



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

Chairman: Alan Holzman
Commissioners: Darren Layne, Roy Dean, David Gentry, Jeff Seymour, Daryl Tewalt,
Bob Wright
CDD Director: Pauline Hardie and Patrick Davenport
Recording Secretary: Carol Jenkins

I. CALL TO ORDER

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

II. VISITOR COMMUNICATION

This is the time provided for individuals wishing to address the Planning Commission, at the Commission's discretion, regarding issues that are not already on the agenda. Citizens who wish to speak should sign up prior to the beginning of the meeting on the sign-up sheet at the podium. Please use the microphone and state your name and address at the time the Planning Commission calls on you to speak.

III. APPROVAL OF MINUTES

None at this time.

IV. PUBLIC HEARING – Text Amendment TA14-07

Chairman Holzman opened the public hearing TA14-07 Text Amendment and read the Rules for Conducting a Public Hearing at this time.

Chairman Holzman asked the Planning Commission to disclose any ex-parte contacts, bias, or conflicts of interest. Please indicate the nature and extent of the ex-parte contact, bias, or conflicts of interest and indicate whether you intend to participate in or abstain from the hearing.

Chairman Holzman asked the Commission if they would like to disclose any ex-parte contact at this time. No one came forward.

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

Director Hardie came forward and presented the Formula Food Establishment power point at this time. She discussed the meaning of 1.3.300 Meaning of Specific Words or Terms for an FFE; 2.4.300 Development Standards in the Downtown Commercial (DC) District; 2.5.300 Development Standards in the Highway Commercial (HC) District; 2.12.300 Permitted Uses – Sun Ranch Tourist Commercial (TC) District; 2.14.300 Uses – North Sisters Business Park (NSBP) District; Planning Commission and City Council Call-Up Provision; Home Occupations - P/SP; Consignment Vehicle Sales - P; Distilleries; Approval Criteria; Statewide Planning Goals; Approval of the request is consistent with the Comprehensive Plan; Economic Development; Adequate Public Facilities, Services and Transportation Networks; Transportation Planning Rule (TPR) Compliance; Notices and Public Comment; and Recommendation.

Staff recommends that the Planning Commission adopt the Findings and Resolution recommending that the City Council approve the Text Amendment.

The Proposed Text Amendment

- ✓ Amendment to the definition and regulations of Formula Food Establishments in the Downtown Commercial, Highway Commercial, North Sisters Business Park, and Tourist Commercial.
- ✓ Amending Section 4.1.700.F.6 and Section 4.1.700.H. to require Type II Decisions to be forwarded to the Planning Commission and Type II and Type III Decisions to be forwarded to the City Council during the appeal period so they can call it up for review.
- ✓ Permitting Home Occupations with special provisions in the Downtown Commercial, Highway Commercial and North Sisters Business Park.
- ✓ Permitting Consignment Vehicle Sales in the Light Industrial District.
- ✓ Permitting Distilleries in the North Sisters Business Park District.

A discussion took place regarding definitions, eating and drinking establishment, district regulations, limiting the number of Formula Food Establishments, different types of businesses/franchises at this time.

Chairman Holzman asked if anyone would like to come forward and speak to this topic before the Planning Commission.

The speakers that came forward at this public hearing on March 5, 2015 were Todd Taylor, Joe Angel, Mike Johnson, Jack Nagle, Ed Protas, Mike Morgan, Jeff Josten, Caprielle Foote-Lewis, and Nick Beasley. (Disk available upon request).

A discussion took place regarding definitions, the number of formula food establishments, non-conforming, lodging/movie theatre, rewriting language in the code, FDA requirements, current establishments, and selling of the property, chain restaurants, spacing standards, etc.

Chairman Holzman stated the Commission would make a motion on this item at the end, but change the number 13 to 20 and leave the item in for the idea of the movie theatre and/or lodging, the rest of the items stay as written.

Director Hardie stated that the draft amendment she gave to the Planning Commission did not include the one in the Downtown Commercial by accident - do it as amended. *Chairman Holzman* stated duly noted. The Planning Commission took a vote at this time and Commission Wright stated he would abstain at this time.

A discussion took place regarding the spacing standards at this time.

Chairman Holzman asked Director Hardie if there is a way to defer this one item, but move all the rest of what has been decided with Formula Foods forward and leave that one alone and workshop if needed, then, come back to it at a later time.

Director Hardie stated to strike out the number six (6) and work on clarifying what that six (6) is whether it is the property or is it the business owner. She said that Director Davenport can look at the spacing and intersections in a way that still provides the intent of not clustering them so close together, but allowing a site or two (2) more that could be available to people.

Director Hardie stated that two (2) sections are being amended – call up provisions. It clarifies that the decisions have to be forwarded to the Planning Commission for Type II decisions and Type II or III decisions have to be sent to the City Council during the appeal period (14 calendar days – it starts the day it is mailed). She stated that the five (5) days mirrors the mailing requirements. A discussion took place regarding a three (3) day turnaround time for mailed, emailed, and signatures on Planning Commission decisions.

Chairman Holzman asked if anyone in the audience would like to come forward at this time.

Mr. Protas came forward and stated that he has two objections – one is technical and the other is philosophical on noticing requirements and sections of the Code at this time. (Disc available upon request).

Mr. Morgan came forward and discussed the 14-day noticing requirements, complying with Oregon Statutes, case laws, mailings, emails, same day notifications, and people entitled to notice by law, etc. (Disk available upon request).

Director Hardie stated that she is going to add language where it talks about posting, mailing, and emails. This will be based on when it is mailed to the applicant and not some random five (5) days and taken on the same day.

A discussion took place on Home Occupations, consignment vehicles sales, distilleries, and economic development at this time.

Director Hardie continued to state:

The City of Sisters has developed a unique community character in its commercial districts, and the city desires to maintain this unique character.

The City of Sisters desires to protect the community's culture and economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs.

The City of Sisters finds that to meet these objectives, it is imperative to regulate and limit Formula Food Establishments with the City.

The City of Sisters finds that certain amendments to the City of Sisters Development Code are necessary to facilitate orderly process including revising the Planning Commission and City Council call up procedures in Section 4.1.700.F.6 and Section 4.1.700.H.

The proposed Text Amendment TA14-07 is in compliance with the Sisters Development Code Chapter 4.1 (Types of Applications and Review Procedure) and Chapter 4.7 (Land Use District Map and Text Amendment).

The proposed Text Amendment TA14-07 is consistent with the Statewide Planning Goals 1, 2, and 9.

The proposed Text Amendment TA14-07 is consistent with the Comprehensive Plan.

After due notice, a public hearing on the proposed Text Amendment TA14-07 was held before the Planning Commission at the City of Sisters Council Chambers on March 5, 2014 at which time findings were reviewed, witnesses were heard and evidence was received. The Planning Commission recommended that the City Council adopt the proposed Text Amendment TA14-07.

Director Hardie stated that all notices have been send in the time and in the manner required by state law and city code. The findings of fact in this matter are located in the staff report (to the Planning Commission) and reference incorporated in Exhibit A (in the Planning Commission packets).

Director Hardie stated that staff would like to recommend that the Planning Commission adopt the Findings and Resolution as amended, and recommend that the City Council approve the Text Amendment.

Mr. Josten came forward and presented his proposal to the Planning Commission regarding the history of the business and wanting to do consignment sales, RV's, detailing, and the buying and selling of different types of vehicles, autos, and trade-ins, etc.

Caprielle Foote-Lewis came forward and discussed the possibility of adding distilleries to the Tourist Commercial District at this time.

Nick Beasley came forward and stated that he would like to move his distillery business here to Sisters and gave a brief history on his vision for Sisters at this time.

Chairman Holzman asked the Commission if they would like to move forward with the entire package with changes as discussed.

Chairman Holzman asked the Commission if they would like to make a motion at this time.

Director Hardie stated the following regarding the motion by the Planning Commission:

- ✓ It would be increasing the number from 13 to 20 in the definitions (FFE); and
- ✓ Striking out the cap of six (6) to workshop in the future in the Highway Commercial; and
- ✓ Rewording Chapter 4.1. on the call-up provisions in each section that is needed so that it is emailed to the Planning Commission and City Council on the date that the decision is mailed to the applicant; and
- ✓ Adding automobiles to the Light Industrial District where it talks about recreational vehicle sales and agricultural vehicles; and
- ✓ Allowing one (1) in the Downtown Commercial District.

Chairman Holzman asked *Director Hardie* being the applicant for the City of Sisters if she would like to waive the seven (7) day waiting period. *Director Hardie* stated yes.

Chairman Holzman closed the public hearing at this time.

Commissioner Tewalt made the motion to approve TA14-07 with stated changes.

Commissioner Wright seconded. *Motion carries unanimously.*

V. OTHER COMMISSION BUSINESS

None at this time.

VI. ADJOURNMENT

The meeting was adjourned at 7:25 P.M.

Respectfully submitted,

Carol Jenkins, Recording Secretary