



City Planning Commission Workshop  
January 28, 2015 – 5:30 P.M.  
520 E Cascade Avenue, Sisters, OR 97759

Chairman: Alan Holzman  
Commissioners: Darren Layne, David Gentry, Bob Wright,  
Absent: Jeff Seymour, Daryl Tewalt  
Applicant/Consultant: Peter Hall and Greg Blackmore  
CDD Director: Pauline Hardie  
Recording Secretary: Carol Jenkins

I. CALL TO ORDER

*Chairman Holzman* called the January 28, 2015 Planning Commission workshop to order at 5:30 p.m.

II. DISCUSSION ITEMS

a. Text Amendment – Development Code Updates

*Chairman Holzman* asked for Director Hardie to come forward and present the staff report at this time.

*Director Hardie* came forward and stated that in the Downtown Commercial District mixed-use is allowed which is commercial on the bottom and residential on the back or top. And then, going a step further on Adams was to allow standalone residential. There have been some phone calls asking if they can do a Home Occupation. It is allowed everywhere else in the Residential District, so Director Hardie proposed to allow people who live in their homes to be able to have a Home Occupation.

*Chairman Holzman* asked Director Hardie if this was just an over-sight.

*Director Hardie* stated that she cannot understand why it is not in there. Staff has not been asked that question before, but staff is starting to see more mixed use. There are some being built and almost under construction as soon as they record their plat – it is behind Hop N Bean. Adams Street it is now allowed for standalone residential and made the non-conforming ones can add-on. Steps have been taken to allow more residential in the downtown core. Mr. Johnson and another lady have asked about doing a business out of their homes.

*Chairman Holzman* asked Director Hardie if this was going to be put on a future agenda for the Planning Commission.

*Director Hardie* stated that there is a Text Amendment coming up on March 5, 2015 and she would like to add it to that and send it to the State for approval.

*Commissioner Wright* asked if there were any proposed definitions on what would be included in the Home Occupations.

*Director Hardie* stated that the way they are regulated today, they are defined under Special Provisions 2.15.700, “a Home Occupation is a legal non-residential income producing use or activity that is 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 operated from a dwelling. Home Occupations are subject to a Type I review and are subject to all development standards of the underlying land use district”. A Home Occupation shall require continual compliance with the following, etc. *Director Hardie* also stated there is a list of requirements – it has to take place inside the home, they need to get a Business License, and they need to pay the filing fee of \$100.00.

*Director Hardie* continued to state that other actual requirements are that the person conducting the business shall reside on the premises on a regular full-time basis; the appearance of the residence shall not be altered through remodeling or new construction as to give the appearance other than a normal residence, there can be three (3) commercial vehicle deliveries to and from daily. Commercial vehicle deliveries are allowed during the hours of 8-5 weekdays excluding holidays, other than family members within the dwelling, the Home Occupation shall be no more than one (1) full-time employee, there shall be no more than two (2) client or customer vehicles at any one time and no more than eight (8) per day which deals with beauty salons, chiropractor’s, etc. inside. There shall be no restrictions on business hours except for clients or customers that are permitted at the home between 8am and 7pm.

*Director Hardie* stated that business shall be conducted solely inside the building not more than 25 percent of the building shall be devoted to it. No outside activity, storage, or display, off-street parking shall be maintained for the vehicle parking purposes, no trucks or construction equipment shall be parked or stored on any of the premises, and one (1) non-illuminated wall sign not exceeding 2 square feet. The conduct of the Home Occupation business shall not create a disturbance or nuisance by reason of noise, odor, dust, fumes, vibrations, etc. Vehicle painting, repair and body and fender work shall be prohibited and the applicant acknowledges the Home Occupation requirements and certifies compliance with those requirements.

*Chairman Holzman* asked which zones allow that use today.

*Director Hardie* stated that the residential and multi-family residential.

*Chairman Holzman* stated both residential and multi-family so hard to justify not having it in the Downtown Commercial (DC).

*Commissioner Wright* stated that if there is not a definition that defines more clearly what the limits are – someone could come in with an idea and interpret the Code to read such and such. Maybe someone starting up a bakery business in their home or something of this nature.

*Director Hardie* stated that this has happened where someone does catering making little cakes out of their kitchen and deliver them.

*Commissioner Wright* stated he thinks it should be put in the definitions so if it comes up anywhere else. He stated that he went through this in light of what has been done in the last number of weeks, and under the Table 2.4.1 – he noticed that a lot of these items on this table don't have definitions. There are only about half of them that have definitions in the definition section and the other half do not. He stated that he feels there needs to be more definition in the "definition table" of what would be allowed and not allowed and not leave it subject to interpretation.

*Chairman Holzman* stated "more specificity".

*Commissioner Wright* stated yes. He stated that there was a discussion on allowing hostels, concert halls, and an assembly club and those all got definitions in there, but a lot of the other ones did not. He stated that he's just throwing that out as an area that needs to be looked at, etc.

*Chairman Holzman* asked Commissioner Wright if he would like to volunteer and pick 5 or 10 of his favorite ones and take a crack at it and in the interim between now and March – then, Director Hardie and Commissioner Wright could email and the Commission could get copied addressed to the Commissioners.

*Director Hardie* stated that she would like to wait for the next Director to get on board before diving into the definitions.

A brief discussion took place regarding the definitions, food carts – restaurant or not, eating and drinking establishments really doesn't have a definition.

*Director Hardie* stated that she wanted to caution the Commission on definitions because it could get so narrow that more uses to the table would need to be added. She discussed different uses at this time.

*Commissioner Wright* asked about Home Occupations and is it clear enough when talking about limited noise, limited number of people (1-employee only) and other things.

*Planner Hardie* stated that there have been no complaints on the ones that have been approved so she feels it is clear enough for the operator to know that if they don't comply – it will get pulled and if they have more than one (1) employee – not sure how to be more specific at this point.

A discussion took place regarding the different uses for Home Occupations - homes versus apartments, etc.

*Chairman Holzman* stated that Commissioner Wright didn't feel it needed to be more or less restrictive just clearer and more obvious in the definition.

*Director Hardie* stated that she will add that to the list for the new people coming on board.

*Director Hardie* stated that Dennis Johnson is here tonight to speak. He has a home in the Downtown Commercial District that he is renting and he would like to do a Home Occupation.

*Mr. Johnson* stated that he is a Principal Real Estate Broker and does business and personal consulting. At the last place he occupied - he did antiques. At this new place, it just has a carport and was hoping to utilize that to sell merchandise, etc.

*Director Hardie* stated that would not be allowed because it is outdoors. Everything in a Home Occupation has to be inside.

*Mr. Johnson* stated that he understood that now and asked about having garage sales. *Director Hardie* stated that he could have one every 43 days so it doesn't trigger a building permit. A garage sale is not a Home Occupation.

A discussion took place regarding the different Home Occupations at this time.

*Chairman Holzman* stated that this is another definition question and cleanup. He stated that since it is already available in the other zones, it would certainly make sense that the same Code, the same line item should be available in the Downtown Commercial as well. If talking about a cleanup or better definitions across all of the zones, that is probably a good idea, but don't want to hold up bringing Downtown Commercial in line with Residential and Multi-Family Residential.

*Commissioner Wright* asked about the consultant business or something of that nature is certainly where a lot of people do it anyway. If it is something that would maybe take away from the character or the primary purpose of a commercial business district from an aesthetics' perspective, noise, and a lot of other things – he stated that he's not so sure about this.

*Mr. Johnson* stated that he went over that prior to this meeting and the criteria seems pretty inclusive and pretty straight forward. As far as changing that, are there instances that it would need to be changed and is there a business in there that wouldn't be covered under that?

*Chairman Holzman* stated there are probably many, but what the Planning Commission is discussing now is simply bringing Downtown Commercial in line and have consistency across all of the zones.

*Director Hardie* stated that in the Highway Commercial and North Sisters Business Park, they allow mixed use as well. It was also added to the Sun Ranch Residential District.

*Chairman Holzman* stated that this is clearly an oversight for whatever reason and this need to be cleaned up and then, Commissioner Wright if he would like to bring a motion to examine this again more carefully in terms of definitions so it is very clear to the applicants why they were approved or not approved as the case may be. The consistency seems to be an oversight that needs to be corrected in all the zones.

*Commissioner Wright* discussed the carport issue and selling of things. He stated that it might not be a good idea seeing this in the core of the Downtown Commercial.

*Director Hardie* stated that it is already prohibited in under the existing regulations.

*Vice Chairman Layne* asked about residential dwellings located above within or attached to a commercial building for mixed-use. To play devil's advocate – would this allow a conversion of existing commercial say on Cascade Avenue if there is a building and somebody decides they want to remodel the inside and do a Home Occupation.

*Director Hardie* stated that it has to be on the back or upstairs. She read the definition for Special Provisions in 2.15 at this time. She stated that for mixed-use, there has to be 100 percent of the front and the door front cannot be converted into a house or an apartment. It has to be upstairs or behind – 50 percent behind.

*Chairman Holzman* asked the Commission if they would like Director Hardie to bring this back. The Commission agreed.

*Director Hardie* stated that she would keep a list.

*Commissioner Wright* stated that they really do need to take a look at the definitions because there have been a couple of issues in the City last year that get down to arguing over definitions or interpretations, etc.

*Director Hardie* stated that the next one is the word “primary” in the Downtown Commercial – outdoor sales and dining. It would take staff out of trying to decide what is “primary” if there is one building with multiple businesses on the inside, page 10. It could read “outdoor display, sale of merchandise, and dining associated with the use is permitted – the use on-site versus primary.

A brief discussion took place regarding “primary use” at this time.

*Director Hardie* stated that if the Commission would like to define what a primary use of a business is, she will add it to the list. She said to make sure it is in the ‘Use Table’ and that they are allowed to have more than one (1) use inside of a building where they only allowed a “primary use”. It could be associated with the use on-site and staff would not in the middle of saying what the primary use is inside the building, etc.

*Chairman Holzman* asked Director Hardie what would be the risk of opening up that definition.

*Commissioner Wright* noted that there is ‘primary’, but not ‘primary use’.

*Director Hardie* stated that if the Commission wanted to define what a ‘primary use’ of a business is, she will add that to the list. She stated that when putting it in the ‘Use Table’ to make sure that they are allowed to have more than one (1) use inside of a building where they are only allowed a ‘primary use’ and in working through the Development Code to be careful and consistent.

A discussion took place regarding encroachment permits, outdoor displays and sales, outdoor dining, and different types of businesses, etc.

*Vice Chairman Layne* stated that it would be interesting to see how other cities define 'primary' and do they define it based on revenue, their business license, or if they registered through the state because their business entity of the state has a primary use. He stated that it might be good to see if there are other avenues that could be looked at to determine 'primary use'. The bigger question is do we want multiple uses in the area.

*Commissioner Wright* stated that there should definitely be a definition for 'primary use'.

*Director Hardie* stated that she will add this to the list and come up with a definition for 'primary use'.

*Commissioner Wright* asked Director Hardie about a Land Use Notice that was sent out and that a copy of it went to the Planning Commission. He asked if the Commission will be getting any type of Land Use application that comes in and get a copy of it so that they have a chance to review it.

*Director Hardie* stated that those notices are getting sent out in multiple ways now. It is going out through the City Recorder's mass email list, through the Chamber, etc. The Commission will get all the applications that are Type II and when the Decision is made the Commission will also get that. The Council will be getting the Planning Commissions and they can call up the decisions.

*Commissioner Wright* stated that would go a long ways for the Commission being up-to-date about what is coming down the pike and being able to do a little bit more homework in looking at what the Commissioners thoughts are with these issues and being able to research them and coming in with better responses and policies.

*Director Hardie* discussed the Light Industrial District (LI) Chapter 2.6 at this time. This is bringing back a question she posed from the two (2) gentlemen looking at doing auto sales in the Light Industrial District. She stated that currently the allowed uses are retail sport vehicles such as recreational vehicles, ATV's, snow mobiles, boats, motorcycles, tractors, and other industrial recreational vehicles – outright permitted. The applicant would like to do cars.

A discussion took place regarding the sale of cars in the Light Industrial District.

*Chairman Holzman* stated that it is his understanding that these gentlemen are going to do consignment sales. It won't be like 100 cars sitting out there and there is not enough acreage out there anyway.

*Commissioner Wright* asked Director Hardie if it can be limited to consignment sales as opposed to somebody coming in and opening up a used car lot.

*Chairman Holzman* stated that the Commission can do whatever they feel is appropriate. If it is added to the agenda and it is available at a public hearing, people can weigh in and see what people think about how restrictive or not.

A brief discussion took place regarding vehicles, repairs, flags, and for sale signs placed on Barclay Drive and whether it is allowed or not.

*Director Hardie* stated that a guy came in last week and she pulled his business license and it stated that he is selling cars. She stated that the business license clearly states that he cannot. She said that she would put this before the Planning Commission to see if they are interested and if not, he will close down.

*Chairman Holzman* stated that it is certainly worthy of discussion in an open hearing, and if *Director Hardie* wants to put a restriction about “consignment”, it sounds like it is the perfect business for out in the Light Industrial.

*Director Hardie* asked the Planning Commission if it is ok with them for her to do one (1) Resolution, one (1) staff report for Formula Foods, the Type II being required to go to the Planning Commission, and Type III will be required to go to the City Council. She stated that she would like to get that in the Code, codified and make it required. Also, to add Home Occupations to be permitted in those districts discussed earlier and auto sales – consignment only.

*Chairman Holzman* asked for *Director Hardie* to back over and walk the Commission through what she just talked about at this time. *Chairman Holzman* asked *Director Hardie* if this Type II and Type III is just an FYI or does that mean that everyone will be put on the Agenda for a formal hearing.

*Director Hardie* stated that it is just an FYI. It will either have the same language, but will be required to forward it on to the Commission, and it will still take the same number of Commissioners to call it up. If the Commission calls it up (Type II) then, it will go on the Agenda. The Commission's decisions will be forwarded on to the City Council so that they have the same opportunity if they feel the Commission did something in error, or interested in it that they can call it up as well. It is two (2) out of five (5) City Councilors that can call it up.

*Commissioner Wright* asked for clarification that if the Planning Commission got the opportunity to call it up that with this new process, the Commission will get a copy.

*Director Hardie* stated that these have been through the Chamber and through the City Recorders email list. She stated that the Planning Commission can be added to this as well. This is just the first step of the process and will be sent to everybody.

*Chairman Holzman* asked *Director Hardie* how many of these will be coming before the Planning Commission for review. *Director Hardie* stated about 5-10 per month. This is only for Type II because Type I, we don't forward on to anybody.

*Commissioner Wright* asked if these applicants are noticed in the newspaper. *Director Hardie* stated not for Type II's. A discussion took place regarding who should be noticed in the paper and who should not at this time.

*Chairman Holzman* asked *Director Hardie* if when it does come up as an item for public hearing, then, it is noticed, right? *Director Hardie* stated yes.

*Commissioner Wright* asked about getting some sense from the public as to what they think and that it could be a very brief thing in the newspaper every week that comes out with new

applications, when a posting goes up, etc. He stated that it is just giving people the opportunity for more public outreach earlier in the process.

*Director Hardie* stated that staff will start forwarding them onto the Planning Commission, posting them on the website, forwarding them to the Chamber of Commerce, and to the City Recorder's distribution list.

*Director Hardie* stated that she has been updating a Sign Code, but not sure it will get done before leaving and she apologizes for that because a lot of people have been waiting to get the Sign Ordinance updated.

*Director Hardie* stated that on the Food Carts, she is curious if the Planning Commission wanted to start discussions on whether or not to regulate them more than is done today in the Development Code. She said that she pulled Bend's decision to see how they did it and it was the same process that staff did for the Food Carts. Type II went through as a restaurant/food services without a drive-through.

*Chairman Holzman* stated that he wanted to make clear what Director Hardie is asking or requesting of the Planning Commission. He stated not anything to do with previous decisions, but whether to begin a new item to consider if they want to regulate or not regulate whatever regarding food carts.

*Commissioner Wright* stated that he mentioned earlier about having a definition for eating and drinking establishments. There is not a definition and that would be one place. To put food carts, vendor carts or any kind of a portable sales kind of thing like for food, or it could be some guy selling sunglasses or whatever – temporary or cart type venues, but come up with some definitions, etc.

*Director Hardie* stated that there is a definition in the Municipal Code that could be used in the Development Code if that is what the Commission would like to do.

*Commissioner Wright* asked if this definition would refer to the Municipal Code. *Director Hardie* stated that they do not refer to each other. When working on the definitions, see what is in the Municipal Code, see if it is appropriate, and use that definition to make it 'consistent' for both.

*Chairman Holzman* asked if the Commission wanted to hold a workshop on the food cart discussion item. Then, it would be the same decision if they wanted to move it up from the workshop to a formal hearing.

*Director Hardie* stated that if that was the case, all of the noticing requirements would have to be done and then do the public hearing. One way to do it if permitted, or maybe decide to make them Minor Conditional Use permits or Conditional Use permits, go to the S/P 'Special Provisions' and list some criteria or regulations that are not already addressed in the Code. She stated that any 'food cart' Type II application – Conditional Use permit would go to the Planning Commission. Any Minor Conditional Use permits would be a staff level.

A discussion took place regarding definitions and other food cart applications possibly coming in at this time.

*Director Hardie* stated that a draft of the Municipal Code is being updated, taking out the old information, putting the Ordinances in the appropriate places, etc. There is going to be a whole re-write to that process and the City Recorder and an outside company are heading that up. If the Commission want to add definitions, it can help to get those into the Municipal Code as well.

A discussion took place regarding the differences between the Municipal Code and the Development Code at this time.

*Chairman Holzman* asked the Commission if they would like to hold a workshop on the “Food Cart Discussion” at this time. The Commission was in agreement to hold a workshop on this item.

*Director Hardie* stated that on *March 5, 2015* is the Formula Food Establishment Code update. It will then go to City Council on *March 12, 2015*. The Measure 56 Notice when to all the property owners in the Downtown Commercial, Highway Commercial, North Sisters Business Park, and the Tourist Commercial. There may be a workshop on *February 19, 2015* with Peter Hall to discuss the concept of his Master Plan – the Commission requested this. Mr. Hall may have some concept designs to get the Commissions feedback on - early on in the process.

*Commissioner Wright* asked if Mr. Hall is coming through with a concept of a Master Plan before he is starting to split up or change lot lines, etc. *Director Hardie* stated that he is wanting to get the Planning Commissions feedback per the Commission’s request.

*Director Hardie* stated that the only time it triggers a Master Plan is if the property in a residential area is 10-acres or bigger (large projects) so that the street layout can be seen and the 15 percent open space, etc. Residential is 10-acres and Residential Multi-Family, Industrial, and Commercial is 5-acres. She stated that another Assisted Living Facility application came in for the McKenzie Meadow property – Ascent Architecture. That will be a Site Plan Review since it is already part of a Master Plan. Mark Adolf’s project is over by the Post Office. The Assisted Living Facility over by McKenzie Meadow Village is a memory care and assisted living. It is a total of 65-units versus Mr. Adolf’s had 82-units.

### III. OTHER PLANNING COMMISSION BUSINESS

*Director Hardie* stated that another Assisted Living Facility application came in for the McKenzie Meadow property – Ascent Architecture. That will be a Site Plan Review since it is already part of a Master Plan. Mark Adolf’s project is over by the Post Office. The Assisted Living Facility over by McKenzie Meadow Village is a memory care and assisted living. It is a total of 65-units versus Mr. Adolf’s had 82-units.

*Commissioner Gentry* asked what is going on over behind the gas station.

*Director Hardie* stated it is Legacy Builders of Oregon and they are new to the area. They are doing a three (3) lot mixed-use development – commercial on the bottom and residential upstairs. Right across the street and they will be submitting plans any day now to mirror it to make a block

facing each other on the west side. They will all front Cedar St. versus Washington Ave. but on the west side it is zoned residential, so it will be three (3) single family detached homes where on the east side, it is zoned Downtown Commercial which has the mixed-use.

IV. ADJOURN

*Chairman Holzman* adjourned the workshop at 6:30 p.m.

Respectfully submitted,

Carol Jenkins, Recording Secretary

