



City Planning Commission Minutes  
Thursday, August 18, 2016 – 4:00 P.M.  
City Hall Council Chambers, 520 E. Cascade Avenue, Sisters, OR 97759

Commissioners Present: David Gentry, Jeff Seymour, Roger Detweiler, Jack Nagel, Bob Wright  
Tim Clem arrived at 4:21 pm.

Commissioners Absent: Daryl Tewalt

City Staff: Patrick Davenport, Community Development Director  
Carol Jenkins, Recording Secretary

- I. CALL TO ORDER  
*Chairman Gentry* opened the workshop at 4:00 p.m.
- II. VISITOR COMMUNICATION -  
None
- III. APPROVAL OF MINUTES – January 7, 2016, January 21, 2016, February 18, 2016, June 16, 2016  
The minutes were approved and seconded. Motion carries.

A brief discussion was held regarding the vote on the words “excused (January 7<sup>th</sup>) and abstain” (June 16<sup>th</sup>) at the end of the hearings as well as the Dairy Queen not moving forward at this time.

- V. WORKSHOP
  - A. Development Code Text Amendment – TA16-01 – Proposed revisions to Chapter 4.6 Cluster Developments and Chapter 4.2 Site Plan Reviews. The applicant is the City of Sisters.

*Chairman Gentry* read the Public Hearing Script on Text Amendment TA16-01 – Open Comments, Conduct of Hearing, Testimony, and asked staff to come forward and present the staff report.

*Director Davenport* discussed TA16-01 and stated that staff is proposing two (2) Text Amendments in two (2) different sections in the Code – Chapter 4.2, Site Plan Review that would enable a small scale addition to an existing structure without requiring a formal Site Plan application. In Chapter 4.6 that proposes revisions to various sections.

*Director Davenport* gave a brief history on these projects and stated that they have worked on these Chapters on multiple occasions and in different workshops. There have been discussions with an active developer on the potential cottage housing and stated that we all know how overly strict and how unconcise this Chapter is as written. He stated that the Commission has worked

really hard and come up with many iterations and with the help of an active developer to help in what would make the most sense. He stated that if this was passed at the Commission's approval, it would be forwarded to the City Council for an adoption hearing on September 22, 2016. It would become effective 30-days later.

*Director Davenport* asked the Commission how they would like to move forward with TA16-01. He stated that this will need some more work in the future, but it is good enough now to get a test case to see how this works out. He stated that he hasn't heard from anyone else with comments, but there was one (1) inquiry by Mr. Mark Adolf's attorney asking what this was about. He stated it was forwarded onto his attorney and they responded that they were fine with it – it didn't affect what they had in mind elsewhere.

*Chairman Gentry* asked if anyone would like to come forward and speak in favor of the application at this time.

Kathryn Austin  
179 SE Rice Way  
Bend, OR

*Ms. Austin* stated that she is the architect for Mr. Peter Hall and they are very supportive of this document and hope that the Commission will pass it as it is written.

*Chairman Gentry* asked if anyone would like to come forward and speak against the application, provide neutral testimony, or rebuttal testimony. No one came forward.

*Chairman Gentry* asked if staff had anything to add in response to the testimony.  
*Director Davenport* stated "No Sir".

*Chairman Gentry* asked if the Planning Commission had any further questions of staff. There were none.

*Chairman Gentry* closed the public testimony portion of this hearing and asked if there was any discussion amongst the Commission. He asked the Commission if they would like to make a motion at this time.

*Commissioner Nagel* moved to approve the application as presented.  
*Commissioner Detweiler* seconded. Motion carries.  
*Commissioners Gentry, Seymour, Detweiler, Nagel, and Wright* approve (5-0).  
*Commission Clem* arrived at 4:21 pm and did not vote.  
*Commissioner Tewalt* was absent.

- B. MOD16-02 – Modification to a previously approved tentative subdivision plat (SUB15-01) for ClearPine subdivision. The request is to revise the phasing and enable the construction of 9 cottage-style dwelling in proposed Phase 2. Applicant is Peter Hall/3 Sisters Partners, LLC.

*Chairman Gentry* read the Public Hearing Script on MOD16-02 - the Open Comments, Conduct of Hearing, Testimony, and asked staff to come forward and present the staff report.

*Director Davenport* stated that this is a MOD16-02 for a request to modify a previously approved tentative subdivision plat. The first approval is designated file number SUB15-01 and modified by MOD15-06. He stated that two essential elements for this modification are to modify the phasing boundaries and to develop 9 cottage style dwellings in the proposed Phase II. He gave a visual of the current preliminary plat per 15-01 as modified by 15-06. Phase I is already of record and there is a dwelling and another one under construction.

*Director Davenport* stated that on MOD15-06 was a request to modify the setbacks along the northern property line between the subject property and Trapper Point. He stated that there is a little bit of a staggered setback line, slightly increased setbacks from Mr. Lee's property and a 25-foot setback along the other northern property lines. There is a view shed protection zone that preserves Mr. Lee's view to the southwest.

*Director Davenport* stated that Phase I is still Phase I, and now Phase II is in the northwest corner which would go in a clockwise manner, and the detailed revisions of the cottage development with 9 cottage lots (visual), and a proposed common open space to benefit the cottages. Again, there is a park of 1.2 acres and everything else pretty much stays the same to the south. Phase II has a slightly different configuration with these lots. All of the cottages are detached and there are three (3) parking structures to the south and three (3) parking structures to the north benefiting the dwellings without garages and also the same thing to the south – there is a common area and to the east is the future park and single family detached dwellings (visual).

*Director Davenport* stated that after their submittals, they had a conversation with the applicant and he was not ready to submit certain plans and specs according to the Code. The reluctance was that this project is dependent upon a successful adoption by the City Council of the Text Amendment that the Planning Commission just recommended for approval. The applicant is not prepared to proceed with drafting the required CCR's and starting on elevations and some more details as required in the Code until the applicant is assured that the Text Amendment is going to pass.

*Director Davenport* asked the Commission to give this their consideration knowing that the elevations and CCR's are not ready right now. Staff is asking for the Commission's consideration of everything else and hopefully, the City Council will adopt this Text Amendment and it would be effective 30-days after September 22, 2016. After the adoption date, the applicant would be prepared to do the paperwork and plans to finish off the submittal per the Development Code.

*Director Davenport* stated that he would like the Commission to conduct the Public Hearing, hear from the applicant's representative, and anyone else who would like to speak on this, but asking that it be continued to the date certain of October 20, 2016 meeting and give the applicant time to return with the rest of the requirements once staff knows this Text Amendment is going to be adopted.

*Commissioner Wright* asked for a clarification on a document where it reads MOD15-02 and it should read MOD 16-02. *Director Davenport* stated that is correct and it should read MOD16-02.

*Commission Nagel* asked for clarification and what happened with the multi-family residential, if it was taken out and asked Director Davenport where this is at right now.

*Director Davenport* stated that there is no Master Plan in effect for that multi-family at this time. This approval nor any prior approvals get any entitlements to that project. Depending on what the next proposal is, that will need another application or two, whether it is a Site Plan or Subdivision depending if its apartments or single family homes that need new lots. That would be another application coming and staff is fully aware that the developer is on a timeline per previous commitments to provide 8-affordable housing units per the Conditions of Approval of SUB15-01. Those terms are relatively clear when a Site Plan or other development plan needs to be submitted to staff to take care of that commitment. That has about a year to go before a development application is due that covers the affordable housing requirements.

*Commission Nagel* asked if this is before all of the other phases could possibly be done before he has to do the affordable housing.

*Director Davenport* stated that at the current rate of the project being built out that is not very likely. Anything could happen, it could go to a production developer and things could pick up the pace. That timeline to give us a plan for the affordable housing that is a hard date. He stated that what this phasing allows is it is in Phase V in the southern portion, but if someone tomorrow wants to come in for a Site Plan for this multi-family section, staff will help with that process to get that done immediately and not be hooked into Phase V. He stated that what this allows now because it is outside of these Phases, someone could come in tomorrow with a plan for that and it is not tied to any Phase that is illustrated. This is not a part of the Master Plan and the only zoning entitlements is that it is zoned multi-family with the 8-affordable housing units that are due at a date certain.

*Commissioner Nagel* asked what if it were left hanging like other developers have done – not that Mr. Hall would do that, but say he won't do that, not get it done, and try to get someone else do it.

*Director Davenport* stated that someone could do it on his behalf and develop those affordable housing units and is probably what will happen, but if those dates come and go without fulfilling the requirements to first get a plan in to illustrate that and to be reviewed by the Commission, any other approvals other than building permits such as final plats, subdivision plans are not going to be processed until that requirement is fulfilled. He stated that building permits cannot be stopped on platted lots, but other entitlements such as final plats, preliminary plats need to not be processed until this requirement is met. It is arguable and we will get some resistance from legal staff and others, but stated he is prepared to defend that determination.

*Vice Chairman Seymour* stated that when they approved the Master Plan for this, part of the condition was that there was a timeline that the multi-family had to be platted – not necessarily started, but had to be in motion within a certain amount of time, otherwise, everything else would stop – the rest of the development would stop and cease, etc. That was one way at the time that the Commission felt they could spur the development of the multi-family faster than what potentially could happen.

*Director Davenport* stated that if there was any change to that language, it would have to come back to the Commission with another Modification application. Part of the draft Conditions of Approval was that any other Conditions of Approval previously approved are not changed with this application – and still effective.

*Commissioner Detweiler* wanted to make an observation and what happened here gives him an opportunity to comment on the consequences of having extended the setback on those last lots. Now, there is a curve in the road and a bunch of adjacent lots all whom, in his judgement, have a 14<sup>th</sup> amendment equal protection argument to make, and this one person got an exception that they didn't get. Not likely, but it is one of those consequences that we need to think about when we do things and take action. Now, that the road curves that now impinges on that undeveloped portion which may be to the disadvantage to the developer because he now has a small space to work with.

*Commissioner Wright* asked if part of that curve lines up with the Sun Ranch road. *Director Davenport* stated yes and it has these little dips to reflect a slight addition of more building area that is needed now. He stated that at times it is helpful in road designs to have a little bit of a dip at the end to slow folks down instead of having a straight shot, but it is less than a desirable road design for sure.

*Chairman Gentry* asked if anyone would like to come forward and speak in favor of this application.

Kathryn Austin  
179 SE Rice Way  
Bend, OR

*Ms. Austin* stated that she is the architect for Peter Hall and helped with the design of the Site Plan for the cottage homes. She is very supportive of the proposed changes and very grateful to have worked with staff. They have been very helpful and also with all the workshops that staff and the Commission did. On the one question regarding affordable housing that came up, she has been talking with Mr. Hall about that for some time. Her particular expertise is in affordable housing and has a lot of experience in that area. Once they get this part done – that is the next thing she wants to work on is the Site Plan for the affordable housing and connect with the affordable housing developers. Mr. Hall is very aware of the timeframe that was mentioned, and also the comment that Commissioner Detweiler made – he is absolutely right that the change in the road was completely because of the setback changes that were made.

*Ms. Austin* continued stating that Mr. Hall hopes that the Commission will be very supportive of the road alignment because he would like to go ahead and let his civil engineer start work before knowing whether or not they will have cottages just because it takes much longer for the engineer to do his work than what it will take to do my work. She stated that they are very happy to continue the hearing until after such time as the City Council approves the Text changes and very quickly get the rest of the information to the Commission and schedule another hearing with the complete packet. It was quite an expense to take on without knowing whether or not the text changes were going to be approved, and the sole reason they didn't put the whole packet together.

*Chairman Gentry* asked if anyone would like to come forward speak against the proposal. No one came forward.

*Chairman Gentry* asked if anyone would like to provide neutral testimony.

Sharlene Weed  
406 W. Sisters View Pl.  
Sisters, OR 97759

*Ms. Weed* stated that she wanted some clarifications on a few things. On the multi-family and the affordable housing, she stated that she doesn't think those are the same in this case. She said that he is going to build some single-family townhouses or something that are not in the multi-family area. She stated that she has heard using the multi-family and affordable housing as interchangeably, but she said she doesn't believe that they are. She stated that she doesn't believe that the multi-family is the affordable housing units that are required – that is something else.

*Director Davenport* stated that the units themselves do not have to be multi-family as in apartments – they can be townhouses or single-family detached, they can be attached, they can be any housing types, but they will be located in that zone area of the multi-family. It is the location in the MFR zone, but there is not a requirement that they have to be multi-family or single-family. There is a minimum total footage that those dwellings have to total to and 8-units. It is 8-units with a minimum total footage. They can be anything from condos, apartments, single-family detached, attached, duplexes, or whatever units will work.

*Commissioner Detweiler* stated that is maybe where the confusion comes from in that there will be those affordable units which is something very different, but plan to be in the multi-family section.

*Ms. Weed* stated that what she remembers when she was here for the approval of the phasing, the affordable housing was in the 3<sup>rd</sup> Phase section and was not in the multi-family section – the multi-family was something different.

*Director Davenport* stated that in the multi-family zone – it is not phased right now, but it is time bound requirements to deliver those documents, plans and units in the zoning district of multi-family.

*Ms. Weed* stated that she was concerned that when taking that out of a phase that it was going to sit there as an island until the end of time. It sounds like that is going to be moving even though it is not in a phase.

*Director Davenport* stated that is correct and what could happen if it was in Phase V – it just didn't make sense and couldn't do this tomorrow. They would possibly have to come back with a modification of phases – and this is a good arrangement to help deliver this if someone wants to come in and do this tomorrow.

*Commissioner Wright* asked about the multi-family residential that is being talked about and is it consistent with the zone boundary. Can you overlay the zone boundary in the multi-family zone

boundary onto this? He stated that it looks like part of the park is part of the multi-family residential zone. In looking at the zoning map, there was a zoning issue that came up for densities.

*Director Davenport* stated that part of the park is in the multi-family zone. There would be a zoning district line where a lot of the zoning district lines go down the middle of the street and sometimes cover an entire street, etc.

*Commissioner Wright* asked if this being a specific development, would it be appropriate to show in this development where the zone differences are between R and MFR.

*Director Davenport* stated that it can be drawn that way without cluttering it all up. It should be shown and can have this plat reflect that zone which is the eastern about 1/3 of that park and the street is the zoning boundaries.

*Chairman Gentry* asked if staff had anything to add in response to the testimony.

*Director Davenport* stated no.

*Chairman Gentry* closed this public testimony portion of the hearing.

*Chairman Gentry* asked if there was any discussion by the Planning Commission.

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

*Director Davenport* stated that the recommendation is to continue this hearing to the October 20, 2016 hearing at 5:30 pm.

*Commissioner Clem* moved to continue this hearing until the October 20, 2016 hearing.

*Commissioner Wright* seconded. The Commission was in favor to continue the hearing to October 20, 2016 at 5:30 pm – (6-0).

*Director Davenport* introduced the new intern Tanner Machala.

*Tanner Machala* stated that he has been very busy working here. He originally started working here two (2) days a week, but has moved onto five (5) days a week and it has been pretty awesome dealing with 3-4 assignments during the day. He stated that he's been working on developing the Industrial Codes so they are more legible and be more specific to any business type, zones, and what types of permits are necessary in that particular zone. He has been working on the 2017 Comprehensive Plan to get it ready and available to the public. He's been working on Code Enforcement becoming familiar with the community, City Codes and Ordinances, created a couple of brochures – Dark Skies, junk, yard debris, and abandoned vehicles. He stated it's been a real pleasure working with the City and is very appreciative to be a part of this.

The Commission asked Tanner Machala to give a little background on himself.

*Tanner Machala* stated that he is a recent graduate of University of Oregon and in Eugene for the past four (4) years. He stated he's a native of California and very familiar with Planning because that community has developed greatly within the last four (4) years. He started his background in government work when he was 7-years old going to a Council meeting talking about speed

bumps. He said that ever sense then he's been jet set on what he wants to do. After this internship, he will have to finish up a few more credits at the University of Oregon and looking at gaining more experience. Within a year or two apply to graduate school and get a Masters in Community and Regional Planning or into Urban Design. His focus would be in Transportation Planning, but enjoys working with the public – Community Development and Community Involvement.

- C. MOD16-03 and SUB16-01 – Modification to approved Master Plan (MP05-01) Village of Cold Springs Phase 3, 5, 6, and 7 and preliminary subdivision plat. The request is to modify the approved Master Plan (MP05-01) and approve a new tentative subdivision plat to enable the construction of 69 single family detached, 21 single family attached (townhouses) and 48 units of multi-family apartment dwellings. Applicant is April Pust P.E., Hayden Homes on behalf of Dennis and Watson Murphy Development.

*Chairman Gentry* read the Rules for Conducting a Public Hearing and asked the Planning Commission to disclose any ex-parte conduct, 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.

*Commissioner Detweiler* stated that he had a brief conversation with Council for the applicant and confirmed the density level.

Ruth Palmer  
1601 W. Hill Ave  
Sisters, OR 97759

*Ms. Palmer* stated that she wanted to report a conversation that she had with one of the City Planning Commissioners. On Monday, June 27<sup>th</sup>, having dinner with friends, Jack Nagel stopped by our table and was introduced to my husband Tim Toft and me as a member of the City Planning Commission. She stated that she asked Mr. Nagel if the Hayden Homes City Hall meeting on June 29<sup>th</sup> had been cancelled because we heard a rumor that it had. Mr. Nagel didn't know for sure. I preceded to ask him how he was leaning in approving or denying the Hayden Homes modification plan from the 2005 plan to the 2016 modification. He said that he didn't like Hayden Homes and would vote against anything they brought before the Planning Commission. She said that she felt that statement shocking as she had never met him before, and found his statement very unprofessional for a person who should be working for and representing the community of Sisters and not a self-serving or bias person.

*Ms. Palmer* continued to say that his comments made her seriously question if Mr. Nagel is someone who should be on the Planning Committee. She stated that she wonders now how the vote on Thursday, June 16<sup>th</sup> would have turned out if Mr. Nagel hadn't been on a personal vendetta against Hayden Homes. She said that she believes that the vote to approve the modification was a tie. Mr. Nagel's crusade has caused time and money to the City, Community and Hayden Homes. She said that she believes that Hayden Homes has tried to do their best to come up with a modification that is more in line with the 2016 Building Codes and is a good compromise for our current Hayden Homes neighborhood and for the Planning Commission.

*Chairman Gentry* asked Commissioner Nagel if he would like to respond.

*Commissioner Nagel* stated that he would recuse himself, but that he doesn't remember the conversation. He said that he voted in favor of the compromise at the last meeting. He said that he would recuse himself and join the audience.

*Director Davenport* stated that it is alright for Commissioner Nagel to remain in the audience.

City of Sisters, *Attorney Chrostek* stated that as long as he's not participating in the deliberations he is fine, or acting in a manner that suggests how he feels.

*Director Davenport* stated that this hearing tonight is a request to modify an approved master plan (MOD15-03) and (SUB16-01). The request is to modify the approved master plan (MPO5-01) that was approved in 2005. The applicant is April Pust, P.E. and Hayden Homes on behalf of the owner. The subject site is the Village of Cold Springs, the modifications would affect Phase 3, 5, 6, and 7.

*Director Davenport* gave a visual of the overall subdivision, west of Trinity Drive is fully developed and built-out with single-family detached, single-family attached homes or townhouses, and 18.37 acres to the east of Trinity Drive is undeveloped and bisected by Rail Way. He gave a visual of the geographic of Rail Way, Highway 20, and Ray's Grocery Store and associated shopping center, Bi-Mart, the Pines development, Village Meadows Phase I, Cold Springs South, McKinney Butte Highway, and to the west is the undeveloped Master Plan for McKenzie Meadow Village with the Assisted Living Facility as the feature. To the north is the National US Forest Service property. The subject property is zoned Multi-Family Residential (MFR) – the entire site.

*Director Davenport* gave a brief update on correspondences received and a brief summary that he prepared today saying that he received some late correspondences and some revised Conditions of Approval per concerns coming from ODOT. He stated that the Commission should have five (5) external correspondences as part of the record not including ODOT's correspondence from an email that was just received today. He stated that during the break and going back to his office – he found another correspondence from Land Watch and another from Mr. Doug Wills. They were not part of the original packet, but before the Commission now.

*Commissioner Detweiler* asked what affiliation Mr. Wills has in this.

*Director Davenport* stated that Mr. Wills is a resident of the existing Village of Cold Springs.

*Director Davenport* asked the Commission how they would like to proceed with the staff report giving complete Findings of the project with about 130 pages worth, or a brief outline of the proposal. He stated that the Findings show that the project does meet the minimum Code standards and staff does recommend conditional approval. He gave the overall details of the project and told the Commission that the applicant would like the opportunity to expand and add more details if necessary.

*Director Davenport* gave a brief summary of the Conditions of Approval by the different agencies and other Conditions of Approval that staff feels would help to make this development better. He stated that some of those conditions are on the table and when it comes time to it - they can be edited as we go along.

*Director Davenport* gave the Timeline of Prior Approvals showing bullet points on what happened when the project first got its zoning. It is currently rezoned to Multi-Family Residential (MFR) in May 2010. A Final Plat (FP13-02) for 25 single-family lots was approved in 06/28/2013; and a Modification (MOD16-01) to approved Master Plan (MP05-01) – (No decision – withdrawn).

*Director Davenport* stated that the specific request is focused on the east side of the overall property and to develop 138 residential units in four (4) phases. There are three (3) types of residential units: single-family detached (SFD) – 69 units; single-family attached townhouses (SFA) – 21 units; and multi-family apartment units (MFA) – 48 units on three (3) sites. There is also open space and recreational amenities proposed and associated ROW, public streets and alleys, etc. to support the development.

*Director Davenport* discussed the Specific Request for Exceptions to these dimensional standards stating that they are permitted, they are able to request them, and in Section 4.5.500.B it permits the Planning Commission to grant exceptions to certain dimensional standards. There are four (4) different kinds of exceptions to various types of lots, etc. They are minimum area exceptions; minimum lot frontage width exceptions; minimum lot width frontage exceptions, and minimum rear setback exceptions. These are exceptions that the Planning Commission would need to affirmatively approve as part of the overall approval. Staff feels that these exceptions will help this development get as much as it can in there and still have an appropriate density. These exceptions are certainly worthy of approval.

*Director Davenport* gave a visual of what the current Master Plan entitles. He discussed Trinity Way, Rail Way, Ray's Shopping Center, and west of Trinity Way being fully developed. On the map it shows (color coded) with green being open space, salmon color are the townhouses, orange being the single-family detached homes, and grey shows the streets. He stated that what is called the "not-developed" is what is called on the books now. The total units for the eastern side is 297 units that are entitled.

*Director Davenport* gave examples of the different Phases 3, 5, 6, and 7 of what is entitled currently.

The Current Master Plan: MP05-01:

Phase 3: 4 multi-family 4-plex buildings, 25 single-family detached and 27 multi-family attached.

Phase 5: 20 multi-family 4-plexes, 10 single-family attached, and 72 unit multi-family apartments.

Phase 6: 20 multi-family 4-plexes, 3 single-family attached, and 48 apartment units.

Phase 7: 20 multi-family 4-plexes, 0 - single family attached, and 48 apartment units.

Total Units = 297.

The Proposed Modification of the Master Plan – Proposed Revised Units:

Phase 3: 20 single-family detached, 12 single-family attached, 8 unit multi-family apartments.

Phase 5: 17 single-family detached, 0 single-family attached, 20 unit multi-family apartments.

Phase 6: 19 single-family detached, 9 single-family attached, 0 multi-family apartments.

Phase 7: 13 single-family detached, 0 single-family attached, 20 unit multi-family apartments.

Total Units: 138.

*Director Davenport* stated that what is not being entitled in this exercise are the Site Plans for the apartment units. He gave a visual on the designated area and the apartment units, and stated that the subsequent developer would have to return with another application for a Site Plan.

*Director Davenport* stated that what has changed from the original application, the applicant originally proposed some additional townhouse units closer to the roundabout curve and other areas (visual). Staff noticed that there was some room to reduce some units to allow additional open space around the roundabout. It would make this community a little bit more livable to have a few less units and a little more open space around the roundabout, and drop a single-family unit for open space and connection out to the road. There would be pedestrian and non-motorized vehicle easements, preserving a spot for an easement out to the National Forest for a potential future trail.

*Director Davenport* stated that they have worked with the applicant to modify the original proposal to have lots serve rear loading alleys, but also an outlet and have some units not accessed off of Railway, but have rear loaded or loaded from a local street.

*Director Davenport* gave a visual of the current Master Plan for Phase II – Village Meadows. The area in orange is undeveloped, Habitat for Humanity’s 17-lots, and the other part of Village Meadows. He stated that once this project comes in, they will be required to closely coordinate and finishing off the street section of Brooks Camp Road. There have been discussions with Housing Works who are interested in this property for affordable housing – it has been made public to the City Council, but no specific Site Plans for this yet.

*Director Davenport* wanted to bring to the Planning Commissions attention that on the western half of this subdivision there were two (2) recreational amenities that should have been installed when these townhouses were permitted. For some reason back in the day, either staff missed it, or something happened and those amenities did not get installed. As part of the Conditions of Approval, staff is asking that those amenities be done very soon. Another Condition of Approval is to ensure that these multi-family apartments in each phase get constructed in a timely manner and not left to the very end.

*Director Davenport* stated that he wanted to go over the draft Conditions of Approval at this time. The multi-family dwelling sites or apartments sites, this application does not entitle anything other than the number of units and the location. A separate Site Plan is required to get those going. The tax lots of 8300 and 7600, staff is proposing that they shall occur prior to the approval of the final plat for Phase 3. There is a draft of the Conditions of Approval for the completions of all phases, but staff is asking that the multi-family units within each phase are done with the understanding that “Certificates of Occupancy shall be issued for multi-family units within each phase prior to issuance of a final plat for any subsequent phase”. This gives the chance to continue working on construction for a subsequent phase, but before platting a subsequent phase, staff wants to see the multi-family sites are occupied before the next phase is platted.

*Director Davenport* discussed Access and Circulation and stated that in the draft Conditions of Approval there is a time-bound condition that was related to the completion of the roundabout at Barclay and Hwy 20. After receiving a late correspondence from ODOT indicating that they are going to be doing a pavement Preservation project in the location of Railway and Hwy 20 in 2018 and they prefer to not have these improvements that would have a right-out only restriction

coming from Railway to Hwy 20 until 2018 as part of the Pavement Preservation project. That particular condition is related to the access of Railway and Hwy 20. They stated that in the original traffic study that it will eventually be a right-out only, or a left turn restriction needed to control the traffic in that area. In the timing of the applicant's proposal, the applicant is on the hook for these particular improvements to help offset their impacts. The draft wording is acceptable to ODOT and that they want the timing of the improvements to coincide with the 2018 Pavement Preservation project. Staff would like to have the flexibility to not have it date bound, but to tie in with their project and ODOT is requesting that the developer give them the appropriate cash contribution which would enable ODOT to manage the project with their own workforces and consultants. There are Public Works and City Engineering requirements as part of the Conditions of Approval – some are typical and some are very detailed. The City Engineer has required some additional pedestrian and bicycle amenities that will help improve the livability and multi-modal transportation.

*Director Davenport stated that this proposal does meet the minimum criteria in the Development Code and the Comprehensive Plan. Staff is recommending that the Planning Commission grant a conditional approval of the request and part of the conditional approval is working out the final conditions, and the wording that is acceptable to all with input from the applicant and what is heard from the public.*

*Commissioner Detweiler* asked Director Davenport if he has considered adding a condition that would assure the Planning Commission that what they approve – happens.

*Director Davenport* stated that what a lot of people want to see is some more multi-family units. We understand that more rentals are needed and want to make sure those units come in a timely manner and not get pushed to the end. He stated that we have to allow the developer to do their work, they are very eager to get started, and know that they are capable of performing. He stated that with the right conditions to make sure that important and critical things in the community are taken care of and feels pretty confident that the developer will push through this in a relatively short time.

*Commissioner Wright* asked for clarification on Phase 3 – a Certificate of Occupancy is needed on the multi-family units before starting Phase 5.

*Director Davenport* stated that is what he is proposing, but now it is just a draft condition and it may need some wordsmithing and some more discussion.

*Commissioner Wright* asked about the Certificate of Occupancy on the multi-family on Phase 5 before Phase 6, but it seems like something was missed and nothing is going to be done in Phase 6, and then, leaving the last 20-units to the end of Phase 7, but there is nothing after Phase 7. He stated that the way the conditions are set up, it seems like the multi-family may not be done in Phase 7.

*Director Davenport* stated that condition does need to be worked on, but maybe after hearing from the applicant on their program – it might be a little easier to work with that condition. He said that was a good observation in that the northern multi-family site that is left out there hanging because there are no subsequent phases after that.

*Commissioner Wright* asked if there is anything in the approval that would prevent them (say they get high occupancy in the multi-family) can they move ahead of the phase 3 and find out that it fills up before they even get the ground broken, and then they want to start on Phase 5 and Phase 7 buildings before they finish phase 3.

*Director Davenport* stated that they would need another Condition of Approval enabling those multi-family sites to proceed independent of this phasing. He stated that they don't want to hamstring this if someone wants to do this all at once and know there is a need for it, then that could work.

*Chairman Gentry* asked if the applicant would like to come forward and present their proposal.

Tia Lewis  
300 SW Wall Ste. 500  
Bend, OR 97702

*Ms. Lewis* stated that she is an attorney representing the applicant Hayden Homes with a couple of members from the project team here tonight which may speak, and will be available to answer any site specific questions related to the development proposal. She stated that she didn't want to duplicate what Director Davenport presented – he has worked very hard on the staff report to analyze the proposal that we came forward with, and to draft conditions that would incorporate both the City Standards as well as the comments from the last hearing. The modification request was withdrawn at the last hearing in order to go back and rework the plan to try and get the density that the Commission indicated that it was looking for on this project – a minimum of 7 units per acre. A majority of the Commission asked for that, we heard the majority advocate for that, went back and did that, and that's what we came forward with. She said they also came forward with a housing mix – an apartment complex and with apartments in Phase I. They have no objections to the conditions that require the construction and the Certificate of Occupancy's on that project. There may be a slight modification that would address Commissioner Wright's comments, but that can be addressed later during the discussion of the conditions.

*Ms. Lewis* stated that they came back with what was asked for and have spent over two (2) years trying to plan this project in a way that fits with the existing community, meets the needs of Hayden Homes for the developer and meets the City's needs. She said that they don't have an affordable housing requirement in this project, and recognize that the City has affordable housing needs. In recognizing that and trying to make this project work with the surrounding neighborhood, we have come back with what we believe is the best design to incorporate both the neighborhood comments as well as the comments of the Commissioners and the City's needs. This is needed housing in the City and we really want to go forward with the development of this project and proceed through the development through Phase 7. The planning on this project is very tight so in order to come back with this project at 7 units per acre and get the housing mix and get the apartment complexes in the phases – it took a lot of work to come forward with this project and they are hoping not to spend another five (5) hours like at the last hearing redesigning a project. There is now an apartment complex in an open space place – and sure the people that live next to that open space would have preferred that to be apartments and visa versa.

*Ms. Lewis* stated that Director Davenport indicated that this project meets all of the Code, the density, and the project will be subject to the current Public Works Standards. She said that they cleaned up an inconsistency or at least something that was ambiguous in the prior Master Plan. They are very hopeful that after listening to the testimony tonight – move forward with an approval.

*Ms. Lewis* stated that they have comments on two (2) of the Conditions of Approval – 1) address the Certificate of Occupancy issue and to make sure they can develop apartments sooner if the market would dictate that; and 2) address ODOT's conditions – there was a last minute communication with them and the way the current conditions are worded doesn't contain any dollar or timing limits, but that can be done by modifying the language through this Master Plan, but in Phase 3 plan, they need some finite numbers and timing in order to finance the project.

*Chairman Gentry* asked if anyone would like to come forward and speak in favor of the proposal.

Doug Wills  
1655 W. Williamson Ave.  
Sisters, OR 97759

*Mr. Wills* stated that he spoke on this about six weeks ago when they had the original meeting and had made some comments. He stated that he would really appreciate it if the Commission would accept Hayden's new Master Plan Modification. He stated that a lot has changed in the last 11 years and Hayden has worked hard to meet the new density requirements. The only item before you now as it was in the June meeting is the request from Hayden to modify their 2005 Master Plan conversation about the number of units which has been addressed in this new Master Plan. Since Hayden has met the density requirements, the affordable and low cost housing is not appropriate at this time. Hayden builds a quality home for the money and he owns two of them. The houses are economical, well-built, and believes that Hayden Homes is one of the largest home builders in the State of Oregon winning a number of awards because of their quality in their building. To suggest that they would not follow through with their promises as was done at the last meeting and a comment was made here, he stated that it was an insult to Hayden Homes. All of us in Phase 1, 2, and 4 will be impacted by the completion of this new area. He stated that he is not aware of any of the people in this area that will be impacted by it. He stated that he has just heard about this ODOT thing and want the left hand turn lane put in as quickly as possible because Railway is an absolute mess and it needs to be addressed. Hayden will work with the City to help control traffic on Williamson and Hill which have a potential to be used as shortcuts to the High School, Middle School, and SPRD.

Tim Toth  
1601 W. Hill Ave.  
Sisters, OR 97759

*Mr. Toth* agreed with Mr. Wills and that this project has carried on for a long time. The plan is going to get developed one way or the other. This is a good plan and believes that the citizens that live in that neighborhood are happy with it, and he would like to see the Commissioners prove that and get it moving.

Ruth Palmer  
1601 W. Hill Ave.  
Sisters, OR 97759

*Ms. Palmer* stated that she would like to see this approved and feels like it's a good plan, it's a good balance for a lot of reasons – for the community and that Hayden Homes will do a good job and do it right.

Pat Farr  
1655 W. Lambert Ave.  
Sisters, OR 97759

*Ms. Farr* stated that this is a wonderful plan for our little community and would like to see it be approved for Hayden Homes.

Mike Rankin  
1601 W. Hill Ave.  
Sisters, OR 97759

*Mr. Rankin* stated that he is a retired law enforcement deputy from California and had a lot of experience working in cities that has put in a lot of high density housing that was Section 8 – low income subsidized by City governments, etc. It always turned out to be a nightmare where some areas in northern California wine county where they wouldn't go in unless they had four deputy's because it was that dangerous. Hayden has come up with a really good plan and thinks it has a good balance for this area and that the Commission should really take a hard look at this because it is going to affect the area of Sisters for a long time going into the future. He stated that he recommends that the Commission approve it.

Don Byrne  
710 N. Hindeman St.  
Sisters, OR 97759

*Mr. Byrne* stated that he does agree with what has been said here tonight living in there and seeing what is going on. With the new proposal, he thinks it will work well for everyone including the people who are already there. The old project that had been set up was pretty much a mistake, but Hayden has worked hard to make this happen and hopes that the City Council takes a look at that and approves it.

*Chairman Gentry* asked if anyone would like to come and speak against the proposal.

Sharlene Weed  
406 W. Sisters View Pl.  
Sisters, OR 97759

*Ms. Weed* stated that the original approval called for 195 apartment units and this proposal is just saying they are going to build 48. She said that this is just not enough apartment units in the multi-family zone given the fact that we need so much housing and rentals in our town at this time. She asked to please consider adding more apartment units.

Roger Engstrom  
16008 Cattle Drive Rd.  
Sisters, OR 97759

*Mr. Engstrom* stated that he feels that this is just bending over and taking away 150 apartments and adding more single-family housing so that Hayden can make more money – that’s what it boils down to. Right now, housing is needed and we already have a nightmare. It is called people who have lived here all their lives that can’t afford to live here anymore. They work here and live in the woods in a tent – there are lots of them.

*Chairman Gentry* asked if anyone would like to provide neutral testimony.  
*Chairman Gentry* asked if anyone would like to provide rebuttal testimony.  
No one came forward.

*Ms. Lewis* asked if they could go over the Conditions of Approval and that they only have two comments to make out of the four pages. One would be on 4a and they would like to modify that slightly and that would address Commissioner Wright’s concerns. “Certificates of Occupancy shall be issued for multi-family units within each phase as applicable prior to the issuance of Certificates of Occupancy or any single-family dwelling within subsequent phases”. She said that if this was changed – they could still apply for approval for a final plat and create the lots for the multi-family dwellings – they could not get Certificates of Occupancy in those subsequent phases for residences. She said that they could build those apartment complexes out of order, but not the single family residences could not go out of order.

*Commissioner Wright* stated that he is trying to understand the last phase in Phase 7.

*Ms. Lewis* stated that she was just addressing Commissioner Wright’s first comment and hasn’t gotten to the other one yet.

*Ms. Lewis* read the condition again “Prior to the Certificate of Occupancy for any single-family dwelling in any subsequent phase”.

*Ms. Lewis* stated that the only other condition they wanted to make comment on was on the ODOT condition regarding the Railway improvements. “Prior to final plat approval for Phase 3, the applicant will work with the City and ODOT to calculate a proportionate share contribution to the Railway intersection improvement and a timing for payment”.

*Ms. Lewis* stated that they talked to ODOT prior to this hearing tonight to at least come up with a “not to exceed amount or a timing” – because Hayden finances their projects and lenders want to know that you can meet the Conditions of Approval. They don’t necessarily care so much what the amount is if the economics of the project support it – they just want to see it so that you can show them that it is a finite amount when going for financing. When going through the final plat approval of Phase 3, ODOT will have the improvements more laid out and Hayden will be able to come up with a dollar amount even if it’s not finite, but a “not to exceed” to be able to add \$10,000 to \$15,000 on the estimated proportionate share. That way it can be developed and conditional final plat approval so that no occupancy on any part of the project will occur until this contribution is defined in terms of an amount and the timing.

*Commissioner Wright* wanted to address a comment made by one of the homeowners that suggested he could foresee a shortcut going from Railway along Hill to get to the High School. Although the streets in Phase 7 and Phase 6 are to current code, and the other streets are very narrow. He wanted to know if there has been any thought about having it blocked, or some kind of provision to prevent traffic from going through there – it is more of a transportation issue but wanted to address it.

*Director Davenport* addressed McKenzie Meadow Village which is currently proposed and required to tie in at both locations. The subdivision plat that illustrates those connections is expired from some recent LUBA actions. A new subdivision application will be coming before the Planning Commission at some point in the future. One thing that will be required is that no vehicular connection be reestablished at those two places. They are very narrow streets and they don't need any more traffic added to it other than the local residents. Staff is tracking that for McKenzie Meadow Village to reduce those connections to only bikes, pedestrians, and emergency access if the Fire Marshall sees that being appropriate. Other things could happen with signage at these locations to indicate local traffic only, access to McKinney Butte take a left, looking at a one-way designations, but a big conversation to have with the community in the future. These streets may work better with a one-way to allow parking on the streets, but staff is willing to take a look at these things. He stated that certainly signage will discourage the cut-through and non-local traffic.

*Commissioner Wright* asked if this issue would be addressed with some kind of a condition in this particular one, or wait for the next development to not put a thru street there.

*Director Davenport* stated that is something to put in the memory banks for when a new subdivision comes in for McKenzie Meadows, and to keep in mind the challenges and what the residences are facing right now. Signage is easy, but changing the direction of the traffic that is a pretty big deal and a broad conversation to have with the residents, HOA management along with the Public Works staff.

Doug Wills  
1655 W. Williamson Ave.  
Sisters, OR 97759

*Mr. Wills* stated that there are CC&R's in place right now with the Hayden development that requires parking not be done on the street on a regular basis. Most of that is ok but there are several areas where it is not adhered to by some of the residents. It could be solved, but he doesn't think it is something that needs to be talked about right now for this particular issue. The residents can work with Hayden and the management company to rectify that problem in that development, but don't want that to get in the way of getting this thing approved.

*Commissioner Wright* stated that language was going to be proposed for Phase 7 to where it gets done, and then, can these be done based on demand ahead of the phases.

Tia Lewis  
300 SW Wall Ste. 500  
Bend, OR 97702

*Ms. Lewis* asked Director Davenport if on #4 - they were thinking about changing the title of the heading to "Timing of Completion of Multi-Family Units". She said that on b. take the same exact language in a. and duplicate it with the exception of the last part. She stated that "Certificates of Occupancy shall be issued for multi-family units in Phase 7 prior to the issuance of the 7<sup>th</sup> Certificate of Occupancy for single-family residences in Phase 7. There are 13 single-family lots in Phase and they will make sure not to develop all of Phase 7 until the multi-family units are built.

*Commissioner Clem* asked for clarification on the phrase "Certificates of Occupancy shall be issued for multi-family units" – does that mean for one (1) multi-family unit or all multi-family units?

*Director Davenport* stated that the occupancy is going to come as a building with multiple units. *Ms. Lewis* stated the whole thing.

*Commissioner Clem* asked if it could be one (1) multi-family building even though that phase would have four (4). He stated that the wording could say "Certificates of Occupancy shall be issued for "all" multi-family units.

*Ms. Lewis* agreed that it could say "all" multi-family units prior to the issuance of the 7<sup>th</sup> for the single-family residences in Phase 7.

*Vice Chairman Seymour* asked *Ms. Lewis* what is the projected timeline for the completion of Phase 3.

*Ms. Lewis* stated that at the end of next year.

*Vice Chairman Seymour* asked if they could expect the initial eight (8) multi-family units ready to go by the end of next year. Also, what about the subsequent phase.

*Ms. Lewis* and *Ms. Pust* stated that with the approval tonight, we would like to start construction by the fall/spring of 2017. On the subsequent phase, they were told that it will be totally built out by 2019 assuming that the market continues like it has been.

Roger Engstrom  
16008 Cattle Drive Rd.  
Sisters, OR 97759

*Mr. Engstrom* stated that since they were going to do away with the 150 apartments – why not make the Certificate of Occupancy and timing, etc. for all of those 48 apartments first for each phase before anything else is built. He stated that is what is needed right now in this town – places that people can afford to live in.

*Commissioner Wright* stated that his proposal being able to do them out of phase, or ahead of phase was based on a concept of supply and demand, and if the demand out-weighs the supply – then, be able to move ahead and build more apartments. There are going to be other apartment built in the City of Sisters so the supply and demand is going to vary. He stated that it would address the issue rather than to ask them to come in and put all of the apartments in at one time.

*Director Davenport* asked Commission Wright if he was looking at making sure that those apartments can proceed independent of the phasing.

*Commissioner Wright* stated that is correct. If you are in Phase 3, and Phase 3 apartments were filled up before they even got built, they may want to start on Phase 5 apartments before doing anything more in Phase 3. If those get the supply and demand built out – then, move forward into Phase 7 and can still be in Phase 5 etc. He said that he doesn't want to say that they have to do it all at once, but based on supply and demand is the appropriate thing. He stated that he doesn't necessarily think that a. addresses that specifically.

*Director Davenport* asked Commissioner Wright on the 3<sup>rd</sup> item on 4d. – is that what he was referring to. *Commissioner Wright* stated that he thinks that is saying it, but they may want some kind of a threshold that if they have 50 percent occupancy in the prior phase that it would be a trigger for starting the next phase of apartments, etc. but that is up to them. He said that he likes the wording supply and demand and they don't have it there.

*Commissioner Clem* stated that he had a couple of things to propose – on b. add “all” multi-family dwelling units, and on d. “notwithstanding requirements of item a. because without that this should be read that the units can be independent of phasing and not going to do that until the end – use ahead of the phasing instead of independent of the phasing.

*Commissioner Clem* asked the attorney about the “late arrival” letter from Central Oregon Land Watch, one of the last paragraphs states that this proposal is in violation of several Code sections and if he could address that.

*City of Sisters, Attorney Chrostek* stated that in 4.3.600a it talks about the Comprehensive Plan provisions. He stated that what the real argument is, is that they refer to Statewide Planning Goal 10 – Housing Planning Goal, in general that one requires that you provide enough housing of various levels to meet the need for any particular City. The Comprehensive Plan is where you demonstrate how you are able to meet that. Then, it talks about the 2010 Sisters Housing Plan which Director Davenport stated that it was an independent study on a Housing Needs Analysis and just a policy recommendation looking at what was happening in 2010 and recommending something forward. He stated it is just a policy document and not a regulatory document at all. He stated that certain assumptions still hold, and certain assumptions need to be updated.

*City of Sisters, Attorney Chrostek* stated that in following along in what the letter said that this proposal is in violation of the Comprehensive Plan, but they site to a document that is not part of the Comprehensive Plan. He stated that he's not sure that there is anything there. He stated that their second part talks about 4.1.700 (J), (2), and (3) and those talk about modifications and specifically, there is language in there that talks about a modification can't be an entirely new plan. He said that part of the charge here tonight is to say whether they are proposing a new plan or a major modification.

*Chairman Gentry* asked Attorney Chrostek if that is a judgement call.

*City of Sisters, Attorney Chrostek* stated that is a judgement call. He stated that the language largely talks about something having increased impacts.

*Commissioner Wright* asked Attorney Chrostek if that should be spelled out and whether it would fall into that category of a major modification versus a minor modification so this doesn't end up with LUBA. He asked if this could pass the LUBA test.

*City of Sisters, Attorney Chrostek* stated that it already has been filed as a major modification. This could pass the LUBA test because they generally could defer to the City interpretations. He said that he doesn't see how it is expressly against the language in there, but there is some judgement to it. He stated that if there are no further questions – and because this got a little bit out of order, he would give everybody one last chance to say whatever because there is some new discussion from the applicant that the opponents didn't originally get to respond to, and give the applicant the last word. If it is the wishes of the Planning Commission to close the public testimony portion of the hearing and begin the deliberation.

*Chairman Gentry* asked if anyone would like to discuss this further, if the applicant had anything to add, and if there were additional questions for staff. No one came forward.

*Chairman Gentry* stated that the public testimony portion of the hearing is now closed. Is there any discussion by the Planning Commission?

*Commissioner Clem* stated that for him – the significant issue from the last discussion remains unresolved. The Phases 1, 2, and 4, the original Master Plan was approved under the understanding that this entire development would have a net units per acre. The proposal before us, Phases 3, 4, 5, and 7 – the future phases do meet the current requirement of 7 units per acre, but if this is approved, the result is that the net for this entire development that was originally approved as 8 units per acre, which is in a multi-family zone of the City, which requires 7 units per acre by the current Code – if this is approved then, the net for the entire development existing and new is less than 6 units per acre. He stated that he's done his math and can't get it to add up and asked Director Davenport to address this.

*Director Davenport* stated that the density is calculated for a gross density of what is required. This project meets the minimum standard of 7.01 units an acre – gross density for the entire project which includes the west side part. The project in its entirety meets the 7.01 units per gross calculation. It is at the bare minimum, but it is at the minimum.

*Commissioner Wright* asked if the total subdivision, it will not be in a non-compliance status.

*Director Davenport* stated that is correct. He said that the only thing that doesn't meet the current standards are the street sections of which were approved under previous construction standards.

*Director Davenport* stated that he wanted to address the gentleman that spoke earlier about the need for multi-family rentals and workforce housing. The City is keenly aware of that and made aware of that sometimes multiple times a day of what is needed here in town. He stated that we are hearing it from business owners, from residents who are challenged in finding a place to live at all, much less it being an affordable place to live. He stated that he shared earlier what is coming, what is entitled to the south of this project, and that other proposals are coming soon for more apartments being proposed in the Downtown Commercial District – developers want to build more apartments. There is a demand and he feels that the applicant is providing a

good mix of housing, and a decent mix, but there is also the need to be mindful of this area of what is happening with traffic and only getting heavier and heavier, etc. Plans that reference something from 11 years ago with some thoughts of what could happen in the future, the Comprehensive Plan from 2005 and housing study from 2010, those are policies and certainly need to be followed to the greatest extent possible. He said that Goal 1 is citizen input, you've heard from the citizens today, heard from the residents of what their concerns are, and this project does meet the minimum standards, more apartments coming, and just wish they could be built faster – all of us do. *He stated that again, he would request the Planning Commissions conditional approval.*

*Chairman Gentry* asked the Commission if they would like to make a motion.

*Commissioner Wright* made a motion for approval of this modification (MOD16-03) to previous approved Master Plan MP05-01, and approval of the new tentative subdivision plat to enable construction of 138 total residential units on 18.37 acres which includes 69 single-family detached units, 21 single-family attached units (townhouses), and 48 units of multi-family apartment units with associated open space and various street facilities.

*Vice Chairman Seymour* seconded the motion.

*Chairman Gentry* reopened the public hearing for the sole purpose of talking about the acre.

*Director Davenport* stated that the map is correct and it is on a gross density calculation. He read the definition of density for the record: "A measurement of the number of the 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 buildable and unbuildable land such as street, streams, slopes, open space easements and other rights-of-way of land that will be dedicated as right-of-way through the development process. It does not include land previously dedicated as right-of-way". He stated that the difference in between the overall that is 43+ acres and is on the map – subtracts the street right-of-way that has been previously dedicated.

*Commissioner Clem* asked Director Davenport for clarification that because this master plan is being presented after a portion of it has been built – the applicant is applying that code section that allows them to exclude the existing right-of-ways.

*Director Davenport* stated yes. There are copies available of the original proposal and members of the audience were looking at a previous copy. Those copies presented were an attempt at a courtesy copy, not part of the record, and what is part of the record is in the packet and part of the slides today.

*Chairman Gentry* close the public testimony portion of the hearing and asked if there is a motion.

*Commissioner Clem* stated that as he began saying – we're at the same point as before. This is resulting in allowing the overall development which was approved for 9 which should be 7, to be less than 6. He said that is troubling when the City specifically designated this area for higher density to achieve the goals of density in the City. In the last discussion, there is limited locations in the City for high density housing and this is one of them.

*Commissioner Detweiler* stated to add to the concern about density – there is an overriding concern with respect to any effort to extend the Urban Growth Boundary, if we continue to allow low density. If the numbers are correct and sure they are, we are not really accomplishing anything with respect to that issue. He stated that he appreciates all the work that staff has done and everyone has done, but doesn't feel like this development has made a good faith effort to comply with the master plan that was originally envisioned. As a consequence, this has left us in this unpleasant situation having to accept with respect to apartments which we desperately need - only 16 percent of what was originally envisioned. He stated that he understands the City's interest in getting something and sympathizes – but as a man of conscience, he cannot accept this.

*Vice Chairman Seymour* stated that he can appreciate the density, appreciates the fact that there are not as many multi-family units that he would like to see, but feels that the effort and thoughtfulness that Hayden has put in to this plan while yes, if it was done as a complete master plan from the inception of the project – the density would be different. But in light of what we've had to work with and what is being worked with, he feels like the density aspect is meeting the threshold that the City has presented based on the project that is being looked at right now. Therefore, he would like to go forward and if there is a precedence issue, then, refer back to that later, and it will stand. He said that above all and it's clear to him what the public wants. We've heard it tonight, and the Planning Commission is charged with doing what is best for the public and not necessarily what is best for what we want to do personally. He stated that he feels the residents of Cold Springs have spoken, it's not ideal for the City, but there has to be a compromise to some degree. Therefore, he stated that he is in support of it as it is and as it's been discussed.

*Commissioner Detweiler* stated that in response to what Vice Chairman Seymour said, he doesn't view his obligation as a member of this Commission to respond only to a few residents in this development who have spoken. The Commission has an overriding responsibility in the community as a whole to do everything possible to get the kinds housing that is desperately needed, and this does not accomplish that for reasons that he has a great deal of difficulty with.

*Vice Chairman Seymour* stated that there are going to be 50 apartments which is 50 more than what there is right now. Yes, it is not the best solution, but it is the option that they have been working with right now. The previous master plan of 296 units is frankly absurd, and would wreak havoc on the rental and housing market here in Sisters. There would be significant adverse effects and that is way too many units. This is something tangible and if approved, it is going to happen and be a positive impact on the community.

*Commissioner Wright* stated that he agrees working in the best interest of the community, and again, his focus tonight as amending the motion was to get the apartments upfront based on supply and demand, and that was a very important aspect of this to meet the supply and demand. He stated he would like to see more effort put in if that section of land in the area where there are 20 apartments whether someone changes it to code, or changes it to allow to go to 3-story apartments with possibly getting more than 20 units in those areas. That would be a big plus on the part of Hayden to demonstrate that they are making every effort to try and meet what the initial intent was. Again, the market is going to determine whether they can put 3 bedroom apartments, or 30 or 40 one bedroom apartments. If there are some opportunities to build upon the minimum number that would be a great benefit, and get closer to what was being

conveyed in the last meeting going on the gross area and trying to get to 7 which was significantly lower than the 9 that the original development was on. He said that he feels Hayden did an incredible job in laying it out, and still make it a neighborhood that people want and have a desire to live in and not feel over crowded. The quality of life and the environment is very important to people's satisfaction. Again, he stated he will support it and be ready to make another motion.

*Commissioner Clem* stated that he feels personally as a Commissioner, and us as a Commission, have a responsibility similar to what Commissioner Detweiler said, but a responsibility to uphold the goals of the City for density. There is a lot that goes into that because those goals for density are influenced by demographics of the people that live here. His opinion in approving this does not meet that and sets a precedence for the future that if you wait long enough, you cannot meet the density goals of the City.

*Commissioner Wright* stated that he feels there is a lesson to be learned here. He doesn't quite understand in the first part of Village of Cold Springs, Phases 1, 2 and then jumped to 4, and why not go to 3 before doing 4 even though 3 was on the other side of the street. He thinks as a lesson learned that once setting up Phase 1, 2, and 3 – do it the way it was set up and not vary from the way it is being proposed. That is part of the problem that has happened here is having Phase 1, 2 and then jumped into Phase 4, when in fact, if Phase 4 hadn't been done and gone to Phase 3, there might have a different net outcome of this project. He said that when laying out a master plan to do it in accordance with the phases as proposed and not out of phase.

*Chairman Gentry* stated that he was one of the Commissioners that originally approved this. He stated that they probably didn't think it through clearly and they weren't aware of the impact on density as far as traffic on the roads, etc. and we thought we're going to have 9 and we're going to make that goal. He stated that he didn't think the City could support it anyway, and there is not the need to have that many apartments at one time. He said that over the 12 years he's been on the Commission, he's a little frustrated because he wants to see progress, and thinks it is a good plan, or option to what it was before. He said that he sees that the City will get something from it, and is enthusiastic about going in that direction and making sure it's going to happen now. He said that is one reason he's supportive and moving in that direction. Do we want more – maybe, eventually, but at least with this one we are getting something done, and said he wasn't aware of another apartment being built, so there is some movement in that direction, and this is a movement in that direction. He said that Hayden Homes needs to make money too, and doesn't think there is anything wrong with that.

There was a brief discussion on traffic impacts, roundabout, development, obligation and monitoring, the Master Plan, responsibility of the City and developers, density, applying current standards, affordability, supply and demand, number of housing units, etc.

*Commissioner Wright* made a motion to approve this proposal with the conditions as amended at this hearing.

*Vice Chairman Seymour* seconded the motion.

*Members of the Commission: Clem, Detweiler, Gentry, Nagel, Seymour, Tewalt, Wright*

AYES:	Gentry, Seymour, Wright	(3)
NOES:	Clem, Detweiler	(2)
ABSENT:	Tewalt	(1)
RECUSE:	Nagel	(1)

Motion carries 3-2.

V. WORKSHOP ITEMS  
None

VII. OTHER COMMISSION BUSINESS  
None

VIII. ADJOURN  
The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Carol Jenkins, Recording Secretary





