shall be commercial uses.
2. Mixed use developments may be mixed “vertically” — meaning that a residential use is developed above the commercial use or may be mixed “horizontally”— meaning commercial and residential uses both occupy ground floor space, provided that a minimum of 50 percent of the ground floor shall be commercial uses .
3. Mixed use developments may be modified as allowed by Section a and b upon a finding by the Planning Commission that such modification will not be detrimental to the general welfare, health or safety of the City of Sisters and will enhance the visual characteristics of the neighborhood.
4. Mixed use developments may be modified as allowed by Section a and b upon a finding by the Planning Commission that such modification will create an attractive mixed-use environment through the use and inter-relationship of open spaces, building locations, building scale, and design, and pedestrian amenities

M. Gated communities may be permitted upon a finding by the Planning Commission that such modification will not be detrimental to the general welfare, health and safety of the City of Sisters and will enhance the visual characteristics of the neighborhood.

N. Front lot lines do not need to abut a street.

4.5.500 Master Plan Submittal Requirements

A. 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, unless reviewed during subsequent Site Plan Review applications.

14. Sign Plan if applicable

15. Tentative Plat if applicable
16. Development Schedule

17. Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).
18. 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.

4.5.600 Comprehensive Sign Plan

A. Comprehensive Sign Plan is intended to integrate the signs proposed for a development project with the design of the structures, into a unified architectural statement. A Comprehensive Sign Plan provides a means for defining common sign regulations for multi-tenant projects, to encourage maximum incentives in the design and display of multiple signs and to achieve, not circumvent the intent of this Ordinance.

1. Applicability. A Comprehensive Sign plan shall be required for all Master Plans. Signs shall comply with the provisions of this ordinance and Chapter 3.4 Signs.

2. Approval Authority. The City shall approve a Comprehensive Sign Plan as part of the Master Plan approval.

3. Application Requirements. The Comprehensive Sign plan shall include all information and materials required as follows:

   a. Location: identification of sign locations on the buildings and on the property.

   b. Materials: description of the type of sign and sign materials including construction materials and proposed lighting if any.

   c. Size: itemization of sign size or sign band area at identified locations.

   d. The Comprehensive Sign plan shall accommodate future revisions that may be required because of changes in use or tenants; and

   e. Signs located in the Commercial Districts shall comply with the 1880's Western Design Theme.

4. Revisions to Comprehensive Sign Plans. The Community Development Department may approve revisions to a Comprehensive Sign plan if the intent of the original approval is not affected.

4.5.700 Master Plan Approval Criteria

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

A. Comprehensive Plan. All relevant provisions of the Comprehensive Plan are met;

B. Land Division Chapter. All of the requirements for land divisions, as applicable, shall be met (Chapter 4.3);

C. 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 4.5.400.

D. Property Development Standards. Land use and design standards contained in Section 4.5.400 are met.

E. Architectural Features. The Master Plan 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. Master Plans in the Commercial Districts shall comply with the 1880's Western Frontier Design Theme;

F. Compliance with Purpose of Master Planned Development Chapter. The Master Plan substantially meets the purpose of Section 4.5.100; and

G. Comprehensive Sign Plan. The Master Plan is in compliance with Section 4.5.600, Comprehensive Sign Plan.

H. Conformance with applicable public works, building and fire code standards.

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, are hereby automatically and exceptionally extended to June 30, 2015. Master Plan approvals that were approved after

January 1, 2015 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.

D. Modifications to Master Plan.

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 4.5.400.B 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 Master Plan.

Chapter 4.6, Cottage 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.
5. Does not apply to infill development of parcels without an approved master plan.

B. **Applicability and Permitted Uses.**

1. Cottage Developments are permitted in the R-Residential, 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 allowed as part of a master planned development.
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 within approved Master Planned Developments shall be at least ½ (one half) acre 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.

3. Density of the underlying zoning district with a cottage development may be increased by 25% in the R - District only.

4. Community buildings and all common areas within a cottage development shall be mutually owned by the Home Owner's Association or other legal mechanism and shall be for the use of the development's inhabitants. Alternative forms of maintaining common areas may be proposed and approved by the governing body on a case by case basis.

5. Alley access is preferred where an alley is available. Alternate forms of access may be approved as part of the Master Plan.

6. 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 total floor area of each cottage shall not exceed 1,250 square feet and not to exceed 60% lot coverage.

   c. The second level floor area shall not exceed 50% of the first floor area. For the purposes of this calculation, the area of interior stairway may be allocated between floors served.

   d. The maximum height of any cottage shall be defined by the underlying zoning district.

   e. 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.

f. 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. 10' minimum to all streets.

2. **Community Building (if proposed).**

a. 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. Garages having direct access to the street shall be approved at the discretion of the governing body if it is the only practical access solution to a particular site.

b. Garages or covered parking spaces may be attached, detached, or clustered together.

c. Garages when accessed from a public alley shall be setback a minimum of 10 feet if front loaded or 3 feet if side loaded.

d. Garages or covered parking spaces are counted towards meeting the parking requirements.

4. **Private Alleys.**

a. All alleys shall be constructed to current City standards.

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. One on-site parking spaces shall be required per studio or one bedroom cottage; One and one-half parking spaces for a two bedroom cottage and two on-site parking spaces shall be required for three or more bedroom cottages.

b. Permissible parking spaces include a garage (20' x 10' minimum), covered parking space or parking stall (18' x 9' minimum) or garage driveway (20' x 8' minimum).

c. Parking, including garages, shall not be located 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.

e. Garage driveways that are at least 20' long by 10' wide may count as parking. On street parking directly adjacent to the development may be considered in fulfilling parking calculations, at the discretion of the governing bodies.

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. 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.

c. Variety in Building Design. Design standards shall comply with the requirements of the underlying zone.

d. Rear elevations are allowed to face a public street as long as the design detailing is consistent with front or side elevations.

7. **Screening Requirements.**

a. Parking areas shall be screened from public 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. Shall provide a centrally located, focal area for the Cottage Development.

ii. Shall total a minimum of 500 square feet per cottage when all shared open space areas are combined.

iii. 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, for the exclusive use of the cottage resident.

9. **Landscaping**.

   a. Shall be provided in accordance with Chapter 3.2 Landscaping.

10. **Pathways**.

    a. Pathways shall be ADA compliant and a minimum four foot-wide paved pedestrian pathway (sidewalks).

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 how the proposal integrates itself into the existing community or existing master plan as appropriate;
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.
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 two (2) 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.

Chapter 4.7 - Land Use District Map and Text Amendments

Sections:

4.7.100 Purpose
4.7.200 Legislative Amendments
4.7.300 Quasi-Judicial Amendments
4.7.400 Conditions of Approval
4.7.500 Record of Amendments
4.7.600 Transportation Planning Rule Compliance

4.7.100 Purpose

The purpose of this Chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the Land Use District map. These amendments will be referred to as "map and text amendments." Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

4.7.200 Legislative Amendments

Legislative amendments are policy decisions made by City Council. They are reviewed using the Type IV procedure in Chapter 4.1, Section 600 and shall conform to Section 4.7.600, as applicable.

4.7.300 Quasi-Judicial Amendment

A. Quasi-Judicial Amendments. Quasi-judicial amendments involve the application of adopted policy to a specific development application or Code revision. Quasi-judicial map amendments shall follow the Type III procedure as governed by Chapter 4.1.500, using standards of approval in Subsection "B" below. The approval authority shall be as follows:

1. The Planning Commission shall review and recommend Land Use District map changes which do not involve comprehensive plan map amendments;

2. The Planning Commission shall make a recommendation to the City Council on an application for a comprehensive plan map amendment. The City Council shall decide such applications; and,

3. The Planning Commission shall make a recommendation to the City Council on a land use district change application that also involves a comprehensive plan map amendment application. The City Council shall decide both applications.

B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Approval of the request is consistent with the Statewide Planning Goals;

2. Approval of the request is consistent with the Comprehensive Plan;

3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property. The applicant shall update the City of Sisters Master Plans for Water, Sewer, Parks and Transportation Systems subject to City Council approval, to reflect impacts of the rezoning on those facilities and long-range plans. The applicant must demonstrate that the property and affected area shall be served with adequate public facilities, services and transportation networks to support 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; and,

4. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and the provisions of Section 4.7.600, as is determined to be applicable by the city of Sisters.

4.7.400 Conditions of Approval

A quasi-judicial decision may be for denial, approval, or approval with conditions. A legislative decision may be approved or denied.

4.7.500 Record of Amendments

The Community Development Department shall maintain a record of amendments to the text of this Code and the Land Use Districts map in a format convenient for public use.

4.7.600 Transportation Planning Rule Compliance

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

   1. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal is projected to cause future traffic to exceed the capacity of "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Transportation System Plan; or

   2. Change the standards implementing a functional classification system; or

   3. Allow types or levels of land use that would result in levels of travel or access what are inconsistent with the functional classification of a transportation facility; or

4. The effect of the proposal would reduce the performance standards of a public utility or facility below the minimum acceptable level identified in the Transportation System Plan.

B. Amendments to the Comprehensive Plan and land use standards which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

1. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or

2. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,

3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.

Chapter 4.8 - Code Interpretations

Sections:

4.8.100 Purpose
4.8.200 Code Interpretation Procedure

4.8.100 Purpose

Some terms or phrases within this Code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text.

4.8.200 Code Interpretation Procedure

A. Requests. A request for a code interpretation ("interpretation") shall be made in writing to the Community Development Director or designee. The Community Development Director may develop written guidelines for the application process.

B. Decision to Issue Interpretation. The Community Development Director or designee shall have the authority to review a request for an interpretation. The Community Development Director or designee shall advise the requester in writing within 14 days after the request is made, on whether or not the City will issue the requested interpretation.

C. Declining Requests for Interpretations. The Community Development Department staff is authorized to issue or decline to issue a requested interpretation. Basis for declining may include, but is not limited to, a finding that the subject Code section affords only one reasonable interpretation and the interpretation does not support the request. The Community Development Department staff decision to issue or decline to issue an interpretation is final when the decision is mailed to the party requesting the interpretation and the decision is not subject to any further local appeal.

D. Written Interpretation. If the Community Development Department staff decides to issue an interpretation, it shall be issued in writing and shall be mailed or delivered to the person requesting the interpretation and any other person who specifically requested a copy of the interpretation. The written interpretation shall be issued within 14 days after the City advises the requester that an interpretation shall be issued. The decision shall become effective 14 days later, unless an appeal is filed in accordance with E-G below.

E. Appeals. The applicant and any party who received such notice or who participated in the proceedings through the submission of written or verbal evidence of an interpretation may appeal the interpretation to the City Council within 14 days after the interpretation was mailed or delivered to the applicant. The appeal may be initiated by filing a notice of appeal with the Community Development Department pursuant to Chapter 4.1.400.F.

F. Appeal Procedure. City Council shall hear all appeals of a Community Development Department staff interpretation as a Type III action pursuant to Chapter 4.1.500, except that written notice of the hearing shall be provided to the applicant, any other party who has filed a notice of appeal, and any other person who requested notice.

G. Final Decision/Effective Date. The decision of the City Council on an appeal of an interpretation shall be final and effective when it is mailed to the applicant. If an appeal of the City Council's decision is filed, the decision remains effective unless or until it is modified by the Land Use Board of Appeals or a court of competent jurisdiction.

H. Interpretations On File. The City shall keep on file a record of all code interpretations.

Chapter 5.0 - Exceptions to Code Standards

Chapters:

5.0 Introduction
5.1 Variances
5.2 Non-Conforming Uses and Developments

Sections:

5.0.100 Introduction

5.0.100 Introduction

This Chapter provides standards and procedures for variances and non-conforming situations (i.e., existing uses or development that do not comply with the Code). This code cannot provide standards to fit every potential development situation. The City's varied geography, and complexities of land development, require flexibility. Chapter 5 provides that flexibility, while maintaining the purposes and intent of the Code. The variance procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with all other codes. The standards for non-conforming uses and development are intended to provide some relief from code requirements for older developments that do not comply.

Chapter 5.1 - Variances

Sections:

5.1.100 Purpose
5.1.200 Exceptions
5.1.300 Minor Variance
5.1.400 Major Variance
5.1.500 Approval Criteria
5.1.600 Approval Period, Extensions and Appeals
5.1.700 Amendment to a Variance
5.1.800 Mapping

5.1.100 Purpose

Hardships may result from the size, shape, or dimensions of a site or location of existing features thereon, geographic or topographic or other physical conditions on the site or in the immediate vicinity. The Planning Director or designee, through an administrative review or the Planning Commission through a Public Hearing process may grant a variance to overcome these hardships.

5.1.200 Exceptions

A. The following regulations of the Development Code shall not be varied:

1. The uses permitted in the land use district.
2. Definitions.
3. The minimum and maximum residential development density allowed in a land use district.
4. Uses or developments that are "prohibited" by this code.

B. A variance shall not be granted when special circumstances upon which the applicant relies are a result of the actions of the applicant or owner or previous owner (s), including but not limited to:

1. Self-created hardships.
2. Willful or accidental violations.
3. Manufactured hardships.

5.1.300 Minor Variance

The following types of minor variances shall be processed using a Type II procedure, as governed by Chapter 4.1. and using the approval criteria in Section 5.1.500. Minor Variances are limited to lot setbacks, landscaping, tree preservation or sign standards, including up to a 10 percent change to the setback standard required in the base land use district, up to 10 percent reduction in landscape area, or up to a 20 percent difference in sign size.

5.1.400 Major Variance

Major Variances involve discretionary decision-making and apply to all Variances that are not Minor Variances. A Major Variance shall be processed using a Type III procedure, as governed by Chapter 4.1, using the approval criteria in Section 5.1.500, herein. In addition to the application requirements contained in Chapter 4.1.500, the applicant shall

provide a written narrative or letter describing his/her reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria in Section 5.1.500.

5.1.500 Approval Criteria

A. The Community Development Director or designee, through an administrative review (Type II) or the Planning Commission through a Public Hearing (Type III) shall approve, approve with conditions, or deny an application for a variance based on finding that all of the following criteria are satisfied:

1. That any Variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated; and
2. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, preservation of significant trees, the strict application of the zoning law is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;
3. That the granting of the variance will not be contrary to the intent of this Chapter or to the public safety, health and welfare, or quality of natural resources or injurious to other properties in the vicinity; and,
4. The variance requested is the minimum variance which would alleviate the hardship.

5.1.600 Approval Period, Extensions and Appeals

A. **Approval Period.** Unless otherwise specified at the time of approval, a variance approval shall be valid for one (1) year.

B. **Extension.** A variance approval may be extended for good cause at the discretion of the approving authority responsible for the original decision. The applicant shall submit the request for extension in writing to the Community Development Department prior to expiration of the initial variance provided that no changes are made to the original approval.

C. **Appeals.** Appeals to variance decisions shall be processed in accordance with the provisions of Chapter 4.1.

D. **Revocation for Noncompliance.** Any variance may be revoked by the Planning Commission for noncompliance with conditions set forth in the original approval, after first holding a public hearing and giving written notice of such hearing to the grantee. The recipient of the revoked permit may appeal the revocation decision in the manner prescribed within the Type III appeals, section 4.1.

5.1.700 Amendment to a Variance

A variance may be amended, extended, varied or altered only pursuant to the standards and procedures for the original approval of a variance. An application for the same variance on the same site may not be considered within twelve months of the date of final action on the prior application.

5.1.800 Mapping

Within thirty (30) days after the entry of the variance order, the permit application file number shall be indicated on the officially adopted zoning map on the lot or lots affected by such variance permit.

Chapter 5.2 - Non-Conforming Uses and Structures

Sections:

5.2.100 Purpose
5.2.200 Non-Conforming Use
5.2.300 Non-Conforming Structure
5.2.400 Restoration - Damaged Buildings
5.2.500 Off-Street Parking and Non-conforming Structures
5.2.600 Expansion or Change to Permitted Use

5.2.100 Purpose

The purpose of this chapter is to allow nonconformities to continue, but to ultimately bring all uses, buildings, and structures into conformance with this Development Code and the Comprehensive Plan.

5.2.200 Nonconforming Use

A use that was legally allowed when established, but which is no longer permitted in the zone in which it is located, may continue so long as it complies with all of the following requirements:

A. Expansion. A nonconforming use shall not be expanded or moved to occupy a different or greater area of land, building, or structures than the use occupied at the time it became nonconforming.

B. A nonconforming use may be replaced with another use even though the building or site does not meet the standards of this Code. However, such substitution is to occur only when the new use is designated as permitted or conditionally permitted for the zone in which the property is located.

C. Discontinuance. If a nonconforming use is discontinued for any reason for more than twelve (12) consecutive months, any subsequent use shall conform to all of the regulations of the subject zone. For purposes of calculating the twelve (12) month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:
   1. On the date when the use of land is physically vacated;
   2. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
   3. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or
   4. On the date a request for final reading of water and power meters is made to the applicable utility districts.

5.2.300 Nonconforming Structure

A. Continuation. A nonconforming structure that was allowed when established, but is no longer permitted in the subject zone because it does not conform to the existing height, setback, coverage, or other requirements, may continue so long as it complies with all of the following requirements:

1. The structure is not enlarged, moved, or altered in a way that increases its nonconformity; however, the structure may be altered to decrease in nonconformity
2. If a nonconforming structure is moved, it must conform to the standards of the zone to which it is moved.
3. Residential Dwelling Units in the Downtown Commercial (DC) District

    a. Expansions
        i. Single-family detached dwelling units may expand up to 50% of the existing habitable square footage.
        ii. 2 to 4 units may expand up to 35% of the existing habitable square footage.
        iii. 5 or more units may expand up to 25% of the existing habitiable square footage.
    b. Garages may be permitted and do not count towards the allowable square footage.
    c. All expansions shall comply with one of the following options;
        i. The setbacks in the Multi-Family Residential Table 2.3.1; or,
        ii. The setbacks in the Downtown Commercial District and the Western Frontier Architectural Design Theme.
    d. An expansion of no more than five hundred (500) square feet of gross floor area is permitted outright. An expansion greater than five hundred (500) square feet of gross floor area shall be processed with a Minor Conditional Use Permit and Site Plan Review.

B. Maintenance and Repair. Ordinary maintenance and repair is permitted on any structure or portion of any nonconforming structure when:

1. The proposed maintenance and repair is required to keep the building or structure in sound condition, provided however, that no structural alterations shall be made except those required by the Building Official.

2. The proposed maintenance or repair does not enlarge, move, or alter the structure in a way that increases its nonconformity.

3. The proposed maintenance or repair is not prohibited on the deed.

C. Flood Hazard Areas. The provisions of this Section shall not relieve owners of property within mapped special flood hazard areas from complying with the flood hazard zoning provisions of Chapter 2.10 Flood Plain District of this Code.

5.2.400 Restoration - Damaged Buildings

If a nonconforming structure is damaged by any means, the structure may only be reconstructed or replaced to its pre-damage nonconforming state and the occupancy or use of such structure may be continued or resumed, provided such restoration is started within a period of one (1) year and is diligently pursued to completion. Otherwise, the structure shall be reconstructed in accordance with the provisions of this ordinance.

5.2.500 Off-Street Parking and Non-conforming Structures

No building as it exists at the time of the effective date of this Development Code shall be deemed to be non-conforming solely by reason of the lack of off-street parking spaces, provided that any portion of the premises being used for off-street parking in connection with any such building shall not be reduced below the requirements of the parking chapter.

5.2.600 Change to Permitted Use

When a nonconforming use is changed to a permitted use and additional parking is required, the additional parking spaces shall be provided in accordance with the provisions of Chapter 3.3. However, the number of additional spaces shall be computed only to the extent of the enlargement or additional requirement, regardless of whether or not the number of previously existing spaces satisfies the requirements of this chapter.

Chapter 6.0 – Map Amendments

6.0 – Purpose and Intent
6.1 – Zone Map Amendments

Purpose: The purpose of this section of the code is to create a placeholder for map amendments, including those in place at adoption of this code and future changes. This chapter serves as a placeholder for ordinances to be located for reference for staff and applicants.

The procedures for completing a land use district map and text amendment are located in Chapter 4.7, not here in Chapter 6.

The map amendments are located in this section in chronological order based on adoption date.