



City Planning Commission Workshop Minutes
Thursday, January 7, 2016 – 5:30 P.M.
City Hall Council Chambers, 520 E. Cascade Avenue, Sisters, OR 97759

Commissioners Present: David Gentry, Jeff Seymour, Roger Detweiler, Jack Nagel, Daryl Tewalt, Bob Wright

Commissioners Absent: Roy Dean

City Staff: Patrick Davenport, Community Development Director, Darcy Reed, Associate Planner, Carol Jenkins, Planning Technician

- I. CALL TO ORDER
Chairman Gentry opened the public hearing at 5:30 p.m.
- II. VISITOR COMMUNICATION - None
- III. APPROVAL OF MINUTES - None
- IV. PUBLIC HEARINGS

Continued from November 19, 2015 – MOD15-06: Modification of ClearPine subdivision preliminary plat (SUB15-01) to revise the rear yard setbacks along the northern property line. This Application is being processed as a Type IV decision.

Staff presented the ClearPine subdivision with the owner as 3 Sisters Partners, LLC, and discussed the project entitlements timeline as:

PA99-4/ZC99-1, Deschutes County Decisions that were followed by Annexation

SUB05-07 – Three Sisters Business Park Subdivision

CP06-04, CP06-03, Z05-02, Comprehensive Plan Amendment converting 12.58 acres to R and MFR and 16.91 acres to LI/NSBP

CP14-01 and ZC14-01, Comprehensive Plan Amendment and Zone Change converting 8.32 acres of LI/NSBP to R

MP15-01 and SUB15-01, Master Plan and Tentative Subdivision Plan on 20.02 acres, for a 77-lot subdivision.

Staff stated that the applicant is requesting to modify the approved subdivision plan to modify the setbacks back in the 2001 Annexation Agreement. There was a lot discussion back in November and the Planning Commission agreed to continue the hearing to give the applicant and the adjoining property owner more time to come to a mutual understanding, mutual equitable

solution, and since the packet was distributed, staff received two correspondences – both dated January 7, 2015 from Mr. Hall and today from Mr. Lee.

Staff stated that the applicant is proposing a 20' no build zone along the northern property line and this is one of the options that is being proposed as part of this modification. There is also a height restriction on some of the lots, a discussion on fencing and other setbacks, and construction of the alleys,

Staff continued discussing the 2001 Development Agreement between City, School District, and County, Existing Option 1 – approved preliminary subdivision plat (SUB15-01), Existing Option 2 – approved preliminary subdivision plat (SUB15-01), and the proposed subdivision plat modifying the setbacks along the northern property line.

Staff stated that the request is to modify the setbacks along the northern property line to a 20' setback for all structures or revert to the current Development Code requirements. Staff presented the criteria on 4.1.700.J – General Provisions: Major Modifications.

Staff stated that since the City Council approved the original Development Agreement, the Planning Commission will make a recommendation for final approval by the City Council (Type IV Decision).

A brief discussion took place by the Commission regarding the proposed setbacks, identifying the four (4) lots in question, fencing, and building of the alley.

Peter Hall
1195 NW Redfield Circle
Bend, OR 97703

Mr. Hall discussed the January 6th letter emphasizing the Development Agreement, setback revisions, acreage, designs of the homes, height restrictions, view shed, lots 35-38 (with a 22' height restriction), rear yard fencing, splitting the costs of fencing and the type of fencing, and maintenance provided by the Homeowners Association.

Mr. Hall asked the Commission to eliminate the 50' no-build setback that currently exists through the expired Development Agreement. To replace it or recommend that it be replaced with a 25' no-build setback. He asked that he be able to eliminate the 20' height limitation completely to build one or two story houses, and regular height restrictions (current Development Code), and the preservation of trees.

Mr. Hall stated that he hoped the Planning Commission and the City Council see that this is more than just a border dispute about views – it is about property inside the UGB that should be efficiently developed that is already zoned R (Residential), an already approved subdivision and developed so that it is comfortable for the future residents.

Commissioners discussed rear loaded garages with the alley and Mr. Lee's proposal of the 38' in order to have a compromise and discussed the different setbacks, rear yard fencing and height restrictions.

Mr. Hall stated they have two (2) approved subdivisions – one without an alley, one with an alley, and he would like to preserve his right to build it either way, or a mix and match of the 27 houses. Mr. Hall stated that both of the plans have been approved by the Planning Commission and by the City Council – it is an approved subdivision and he wants to preserve the right to have an alley there or not depending on the final plat.

Duane Lee
15665 Trapper Point Rd.
Sisters, OR 97759

Mr. Lee discussed his property of 4.6 acres which adjoins the project along the line of the first seven lots. He discussed buying the property, planning for a house, and giving a bit of history of his property. He discussed the setbacks, building of the homes, heights, fencing, noise, the 38' setback he is requesting, buffers between the rural residential character of Trapper Point and the more dense urban character of Mr. Hall's project. He feels it would be fair and reasonable to do what was done with the Kuvato project and put it all across the Trapper Point properties.

There was a discussion with the Commission and Mr. Lee regarding the fencing of the property and who is going to pay for it, measurements, requirements of fencing for the pond area, distance from the southern property line to Mr. Lee's home is approximately 140-150 feet.

Marian Darzen
Peterkin and Associates
222 NW Irving
Bend, OR 97703

Ms. Darzen stated that she represents Mr. Lee. She said there are a few things and some confusion on one of the proposals and wanted to say that Mr. Hall has been willing to work with them and did engage in some back and forth. Mr. Hall also gave Mr. Lee time to recover from his medical issues. She stated that they are good with the height restrictions – 22' on the four (4) lots, 38' is an issue of uniformity and they are included in the Development Code 2.13.600.D – boundary yard setback – 24' plus 14' which comes out to 38'. The other point is referencing efficiency and making sure it is an efficient development. Ms. Darzen discussed square footages, setbacks, lot sizes, and sizes of the homes, losing some density, but gaining the ability of having larger houses.

Ms. Darzen stated that they have put a good faith effort to negotiate this, all of the legal issues aside, it is in everyone's best interest to move this forward, and they hope that the Planning Commission can help them get there.

Commission Member asked staff to verify Kuivato's setback and do they have a 24 foot buffer with a 14 foot setback.

Staff stated that it is a 24 foot boundary setback and then, an additional setback of 14 feet for a total of 38. Staff stated that the current code for setbacks in the standard residential district is dependent on how structures are being built, etc. Staff stated that the standard rear yard setback is 15 feet from the property line.

Commission Member stated that there are five (5) different things that the Commission need to agree on:

1. A 38-foot setback on all the properties in contact with Mr. Lee's property
2. Contractor provides a fence for lots 35 through 38
3. Split the cost of the fence on 34 through 30 – approximately 300-feet
4. A 25-foot setback on the rest of the subdivision on the northern border
5. A 22-foot height restriction on lots 35 through 38

Commission Member stated that he felt this proposal is acceptable with the understanding of the height restriction for the remaining four (4) lots. It was suggested to add a condition and to accept the suggestion proposed, but that the Commission's approval be conditioned by not becoming effective until such time that the multi-family residential phase of the development is approved and construction of that phase has been completed.

Commission Member stated that there are seven (7) lots that contact Mr. Lee's property and they have requested height restrictions on lots 37 and 38 which would be nine (9) total lots impacted.

Mr. Hall stated that Mr. Lee has requested height restrictions on lots 35, 36, 37, and 38. He stated that he has offered a shared cost on the fence on those lots. He stated that he has offered to pay 50 percent of the cost for the fence from lots 30 through 38.

A brief discussion took place regarding the fencing, distance of the property(s), approvals of the original agreement(s), and different phases of the project.

Duane Lee
15667 Trapper Point Rd.
Sisters, OR 97759

Mr. Lee asked what the approximate ball park cost would be for a fence as Mr. Hall has proposed.

Commission Member stated that a 6-foot with steel posts cedar fence was about \$20-foot.

Mr. Lee said that he has heard the Commission Members proposal and does not have any major problems with it. The only problem is that the CDD Director is not interested in administering a cost sharing proposal. The main thing is to determine that the fence is a requirement and that the parties resolve this with the CDD Director so that he is comfortable with the administration part of it. He discussed the price of the fencing, the height restrictions, and setbacks, etc.

Commission Member addressed the options for Mr. Lee that on the table:

1. A 38-foot setback on Mr. Lee's property from lot 30 from the farthest east – to lot 36 to the farthest west on the property.
2. To split the fence cost for the entire piece of Mr. Lee's property – the entire length of the southern boundary – 430 feet of fencing.
3. A 25-foot setback on the rest of the subdivision on the northern border.
4. Lots 35 through 38 would maintain a 22-foot height restriction.

Mr. Hall stated that this would create two (2) different setbacks and if that is what the Commission wants to do – that’s what they’ll do. He stated that he would prefer a uniform 25-foot setback and that is the only issue that he has and that it is more than reasonable.

Mr. Lee stated that when he negotiated with Mr. Hall, he negotiated a buffer of 100-feet and was entitled to expect that when he designed the features on his property. He stated it is not just the house – it’s the noise, the traffic, the lights, the views, etc. He stated that per his attorney, he has the right to enforce a 50-foot and a 100-foot setback requirement. He is willing to give some of this up to get it off of this plate – it is a compromise and doesn’t have to make sense.

Staff stated that Commission Member has a motion in place to work with the proposed options, but added another condition related to the timing of the development of the MFR section.

Commission Member stated that he is accepting Commission Member proposed options and proposal, but it will not take effect until such time that the multi-family residential phase of the development is approved and construction of that phase has been completed. (Motion dies for lack of a second).

Staff stated to summarize this – two (2) years from the date that the first building permit is issued, the developer shall submit a Site Plan that includes the Affordable Housing units that are located in the MFR District. Two (2) years from the approval of that Site Plan for those units, the Affordable Housing units are due to be delivered – able to be occupied.

Commission Chair stated that there is a motion on the table and is there a second?

Commission Member made a motion to approve what is on the board right now with the four (4) items including the five (5) sub portions.

Commission Member stated that they should go ahead and approve the plan as per the four (4) points proposed, and then, address Affordable Housing issue afterwards.

Commission Member made a motion to move forward with 1 through 4 –

- 6-foot cedar fence with steel posts for lower maintenance
- Height of the fence – 6-feet
- Location of the fence on the property line
- Timing of a mutually satisfactory agreement submitted to staff

Mr. Hall stated that he can put in there that Mr. Lee would like to have a fence and at some point in the future Mr. Hall will pay half of the cost and maintain it. He said that they will sign a letter to have the fence built, they will build it, pay half, and maintain it.

Commission Member stated to add the specific language and to say that the details of the fence be determined between the developer and property owner.

Mr. Hall stated that he can draw something up within the next 30-days upon final approval by the City Council.

Commission Member made a motion to accept the proposal as written on the board. It was seconded. Motion carries (4 approve, 1 opposed, 1 excused).

Staff stated that the next City Council date will be January 28, 2016 at 7:00 pm.

- V. WORKSHOP – Two weeks from tonight. Staff asked if the Commission would like to meet at 3:00 pm for that workshop. They were all in agreement.

Staff discussed with the Commission the different options of providing packet information before the hearings/workshops and asked for feedback from them.

Staff addressed the Parks Master Plan, the Housing Needs Analysis – Affordable Housing Policy Recommendations, etc.

- VI. OTHER COMMISSION BUSINESS - None

- VII. ADJOURN

The meeting was adjourned at 7:05 pm.

Respectfully submitted,

Recording Secretary