



City Planning Commission Minutes
Thursday, February 18, 2016 – 5:30 P.M.
City Hall Council Chambers, 520 E. Cascade Avenue, Sisters, OR 97759

Commissioners Present: David Gentry, Jeff Seymour, Tim Clem, Roger Detweiler, Bob Wright

Absent: Jack Nagel, Daryl Tewalt

City Staff: Patrick Davenport, Community Development Director, Darcy Reed, Associate Planner, Carol Jenkins, Recording Secretary

I. CALL TO ORDER

Chairman Gentry opened the public hearing at 5:30 p.m.

II. VISITOR COMMUNICATION - None

III. APPROVAL OF MINUTES – Workshop for December 17, 2015

The Commission approved the minutes for December 17, 2015 as written and it was seconded. Motion carries.

Chairman Gentry introduced the new Planning Commissioner, Tim Clem.

IV. PUBLIC HEARING – SP15-03 and CU15-01 – Dairy Queen

Staff stated that the applicant requests Site Plan Review and Conditional Use permit approval to enable the construction of a new 3,288 square foot Formula Food Establishment with a drive-thru, travel ways, parking and other supporting infrastructure. The proposed FFE is Dairy Queen.

Chairman Gentry read aloud a statement summarizing the issue and hearing procedures. *Chairman Gentry* asked the Commission to disclose any pre-hearing contacts, ex-parte contact, or conflicts of interest. No one in the audience challenged any commissioner for bias, prejudice, or personal interest.

Commission Seymour stated that Dairy Queen is a fully owned subsidiary of which he is a shareholder. He stated that he doesn't think it is relevant in this particular meeting, however, he felt it should be known.

- A. Site Plan Review: Formula Food Establishment with Drive Thru (Dairy Queen) located south of the intersection of Highway 20 and McKinney Butte Road.

File No: SP #15-03 with Conditional Use Permit CU #15-01;

Applicant: Steve McGhehey
Owner: Dudley Wolford Trust Project Request: Approval to construct a new 3,288 square foot drive-through, landscaping, travel ways, parking and other supporting infrastructure In the Highway Commercial District.
Location: SW corner of the intersection of US20/OR126 and McKinney Butte Road. The property's address is 497 W. Hwy 20 and is further identified as Tax Lox 3500 on the Deschutes County Tax Assessor's Map # 151005DB03500.

Staff Recommendation: Staff recommends the Planning Commission approve SP15-03, CU15-01 subject to the Conditions of Approval contained in the staff report.

Staff discussed the new application for a Dairy Queen. Staff discussed the drive-through feature, site is currently vacant, future roundabout, the 4th entitlement Formula Food Establishment in the Highway Commercial (6 are allowed) – Downtown Commercial is limited to one (1). Staff discussed the site with trees existing, uses to the north and south which are consistent with what is already there.

Staff stated that the drive-through has been reviewed by staff and does comply with the standards of location, size, design, operating characteristics, impact to specific facilities, and traffic generations, etc. The design of the drive-through, all of the criteria and potential impacts is mitigated through the design chosen. Staff gave a visual of the roundabout location, entrance of ingress and egress points, traffic flow, and cross easement. Staff discussed landscaping, buffers, Western Design Theme, elevations, patio, allowed materials used for the building, drive-through window, façade, and design standards.

Staff stated that the plan has been reviewed by ODOT and they request that the applicant maintain communication throughout the process. A traffic study was done and no additional mitigation measures were proposed to be incorporated. ODOT also reviewed the traffic study. All agencies have commented and there are Conditions of Approvals that have been incorporated into the staff report.

Staff noted that there are few locations where the pathways fell below the standards – the minimum is 6-feet and they had 5-feet. The applicant does have to meet the minimum standards on all pathways and may cause somethings to shift, but they will have to show these changes prior to issuance of building permits and approval by staff. There is sufficient buffering between the edge of parking and the edge of payment of the property line in order to move the entire building and would not be an issue.

The applicant has met all of the criteria available in the Development Code and staff recommends the Planning Commission approve this project subject to the Conditions of Approval contained in the staff report.

Commissioners discussed the parking and the landscaping buffer. Staff stated that in order for them to get the extra foot for the sidewalk and move things 1-foot, their minimum requirement is a 5-foot buffering for the landscaping strip and have that to work with. If there is the 2-foot acquisition on McKinney Butte side, there is still plenty of room to make everything work. Staff stated that the project is over parked by our standards, but there is a shared parking agreement which is another requirement. The Development Code has a maximum parking and for this

project it would be around 21 spaces and they are proposing 33 parking spaces. Prior to issuance of the building permit they would have to have the easement recorded of the shared parking agreement which allows them to have more parking. The parking agreement will be shared with the Bi-Mart shopping center and not sure to any specific building.

The Commission discussed access for Dairy Queen, easements, parking requirements, landscaping, limiting parking, connection to the Bi-Mart parking lot and McKinney Butte Rd., Conditions of Approval and review processes, etc.

Staff stated that the Conditions of Approval apply to public improvements, submittal of construction drawings to Public Works and City Engineer, and Planning will hold the building permit until all the documents in the Conditions of Approvals such as the shared parking agreement get recorded and then landscaping would need to be installed prior to Occupancy.

Commissioners discussed the roundabout, arterials and collectors, distances, minimum spacing, traffic study, entrances and exits, 24-ft. driveway and widths for access points.

Staff stated that everything was included in the staff report and no additional correspondence was submitted.

Steve McGhehey - Applicant
313 S. Pine Meadow St.
Sisters, OR 97759

Mr. McGhehey stated that the only thing that was to be taken to the Planning Commission was the drive-through. They were not going to study ODOT's traffic circle and several other things that were addressed. He addressed the cross road, non-specific easement, depth of the island off the highway, distances for turning radius for safety issues, dedication of land, circulation, with the ODOT study and the traffic engineer feel it is a very solid project. He discussed right turns versus left turns and the distances of the island off of the roundabout. The cross parking agreement is specific to the lot and it allows any time of day to cross park with Dickerhoof Construction in the Bi-Mart parking lot.

The Commissioners discussed the problems that could occur with the parking, turning right or left and possible congestion. Also discussed was the public interest and public access by forcing an access this complex that has this much risk and not having a clear roadway.

Mr. McGhehey stated that it is private on the Bi-Mart property. He stated that their property is private with an easement. There was never a plan to have a road there and if there was a plan they would have complied.

Chairman Gentry asked if anyone from the audience would like to speak in favor of the application.

Patty Cordoni
P.O. Box 1781
Sisters, OR 97759

Ms. Cordoni stated that she represents the Dairy Queen in the purchase of this property. She knows the owner that is building the property and wanted to convey her thoughts on corporate coming in and that people feel it is an unknown entity. She gave a bit of history on the new owners and about the Dairy Queen in Bend. They will become part of this community and want to reach out, have the kids working in the store, and participating in this community.

Jay Thomas Jeffrey
820 E. Cascade Ave.
Sisters, OR 97759

Mr. Jeffrey stated that he is concerned with the three (3) lights and light pollution. He stated that they look like the lights on Cascade Avenue where the light goes out side-ways instead of going down and now will go onto the sidewalks and parking lot. He said he would prefer lights that are fully shielded and the light goes down in a cone to the sidewalk and parking lot and no light go out to the side.

Ron Thorkleson
14450 Mountain View Loop
Sisters, OR 97759

Mr. Thorkleson stated that his concern is the outdoor lighting at night here in Sisters. He addressed two (2) types of light that are proposed for the Dairy Queen. One is attached to the building itself which he prefers because it is fully shielded and shines onto the building itself. The other light he has a problem with because it looks as though the light source is up towards the top. He stated that he is working with the City to better reduce scattered light. He gave examples of the Dark Skies Standards with the Planning Commission.

Steve McGhehey stated that he would be happy to work on the Dark Skies direction with the architect and lighting consultant and could bring back examples to the Planning staff.

The Commission discussed the parking lights in the parking lot and wanted to know if the schedule for the lighting is available, and what other lights besides those addressed on the patio and lighting of the signs on the building are others being proposed.

Staff noticed this as well and on Condition #5 – it addresses that staff was not able to get that cut-sheet of that light, but will need it prior to issuance of the building permit. The applicant has to provide it and get approvals for it. The Commission asked Mr. McGhehey if he was going to provide anything in the way of facilitating the crossing of the drive-through. He asked what kind of thought he was giving to this drive-through where it will be subject to people crossing it in order to get to the property.

Mr. McGhehey stated that there is indication on the south side if stacking that many cars and gave a visual of the sign that will say “Do Not Block The Driveway – Stop”.

The Commission addressed the parking, shared parking spaces, and how they would get through, the cross-easement on the adjacent property and bicycle parking being available.

Mr. McGhehey stated that there are a couple of ways to do that - by walking across the 26-ft. entrance, and on the location to the east, go out to the walkway that is in the 30-ft. area, and be very close to the entrance door which would be the preferable way to go. The 30-ft. buffer exists all the way with walkways in them. Those walkways will be adjusted as the intersection is redeveloped. He discussed the future plans of the property next door adjacent to the highway and the remodeling of that property.

Mr. McGhehey stated that they would like to start construction in late March and everything will be corrected at that time, and ahead of the intersection being redeveloped.

Chairman stated that the applicant is entitled to seven (7) days after the record is closed to all other parties to submit final written arguments in support of the application. Alternatively, the applicant may waive this seven (7) day waiting period. Does the applicant choose to waive the additional seven (7) days?

Staff stated that there is a clarification on the lights on the elevation. Staff saw those as more of a placement holder in this rendering because staff did receive a cut-sheet of what is proposed and is in the staff report – a lighting fixture example. Staff is updating the Dark Skies Standards, but the applicant is willing to work on this to make sure it is compliant. Prior to issuance of the building permits, all exterior light fixtures shall be Dark Skies compliant.

Mr. McGhehey stated they would like to waive the additional seven (7) days. A motion was made to approve this application with the additional statement provided by staff regarding exterior lighting being compliant with the Dark Skies Ordinance. The motion was seconded. Motion carries.

File No.: TA15-03, Development Code Text Amendment
Applicant: City of Sisters
Request: The City of Sisters is proposing to amend various sections of the Development Code. The various Text Amendments are “bundled” into TA15-03.

Staff stated that the City of Sisters is proposing to amend various sections of the Development Code. Previous PC workshops were held on September 17, 2015, November 19, 2015, and December 17, 2015. Staff is offering the following text amendments for consideration based on input received by the Commissioners and City Council. The text amendments are bundled into TA15-03: Approve as is; Modify/remove amendments; continue the Public Hearing to a future date.

Staff discussed the following proposed Text Amendments which are all addressed in the staff report and the items marked in “red” is clarifying text.

Chapter 1.3 – Definition for Formula Food Establishments;

- This proposal is to revise the substantially similar minimum threshold from 3 to 20 which would enable a small regional FFE to locate in the City.

Chapter 2.2 – Residential – Setbacks for alley loaded garages

- Text for setbacks is further clarified in Table 2.2.2

- Increasing maximum building height for all residential structures from 30' to 35'

Chapter 2.3 – Multi-Family Residential

- Setbacks for alley loaded garages – Same as Chapter 2.2
- Text for setbacks is further clarified – Same as Chapter 2.2
- Revising minimum density from 9 to 7 dwelling units (DU) per gross area (AC)
- Increasing maximum height for multi-family structures for five or more units
- Increasing maximum height for all residential structures from 30' to 35'
- Requiring Minor Conditional Use for 15-20 gross units per acre
- Table 2.3.2 Development Standards in the Multi-Family Residential District
- Revising text in Section K. Additional Design Standards for Multi-Family Housing

Chapter 2.4 – Downtown Commercial

- Setbacks for alley loaded garages – Same as Chapter 2.2 and 2.3
- Text for setbacks is further clarified – Same as Chapter 2.2 and 2.3

Chapter 3.2 – Landscaping

Staff received additional input from the Urban Forestry Board during an August 12, 2015 meeting regarding the preferred caliper size of street trees to be planted. The Board recommended that reducing the caliper size from 2-inch minimum to 1 ½ inch minimum would provide numerous benefits. There is a wider selection of trees available and are just as successful at reaching maturity as 2-inch caliper trees.

Approval Criteria –

Decision Making Considerations. The recommendation by the PC and decision by the CC shall be based on consideration of the following factors.

- Approval of the request is consistent with the Statewide Planning Goals.
- Approval of the request is consistent with the Comprehensive Plan.
- 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.
- Compliance with 4.7.600 – Transportation Planning Rule (TPR) Compliance.

Recommendation –

Staff recommends that the Planning Commission consider the following:

- The text amendments are “bundled” into TA15-03
- Approve “as-is”
- Modify / remove amendments
- Continue Public Hearing to a future date

The Commissioners discussed the 10-foot setbacks, 15-foot/20-foot setbacks, rear yards, developer impacts, roof pitches, garages, driveways, on-site parking spaces, etc.

Staff stated that they wanted to make a clarification on the single-family development which requires two (2) on-site parking spaces, and if someone is proposing a single car garage, they would have to show one other space as a parking space. The garage counts as one space and the driveway counts as another. If they can't park on the street and not in the alley, it would be up to the applicant making the building plans to prove where the other parking space is going to be. Two parking spaces is the minimum.

Chairman Gentry asked for anyone that is against the proposal to come forward.

Michael Black
300 E. Aspenwood Ave.
Sisters, OR 97759

Mr. Black stated that he has a blended statement – he said that he's in favor of the majority of the text amendment language, however, what he is opposed to is the high density multi-family residential. He stated that he has four (4) lots accessed from a 20-foot alley and he is against reducing the alley setback to 15-feet as it is 20-foot right now. He stated that he needs all of 20-feet to be able to park off of the street in front of the garage. He stated his major concern is to not reduce that setback which would promote more encroaching into the alley and cause more problems in a high density zone. He stated that on the south alley – it is 12-foot and does not qualify and remains as a 20-foot setback which recommends retaining that.

The Commissioners stated that the request is to reduce it, but this would be a proposed 15-foot minimum but can still go 20-feet. There was a lot of conversation on going 10-feet, but compromised on 15-feet, and thought that might be the middle ground and could live with it. They asked the applicant if there was a Homeowners Association and Mr. Black stated that currently he is still the majority homeowner / property owner, but when the ownership changes to more than 50 percent – the property owners have the option of creating a Homeowners Association. There are CCR's that require all parking be off-street which the City requires. He stated that parking is a big issue and wants to see it on-site.

Steve McGhehey
313 S. Pine Meadow St.
Sisters, OR 97759

Mr. McGhehey discussed building projects with alleys and said that this is a community where people feel the need for large vehicles. He discussed driveways not being large enough and people park in the alley whether they should or not. He discussed having two (2) vehicles and a one (1) car garage, he agrees with Mr. Black saying it should be a 20-foot driveway in normal cases.

Chairman Gentry closed this portion of the public testimony.

A Commissioner stated that he is disappointed with the City Council in that they directed the Planning Commission not to consider eliminating the requirement that there

be garages at all. This applies in the effort to try and improve affordability of housing in the community. He stated that it is a general comment about the attitude in Sisters that is not helpful when it comes to developing diversity and to give greater livability opportunity for all kinds of people in the community.

A suggestion was made to see if any of the commissioners had an interest in going back to the 20-foot versus the 15-foot.

A motion was made to approve TA15-03 with the exception of accepting the recommendation from the City Council of the 10-foot being changed to 15-foot.

A discussion was held regarding the setbacks and the motion was made to accept everything in this proposal except where the City recommends 15-foot. The Planning Commission want to keep it at the 20-foot what it currently is.

Four (4) Commissioners agreed. One (1) Commissioner opposed. Motion carries.

V. Temporary Uses –

Staff discussed Temporary Uses with the Commission for the issues under consideration and examples of those exempt from this process. The Development Code doesn't give clear language and what the exceptions are. Staff stated that they need what is called a good vehicle as examples to review these Temporary Uses.

- Does the Commission want to continue to allow temporary uses in the City – only in specific zoning districts?
- Is the 180-day maximum period too long, of sufficient length, or is it insufficiently defined.
- Should a developed and/or vacant site be required to submit a formal site plan or modification application?
- Site Plan Review (SPR) section in the Development Code. The SPR section would further specify how temporary uses are regulated.
- Compliance with Western Frontier Architectural Design Theme.
- Other recommendations.

The Planning Commission's recommendation will be forwarded to the City Council to be discussed in a future workshop. Once the City Council provides input on Planning Commission recommendations, staff will return this issue to the Planning Commission for a formal public hearing if directed.

The Commission discussed the Temporary Uses, Foot Carts, Site Plans, time durations, transient vendors and timeframes, restroom facility requirements, water/sewer, responsibility of property and business owners, number of days for events, number of people, code enforcement, safety issues, costs of the permits, Western Theme challenges, 180 consecutive days, benefits of allowing these Temporary Uses for the business and property owners, benefits for visitors and the community as well.

Staff stated they could come up with some suggestions, discussed code enforcement, Site Plans, the Western Theme not applying being that it's temporary, but would like to require a Site Plan Review for certain uses, etc. Staff gave examples of Temporary Uses and discussed the property by the Sno-Cap stating that the Municipal Code was changed for that 100-foot setback off of Cascade Avenue for transient vendors. They can have performances in the gravel lot within the 100-feet, maybe a band, sit at tables and consume food and beverages, etc. They actually have to be behind that chain linked fence which is right about 100-feet.

Staff discussed different options for a Temporary Use Permit, 180-day time period, restrooms, access points, vacant land, parking, ADA restrooms, emergency options, and safety concerns.

The Commission felt that keeping the Temporary Use Permits is a good thing, and to continue with them since they are very beneficial for the community. They discussed the Western Design Theme and different options, and if it is for an extended period of time they will address it when they apply for the application.

Staff stated that they can come back to the Commission with different examples from other cities and will continue to work on this. Staff discussed the Site Plan application and processes from application submittal to completion and approvals.

The Planning Commission all agreed on having the next Planning Commission workshop on Thursday, March 17, 2016 at 4:00 p.m.

Comprehensive Plan Update 2016 - City Urban Growth Boundary

The Urbanization Study and Comprehensive Plan requires the City to evaluate parcels that are located outside the Urban Growth Boundary (UGB) for potential inclusion in an expanded UGB. The Oregon Department of Land Conservation and Development (DLCD) requires localities under 10,000 population to study parcels within ½ mile of the City Limits. Currently, the City limits and UGB are identical. The Planning Commission is requested to review and discuss proposed criteria with staff, establish a scoring methodology, and begin the evaluation process.

Staff discussed examples and matrix on High Priority parcels (parcels that have the most favorable characteristics for inclusion in a new UGB; Low Priority parcels (parcels that have the least favorable characteristics but still have the potential to be included); Excluded parcels (parcels that are deemed ineligible for inclusion in the UGB for various reasons).

Staff stated that they would send the Commission the information currently under consideration through Dropbox and come back to discuss at a later date. Staff also discussed the Oregon Administrative Rules, Statewide Planning Goals, Housing Goals, planned communities, vacant parcels, potential airport property, infrastructure, setback prohibitions, easements, Assisted Living Facility, National Forest property, and Lazy Z potential. There will be more to come on the Comprehensive Plan Update and Urbanization Study.

VI. OTHER COMMISSION BUSINESS

Staff gave the Commission a tutorial on how to use the Deschutes County property information site. Staff stated they will be starting up a Housing Policy Advisory Board and one of the

memberships will be representation from the Affordable Housing Construction community, citizen involvement, and a Planning Commissioner representative.

Chairman Gentry volunteered to be on the Transportation System Plan (TSP) Update.

Staff stated that they are looking for a volunteer from the Planning Commission to be on the Housing Policy Advisory Board (HPAB) and to please let staff know if interested.

VII. ADJOURN

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Recording Secretary