



AGENDA

**CITY PLANNING COMMISSION
520 E Cascade Avenue Sisters, OR 97759**

Thursday, November 19, 2015– 5:30 P.M.

- I. CALL TO ORDER
- II. VISITOR COMMUNICATION
This is the time provided for individuals wishing to address the Planning Commission, at the Commission's discretion, regarding issues that are not already on the agenda. Citizens who wish to speak should sign up prior to the beginning of the meeting on the sign-up sheet at the podium. Please use the microphone and state your name and address at the time the Planning Commission calls on you to speak.
- III. APPROVAL OF MINUTES- August 20, 2015 and September 17, 2015
- IV. PUBLIC HEARINGS:
 - A. MOD #15-06: Modification of subdivision preliminary plat (SUB #15-01) to revise the rear yard setbacks along northern property line. This application is being processed as a Type IV decision.
 - B. EXT #15-02: Request for extension of approved subdivision - SUB #10-02
 - C. SUB # 15-03: Subdivision preliminary plat for Kuivato – 35 single family residential lots
- V. WORKSHOP: TA #15-03: Various text amendments
- VI. OTHER COMMISSION BUSINESS: Proposed workshop - December 3, 2015
- VII. ADJOURN

*This agenda is also available via the Internet at www.ci.sisters.or.us. The meeting location is accessible to persons with disabilities. Requests for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting by calling Kathy Nelson, City Recorder, at the number below.
520 E. Cascade Ave. – P.O. Box 39, Sisters, OR 97759 – 541-323-5213.*

**CITY OF SISTERS
PLANNING COMMISSION**



EXHIBIT A

STAFF REPORT

File #: MOD 15-06

Applicant: Peter Hall
Property Owners: 3 Sisters Partners

Request: Modification of an approved preliminary subdivision plat (SUB #15-01)

Hearing Date: November 19, 2015, 5:30 pm, Sisters City Council Chambers, 520 E. Cascade Avenue, Sisters, Oregon

Location: ClearPine Subdivision

Planner: Patrick T. Davenport

1. Project Request

The Applicant requests modification of an approved subdivision plat (SUB #15-01) to revise the setbacks along the northern property line.

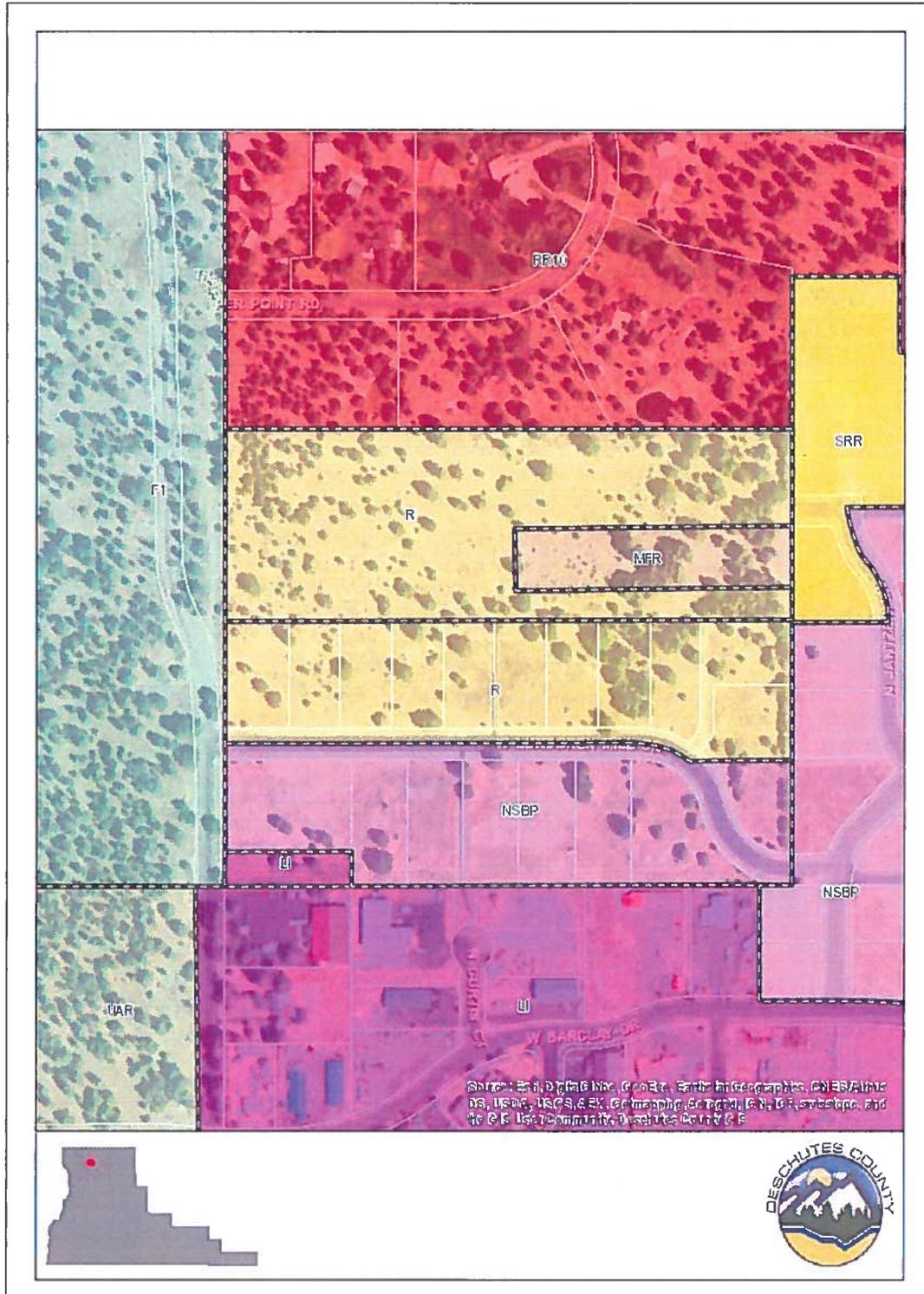
2. Property Description

The subject site consists of a 77- lot subdivision known as ClearPine. The development has received approval for a master plan and tentative subdivision plat (MP 15-01 and SUB 15-01). The lots range in size from approximately 5,000 to 6,500 square feet. Adjacent land uses and zoning designations for the surrounding properties are summarized as follows:

Direction	Current Zoning District	Current Use
North	Deschutes County jurisdiction	Rural/residential
East	Sun Ranch Residential (SRR) and North Sisters Business Park (NSBP)	Vacant lots
South	North Sisters Business Park (NSBP)	Vacant lots
West	Deschutes County Jurisdiction	US Forest Service

ZONING/LOCATION MAP

- Phase 1 Plats have been recorded but do not appear on Dial Deschutes web site. Copies of recorded plats are attached as Exhibit H.



Background

The subject property is existing ClearPine subdivision. The Master Plan and Subdivision applications (MP 15-01 and SUB 15-01) were approved by the Planning Commission on 04/30/2015 and an additional review was performed by the City Council via its call up authority and was approved on 06/25/15. Historical land use decisions are provided below:

- PA-99-4 / ZC 99-1 Deschutes County Decisions that were followed by Annexation
- SUB 05-07– Three Sisters Business Park Subdivision
- CP06-04, CP06-03, Z05-02 -Comprehensive Plan Amendment converting 12.58 acres to R and MFR and 16.91 acres to LI/NSBP
- CP14-01 and ZC 14-01 – Comprehensive Plan Amendment and Zone Change converting 8.32 acres of LI/NSBP to R
- MP 15-01 and SUB 15-01 – Master Plan and Tentative Subdivision Plan on 20.02 acres, for a 77 – lot subdivision

The subdivision is zoned Residential (R) and Multifamily Residential (MFR) and its existing approval enables the construction of 77 single family detached residential units on lots ranging from approximately 5,000 to 6,500 square feet in area with the R zone. The MFR zoned area was not part of this approval.

Setbacks Along Northern Property Line

The original UGB annexation agreement for this property specified setbacks for industrial buildings along the northern property as follows: 50' setback for structures less than 20' in height and a 100' setback for structures greater than 20' in height. The purpose of the setbacks was to reduce the impact of future industrial uses on the residential property to the north. The 2001 Development Agreement containing these setback provisions expired in 2008, under ORS 94.504, which imposed a seven-year term on the Agreement. These setback requirements have been carried forward in subsequent land use applications since the Development Agreement was approved, therefore the setbacks as specified may still be applicable.

Since the setbacks along the northern property line were not addressed as part of the approval for MP #15-01 and SUB #15-02, two development versions are currently in effect at this time. One version illustrates an alley to be constructed along the northern property line and the other version illustrates no alley to be constructed along the northern property line.

An opportunity exists to finalize the design of the lots along the northern property line during the public hearing, depending upon the final decision regarding this Modification request.

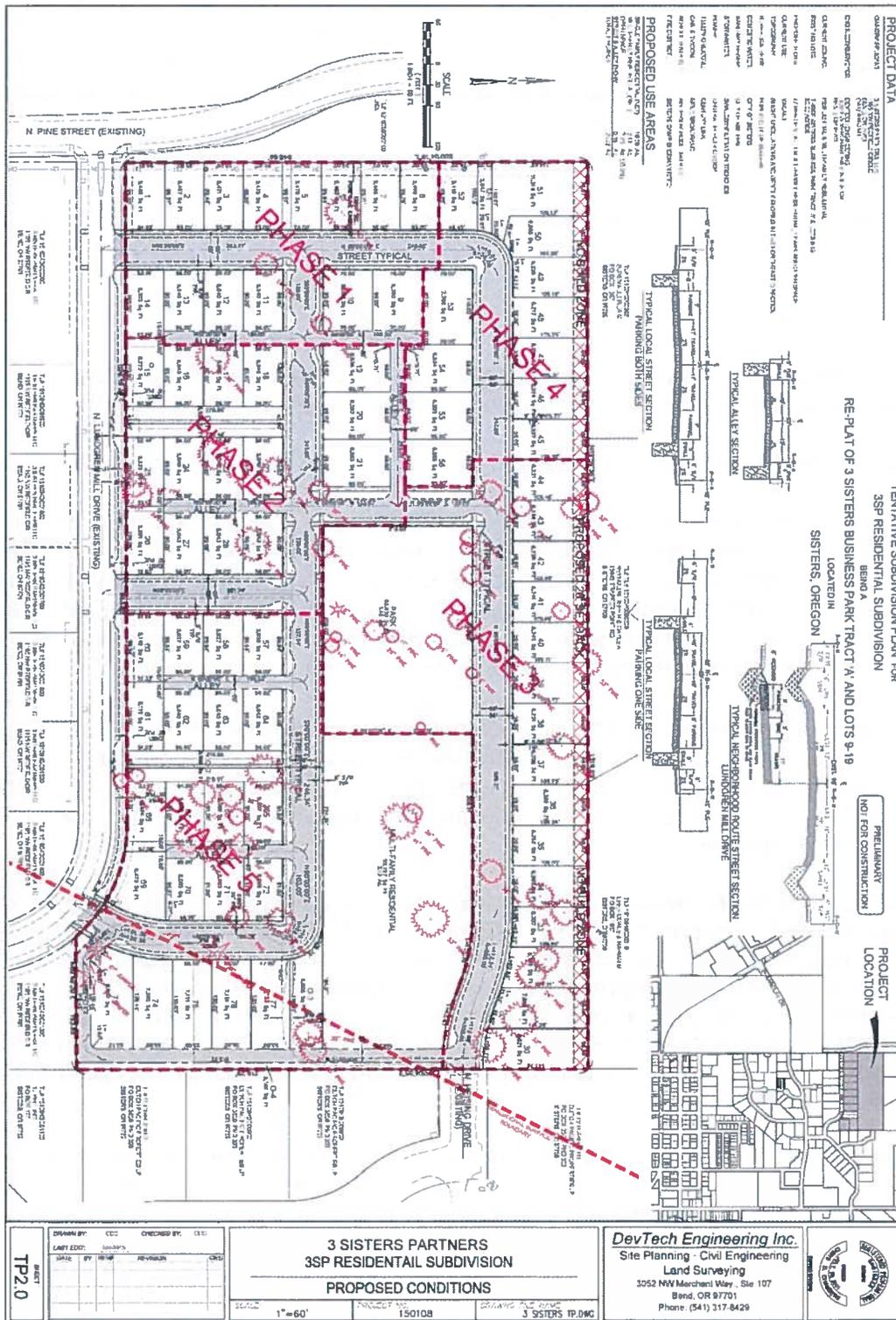
4. Applicant's Request

The applicant/developer has submitted a modification request to revise the aforementioned setbacks along the northern property line. The current setback provisions restrict normal building standards on approximately 3 acres, or 15% of the Applicant's (ClearPine) subdivision and has offered two Options for consideration:

- Option 1: Apply a 20' no build zone (20' setbacks for all structures along the northern property line)
- Option 2: Revert to the minimum Sisters Development Code setbacks per 2.2.2:

Rear Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Attached garage (street accessed)	15 ft. min
Accessory Building	5 ft. per story min.
Detached Garage (street accessed)	5 ft. per story min.

APPLICANT'S PRELIMINARY PLAT: PROPOSED CONDITIONS



5. Review Procedures

Conclusionary Findings. Pursuant to the applicable chapters found in the Sisters Development Code, this modification request can either be approved, approved with conditions, or denied on the basis of whether the applicable standards and criteria can be satisfied either as submitted, or as mitigated through conditions of approval. The applicant has provided a Burden of Proof dated September 4, 2015 and is attached to this staff report.

Applicable Criteria; Sisters Development Code (SDC) - Chapter 2.2 (Residential District); 4.1 (Types of Applications and Review Procedures); and 4.3 (Land Divisions and Lot Lines Adjustments).

4.1.700.J General Provisions: Major Modifications.

1. **An applicant may apply to modify an approval at any time after a period of 60 days has elapsed from the time a development approval has become final.**

Response: The application was approved on 06/25/15. The applicant meets this criteria.

2. **Unless otherwise specified in this Code and is not considered a minor modification, the grounds for filing a modification shall be that a change of circumstances since the issuance of the approval makes it desirable to make changes to the proposal, as approved. A modification shall not be filed as a substitute for an appeal or to apply for a substantially new proposal or one that would have significant additional impacts on surrounding properties.**

Response: The request is not considered a minor modification and is not a substitute for an appeal. The modification is not a substantially new proposal and although the reduction of setbacks from the existing requirements may impact the adjoining properties, staff does not consider the request to have *significant, additional* impacts from what has been previously approved.

3. **An application to modify an approval shall be directed to one or more discrete aspects of the approval, the modification of which would not amount to approval of a substantially new proposal or one that would have significant additional impacts on surrounding properties. Any proposed modification, as defined in this section, shall be reviewed only under the criteria applicable to that particular aspect of the proposal. Proposals that would modify an approval in a scope greater than allowable as a modification shall be treated as an application for a new proposal.**

Response: Only one aspect of the previously approved subdivision plat is requested to be modified. The request is not considered to have *significant, additional* impacts on the surrounding properties beyond what is already approved.

- 4. An application for a modification of a Type I approval shall be processed as a Type I application. An application for a modification of a Type II approval shall be processed as a Type II application. An application for a Type III approval shall be processed as a Type III application. The Communication Development Director shall have the discretion to forward any Type I or Type II modification to the Planning Commission for review.**

Response: The original application (SUB #15-01) was reviewed and approved by the Planning Commission as a Type III application but the City Council called up the decision, provided a de novo review and conditionally approved both MP #15-01 and SUB #15-01.

The setbacks along the northern property line were approved by City Council via a development agreement dated April 20, 2001. Therefore, the proposed Modification to the setbacks specified in the April 20, 2001 Development Agreement will require a review by the Planning Commission with a recommendation to the City Council for the final decision.

- 5. The effect, if any, of a modification upon the original approval time limitation shall be established in the modification decision.** The modification, if approved, will not have any effect on the previous conditions of approval. All terms in the conditions of approval per the City Council's decision on 06/25/15 remain in effect should this Modification request be approved.

Public Notices

On October 22, 2015, the City mailed a notice to properties located within 250 feet of the project. One written comment has been received from adjoining property owner and has been attached to this staff report. The City also posted the site with a notice of land use action on October 22, 2015 and published a notice in the Nugget newspaper on October 28, 2015.

Public Comments

Three letters from adjoining property owners were received and have been attached to this staff report. Two letters from Mr. Duane Lee dated September 21, 2015 and October 15, 2015 (with attachments) were sent by Mr. Duane Lee, and one letter from Jeff and Gayle Reynolds dated October 29, 2015. Both property owners expressed concerns regarding heights of future dwellings and lack of fencing being proposed by the applicant/developer.

Neither prior Conditions of Approval for this development or the Sisters Development Code require a fence, berm or other type of screening when the subject residential development is proposed adjacent to lower density residential development. The height limit restrictions for the proposed dwellings which were imposed upon the subject property are still in effect and are the subject of the modification request. The Planning Commission has the ability to consider any appropriate mitigation measures to address the concerns in the attached letters.

Recommendations:

The Planning Commission is being requested to hear statements from all participants and make a recommendation with draft conditions to be forwarded to the City Council for final approval.

Exhibits

The following exhibits make up the record in this matter. These are contained in file MOD #15-06 and are available for review at the City of Sisters City Hall:

- A- Staff report with Conditions of Approval**
- B- Application and applicant's request**
- C- Approved Tentative subdivision plats illustrating two versions**
- D- Proposed tentative subdivision plat (Option 1)**
- E- Original Development Agreement dated April 21, 2001**
- F- Letter from Duane Lee dated 09/21/15**
- G- Letter and attachments from Duane Lee dated October 15, 2015**
- H- Letter from Jeff and Gayle Reynolds dated October 29, 2015**
- I- Recorded plats for Phase 1**
- J- Draft Resolution 2015-15**

Conditions of Approval. Below are the DRAFT Conditions of Approval for the Planning Commission's Consideration.

1. (Option #1 or Option #2) is hereby approved.
2. All applicable conditions of approval specified in previously approved land use applications affecting the subject property not modified by this application remain in effect.
3. Other conditions as approved by the Planning Commission (if any).

MASTER PLANNING APPLICATION FORM

CITY OF SISTERS
 Community Development Department
 P.O. Box 39, 520 E. Cascade Avenue
 Sisters, OR 97759
 Ph: 541-323-5207 Fax: 541- 549-0561



- | | | | |
|-------------------------------------------------|--------------------------------------------------|--------------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> ACCESSORY DWELLINGS | <input type="checkbox"/> MINOR CONDITIONAL USE | <input type="checkbox"/> LOT LINE ADJUSTMENT | <input type="checkbox"/> SUBDIVISION |
| <input type="checkbox"/> ANNEXATION (III/IV) | <input type="checkbox"/> DEVELOPMENT REVIEW | <input type="checkbox"/> MASTER PLAN | <input type="checkbox"/> TIME EXTENSION |
| <input type="checkbox"/> APPEAL | <input type="checkbox"/> FINAL PLAT REVIEW | <input checked="" type="checkbox"/> MODIFICATION | <input type="checkbox"/> TEMPORARY USE |
| <input type="checkbox"/> CODE TEXT AMENDMENT | <input type="checkbox"/> HISTORIC LANMARKS COMM. | <input type="checkbox"/> PARTITION | <input type="checkbox"/> TYPE I |
| <input type="checkbox"/> COMP. PLAN AMENDMENT | <input type="checkbox"/> FLOOD PLAIN REVIEW | <input type="checkbox"/> REPLAT | <input type="checkbox"/> VACATION RENTALS |
| <input type="checkbox"/> CODE INTERPRETATION | <input type="checkbox"/> LOT CONSOLIDATION | <input type="checkbox"/> SITE PLAN REVIEW | <input type="checkbox"/> VARIANCE |
| <input type="checkbox"/> CONDITIONAL USE PERMIT | | | <input type="checkbox"/> ZONE CHANGE |

APPLICANT: 3 Sisters Partners, LLC PHONE: 541 468-0141

ADDRESS OF APPLICANT: 1195 NW Redfield Circle Bend, OR 97703

PROPERTY OWNER: Peter Hall PHONE: _____

ADDRESS OF PROPERTY OWNER: same

PROPERTY ADDRESS: W. Lundgren Mill Drive

TAX LOT NUMBER: T15 R10 Section Tax lot(s) _____

PROPERTY SIZE (ACRES OR SQUARE FEET): 20.02 acres

EXISTING ZONING OF PROPERTY: Residential

COMPREHENSIVE PLAN DESIGNATION OF PROPERTY: Residential

DESCRIBE PROJECT OR REASON FOR THIS REQUEST: To remove property line setbacks on northern boundary. Related to SUB-15-01.

*The applicant will be the primary contact for all correspondence and contact from the City unless other arrangements are made in writing.

<u><i>Peter Hall</i></u>	<u>Peter B. Hall</u>	<u>9/3/15</u>
Signature of Applicant	Printed Name	Date
_____	<u>same</u>	_____
Signature of Property Owner	Printed Name	Date

PLEASE DO NOT WRITE BELOW THIS LINE — FOR OFFICE USE ONLY

DATE RECEIVED 9/3/15 FILE NO. MOD 15-06 CHECK NO. 1445

CASH - AMOUNT PAID \$1000.00 RECEIPT NO. 125608

CHECKED BY: pd

Use this table to determine the documents/maps needed to complete your application package. Incomplete application packets will delay the processing of your application.

X – Information is required.
 O – Other Information may be required.
 SEE PLANNING STAFF

	Application & Filing Fee	Burden of Proof / Needs Analysis	Other Studies	Existing Site Conditions	Proposed Site Plan	Elevations	Floor Plans	Preliminary Title Report	Tentative Plat	Landscape Plan	Drainage / Grading Plan	Letter of Authorization	Legal Description	PDF's of each drawing	Refer to Code section?
Annexation	X	X	O					X				X	X		
Appeal	X	X	X												X
Code Interpretation	X	X													
Code Text Amendment	X	X	O												
Comp. Plan Amend.	X	X	O												
Conditional Use Permit	X	X	O	X	X	X	X	X		X	X	X	O	X	
Development Review	X	X		X	X	O	O	X				X		O	
Flood Plain Review	X	X		X	X			X				X			
Home Occupation Permit	X			X	X	X	X	X				X		X	X
Lot Line Adjustment	X	X		X	X	X	X	X			O	X		X	
Lot Consolidation	X	X						X	X			X	X	X	
Master Plan Development	X	X	O	X	X	O	O	X	X	X	X	X	X	X	X
Partition	X	X	O	X	X			X	X			X		X	
Replat	X	X	O	X	X			X	X			X		X	
Site Plan Review	X	X	O	X	X	X	X	X		X	X	X	X	X	
Subdivision	X	X	O	X	X			X	X			X	X	X	
Temporary Use Permit	X	X	O	X	X			X	X			X		X	
Time Extension	X	X	O	X	X	O	O	X				X		X	
Variance	X											O			X
Zone Change	X	X	O	X	X	O	O	X	O	O	O	X		X	X
	X	X	O					X				X			X



September 4, 2015

Patrick Davenport, Planning Director
City of Sisters, Oregon
P.O. Box 39
Sisters, Oregon 97759

RE: MOD #15-06

This letter shall serve as the Burden of Proof for the requested land use action contained with MOD #15-06.

Applicant: Peter Hall, 3 Sisters Partners, LLC, 1195 NW Redfield Circle, Bend Oregon, 97703.

Intent of Modification to an Approved Decision: To remove certain property setbacks from the Deschutes County plat for the northerly property line in "Tract A" that include a "50-foot setback for buildings of 20 feet or less in height" and "100-foot setback for buildings more than 20-feet high".

Background: The setbacks were originally imposed in conjunction with a prior development agreement (Deschutes County document 2001-21131). The intent of the 2001 agreement was to impose significant setbacks on future Industrial development on Tract A, as a result of Tract A being annexed into the City of Sisters UGB. The setbacks were intended to keep large industrial buildings some distance away from the adjacent property owners in Trapper Point Subdivision. According to ORS statute 94.504, the 2001 Development Agreement expired in April 2008 (7-year agreement expiration).

Recent Land Use: IN 2014, MP #15-01 and SUB #15-01 granted Applicant approval to build a new residential subdivision called ClearPine on Tract A. Construction of Phase 1 infrastructure is currently nearing completion, as authorized by these land use actions.

Applicable Code: According to City of Sisters Development Code section 2.2.300, rear-yard setbacks in the Residential District (R) are provided as follows:

- Primary Building/Living Space w/Attached Garage = 15ft minimum.
- Detached Garage = 5' per story min. (therefore 5-10 ft minimum).



- Eaves are allowed to encroach another 3 feet (making the effective edge of structure setbacks 2' & 7' for detached garages, and 12' for living space).

Proposal

The Applicant is proposing the current 50' and 100' setback restrictions be removed and replaced with either, a) standard R District rear-yard setbacks, or alternatively, b) a 20' residential rear-yard building setback along the entire northern boundary of Tract A, with its boundary against the Trapper Point Subdivision. The latter will provide additional separation between new housing units in ClearPine, and existing, more rural housing units in Trapper Point. For this reason, the Applicant is willing to offer the compromise in option b.

Request: The Applicant, 3 Sisters Partners, LLC, requests the Planning Commission recommend one of the two options in the Applicant's Proposal. Further, the Applicant requests the City Council approve one of the two options proposed, and provide the required release to Deschutes County to allow removal of the setback restrictions originally imposed on the plat by Development Agreement 2001-21131.



Peter Hall, 3 Sisters Partners, LLC

9/4/15
Date

PROJECT DATA

OWNER/APPLICANT: 3 SISTERS PARTNERS, LLC
 1195 NW REDFIELD CIRCLE
 BEND, OR 97701
 (541) 485-9141

ENGINEERS/SURVEYOR: DEVTECH ENGINEERING
 3052 NW MERCHANT WAY., SUITE 107
 BEND, OR 97701
 (541) 485-9141

CURRENT ZONING: RESIDENTIAL & MULTI-FAMILY RESIDENTIAL
 THREE SISTERS BUSINESS PARK TRACT 'A' & LOTS 9-19
 20.02 ACRES

PROPOSED LOTS: 77 RESIDENTIAL, 1 MULTI-FAMILY RESIDENTIAL, 1 PARK AND OPEN SPACE

CURRENT USE: VACANT

TOPOGRAPHY: SLIGHT UNDULATIONS AND GENTLY SLOPING IN THE NORTHEAST DIRECTION

STREETS/ALLEYS: PUBLIC CITY OF SISTERS

DOMESTIC WATER: CITY OF SISTERS

SANITARY SEWER: CITY OF SISTERS

STORMWATER: SWALE/INFILTRATION TRENCHES

POWER: CENTRAL ELECTRIC COOP

TELEPHONE/COM: CENTURY LINK

CABLE TV/COM: BEND BROADBAND

SCHOOL DISTRICT: SISTERS SCHOOL DISTRICT

FIRE DISTRICT: SISTERS-CAMP SHERMAN RFPD

PROPOSED USE AREAS

SINGLE FAMILY RESIDENTIAL (NET): 10.59 AC
 MULTI-FAMILY RESIDENTIAL (NET): 2.13 AC
 OPEN SPACE: 2.23 AC (10.9%)
 STREET & ALLEY R.O.W.: 5.16 AC
 TOTAL PROJECT: 20.02 AC

**TENTATIVE SUBDIVISION PLAN FOR
 3SP RESIDENTIAL SUBDIVISION**

BEING A
 RE-PLAT OF 3 SISTERS BUSINESS PARK TRACT 'A' AND LOTS 9-19
 LOCATED IN
 SISTERS, OREGON

PRELIMINARY
 NOT FOR CONSTRUCTION

PROJECT
 LOCATION

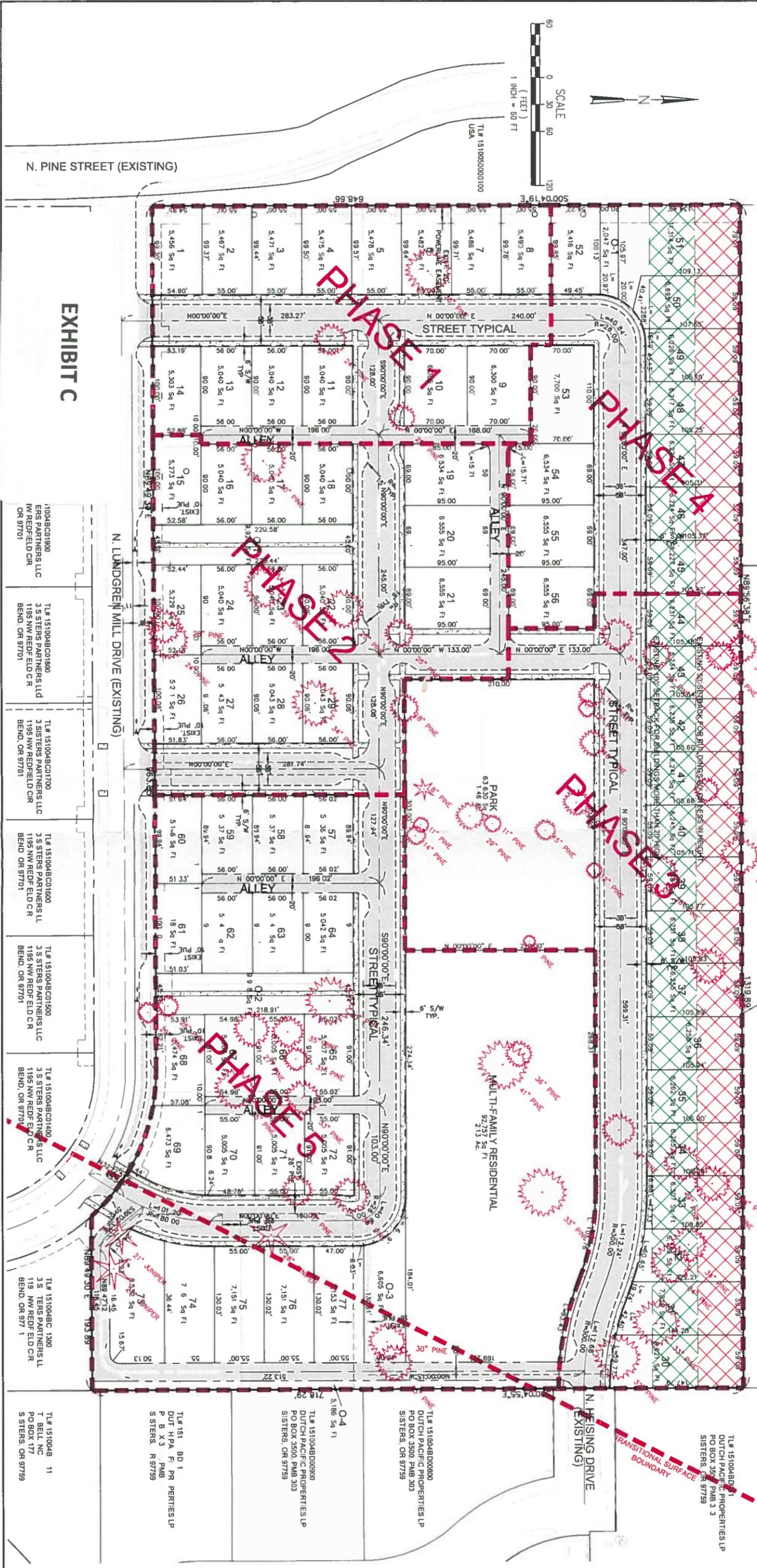
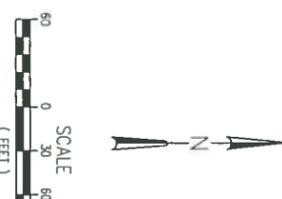
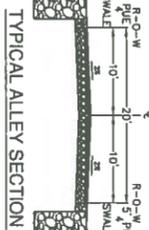


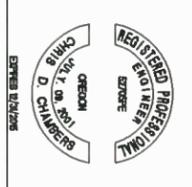
EXHIBIT C

TL# 151004B0100 ERS PARTNERS, LLC 1195 NW REDFIELD CIR BEND, OR 97701	TL# 151004B01800 3 SISTERS PARTNERS, LLC 1195 NW REDFIELD CIR BEND, OR 97701	TL# 151004B01700 3 SISTERS PARTNERS, LLC 1195 NW REDFIELD CIR BEND, OR 97701	TL# 151004B01600 3 SISTERS PARTNERS, LLC 1195 NW REDFIELD CIR BEND, OR 97701	TL# 151004B01500 3 SISTERS PARTNERS, LLC 1195 NW REDFIELD CIR BEND, OR 97701	TL# 151004B01400 3 SISTERS PARTNERS, LLC 1195 NW REDFIELD CIR BEND, OR 97701	TL# 151004B01300 3 SISTERS PARTNERS, LLC 1195 NW REDFIELD CIR BEND, OR 97701	TL# 151004B01200 3 SISTERS PARTNERS, LLC 1195 NW REDFIELD CIR BEND, OR 97701	TL# 151004B01100 3 SISTERS PARTNERS, LLC 1195 NW REDFIELD CIR BEND, OR 97701	TL# 151004B01000 3 SISTERS PARTNERS, LLC 1195 NW REDFIELD CIR BEND, OR 97701
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**3 SISTERS PARTNERS
 3SP RESIDENTIAL SUBDIVISION
 EXISTING CONDITIONS**

SCALE: 1"=60' PROJECT NO. 150108 DRAWING FILE NAME: 3 SISTERS TP.DWG

DevTech Engineering Inc.
 Site Planning · Civil Engineering
 Land Surveying
 3052 NW Merchant Way., Ste 107
 Bend, OR 97701
 Phone: (541) 317-8429



DRAWN BY: CDC	CHECKED BY: CDC		
LAST EDIT: 9/8/2015			
DATE	REV#	REVISION	CKD

SHEET
TP2.0

PROJECT DATA

OWNER/APPLICANT: 3 SISTERS PARTNERS, LLC
 1185 NW REDFIELD CIR
 BEND, OR 97701
 (541) 408-0141

ENGINEER/SURVEYOR: DEVTECH ENGINEERING
 3052 NW MERCHANT WAY, SUITE 107
 BEND, OR 97701

CURRENT ZONING: RESIDENTIAL, 1 MULT-FAMILY RESIDENTIAL, 1 PARK AND OPEN SPACE

PROPOSED LOTS: 77 RESIDENTIAL, 1 MULT-FAMILY RESIDENTIAL, 1 PARK AND OPEN SPACE

CURRENT USE: VACANT

TOPOGRAPHY: SLIGHT UNDULATIONS AND GENTLY SLOPING IN THE NORTHEAST DIRECTION

STREETS/ALLEYS: PUBLIC CITY OF SISTERS

DOMESTIC WATER: CITY OF SISTERS

SEWER: SWALE/INFILTRATION TRENCHES

STORMWATER: CENTRAL ELECTRIC COOP

POWER: CENTRAL ELECTRIC COOP

TELEPHONE/COMM: CENTURY LINK

CABLE TV/COM: BEND BROADBAND

SCHOOL DISTRICT: SISTERS SCHOOL DISTRICT

FIRE DISTRICT: SISTERS-CAMP SHERMAN RFD

PROPOSED USE AREAS

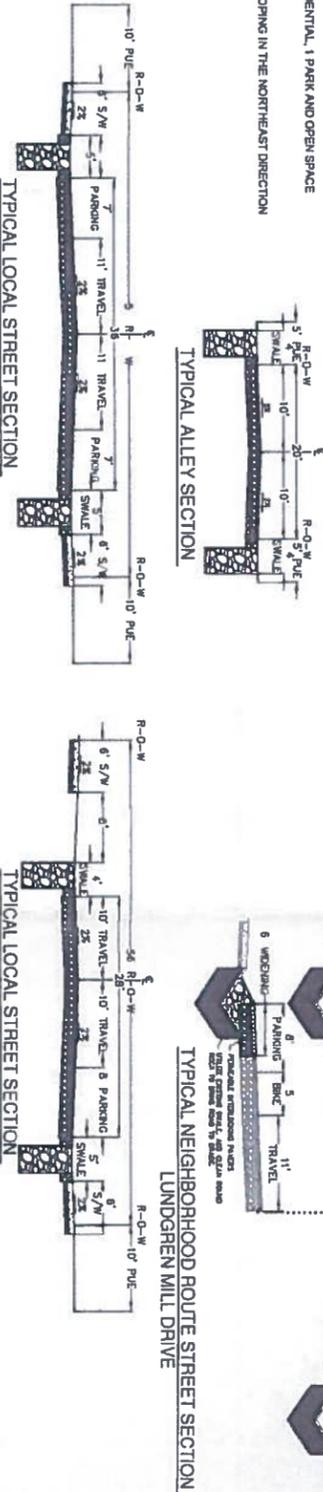
SINGLE FAMILY RESIDENTIAL (NET) 1020 Ac
 MULT-FAMILY RESIDENTIAL (NET) 1.89 Ac
 OPEN SPACE 2.14 Ac (15.0%)
 STREET & ALLEY R.O.W 5.78 Ac
 TOTAL PROJECT 20.02 Ac

**TENTATIVE SUBDIVISION PLAN FOR
 3SP RESIDENTIAL SUBDIVISION**

BEING A
 RE-PLAT OF 3 SISTERS BUSINESS PARK TRACT 'A' AND LOTS 9-19
 LOCATED IN
 SISTERS, OREGON

PRELIMINARY
 NOT FOR CONSTRUCTION

PROJECT
 LOCATION



DRAWN BY:	CDC	CHECKED BY:	CDC
LAST EDIT:	3/3/2015		
DATE	BY	REV	REVISION
			CKD

**3 SISTERS PARTNERS
 3SP RESIDENTIAL SUBDIVISION
 TENTATIVE PLAT (OPTION #1)**

SCALE: 1"=60'

PROJECT NO: 150108

DRAWING FILE NAME: 3 SISTERS TP.DWG

DevTech Engineering Inc.
 Site Planning · Civil Engineering
 Land Surveying
 3052 NW Merchant Way., Ste 107
 Bend, OR 97701
 Phone: (541) 317-8429

SHEET
 TP1.0

VOL: 2001 PAGE: 21131
RECORDED DOCUMENT

STATE OF OREGON
COUNTY OF DESCHUTES



*2001-21131 * Vol-Page

Printed: 05/04/2001 13:15:05

EXHIBIT E

DO NOT REMOVE THIS CERTIFICATE

(This certificate constitutes a part of the original instrument in accordance with ORS 205.180(2). Removal of this certificate may invalidate this certificate and affect the admissibility of the original instrument into evidence in any legal proceeding.)

I hereby certify that the attached instrument was received and duly recorded in Deschutes County records:

DATE AND TIME: May. 4, 2001; 1:12 p.m.

RECEIPT NO: 35251

DOCUMENT TYPE: Development Agreement

FEE PAID: \$0.00

NUMBER OF PAGES: 15

A handwritten signature in black ink that reads "Mary Sue Penhollow". The signature is written in a cursive, flowing style.

MARY SUE PENHOLLOW
DESCHUTES COUNTY CLERK

APRIL 20, 2001



2001-21131-1

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT, hereinafter referred to as "Agreement," is made and entered into by and between CITY OF SISTERS, hereinafter referred to as "City"; SISTERS SCHOOL DISTRICT NO. 6, hereinafter referred to as "School District;" and DESCHUTES COUNTY, hereinafter referred to as "County."

RECITALS

- A. School District owns a 29 acre parcel of real property identified on the Deschutes County Assessor's Map as 15-10-04, Tax Lot 500, as more particularly described in the attached Exhibit "A," and hereinafter referred to as "School District property."
- B. Barclay Meadows Business Park, LLC, hereinafter referred to as "Barclay Meadows" owns a 35 acre parcel of real property, hereinafter referred to as "Barclay property," which is adjacent to the east of the School District property described above.
- C. Both the School District property and the Barclay property are currently zoned EFU and are located in Deschutes County immediately adjacent to the north but just outside of the Sisters UGB boundary and the Sisters City limits.
- D. School District (Deschutes County File No. PA-99-5/ZC-99-3) and Barclay Meadows (Deschutes County File No. PA-99-4/ZC-99-1) have filed separate land use applications with Deschutes County to bring their respective properties within the Sisters UGB and rezone them Light Industrial. Both properties have been approved for annexation to the City of Sisters as light industrial property. Once the properties are inside the UGB, annexed to the City and zoned Light Industrial, Barclay Meadows and School District intend to subdivide their respective properties for ultimate light industrial development.
- E. The intent of this Agreement is to provide for limitations on the types of industrial uses allowed on the School District property described above, to provide a conceptual plan for future subdivision and industrial development of the School District property and to provide a plan for traffic improvements to address the impacts from development of the School District property. This Agreement was developed in conjunction with a similar agreement involving the Barclay property. The two agreements are separate and distinct from one another but both are based on similar development plans for the two properties, the material in the two land use files referenced herein and on a transportation impact study prepared by David Evans and Associates analyzing the traffic impacts associated with industrial development of the two properties.

2011-2131-2

- F. It is also the intent of this Agreement to plan for the transportation improvements and contributions that will be required under this Agreement. School District, together with its respective assigns, voluntarily agrees to the limitations and contributions described herein in order to gain the certainty and benefits that this Agreement provides. City and County will benefit in that they also will have certainty as to the development limitations, future subdivision and industrial use plans and contributions to the transportation system as described herein.
- G. The parties acknowledge that City and the Oregon Department of Transportation ("ODOT") have initiated development of a Transportation System Plan ("TSP") for City which will identify the locations of future transportation improvements such as, but not limited to, traffic signals, turn lanes, parallel arterials and collector routes, etc., set costs estimates and plan for funding of those improvements, and establish street designations and levels of service or other mobility standards for area roads and intersections, including recognizing Sisters as a Special Transportation Area ("STA"). This Agreement is not intended to supersede or impact the development of the TSP. Instead, this Agreement is intended to provide a plan for transportation improvements to address the traffic impacts from development of the two properties pursuant to the planning responsibilities set forth in the Transportation Planning Rule at OAR-660-012-0060. To the extent that the transportation facilities identified through the TSP process differ or conflict with those facilities identified herein, the TSP shall control and the monies contributed herein shall be used for the facilities identified in the TSP.
- H. Pursuant to the January 2000 Update to the Transportation Impact Study and the Addendum to January 2000 Update to the Transportation Impact Study prepared by David Evans and Associates and submitted to Deschutes County in the two land use files referenced herein, the parties agree that the streets and intersections which will be impacted by the ultimate development of the two properties include U.S. Highway 20/Locust Street, U.S. Highway 20/Pine Street, and the future intersection of U.S. Highway 20/McKinney Butte.
- I. U.S. Highway 20 is a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission. Pine Street, Locust Street and most of the future McKinney Butte collector are a part of the City road system under the jurisdiction and control of the City. Some of the conceptual alignment of the future McKinney Butte collector may lie outside the Sisters UGB, which would be under the control of the County.
- J. By the authority granted in ORS 810.210, ODOT is authorized to determine the character or type of traffic control devices to be used, and to place or erect them upon state highways at places where ODOT deems necessary for the safe and expeditious control of traffic. No traffic control devices shall be erected, maintained, or operated upon any state highway by any authority other than ODOT, except with its written approval.
- K. By the authority granted in ORS 366.425, ODOT may accept deposits of money or an irrevocable letter of credit from any county, city, road district, person, firm,

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or corporation for the performance of work on any public highway within the State. When said money or a letter of credit is deposited, ODOT shall proceed with the project on a schedule determined by ODOT. Money so deposited shall be disbursed for the purpose for which it was deposited.

- L. By the authority granted in ORS 94.504 through 94.528, City and County are authorized to enter into Development Agreements to govern the development of property within their respective jurisdictions.
- M. To the extent that any of the monies paid to City under this Agreement are used to fund improvements or a portion of improvements which are outside the jurisdiction or control of the City, including traffic improvements on Highway 20 that fall within ODOT's jurisdiction and any portion of the future McKinney Butte collector that may fall within Deschutes County's jurisdiction, City shall enter into an appropriate agreement or take the necessary actions to disburse those monies to the jurisdiction or agency responsible for installation of and/or control of the improvement as part of the City's contribution for those improvements.
- N. On behalf of City, this Agreement is to be authorized by City of Sisters Ordinance No. 316 following a hearing held on December 27, 2000. Notice of the hearing was provided to County, ODOT, nearby property owners and other interested parties consistent with applicable law.
- O. On behalf of the County, this Agreement was authorized by County Ordinance No. 2001-012. That ordinance was adopted by the Deschutes County Board of Commissioners following a hearing held on December 27, 2000. Notice of the hearing was provided to the City, ODOT, nearby property owners and other interested parties consistent with applicable law.
- P. The execution of this Agreement is in the best interest of the public health, safety and welfare and is consistent with the Deschutes County Comprehensive Plan and implementing ordinances and the Sisters Urban Area Comprehensive Plan and implementing ordinances.

AGREEMENT

In consideration for the mutual promises and performance obligations of each party set out in this Agreement, the parties agree as follows:

1. **Effective Date and Term of Agreement:**

This Agreement shall be effective following adoption of the City and County ordinances approving this Agreement pursuant to ORS 94.508, and upon the effective date of final adoption of the City ordinance finalizing annexation and approving the zone change to the City Light Industrial Zone. This Agreement shall begin as set forth above and its duration shall be in accordance with the provisions of ORS 94.504(2)(a).

2. **Conditions to Parties' Obligations:**

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The parties shall not be required to perform their respective obligations set out herein unless and until the land use and development approvals listed in Section 1 above have been granted, the period for appeal of such approvals has passed with no appeal being filed, or if an appeal is filed, the appeal has been finally resolved to School District's satisfaction.

3. Permitted Uses:

School District shall be permitted, subject to Site Plan Review and, if necessary, Conditional Use Approval, to use the property described herein for the uses allowed under the current City of Sisters Zoning Ordinance, Section 15.02.150, Light Industrial Zoning, except that the following uses shall not be allowed on the property referenced herein, the legal description of which is attached hereto as Exhibit "A": boat building, fuel oil distributor, manufacture of concrete products, concrete or asphalt batch plant, and wrecking and junk yard. Other than the specific prohibitions described above, the uses allowed through this Agreement do not preclude other uses allowed through a change of zoning regulations or through additional permits or agreements. The maximum height and size of any structures shall be as set forth in the applicable zoning ordinance.

4. Minimum Setback:

Minimum setback from the north property line of the School District property shall be 50' for any building that does not exceed 20' in height and 100' for any building over 20' in height. The setbacks from all other property lines shall be as set forth in the applicable zoning ordinance.

5. Plan for Infrastructure Improvements and Conditions:

5.1 Pursuant to the January 2000 Update to Transportation Impact Study and the Addendum to January 2000 Update to Transportation Impact Study, the maximum development allowable on the subject properties would result in 15% of the available 29 acres for the School District and the available 28 acres for Barclay Meadows being reserved for infrastructure and the remaining lot coverage being 35%. This results in a total industrial park development of 375,815 square feet for School District and 362,855 for Barclay Meadows. Based on Institute of Traffic Engineers (ITE) trip generation equations for an industrial park, 569 PM peak hour trips would be generated by the two sites (290 for School District and 279 for Barclay Meadows).

5.2 Pursuant to the January 2000 Update to Transportation Impact Study, School District at worst case scenario buildout in 2015 could generate the following percentages of critical moves ("critical move" is the left-through movement on the minor street) in the p.m. peak hour at these intersections: 8.3% at the future McKinney Butte/U.S. Hwy. 20; 37.4% at Locust/U.S. Hwy. 20; and 16.4% at Pine Street/U.S. Hwy. 20. Of the total traffic entering

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the intersection from the McKinney Butte collector in 2015, the School District property would contribute 11.8%.

- 5.3 Pursuant to the January 2000 Update to Transportation Impact Study and the Addendum to January 2000 Update to Traffic Impact Study, Barclay Meadows at worst case scenario buildout in 2015 could generate the following percentages of critical moves in the p.m. peak hour at these intersections: 11.2% at future McKinney Butte/U.S. Hwy. 20; 36.0% at Locust/U.S. Hwy 20; and 15.7% at Pine Street/U.S. Hwy. 20. Of the total traffic entering the intersection from the McKinney Butte collector in 2015, the Barclay Meadows property would contribute 11.2%.
- 5.4 Subject to the contingencies provided for herein, School District agrees to restrict development on its property to uses which will not produce in excess of 210 PM peak hour trips which, when combined with a similar restriction on the Barclay property (203 PM peak hour trips) through the development agreement referenced herein for that property represents 68% of the "worst case scenario" PM peak hour trips per day which would occur if unrestricted development were allowed.
- 5.5 ODOT anticipates that traffic signals, if ultimately approved through the TSP process, at the future McKinney Butte/U.S. Hwy. 20, Pine/U.S. Hwy. 20 and Locust/U.S. Hwy. 20 will cost \$150,000 each and that the future McKinney Butte collector will cost \$700,000 to construct. If the TSP does not identify the transportation facility improvements referenced herein as a part of the TSP, the School District and Barclay Meadows monies will be put toward the transportation facility improvements, which are identified in the TSP.
- 5.6 In accordance with the timing and procedures set forth in paragraph 5.9, School District agrees to pay fees to City to be used to fund the future McKinney Butte collector, a traffic signal at each of the intersections of US Hwy. 20/Locust, U.S. Hwy. 20/Pine Street and U.S. Hwy. 20/McKinney Butte.
- 5.7 With regard to the 413 trips identified herein, School District agrees to calculate its contribution at the amounts identified in Table 1, as identified in the Addendum to January 2000 Update to Transportation Impact Study, in order to mitigate its traffic impacts.

TABLE 1

SCHOOL DISTRICT	Total Cost	% Share	\$ Cost
Locust Street Signal	\$ 150,000	33.9%	\$ 50,850
McKinney Butte Signal	\$ 150,000	6.3%	\$ 9,450
McKinney Butte Collector	\$ 700,000	9.1%	\$ 63,700

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Pine Street Signal	\$ 150,000		\$ 19,950
Subtotal			\$143,950
10% Contingency Fund			\$ 14,395
TOTAL			\$158,345
Cost Per PM Peak Hour Trip			\$ 754
BARCLAY MEADOWS	Total Cost	% Share	\$ Cost
Locust Street Signal	\$ 150,000	32.9%	\$ 49,350
McKinney Butte Signal	\$ 150,000	6.3%	\$ 9,450
McKinney Butte Collector	\$ 700,000	8.7%	\$ 60,900
Pine Street Signal	\$ 150,000	12.5%	\$ 18,750
Subtotal			\$138,450
10% Contingency Fund			\$ 13,845
TOTAL			\$152,295
Cost Per PM Peak Hour Trip			\$ 754

The 10% Contingency Fund referenced in the Table above is intended to provide protection to the agencies and jurisdictions in the event the cost of the improvements identified in the TSP for the intersections referenced herein exceeds the costs estimated herein. In the event the cost of such improvements does not exceed the costs estimated herein, School District and Barclay Meadows shall be given transportation SDC credits up to the amount of the 10% contingency paid by each, as set forth above. Such SDC credits shall be assignable and transferable.

- 5.8 It is intended that the School District property will be subdivided or partitioned and ultimately developed through a site plan review and possibly a conditional use process. The exaction payments referenced herein shall be paid to the City upon subdivision or partition approval or, if the property is not subdivided or partitioned, upon site plan approval, whichever occurs first. The parties agree that the exaction payments set forth herein are not personal obligations but instead apply to run with the land for the property described in Exhibit "A." The School District's exaction referenced in Table 1 will be due and payable by the owner of the property described in Exhibit "A" upon the sooner of subdivision/partition approval or site plan approval for the property, regardless of the development status of the Barclay Meadows property.

- 5.9 The parties agree that the improvements planned for in this Agreement mitigate all foreseeable impacts that the proposed developments will have on the Sisters area transportation system as long as the land uses are consistent with the development limitations as set forth herein. Once development of either of the subject properties reaches a level that generates the maximum trips allowed for that property as set forth in paragraph 5.4, the owners of the remaining undeveloped lots will be required to address the transportation impacts of their respective developments in accordance with the law in effect at the time.
- 5.10 This Agreement contemplates that School District and Barclay Meadows will contribute a total of 18% of the estimated cost of the future McKinney Butte collector. In the event public or private grant funds become available to fund the McKinney Butte collector in an amount in excess of 82% of the cost of the collector as identified in the adopted TSP, then School District and Barclay Meadows shall be given a credit against transportation SDC's equal to the total dollar amount by which such grants or other funds exceeds 82% of the cost of the collector. Such SDC credits shall be pro-rated with 9% to School District and 9% to Barclay Meadows and shall be assignable and transferable.
- 5.11 In the event the provisions of OAR 660-012-0055(3) and (4) are found to apply to the developments referenced herein, School District agrees to comply with the relevant sections of the rule, including the provisions at OAR 660-012-0045(3), (4)(a) - (f) and 5(d).

6. Form of Payment and Accounting:

- 6.1 In accordance with the timing and procedures set forth herein, School District or its assigns, shall make all payments in the form of cash or check.
- 6.2 City shall accept and deposit School District's funds into a designated fund. Receipt of the funds shall be acknowledged in writing by the recipient and credited towards the overall contribution of School District.

7. Continuing Effect of Agreement:

In the case of any change in regional policy or federal or state law or other change in circumstance which renders compliance with the Agreement impossible or unlawful, the parties will attempt to give effect to the remainder of the Agreement, but only if such effect does not prejudice the substantial rights of any party under the Agreement. If the substantial rights of any party are prejudiced by giving effect to the remainder of the Agreement, then the parties shall negotiate in good faith to revise the Agreement to give effect to its original intent. If the parties fail to agree to an amended Agreement within ninety (90) days of the commencement of negotiations, then any party may request that an arbitrator give an equitable effect to the remainder of the Agreement, and the Agreement shall thereafter be amended pursuant to the order of the arbitrator.

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If, because of a change in policy, law or circumstance, the Agreement fails of its essential purpose (vesting of allowed uses, limitations on uses and development conditions, planning for transportation facility improvements), then the parties shall be placed into their original position to the extent practical. As used herein, however, "change in circumstance" does not include changes in local government land development or land division regulations. It is the intent of this Agreement to vest development rights and conditions, including but not limited to the permitted uses, infrastructure improvements and fees and charges as set forth herein, notwithstanding any change in local ordinance or policy. To the extent any local rule, ordinance, regulation or policy is adopted on a jurisdiction-wide bases, and is not inconsistent with the vested development rights and conditions, the local rule, ordinance, regulation or policy shall be applicable.

8. Assignability of Agreement:

This Agreement shall be fully assignable, in whole or in part, by any party and shall bind and inure to the benefit of the parties and their respective assigns and successors. If any lot of the School District property is sold, the rights and interests of School District under this Agreement shall inure to benefit of the purchaser. The transfer of any property subject to this Agreement shall relieve School District of all further obligations under this Agreement as those obligations pertain to or are proportionally allocable to the property transferred.

9. Land Use/Annexation:

9.1 Consistent with the above provisions, the parties agree to cooperate to secure the necessary permits and approvals for the annexation, subdivision of and ultimate light industrial development of the properties referenced herein. The following approvals are the anticipated future approvals necessary for the development described herein:

9.1.1 Plan amendment, goal exception and zone change as pending before Deschutes County in File Nos. PA-99-4/ZC-99-1 (Barclay Meadows) and PA-99-5/ZC-99-3 (School District);

9.1.2 Annexation to City of Sisters and zone change approval to City Light Industrial Zoning;

9.1.3 Subdivision approval pursuant to the terms, restrictions and requirements set forth in the City of Sisters Code; and

9.1.4 Development permit approval pursuant to the terms, restrictions and requirements set forth in the City of Sisters Code.

10. Default; Remedy:

10.1 Default/Cure. The following shall constitute defaults on the part of a party:

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10.1.1 A breach of a material provision of this Agreement, whether by action or inaction of a party which continues and is not remedied within sixty (60) days after the other party has given notice specifying the breach; provided that if the non-breaching party determines that such breach cannot with due diligence be cured within a period of sixty (60) days, the non-breaching party may allow the breaching party a longer period of time to cure the breach, and in such event the breach shall not constitute a default so long as the breaching party diligently proceeds to affect a cure and the cure is accomplished within the longer period of time granted by the non-breaching party; or

10.1.2 Any assignment by a party for the benefit of creditors, or adjudication as a bankrupt, or appointment of a receiver, trustee or creditor's committee over a party.

10.2 Remedies. Each party shall have all available remedies at law or in equity to recover damages and compel the performance of the other party pursuant to this Agreement. The rights and remedies afforded under this Agreement are not exclusive and shall be in addition to and cumulative with any and all rights otherwise available at law or in equity. The exercise by any party of any one or more of such remedies shall not preclude the exercise by it, at the same or different time, of any other such remedy for the same default or breach or of any of its remedies for any other default or breach by the other parties, including, without limitation, the right to compel specific performance.

11. Amendment or Termination of Agreement:

11.1 This Agreement may be amended or terminated by the mutual consent of the parties or their assigns or successors in interest. Any amendment which relates to the permitted uses, development limitations or monetary contributions shall require a public hearing before the parties may execute an amendment. Any other amendment shall not require a public hearing.

11.2 Any termination of this agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.

11.3 In the event of termination, City shall return all funds collected under this Agreement to the person who paid the funds and adjust any SDC credits accordingly.

12. Miscellaneous Provisions:

12.1 Notice. A notice or communication under this Agreement by any Party shall be dispatched by registered or certified mail, postage prepaid, return receipt requested, and

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12.1.1 In the case of a notice or communication to County, addressed as follows:

117 NW Lafayette Ave
Bend, OR 97701

ATTN: LEGAL COUNSEL

In the case of a notice or communication to the School District, addressed as follows:

220 S. Pine Street
Sisters, OR

97759
ATTN: SUPERINTENDENT

In the case of a notice or communication to City, addressed as follows:

150 N. Fir Street
Sisters, OR
97759

ATTN: LEGAL COUNSEL

or addressed in such a way in respect to a Party as that Party may, from time to time, designate in writing dispatched as provided in this section.

- 12.2 **Enforcement.** Both City and County shall have the power to enforce this Agreement until such time as the property described in Exhibit "A" is annexed to City and all applicable appeal deadlines associated with the annexation have expired. After annexation is complete and all applicable appeal deadlines have expired, the subject property will be outside of County jurisdictional boundaries and City will be the sole regulatory body authorized to administer, monitor compliance and enforce this Agreement.
- 12.3 **Compliance Review.** The City shall monitor compliance on a continual basis as School District submits subdivision and/or development applications.
- 12.4 **Construction of Improvements.** Construction of any approved structures may begin at anytime after the effective date of this Agreement and final approval of the structure. Such construction shall be completed within the time period specified in the construction approval document.
- 12.5 **Headings.** Any titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

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- 12.6 Counterparts. This Agreement may be executed in one or more original counterparts, each of which shall be deemed to be an original for all purposes but all of which shall constitute one and the same Agreement.
- 12.7 Waivers. No waiver made by any Party with respect to the performance, or manner or time thereof, of any obligation of the other parties or any condition inuring to its benefit under this Agreement shall be considered a waiver of any other rights of the Party making the waiver. No waiver by any party of any provision of this Agreement or any breach thereof shall be of any force or effect unless in writing; and no such waiver shall be construed to be a continuing waiver.
- 12.8 Attorneys' Fees. In the event of a suit, action, arbitration, or other proceeding of any nature whatsoever, including, without limitation, any proceeding under U.S. Bankruptcy Code, is instituted to interpret or enforce any provision of this Agreement, or with respect to any dispute relating to this Agreement, including, without limitation, any action in which a declaration of rights is sought or an action for rescission, the prevailing Party shall be entitled to recover from the losing Party its reasonable attorneys, paralegals, accountants, and other experts fees and all other fees, costs, and expenses actually incurred and reasonably necessary in connection therewith, as determined by the judge or arbitrator at trial or arbitration, as the case may be, or on any appeal or review, in addition to all other amounts provided by law. This provision shall cover costs and attorneys' fees related to or with respect to proceedings in Federal Bankruptcy Courts, including those related to issues unique to bankruptcy law.
- 12.9 Time of the Essence. Time is of the essence of this Agreement.
- 12.10 Choice of Law. This Agreement shall be interpreted under the laws of the State of Oregon.
- 12.11 Calculation of Time. All periods of time referred to herein shall include Saturdays, Sundays, and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday, or legal holiday in the State of Oregon, the period shall be extended to include the next days which is not a Saturday, Sunday, or such a holiday.
- 12.12 Construction. In construing this Agreement, singular pronouns shall be taken to mean and include the plural and the masculine pronoun shall be taken to mean and include the feminine and the neuter, as the context may require.
- 12.13 Severability. If any clause, sentence or any other portion of the terms and conditions of this Agreement becomes illegal, null or void for any reason, the remaining portions will remain in full force and effect to the fullest extent permitted by law.

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- 12.14 Place of Enforcement. Any action or suit to enforce or construe any provision of this Agreement by any Party shall be brought in the Circuit Court of the State of Oregon for Deschutes County, or the United States District Court for the District of Oregon.
- 12.15 Good Faith and Reasonableness. The Parties intend that the obligations of good faith and fair dealing apply to this Agreement generally and that no negative inferences be drawn by the absence of an explicit obligation to be reasonable in any portion of this Agreement. The obligation to be reasonable shall only be negated if arbitrariness is clearly and explicitly permitted as to the specific item in question, such as in the case of a Party being given "sole discretion" or being allowed to make a decision in its "sole judgment."
- 12.16 Condition of City/County Obligations. All City/County obligations pursuant to this Agreement which require the expenditure of funds are contingent upon future appropriations by the City/County as part of the local budget process. Nothing in this Agreement implies an obligation on the City/County to appropriate any such monies.
- 12.17 Cooperation in the Event of Legal Challenge. In the event of any legal action instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the parties agree to cooperate in defending such action.
- 12.18 Enforced Delay, Extension of Times of Performance. In addition to the specific provisions of this Agreement, performance by any party shall not be in default where delays or default is due to war, insurrection, strikes, walkouts, riots, floods, drought, earthquakes, fires, casualties, acts of God, governmental restrictions imposed or mandated by governmental entities other than the City of Sisters or Deschutes County, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation or similar bases for excused performance which is not within reasonable control of the party to be excused.
- 12.19 No Third-Party Beneficiaries. School District, City and County and their successors and assigns are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide, any benefit or right, whether directly or indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.
- 12.20 Other Necessary Acts. All parties shall execute and deliver to the other parties all such further instruments and documents as may be reasonably necessary to carry out this Agreement in order to provide and secure to

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The foregoing was acknowledged before me by Tom DeWolf
as Chair, Bocc for the Deschutes County, this 31st day of
January, 2001.



Bonnie Baker
Notary Public for Oregon

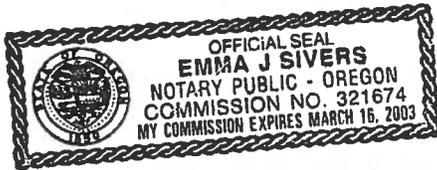
Sisters School District

By William R. Reed
Title CHAIRMAN OF SCHOOL BOARD

Date 4-20-01

STATE OF OREGON)
) ss.
County of Deschutes)

The foregoing was acknowledged before me by William R. Reed
as Chairman of the Board for the Sisters School District, this 20th day of
April, 2001.



Emma J. Sivers
Notary Public for Oregon

2001-21131-15

A parcel of land located in the Northwest one-quarter (NW1/4) of Section 4, Township 15 South, Range 10 East, of the Willamette Meridian, Deschutes County, Oregon described as follows:

Beginning at the West one-quarter corner of said Section 4; thence North $00^{\circ}03'45''$ West 991.18 feet to the Southwest corner of TRAPPER POINT, 1ST ADDITION; thence North $89^{\circ}56'58''$ East 1,319.31 feet to the Southeast corner of TRAPPER POINT, 1ST ADDITION; thence South $00^{\circ}04'50''$ East 998.04 feet to the South line of the Northwest Quarter of said Section 4; thence South $89^{\circ}48'24''$ West 1,026.40 feet; thence South $89^{\circ}50'12''$ West 293.72 feet to the point of beginning.

SUBJECT TO:

1. Easement including the terms and conditions thereof, granted to Central Electric Cooperative, Inc. by instrument recorded June 19, 1963 in Book 135, page 368, Deed Records.
- 2. The existence of roads, railroads, irrigation ditches, corrals, telephone, telegraph and power facilities, and the rights of third parties therein.
3. Easement, including the terms and conditions thereof, granted to Central Electric Cooperative, Inc. by instrument recorded July 6, 1967 in Book 154, page 49, Deed Records.

EXHIBIT A

F. Duane Lee, P. E., CWRE, Retired

15665 Trapper Point Road

P. O. Box 1657

EXHIBIT F

Sisters, OR 97759-1657

September 21, 2015

Patrick T. Davenport
Community Development Director
City of Sisters
520 E. Cascade Avenue
Sisters, Oregon 97759

Refer: Ongoing Issues 3 Sisters Partners vs Trapper Point Property Owners

Dear Mr. Davenport:

My wife and I have met with you two times these past couple of weeks to discuss the proposed city Council meeting on October 15 at which time the city Council intends to address the issue of the development agreement that was established on property to our south. In previous actions by the city, the condition established by Deschutes County in 1991 continues to be on the city's records. It is my understanding that the city may attempt to clarify some of its previous actions since 1991 by correcting an apparent oversight. The issues established in 1991 by Deschutes County dealt with concerns of the hearing officer regarding the proposal by the city to annex said property and to rezone the property from exclusive farm use to light industrial. At that time, my wife and I owned the property in the Trapper Point development referred to as Lot 6, Block 2. The address of the property is 15665 Trapper Point Rd.

In action's concerning these matter before the land use Board of Appeals, the Alliance for Responsible Land Use In Deschutes County brought suit in which my wife and I were listed as intervenors. Concerning our property, the hearings officer in this matter suggested including restrictions to the level of development, planning for future traffic improvements, prohibiting heavier industry uses and providing increased setbacks for the northern property line. Based on the evidence in the record the board of commissioners was satisfied. It is our opinion and that of the other adjoining property owners abutting the northern boundary of the proposed development that Mr. Hall has failed to address adequately appropriate buffers, setbacks, and restrictions as to the heights of proposed building improvements. These issues remain unresolved. We believe that it is appropriate for the city Council to continue to set these issues aside and allow further time for the affected property owners and the developer to reach an acceptable conclusion to these matters. Mr. Hall continues to change the plans for this area and continues to submit

options that are unacceptable. Another example is his refusal to provide fencing to address our concerns for additional buffering between our rural residential character and his proposed high to medium density residential character. We have horses, a pond as a part of our pasture irrigation system, electric fences, etc. Are we and the other property owners to bear the expense of over 1320 feet of new fence along our common boundary to the benefit of his development?

The developer is currently under construction with Phase 1 of this proposed new revised project. We understand that the city Council has approved the new project in concept. However, it is not too late to continue to deal with some of the details relating to improvements along our common boundary. The affected property owners include F. Duane and Marian M. Lee, Jeff and Gayle Reynolds, and Linda Sandvall. In recent conversations with the Reynolds and Linda Sandvall, they agree with my wife and I that the issues regarding buffers, setbacks, and height restrictions remain unresolved. The proposed development for Phase 3 and Phase 4 along our southern boundaries will not be constructed anytime soon, probably several years. We suggest that the city instruct its Development Director to work with the affected property owners and the developer over a set period of time to solve these issues once and for all. A reasonable period of time would be six months.

My wife and I are planning and have planned for a two week vacation to Arizona starting September 23. We will return on or about October 7. I would also like to involve my attorney, Mr. Ken Brinich. He will not be available until sometime after October 10. If he must address these issues, it will take a fair amount of time for Mr. Brinich to familiarize himself and offer his advice. During the most recent actions by the city Council on June 25 I was not able to address issues or involve an attorney because of serious unrelated conflicts. I plead with the Council to allow my attorney and I and the other affected property owners sufficient time to address Council concerns before they consider any final action that would jeopardize our input on this revised project.

Respectfully submitted,

F. Duane Lee Marian M. Lee

F. Duane Lee and Marian M. Lee,
Trapper Point Property Owners

Cc:
Ken Brinich, Attorney
Jeff and Gayle Reynolds
Linda Sandvall

October 15, 2015

Via Hand Delivery and Email: pdavenport@ci.sisters.or.us

City of Sisters Planning Commission
c/o Patrick Davenport, AICP
PO Box 39
Sisters, OR 97759

RE: Comments on MOD #15-06

Dear Planning Commission Members:

Please accept this letter as additional comments on land use application MOD 15-06. Please include this letter as part of the official record for this application. I live at 15665 Trapper Point Road in Sisters, which is directly north of the proposed development. Specifically, my property borders seven of the proposed lots to be constructed in Phase III of the 3 Sisters Partners' Clear Pine project, and I will therefore be directly impacted by the proposed modifications.

1. Request for Continuance of Planning Commission Review

I hereby request that the Planning Commission refrain from making a decision as to whether to recommend or deny the application today. Instead, I request that the hearing be continued until the next Planning Commission meeting. I make my request for several reasons. First, due to health and personal issues, I have had substantial difficulty in obtaining legal counsel with whom to consult on this application. Only in the past twenty-four hours have I been able to obtain legal counsel and my new counsel has only had a brief opportunity to review the issues presented by this application. Although this letter reflects some of the issues we have identified, I would greatly appreciate a continuance so that my counsel can fully analyze the issues and we can present adequate testimony on the record regarding this application.

The modifications sought are not as simple as the applicant purports. The applicant is proposing to change setbacks and building height limitations that have been in effect for over ten years and which have been incorporated into each of the previous planning decisions related to this property. The legal and equitable implications of making the change requested by the applicant are substantial and

the Planning Commission should have the opportunity to receive evidence from all interested parties. A continuance would ensure such an opportunity is provided.

2. The Development Agreement may still be in effect.

The setbacks and height limits that the applicant requests be modified, which border my property and will directly impact my property and the viewshed, were contained in the binding terms of the recorded Development Agreement entered into between the developer's predecessor in interest, the City of Sisters and Deschutes County, Development Agreement p 4. The Development Agreement provides as follows:

12. Enforcement. Both City and County shall have the power to enforce this Agreement until such time as the property described in Exhibit A is annexed to the City and all applicable appeal deadlines associated with the annexation have expired. After annexation is complete and all applicable appeal deadlines have expired, the subject property will be outside of County jurisdictional boundaries and **City will be the sole regulatory body authorized to administer, monitor compliance and enforce this agreement.**

Development Agreement, p 10 (emphasis added). Since the property was annexed into the UGB, the City has had sole enforcement authority of the Development Agreement. Under ORS 94.504(8)(a), a Development Agreement with a City may remain in effect for 15 years. The Development Agreement remains in effect and the developers and City are bound by the setbacks and height limitations therein.

3. The setbacks and height limitations in the Development Agreement have been incorporated into subsequent land use decisions and are therefore binding and cannot be modified.

Although, as discussed above, my legal counsel and I have not yet had a chance to analyze fully the impact of all of land use decisions relating to the property since the Development Agreement was signed, my understanding is that each of those approvals incorporate the setbacks in the Development Agreement. Such decisions and the applicable conditions of approval are binding on the applicant and cannot now be modified.

4. The proposed changes to the setbacks and height limitations will violate applicable land use polices and criteria.

Although setbacks and height limits are governed by specific criteria, such as the minimum standards set forth in Sisters Development Code 2.2.300, setbacks and

height limits also factor into whether a proposed development meets other applicable policies and criteria. For example, under Statewide Planning Goal 5, Policy 5.4 states that “the City shall promote a harmonious relationship between residential, commercial and industrial development.” Reducing setbacks to minimums and allowing increases in height directly adjacent to land that has a rural residential character will preclude harmony between the two neighborhoods of different character.

Further under Policy 5.4, Task 3 states “the City shall identify and protect natural riparian, and scenic resource within the UGB.” Although the property slated for development may not have scenic resources, my property has a significant scenic resources, which is the view of the Three Sisters Mountains. Such resource will be lost if the setbacks and height limitations are modified as proposed.

The City’s Goal 10 Policy 10.4 provides that all residential developments “shall be designed to be safe and aesthetically pleasing, recognizing and respecting the character of the area in which they are located.” The proposed modifications to longstanding setbacks and height restrictions will result in a failure to recognized and respect the character of the area in which they are located, including the rural residential area in which my property is located.

5. Conclusion

In conclusion, as discussed above, I request that the Planning Commission’s review be continued until the next Planning Commission meeting and that the record remain open in the interim for additional submissions. In the alternative, for all of the above reasons, the Planning Commission should recommend denial of the application.

Thank you for your consideration.

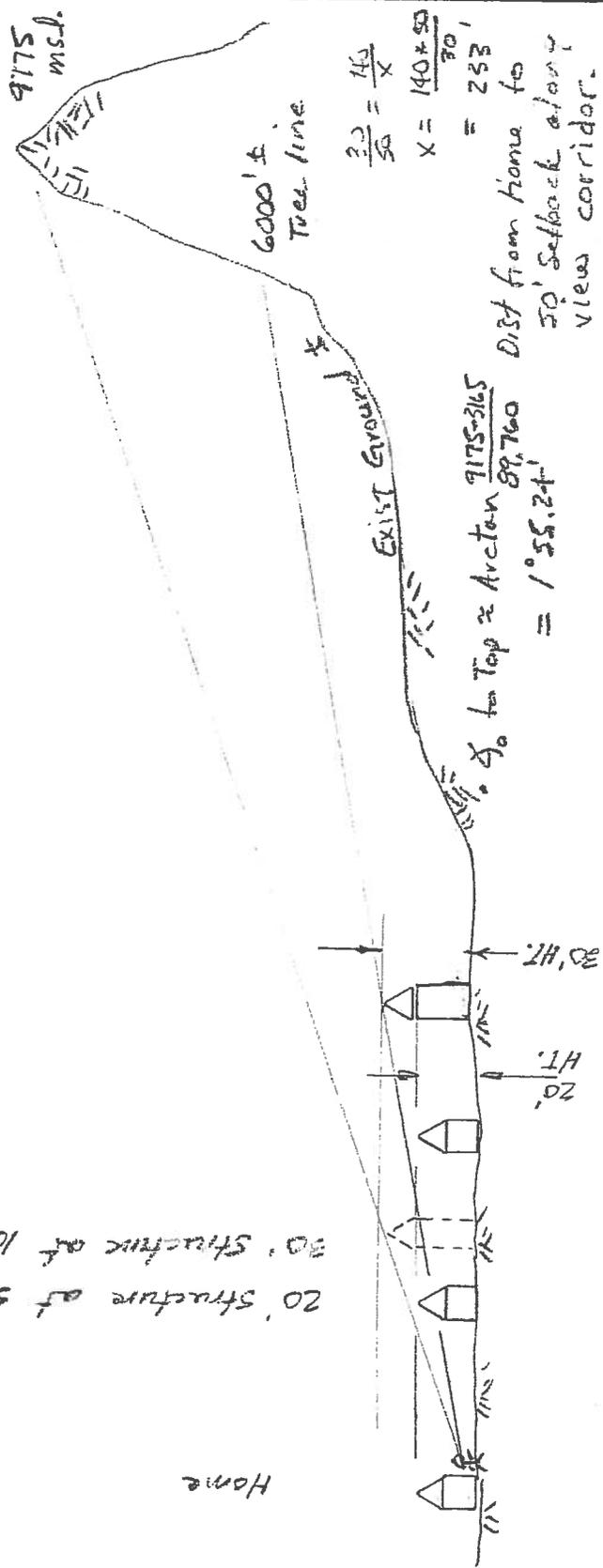
Sincerely,



F. Duane Lee
(541) 549-0905

Broken Top 4

20' Structure of 50' setback.
30' Structure of 100' setback.



$$\frac{30}{50} = \frac{HT}{X}$$

$$X = \frac{140 \times 50}{30} = 233'$$

Dist from Home to 50' Setback along view corridor.

$$\Delta_0 \text{ to Top} \approx \text{Arctan } \frac{9175-3165}{89,760}$$

$$= 1^\circ 55.24'$$

• Angle from T.P. to Tree Line

$$\Delta_1 = \text{Arctan } \frac{(6000-3165)}{89,760}$$

$$= 1^\circ 48.54'$$

• Angle to 20 high structure

$$\Delta_2 = \text{Arctan } \frac{20-5}{233}$$

$$= 3^\circ - 40'$$

- Broken Top to Trapper Pt $\approx 17 \text{ mi. (89,760')}$
- Elev of Trapper Pt = 3165 msd.
- Elev of Broken Top = 9175 msd.
- Elev of Tam McArthur Rim ≈ 7732
- Elev of Tree Line $\approx 6000'$
- Dist. Req'd of 30' HT to not obstruct Tree line = $30 \div \tan 1^\circ 48.54' = 950'$

Graphical Drawing of View Impacts.

October 29, 2015

Mr. Patrick T. Davenport
Community Development Director
C/O Sisters City Hall
520 E. Cascade Ave.
Sisters, OR 97759

Dear Mr. Davenport:

This letter is being sent to you to give you our comments on
File # MOD 15-06.

First of all, we firmly believe the developer should be required to put up a six foot cedar fence around the entire development. It would be great to see uniform fencing throughout the entire development.

Secondly, we are apposed to the proposed setbacks and height restrictions. To the best of our knowledge, there are already appropriate setbacks and height restrictions in place for this particular development.

Thirdly, we are apposed to having a paved alley way on our property line.

Finally, we would like the developer to take whatever steps are necessary to save all six trees that are located on the development property that are within 12 feet of our property line. All these trees are taller than 20 feet tall.

Sincerely,

Jeff and Gayle Reynolds
15645 Trapper Point Road
Sisters, OR 97759

EXHIBIT I

CLEARPINE, PHASE 1
A REPLAT OF LOTS 9 THROUGH 19 & TRACT A,
THREE SISTERS BUSINESS PARK - PHASE I

LOCATED IN THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, CITY OF SISTERS, DESCHUTES COUNTY, OREGON, SEPTEMBER 2015

SURVEYORS CERTIFICATE:

I, SCOTT C. BOLDUC, REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE CONDUCTED A SURVEY OF THE MONUMENTS, THE LAND SHOWN ON THIS MAP, AND THE BOUNDARIES THEREOF, IN ACCORDANCE WITH THE OREGON STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS AS SET FORTH IN THE OREGON STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS, AND THAT THE SURVEY WAS CONDUCTED IN THE STATE OF OREGON, SAID LAND BEING LOCATED IN THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, CITY OF SISTERS, DESCHUTES COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 9 THROUGH 19 AND TRACT A, THREE SISTERS BUSINESS PARK - PHASE I, RECORDED JUNE 26, 2008 IN PLAT CAMELOT G, PAGE 1179, OFFICIAL RECORDS OF DESCHUTES COUNTY, OREGON.

CORNERS 20.02 ACRES, MORE OR LESS.

THE INITIAL POINT FOR THIS SURVEY IS A MAGNETIC NAIL WITH BRASS WASHER STAMPED "LS CROSS", MARKING THE SOUTHWEST CORNER OF LOT 9, THREE SISTERS BUSINESS PARK, PHASE I.

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO REPLAT A PORTION OF THREE SISTERS BUSINESS PARK, PHASE I INTO PRIVATE LOTS, TRACTS, PUBLIC RIGHTS-OF-WAY, EASEMENTS, EASEMENTS, PUBLIC UTILITY EASEMENTS (P.U.E.) AND PUBLIC EGRESS ACCESS EASEMENTS. THE MONUMENTS SHOWN ON THE PLAN OF THIS SURVEY ARE THOSE SHOWN ON PLAT CAMELOT G, PAGES 1179 AND 1180, OFFICIAL RECORDS OF DESCHUTES COUNTY, OREGON, AND DOCS HEREBY GRANT TO THE CITY OF SISTERS, THE STORM WATER DRAINAGE EASEMENTS SHOWN HEREON, FOR THE MAINTENANCE AND MANAGEMENT OF STORM WATER RUNOFF, SUBJECT TO THE RIGHTS ASSOCIATED WITH ANY CONJOINING PUBLIC UTILITY EASEMENTS (P.U.E.) SHOWN HEREON.

AND DOES HEREBY SUBMIT FOR APPROVAL AND RECORD SAID PLAN OF "CLEARPINE, PHASE 1", HEREOFORTH TO BE 30' WIDE.

October 16, 2015
 DATE

BY: *[Signature]*
 PETER WALL, MEMBER AN OREGON LIMITED LIABILITY COMPANY

ACKNOWLEDGMENTS:

STATE OF OREGON)
 COUNTY OF DESCHUTES)
 ON THIS 16th DAY OF OCTOBER, 2015, BEFORE ME PERSONALLY APPEARED PETER WALL, MEMBER OF THE CITY OF SISTERS PARTNERSHIP, LLC, AN OREGON LIMITED LIABILITY CORPORATION, ACKNOWLEDGED SAID INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

[Signature]
 NOTARY PUBLIC
 PRINTED NAME: *Michelle Stanz*
 NOTARY PUBLIC - OREGON
 COMMISSION NO.: 4771267
 MY COMMISSION EXPIRES: *October 10, 2017*

APPROVALS:

THE PLAN OF "CLEARPINE, PHASE 1", HAS BEEN EXAMINED AND APPROVED.

DESCHUTES COUNTY COMMISSIONER: *Alan Unger 10-16-15*
 DESCHUTES COUNTY SURVEYOR: *Michelle Perry 10-17-2015*
 MAYOR, CITY OF SISTERS: *[Signature] 10-15-15*
 CITY OF SISTERS PLANNING DIRECTOR: *[Signature] 10-15-15*
 CITY OF SISTERS PUBLIC WORKS DIRECTOR: *[Signature] 10-15-15*
 CITY OF SISTERS ADMINISTRATOR: *[Signature] 10-15-15*

ASSESSORS CERTIFICATE:

I HEREBY CERTIFY THAT ALL AD VALOREM TAXES, SPECIAL ASSESSMENT FEES AND OTHER CHARGES AS REQUIRED BY ORS 82.060 TO BE PLACED ON THIS MAP, HAVE BEEN PAID TO THE CITY OF SISTERS, DESCHUTES COUNTY, OREGON, AND WILL BECOME A LIEN ON THE LAND SHOWN ON THIS MAP.

DESCHUTES COUNTY ASSESSOR: *[Signature]*

I HEREBY CERTIFY THAT ALL TAXES HAVE BEEN PAID AS OF THIS DATE.

DESCHUTES COUNTY TAX COLLECTOR: *[Signature]*

BASEMENTS AND ENCUMBRANCES

1. THIS PROPERTY IS SUBJECT TO REGULATIONS, INCLUDING ZONING, AND CHARTERS FOR THE THREE SISTERS INNOVATION DISTRICT.

2. THIS PROJECT IS SUBJECT TO THE TERMS AND CONDITIONS, AS SET FORTH IN THAT PLAN OF REPLAT, RECORDED IN THE OFFICIAL RECORDS OF DESCHUTES COUNTY, OREGON, DATED OCTOBER 21, 1991, RECORDED SEPTEMBER 21, 1992, DOCUMENT NO. 800,100 011.00 021.00 010.00 00.00.

3. THIS PROJECT IS SUBJECT TO THAT RIGHT OF WAY EASEMENT, INCLUDING DOCUMENT NO. 800,100 011.00 021.00 010.00 00.00, RECORDED JULY 9, 1997, DOCUMENT NO. 800,100 011.00 021.00 010.00 00.00, AND CERTAIN EASEMENTS, INCLUDING DOCUMENT NO. 800,100 011.00 021.00 010.00 00.00, WHICH MAY AFFECT THE LANDS SHOWN ON THIS PLAN.

4. THIS PROJECT IS SUBJECT TO THAT DEVELOPMENT AGREEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, DATED APRIL 30, 2001, DOCUMENT NO. 2001-21131, OFFICIAL RECORDS OF DESCHUTES COUNTY, OREGON, BETWEEN THE CITY OF SISTERS AND SIFFERS SUBDIVISIONS, INC. (DOCS) NEI AFFECT THE LANDS SHOWN ON THIS PLAN.

5. POWER LINE EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, DATED AUGUST 24, 2004, DOCUMENT NO. 2004-19897, OFFICIAL RECORDS OF DESCHUTES COUNTY, OREGON, BETWEEN SISTERS SUBDIVISIONS, INC., A COOPERATIVE CORPORATION AND LYNN ELECTRIC COOPERATIVE, INC., A COOPERATIVE CORPORATION.

6. LICENSE AGREEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, RECORDED JULY 14, 2011, DESCHUTES COUNTY RECORDS DOCUMENT NO. 2011-22904, DESCHUTES COUNTY RECORDS.

7. LICENSE AGREEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, DATED APRIL 14, 2014, DESCHUTES COUNTY RECORDS DOCUMENT NO. 2014-22911, DESCHUTES COUNTY RECORDS.

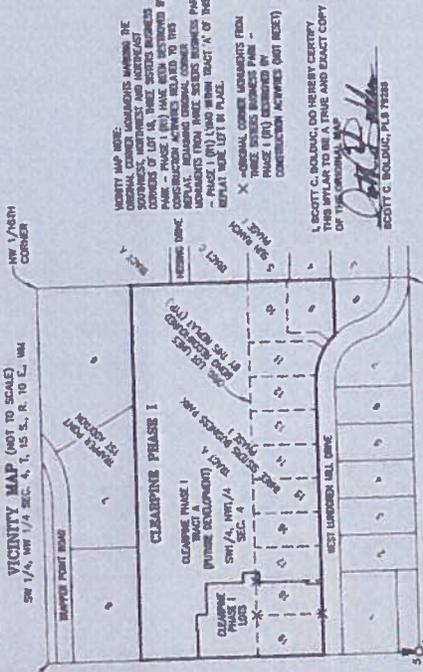
8. PARTIAL RELEASE OF EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, DATED SEPTEMBER 8, 2015, RECORDED SEPTEMBER 11, 2015, DOCUMENT NO. 2015-37794, DESCHUTES COUNTY RECORDS (SHOWING HEREON).

9. EASEMENTS, CONTIGUOUS, RESTRICTIONS, SETBACKS AND NOTES AS SHOWN ON THE RECORDED PLAN (THREE SISTERS BUSINESS PARK - PHASE I) AREAS CREATED WITHIN THE THREE SISTERS BUSINESS PARK TO PROVIDE UTILITY SERVICES TO THE REPLAT AREAS DEPICTED ON THIS PLAN AS SHOWN HEREON. EASEMENT AREAS DEPICTED ON THIS PLAN IN THREE SISTERS BUSINESS PARK - PHASE I PLAN, FALLING WITHIN THE REPLAT AREAS SHOWN HEREON.

SHEET INDEX:
 SHEET 1: DECLARATION, APPROVALS, NOTES, RECORDED REFERENCES, VICINITY MAP & NARRATIVE
 SHEET 2: VERTICAL BRICKWORK, TRACT X DIMENSIONS AND TRACT X EASEMENT DIMENSIONS
 SHEET 3: LOT AND EASEMENT DIMENSIONS

REGISTERED PROFESSIONAL AND SURVEYOR
[Signature]
 SCOTT C. BOLDUC
 EXPIRES 12/31/2015

DESCHUTES COUNTY SURVEYOR
 REPLATS BY: *[Signature]*



VICINITY MAP (NOT TO SCALE)
 SW 1/4, NW 1/4 SEC. 4, T. 15 S., R. 10 E., W. 1800 IN THE DESCHUTES COUNTY SURVEYOR'S OFFICE.

MAP 1/18TH CORNER
 MAP 1/18TH CORNER
 MAP 1/18TH CORNER
 MAP 1/18TH CORNER

SHEET 1 OF 3

DevTech Engineering Inc.
 Site Planning - Civil Engineering
 Land Surveying
 3005 NW HENNINGWAY WAY, STE 107
 BEND, OREGON 97709
 Phone: 503.338.3828

I-135

CS18968

CLEARPINE, PHASE 1

A REPLAT OF LOTS 9 THROUGH 19 & TRACT A,
THREE SISTERS BUSINESS PARK - PHASE 1
LOCATED IN THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF
SECTION 4, TOWNSHIP 15 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN,
CITY OF SISTERS, DESCHUTES COUNTY, OREGON,
SEPTEMBER 2015

- LEGEND**
- FOUND 5/8" DIA. IRON ROD WITH ORANGE PLASTIC CAP STAMPED "LS 60007" (MILKING OBSTRUCTION)
 - FOUND 5/8" DIA. IRON ROD (NO CAP)
 - FOUND IRON ROD WITH WINKER STAMPED "753"
 - 5/8" DIA. 2.37' LONG IRON ROD WITH YELLOW PLASTIC CAP MARKED "TEVECH"
 - 5/8" DIA. 1.37' LONG IRON ROD WITH 2" DIA. ALUM. CAP STAMPED "TEVECH"
 - 5/8" DIA. 5.07' BULKHEAD COPPER ROD (WITH SIGN) STAMPED "TEVECH"
 - () RECORD DATA FOR RETRIEVAL NOTED
 - () MEASURED SIZE AS RECORD
- LINE**
- PUBLIC UTILITY EASEMENT
 - EXTENSION PLAT BOUNDARY
 - INTERIOR LOT LINES
 - ADJACENT PROPERTY LINE
 - CENTERLINE OF ROAD NORTH-OF-5-WAY
 - PUBLIC UTILITY EASEMENT
 - PUBLIC PROGRAM ACCESS EASEMENT LINE
 - STORM DRAINAGE EASEMENT LINE
 - POWER LINE EASEMENT (VOL. 2004, PC 2204) AND LICENSE AGREEMENT (VOL. 2004, PC 2204) AREA
 - POWER LINE EASEMENT (VOL. 2004, PC 2007) AND LICENSE AGREEMENT (VOL. 2004, PC 2204) AREA
 - POWER LINE EASEMENT (VOL. 2004, PC 2007) AND LICENSE AGREEMENT (VOL. 2004, PC 2204) AREA

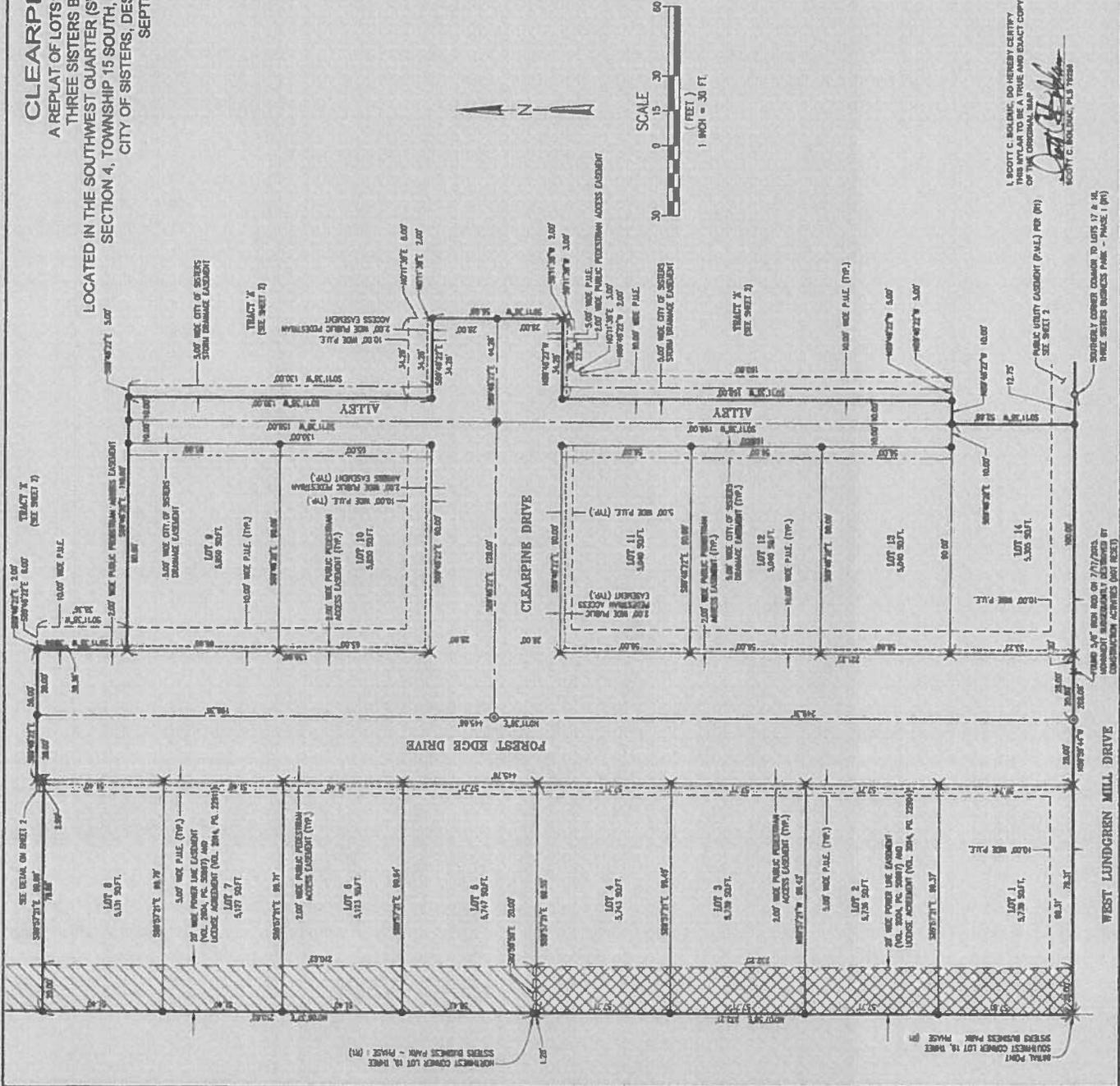
DESCHUTES COUNTY SURVEYOR
FILED 10/20/15 BY: J. J. JONES

SHEET 3 OF 3

DevTech Engineering Inc.
Site Planning - Civil Engineering
Land Surveying
3002 NW HWY 101, STE. 107
BEND, OR 97701
Phone: (503) 317-4200

REGISTERED PROFESSIONAL LAND SURVEYOR
Scott C. Bolding
SCOTT C. BOLDING
EXPIRES 11/11/2015

I, SCOTT C. BOLDING, DO HEREBY CERTIFY THIS MAP/LAY TO BE A TRUE AND EXACT COPY OF THE ORIGINAL MAP.
Scott C. Bolding
SCOTT C. BOLDING, PLS. 72508



CS18968



**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF SISTERS
STATE OF OREGON
PLANNING COMMISSION RESOLUTION PC 2015-15**

**THE CITY OF SISTERS PLANNING COMMISSION DOES HEREBY FIND AND RESOLVE
THAT:**

WHEREAS, the applicant, 3 Sisters Partners, LLC, requests approval of an Modification to a previously approved subdivision plat (SUB #15-01) on a 20.02 acre property for a 5 - Phase, 77 lot residential redevelopment; and,

WHEREAS, this proposed modification assists in providing needed residential dwellings and is not detrimental to the general welfare, health or safety of the City of Sisters; and,

WHEREAS, Oregon Revised Statutes Chapter 92 establishes a process through which land located in urban areas that is properly zoned can be divided through a subdivision process if findings can be made that the land division will not adversely impact the infrastructure of the jurisdiction, and,

WHEREAS, after due notice, a public hearing on the proposed application (MOD #15-06) was held by the Sisters Planning Commission on November 19, 2015 at which time findings were reviewed, witnesses were heard, and evidence and written testimony was received.

WHEREAS, the Planning Commission approved the request with the conditions as written the staff report's Conditions of Approval;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF SISTERS PLANNING COMMISSION FINDS THAT:

1. All required notices have been sent in the time and in the manner required by state law and city code; and,
2. The findings of fact in this matter are located in the staff report attached and by this reference incorporated herein as Exhibit A and Other Attachments.

NOW THEREFORE, BE IT FURTHER RESOLVED THAT BASED ON THE FINDINGS, THE PLANNING COMMISSION HEREBY APPROVES THE MODIFICATION (FILE NO. MOD #15-06) SUBJECT TO THE FOLLOWING EXHIBITS:

- A- Staff report with Conditions of Approval**
- B- Application and applicant's request**
- C- Approved Tentative subdivision plats illustrating two versions**
- D- Proposed tentative subdivision plat (Option 1)**
- E- Original Development Agreement dated April 21, 2001**
- F- Letter from Duane Lee dated 09/21/15**
- G- Letter and attachments from Duane Lee dated October 15, 2015**
- H- Letter from Jeff and Gayle Reynolds dated October 29, 2015**
- I- Recorded plats for Phase 1**
- J- Draft Resolution 2015-15**

CITY OF SISTERS
Planning Commission Resolution

(FILE: MOD #15-06; CONSIDERATION BY THE PLANNING COMMISSION, NOVEMBER 19, 2015)

THE FOREGOING RESOLUTION IS HEREBY ADOPTED THIS 19TH DAY OF NOVEMBER, 2015.

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

AYES: ()
NOES: ()
ABSENT: ()
ABSTAIN: ()

Signed: _____ David Gentry, Chairman



STAFF REPORT

File #: EXT #15-01

Applicant/Property Owner: McKenzie Meadow Village LLC. Attention: Mr. Bill Willits

Request: Extension of an approved preliminary subdivision plat (SUB #10-02)

Hearing Date: November 19, 2015, 5:30 pm, Sisters City Council Chambers, 520 E. Cascade Avenue, Sisters, Oregon

Location: McKenzie Meadow Village Subdivision

Planner: Patrick T. Davenport

1. Project Request

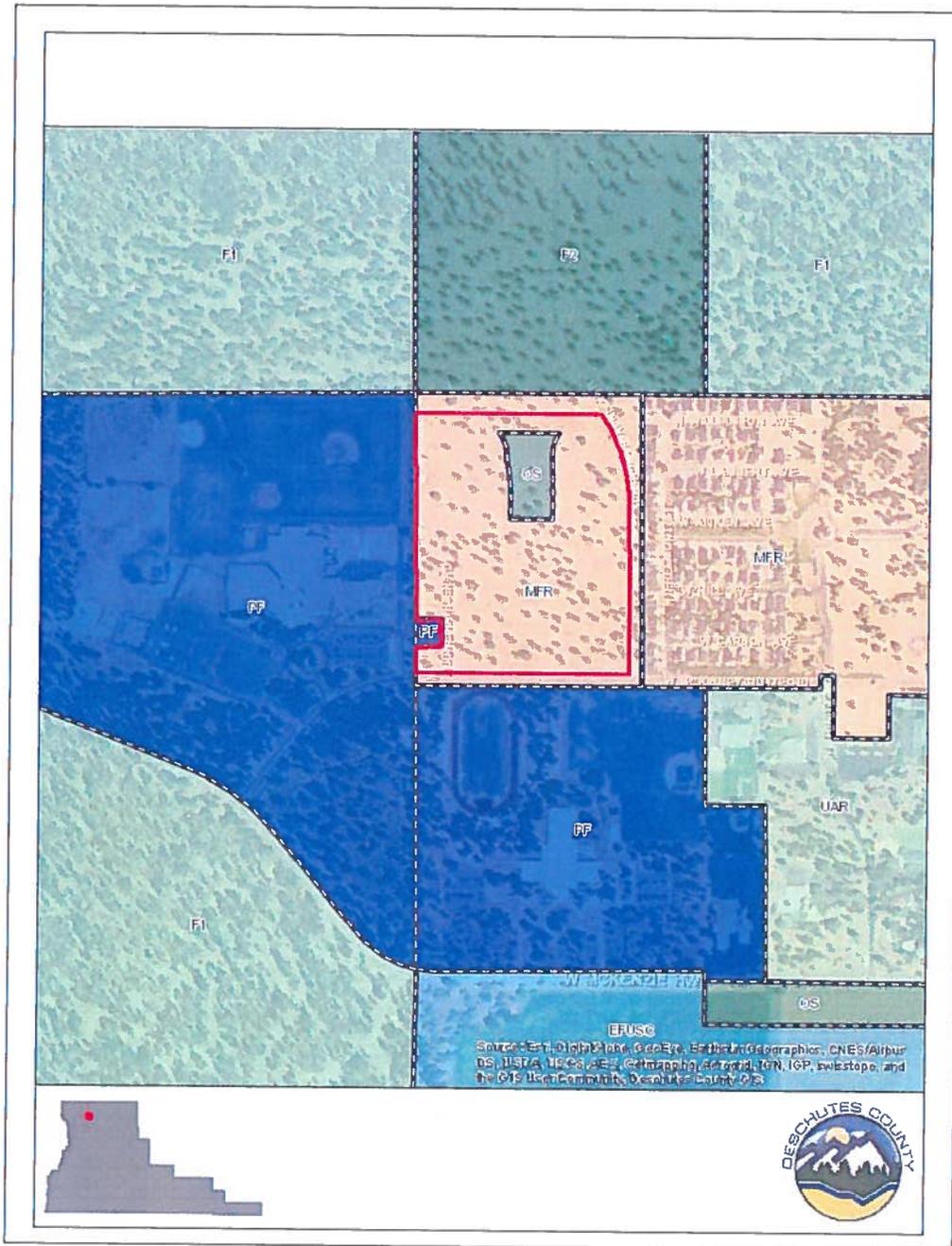
The Applicant requests extension of an approved subdivision plat (SUB #10-02).

2. Property Description

The subject site consists of a 10 phase 103- lot subdivision known as McKenzie Meadow Village. The development has an approved master plan and tentative subdivision plan to construct an Assisted Living Facility and other mixed use residential dwellings as illustrated in the attached plans. Adjacent land uses and zoning designations for the surrounding properties are summarized as follows:

Direction	Current Zoning District	Current Use
North	Deschutes County Jurisdiction	Vacant/forest land
East	Residential	Existing Village at Cold Springs/Residential
South	Public Facility	Sisters Middle School
West	Public Facility	Sisters High School

ZONING/LOCATION MAP



3. Background

Land Use Application History

The subject property is existing McKenzie Meadow Village subdivision. The property was annexed into the Sisters City Limits as UAR 10 zoned property following a vote in 2006. In 2010 the City approved a Comprehensive Plan Map and Zoning Map Amendment for the property changing the Comprehensive Plan designation and Zoning of the property from UAR10 to Multi-Family Residential (MFR), Public Facilities (PF), and Landscape Management (LM).

In 2010, the City approved a Master Plan (MP 10-01) and a Tentative Subdivision Plan (SUB 10-02) on the property, known as McKenzie Meadow Village. The Master Plan was modified in 2012 in association with MOD 12-01. In 2011 the City approved a Site Plan for an 82 unit Assisted Living Facility and a maintenance building on a portion of the property (SP 11-05) and a modification to the Site Plan in 2012 (MOD12-02). Since the approvals of SP 11-05 and MOD 12-02, a County Health Clinic has been constructed on the property and is currently operational.

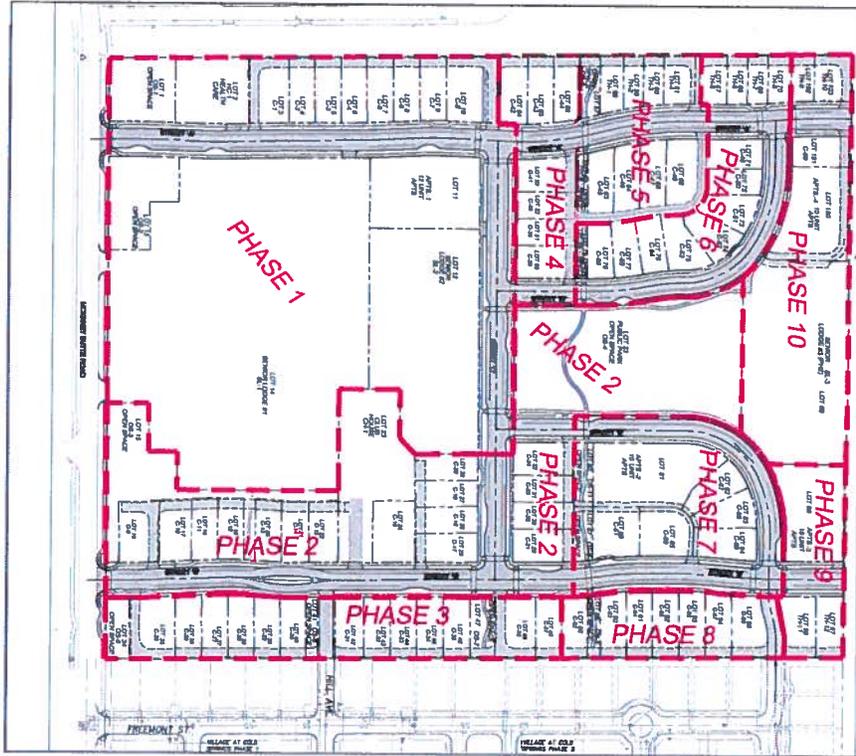
On June 18, 2015, the Planning Commission approved an application for a Master Plan modification (MOD #15-01) and Site Plan (SP # 15-01) to accommodate an adjustment in the location of the Assisted Living Facility. The Planning Commission's decision was appealed to City Council and on August 12, 2015, the Council performed a de novo review and upheld the decision of the Planning Commission (approved the application). The City Council's decision was appealed to the Land Use Board of Appeals (LUBA) and that case is currently active. Final Plat application FP #11-05 is currently on file and the application will expire on 12/10/2016 if not recorded, per Conditions of Approval for Site Plan #SP 15-01.

Previous Extensions Granted

The entitlements for McKenzie Meadow Village have been previously granted extensions. On November 3, 2014, City staff granted an administrative extension (EXT #14-02) for the tentative subdivision plat (SUB #10-02). On October 20, 2015, City staff granted an administrative extension via a Type I decision (EXT #15-01) for the master plan (MP 10-01).

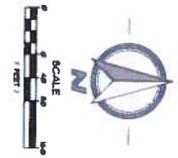
APPLICANT'S PRELIMINARY PLAT

TENTATIVE IMPROVEMENT PLANS FOR MCKENZIE MEADOW VILLAGE PLAT PHASING EXHIBIT MAP



PLAT PHASING PLAN

PHASE	NO. OF LOTS	PHASE 1	PHASE 2	PHASE 3	PHASE 4	PHASE 5	PHASE 6	PHASE 7	PHASE 8	PHASE 9	PHASE 10
PHASE 1	14 LOTS	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7	LOT 8	LOT 9	LOT 10
PHASE 2	14 LOTS	LOT 11	LOT 12	LOT 13	LOT 14	LOT 15	LOT 16	LOT 17	LOT 18	LOT 19	LOT 20
PHASE 3	14 LOTS	LOT 21	LOT 22	LOT 23	LOT 24	LOT 25	LOT 26	LOT 27	LOT 28	LOT 29	LOT 30
PHASE 4	14 LOTS	LOT 31	LOT 32	LOT 33	LOT 34	LOT 35	LOT 36	LOT 37	LOT 38	LOT 39	LOT 40
PHASE 5	14 LOTS	LOT 41	LOT 42	LOT 43	LOT 44	LOT 45	LOT 46	LOT 47	LOT 48	LOT 49	LOT 50
PHASE 6	14 LOTS	LOT 51	LOT 52	LOT 53	LOT 54	LOT 55	LOT 56	LOT 57	LOT 58	LOT 59	LOT 60
PHASE 7	14 LOTS	LOT 61	LOT 62	LOT 63	LOT 64	LOT 65	LOT 66	LOT 67	LOT 68	LOT 69	LOT 70
PHASE 8	14 LOTS	LOT 71	LOT 72	LOT 73	LOT 74	LOT 75	LOT 76	LOT 77	LOT 78	LOT 79	LOT 80
PHASE 9	14 LOTS	LOT 81	LOT 82	LOT 83	LOT 84	LOT 85	LOT 86	LOT 87	LOT 88	LOT 89	LOT 90
PHASE 10	14 LOTS	LOT 91	LOT 92	LOT 93	LOT 94	LOT 95	LOT 96	LOT 97	LOT 98	LOT 99	LOT 100



MCKENZIE MEADOW VILLAGE
TENTATIVE IMPROVEMENT PLANS
PLAT PHASING EXHIBIT MAP

DATE: AUG 8, 2019
STATUS: AT SHOW
SCALE: AS SHOWN

WEST RIDGE
ENGINEERS & ARCHITECTS

1180 SW Lake Road, Suite 204
Redwood, OR, 97156
PH (541) 526-0570 FAX (541) 526-0190



1. Review Procedures

Conclusionary Findings. Pursuant to the applicable chapters found in the Sisters Development Code, this extension request can either be approved, approved with conditions, or denied on the basis of whether the applicable standards and criteria can be satisfied either as submitted, or as mitigated through conditions of approval.

Applicable Criteria; Sisters Development Code (SDC) - 4.1 (Types of Applications and Review Procedures); and 4.3.400.F (Land Divisions and Lot Lines Adjustments-Extensions).

4.1.200 Description of Permit/Decision Making Procedures

4.1.200.C. Type III Procedure (Quasi-Judicial). Type III decisions are made by the Planning Commission after a public hearing, with appeals heard by the City Council. Type III decisions generally use discretionary approval criteria;

Table 4.1.200		
Summary of Development Decisions/Permit by Type of Decision-making Procedure		
Action	Decision Type	Applicable Regulations
Subdivision	Type III	Chapter 4.3

4.3.400.F: Extensions

4.3.400.F.1: The Community Development Director or designee may, upon written request by the applicant and payment of the required fee prior to expiration of the approval period, grant a total of one extension of the approval period not to exceed one year per project; provided that:

- a. The applicant has submitted written intent to file a final plat within the one-year extension period;
- b. An extension of time will not prevent the lawful development of abutting properties;
- c. There have been no changes to the applicable Code provisions on which the approval was based. If the Community Development Director or designee finds that the applicable Code provisions have changed, the Director may add conditions of approval to the land division to bring the land division into compliance with all current standards and ordinances. If conditions have substantially changed the Director shall direct the applicant to refile the application for a new land division; and
- d. The extension request is made before expiration of the original approved plan.

4.3.44.F.2: Additional Extension by Original Decision-Making Body. The original decision-making body may, upon written request by the applicant prior to the expiration of the approval period granted by the Community Development Director, grant a single additional one-year extension at their discretion. If applicable Code provisions have changed, the original decision-making body may add conditions of approval to the land division to bring the land division into compliance with all current standards and ordinances. If conditions have changed substantially the decision-making body shall direct the applicant to refile the application for a new land division. In no case shall extensions combined with original approval durations exceed four years for single phased development from the original

approval date, and six years for subsequent phases within a multiple-phased development from the original approval date.

Staff Determination:

- 1) The Planning Commission was the original decision making body for the approval of application SUB #10-02 and City staff granted an administrative extension on November 3, 2014. Therefore, the Development Code requires the Planning Commission to make the next decision regarding extending the entitlements for the tentative subdivision plat.
- 2) The Development Code does not specifically state the application type with regards to an extension. Since the Development Code references the original decision making body as being the Planning Commission in this instance, this extension request is being processed as a Type III application.
- 3) There have been no changes to the applicable Code provisions on which the original approval was based.

Public Notices

On October 23, 2015, the City mailed a notice to properties located within 250 feet of the project. The City also posted the site with a notice of land use action on October 23, 2015 and published a notice in the Nugget newspaper on November 4, 2015.

Public Comments: No public comments received as of 11/12/15.

Recommendations:

The Planning Commission is being requested to review the staff report, receive public testimony and make a decision regarding the request.

Exhibits

The following exhibits make up the record in this matter. These are contained in file EXT # 15-01 and are available for review at the City of Sisters City Hall:

- A- Staff report and Conditions of Approval**
- B- Application and applicant's request**
- C- Existing tentative subdivision plat and Conditions of Approval (SUB #10-02)**
- D- EXT # 14-01 for SUB #10-02 dated December 10, 2014**
- E- EXT #15-02 for MP #10-01 dated October 19, 2015**
- F- Draft Resolution 2015-16**
- G- Letter dated 11/12/2015 from Michael Robinson, Perkins Coie LLP**

Draft Conditions of Approval. Below are the DRAFT Conditions of Approval for the Planning Commission's Consideration.

1. All applicable conditions of approval specified in previously approved land use applications affecting the subject property not modified by this application remain in effect.
2. If the extension is granted by the Planning Commission, and not appealed to the City Council, the extension duration shall expire on December 31, 2016.
3. Other conditions as approved by the Planning Commission (if any).

MASTER PLANNING APPLICATION FORM

D

CITY OF SISTERS
Community Development Department
P.O. Box 39, 520 E. Cascade Avenue
Sisters, OR 97759
Ph: 541-323-5207 Fax: 541-549-0561



- | | | | |
|-------------------------------------------------|---------------------------------------------------|----------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> ACCESSORY DWELLINGS | <input type="checkbox"/> MINOR CONDITIONAL USE | <input type="checkbox"/> LOT LINE ADJUSTMENT | <input type="checkbox"/> SUBDIVISION |
| <input type="checkbox"/> ANNEXATION (III/IV) | <input type="checkbox"/> DEVELOPMENT REVIEW | <input type="checkbox"/> MASTER PLAN | <input checked="" type="checkbox"/> TIME EXTENSION |
| <input type="checkbox"/> APPEAL | <input type="checkbox"/> FINAL PLAT REVIEW | <input type="checkbox"/> MODIFICATION | <input type="checkbox"/> TEMPORARY USE |
| <input type="checkbox"/> CODE TEXT AMENDMENT | <input type="checkbox"/> HISTORIC LANDMARKS COMM. | <input type="checkbox"/> PARTITION | <input type="checkbox"/> TYPE I |
| <input type="checkbox"/> COMP. PLAN AMENDMENT | <input type="checkbox"/> FLOOD PLAIN REVIEW | <input type="checkbox"/> REPLAT | <input type="checkbox"/> VACATION RENTALS |
| <input type="checkbox"/> CODE INTERPRETATION | <input type="checkbox"/> LOT CONSOLIDATION | <input type="checkbox"/> SITE PLAN REVIEW | <input type="checkbox"/> VARIANCE |
| <input type="checkbox"/> CONDITIONAL USE PERMIT | | | <input type="checkbox"/> ZONE CHANGE |

APPLICANT: McKenzie Meadow Village LLC PHONE: (541) 815-4462

ADDRESS OF APPLICANT: P.O. Box 218 Sisters OR 97759

PROPERTY OWNER: SAME PHONE: _____

ADDRESS OF PROPERTY OWNER: SAME

PROPERTY ADDRESS: 1680 W. McKinney Botte Rd Sisters OR

TAX LOT NUMBER: 5500 T15 R10 Section 5CB Tax lot(s)

PROPERTY SIZE (ACRES OR SQUARE FEET): 30 AC.

EXISTING ZONING OF PROPERTY: MFR

COMPREHENSIVE PLAN DESIGNATION OF PROPERTY: _____

DESCRIBE PROJECT OR REASON FOR THIS REQUEST: Due to LUBA APPEAL BEING FILED
MORE TIME IS NEEDED.

*The applicant will be the primary contact for all correspondence and contact from the City unless other arrangements are made in writing.

Curt Kauberg
Signature of Applicant
Michelle Keelley
Signature of Property Owner

CURT KAUBERG
Printed Name
Michelle Keelley
Printed Name

5/28/15
Date
5/28/15
Date

PLEASE DO NOT WRITE BELOW THIS LINE -- FOR OFFICE USE ONLY

DATE RECEIVED 6/1/15

FILE NO. EXT 15-01

CHECK NO. 292

CASH _____

AMOUNT PAID \$250.00

RECEIPT NO. 122813

CHECKED BY: _____



October 22, 2015

Laura Craska Cooper
lcooper@brixlaw.com

VIA EMAIL & FIRST CLASS MAIL

Patrick Davenport
City of Sisters Planner
PO Box 39
Sisters, OR 97759

Dear Patrick,

Please accept this letter on behalf of McKenzie Meadow Village LLC ("MMV") in connection with MMV's request for extensions of its Master Plan (MP 10-01) and Subdivision (SUB 10-02) approvals.

As you may know, my client's master plan modification and site plan have both been appealed to the Oregon Land Use Board of Appeals (LUBA Case No. 2015-063) by an opponent of the project. Accordingly, although my client is able to and would like to proceed now with construction, the pending third party appeal necessitates a delay for now. Accordingly, McKenzie Meadow Village LLC has requested an extension to allow time to complete the appeal process at LUBA.

Thank you for your consideration.

Sincerely,


Laura Craska Cooper

LCC/lts

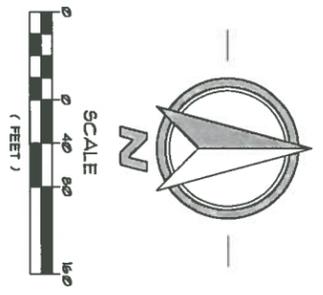
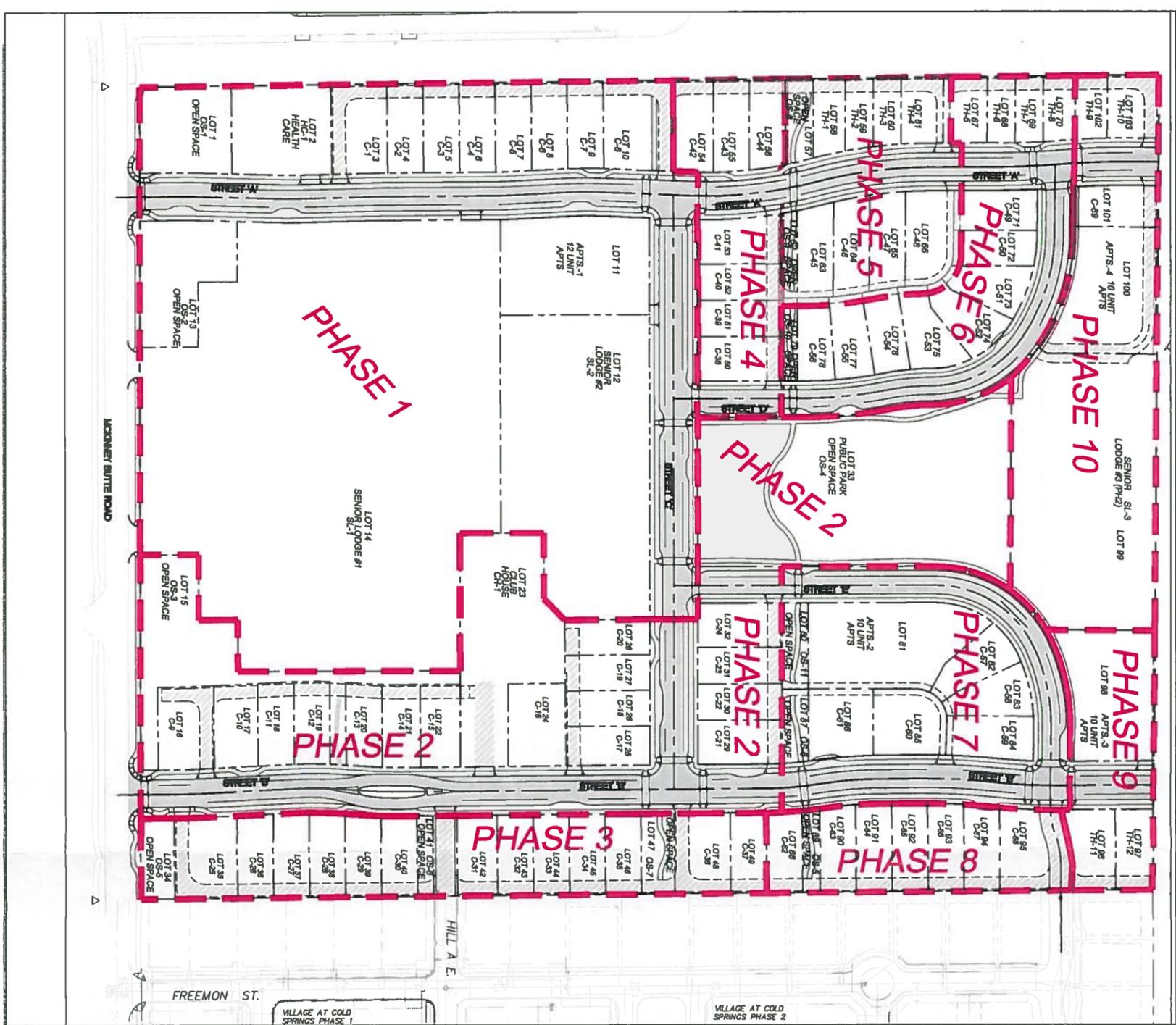
cc: Steve Bryant
Curt Kallberg
Mike Reed
Bill Willitts

RECEIVED
OCT 26 2015
CITY OF SISTERS

{00027319;2}

TENTATIVE IMPROVEMENT PLANS FOR MCKENZIE MEADOW VILLAGE

PLAT PHASING EXHIBIT MAP



PLAT PHASING PLAN									
PLAT PHASE	NUMBER OF LOTS INCLUDED IN PHASE	SENIOR LODGE LOTS	SENIOR COTTAGE LOTS	COTTAGE LOTS	TOWN HOMES	MULTI-FAMILY APART.	CLUB HOUSE	HEALTH CARE FACILITY	OPEN SPACE
PHASE 1	14 LOTS	LOT 12	LOTS 3-10 (8 LOTS)			LOT 11		LOT 2	LOT 1
PHASE 2	19 LOTS		LOTS 16-22 (7 LOTS)	LOTS 28-32 (5 LOTS)					LOT 15 LOT 35
PHASE 3	16 LOTS		LOTS 33-40 (8 LOTS)						LOT 34 LOT 41 LOT 41
PHASE 4	1 LOTS		LOTS 54-56 (3 LOTS)	LOTS 50-53 (4 LOTS)					LOT 34 LOT 41 LOT 41
PHASE 5	10 LOTS			LOTS 63-66 (4 LOTS)	LOTS 58-61 (4 LOTS)				LOT 51 LOT 62
PHASE 6	13 LOTS			LOTS 11-15 (5 LOTS)	LOTS 67-70 (4 LOTS)				LOT 19
PHASE 7	8 LOTS			LOTS 87-96 (10 LOTS)		LOT 81			LOT 80 LOT 81
PHASE 8	8 LOTS			LOTS 96, 97 (2 LOTS)					LOT 89
PHASE 9	3 LOTS				LOTS 96, 97 (2 LOTS)	LOT 98			
PHASE 10	5 LOTS	LOT 99			LOTS 102, 103 (2 LOTS)	LOT 100			
TOTALS	103 LOTS	3 LOTS	36 LOTS	33 LOTS	12 LOTS	4 LOTS	1 LOT	1 LOT	13 LOTS

EXHIBIT C

MCKENZIE MEADOW VILLAGE TENTATIVE IMPROVEMENT PLANS PLAT PHASING EXHIBIT MAP	DESIGN BY: DDA/JSE DRAWN BY: DDA/JSE CHECKED BY: DDA/JSE REVISIONS:	DATE: AUG. 6, 2010 SCALE: AS SHOWN WRDS NO: WRDS 06-054	1180 SW Lake Road, Suite 204 Redmond, OR, 97756 PH: (541) 526.0530 FAX: (541) 526.0790 SISTERS / DESCHUTES	REGISTERED PROFESSIONAL ENGINEER DAVID D. ANDERSON NO. 2258 OREGON
	PHASES	OREGON		

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- c. Be constructed of solid, durable and attractive walls with solid screen doors and shall be visually consistent with project architecture.
 - d. Have at a minimum two (2) foot irrigated and landscaped perimeter shall be provided around the enclosure (excepting door entries).
 - e. Contain sufficient space to accommodate both waste disposal and recycling containers.
25. **Exception to Street Spacing Standard.** This decision grants an exception to the street spacing standard for 'Street B' as shown on the originally-submitted and revised Sheet No. C1.0.
26. **Deed Restriction.** The applicant shall record a deed restriction on all developable lots which indicates the inclusion of each property in the approved Master Planned Development.
27. **Master Plan / Site Plan.** In accordance with SDC Section 4.2, all qualifying buildings shall undergo Site Plan review before a building permit is issued. The architectural design requirements found in SDC Section 4.5 (Master Plans) for buildings shall apply. Compliance with floor area ratio, lot coverage, building heights and setbacks shall be verified, and a 20% deviation from these standards and criteria can be applied to all structures.
- II. **Conditions of Approval by Phase.** All land and improvements referenced herein are found on the revised sheet entitled 'Phases' unless otherwise stated. All streets shall be named, and the names shall be reviewed and accepted by the City prior to any phase being recorded. On-site turn-arounds will be evaluated at the time of Site Plan review for all structures that must undergo this review. All public improvements must be constructed, inspected and accepted by the City as stated in the following conditions of approval. Temporary sewer, water and road easements for all water, sewer and street improvements that will be dedicated to the City shall be recorded prior to commencing any construction.
- Phase I.** The final plat for Phase I of this development shall be recorded within two (2) years of the date of this approval. The Central Electric Cooperative (CEC) utility easement shall be vacated, and proof of vacation shall occur prior to recording the final plat for Phase I. Public improvements and dedications within Phase I shall include the following and shall be completed or bonded where permitted, inspected and accepted prior to the final plat being recorded for phase I.
- 1. **Streets.**
 - a. **Street A.** Improvements to Street A to full local street standards beginning at its intersection with McKinney Butte Road and proceeding northward for a distance of approximately 660 feet, about 30 feet north of the northern end of the western alley that is located immediately north of the lot identified as 'Lot 10'.
 - b. **Street C.** Improvements to Street C to $\frac{3}{4}$ local street standards beginning at its intersection with Street A, and proceeding eastward approximately 330 feet to the eastern termination of the phase line for Phase I.

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- d. The final plat shall identify all alleys located within Phase I as 'public access easements'.

Phase II. The final plat for Phase II of this development shall be recorded within four (4) years of the date of this approval. The final plat for Phase II may not be recorded until the public improvements associated with Phase I are completed, inspected and accepted by the City and the final plat for Phase I is recorded. Public improvements for Phase II shall include the following;

1. Streets.

- a. **Street B.** Improvements to 3/4 local street standards with sidewalk, street trees and bioswales for drainage along the western portion of Street B, beginning at the intersection of McKinney Butte Road and proceeding northward for a distance of approximately 760 feet, terminating at the northern end of the alley that serves the lots identified as Lots 29 through 32.
- b. **Street C.** Improvements to full local street standards with sidewalk, street trees and drainage swales beginning at the intersection of Street B and proceeding in a westerly direction for approximately 500 feet, terminating immediately west of the intersection of Street D, and connecting with the pavement provided in Phase I.
- c. **Street D.** Improvements to the east side of Street D to ¾ local street standards beginning at the intersection of Street C and proceeding in a northerly direction approximately 100 feet, terminating immediately north of the pathway through the park shown on the sheet 'Phases'.
- d. **Street E.** Improvements to the west side of Street E to full local street standards beginning at the intersection of Street C and proceeding in a northerly direction approximately 100 feet, terminating immediately north of the pathway through the park.
- e. **Pathway through the Park.** Prior to the final plat for Phase II being recorded, this pathway shall be constructed to city standards for a multi-use pathway.

2. Sidewalks, street trees and private alleys. Prior to recording the final plat for Phase II, all sidewalks, street trees and private alleys within Phase II shall be constructed, inspected and accepted by the City, or may be bonded to 120% of their value, and shall be completed prior to issuance of any occupancy within Phase II.

3. Sewer. All lots in each phase shall be served by sanitary sewer. Engineered construction drawings for all sanitary sewer lines within each phase shall be submitted to, reviewed and accepted by the City prior to commencing any public utility construction.

4. Water. The existing water line installed in Phase I shall be extended northward in the Street B right of way for a distance of approximately 100 feet to the northern

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termination of Phase II. The line shall terminate into a fire hydrant, unless an exception is granted by the Fire Marshal and/or Public Works Director for the City of Sisters.

5. **Final Plat for Phase II.** The following shall be shown on the final plat for Phase II. All right of way shall be dedicated without reservation as described herein.
 - a. **Street B.** Existing dedicated right of way for Street B shall be vacated prior to or concurrently with recording Phase II within the defined project boundary area.
 - b. **Right of way dedication for Phase II** shall include the right of way for Street B and for Street C as described in Phase II Section 1. Further, the portion of rights of way for Street D and Street E adjacent to the land identified as Lot 33 / Public Park shall be dedicated beginning at the intersection of Street C and ending at the termination of both streets into Streets B and A respectively.
 - c. The open space area shown as Lot 33 / Public Park shall be renamed as Tract 4 / Park (or comparable) and recorded with the final plat for Phase II.
 - d. The open space area shown as Lot 15 shall be re-identified as Tract 3 / Open Space Easement (or comparable) on the final plat and shall be recorded onto the plat.
 - e. The final plat shall show all alleys located within Phase II as 'public access easements'.

Phase III. The final plat for Phase III shall be recorded within four (4) years of the date of this approval and following the completion and City acceptance of Phase I public improvements and recording the final plat for Phase I. Public improvements and the final plat for Phase III shall include the following;

1. **Streets.**
 - a. **Street B.** Improvements shall include completion of Street B to full local street standards with sidewalk, street trees and bioswales for drainage along both sides of Street B, beginning at the intersection of McKinney Butte Road and proceeding northward for a distance of approximately 750 feet, to the northern end of the phase line for Phase III.
 - b. **Hill Avenue (private).** Private road built to minimum city standards. Hill Avenue shall be completed, inspected and accepted by the City. Pavement shall begin at Street B, and proceed in an easterly direction for approximately 80 feet to its termination at the eastern property line.
2. **Sidewalks, street trees and private alleys.** Prior to recording the final plat for Phase III, the street trees, sidewalks and private alleys shall be constructed, inspected and accepted by the City or may be bonded to 120% of their value, but shall be completed prior to issuance of any occupancy permit within Phase III.
3. **Sewer.** All lots in each phase shall be served by sanitary sewer. Engineered construction drawings for all sanitary sewer lines within each phase shall be submitted

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to, reviewed and accepted by the City prior to commencing any public utility construction.

4. **Water.** The water line installed in the Street C right of way shall be extended northward adjacent to Lot no. 32 and terminate at the northern end of the pavement for Street E. The terminus of the line shall end in a fire hydrant unless determined otherwise by the Public Works Director or Fire Marshal.
5. **Final Plat for Phase III.** The final plat for Phase III shall include the following. All right of way shall be dedicated without reservation as described herein.
 - a. The open space areas shown as Lot 34, Lot 41 and Lot 47 shall be re-identified as Tract 5 / Open Space Easement, Tract 6 / Open Space Easement and Tract 7 / Open Space Easement (or comparable) on the final plat and shall be recorded onto the plat.
 - b. The final plat shall show all private streets and alleys located within Phase III as being 'public access easements'.
 - c. The private street connecting with Hill Avenue shall be labeled as 'Hill Avenue – private street'.

Phase IV. The final plat for Phase IV of this development shall be recorded within four (4) years of the date of this approval and following the completion and City acceptance of public improvements within and the recordation of Phases I and II, and shall include the following;

1. **Streets.**
 - a. **Street C.** Improvements shall include completion of Street C to full local street standards with sidewalk, street trees and bioswales for drainage along the remaining unfinished portion located between the intersection of Street A and the portion of Street C already built to full street standards during Phase II.
 - b. **Street A.** Improvements shall include completion of Street A to full local street standards with sidewalk, street trees and bioswales for drainage along the portion of Street A beginning at its southern terminus and proceeding northward for approximately 100 feet and terminating at the northern end of Lot 56.
 - c. **Street D.** Improvements shall include completion of Street D to full local street standards beginning at its intersection with Street C and proceeding northward for approximately 75 feet and terminating immediately north of the alley serving Lots 50 through 53, including sidewalk, street trees and bioswales for drainage.
2. **Sidewalks, street trees and private alleys.** Prior to recording Phase IV, the street trees, sidewalks and private alleys shall be constructed, inspected and accepted by the City or may be bonded to 120% of their value, but shall be completed, inspected and accepted by the City prior to issuance of any occupancy permit within Phase IV.

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3. **Sewer.** All lots in each phase shall be served by sanitary sewer. Engineered construction drawings for all sanitary sewer lines within each phase shall be submitted to, reviewed and accepted by the City prior to commencing any public utility construction.

4. **Water.**
 - a. The water line located in Street C shall be extended northward along Street D adjacent to Lot 50 and shall terminate into a fire hydrant unless determined otherwise by the Public Works Director or Fire Marshal.
 - b. The water line located in Street A shall be extended northward along Street A adjacent to Lots 54, 55 and 56 and shall terminate into a fire hydrant unless determined otherwise by the Public Works Director or Fire Marshal.

5. **Final Plat for Phase IV.** The following shall be shown on the final plat for Phase IV. All right of way shall be dedicated without reservation as described herein.
 - a. Right of way dedication for Phase IV shall include at a minimum the portion of Street A that begins at the intersection of Street C and terminates at the northern portion of Lot 56.
 - b. Right of way dedication for Phase IV shall include at a minimum the portion of Street D that begins at the intersection of Street C and terminates at the northern portion of Lot 50.
 - c. The final plat shall show all alleys located within Phase IV as 'public access easements'.

Phase V. The final plat for Phase V of this development shall be recorded within four (4) years of the date of this approval, and shall only be recorded after the public improvements for Phase IV are completed, inspected and accepted by the City and the final plat for phase IV is recorded, and shall include the following;

1. **Streets.**
 - a. **Street A.** Improvements shall include completion of Street A to full local street standards with sidewalk, street trees and bioswales for drainage along the portion of Street A that begins at the Phase IV terminus of Street A, then proceeds northward for approximately 205 feet, and terminates at the private alley that is on the immediate north side of lots 61 and 66.

2. **Sidewalks, street trees and private alleys.** Prior to recording the final plat for Phase V, the street trees, sidewalks and private alleys shall be constructed, inspected and accepted by the City or may be bonded to 120% of their value, but shall be completed, inspected and accepted by the City prior to issuance of any occupancy permit within Phase V.

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3. **Sewer.** All lots in each phase shall be served by sanitary sewer. Engineered construction drawings for all sanitary sewer lines within each phase shall be submitted to, reviewed and accepted by the City prior to commencing any public utility construction.
4. **Water.** The water line that terminates at the southern edge of Phase V located within the Street A right of way shall be extended northward for a distance of approximately 205 feet, and shall terminate into a fire hydrant unless determined otherwise by the Public Works Director or Fire Marshal.
5. **Final Plat for Phase V.** The final plat for Phase V shall show the following. All right of way shall be dedicated without reservation as described herein.
 - a. At a minimum, right of way dedication for Phase V shall include the remaining undedicated right of way for Street A beginning at the terminus of the northern end of Phase IV, then proceeding northward for approximately 205 feet, and terminating at the private alley located on the north side of lots 61 and 66.
 - b. The open space areas shown as OS 8, 9 and 10 shall be re-identified as Tract 8 / Open Space Easement, Tract 9 / Open Space Easement and Tract 10 / Open Space Easement (or comparable) on the final plat and shall be recorded onto the plat.
 - c. All private alleys shall be shown on the final plat as 'public access easements'.

Phase VI. The final plat for Phase VI of this development shall be recorded within four (4) years of the date of this approval and following the completion of public improvements and recordation of Phase V, and shall include the following;

1. **Streets.**
 - a. **Street D.** Public street improvements shall include construction of Street D to full local street standards along Street D beginning at its terminus at Street C and adjacent to improvements within Phase II, and proceeding in a northerly direction to the north boundary of the park adjacent to Phase X. These improvements shall include sidewalks, street trees and bioswales on both sides of the roadway. Construction shall then continue to $\frac{3}{4}$ local street improvements in a northwesterly direction, terminating at the intersection of Street A. Improvements shall include sidewalks, street trees and bioswales on the southwesterly side of Street D, adjacent to Phase VI.
 - b. **Street A.** Improvements shall include construction of Street A to full local street standards with sidewalk, street trees and bioswales for drainage along both sides of Street A beginning at its existing terminus adjacent to the north edge of Phase V, and proceeding northward approximately 100 feet to the northern terminus of Phase VI.

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2. **Sidewalks, street trees and private alleys.** Prior to recording the final plat for Phase VI, the street trees, sidewalks and private alleys shall be constructed, inspected and accepted by the City or may be bonded to 120% of their value, but shall be completed, inspected and accepted by the City prior to issuance of any occupancy permit within Phase VI.
3. **Sewer.** All lots in each phase shall be served by sanitary sewer. Engineered construction drawings for all sanitary sewer lines within each phase shall be submitted to, reviewed and accepted by the City prior to commencing any public utility construction.
4. **Water.** The water line located in Street A right of way that terminates at the northern end of Phase V shall be extended in a northerly direction for approximately 120 feet. A second line shall be connected to the existing line in Street C, and shall follow the Street D alignment and connect into the line that is located in Street A right of way, thus creating a looped system in Streets A and D.
5. **Final Plat for Phase VI.** Prior to recording Phase VI, the following shall be provided. All right of way shall be dedicated without reservation as described herein. At a minimum, right of way dedication for Phase VI shall include the following;
 - a. **Street D.** The entirety of Street D shall be dedicated, beginning at its intersection with Street C, then proceeding in a north – northwesterly direction to its termination at Street A.
 - b. **Street A.** The portion of Street A beginning at the northern termination of Phase V and ending at the northern termination of Phase VI shall also be dedicated at this time.
 - c. The open space area shown as “OS 10” shall be re-identified as Tract 10 / Open Space Easement (or comparable) on the final plat and shall be recorded onto the plat.
 - d. All private alleys shall be shown as ‘public access easements’.

Phase VII. The final plat for Phase VII of this development shall be recorded within four (4) years of the date of this approval, and shall only occur following the completion and city acceptance of public improvements and final plat recordation for Phases II and III, and shall include the following;

1. **Streets.**
 - a. **Street E.** Improvements shall include construction of Street E to full local street standards along Street E beginning at its southern terminus at Street C adjacent to improvements required in Phase II, and proceeding in a northerly direction to the north boundary of the park adjacent to Phase X. Improvements to include sidewalks, street trees and bioswales for drainage on both sides of the roadway.

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Continued construction to ¾ local street improvements shall continue in a northeasterly direction to the intersection of Street B, including sidewalks, street trees and bioswales on the southeasterly side of Street E adjacent to Phase VII.

- b. **Street B.** Improvements shall include construction of Street B to ¾ local street standards beginning at its southern termination and proceeding northward approximately 300 feet to its termination immediately north of the intersection with Street E. Sidewalks, street trees and bioswales shall be installed on the west side of Street B located within Phase VII.

2. **Sidewalks, street trees and private alleys.** Prior to the final plat being recorded, the street trees, sidewalks and private alleys shall be constructed, inspected and accepted by the City, or may be bonded to 120% of their value, but shall be completed prior to issuance of any occupancy permit within Phase VII.
3. **Sewer.** All lots in each phase shall be served by sanitary sewer. Engineered construction drawings for all sanitary sewer lines within each phase shall be submitted to, reviewed and accepted by the City prior to commencing any public utility construction.
4. **Water.** The water line located in the Street B right of way which terminates at the northern end of Phase II shall be extended northward in the Street B right of way for approximately 300 feet to the northern end of Phase VII. A second line shall be installed in the Street E right of way, connecting with the Street B line to the north, and the Street C line to the south, thus creating a looped system.
5. **Final Plat for Phase VII.** The final plat for Phase VII shall show the following. All right of way shall be dedicated without reservation as described herein.
 - a. **Street E.** Right of way dedication for the portion of Street E beginning at the northern terminus of Phase II, and proceeding in a north-northeasterly direction to its termination into Street B.
 - b. **Street B.** Right of way dedication shall be shown for the entirety of Street B beginning at the northern terminus of Phase II and proceeding in a northerly direction approximately 250 feet to the northern terminus of Phase VII.
 - c. The open space areas shown as "OS 6" and "OS 11" shall be re-identified as Tract 6 / Open Space Easement and Tract 11 / Open Space Easement (or comparable) on the final plat and shall be recorded onto the plat.
 - d. All private alleys shall be identified on the final plat for Phase VII as 'public access easements'.

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Phase VIII. The final plat for Phase VIII of this development shall be recorded within four (4) years of the date of this approval, and may only occur following completion of public improvements within and recordation of the final plats for Phases II and III, and shall include the following;

1. Streets.

- a. **Street B.** Improvements shall include completion of Street B to full local street standards with sidewalk, street trees and bioswales for drainage along the east side of Street B beginning at its southern terminus, and proceeding in a northerly direction for approximately 250 feet to its terminus located immediately north of the northeasternmost private street that intersects with Street B.
- b. **Private Road (northwest).** The private road located between lots 95 and 96 shall be built to public street standards. The road shall be inspected by the City prior to occupancy of structures within Phase VI.

2. Sidewalks, street trees and private alleys. Prior to recording the final plat, the street trees, sidewalks and private alleys shall be constructed, inspected and accepted by the City, or they may be bonded to 120% of their value, but shall be completed, inspected and accepted by the City prior to issuance of any occupancy permit within Phase VIII.

3. Sewer. All lots in each phase shall be served by sanitary sewer. Engineered construction drawings for all sanitary sewer lines within each phase shall be submitted to, reviewed and accepted by the City prior to commencing any public utility construction.

4. Water. The water line installed in Phase VII is sufficient for Phase VIII.

5. Pathway. The pathway located between lots 88 and 90 shall be constructed during this phase. The pathway may be bonded prior to the final plat being recorded for 120% of the cost of path construction, but shall be completed prior to any occupancy permits being issued for Phase VIII.

6. Final Plat for Phase VIII. Prior to recording Phase VIII, the following shall be provided. All right of way shall be dedicated without reservation as described herein.

- a. The open space areas shown as "OS 5" shall be re-identified as Tract 5 / Open Space Easement (or comparable) on the final plat and shall be recorded onto the plat.
- b. The private road connecting with the adjacent property to the east shall be named to match the road to the east, which shall be shown on the final plat as 'private road'.
- c. All private alleys shall be identified on the final plat as 'public access easements'.

Phase IX. The final plat for Phase IX of this development shall be recorded within four (4) years of the date of this approval; may only be recorded following completion of public improvements and recordation of the final plat for Phase VIII, and shall include the following;

CITY OF SISTERS
Planning Commission Staff Report

File Numbers: MP10-01, SUB 10-02
Original Report Date: August 6, 2010

Hearing Date: September 16, 2010
Revision Date: September 21, 2010

1. **Streets.**
 - a. **Street B.** Improvements shall include construction of Street B to full local street standards with sidewalk, street trees and bioswales for drainage along the remaining northern duration of Street B beginning at its southern terminus, and proceeding in a northerly direction to its terminus at the northern property line.
2. **Sidewalks, street trees and private alleys.** Prior to recording the final plat for Phase IX, The street trees, sidewalks and private alleys shall be constructed, inspected and accepted by the City, or they may be bonded to 120% of their value, but shall be completed, inspected and accepted by the City prior to issuance of any occupancy permit within Phase IX.
3. **Sewer.** All lots in each phase shall be served by sanitary sewer. Engineered construction drawings for all sanitary sewer lines within each phase shall be submitted to, reviewed and accepted by the City prior to commencing any public utility construction.
4. **Water.** The water line in Street B which was installed during Phase VII shall be extended northward to the northern terminus of Street B, and shall terminate into a fire hydrant unless the Fire Marshal and/or Public Works Director indicate otherwise.
5. **Final Plat for Phase IX.** Prior to recording the final plat for Phase IX, the following shall be provided.
 - a. The remaining undedicated right of way for Street B shall be dedicated without reservation.
 - b. All private alleys shall be identified as 'public access easements' on the final plat.

Phase X. The final plat for Phase X of this development shall be recorded within four (4) years of the date of this approval; may only be recorded following completion of public improvements and recordation of the final plat for Phase VI, and shall include the following;

1. **Streets.**
 - a. **Street A.** Improvements shall include construction of Street A to full local street standards with sidewalk, street trees and bioswales for drainage along the remaining northern duration of Street A beginning at its southern terminus, and proceeding in a northerly direction to its terminus at the northern property line.
2. **Sidewalks, street trees and private alleys.** Prior to recording the final plat for Phase X, The street trees, sidewalks and private alleys shall be constructed, inspected and accepted by the City, or they may be bonded to 120% of their value, but shall be completed, inspected and accepted by the City prior to issuance of any occupancy permit within Phase X.
3. **Sewer.** All lots in each phase shall be served by sanitary sewer. Engineered construction drawings for all sanitary sewer lines within each phase shall be submitted

CITY OF SISTERS
Planning Commission Staff Report

File Numbers: MP10-01, SUB 10-02
Original Report Date: August 6, 2010

Hearing Date: September 16, 2010
Revision Date: September 21, 2010

to, reviewed and accepted by the City prior to commencing any public utility construction.

4. **Water.** The water line located in the right of way for Street A, which terminates at the northern end of Phase VI, shall be extended northward for approximately 90 feet to the northern property line, and shall terminate into a fire hydrant unless the Fire Marshal and/or Public Works Director indicate otherwise.
5. **Final Plat for Phase X.** Prior to recording the final plat for Phase X, the following shall be provided.
 - a. The remaining undedicated right of way for Street A shall be dedicated without reservation.
 - b. All private alleys shall be identified as 'public access easements' on the final plat.
6. **Barricade.** Prior to recording the final plat for Phase X, a barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the northern end of Street A and shall not be removed unless authorized by the City or other applicable agency with jurisdiction over the street.



EXHIBIT D

Community Development Department

December 10, 2014

McKenzie Meadow Village LLC
Atten: Bill Willitts, managing Partner
251 S. Elm Street
Sisters, OR 97759

Re: Approval of Extension for File No. SUB 10-02, McKenzie Meadow Village Subdivision

Dear Bill,

The City of Sisters has received a request to grant a one-year extension for land use file no. SUB 10-02. For reference, the file no. assigned to this extension is EX 14-02. The file SUB 10-02 was approved concurrently with file no. MP 10-01, a phased Master Plan, however the master plan has an approval duration of 3 years for the first phase, and is a valid land use file until November 3, 2015.

The approval duration actions that have affected the timing of the approval duration are as follows;
(from the original decision that occurred on September 21, 2010):

1. Approval Durations.

- a. **Master Plan.** Construction and/or significant infrastructure improvements shall commence ~~within three years from the date the Master Plan decision becomes final~~ **by December 31, 2013 within three years of the date of this modification decision as is allowed by Sisters Development Code, Chapter 4.1, subsection J.** This project is eligible for two 1-year extensions, but the applicant must apply for these extensions before this decision becomes void, including any fees and justifications required for these extensions.
- b. **Subdivision.** The final plat for Phase I shall be submitted to the City of Sisters ~~within two (2) years of the date of this decision~~ **by December 31, 2013 within two years of the date of this modification decision as is allowed by Sisters Development Code, Chapter 4.1, subsection J.** The total approval durations for submitting a final plat for any phase may not exceed six years from the date of this decision (including extensions).

Milestone events that have affected the timing of the subdivision and master plan approvals include:

October 18, 2012 – Planning Commission decision issued for MOD 12-01, McKenzie Meadow Village.

November 3, 2012 – First day following the end of the 14 day appeal period for MOD 12-01, which extended the approval durations for both land use actions listed above.

December 31, 2013 – first effective date of a one-year blanket extension (Ord. No. 431). Terminates on December 31, 2014, 5 pm. This means that **the subdivision** (file no. SUB 10-02) **voids on December 31, 2014 unless extended.** File no. MP 10-01 remains valid until November 3, 2015, and is eligible for two 1-year extensions.



This extension is only applicable to the subdivision decision, city file no. SUB 10-02 as modified by file no. MOD 12-01, and has no effect on the Master Plan decision MP 10-01 which remains valid until November 3, 2015 unless further extended through a separate extension action. The applicant may apply for a second 1-year extension for the subdivision (file no. SUB 10-02) on or before December 31, 2015, however please note that the second extension is reviewed and decided by the Planning Commission, so please allow enough time for posted notice prior to the second extension review process if the second extension is needed.

Respectfully,

Eric Porter
Planner, City of Sisters

Cc: Neighboring Property Owners
File No. SUB 10-02, MP 10-01 and MOD 12-01

This is a Type I decision that can be appealed to the Land Use Board of Appeals (LUBA). If appealed, the appeal must be filed within 21 days of the date of this decision. The appeal must be made directly to LUBA on forms that are prescribed by LUBA, and in the manner required by state statute. Notice of an appeal to LUBA shall also be provided to the City of Sisters. Contact the Community Development Department, (541) 323-5219 for more information on appeals.

EXHIBIT E



Community Development Department

October 19, 2015

McKenzie Meadow Village LLC
Atten: Bill Willitts, managing Partner
251 S. Elm Street
Sisters, OR 97759

Re: Extension EXT #15-02 for File No. MP 10-01, MOD 12-01 McKenzie Meadow Village Subdivision

Dear Bill,

The City of Sisters has received a request to grant a one-year extension for land use file no. MP 10-01 as modified by MOD #12-01. For reference, the file no. assigned to this extension is EX #15-02. The master plan has an approval duration of 3 years from the date that file MOD #12-01 was approved (November 3, 2012).

Milestone events that have affected the timing of the master plan approvals include:

- October 18, 2012 – Planning Commission decision issued for MOD 12-01, McKenzie Meadow Village.
- November 3, 2012 – First day following the end of the 14 day appeal period for MOD 12-01, which extended the approval durations for the land use action listed above.
- December 31, 2013 – first effective date of a one-year blanket extension (Ord. No. 431). Terminates on December 31, 2014, 5 pm. File no. MP 10-01 remains valid until November 3, 2015, and is eligible for two 1-year extensions.

Development Code references and findings:

- Reference: 4.5.800.B Master Plans, Approval Durations, Extensions and Amendments.
 - A. *Master Plan Approval Duration. The Master Plan approved by the Planning Commission shall expire three (3) years from the date on which the decision is final, if no construction or significant infrastructure improvements of the planned unit development has been initiated.*
 - Findings: MP #10-01 was modified by application MOD #12-01 and the final approval date (post-appeal period) for MOD #12-01 was issued on November 3, 2012. The three year expiry date is currently in effect and runs from November 3, 2012 to November 3, 2015.



B. Extension. The City may, upon written request by the applicant and payment of the required fee, grant up to two (2) one-year extensions of the approval period. The first extension may be approved administratively. The second extension, if needed, shall be considered and may be granted by the original decision body at their discretion. Extensions may be considered if:

- 1. No changes have been made on the original Master Plan as approved;*
 - 2. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and*
 - 3. The extension is requested before expiration of the original approval.*
- Findings: A modification (MOD #15-04) has been approved for Master Plan #10-01 but that case has been appealed to LUBA and the status of the approval is indeterminate. Therefore, the Master Plan currently in effect for the purposes of this extension is MP #10-01. The Comprehensive Plan or Development Code has not been revised in a manner that affects this Master Plan. The extension was requested before the original approval.
 - Reference: 4.1.200.A Description of Permit/Decision-Making Procedures, Type 1 Procedure (Ministerial) Type I Procedure (Ministerial). *Type I decisions are made by the Community Development Director, or someone he or she officially designates, without public notice and without a public hearing. The Type 1 procedure is used when there are clear and objective approval criteria, and applies city standards and criteria that require no use of discretion. Appeals are possible to Oregon Land Use Board of Appeals (LUBA);*
 - Findings: Clear and objective criteria exist with this application for extension. The three year expiry term runs from November 3, 2012 to November 3, 2015. This is the first extension requested for the Master Plan MP #10-01 and the Development Code permits an administrative extension in this instance.

Extension request EXT #15-02 is hereby granted. Approval of this extension is applicable to the Master Plan City file no. MP 10-01 as modified by file no. MOD 12-01.



This is a Type I decision that can be appealed to the Land Use Board of Appeals (LUBA). The appeal must be made directly to LUBA on forms that are prescribed by LUBA, and in the manner required by state statute. Notice of an appeal to LUBA shall also be provided to the City of Sisters. Contact the Community Development Department, (541) 323-5219 for more information on appeals.

Respectfully,

A handwritten signature in black ink that reads "Patrick T. Davenport".

Patrick T. Davenport
Community Development Director

Cc: File No. MP #10-01, MOD #12-01, MOD #15-05



**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF SISTERS
STATE OF OREGON
PLANNING COMMISSION RESOLUTION PC 2015-16**

**THE CITY OF SISTERS PLANNING COMMISSION DOES HEREBY FIND AND RESOLVE
THAT:**

WHEREAS, the applicant, McKenzie Meadow Village, LLC, requests approval of an Extension to a previously approved subdivision plat (SUB #10-02) on a 25.51 acre property for a 10 - Phase, 103 lot residential development and Assisted Living Facility; and,

WHEREAS, this proposed extension assists in providing needed residential dwellings and is not detrimental to the general welfare, health or safety of the City of Sisters; and,

WHEREAS, Oregon Revised Statutes Chapter 92 establishes a process through which land located in urban areas that is properly zoned can be divided through a subdivision process if findings can be made that the land division will not adversely impact the infrastructure of the jurisdiction, and,

WHEREAS, after due notice, a public hearing on the proposed application (EXT #15-01) was held by the Sisters Planning Commission on November 19, 2015 at which time findings were reviewed, witnesses were heard, and evidence and written testimony was received.

WHEREAS, the Planning Commission approved the request with the conditions as written the staff report's Conditions of Approval;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF SISTERS PLANNING COMMISSION FINDS THAT:

1. All required notices have been sent in the time and in the manner required by state law and city code; and,
2. The findings of fact in this matter are located in the staff report attached and by this reference incorporated herein as Exhibit A and Other Attachments.

NOW THEREFORE, BE IT FURTHER RESOLVED THAT BASED ON THE FINDINGS, THE PLANNING COMMISSION HEREBY APPROVES THE EXTENSION (FILE NO. EXT #15-01) SUBJECT TO THE FOLLOWING EXHIBITS:

- A- Staff report and Conditions of Approval**
- B- Application and applicant's request**
- C- Existing tentative subdivision plat and Conditions of Approval (SUB #10-02)**
- D- EXT # 14-01 for SUB #10-02 dated December 10, 2014**
- E- EXT #15-02 for MP #10-01 dated October 19, 2015**
- F- Draft Resolution 2015-16**
- G- Letter dated 11/12/2015 from Michael Robinson, Perkins Coie LLP**

CITY OF SISTERS
Planning Commission Resolution

(FILE: MOD #15-06; CONSIDERATION BY THE PLANNING COMMISSION, NOVEMBER 19, 2015)

THE FOREGOING RESOLUTION IS HEREBY ADOPTED THIS 19TH DAY OF NOVEMBER, 2015.

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

AYES:	()
NOES:	()
ABSENT:	()
ABSTAIN:	()

Signed: _____ David Gentry, Chairman

November 12, 2015

Michael C. Robinson
MRobinson@perkinscoie.com
D. +1.503.727.2264
F. +1.503.346.2264

VIA EMAIL ONLY

David Gentry, Chair
City of Sisters Planning Commission
Sisters City Hall
520 East Cascade
PO Box 39
Sisters, OR 97759

**Re: Request to Extend McKenzie Meadow Village Subdivision Plat
City File No. EXT 15-01
Letter in Opposition to Application**

Dear Chair Gentry and Members of the Sisters Planning Commission:

This office represents Pinnacle Alliance Group, LLC ("Pinnacle"). This letter explains why the City of Sisters ("City") Planning Commission must deny the requested extension of the McKenzie Meadow Village Subdivision Plat (City File No. EXT 15-01) ("Subdivision Extension"), which is Item IV.B. on the November 19, 2015, Planning Commission meeting agenda.

I have asked City staff to enter this letter into the official record of this matter and to provide copies of it to you before your public hearing.

I. Background.

The subject property is approximately 30 acres in size and located at the intersection of McKinney Butte Road and McKinney Ranch Road ("Property"). The Property has a long history of pre-development activities as follows:

- 2005 City annexed Property to Urban Growth Boundary
- 2006 City annexed Property to City limits
- 12/3/2009 City and landowner entered annexation agreement

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David Gentry, Chair
November 12, 2015
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- 5/27/2010 City and landowner entered first amended annexation agreement
- 9/16/2010 City approved master plan (MP 10-01) ("Master Plan") and tentative subdivision (SUB 10-02) ("Subdivision") for a 10-phase development known as McKenzie Meadow Village
- 5/2/2011 City and landowner entered second amended annexation agreement
- 9/8/2011 City approved site plan (SP 11-05) (now expired)
- 10/18/2012 Planning Commission issued decision approving Modification of Master Plan and Subdivision (MOD 12-01), which extended the approval period for the Master Plan until 2015 and the Subdivision until 2014
- 11/3/2012 MOD 12-01 took effect
- 11/14/2013 City granted blanket extension for approval period for all land use approvals, including Subdivision, which extended the approval period through December 31, 2014
- 12/10/2014 City granted one-year extension to the approval period for the Subdivision (EX 14-02), which extended the approval period through December 31, 2015
- 8/12/2015 City approved a master plan modification (MOD 15-05) and site plan (SP 15-01) ("Site Plan") to allow modifications to the proposed development plan. The decision did not modify the approval period for the Master Plan. Even though the Subdivision was not part of the application, the decision improperly purported to extend the deadline for filing a final plat for Phase I until December 10, 2016. The City's decision is on appeal.
- 10/22/2015 Applicant filed a request for the Subdivision Extension (EXT 15-02) and extension of the Master Plan
- 12/10/2015 Subdivision expires

The Master Plan and Subdivision are not vested.

II. Arguments in Opposition to the Subdivision Extension.

- A. There is no authority for the Planning Commission to grant the Subdivision Extension because the City has already granted the maximum number of extensions for the Subdivision for the maximum duration of time allowed by the Sisters Development Code (“SDC”).**

The City is authorized to grant only two quasi-judicial extensions to the approval period for the Subdivision. SDC 4.3.400.F. In this case, the City has already granted two quasi-judicial extensions for the Subdivision: (1) in MOD 12-01; and (2) in EX 14-02 (in addition to a blanket legislative extension).¹ The Subdivision Extension is the third quasi-judicial extension request. Therefore, the Planning Commission may not grant the request because the SDC prohibits a third quasi-judicial extension.

Additionally, the City is authorized to grant extensions for only up to four years for a single-phase development or only up to six years for subsequent phases within a multi-phase development (calculated from the original approval date). SDC 4.3.400.F. 2. In this case, the City’s original approval of the Subdivision was in September 2010. The Subdivision Extension requests the right to extend the approval period until December 2016, which exceeds the six-year window of SDC 4.3.400.F.2. Therefore, the Planning Commission cannot grant the request consistent with the SDC.

For these reasons, the Planning Commission must deny the Subdivision Extension.

- B. The Planning Commission should not consider the Subdivision Extension until the City schedules a Planning Commission public hearing for the related Master Plan extension request.**

In conjunction with its request for the Subdivision Extension, Applicant submitted a request for an extension of the Master Plan. As reflected in the public hearing notice in Exhibit A, only the Subdivision Extension is scheduled for the Planning Commission’s consideration, so it is unclear what has happened to the Master Plan extension request. To the extent the City has administratively approved the Master Plan extension request, the City has erred for two reasons. First, it is Applicant’s second extension request for

¹ This analysis does not even count the purported quasi-judicial extension to the Phase I final plat deadline included in the conditions of approval for the Site Plan decision, which Pinnacle has appealed.

the Master Plan, the first being in MOD 12-01, when the City granted a three-year extension to the Master Plan approval period. Because it is the second extension request for the Master Plan, it is subject to review at a public hearing by the Planning Commission. SDC 4.5.800.B. Second, the request may only be approved if it complies with the criteria set forth in SDC 4.5.800.B, including that no changes to the original Master Plan have been approved. Applicant's application does not even address these criteria, let alone demonstrate how the request satisfies these criteria.

The Subdivision is premised upon the Master Plan. The City originally approved these applications in a common decision in 2010, and they relate to the same development plan for the same property. As a result, until the City schedules a Planning Commission public hearing for the Master Plan extension, the Planning Commission must refrain from taking action on the Subdivision Extension.

- C. Even if the City could grant the Subdivision Extension, Applicant has not met its burden to prove that the City should do so.**
 - 1. Applicant's justification for requesting the Subdivision Extension is not compelling.**

The Planning Commission is not required to grant an extension; in fact, it is discretionary in nature. SDC 4.3.400.F.2. In this case, despite the over five-year delay in initiating development of the Property pursuant to the Master Plan and Subdivision, Applicant has offered only a single reason for not proceeding with the Subdivision: A third party appealed the recent Master Plan modification and Site Plan approval to LUBA. While Applicant's statement is true as far as it goes, the appeal only commenced in August 2015, several months after the most recent Subdivision extension and nearly five years after the original Subdivision approval. As a result, even if the appeal were a valid basis to delay development, it does not explain the months and years of delay before August 2015. Moreover, the appeal is not a valid basis for a delay because the LUBA petitioner has not sought a stay of the City's decision, so that decision remains in effect while the appeal is pending. Finally, the decisions at issue in the LUBA appeal only relate to approximately five acres of the 30-acre Property, leaving nearly 85% of the Property unaffected by the appeal. Under these circumstances, Applicant's justification for the extension is not compelling and does not warrant granting the request.

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Page 5

2. Applicant has not even addressed two sub-criteria in this case, let alone demonstrated that they are met.

If applicable SDC criteria have changed, the Planning Commission may add conditions of approval to bring the Subdivision into compliance with current standards and ordinances. SDC 4.3.400.F.2. Applicant has not addressed whether or not applicable SDC criteria have changed. Therefore, there is no basis for the Planning Commission to find that the Subdivision Extension is consistent with this provision.

If conditions have changed substantially, the Planning Commission is required to direct Applicant to file an application for a new land division. SDC 4.3.400.F.2. Applicant has not addressed existing conditions or whether they have changed substantially. Therefore, there is no basis for the Planning Commission to find that the Subdivision Extension is consistent with this provision.

For these reasons, the Planning Commission should deny the Subdivision Extension.

III. Conclusion.

For these reasons, the Planning Commission should deny the Subdivision Extension. Thank you for your consideration of the points in this letter.

Very truly yours,



Michael C. Robinson

Encl.

cc: Mr. Patrick Davenport (via email) (w/encl.)
Mr. Mark Adolf (via email) (w/encl.)
Mr. Michael Repucci (via email) (w/encl.)
Mr. Seth King (via email) (w/encl.)



NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Sisters Planning Commission is holding a public hearing at Sisters City Hall, 520 E. Cascade Avenue, Sisters (mailing address PO Box 39, Sisters, OR 97759) on **November 19, 2015 at 5:30 p.m.** regarding the application listed below. All relevant provisions of the City of Sisters Urban Area Comprehensive Plan, the Sisters Development Code and Oregon Revised Statutes (ORS) will be reviewed for compliance. Please contact Patrick Davenport, Community Development Director, at (541) 323-5219 for more information.

File #: EXT 15-01

Applicant and Owner: McKenzie Meadow Village, LLC. Attention Mr. Bill Willits

Project Description: Type III Review of a request to extend a previously approved subdivision plat (SUB #10-03) on a 30.0 acre property, for a 10 Phase, 103-lot subdivision. The subdivision received an administrative extension on November 3, 2014 and the Sisters Development Code requires this extension request to be considered by the Planning Commission in a public hearing format.

Location: The property is situated on the north side of W. McKinney Butte Road, west of Freemont Street and east of Sisters High School. The subject property is identified as Tax Lots 5500 on Deschutes County Assessor's Map # 151005CB.

Applicable Criteria: Sisters Development Code: Chapter 4.1 (Types of Applications and Review Procedures), and Chapter 4.3.400.F (Land Divisions -Extensions).

Questions or concerns regarding this application should be directed to the Community Development Department at Sisters City Hall. The Planning Commission will provide a recommendation to the City Council and may issue a recommendation for approval, approval with conditions or a denial at the public hearing, or may choose to continue the matter. The decision once made will occur according to Development Code Chapter 4.1 Procedures, which is available at City Hall. Failure to raise an issue in person, or by letter before or during the issuance of the decision, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue may preclude an appeal based on that issue with the State Land Use Board of Appeals. All evidence relied upon by the Planning Commission to make this decision is in the public record and is available for public review at the Sisters City Hall, 520 E. Cascade Avenue, Sisters, Oregon. Copies of this evidence can be obtained at a reasonable cost from the City. A copy of the City's staff report shall be available for review upon request at no cost at least seven days before the public hearing.

TTY services can be made available. Please contact Kathy Nelson, (541) 323-5213 for accommodations to be made. The Sisters City Hall building is a handicapped accessible facility.

Vicinity Map of Project Location on Back

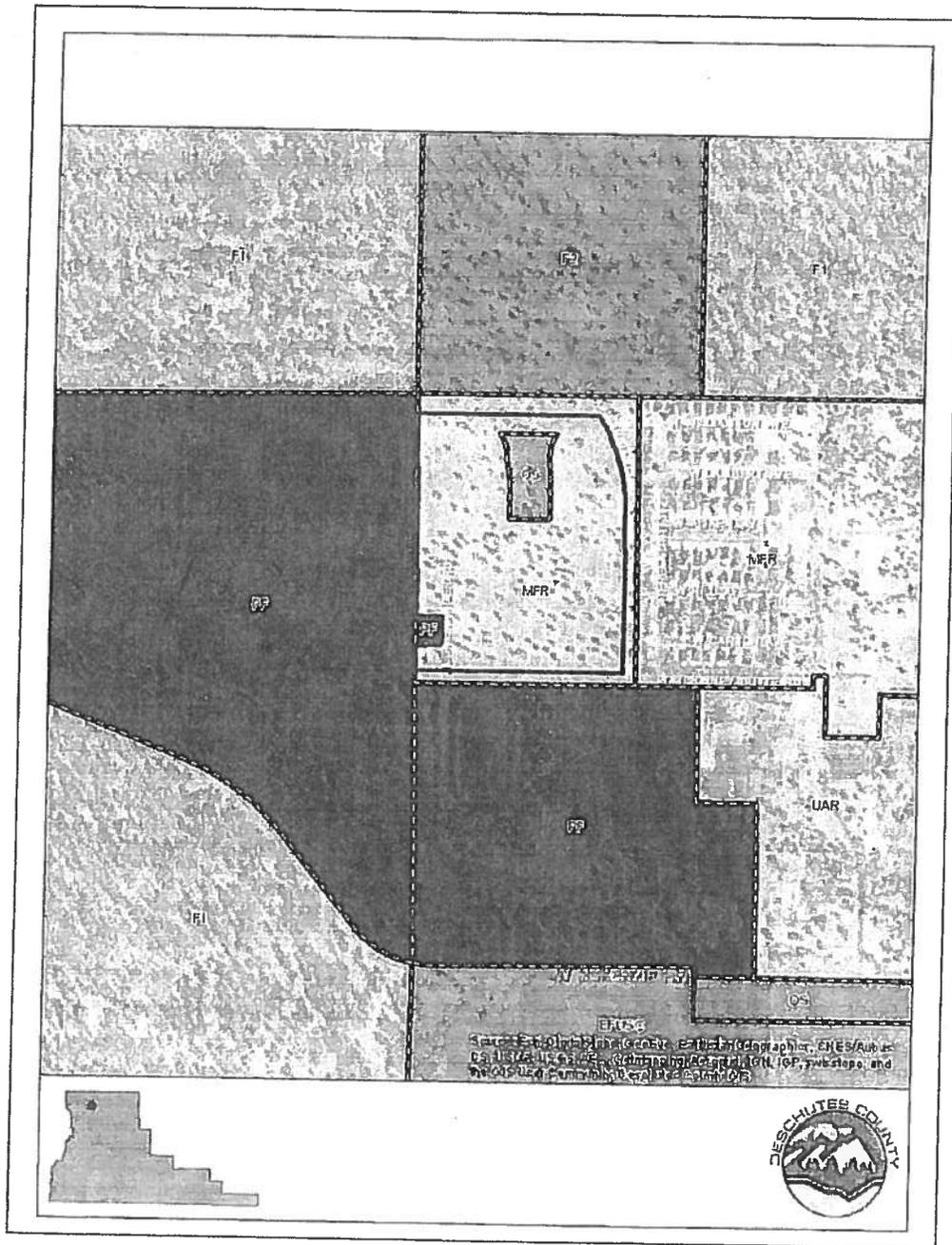
***Notice to mortgagee, lienholder, vendor or seller: City of Sisters Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.**

EXHIBIT A



NOTICE OF PUBLIC HEARING

Vicinity Map of Project Location



*Notice to mortgagee, lienholder, vendor or seller: City of Sisters Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.



**Staff Report and Burden of Proof Statement
Kuivato Subdivision**

FILE #: SUB #15-03

APPLICANT: Don Denning Homes, Inc.
PROPERTY OWNER: Dutch Pacific Properties, LLC

REQUEST / LOCATION: Type III Review of a subdivision to divide a 13.43 acre property into thirty-five lots and establish a ½ acre City Park and City Well Site. The address is 310 E Sun Ranch Drive, Sisters, OR. The property is located in the West ½ of Section 4, Township 15 South, Range 10 East, Tax Lot 100, Tax Map 151004BD.

ENGINEER / SURVEYOR: Parametrix, Inc.

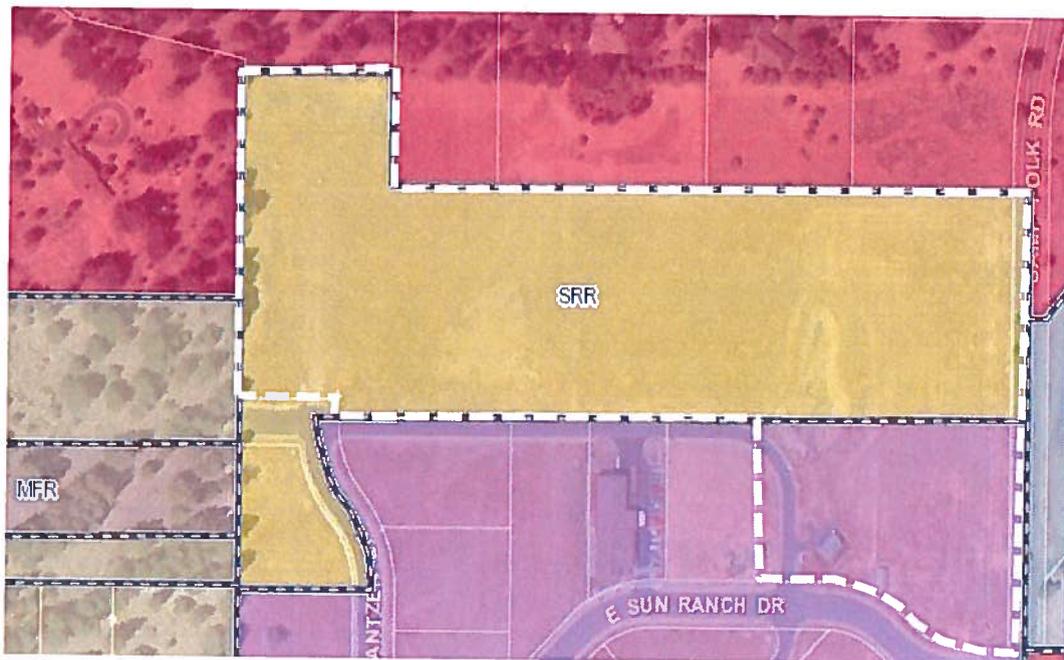
APPLICABLE CRITERIA: Chapter 4.1 (Types of Applications and Review Procedures); Chapter 4.3 (Land Divisions); Chapter 2.11 (Airport Overlay Zone), Chapter 2.13 (Sun Ranch Residential Zoning District), Chapter 3.1 (Access and Circulation); Chapter 3.2 (Landscaping and Screening); Chapter 3.3 (Vehicle and Bicycle Parking); Oregon Revised Statutes Chapter 92.

HEARING DATE: November 19, 2015, 5:30 pm, Sisters City Council Chambers, 520 E. Cascade Avenue, Sisters, Oregon

PLANNER: Darcy Reed



Vicinity Map of Subject Site



Zoning Map of Subject Site

- I. **Lot of Record:** In 2003, Sun Ranch – Phase 1 was surveyed and platted into lots, tracts, public roads, public utility easements, pump station easement, pedestrian path easements, and private access easements. Said Tract A of the Sun Ranch Subdivision was reserved for future development and now the subject of the proposed subdivision.
- II. **Site Description:** The project site is 13.43 acres and rectangular in shape. The property slopes to the west, is cleared, and undeveloped except for an existing well site operated by the City.
- III. **Surrounding Land Use:** To the north of the subject property is the residential area “Trapper Point” which is located outside the Sisters City Limits; to the east is Camp Polk Road and the airport; to the south is the Sun Ranch light industrial park and to the west is undeveloped residential property in both the “MFR” and “R” zones.
- IV. **Conclusionary Findings:** The following findings relate to compliance with applicable Sisters Development Code standards and criteria. Compliance with Oregon Revised Statute 92 is assumed if compliance with the City’s development code can be verified. In this report, the terms “subject property” or “site” within this document refer to the subject site under consideration.

Chapter 4.1 Types of Applications

Description of Permit/Decision Making Process. This proposal is for a preliminary plat of a thirty-five lot subdivision and requires a Type III review by the Planning Commission.

Table 4.1.200 Summary of Development Decisions/Permit by Type of Decision-making Procedure		
Action	Decision Type	Applicable Regulations
Subdivision	Type III	Chapter 4.3

4.1.700 General Provisions. The required studies pertaining to infrastructure improvements for the Sun Ranch District were previously submitted with the application for The Sun Ranch master plan (2007). The new subdivision application was sent out for Agency comments and no additional studies were requested by staff to be submitted by the applicant.

Chapter 4.3 Land Divisions

The proposed subdivision is a Type III Procedure which requires a public hearing and a decision by the Planning Commission. The following approval criteria and standards apply, along with the applicant’s and staff’s response to each.

4.3.100 Purpose. The purpose of this Chapter is to:

- A. Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments;
- B. Carry out the City’s development pattern, as envisioned by the Comprehensive Plan;
- C. Encourage efficient use of land resources, full utilization of urban services, and adequate provisions for motor vehicle, pedestrian and bicycle circulation;
- D. Promote the public health, safety and general welfare through orderly and efficient urbanization;
- E. Lessen or avoid traffic congestion, and secure safety from fire, flood, pollution and other dangers;
- F. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage; and
- G. Encourage the conservation of energy resources.

Response: Purpose statements are not approval criteria or standards; rather they establish the parameters by which the actual approval standards and criteria for land divisions are administered.

Staff’s Response: The applicant has provided a correct analysis of Section 4.3.100.

4.3.200 General Requirements

A. Compliance with ORS Chapter 92. All subdivision and partition proposals shall be in conformance with State regulations set forth in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions.

Response: The applicant understands this state regulation and the final plat shall comply with ORS 92.

B. Need for Adequate Utilities. All lots created through land division shall be served by public utilities and facilities such as sewer, gas, electrical, and water systems.

Response: There are no known capacity issues in this area. The site can be served with City sewer and water. Central Electric Cooperative can provide power. There are no natural gas providers in the City of Sisters other than private propane tanks, which may or may not be used in the future.

Staff Response: The applicant has responded accurately to Sections 4.3.200.A and B.

C. Floodplain. (not applicable)

D. Cul-de-sacs shall be “day-lighted” to provide pedestrian and bicycle access as allowed by neighboring properties as shown below. The Planning Commission, in conjunction with tentative subdivision plat applications, shall approve the design of all day-lighted cul-de-sacs (opening width, fencing, landscaping, hardscape, etc.).

Response: No cul-de-sacs are proposed.

E. Easements for sewers, storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions, prior to any connection to public infrastructure, in conformance to the Public Works Construction Standards, latest edition.

Response: All easements needed for this subdivision shall be shown on the final plat and accordingly dedicated where dedications are necessary.

Staff response: All proposed easements must be illustrated on construction plans and subsequently illustrated on the final plat.

F. Public Improvements Required. Before City approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved in accordance with the City’s Public Works Construction Standards, latest edition. Alternatively, the subdivider/partitioner shall provide a performance guarantee, in accordance with Section 4.3.800.

Response: The applicant understands this requirement and shall comply.

Staff Response: Unless the applicant decides to install public improvements before recording the final plat, proof of bonding shall be submitted prior to the final plat being recorded. This is a standard condition of approval.

G. Underground Utilities. This standard applies only to proposed subdivisions. All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that above ground equipment does not obstruct vision clearance areas for vehicular traffic (Chapter 3.1);
2. The City reserves the right to approve the location of all surface mounted facilities;
3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
5. Exception to Under-Grounding Requirement. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands or refusal by utility companies.

Response: The applicant shall comply with these criteria and standards.

Staff Response: This requirement will be verified during the public improvements stage of development.

H. Dedication Requirements.

1. Where a proposed park, playground or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City shall require the dedication or reservation of this area on the final plat for the subdivision.
2. If determined by the Planning Commission to be in the public interest in accordance with adopted Comprehensive Plan policies and the City of Sisters Park Plan, and where an adopted plan of the City does not indicate proposed public use areas, the City shall require the dedication or reservation of areas within the subdivision of a character, extent and location suitable for the development of parks and other public uses.

3. All required dedications or reservations of public use areas shall conform to Section 4.3.200.K (Conditions of Approval).

Response: The conditions of approval of The Sun Ranch Residential District require the dedication of ½ acre to The City of Sisters for the purpose of developing a public park area. The proposed plat reserves an area of ½ acre to be dedicated to The City for the creation of the park.

Staff Response: The 2007 Conditions of Approval from the original plan for the Sun Ranch Mixed Use Community required the dedication of a ½ acre park and 10,000 square foot well site upon future subdivision, totaling approximately 31,780 square feet. In 2014, a subsequent land use application, text amendment (TA# 14-02) sought to modify language in the 2007 Agreement to state the park area shall be “at least one-half (1/2) acre” in size. The applicant is meeting this requirement by dedicating a ½ acre park as shown on the preliminary subdivision plat map.

I. Acquisition by Public Agency. If the developer is required to reserve land area for a publicly owned park, playground, or other public use, the land shall be acquired by the appropriate public agency within 24 months following final plat approval, at a price agreed upon prior to approval of the plat, or the reservation shall be released to the property owner.

Response: This does not apply to subject property.

Staff Response: See prior response. The timing of the park dedication shall occur in Phase 1.

J. System Development Charge Credit. Dedication of land to the City for public use areas shall be eligible as a credit toward any required system development charge for parks.

Response: Applicant understands credits toward park SDC fees may be available.

Staff's Response: The aforementioned requirement regarding dedication of a park area was not in lieu of park SDC fees. Therefore, payment of park SDCs will still be required at the issuance of building permits.

K. Conditions of Development Approval. No development may occur unless required public facilities are in place or are guaranteed in conformance with the provisions of this Code and the Public Works Construction Standards, latest edition. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

Response: The applicant understands conditions of approval.

Staff's Response: The City Engineer provided review comments in a letter dated November 12, 2015 (attached). All required improvements specified in this letter are hereby incorporated into the conditions

L. When subdividing or partitioning tracts into large lots (i.e., greater than two times the minimum lot size allowed by the underlying land use district), the lots shall be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code.

Response: The Sun Ranch Residential District is limited to a maximum of 45 residential properties, including the seven (7) units in the Sky Gate Subdivision which are approved for construction on tax lot 800 in the Sun Ranch District.

The 35 proposed lots on subject property plus the additional seven (7) units on Sky Gate total 42 of the 45 maximum allowed in Sun Ranch conditions of approval.

The slightly lower density support the goals stated in The Sun Ranch conditions of approval; "Another purpose of The Sun Ranch Residential District is to provide a residential transition area from urban uses within the city to the low density rural uses beyond the city limits"

Based on the limitations set forth in the conditions of approval of Sun Ranch Residential District, any design provisions to allow further division of the property would be of no effect and, in fact, violate one of the stated purposes of The Sun Ranch District.

Staff Response: The applicant's response is accurate. Further, the applicant has submitted a draft copy of CC&Rs stating no lot in Kuivato may be further subdivided.

M. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the Hearings Body determines that the extension is necessary to give street access to or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to 1-3, below.

1. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
2. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the sub-divider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
3. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length and in accordance to Oregon Fire Code.

Response: The proposal submitted meets these criteria.

4.3.300 Infill Development Options. Some lots in existing neighborhood may have standard widths but may be unusually deep compared to other lots in the area. Infill candidate areas generally consist of unused space at the back of a lot that may provide room for one or more lots for infill housing. Infill lots may be developed as “flag lots” or “driveway courts” as defined herein.

- A. Flag Lots.** Flag lots shall comply with the following development standards;
 - 1. To determine if an existing lot is eligible for Flag lot development, the following criteria shall be met:
 - a. Minimum lot area: twice that required by the underlying zone.
 - b. Minimum lot width: 20 feet wider than the width required by the underlying zone.
 - 2. Development Standards.
 - a. The minimum lot frontage for a flag lot shall be 20 feet. A 20-foot wide flag lot driveway pole may serve no more than two (2) parcels or lots (the front parent parcel and the flag lot) and no more than four (4) dwelling units, including accessory dwellings. A shared drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots.
 - b. A flag lot driveway shall not exceed 150 feet in length, unless Oregon Fire Code (OFC) standards are met.
 - c. The pole shall not be less than 20 feet wide. The pole shall be improved with a minimum 12 foot wide paved driveway.
 - d. No fence, structure or other obstacle shall be placed within the shared drive alignment.
 - e. Residential lots created as flag lots shall be subject to Floor Area Ratio (FAR) standards. For the purpose of calculating FAR the Flag Pole area of the lot shall not be counted.
 - f. Flag lot development shall not be permitted on collector or arterial streets.
 - g. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Code.
 - h. If the flag portion is adjacent to a street, the dwelling unit shall have its primary entrance oriented to the street. If the flag portion is not adjacent to a street, the structures located on the flag portion are exempt from orientation standards.

Staff Response: Although this development is not considered infill development, there are criteria available to review for the design of the proposed flag lots. The size and width of the flag lots in this subdivision meet the minimum standards. All other development standards related to the siting of residential development on the flag lots will be reviewed upon submittal of a building permit.

B. Driveway courts. (not applicable)

4.3.400 Approval Process

A. Subdivision and Partition Approval through Two-step Process. Applications for subdivision or partition approval shall be processed through a two-step process; the preliminary plat and the final plat.

1. The preliminary plat shall be approved before the final plat can be submitted for consideration and approval; and
2. The final plat shall include all conditions of approval of the preliminary plat.

B. Review of Preliminary Plat. Review of preliminary plats with more than 3 lots (subdivision) shall be processed as a Type III procedure under 4.1.500. All preliminary plats shall be reviewed using approval criteria contained in Section 4.3.600.

C. Review of Final Plat. Review of a final plat for a subdivision or partition shall be processed as a Type I procedure under Chapter 4.1.300, using the approval criteria in Section 4.3.700.

E. Preliminary Plat Approval Period – Multi Phased Development

1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be greater than two years for the first phase, and up to two additional years for all subsequent phases from the original approval date without reapplying for a preliminary plat. In no case however shall approval durations exceed six years from the original approval date (including extensions) for any phase of a multiple phase development.
2. The criteria for approving a phased land division proposal are:
 - a. Public facilities shall be constructed in conjunction with or prior to each phase;
 - b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Section 4.3.800. A temporary public facility is any facility not constructed to the applicable City or district standard;
 - c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and
 - d. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

Response: The applicant understands this two-step process and shall comply.

Staff Response: The subdivision is proposed to be completed in three phases. Conditions of approval related to the timing of improvements are found at the end of this report.

4.3.500 Preliminary Plat Submittal Requirements

- A. General Submittal Requirements.** The following information shall be submitted:
- B. Preliminary Plat Information.** In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:
- 1. General Information:**
 - a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in the county in which it is located (please check with County Surveyor);
 - b. Date, north arrow, and scale of drawing;
 - c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;
 - d. Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor if any, and the date of the survey; and
 - e. Identification of the drawing as a "preliminary plat".
 - 2. Site analysis:**
 - a) Streets: Location, name, present width of all streets, alleys and right-of-way on and abutting the site;
 - b) Easements: Width, location and purpose of all existing public and private easements of record on and abutting the site;
 - c) Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;
 - d) Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor. This requirement may be waived for partitions when grades, on average, are less than 6 percent;
 - e) The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
 - f) Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;
 - g) Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection;
 - h) Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
 - i) Designated historic and cultural resources on the site and adjacent parcels or lots;
 - j) The location, size and species of trees having a caliper (diameter) of eight inches or greater measured at four feet above grade in conformance with Chapter 3.2, and, any tree with a historic designation regardless of size;
 - k) North arrow, scale, name and address of owner;
 - l) Name and address of project designer, if applicable; and
 - m) Other information, as deemed appropriate by the Community Development Director or designee. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

- n) A Traffic Impact Statement or Study may be required at the discretion of the Community Development Director or designee for any development that will generate less than 200 vehicle trips per day. A Traffic Impact Study shall be required for any development that generates more than 200 vehicle trips per day.

3. Proposed improvements:

- a. Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts which are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
- b. Easements: location, width and purpose of all easements;
- c. Lots and private tracts (e.g., private open space, common area, or street); approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all lots and tracts;
- d. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use; potential location of future buildings;
- e. Proposed improvements, as required by Chapter 3 (Design Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);
- f. Preliminary location of development showing that future buildings can meet dimensional standards of base zone;
- g. The proposed source and preliminary plans for domestic water;
- h. The proposed method and preliminary plans of sewage disposal and method and preliminary plans of surface water drainage and treatment, if required;
- a. The approximate location and identity of utilities, including the locations of street lighting fixtures;
- i. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation related to proposed railroad crossing(s);
- j. Changes to navigable streams, or other water courses. Provision or closure of public access to these areas shall be shown on the preliminary plat, as applicable;
- k. Identification of the base flood elevation for development of more than 3 lots may be required at the discretion of the Community Development Director or designee. If required, written evidence of initiation of a Federal Emergency Management Agency (FEMA) flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain. FEMA approval of the amendment may be a condition of city land use approval;
- l. Evidence of written notice to the Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the State's jurisdiction; and
- m. Evidence of written notice to the applicable natural resource regulatory agency(ies) for any development within or adjacent to jurisdictional wetlands and other sensitive lands.
- n. Phase development plan shall include the following;
 - 1. Overall tentative plan, including phase or unit sequence, and the schedule of initiation of improvements and projected completion date.
 - 2. Overall facility development phasing plan, including transportation and utility facility plans that specify the traffic pattern plan for motor vehicles, bicycles and pedestrian, water systems plans, sewer system plans and utility plans.
 - 3. Development and phasing plans for any common elements or facilities.

Response: These submittal requirements shall be met by the applicant.

Staff Response: The applicant has submitted all requested information. Conditions of approval are attached at the end of this report related to public improvements and timing for each phase of the subdivision to be completed. Additionally, it has been determined a traffic study shall be waived due to the low level of trip generation. The number of trips allocated to this subdivision as part of previously identified trips for Sun Ranch shall be formally allocated to Kuivato via a recorded document prior to recording the subdivision plat.

4.3.600 Approval Criteria for Preliminary Plat

A. General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

1. All relevant provisions of the Comprehensive Plan are met.

Response: The Development Code expresses the goals, policies and objectives of the Comprehensive Plan. Because the proposed development meets the terms of the Development Code, it also complies with the Sisters Comprehensive Plan.

2. The proposed preliminary plat complies with all of the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, and the applicable sections of Chapter 2 (Land Use Districts) and Chapter 3 (Design Standards) shall apply;

Response: The applicant believes that this proposal fully complies with the applicable portions of Chapter 2 and Chapter 3.

3. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

Response: The applicant has searched the Deschutes County Surveyor's data base for duplicate subdivision names; the name Kuivato chosen for this subdivision is unique and is not duplicated.

4. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat; and

Response: The submittal complies with this criterion.

5. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat.

Response: The submittal complies with this criterion.

Staff Response: The applicant has met all above criteria for preliminary plat submittal requirements (#1-5).

B. Housing Density. The subdivision meets the City's housing density standards of Chapter 2.

Response: The proposal meets the density range required in the Sun Ranch Residential District.

C. Conditions of Approval. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties.

Response: The City typically puts conditions of approval onto land divisions such as this one that pertain to such things as the timing of public improvements, recording easements, and so on. The applicant understands this and anticipates that any conditions of approval shall be fair and equitable.

Staff Response: Conditions of Approval are found at the end of this report.

4.3.800 Performance Guarantees

A. **Performance Guarantee Required.** When a performance guarantee is required under Section 4.3.200(F), the subdivider/partitioner shall file an assurance of performance with the City supported by one of the following:

1. Cash deposit, or
2. A surety bond executed by a surety company authorized to transact business in the State of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated.

B. **Determination of Sum.** The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

C. **Itemized Improvement Estimate.** The developer shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.

D. Agreement. An agreement between the City and developer shall be recorded with the final plat that stipulates all of the following:

1. Specifies the period within which all required improvements and repairs shall be completed;
2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;
3. Stipulates the improvement fees and deposits that are required.
4. Provides for construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract. The agreement may be prepared by the City, or in a letter prepared by the applicant. It shall not be valid until it is signed and dated by both the applicant and authorized City representative.

E. When the Subdivider Fails to Perform. In the event the developer fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call in the bond or cash deposit for reimbursement.

F. Termination of Performance Guarantee. The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the City.

Response: Applicant has reviewed chapter 4.3.800.

Staff Response: The applicant understands that bonding is an option to building in certain circumstances.

4.3.900 Filing and Recording

A. Filing plat with County. Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to Deschutes County for signatures of County officials as required by ORS Chapter 92.

B. Proof of recording. Upon final recording with the County, the applicant shall submit to the City a Mylar copy and 3 paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly-created lots.

C. Prerequisites to recording the plat.

1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92.

2. No plat shall be recorded until it is approved by the County Surveyor in the manner provided by ORS Chapter 92.

Response: Applicant has reviewed and understands the process of filing and recording the final plat.

Staff Response: These subsections are advisory and will be applied during final plat review as conditions of approval.

Chapter 2.11 Airport Overlay Zone

2.11.100 Purpose

A. Purpose

This overlay zone is intended to prevent the establishment of airspace obstructions within the Sisters Eagle Air Airport approach surfaces that are located within the City of Sisters city limits. The protection of the Airport Imaginary Surfaces will be accomplished through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Sisters.

2.11.200 Compliance

In addition to complying with the provisions of the primary zoning district, all uses and activities shall comply with the provisions of this Airport Overlay Zone. In the event of conflict between any provisions of this overlay zone and the primary zoning district, the more restrictive provision shall apply.

Response: The applicant understands the intent of the restrictions applied within the overlay zone and The Sun Ranch Residential District and shall comply accordingly.

2.11.400 Permitted Uses

1. Uses permitted in underlying zone district. Uses listed as permitted or conditional in the underlying zone are allowed within the Airport Overlay District unless prohibited in Section 2.11.500 or the development limitations of Section 2.11.600.
2. Determination of Similar Land Uses. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.

Response: Single Family Residential is permitted in both the AO and SRR Zones.

2.11.500 Prohibited Uses

1. New structures or buildings are not allowed within the Runway Protection Zone.
2. New places of public assembly designed to accommodate 50 people or more are not allowed on land zoned Urban Reserve District (UR) within the first 1,500 feet of the Approach Safety Zone. Please see Chapter 2.9 Urban Reserve District (UR) for the specific regulations regarding this zone.

3. New wetland enhancements including migratory bird refuges, water impoundment(s), landfills, waste disposal sites, commercial bird farms or similar uses individually exceeding two (2) acres in size that attract and sustains flocks of birds are not allowed on land beneath the Horizontal Surface.
4. New uses that interfere with aviation due to height of structures, glare from buildings, smoke, or safety considerations are not allowed. Specific evidence of aviation interference must be demonstrated before a use (not listed above) is prohibited. The evidence must show that the use will regularly produce an interference listed above, based on its normal operating characteristics.

Response: The applicant is aware of prohibited uses within the specific restricted zones and the overlay zone in general and shall comply accordingly.

Staff Response: The Oregon Department of Aviation has reviewed the preliminary subdivision plat and has recommended various design measures be added as conditions of approval in order to minimize the impact of development with respect to the Transitional Surface. These recommendations are included as conditions of approval to this application.

2.11.600 Use and Development Limitations

1. No new structure, except one customarily used for aeronautical purposes, shall penetrate into the Airport Imaginary Surfaces as defined in section 2.11.300.
2. No glare producing material (unpainted metal, reflective glass, and similar materials, etc.) shall be used on the exterior of structures within the Airport Approach Safety Zone.
3. In noise sensitive areas (within 1,500 feet of the airport runway) a Declaration of anticipated noise from aircraft shall be recorded against the property in the deed records of Deschutes County. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits or final plat approval for land divisions.
4. Within the first 1500 feet of the Airport Approach Safety Zone, a Hold Harmless Agreement and Aviation and Hazard Easement shall be attached to any building permit for residential or places of public assembly, and shall be recorded against the property in the deed records of Deschutes County. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits.

Response: The applicant is aware of the limitations within the Overlay Zone. Appropriate Declarations of "anticipated noise from aircraft" and related agreements shall be recorded as required.

Staff Response: Conditions of approval have been added at the end of this staff report indicating requirements that must be met prior to issuance of building permits.

2.11.800 Procedures (See also Chapter 4.1 for Applications and Review Procedures that are also applicable to this Overlay District.)

1. All proposed development and uses within the overlay zone are subject to site plan review to determine compliance with the provisions of this district. All land use and building permit applications shall provide a site plan showing:
 - a. Property boundary lines and elevations as they relate to the Airport Imaginary Surfaces.
 - b. Location and height of all existing and proposed structures, utility lines and roads.
2. All applications requiring site plan approval within the Airport Imaginary Surfaces and noise corridors shall be submitted to the Aeronautics section of the Oregon Department of Transportation for review. The Oregon Aeronautics has 10 days from date of receipt of an application to review and return comments to the Planning Department.

Response: The overlay map (Exhibit OM) delineates the various protected and restricted zones as they apply to the subject property. The graphic overlay map shall be included as an exhibit with building permit applications to illustrate compliance with the provisions of Chapter 2.11. Applicant assumes the City of Sisters has (or will) submit this application and it's supporting documents to the Aeronautics section of the Oregon Department of Transportation for review.

Staff Response: As a clarification to the applicant's above response, the applicant's engineer (Parametrix) placed the height limitations on the plat thereby combining the overlay map and plat map into one. The height limitations have been placed at the corners of the lots which are within the protected areas of the property.

Additionally, the Oregon Department of Aviation has reviewed the preliminary subdivision plat and has recommended various design measures be added as conditions of approval in order to minimize the impact of development with respect to the Transitional Surface. These recommendations are included as conditions of approval to this application.

Chapter 2.13 Sun Ranch Residential District

2.13.100 Purpose

The purpose of the Sun Ranch Residential district is to provide an opportunity for housing for persons who work or own businesses within the Sun Ranch Tourist Commercial district, and neighboring North Sisters Business Park district. Another purpose of the Sun Ranch Residential District is to provide a residential transition area from the urban uses within the City to the low density, rural uses beyond the City limits. Development standards aim at providing flexibility in lot sizes and setbacks in order to cluster homes and protect open spaces. Residential density is relatively low in the sub- district to transition between uses.

2.13.200 Applicability

The standards of the Sun Ranch Residential district, as provided for in this section, shall apply to those areas designated Sun Ranch Residential district on the City’s Zoning Map. All structures within the Sun Ranch Residential district shall meet the design requirements contained in the Special/Limited Use Standards in this chapter.

Response: All structures shall comply with the requirements set forth in Chapter 2.13 of the Sun Ranch Residential District (SRR).

2.13.300 Permitted Uses

All uses within the Sun Ranch Residential district are subject to the requirements of the Airport Overlay District as outlined in section 2.11 of the Sisters Development Code as applicable.

- A. Permitted uses. Uses permitted in the Sun Ranch Residential (SRR) are listed in Table 2.13.300A with a “P”. These uses are allowed if they comply with the development standards and other regulations of this Code. Being listed as a permitted use does not mean that the proposed use will be granted an exception or variance to other regulations of this Code.
- B. Special Provisions. Uses that are allowed in the Sun Ranch Residential (SRR) subject to limitations are listed in Table 2.13.300A with an “SP”. These uses are allowed if they comply with the special provisions in Chapter 2.15.
- C. Conditional uses. Uses that are allowed in the Sun Ranch Residential (SRR) with approval of a conditional use permit are listed in Table 2.13.300A with either a Minor Conditional Use “MCU” or a Conditional Use “CU”. These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.
- D. Similar uses. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 – Interpretations.

Table 2.13.300 A Use Table for the Sun Ranch Residential District

Land Use Category	Permitted/Special Provisions/Conditional Use
Residential	
Single-family detached dwellings	P/See Section 2.13.1000

Response: Single family detached dwellings are permitted on subject property, subject to limitations set forth in applicable city of Sisters Development codes.

Staff response: The proposed use is allowed under Table 2.13.300A. Structures or uses proposed in the future may need to addressed under the Special Provisions section.

2.13.400 Lot Requirements

A. Lot size and frontage

The minimum lot size for a single-family dwelling is 2,000 square feet. Single-family dwelling lot sizes for subdivisions may be averaged. Other requirements of the Development Code must be met and may preclude lots from being developed at or below the minimum lot size. All lots within the Sun Ranch Residential district shall have frontage on a private or public street, unless lots without frontage are approved during subdivision review process upon a finding that physical access to the lots by residents is effectively assured by other means. Lot frontages, where required, shall be a minimum average width of 30 feet as determined during subdivision, but no lot shall be less than 20 feet wide.

Response: The average lot size proposed for Kuivato exceeds 8000 sq. ft. and average width exceeds 60 feet, each larger than the minimum allowed.

Staff Response: The applicant has met the minimum lot size and frontage requirements.

2.13.500 Height Regulations

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 25 feet

Response: All structures located along the north property line shall be limited to one story, maximum heights not to exceed 23 feet. Structures along the south property line shall not exceed 25 feet in height.

Staff Response: Height regulations will be enforced during the application for building permits.

2.13.600 Setbacks and Building Orientation

All building setbacks within the Sun Ranch Residential district shall be measured from the property line to the building wall or foundation, whichever is less. Decks and/or porches greater than 30" in height that require a building permit are not exempt from setback standards. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards listed below apply to primary structures as well as accessory structures. A Variance is required in accordance with Chapter 5.1 to modify any setback standard.

A. Front Yard Setback

The minimum front yard setback is 10 feet except that a porch may encroach 3 feet into the required front yard setback, except the minimum setback adjacent to Camp Polk Road is 20 feet. For those lots that have garages on site that are accessed from the front yard, the front of the garage door shall be setback 20 feet from the front property line.

B. Side Yard Setback

There is no minimum side yard setback required except where clear vision standards apply and except the minimum setback adjacent to Camp Polk Road is 20 feet. When a zero lot line house shares a side property line with a non-zero lot line development, the zero lot line building shall be setback from the non-zero property line by a minimum of 10 feet.

C. Rear Yard Setback

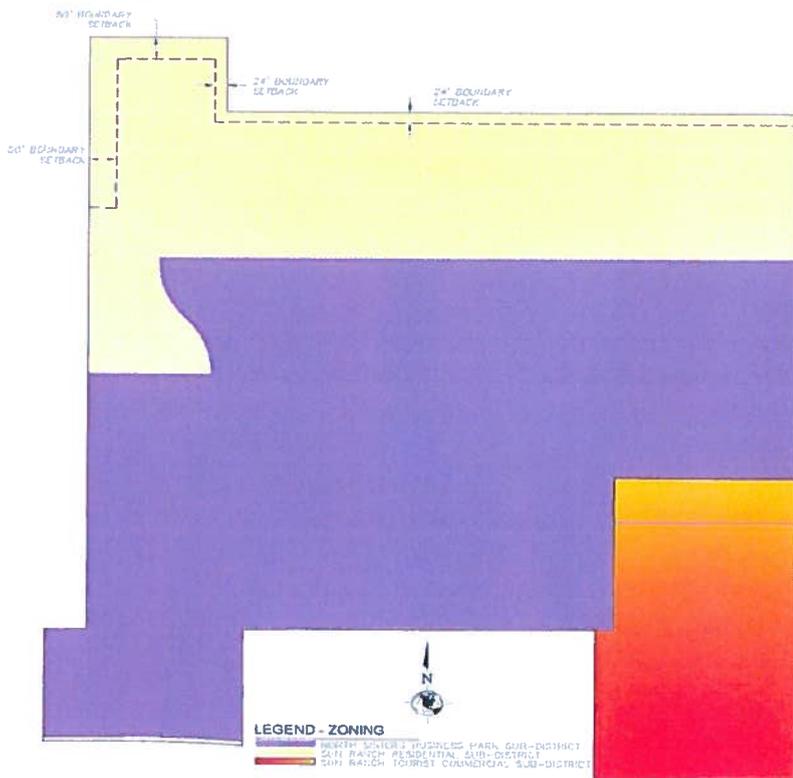
There shall be a minimum of a 5-foot rear yard setback except the minimum setback adjacent to Camp Polk Road is 20 foot.

D. Boundary Yard Setback

A boundary setback is established for all buildings for a distance of 24 feet as shown in Figure 2.13.600 in lieu of setbacks in 2.13.600 A-C. The property within the boundary setback area shall be commonly owned or maintained.

1. **Special Setbacks.** The special setback for residences proposed on the north side of the road to serve the Sun Ranch Residential district that are subject to the 24-foot Boundary Yard Setback shall be 14 feet from the edge of the Boundary Yard Setback. Accessory structures proposed on properties subject to the 24-foot Boundary Yard Setback that are less than 12 feet in height shall be setback at least 2 feet from the Boundary Yard Setback line with a landscape buffer between the accessory structure and boundary setback. Accessory structures taller than 12 feet proposed on properties subject to the 24-foot Boundary Yard Setback shall meet the setbacks for residential structures.

Figure 2.13.600



E. Building Orientation

Buildings shall have their primary entrance oriented towards the adjacent street frontage or common access/area that provides access to the lot.

F. Access Spacing

Driveway accesses onto local public streets except Camp Polk Road shall be separated from other driveways by a minimum of 15 feet (as measured from the sides of the driveway). Driveway spacing on Camp Polk Road (collector road) shall be governed by the City's Transportation Systems Plan. Shared driveways shall be utilized if needed to meet this requirement.

Response:

A – D) The proposed setbacks at Kuivato are 143 feet from Camp Polk Road, 15 feet from Kuivato Place (for homes with side entry garages) 20 feet for homes with front loaded garages, 5 foot minimum side yards, 20 foot minimum rear yards except at the north property line which shall maintain a 38 foot rear set back except for accessory structures less than 12 feet in height which shall be set back 24 feet from north property line.

E) Buildings shall provide a primary entrance facing Kuivato Place (or Jantzen Lane)

F) Driveways will be spaced a minimum of 15 feet from one another. Only Kuivato Place will access Camp Polk Road.

2.13.700 Lot Coverage

The maximum lot coverage for all structures is 60%.

Response: The lot size has been designed to allow substantial landscaped areas on each lot, thus allowing lot coverage well below 60%, as allowed in 2.13.700.

2.13.800 Off-Street Parking

The off-street parking requirements for uses in the Sun Ranch Residential district may be satisfied by off-site parking lots, structures, or garages per Chapter 3.3. Parking Location and Shared Parking. Parking requirements for uses are established by Chapter 3.3 – Vehicle and Bicycle Parking, of the Sisters Development Code. For residential units, a minimum of one garage per unit. For example, if two off-street parking spaces are required per unit, one must be enclosed.

Response: Each residence will have a minimum 2 car garage plus a minimum 2 car off street parking area.

2.13.900 Landscape Area Standards

A minimum of 20 percent of the gross lot area of proposed developments shall be landscaped according to Chapter 3.2 of the Sisters Development Code.

Response: The average landscaped area at Kuivato exceeds 50% of the gross lot area, plus the common areas depicted on the proposed subdivision plat.

2.13.1000 Special Standards for Certain Uses

A. Residential Uses

1. The number of residential units within the Sun Ranch Residential district shall not exceed 45.
2. No more than four (4) attached townhomes or zero lot line dwelling units in a row may be permitted.
3. Construction and Maintenance Easement. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards for the affected adjoining property. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot.
4. Prior to approval of building permits for structures containing residential units, the owner(s) of the property shall sign, notarize, and record a waiver of remonstrance prohibiting resident(s) and owners and all successors of the proposed residential units from making complaints or claims against permitted uses on adjacent light industrial lands. A copy of the recorded waiver of remonstrance shall be provided to the City at the time of application for said building permit. The waiver of remonstrance shall not preclude the ability of residents from acting against uses that do not comply with applicable local, state, and federal health and safety regulations.

Response:

- 1) There shall be a total of 35 residences on subject property
- 2 & 3) There are no attached or zero lot line residences anticipated
- 4) All owners of record shall properly complete, sign and notarize the required waiver of remonstrance prohibiting owners of the proposed residential units from making complaints or claims against permitted uses on adjacent light industrial lots.

Staff Response to 2.13.600-2.13.1000: These criteria will be reviewed upon a building permit application being submitted for each lot. The lots being created by this subdivision application are suitable for development to meet the above criteria.

Chapter 3.1 Access and Circulation

3.1.100 Purpose

The purpose of this Chapter is to ensure that developments provide safe and efficient access and circulation for pedestrians, bicycles (including ADA and transit accessibility) and motorized vehicles including emergency vehicles and to preserve the transportation system in terms of safety, capacity, and function.

3.1.300 Vehicular Access and Circulation

A. Traffic Study and Control Requirements

1. The City or other agency with access jurisdiction may require a traffic study prepared at applicant/developers expense by a qualified professional to determine access, circulation and other transportation requirements. A Traffic Impact Study shall be required

for all development applications that will result in a traffic impact or increase in traffic impact of 200 or more average daily trips (ADT).

2. Traffic control devices, subject to the approval of the Hearings Body, shall be required with development when traffic signal warrants are met, in conformance with the Oregon State Highway Capacity Manual, and Manual of Uniform Traffic Control Devices. The location of traffic control devices shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal or other traffic control device, a device meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval.
3. Traffic-calming features, such as curb extensions, narrow residential streets, and special paving shall be required where appropriate and in accordance with the Transportation System Plan and Public Works' Standards and Specifications, latest edition, in order to slow traffic in neighborhoods and areas with high pedestrian traffic and to maximize a pedestrian friendly environment.

Response: A traffic impact study for The Sun Ranch Development has been completed, and additional "trips" have been purchased. Traffic control devices are not contemplated for this development. Traffic calming landscape islands are spaced approximately 180 feet apart on each side of Kuivato Place.

Staff Response: A traffic study has been waived due to the low level of trip generation. The number of trips allocated to this subdivision as part of previously identified trips for Sun Ranch shall be formally allocated to Kuivato via a recorded document prior to recording the subdivision plat.

- B. Access Management.** The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.

Response: Applicant does not contemplate the need for mitigation techniques to access Camp Polk Road.

- C. Fire Access and Turnarounds.** When required under the Oregon Fire Code, fire access lanes with turnarounds shall be provided. Except as waived in writing by the Fire Marshal, a fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. The drive shall contain unobstructed adequate aisle width (20 feet) and turn-around area for emergency vehicles. The Fire Marshal may require that fire lanes be marked as "No Stopping/No Parking."

Response: Kuivato Place shall connect with Camp Polk Road (east) and Jantzen Lane to the west, creating a "drive through" for emergency equipment.

Staff Response: The Fire Marshal has had an opportunity to review the subdivision and has included comments. The applicable conditions of approval are contained herein.

D. **Vertical Clearances.** (Not applicable)

E. **Vision Clearance.** (Not applicable)

F. **Surface Options.** Required driveways, aprons, parking areas, aisles, and turn-arounds shall be paved with asphalt, concrete or comparable durable surfacing, subject to review and approval by the Community Development Director. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.

Response: Hard surfaces shall meet the requirements set forth in Article F (above).

G. **Surface Water Management.** All driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with City standards. Swales may be considered to control surface water.

Response: All surface water shall be contained in collection and infiltration areas on site. (Refer to subdivision surface water management plat).

H. **Private Streets and Alleys.** (Not applicable)

I. Access Standards

1. **Access spacing standards.** Street intersection and driveway spacing shall comply with the table below (Figure 3.1.300.A):

Figure 3.1.300.A. Access Spacing Standards

Street Facility	Maximum spacing* of roadways	Minimum spacing* of roadways	Minimum spacing* of roadway to driveway	Minimum Spacing* of driveway to driveway
Arterial	1,000 feet	660 feet	330 feet	330 feet or combine
Collector:	600 feet	330 feet	100 feet	100 feet or combine
Neighborhood/ Local	600 feet	150 feet	50 feet	10 feet

Notes: *Measured centerline to centerline

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2. **Properties with Multiple Frontages.** Where a property has frontage on more than one street, access shall be limited to the street with lesser classification.
3. **Alley Access.** (Not applicable)
4. **Closure of Existing Accesses.** (Not applicable)
5. **Shared Driveways on Arterial Streets.** (Not applicable)
6. **Frontage Streets and Alleys.** (Not applicable)
7. **Exceptions.** (None anticipated)
8. **Access Management Plan.** (None anticipated)

Response: Kuivato Place accesses Camp Polk Road 529 feet north of the intersection of Camp Polk and Sun Ranch Drive. The first private driveway accessing Kuivato Place is 142 feet from Camp Polk Road. All other street connections are within the development. Driveways shall be placed in a manner consistent with figure 3.1.300. A (Neighborhood/local streets). Applicant notes the requirement set forth in this article and shall access multiple frontage lots as required. The applicant does not contemplate a need to request an exception to spacing access configuration.

Staff Response: The applicant shall comply with all access standards when the lots develop.

J. Driveways, Access Connections and Driveway Design

1. **Driveway Openings.** Driveway openings (or curb cuts) shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet minimum width for each travel lane). The following standards are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians (as measured where the front property line meets the sidewalk or right-of-way):
 - a. Single family, two-family, and three-family residential uses shall have a minimum driveway opening width of 10 feet, and a maximum width of 24 feet. Wider driveways may be necessary to accommodate approved paved recreational vehicle pads, but the driveway opening or connection to the street shall not be allowed to be wider.
 - b. Multi-family developments shall have a minimum driveway opening width of 20 feet, and a maximum width of 26 feet. These dimensions may be increased subject to the City Engineer approval.
 - c. Other Uses. Access widths for all other uses shall be based on 10 feet of width for every travel lane. These dimensions may be increased subject to the City Engineer approval. Driveways providing direct access to parking spaces shall conform to the parking area standards in Chapter 3.3, Vehicle and Bicycle Parking. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.

2. **Driveway Approaches.** Driveway approaches shall be designed and located to provide exiting vehicles with an unobstructed view of other vehicles and pedestrians, and to prevent vehicles from backing into the flow of traffic on the public street or causing conflicts with on-site circulation. Construction of driveway accesses along acceleration or deceleration lanes or tapers should be avoided due to the potential for vehicular conflicts. Driveways should be located to allow for safe maneuvering in and around loading areas.
3. **Driveway Construction.** Driveway aprons (when required) shall be installed between the street right-of-way and the private drive, as shown in Figure 3.1.300.B. Driveway aprons shall conform to ADA requirements for sidewalks and pathways,

Response: Driveway openings shall be a minimum of 10 feet and a maximum of 24 feet in width. Driveway access shall be placed in a position to maximize sight visibility, although some driveways will have superior visibility compared to other driveways. All driveway approaches shall meet the City of Sisters driveway standards Figure 3.1.300. Aprons and pathways shall conform to ADA requirements.

Staff Response: The applicant shall comply with all access standards when the lots develop.

- K. No development may occur unless required public facilities are in place or are guaranteed in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact. All public improvements shall be in conformance with the City of Sisters Public Works Construction Standards, latest edition.

Staff Response: Any required public facilities are required to be installed, or, if installation must be delayed, the improvements shall be bonded.

3.1.400 Pedestrian/Bicyclist Access and Circulation

- A. **Site Layout and Design.** To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections 1-3, below:
 1. **Continuous Access and Circulation System.** The pedestrian/bicycle circulation system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub pathways or multi-use paths to adjacent streets and to private property with a previously reserved public access easement for this purpose.

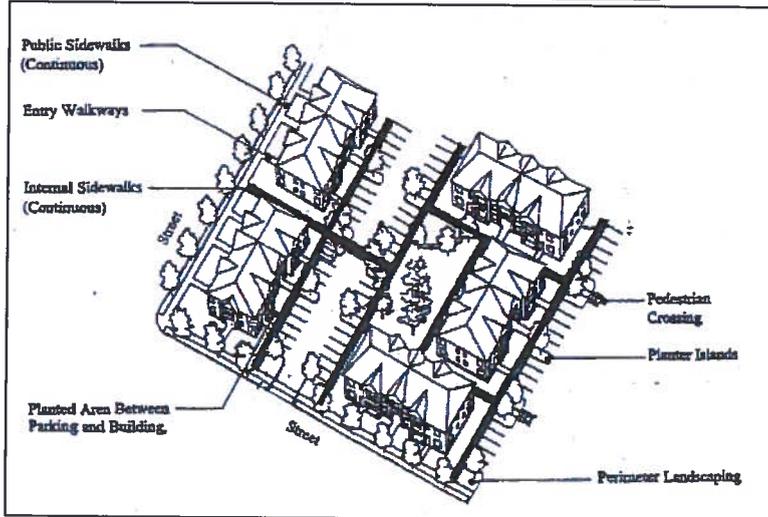
2. **Safe, Direct, and Convenient.** Pathways and multi-use paths within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets
3. **Pathway Connections within Development.** Connections within developments shall conform to the following standards:
 - a. Pathways shall connect all building entrances to one another to the extent feasible;
 - b. Pathways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent feasible. Topographic or existing development constraints may be cause for not making certain pathway connections, as generally shown in Figure 3.1.400A; and

Response: A 6-foot wide public sidewalk shall be constructed on each side of Kuivato Place, connecting to The Sun Ranch LI development at the west end and to the Kuivato/Camp Polk Road path to the east.

The Kuivato/Camp Polk Road path shall meander through the common area bordering Camp Polk Road connecting to the proposed park at the intersection of Camp Polk Road and Sun Ranch Drive. The Kuivato/Camp Polk path shall be paved to a width of 6 feet. The sidewalk/pathway system, when complete, will connect all residential structures in Kuivato to Camp Polk road to the east and Jantzen Lane to the west.

Staff Response: The applicant's proposed pedestrian system meets the minimum requirements.

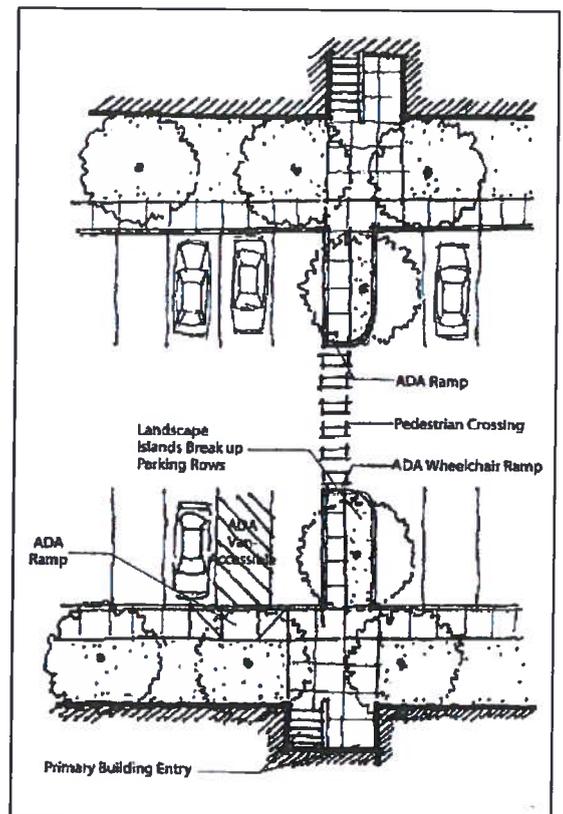
Figure 3.1.400.A Pedestrian Pathway System (Typical)



B. Pathways Design and Construction. Pathways and multi-use paths shall conform to the following standards:

1. **Vehicle/ Pathway and Multi-use Path Separation.** Except for crosswalks (subsection 2) and for properties in the Light Industrial Zone, where a pathway or multi-use path abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a pathway or multi-use path abutting a driveway at the same grade as the driveway if the pathway or multi-use path is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians and bicyclists.
2. **Crosswalks.** Where pathways and multi-use paths cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.
3. **Pathway and Multi-use Path Width and Surface.** Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director or designee, at least 6 feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 10 feet wide and shall conform to ADA requirements.

Figure 3.1.400.Crosswalk Detail (Typical)



Response: All sidewalks and pathways shall conform to the standards illustrated in figure 3.1.400A, Pedestrian Pathway System. Crosswalks shall be located at the east and west ends and near the halfway point of Kuivato Place and near the intersection of Kuivato Place and Jantzen Drive. Crosswalks shall conform to the standards illustrated in figure 3.1.400. Cross walk detail. Refer to subdivision plat to verify exact locations of pathways and sidewalks.

Staff Response: See previous response regarding proposed pathway width. The applicant's proposed pathway system meets the minimum requirements.

Chapter 3.2 - Landscaping and Screening

3.2.100 Purpose

The purpose of this chapter is to promote community health, safety and welfare by protecting existing trees and setting development standards for landscaping, street trees, fences and walls. Landscaped areas should help to control surface water drainage and can improve water quality.

3.2.200 Landscape Requirements

- A. Requirements by Zone. In the following designated districts, not less than the stipulated percent of gross site area shall be occupied by landscaping.
1. Residential (R), twenty (20%) percent.
 2. Residential Multiple Family (RMF), twenty (20%) percent.
 3. Downtown Commercial (DC), ten (10%) percent.
 4. Highway Commercial (HC), ten (10%) percent.
 5. Light Industrial (LI), five (5%) percent.
 6. Public Facility (PF), ten (10%) percent
 7. Open Space (OS), twenty-five (25%) percent
 8. North Sisters Business Park Sub-district (NSBP), twenty (20%) percent
 9. Sun Ranch Tourist Commercial (TC), ten (10%) percent
 10. Sun Ranch Residential (SRR), twenty (20%) percent
 11. Floodplain (FP), thirty (30%) percent
 12. Urban Area Reserve, twenty (20%) percent

Response: The total landscaped area in the development will exceed 50% of total land mass. Please refer to landscape plan and detail; an exhibit to this application. All landscaping within the Kuivato Development shall comply with the requirements of the Oregon Forest – Urban Interface Fire Protection Act.

Mechanical equipment, refuse areas, hot tubs, pools and specific sporting areas shall be screened in a manner that removes those areas from public and neighborhood view, including the view of the immediate neighbors.

There shall be 5 landscape islands on each side of Kuivato Place (refer to plat). The islands shall conform to the design illustrated in figure 3.2.200A. The islands shall be irrigated by drip system and planted as illustrated in the Kuivato landscape plat. The irrigation and islands shall be owned and maintained by The Home Owners Association.

Road side and other storm water on site retention areas shall be graded so that the facility sides are no steeper than 3:1 and shall be fully landscaped with plant materials which provide erosion control and biofiltration.

Staff Response: The applicant's proposed landscaping meets the minimum requirements within this zone.

3.2.300 Screening

Screening refers to a wall, fence, hedge, informal planting, or berm, provided for the purpose of buffering a building or activity from neighboring areas or from the street. This section of the Development Code establishes the criteria for when screening is required, the permitted materials for screening, allowable heights, and guidelines for keeping screening in good condition.

Response: The 5 foot tall masonry wall placed along the south side of the subject property between the development and the LI zone shall be placed in a manner that allows vegetation to grow over the wall and cascade along the south side thereof.

Staff Response: Construction of the 5-foot masonry wall is a requirement per the 2007 Agreement attached to the Sun Ranch Community. The applicant understands the criteria in place to maintain the screening.

3.2.500 Existing Trees

- A. **Applicability** All development sites containing Significant Trees, shall comply with the standards of this Section. The purpose of this Section is to preserve significant trees within the city limits. The preservation of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature trees reduce air and water pollution, provides summer shade and wind breaks, and require less water than new landscaping plants having established root systems.

Response: There are no existing trees on the site that will require removal or protection.

3.2.600 Street Trees

Street trees shall be planted for all developments that are subject to Land Division or Site Design Review. Planting on unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

- A. **Street Tree Standards.** Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following applies to street tree planting and selection:
1. Street trees shall be planted between 5' and 15' of the curb, wherever possible.
 2. Street trees shall be placed at an average of 35' maximum distance apart from one another. Reduced separation may be required for smaller species of trees. Variety in tree placement using clusters of trees and uneven spacing is encouraged.
 3. An approved tree grate or other surface treatment acceptable to the Community Development Director or designee shall be used for street trees planted in paved or concrete areas.
 4. Except for immature trees of insufficient height to prune and retain a crown that is at least 2/3 the height of the tree, street trees that overhang city property and public rights-of-way shall be pruned to maintain at a minimum a clearance height of 8' over sidewalks and a clearance height of 14' over streets.
 5. Existing trees may be used to meet minimum street trees requirements if they are not killed or damaged during or as a result of development. Sidewalks of variable width and elevation may be used to save existing street trees.
 6. Existing street trees removed as the result of development shall be replaced by the developer with trees of a species appropriate to the site, as determined by the Community Development Director or designee.
 7. Low-growing trees shall be required for spaces under utility wires.
 8. Narrow or "columnar" trees may be used where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
 9. Trees that are extremely susceptible to insect damage shall be avoided.
 10. Trees that produce excessive seeds or fruit are prohibited as street trees.
 11. Street trees shall be those species suitable for the location in which they are placed. Recommended tree species include the following tree types, and within these, consideration should be given to those that are most drought-resistant. Drought resistant trees are marked with an asterisk (*):

Small trees (under 25 feet at maturity)

- a. Canada Red Cherry (*Prunus virginiana*)*
- b. Flowering Crabapple (*Malus spp.*)*
- c. Hawthorn (*Crataegus spp.*)*
- d. Japanese Tree Lilac (*Syringa reticulata*)
- e. Serviceberry (*Amelanchier spp.*)

Medium trees (30 to 45 feet at maturity)

- f. Flowering Plum (*Prunus cerasifera*)
- g. American Hornbeam (*Carpinus caroliniana*)
- h. Callery Pear (*Pyrus calleryana*)
- i. Hedge Maple (*Acer campestre*)
- j. Mountain Ash (*Sorbus aucuparia*)*

Tall trees (over 50 feet at maturity)

- k. Birch (*Betula spp.*)
- l. Green Ash (*Fraxinus pennsylvanica*)*
- m. Honey Locust (*Gleditsia triacanthos 'inermis'*)*
- n. Littleleaf Linden (*Tilia cordata*)
- o. Norway Maple (*Acer platanoides*)
- p. Pin Oak (*Quercus palustris*)*
- q. Red Maple (*Acer rubrum*)*
- r. Red Oak (*Quercus rubra*)*

Response: All trees shall conform to standards set forth in 3.2.600 #'s 1-11. Only recommended small trees shall be planted in height restricted areas. All other locations may include medium or tall trees, but shall be of a species included in recommended street tree selection. 3.2.600(11).

Staff Response: The applicant has accurately responded to the street tree standards and acknowledged the height restrictive areas. There shall be a minimum of 3 street trees on the east side of Jantzen and 4 street trees on the west side of Jantzen. For Kuivato Place, there shall be a minimum of 31 street trees on both sides; however, street trees shall not encroach into the FAA Part 77 surface extending at 7:1 from the airport approach surface. Trees at the east end shall be sited to avoid penetrations into this surface and tree species shall be chosen which will not grow into penetrations into this surface.

- C. Caliper Size.** Planted trees shall have a minimum caliper size of two (2) inches and shall conform to the standards described by the ANSI A300 standards for nursery stock, latest edition.
- D. Location.** Street trees shall be planted within existing and proposed planting strips and in sidewalk tree wells on streets without planting strips.
- E. Street Tree Maintenance**
1. Except for trees located in medians within public rights-of-way, which shall be maintained by the City, it shall be the continuing duty and routine obligation of property owner(s) of land abutting public rights-of-way to perform activities required to maintain trees located within the abutting right-of-way in good health and vigor. Activities may include watering, pruning, protection against damage, and replacement if necessary.
 2. Street tree removal and planting shall be the obligation of the adjacent property owner(s).
 3. All maintenance activities shall be conducted in accordance with the City of Sisters Urban Forestry Ordinance and City of Sisters Public Works Construction Standards, latest edition.
- F. Assurances.** The developer shall install all required landscaping prior to the occupancy of the development. In the event that installation needs to be delayed, the City shall require the developer to provide an estimate of landscaping improvement costs to the City. Upon acceptance of this amount, the City shall require a performance bond in the amount of 120 percent of the accepted estimate from the owner/developer.

Response: Kuivato Place and the section of Jantzen Lane within the Kuivato development shall provide a continuous tree planting strip along both sides of both streets and 2) a minimum of 10 tree islands along the length of Kuivato Place. The tree strip and tree islands shall be maintained by The Home Owners Association, including irrigation, fertilization, weed removal, ground cover, pruning, cleanup of leaves or other debris and other maintenance required from time to time, including replacement of damaged trees. All trees selected for street plantings shall be of a size which allows deer to only damage, not destroy, the tree. Maintenance of tree strips and islands shall be the responsibility of The Kuivato Home Owners Association.

Staff Response: The applicant has proposed to exceed the minimum requirements for street trees. Additional comments regarding street trees are provided under 3.2.600.A above.

Chapter 3.3 - Vehicle and Bicycle Parking

3.3.100 Purpose.

The purpose of this section is to ensure adequate off street parking is provided by each land use in a manner that avoids street congestion, minimizes impacts on neighboring properties, increases vehicular and pedestrian safety, and promotes good aesthetic design to create and preserve an attractive community character.

3.3.300 General Provisions

- A. The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway or landscape area.

Table 3.3.300.A – Minimum Required Parking by Use

Use Categories	Minimum Parking per Land Use (Fractions rounded down to the closest whole number) (See 3.3.300 D Floor Area)
Residential Categories	
Single-family detached dwelling, manufactured dwelling, zero lot line dwelling and town home	2 spaces per dwelling unit

Response: There shall be a minimum of two exterior parking spaces in the driveway of each residence. Each residence shall include a minimum 2 car garage attached to the primary residence.

V. Summary and Conclusion

The preceding sections document that the preliminary subdivision plat conforms to the applicable approval criteria of Chapters 4.1, 4.3, along with the development standards included in Chapters 2 and 3. Because the proposal conforms to all applicable approval criteria and development standards and/or is conditioned herein, Staff recommends approval of this application, subject to the Conditions of Approval attached hereto.

Public Notices/Public Comments. On October 29, 2015, the City mailed a notice to properties located within 250 feet of the project and also posted the site with a notice of land use action. No written comments have been received. The City also published a notice in the Nugget newspaper on November 4, 2015.

Exhibits. The following exhibits make up the record in this matter (these are contained in file SUB 15-03 and are available for review at the City of Sisters City Hall):

- A. Combined Burden of Proof and Staff Report with Draft Conditions of Approval
- B. Application
- C. Tentative Subdivision Plan
- D. Previous subdivision plat
- E. Letters from reviewing agencies:
 - 1. City Engineer, Erik Huffman, P.E. dated: November 12, 2015
 - 2. Sisters Camp Sherman Fires District, Gary Marshall dated August 25, 2015.
 - 3. Oregon Department of Aviation, Jeff Caines dated August 20, 2015
- F. Conditions of Approval Agreement (04/26/07) for application CP #06-02 and Z #06-01
- G. Amended Conditions of Approval Agreement (09/24/2014).
- H. Well Site Easement Agreement (04/26/07).
- I. Draft Planning Commission Resolution

-----END OF REPORT-----

This decision is subject to appeal. The appeal must be filed within 14 (fourteen) days of the date the final decision is mailed. Any appeal must be on a form provided by the City; must be accompanied by the required fee, and must be accompanied by a statement listing the specific reasons(s) for the appeal. See the Sisters Development Code Chapter 4.1 for appeals procedures. For information regarding appeals, contact the Sisters City Hall, Community Development Department, at (541) 549-6022.

Failure to raise an issue with specificity within the appeal form may preclude an appeal to LUBA, and may prevent the ability of the appellant from collecting damages in Circuit Court.

THE FINAL PLAT SHALL NOT BE RECORDED AND NO PERMITS SHALL BE ISSUED UNTIL ALL CONDITIONS ARE MET AND THE APPEAL PERIOD HAS EXPIRED. AN APPEAL SHALL AUTOMATICALLY STAY THE ISSUANCE OF PERMITS UNTIL THE APPEAL PROCESS HAS CONCLUDED.

Mailed by:

Date

Conditions of Approval on following page

DRAFT CONDITIONS OF APPROVAL FOR SUB 15-03

Conditions of Approval. Below are the DRAFT Conditions of Approval for the Planning Commission's Consideration. Conditions related to the request are specified. General conditions follow.

1. The Conditions of Approval Agreement dated April 26, 2007 and subsequent Amended Conditions of Approval require:
 - a. The construction of a 3 to 5-foot wall or fence with vegetation between the Sun Ranch Light Industrial (NSBP) District and the Sun Ranch Residential District. This fence will run parallel to the north boundary of Lots 6, 9, 10 and 11, and the Sun Ranch subdivision. The fence/wall shall be completed concurrently as public improvements are constructed within each Phase.
 - b. The dedication of an approximately ½ acre public park and dedication of a future well site of approximately 10,000 square feet. The public park area and City well site as illustrated on the Preliminary Plat shall be dedicated to the City concurrently with the application for the Phase One Final Plat.

Planning Department

2. The applicant shall submit the final plat for Phase One within two (2) years of the approval of the preliminary plat. Final plat submittal for Phases Two and Three shall follow the timeline requirements as defined in the Development Code under Section 4.3.400.
3. The Open Space area as illustrated on the Preliminary Plat shall be improved and dedicated to the HOA prior to the recording of Phase Three Final Plat.
4. The applicant's proposal to vacate the 20-foot existing pedestrian path easement as shown on the Preliminary Plat is contingent upon the City Council's acceptance of sidewalk connectivity along the north and south sides of Kuivato Place as a substitute pedestrian pathway easement.
5. All applicable System Development Charges (SDCs) shall be paid to the city with building permit issuance.

Public Works

6. Prior to recording the final plat for each Phase of development, the required public improvements within each phase shall be installed or bonded. All public improvements must be constructed, inspected and accepted by the City as stated in the following conditions of approval. Construction drawings for public improvements shall be submitted to the City for review and acceptance, and shall be the basis for any cost-estimates associated with bonding that might occur. If the City allows bonding, the bond shall be in the amount of 120% of the value of the improvements that will be

bonded. If bonded, all public improvements established in this decision shall be completed prior to occupancy.

i. **Streets.**

Jantzen Lane. Existing Jantzen Lane is 36' wide and the extension shall match into existing at the connection point. The Jantzen Lane extension shall be 36' wide per local residential standards with two 11' wide travel lanes and with 7' wide parallel parking aisles on both sides. Pavement shall be 3" AC over 8" aggregate base minimum. Curbs are not required. Sidewalks shall be 6' wide minimum and constructed of concrete to match existing improvements throughout Sun Ranch. PROWAG compliant curb ramps shall be located at each pedestrian crossing location in both directions. Landscape/drainage strip shall be 5' side. An asphalt or concrete driveway shall be provided for access to the existing sewer lift station.

Kuivato Place. Kuivato Place shall be 36' wide per local residential standards with two 11' wide travel lanes and with 7' wide parallel parking aisles on both sides. Pavement shall be 3" AC over 8" aggregate base minimum. Curbs are not required. Sidewalks shall be 6' wide minimum and constructed of concrete to match existing improvements throughout Sun Ranch. PROWAG compliant curb ramps shall be located at each pedestrian crossing location in both directions. Landscape/drainage strip shall be 5' side. Landscaped 'bump outs' are proposed and are acceptable, provided they do not encroach into the 11' travel lanes. An asphalt circle is proposed at the east end of Kuivato, which is acceptable, provided any landscaped circle within the pavement allows for 11 foot travel lanes. If cluster mailbox delivery is required by the postal service, an accessible mailbox pad shall be provided per OSSC Chapter 11. A connection to Camp Polk Road is required. All pavement patching necessary on Camp Polk Road shall be 4" AC over 10" aggregate base.

ii. **Water.**

Jantzen Lane. A 12-inch water main terminates at the connection of the proposed extension of Jantzen Lane. No water services currently serve the property. Two (2) service lines are proposed. The existing 12-inch water main shall be extended north on Jantzen Lane. Service lines for Lots 19 and 20 shall be connected to this main line.

Kuivato Place. No water main exists and no water services currently serve the property. An 8-inch water main is proposed. Thirty-three (33) service connections are proposed.

Water services must be provided for Tracts A and B, in addition to the residential lots, for a total of 35 services from Kuivato Place.

The water main on Kuivato Place shall be extended through to the end of the property to meet the City's to and through requirement. Hydrants shall be spaced at 400 feet minimum spacing, and a hydrant shall be placed at the end of the water main. All hydrants shall be capable of providing fire flow of 1500 gallons per minute at 20 psi residual pressure. At the time of engineering plan submittal for the first phase, calculations shall be provided indicating that the 8-inch line has the capability of providing the required fire flow, or the line shall be upsized to 12-inch.

Camp Polk Road. A 12-inch water main exists at the intersection of Camp Polk Road and Sun Ranch Drive. In lieu of extending the existing water main along Camp Polk Road to the northern end of the Kuivato property, the owner may enter into an agreement with the City to construct a 12-inch water main at any time in the next 10 years that the property north of Kuivato may be annexed into the City. The owner shall have 6 months to construct the water main extension if lands to the north are annexed. The owner shall enter into an agreement with the City which is to be recorded prior to recording of the subdivision plat for Phase Three.

iii. **Sewer.**

Jantzen Lane. An 8-inch sewer main exists in Jantzen Lane at the connection point of proposed improvements. An 8-inch sewer main extension is proposed. The existing 8-inch sewer main shall be extended north on Jantzen Lane.

Kuivato Place. No sewer main exists and an 8-inch sewer main is proposed. Thirty-three (33) service connections are proposed. The sewer main shall be extended to the easterly service connection on Kuivato Place. The requirement for to and through is not necessary. Sewer services to tracts A and B are not required. The sewer main shall terminate at a manhole.

Camp Polk Road. A 12-inch sewer main exists at the intersection of Camp Polk Road and Sun Ranch Drive. In lieu of extending the existing sewer main along Camp Polk Road to the northern end of the Kuivato property, the owner may enter into an agreement with the City to construct a 12-inch sewer main and/or portion of force main at any time in the next 10 years that the property north of Kuivato may be annexed into the City. The owner shall have 6 months to construct the sewer main extension if lands to the north are annexed. The owner shall enter into an agreement with the City which is to be recorded prior to recording of the subdivision plat for Phase Three.

iv. **Grading and Drainage.**

1. All site drainage shall be maintained on site and shall not drain onto public streets or neighboring properties. Storm water runoff from private property shall not impact public right-of-way or easements unless otherwise approved by the Public Works Director or City Engineer.
2. Site grading and drainage plans shall be submitted for Engineering review and shall be subject to City and Central Oregon Stormwater Manual (COSM) design, construction, and testing standards.
3. Proposed site drainage facilities and stormwater systems shall be designed for a 25 year/24 hour storm event (2.8 inches) and have appropriate pretreatment per City standards. Infiltration rates must be supported by a Geotech report or other verifiable documentation.
4. New on-site private drywells and other underground injection control (UIC) systems not part of the public drainage system must be registered and approved by the Oregon Department of Environmental Quality (DEQ) prior to construction or building permit issuance.

- v. **Street trees.** Prior to recording the final plat for each Phase of development, the required street trees within each phase shall be installed or bonded to 120% of their value. Street trees may be installed up to 6 months following occupancy based solely on inclement weather, and

shall be bonded as stated herein.

Jantzen Lane. A minimum of 3 street trees shall be planted on the east side of Jantzen Lane and 4 street trees on the west side of Jantzen Lane. Trees shall be consistent (size and species) with section 3.2 and not penetrate FAA Part 77 Imaginary Surfaces.

Kuivato Place. A minimum of 31 street trees shall be planted on both sides of Kuivato Place, however, street trees shall not encroach into the FAA Part 77 surface extending at 7:1 from the airport approach surface. Trees at the east end shall be sited to avoid penetrations into this surface and tree species shall be chosen which will not grow into penetrations into this surface.

- vi. **Construction Plans:** Upon land use approval or building permit application, construction plans that include all proposed and/or required public improvements, water/sewer service connections, site grading/drainage and utilities shall be submitted to the City for review and approval.
7. The developer shall provide emergency vehicle access meeting the requirements of the fire marshal as part of the construction of each subdivision phase. Emergency vehicle access may include but is not limited to temporary turnaround facilities and temporary emergency access easements.

Oregon Department of Aviation

8. Prior to issuance of a building permit, the applicant must file Form ODA 7460-1 and receive a determination from the Oregon Department of Aviation to determine if any new structures in the development will pose a hazard to aviation safety at the Sisters Eagle Airport.
9. The height of the new buildings shall not penetrate FAA Part 77 Imaginary Surfaces, as determined by ODA and the FAA.
10. Shields on any external building shall be designed as to not interfere with aircraft or airport operations. House and yard light details are required to be submitted with building permits to include evidence of no glare- emitting light sources to aviation.
11. Trees and other planted vegetation shall not penetrate FAA Part 77 Imaginary Surfaces.
12. In noise sensitive areas (within 1,500 feet of the airport runway) a Declaration of anticipated noise from aircraft shall be recorded against the property in the deed records of Deschutes County. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits or final plat approval for land divisions.
13. Within the first 1500 feet of the Airport Approach Safety Zone, a Hold Harmless Agreement and Aviation and Hazard Easement shall be attached to any building permit for residential or places of public assembly, and shall be recorded against the property in the deed records of Deschutes County. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits.

Sisters Camp Sherman Fire District Requirements

14. **Fire Safety During Construction – 2014 OFC 3310 and 3312.** Approved fire department access roads shall be provided to all construction sites. Required water supply, fire hydrants, and safety precautions shall be made available as soon as combustible materials arrive on site.
15. **Water Supply - 2014 OFC Appendix B.** The required water supply for fire suppression for this building project shall be 1,000 gallons per minute at 20 psi residual pressure. This flow requirement is based on Type V-B building construction not to exceed 3,600 square feet without additional fire safety requirements. Documentation shall be provided to the Fire Marshal from the Water Purveyor demonstrating the fire flow infrastructure capacity in flow at 20 p.s.i. residual pressure. The duration of flow shall meet the requirements of Appendix B.
16. **Fire Hydrants – 2014 OFC Section 507.5 and Appendix C.** The minimum amount of fire hydrants needed on this site shall be one (1) spaced no more than 400 feet from the most remote portion of the building measured by an approved fire access route around the exterior of the facility or building, fire hydrants shall be provided where required by the fire code official. Fire hydrants shall be installed to specifications of the water purveyor and fire department.
17. **Fire Hydrant Spacing - 2014 OFC Section 507 and Appendix C.** Fire hydrants shall be located along the route of the fire apparatus access roadway and spacing of hydrants shall not exceed 500 feet in approved locations. A fire hydrant location plan shall be approved by the Fire Marshal.
18. **Obstruction & Protection of Fire Hydrant – 2014 OFC 507.5.4 through 507.5.6.** Unobstructed access to fire hydrants shall be maintained at all times. A 3-foot clear space shall be maintained around the circumference of fire hydrants. When exposed to vehicular damage, concrete curbing, sidewalks, or 4 inch concrete filled bollards placed 3 feet from hydrants shall suitably protect fire hydrants. Hydrants shall be coated with approved red paint color and markings.
19. **Premises Identification - 2014 OFC 505.1.** Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background and visible.
20. **Street or Road Signs – 2014 OFC 505.2.** Streets and roads shall be identified with approved signs. Signs shall be of an approved size and weather resistive construction.
21. **Fire Lanes - 2014 OFC 503.3 and Appendix D.** Approved “No Parking” signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Such signs or notices shall be kept in legible condition at all times. Spacing for signage shall be every 75 feet on both sides of roads less than 28 feet in width and on one side of roads less than 32

feet in width.

22. **Fire Apparatus Access Roads (General) - 2014 OFC Section 503 and Appendix D.** Fire apparatus access roads shall be placed within 150 of all exterior walls of the first floor of all buildings. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet designed with a uniform all-weather driving surface to support the imposed GVW of 60,000 lbs. and a vertical clearance of not less than 13 feet 6 inches. Turning radius shall not be less than 45 feet and gradient shall not exceed 12 percent unless the authorities having jurisdiction approve a variance. Dead-end access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus. A cul-de-sac, hammerhead or other means for the turning around of fire apparatus may be approved.

23. **Key Boxes – 2014 OFC Section 506.** Key Box (Knox Box) for Fire Department access is required to be installed at gated road entrances. An application for the Knox Box is available by calling the Sisters/Camp Sherman Fire District office at (541) 549-0771.

MASTER PLANNING APPLICATION FORM

RECEIVED

AUG 14 2015

CITY OF SISTERS
Community Development Department
P.O. Box 39, 520 E. Cascade Avenue
Sisters, OR 97759
Ph: 541-323-5207 Fax: 541- 549-0561

CITY OF SISTERS



- ACCESSORY DWELLINGS
ANNEXATION (III/IV)
APPEAL
CODE TEXT AMENDMENT
COMP. PLAN AMENDMENT
CODE INTERPRETATION
CONDITIONAL USE PERMIT
MINOR CONDITIONAL USE
DEVELOPMENT REVIEW
FINAL PLAT REVIEW
HISTORIC LANMARKS COMM.
FLOOD PLAIN REVIEW
LOT CONSOLIDATION
LOT LINE ADJUSTMENT
MASTER PLAN
MODIFICATION
PARTITION
REPLAT
SITE PLAN REVIEW
SUBDIVISION
TIME EXTENSION
TEMPORARY USE
TYPE I
VACATION RENTALS
VARIANCE
ZONE CHANGE

APPLICANT: Don Denning Homes, Inc PHONE:503-932-4888

ADDRESS OF APPLICANT: 4742 Liberty RD SE #221 Salem, OR 97302

PROPERTY OWNER: Dutch Pacific Properties PHONE:541-480-1709

ADDRESS OF PROPERTY OWNER: P O Box 3500 PMP303 Sisters OR 97759

PROPERTY ADDRESS: unaddressed

TAX LOT NUMBER: T15 R10 Section Tax lot(s)

PROPERTY SIZE (ACRES OR SQUARE FEET): 13.43 acres

EXISTING ZONING OF PROPERTY: Sun Ranch Residential

COMPREHENSIVE PLAN DESIGNATION OF PROPERTY: Sun Ranch Properties

DESCRIBE PROJECT OR REASON FOR THIS REQUEST:

Sub divide parcel into 35 lots, dedicate park

*The applicant will be the primary contact for all correspondence and contact from the City unless other arrangements are made in writing.

Signature of Applicant

Printed Name

Date

Signature of Property Owner

Printed Name

Date

PLEASE DO NOT WRITE BELOW THIS LINE - FOR OFFICE USE ONLY

DATE RECEIVED 8/14/15

FILE NO. SUB15-03

CHECK NO. 9667

CASH -

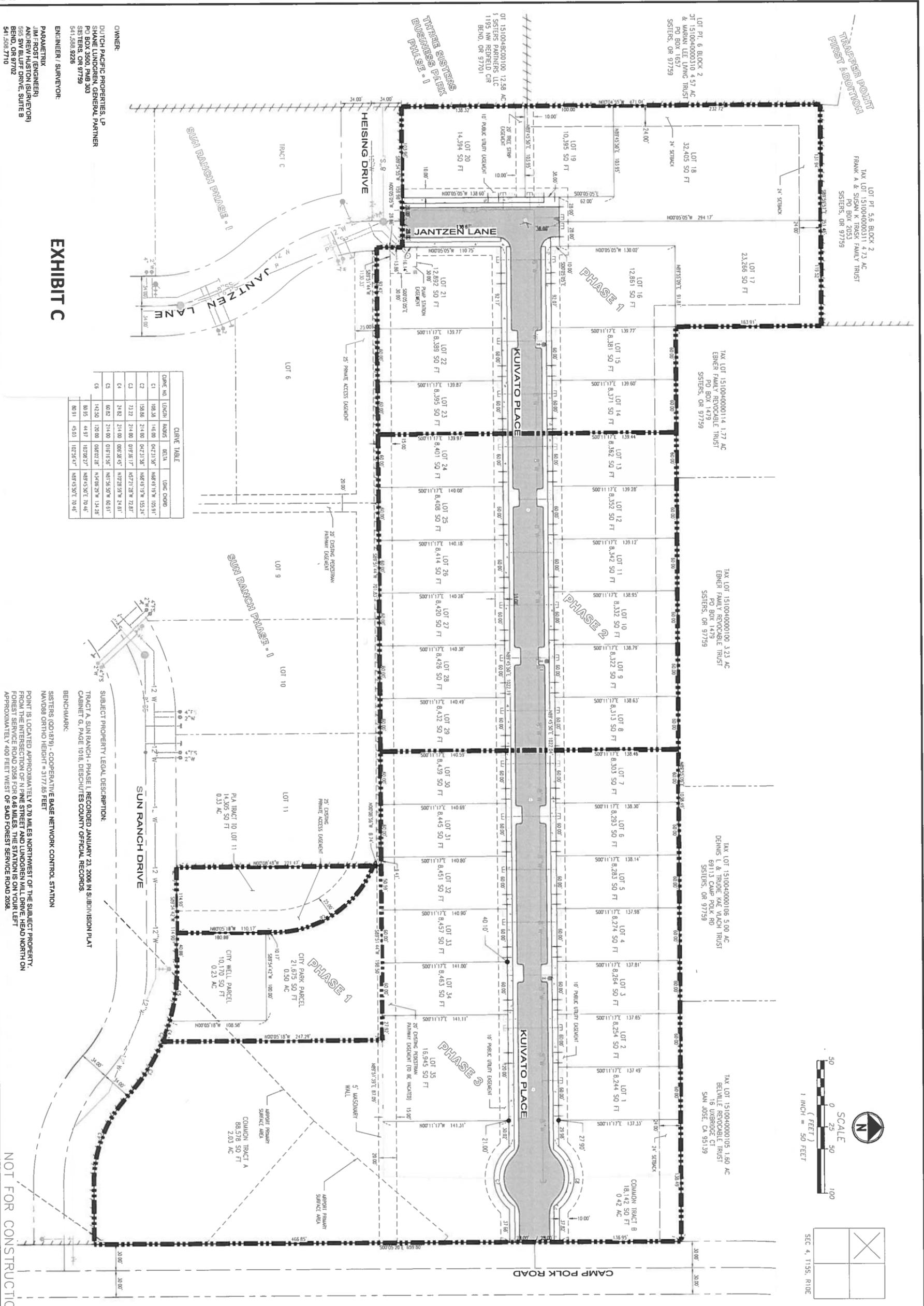
AMOUNT PAID 5200.00

RECEIPT NO. 127099/127100

CHECKED BY: DR

EXHIBIT B

Planning P.W. 4700.00 500.00



CHAIN TABLE

CHAIN NO.	LENGTH	BARNS	DETA	LONG CORNER
C1	100.38	148.00	0427139°	N88°49'19"W 105.91'
C2	138.96	211.00	0427139°	N88°49'19"W 152.24'
C3	112.22	214.00	0193817°	N57°21'28"W 72.81'
C4	74.82	214.00	0063845°	N07°28'59"W 24.81'
C5	80.82	211.00	0181835°	N81°56'50"W 88.81'
C6	142.50	128.00	0487728°	N47°06'29"W 134.28'
C7	80.95	44.97	1023027°	N87°45'50"E 70.46'
C8	80.91	45.01	1023417°	N87°45'50"E 70.46'

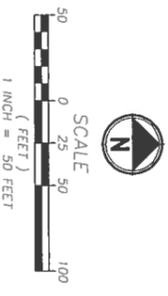


EXHIBIT C

OWNER:
 DUTCH PACIFIC PROPERTIES LP
 SHANE LUNDGREN, GENERAL PARTNER
 PO BOX 3500, PMB 303
 SISTERS, OR 97759
 541.588.8226

ENGINEER / SUPERVISOR:
 PARAMETRIX
 JIM FROST (ENGINEER)
 ANDREW HUSTON (SUPERVISOR)
 595 SW BLUFF DRIVE, SUITE B
 BEND, OR 97702
 541.508.7710

SUBJECT PROPERTY LEGAL DESCRIPTION:
 TRACT A, SUN RANCH - PHASE 1, RECORDED JANUARY 23, 2006 IN SUBDIVISION PLAT CABINET G, PAGE 1018, DESCHUTES COUNTY OFFICIAL RECORDS.

BENCHMARK:
 SISTERS (0014370) - COOPERATIVE BASE NETWORK CONTROL STATION
 NAVD83 ORTHO HEIGHT = 3177.66 FEET

POINT IS LOCATED APPROXIMATELY 0.70 MILES NORTHWEST OF THE SUBJECT PROPERTY, FROM THE INTERSECTION OF N PINE STREET AND LUNDGREN MILL DRIVE, HEAD NORTH ON FOREST SERVICE ROAD 2058 FOR 0.46 MILES. THE STATION IS ON YOUR LEFT APPROXIMATELY 400 FEET WEST OF SAID FOREST SERVICE ROAD 2058.

NOT FOR CONSTRUCTION

<p>DRAWING NO. 1 OF 1 TP 1.0</p>	<p>TENTATIVE SUBDIVISION PLAN KUIVATO</p>	<p>FOR ARTISAN HOMES AND DESIGN CITY OF SISTERS, OREGON</p>	<p>REGISTERED PROFESSIONAL LAND SURVEYOR JAN. 21, 2009 ANDREW N. HUSTON 881407 EXP. RES. 03/2017</p>	<p>Parametrix ENGINEERS PLANNERS ENVIRONMENTAL SCIENTISTS 595 SW BLUFF DRIVE, SUITE B BEND OR 97702 P 541 508 7710 WWW.PARAMETRIX.COM</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>DATE</td> <td>DESIGNED</td> <td>CHECKED</td> <td>ANH</td> </tr> <tr> <td>JOB No.</td> <td>DRAWN</td> <td>APPROVED</td> <td>ANH</td> </tr> <tr> <td>297-7450-001</td> <td>BRR</td> <td></td> <td></td> </tr> </table>	DATE	DESIGNED	CHECKED	ANH	JOB No.	DRAWN	APPROVED	ANH	297-7450-001	BRR			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>REVISIONS</th> <th>DATE</th> <th>BY</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	REVISIONS	DATE	BY			
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297-7450-001	BRR																						
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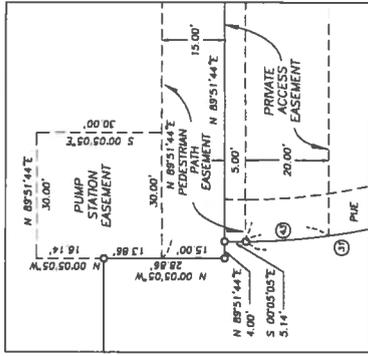
ONE INCH AT FULL SCALE, IF NOT SHOWN OTHERWISE ACCORDINGLY

G-1020

Sun Ranch - Phase I

A subdivision situated in the W 1/2 of Sec. 4, T15S, R10E, W.M.,
City of Sisters, Deschutes County, Oregon

19 *Michelle W. Sims*
REGISTERED
PROFESSIONAL
LAND SURVEYOR
OREGON
MICHELE W. SIMS
RENEWAL DATE 8/30/08



Easements and Encumbrances

- A. EASEMENT FOR AIRPORT RUNWAY CLEAR ZONE RECORDED 6/29/1987 IN VOL. 154, PG. 14, DEED RECORDS.
- B. EASEMENT FOR WATER DELIVERY RECORDED 11/19/1987 IN VOL. 154, PG. 2881, OFFICIAL RECORDS. (NO SURFACE WATER RIGHTS REMAIN)
- C. EASEMENT FOR WATER DELIVERY RECORDED 11/25/1987 IN VOL. 155, PG. 711, OFFICIAL RECORDS. (NO SURFACE WATER RIGHTS REMAIN)
- D. EASEMENT FOR HEADGATE MAINTENANCE RECORDED 7/26/1985 IN VOL. 379, PG. 2832, OFFICIAL RECORDS. (NO SURFACE WATER RIGHTS REMAIN)
- E. ROAD DEVELOPMENT AGREEMENT RECORDED 1/05/1988 IN VOL. 475, PG. 1731, OFFICIAL RECORDS.
- F. DEVELOPMENT AGREEMENT RECORDED 5/4/2001 IN DOCUMENT 2001-21130 OFFICIAL RECORDS.
- G. POWERLINE AGREEMENT RECORDED 8/05/2004 IN DOCUMENT 2004-46772, OFFICIAL RECORDS. (SEE SHEET 2 OF 4)

Curve Table

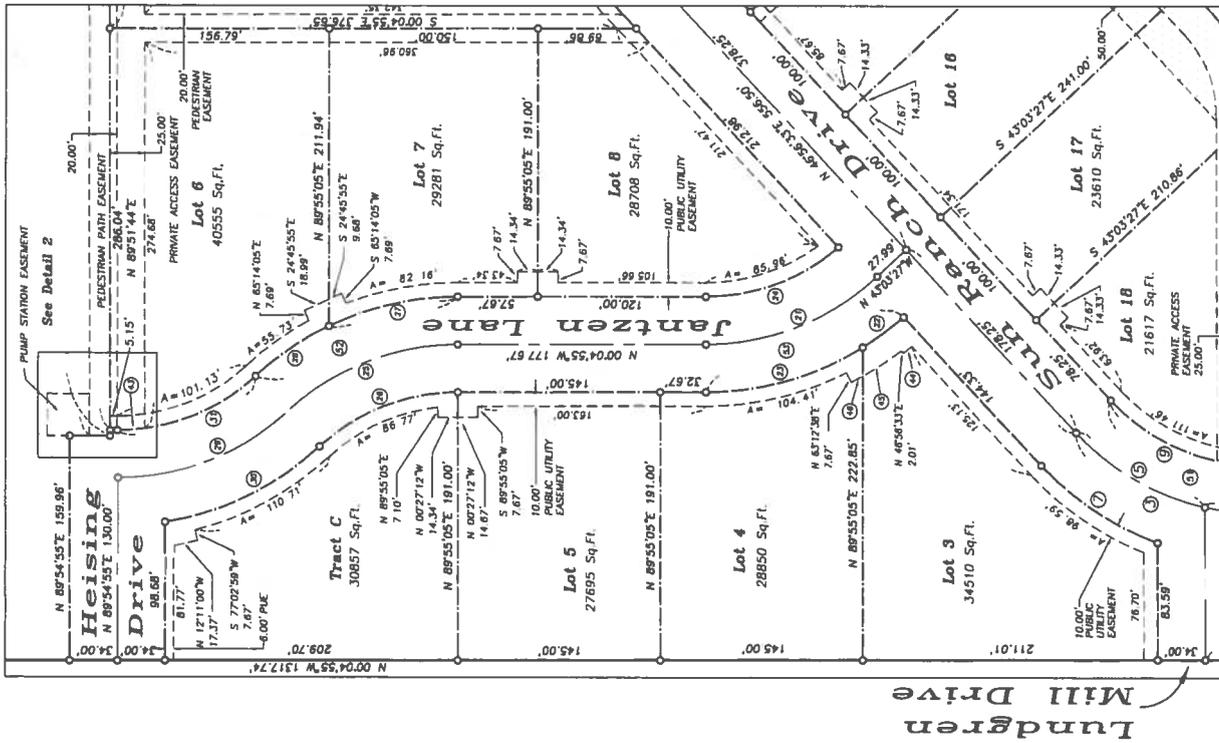
Curve	Radius	Length	Delta	Chord	Chord Bear
C1	180.00'	147.52'	46°52'22"	143.42'	N 23°27'50" E
C2	180.00'	108.11'	34°21'13"	106.55'	N 29°43'46" E
C3	180.00'	100.00'	33°00'00"	99.97'	N 31°28'05" E
C4	210.00'	162.25'	54°24'11"	156.21'	N 35°15'45" W
C5	210.00'	118.25'	37°39'40"	116.78'	N 15°54'45" W
C6	180.00'	131.80'	40°30'00"	130.30'	N 27°33'00" W
C7	210.00'	108.57'	32°33'39"	106.09'	N 21°23'09" W
C8	210.00'	95.48'	28°33'19"	94.67'	N 17°51'41" W
C9	180.00'	131.85'	42°36'18"	130.78'	N 29°13'18" W
C10	210.00'	124.98'	37°27'47"	123.27'	N 25°07'29" W
C11	148.00'	108.57'	42°36'18"	106.00'	N 21°53'14" W
C12	148.00'	77.00'	24°31'12"	77.00'	N 38°11'00" W
C13	210.00'	118.25'	37°39'40"	116.78'	N 15°54'45" W
C14	210.00'	95.48'	28°33'39"	94.67'	N 17°51'41" W
C15	210.00'	108.57'	32°33'39"	106.09'	N 21°23'09" W
C16	210.00'	131.85'	42°36'18"	130.78'	N 29°13'18" W
C17	210.00'	108.57'	32°33'39"	106.09'	N 21°23'09" W
C18	210.00'	95.48'	28°33'39"	94.67'	N 17°51'41" W
C19	210.00'	108.57'	32°33'39"	106.09'	N 21°23'09" W
C20	210.00'	131.85'	42°36'18"	130.78'	N 29°13'18" W

LEGEND

- FOUND 5/8" IRON ROD, UNLESS OTHERWISE DESCRIBED.
- SET 5/8" X 30" IRON ROD WITH ORANGE PLASTIC CAP MARKED 15 60000". PER CERTIFICATE OF POST-MONUMENTATION (SEE PAGE 2 OF 4).
- x CALCULATED CORNER POSITION (NOT FOUND OR SET)
- () RECORD DATA FROM REFERENCE MATERIAL
- CENTRELINE OF ROAD
- ▭ RUNWAY PROTECTION ZONE (SEE EASEMENT 'A')



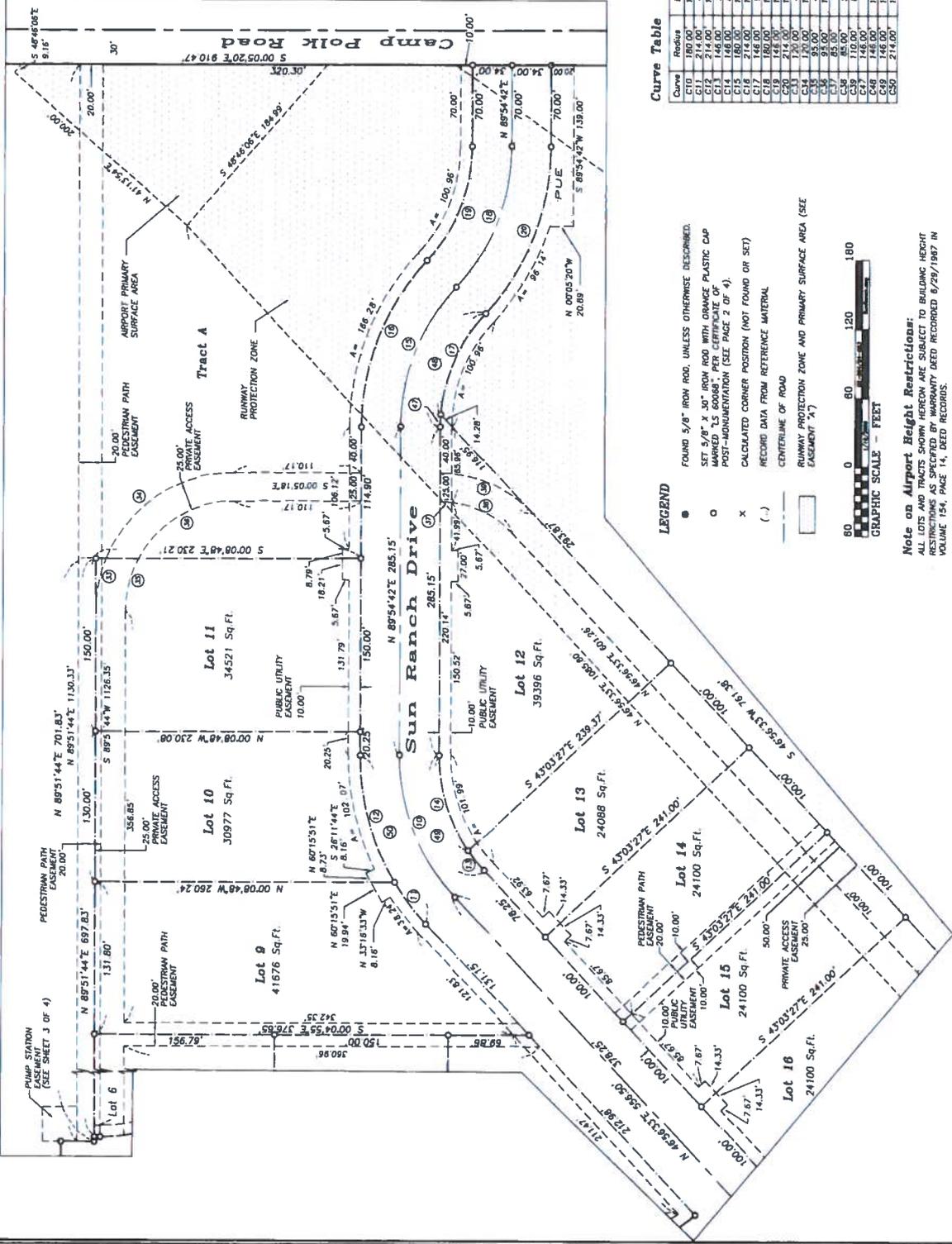
Note on Airport Height Restrictions:
ALL LOTS AND TRACTS SHOWN HEREON ARE SUBJECT TO BUILDING HEIGHT RESTRICTIONS AS SPECIFIED BY WARRANTY DEED RECORDED 6/29/1987 IN VOLUME 154, PAGE 14, DEED RECORDS.



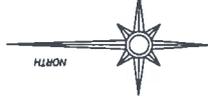
G-1021

Sun Ranch - Phase I

A subdivision situated in the W 1/2 of Sec. 4, T15S, R10E, W.M., City of Sisters, Deschutes County, Oregon



19 January 2006
 REGISTERED PROFESSIONAL LAND SURVEYOR
 MICHAEL W. SINS
 OREGON
 LICENSE NO. 10000
 RENEWAL DATE 9/30/08



Curve Table

Curve	Radius	Length	Delta	Chord	Chord Bear
C10	180.00	134.99	47.58 10	131.85	N 89°25'37" E
C11	214.00	152.28	55.20	145.70	N 53°07'15" E
C12	148.00	107.75	38.13	103.14	N 71°17'04" W
C13	148.00	21.83	8.14 03	21.81	N 71°17'04" W
C14	148.00	87.88	32.24 07	86.35	N 72°23'19" E
C15	180.00	133.68	47.58 10	131.85	S 86°49'19" E
C16	148.00	107.75	38.13	103.14	S 86°49'19" E
C17	148.00	97.82	34.23 13	96.00	S 86°49'19" E
C18	180.00	133.68	47.58 10	131.85	S 86°49'19" E
C19	180.00	133.68	47.58 10	131.85	S 86°49'19" E
C20	214.00	152.28	55.20	145.70	S 70°00'00" E
C21	170.00	124.50	42.00 00	118.51	S 70°00'00" E
C22	170.00	124.50	42.00 00	118.51	S 70°00'00" E
C23	170.00	124.50	42.00 00	118.51	S 70°00'00" E
C24	170.00	124.50	42.00 00	118.51	S 70°00'00" E
C25	170.00	124.50	42.00 00	118.51	S 70°00'00" E
C26	170.00	124.50	42.00 00	118.51	S 70°00'00" E
C27	170.00	124.50	42.00 00	118.51	S 70°00'00" E
C28	170.00	124.50	42.00 00	118.51	S 70°00'00" E
C29	148.00	107.75	38.13	103.14	S 70°00'00" E
C30	214.00	152.28	55.20	145.70	N 89°25'37" E

- LEGEND**
- FOUND 5/8" IRON ROD, UNLESS OTHERWISE DESCRIBED.
 - SET 5/8" X 30" IRON ROD WITH ORANGE PLASTIC CAP MARKED "S 60088", PER CERTIFICATE OF POST-MONUMENTATION (SEE PAGE 2 OF 4).
 - x CALCULATED CORNER POSITION (NOT FOUND OR SET)
 - () RECORD DATA FROM REFERENCE MATERIAL
 - CENTERLINE OF ROAD
 - ▭ RUNWAY PROTECTION ZONE AND PRIMARY SURFACE AREA (SEE EASEMENT "A")



Note on Airport Height Restrictions:
 ALL LOTS AND TRACTS SHOWN HEREON ARE SUBJECT TO BUILDING HEIGHT RESTRICTIONS AS SHOWN ON THE AIRPORT HEIGHT SURVEY DATED 8/29/1987 IN VOLUME 15A, PAGE 14, DEED RECORDS.



CITY OF SISTERS
Public Works Department

520 E. Cascade Ave.
P.O. Box 39
Sisters, OR 97759

(541) 323-5212
Fax: (541) 549-0561
www.sisters.or.us

TO: Patrick Davenport, Community Development Director
FROM: Erik Huffman, City Engineer
DATE: November 12, 2015
SUBJECT: Kuivato Subdivision Submittal Review

Transportation:

Jantzen Lane - Local per TSP

Existing Jantzen is 36' wide and the extension shall match into existing at the connection point. The Jantzen extension shall be 36' wide per local residential standards with two 11' wide travel lanes and with 7' wide parallel parking aisles on both sides. Pavement shall be 3" AC over 8" aggregate base minimum. Curbs are not required. Sidewalks shall be 6' wide minimum and constructed of concrete to match existing improvements throughout Sun Ranch. PROWAG compliant curb ramps shall be located at each pedestrian crossing location in both directions. Landscape/drainage strip shall be 5' side. An asphalt or concrete driveway shall be provided for access to the existing sewer lift station. Street trees shall be provided at a minimum average spacing of 35', for a minimum of 3 street trees on the east side of Jantzen and 4 street trees on the west side of Jantzen.

Right of way is proposed as 56' wide with 10' Public Utility Easements on both sides. This is acceptable. Drainage calculations for public right of way improvements shall be provided with engineering plan submittal (25 yr storm = 2.8" in Sisters).

Kuivato Place - Local

Kuivato Place shall be 36' wide per local residential standards with two 11' wide travel lanes and with 7' wide parallel parking aisles on both sides. Pavement shall be 3" AC over 8" aggregate base minimum. Curbs are not required. Sidewalks shall be 6' wide minimum and constructed of concrete to match existing improvements throughout Sun Ranch. PROWAG compliant curb ramps shall be located at each pedestrian crossing location in both directions. Landscape/drainage strip shall be 5' side. Street trees shall be provided at a minimum average spacing of 35', for a minimum of 31 street trees on both sides of Kuivato Place, however, street trees shall not encroach into the FAA Part 77 surface extending at 7:1 from the airport approach surface. Trees at the east end shall be sited to avoid penetrations into this surface and tree species shall be chosen which will not grow into penetrations into this surface. Landscaped 'bump outs' are proposed and are acceptable, provided they do not encroach into the 11' travel lanes. An asphalt circle is proposed at the east end of Kuivato, which is acceptable, provided any landscaped circle within the pavement allows for 11 foot travel lanes. If cluster mailbox delivery is required by the postal service, an accessible mailbox pad shall be provided per OSSC Chapter 11. A connection to Camp Polk Road is required. All pavement patching necessary on Camp Polk Road shall be 4" AC over 10" aggregate base.

EXHIBIT E

Right of way is proposed as 56' wide with 10' Public Utility Easements on both sides. This is acceptable. Drainage calculations for public right of way improvements shall be provided with engineering plan submittal (25 yr storm = 2.8" in Sisters).

Traffic Impacts

A traffic study shall be waived due to the low level of trip generation. The number of trips allocated to this subdivision as part of previously identified trips for Sun Ranch shall be formally allocated to Kuivato via a recorded document prior to recording the subdivision plat.

Water:

Jantzen Lane

A 12" water main terminates at the connection of the proposed extension of Jantzen Lane. No water services currently serve the property. 2 service lines are proposed.

The existing 12" water main shall be extended north on Jantzen. Service lines for Lots 19 and 20 shall be connected to this main line.

Kuivato Place

No water main exists and no water services currently serve the property. An 8" water main is proposed. 33 service connections are proposed.

Water services must be provided for tracts A and B, in addition to the residential lots, for a total of 35 services from Kuivato Place.

The water main on Kuivato Place shall be extended through to the end of the property to meet the City's to and through requirement. Hydrants shall be spaced at 400 feet minimum spacing, and a hydrant shall be placed at the end of the water main. All hydrants shall be capable of providing fire flow of 1500 gallons per minute at 20 psi residual pressure. At the time of engineering plan submittal for the first phase, calculations shall be provided indicating that the 8" line has the capability of providing the required fire flow, or the line shall be upsized to 12".

Camp Polk Road

A 12" water main exists at the intersection of Camp Polk Road and Sun Ranch Drive.

In lieu of extending the existing water main along Camp Polk Road to the northern end of the Kuivato property, the owner may enter into an agreement with the City to construct a 12" water main at any time in the next 10 years that the property north of Kuivato may be annexed into the City. The owner shall have 6 months to construct the water main extension if lands to the north are annexed. The owner shall enter into an agreement with the City which is to be recorded prior to recording of the subdivision plat for phase 3.

Sewer:

Jantzen Lane

An 8" sewer main exists in Jantzen Lane at the connection point of proposed improvements. An 8" sewer main extension is proposed.

The existing 8" sewer main shall be extended north on Jantzen.

Kuivato Place

No sewer main exists and an 8" sewer main is proposed. 33 service connections are proposed.

The sewer main shall be extended to the easterly service connection on Kuivato Place. The requirement for to and through is not necessary. Sewer services to tracts A and B are not required. The sewer main shall terminate at a manhole.

Camp Polk Road

A 12" sewer main exists at the intersection of Camp Polk Road and Sun Ranch Drive.

In lieu of extending the existing sewer main along Camp Polk Road to the northern end of the Kuivato property, the owner may enter into an agreement with the City to construct a 12" sewer main and/or portion of force main at any time in the next 10 years that the property north of Kuivato may be annexed into the City. The owner shall have 6 months to construct the sewer main extension if lands to the north are annexed. The owner shall enter into an agreement with the City which is to be recorded prior to recording of the subdivision plat for phase 3.

Site Grading and Drainage:

1. All site drainage shall be maintained on site and shall not drain onto public streets or neighboring properties. Storm water runoff from private property shall not impact public right-of-way or easements unless otherwise approved by the Public Works Director or City Engineer.
2. Site grading and drainage plans shall be submitted for Engineering review and shall be subject to City and Central Oregon Stormwater Manual (COSM) design, construction, and testing standards.
3. Proposed site drainage facilities and stormwater systems shall be designed for a 25 year/24 hour storm event (2.8 inches) and have appropriate pretreatment per City standards. Infiltration rates must be supported by a Geotech report or other verifiable documentation.
4. New on-site private drywells and other underground injection control (UIC) systems not part of the public drainage system must be registered and approved by the Oregon Department of Environmental Quality (DEQ) prior to construction or building permit issuance.

Construction Plans:

Upon land use approval or building permit application, construction plans that include all proposed and/or required public improvements, water/sewer service connections, site grading/drainage and utilities shall be submitted to the City for review and approval.



Fire Department Comments

By: Gary Marshall

Date: August 25, 2015

Planner: Darcy Reed

Applicant: Don Denning Homes, Inc. / Kuivato

File / Plan No.: SUB 15-03

Fire Safety During Construction – 2014 OFC 3310 and 3312

Approved fire department access roads shall be provided to all construction sites. Required water supply, fire hydrants, and safety precautions shall be made available as soon as combustible materials arrive on site.

Water Supply - 2014 OFC Appendix B

The required water supply for fire suppression for this building project shall be 1,000 gallons per minute at 20 psi residual pressure. This flow requirement is based on Type V-B building construction not to exceed 3,600 square feet without additional fire safety requirements. Documentation shall be provided to the Fire Marshal from the Water Purveyor demonstrating the fire flow infrastructure capacity in flow at 20 p.s.i. residual pressure. The duration of flow shall meet the requirements of Appendix B.

Fire Hydrants – 2014 OFC Section 507.5 and Appendix C

The minimum amount of fire hydrants needed on this site shall be one (1) spaced no more than 400 feet from the most remote portion of the building measured by an approved fire access route around the exterior of the facility or building, fire hydrants shall be provided where required by the fire code official. Fire hydrants shall be installed to specifications of the water purveyor and fire department.

Fire Hydrant Spacing - 2014 OFC Section 507 and Appendix C

Fire hydrants shall be located along the route of the fire apparatus access roadway and spacing of hydrants shall not exceed 500 feet in approved locations. A fire hydrant location plan shall be approved by the Fire Marshal.

Obstruction & Protection of Fire Hydrant – 2014 OFC 507.5.4 through 507.5.6

Unobstructed access to fire hydrants shall be maintained at all times. A 3-foot clear space shall be maintained around the circumference of fire hydrants. When exposed to vehicular damage, concrete curbing, sidewalks, or 4 inch concrete filled bollards placed 3 feet from hydrants shall suitably protect fire hydrants. Hydrants shall be coated with approved red paint color and markings.

Premises Identification - 2014 OFC 505.1

Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background and visible.

Street or Road Signs – 2014 OFC 505.2

Streets and roads shall be identified with approved signs. Signs shall be of an approved size and weather resistive construction.

Fire Lanes - 2014 OFC 503.3 and Appendix D

Approved “No Parking” signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Such signs or notices shall be kept in legible condition at all times. Spacing for signage shall be every 75 feet on both sides of roads less than 28 feet in width and on one side of roads less than 32 feet in width.

Fire Apparatus Access Roads (General) - 2014 OFC Section 503 and Appendix D

Fire apparatus access roads shall be placed within 150 of all exterior walls of the first floor of all buildings. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet designed with a uniform all-weather driving surface to support the imposed GVW of 60,000 lbs. and a vertical clearance of not less than 13 feet 6 inches. Turning radius shall not be less than 45 feet and gradient shall not exceed 12 percent unless the authorities having jurisdiction approve a variance. Dead-end access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus. A cul-de-sac, hammerhead or other means for the turning around of fire apparatus may be approved.

Key Boxes – 2014 OFC Section 506

Key Box (Knox Box) for Fire Department access is required to be installed at gated road entrances. An application for the Knox Box is available by calling the Sisters/Camp Sherman Fire District office at (541) 549-0771.



Oregon

Kate Brown, Governor



3040 25th Street, SE
Salem, OR 97302-1125
Phone: (503) 378-4880
Toll Free: (800) 874-0102
FAX: (503) 373-1688

August 20, 2015

Darcy Reed
City of Sisters
Associate Planner
P.O. Box 39
Sisters, Oregon 97759

SUBJECT: Kuivato Subdivision – ODA Comments

Dear Darcy:

Thank you for the opportunity to comment on the proposed Kuivato Subdivision located southwest of the Sisters Eagle Airport (Map 15-10-04BD, tax lot 100). After a preliminary review of the proposed application the Oregon Department of Aviation (ODA) has prepared the following comments.

The proposed Subdivision is classified as a Residential Use and according to Table 3-4: Compatible Land Uses per FAR Part 77 Surfaces and FAA Safety Areas, as located in the Airport Land Use Compatibility Guidebook (January 2003). The proposed use is classified as an "Incompatible Land Use" with respect to its proposed location in the Transitional Surface of the Sisters Eagle Airport.

Since this site is identified as an "Incompatible Land Use" ODA recommends that this site be used for land use activities that are compatible, in accordance with Table 3-4.

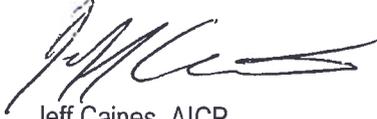
However, if this application is approved as proposed, ODA recommends that design measures are used to minimize the impact of both the development and the Sisters Eagle Airport with respect to the Transitional Surface.

The Oregon Department of Aviation would like to make sure the following comments and possible conditions of approval are added to the final land use decision, if the development is approved.

- Prior to issuance of a building permit the applicant must file and receive a determination from the Oregon Department of Aviation as required by OAR 738-070-0060 on FAA Form 7460-1 Notice of Proposed Construction or Alteration to determine if any new structures in the development will pose a hazard to aviation safety at the Sisters Eagle Airport. A subsequent submittal may be required by the FAA due to its location to the Sisters Eagle Airport.
- The height of the new buildings should not penetrate FAA Part 77 Imaginary Surfaces, as determined by ODA and the FAA.
- Shields on any external building and street lights should be designed as to not interfere with aircraft or airport operations.
- Trees and other planted vegetation should not penetrate FAA Part 77 Imaginary Surfaces.
- Markings and/or Lights, per FAA design, may be needed to identify to structures.

Again, thank you for allowing ODA to comment on this development proposal. If you have any questions or need further information please feel free to contact me at 503-378-2529 or Jeff.Caines@aviation.state.or.us Heather Peck at 503-378-3168 or Heather.Peck@aviation.state.or.us, Projects & Planning Manager.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Caines', with a long horizontal flourish extending to the right.

Jeff Caines, AICP
Aviation Planner
Oregon Department of Aviation

Conditions of Approval Agreement

This Development Agreement, hereinafter referred to as "Agreement", is made and entered into by and between the City of Sisters, hereinafter referred to as "City", and Dutch Pacific Properties, LP, hereinafter referred to as "Dutch Pacific".

Recitals

1. This Agreement is a conditions of approval agreement with Dutch Pacific Properties, LP, an entity that has legal and equitable interests in the following real property, located within the City of Sisters, Deschutes County, Oregon: Tracts A, B, and C, Sun Ranch Phase 1 Subdivision. Combined, the properties are approximately 18.78 acres in size.
2. Dutch Pacific received Comprehensive Plan Text Amendment, Development Code Text Amendment, Comprehensive Plan Map Amendment and Zoning Map Amendment land use approvals from the City on April 26, 2007. The approvals are for the development of the "Sun Ranch Mixed Use Community" - land use permit files CP06-01, CP06-02 and ZC06-01.
3. The Findings and Recommendation of the Sisters Planning Commission signed November 22, 2006 contained four (4) conditions of approval that were "to be completed prior to development."
4. At the request of the City Council, Dutch Pacific has agreed to provide 7 lots within the approved Sun Ranch Residential District for development with affordable housing units. As no subdivision was proposed as part of the Sun Ranch Mixed Use Community applications, it is appropriate to assure the provision of such lots when the property is subdivided through this agreement.
5. The intent of this Agreement is to require Dutch Pacific to comply with the four conditions of approval specified in the Planning Commission's Findings and Recommendation and to voluntarily amend the proposal to provide affordable housing as part of the Sun Ranch Mixed Use Community.
6. This Agreement was authorized by the City Council as part of the land use decision approving the Comprehensive Plan Amendments, Development Code Amendments, Comprehensive Plan Map and Zoning Map Amendments necessary to create the "Sun Ranch Mixed Use Community." Public hearings were held on December 14, 2006, January 25, 2007, February 8, 2007 and February 22, 2007 after notice to the public was provided.
7. The execution of this Agreement is in the best interest of the public health, safety and welfare and is consistent with the Sisters Urban Area Comprehensive Plan and implementing ordinances.

Agreement

In consideration for the mutual promises and performance obligations of each party set out in this Agreement, the parties agree as follows:

1. This Agreement shall be effective upon signing by the parties and shall last until such time as all conditions of approval have been satisfied by Dutch Pacific or until the first subdivision for the residential area of the Sun Ranch property has been approved by the City and recorded. When this property is subdivided, the requirements of this agreement, shall have been met or assured.
2. The permitted uses, density, and height within the Sun Ranch Mixed Use Community are regulated by the City Development Code as amended by this series of applications, and any subsequent changes adopted by the City of Sisters.
3. Dutch Pacific will dedicate a one-half (1/2) acre area to the City for park purposes in the location identified on Exhibit A to this agreement in one of the following ways:
 - The City of Sisters can initiate a land division to create the ½-acre area and the owner of the property will sign the application in timely manner; OR
 - The park area will be created through the first subdivision plat within the Sun Ranch Residential zone.

In either case, the applicant will sign an easement providing the City access to the area identified for the park (Exhibit A) for planning and design purposes. Once the park area has been created, Dutch Pacific shall convey the park to the City by deed free and clear of liens and encumbrances, except for governmental agreements and existing easements of record. Dutch Pacific shall have the ability to review and approve any proposed structure design and fencing materials provided such review doesn't result in unreasonable budgetary demands or unreasonable review timeframes.

4. The City's engineer in an October 31, 2006 letter asserted Dutch Pacific should provide 10.96 acres of pre-1892 water rights to the City to accommodate the additional water required from the proposed rezones. These water rights are valued at approximately \$11,000 per acre, or \$120,560. Dutch Pacific is dedicating an approximately 9,200 sq. ft. well site on industrially zoned land with an approximate value of \$12/square foot, totaling \$110,400. The difference between the value of the well site dedication and required water rights is \$10,160. In lieu of a receiving a cash payment, the City shall accept one acre of pre-1892 water rights from Dutch Pacific. Dutch Pacific will sign all needed City-prepared paperwork for the City to initiate and complete the transfer of one (1) acre of pre-1892 water rights. The City will, within a period not to exceed six months after this Agreement is signed, apply to State of

Oregon Water Resources Department to transfer the water rights. Once the City has obtained approval of the transfer, Dutch Pacific shall convey the water rights to the City on documents prepared by the City and approved by Dutch Pacific.

5. Dutch Pacific will dedicate approximately a 10,000 square foot area to the City for purposes of locating a well, well house and associated items in the location identified on Exhibit A to this agreement in one of the following ways:
 - o The City of Sisters can initiate a land division to create the 10,000 square foot area and the owner of the property will sign the application in timely manner; OR
 - o The well area will be created through the first subdivision plat within Tract A of the Sun Ranch Phase 1 subdivision.

In either case, the applicant will sign an easement providing the City access to the area identified for the well (Exhibit A) for planning and design purposes. Once the well area has been created, Dutch Pacific shall convey the well property to the City by deed free and clear of liens and encumbrances, except for governmental agreements and existing easements of record. Dutch Pacific shall have the ability to review and approve any proposed structure design and fencing materials provided such review doesn't result in unreasonable budgetary demands or unreasonable review timeframes.

6. Dutch Pacific will construct a 3 to 5-foot wall or fence with vegetation between the Sun Ranch Light Industrial District and the Sun Ranch Residential District. This fence will run parallel to the north boundary of Lots 6, 9, 10 and 11, Sun Ranch Phase I Subdivision. The fence/wall shall be completed by such time specified in the first tentative plan approval for the Sun Ranch Residential district.
7. Dutch Pacific will dedicate the pump station as shown on Exhibit B it has constructed on its property to the City of Sisters on forms approved by the City Attorney prior to the issuance of any building permits on Dutch Pacific property that will be served by said pump station. The City must test, inspect and accept the facility as a part of this condition.
8. Dutch Pacific will provide seven (7) affordable housing units/lots within the Sun Ranch Residential District. Dutch Pacific will work with Housing Works, Neighbor Impact, Habitat for Humanity or other affordable housing program provider approved by the City of Sisters in writing to assure that the units/lots are affordable as detailed below. Affordable housing is housing affordable to households earning 80% of Area Median Income (AMI) or lower as designated on a yearly basis for Deschutes County by the federal department of Housing and Urban Development (HUD). Housing is affordable when no more than 30% of annual household income is spent on housing (principal, interest, taxes and insurance). The units to be constructed shall also meet the covenants, conditions and restrictions for the Sun Ranch Residential District.

Dutch Pacific may choose to construct the dwelling units and work with one of the affordable housing providers to implement the affordability component. The program, as proposed shall include the following:

- Units shall be dispersed throughout the Sun Ranch Residential District.
 - Units shall remain affordable for a period of at least 50 years.
 - The square footage of the affordable units shall sum to a minimum of 6,000 square feet.
 - Dutch Pacific shall prepare and the Sisters City Council approve an Affordable Housing Agreement detailing how the program outlined in this agreement will be achieved prior to the first tentative plan for subdivision approval in the Sun Ranch Residential District.
9. In the case of any change in regional policy or federal or state law or other change in circumstance which renders compliance with the Agreement impossible or unlawful, the parties will attempt to give effect to the remainder of the Agreement, but only if such effect does not prejudice the substantial rights of any party under the Agreement. If the substantial rights of any party are prejudiced by giving effect to the remainder of the Agreement, then the parties shall negotiate in good faith to revise the Agreement to give effect to its original intent. If the parties fail to agree to an amended Agreement within ninety (90) days of the commencement of negotiations, then any party may request that an arbitrator give an equitable effect to the remainder of the Agreement, and the Agreement shall thereafter be amended pursuant to the order of the arbitrator. If, because of a change in policy, law or circumstance, the Agreement fails of its essential purpose, then the parties shall be placed into their original position to the extent practical. As used herein, however, "change in circumstance" does not include changes in local government land development or land division regulations. It is the intent of this Agreement to vest rights and conditions, as set forth herein, notwithstanding any change in local ordinance or policy.
10. The following shall constitute defaults on the part of a party:
- A breach of a material provision of this Agreement, whether by action or inaction of a party which continues and is not remedied within sixty (60) days after the other party has give notice specifying the breach; provided that if the non-breaching party determines that such breach cannot with due diligence be cured within a period of sixty (60) days, the non-breaching party may allow the breaching party a longer period of time to cure the breach, and in such event the breach shall not constitute a default so long as the breaching party diligently proceeds to affect a cure and the cure is accomplished within the longer period time granted by the non-breaching party; or,
- Any assignment by a party for the benefit of creditors, or adjudication as a bankrupt, or appointment of a receiver, trustee or creditor's committee over a party.
11. Each party shall have all available remedies at law or in equity to recover damages and compel the performance of the other party pursuant to this Agreement. The

rights and remedies afforded under this Agreement are not exclusive and shall be in addition to and cumulative with any and all rights otherwise available at law or in equity. The exercise by any party of any one or more of such remedies shall not preclude the exercise by it, at the same or different time, of any other such remedy for the same default or breach or of any of its remedies for any other default or breach by the other parties, including, without limitation, the right to compel specific performance.

12. This Agreement is not assignable and does not run with the land. If any property subject to this agreement is sold, the obligations of Dutch Pacific under this Agreement shall remain obligations of Dutch Pacific until satisfied.
13. All future discretionary approvals for the "Sun Ranch Mixed Use Community" and lots within shall be as lawfully established at the time such approvals are requested.
14. All City obligations to expend moneys under this Agreement are contingent upon future appropriations as part of the local budget process. Nothing in this Agreement obligates the City to appropriate money to fund the obligations undertaken in this Agreement.
15. The City assumes that the "Sun Ranch Mixed Use Community" development will be served with City services like any other property in the City. The City assumes that Dutch Pacific will make a final effort to collect a proportionate share of the costs of the Dutch Pacific pump station from the owners of the Three Sisters Business Park. Should Dutch Pacific not be able to collect a proportionate share of costs from the owners of Three Sisters Business Park, Dutch Pacific may request that the City set up a reimbursement district to collect such funds.
16. This Agreement may be amended or terminated by the mutual consent of the parties or their assigns or successors in interest. Any amendment which relates to the uses, development limitations, or monetary contributions shall require a public hearing before the parties may execute an amendment. Any other amendment shall not require a public hearing. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.
17. The City may, at its election, record this Agreement at the office of the Deschutes County Clerk no later than 10 days following the execution of this Agreement. The Agreement does not, however, bind subsequent owners of the Dutch Pacific property described in this Agreement.

First Amendment

1. This amendment (the "Amendment") is made by the City of Sisters (City) and Dutch Pacific Properties, LP (Dutch Pacific), parties to the Conditions of Approval Agreement dated June 19, 2007 (the "Agreement"). The Effective Date of this Amendment is September 24, 2014.
2. The Agreement is amended as follows:

- a. Recital 4 is replaced with the following:

At the request of City Council, Dutch Pacific has agreed to provide at least 7, and no more than would be allowed under the City of Sisters's Multi-Family Residential District zone, residential living units within the approved Sun Ranch Residential District for development as affordable housing. As no subdivision was proposed as part of the Sun Ranch Mixed Use Community applications, it is appropriate to assure the provision of such units when the property is subdivided through this Agreement.

- b. Agreement #3 is replaced with the following:

Dutch Pacific will dedicate at least a one-half (1/2) acre park area to the City for park purposes in the location identified on Exhibit A to this Agreement in one of the following ways:

- *The City of Sisters can initiate a land division to create the park area and the owner of the property will sign the application in a timely manner; or*
- *The park area will be created through the first subdivision plat within the Sun Ranch Residential District.*

In either case, Dutch Pacific will sign an easement providing the City access to the area identified for the park in Exhibit A for planning and design purposes. Once the park area has been created, Dutch Pacific shall convey the park to the City by deed free and clear of liens and encumbrances, except for governmental agreements and existing easements of record. Dutch Pacific shall have the ability to review and approve any proposed structure design and fencing materials provided such review does not result in unreasonable budgetary demands or unreasonable review timeframes.

- c. Agreement #8 is replaced with the following:

Dutch Pacific will provide at least seven (7), and no more than would be allowed under the City of Sisters's Multi-Family Residential District zone, affordable housing units within the Sun Ranch Residential District. Dutch Pacific will work with Housing Works, Neighbor Impact, Habitat for Humanity or other affordable housing program provider, approved by the City of Sisters in writing, to assure that the units are affordable as detailed below. Affordable housing is housing affordable to households earning 80% of Area Median Income (AMI) or lower as designated on a yearly basis for Deschutes County by the federal department of Housing and Urban Development (HUD). Housing is affordable when no more than 30% of annual household income is spent on housing. The units to be constructed shall also meet the covenants, conditions and restrictions for the Sun Ranch Residential District.

Dutch Pacific may choose to construct the dwelling units and work with one of the affordable housing providers to implement the affordability component. The program, as proposed shall include the following:

EXHIBIT G

- Units shall remain affordable for a period of at least 50 years.
- The square footage of the affordable units shall average a minimum of 858 square feet.
- As part of the first tentative plan for a subdivision application in the Sun Ranch Residential District, Dutch Pacific shall include an Affordable Housing Agreement detailing how the program outlined in this Agreement will be achieved.

3. Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this Amendment and the Agreement or any earlier amendment, the terms of this Amendment will prevail.

CITY OF SISTERS
 By: [Signature]
 Printed Name: Andrew T. Gorayeb
 Title: City Manager



[Signature: Kathryn G. Nelson]

State of Oregon)
) ss.
 County of Deschutes)

The foregoing was acknowledged before me by Andrew Gorayeb, as City Manager for the City of Sisters this 24 day of Sept., 2014.

DUTCH PACIFIC PROPERTIES, LP
 By: [Signature]
 Printed Name: SHANE LUNDGREN
 Title: MANAGER
 Dated: 9/25/14



[Signature: Julie A. Pieper]

State of Oregon)
) ss.
 County of Deschutes)

The foregoing was acknowledged before me by Shane Lundgren, as Manager for Dutch Pacific Properties, LP this 25 day of Sept., 2014.



4
4
AFTER RECORDING RETURN TO:
THE CITY OF SISTERS
PO BOX 39
SISTERS, OREGON 97759

EASEMENT AGREEMENT

1. PARTIES:

Dutch Pacific Properties, LP, an Oregon Limited Partnership, Grantor
The City of Sisters, a Municipal Corporation of the State of Oregon, Grantee

2. AFFECTED PROPERTIES:

Grantor is the owner of the real property located in Deschutes County, Oregon, as described in the attached Exhibit "A."

3. GRANT OF EASEMENT:

Grantor does hereby grant unto the Grantee, its successors and assigns, a well site easement, approximately 100 feet by 100 feet adjacent to Sun Ranch Drive as shown in the attached Exhibit "B."

4. STATEMENT OF PURPOSE:

The purpose of this easement is to provide an exclusive easement for a municipal well and related facilities, including water lines, fencing and a pump house building.

5. TYPE OF EASEMENT:

The easement described above shall be exclusively for the benefit of the Grantee or its assigns and shall perpetually encumber the subject property.

6. MAINTENANCE:

Grantee shall be responsible for all maintenance of its facilities installed within the easement area. Grantee shall submit its plans for fencing and the pump house building to Grantor for approval. Grantor may suggest changes to the fence or building so that Grantee's facilities do not detract from Grantor's future development. Grantee agrees to modify its plans and to develop the property in compliance with the approved plans provided that the changes do not unreasonably increase the cost to Grantee.

7. INDEMNIFICATION:

Grantee does hereby agree to defend and hold harmless Grantor, its successors and assigns from any claim of liability or otherwise arising out of the Grantee's use of the easement described above.

8. **REMEDIES:**

In addition to all other remedies allowed by law, the parties, their successors and assigns, shall have the right to seek injunctive relief for the enforcement of the terms and conditions of this agreement.

9. **BINDING EFFECT ON SUCCESSOR INTERESTS:**

The terms, conditions and provisions of this agreement shall extend to, be binding upon and inure to the benefit of the heirs, personal representatives and assigns of the parties.

10. **ATTORNEY FEE:**

In case suit or action be instituted upon or in connection with this agreement, the prevailing party shall be entitled to recover from the losing party such sums as the court may adjudge reasonable as attorney fees and costs in such suit or action, or upon appeal.

DATED this 26th day of April, 2007.

GRANTOR:

Dutch Pacific Properties, LP

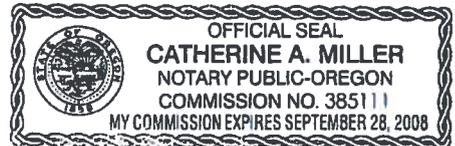
Jefferson Peak, LLC, General Partner

GRANTEE:

City of Sisters

Brad Boyd, Mayor

STATE OF OREGON)
) ss.
County of Deschutes)

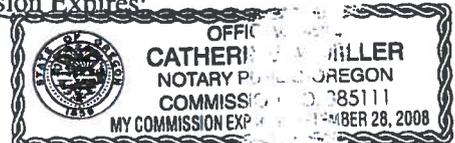


Personally appeared before me this 26th day of April, 2007, Shane Lundgren, on behalf of Jefferson Peak, LLC, a General Partner of Dutch Pacific Properties, LP, and acknowledged that he has the authority to sign this document on behalf of Jefferson Peak LLC and Dutch Pacific Properties, LP and that the foregoing instrument to be his and the LP's voluntary act and deed.

Notary Public for Oregon

My Commission Expires:

STATE OF OREGON)
) ss.
County of Deschutes)



Personally appeared before me this 26 day of April, 2007, Brad Boyd, Mayor of the City of Sisters and acknowledged the acceptance of the foregoing Easement by the City of Sisters.

Notary Public for Oregon

My Commission Expires:

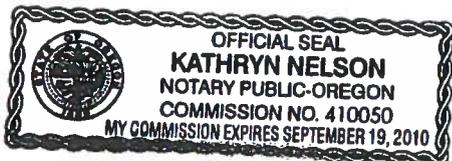
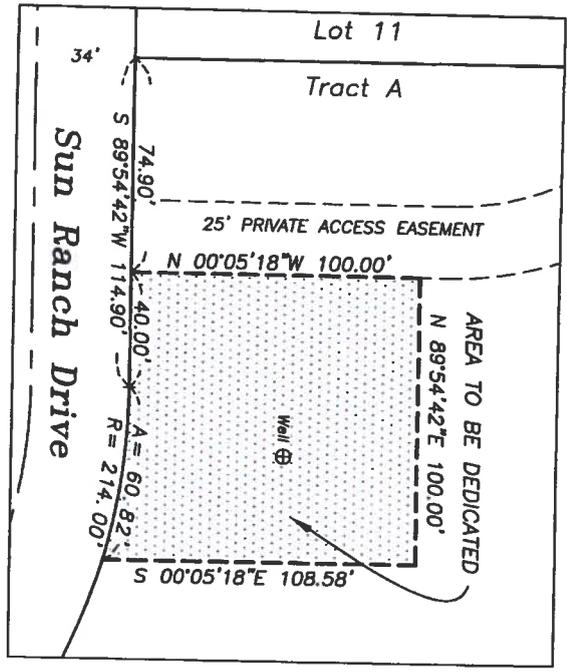


Exhibit A

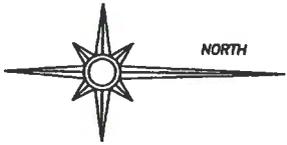
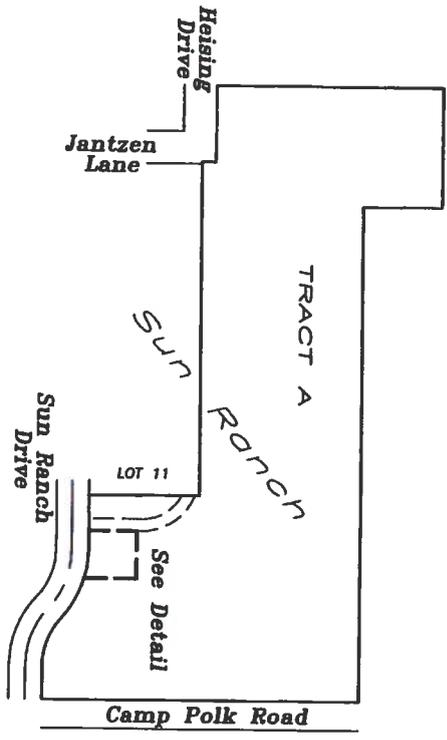
Tract A, Sun Ranch, situated in the Southeast Quarter of the Northwest Quarter of Section 4, Township 15 South, Range 10 East, Willamette Meridian, City of Sisters, Deschutes County, Oregon.

Exhibit B Dedication

A portion of Tract A, Sun Ranch, situated in the SE 1/4 NW 1/4 of Section 4,
T15S, R10E, W.M., City of Sisters, Deschutes County, Oregon



DETAIL
SCALE: 1" = 50'



5/10/2007
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michelle W. Sims
OREGON
JULY 15, 2003
MICHELE W. SIMS
60068

RENEWAL DATE 6/30/08

Fred. A. Ast, Jr. and Associates 157 Sisters Park Drive P.O. Box 751 Sisters, Oregon 97759 541-549-7851



**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF SISTERS
STATE OF OREGON
PLANNING COMMISSION RESOLUTION PC 2015-17**

THE CITY OF SISTERS PLANNING COMMISSION DOES HEREBY FIND AND RESOLVE THAT:

WHEREAS, the applicant, Don Denning Homes, Inc., requests approval of a Subdivision for a 13.43 acre property for a multiple phase, 35-lot single family residential subdivision, and establish a ½ acre City Park and City Well site; and,

WHEREAS, this proposed development provides needed residential dwellings and is not detrimental to the general welfare, health or safety of the City of Sisters; and,

WHEREAS, Oregon Revised Statutes Chapter 92 establishes a process through which land located in urban areas that is properly zoned can be divided through a subdivision process if findings can be made that the land division will not adversely impact the infrastructure of the jurisdiction, and,

WHEREAS, after due notice, a public hearing on the proposed application (SUB 15-03) was held by the Sisters Planning Commission on November 19, 2015 at which time findings were reviewed, witnesses were heard, and evidence and written testimony was received.

WHEREAS, the Planning Commission approved the request with the conditions as written the staff report's Conditions of Approval;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF SISTERS PLANNING COMMISSION FINDS THAT:

1. All required notices have been sent in the time and in the manner required by state law and city code; and,
2. The findings of fact in this matter are located in the staff report attached and by this reference incorporated herein as Exhibit A and Other Attachments.

NOW THEREFORE, BE IT FURTHER RESOLVED THAT BASED ON THE FINDINGS, THE PLANNING COMMISSION HEREBY APPROVES THE PROPOSAL (SUB 15-03) SUBJECT TO THE FOLLOWING EXHIBITS:

- A- Staff report with Conditions of Approval**
- B- Application and applicant's request**
- C- Tentative subdivision plat**
- D- Previous subdivision plat**
- E- Letters from reviewing agencies:**
 - 1. City Engineer, Erik Huffman, P.E. dated: November 12, 2015**
 - 2. Sisters Camp Sherman Fires District, Gary Marshall dated August 25, 2015**
 - 3. Oregon Department of Aviation, Jeff Caines dated August 20, 2015**
- F- Conditions of Approval Agreement (04/26/07) for application CP #06-02 and Z #06-01**
- G- Amended Conditions of Approval Agreement (09/24/2014)**
- H- Well Site Easement Agreement (04/26/07)**

EXHIBIT I

CITY OF SISTERS
Planning Commission Resolution

(FILE: SUB #15-03; CONSIDERATION BY THE PLANNING COMMISSION, NOVEMBER 19, 2015)

I- Draft Resolution 2015-17

THE FOREGOING RESOLUTION IS HEREBY ADOPTED THIS 19TH DAY OF NOVEMBER, 2015.

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

AYES: ()
NOES: ()
ABSENT: ()
ABSTAIN: ()

Signed: _____ David Gentry, Chairman

AGENDA ITEM SUMMARY



CITY OF SISTERS PLANNING COMMISSION

Meeting Date: November 19, 2015

Staff: Darcy Reed

Type: Workshop

Dept: CDD

Subject: Text Amendments (TA #15-03) proposed by staff

Action Requested: Review proposed text amendments, receive public input, offer recommendations to be forwarded to City Council.

Summary:

The Community Development Department has determined an ongoing review of the Sisters Development Code is needed in order to establish clearer guidelines for future development.

Staff is seeking Planning Commission's recommendations on the attached Development Code revisions and requests the Planning Commission receive public input and discuss the proposed amendments. The Planning Commission's recommendations will be reviewed by the City Council in a workshop format prior to scheduling the application for a formal public hearing of a Type IV decision.

Proposed revisions to:

- Chapter 1.3 - Definition for Formula Food Establishments
 - Revising the definition of "substantially similar" minimum threshold from 3 to 20.
 - This would enable a smaller regional FFE to locate in the City
- Chapter 2.2 – Residential
 - Setbacks for alley loaded garages
 - Setbacks for front loaded garages in alleys are currently 20'. The proposed setback would be 10'. This would enable most vehicle types to park parallel to the garage openings while keeping out of the alley and making more efficient use of the lot.
 - Text for setbacks is further clarified
- Chapter 2.3 - Multi-Family Residential
 - Setbacks for alley loaded garages: Same as Chapter 2.2
 - Revising minimum density from 9 to 7 gross units per acre.
 - Currently the MFR zone is 9 units min-20 units max. per gross acre and the R zone is 3 units min- 8 units max. per gross acre density.
 - Currently, there is a gap in residential density between R zoning 8-DU/AC max and MFR 9 DU/AC minimum.
 - This would allow for a 1 unit per gross acre density overlap with the Residential zone

- Chapter 2.3 - Multi-Family Residential continued
 - Increasing maximum height for multifamily structures for five or more units
 - Current max height is 30' causing three story buildings to be difficult to construct and market.
 - Proposal would enable habitable area up to 35' in height and allow non-inhabited architectural features to be constructed between 35' up to 45' maximum height.
 - This would enable a three story multifamily building with appropriate architectural features
 - Requiring Minor Conditional Use for 15-20 gross units per acre.
 - Table 2.3.2 Development Standards in the Multifamily Residential District
 - Lots sizes are proposed to be revised to enable a fourplex dwelling on a 10,000 square foot minimum lot
 - Multifamily structures of 5 or more units would require 12,000 square feet minimum with an additional 200 square feet of usable open space per unit.
 - This would enable the specific # of units proposed require a specific area of usable open space.
 - Revising text in Section K. Additional Design Standards for Multi-Family Housing
 - Usable open space is added in the definition and would apply to developments with 5 or more units
- Chapter 2.4 - Downtown Commercial
 - Setbacks for alley loaded garages: Same as Chapter 2.1 and 2.2
- Chapter 3.2 – Landscaping
 - Reducing the minimum caliper for required street trees from 2" to 1 ½".

WORKING DRAFT OF TEXT AMENDMENTS FOR TA # 15-03

➤ **Chapter 1.3 — Definitions**

Formula Food Establishment - An eating or drinking establishment that: (a) is required by contractual or other arrangements to offer standardized menus, ingredients, food preparation, employee uniforms, interior decor, signage or exterior design; or (b) adopts a name, appearance or food presentation format that causes it to be substantially identical to three twenty or more other establishments regardless of ownership or location.

➤ **Chapter 2.2 Residential District (R)**

Development Code Section 2.2.300 Development Standards is amended as follows:

Section 2.2.300 Development Standards

Table 2.2.2 Development Standards in the Residential District

Development Standard	Residential District	Comments/Other Requirements
Exterior Side Yard Setbacks		
Primary Building/Living Space (Enclosed habitable area)/Accessory Building		10 ft. min
Garage (front-loaded street accessed) <u>when accessed from a street</u>		20 ft. min
Garage (side-loaded street accessed) <u>when accessed from a street</u>		10 ft. min
<u>Garage (front-loaded) when accessed from an alley</u>		<u>10 ft. min.</u>
<u>Garage (side-loaded) when accessed from an alley</u>		<u>3 ft. min.</u>
Rear Yard Setbacks		
Primary Building/Living Space (Enclosed habitable area)/Attached garage (street accessed)		15 ft. min
Accessory Building		5 ft. per story min.
Detached Garage (street accessed)		5 ft. per story min.
Garage setbacks <u>Garage (front-loaded)</u> when accessed from an alley		20 <u>10</u> ft. min.
Side-loaded garages <u>Garage (side-loaded)</u> when accessed from <u>an</u> alley		3 ft. min.
See also garage requirements 2.2.300.E		
Accessory dwelling units shall comply with living space setbacks		

➤ **Chapter 2.3 Multi-Family Residential District (MFR) Development Standards**

Development Code Sections 2.3.200 Uses and 2.3.300 Development Standards are amended as follows:

2.3.200 Uses

Table 2.3.1 Use Table for the Multi-Family Residential District

Land Use Category	Permitted/Special Provisions/Conditional Use
Residential	
<u>Multifamily dwelling units with a density of greater than 15 gross units per acre up to 20 gross units per acres</u>	<u>MCU</u>

Key: P = Permitted SP = Special Provisions MCU = Minor Conditional Use Permit CU = Conditional Use

2.3.300 Development Standards

Table 2.3.2 Development Standards in the Multi-Family Residential District

Development Standard	Multi-Family Residential District	Comments/Other Requirements
Minimum lot area		
Single family detached dwelling, including manufactured dwelling on individual lot and zero lot line dwelling	4,500 square feet	
Duplex dwelling	7,500 square feet	
Triplex dwelling	9,000 square feet	
<u>Fourplex dwelling</u>	<u>10,000 square feet</u>	
Attached dwelling (townhomes)	3,500 square feet	
Multi-family dwelling (4 <u>5</u> or more units)	10,000 <u>12,000</u> square feet for first 4 units, plus 2,000 square feet each additional unit	<u>Structures with 5 or more units shall provide an additional 200 square feet of usable open space per dwelling unit</u>
Child Care Center, Public and Institutional uses and Residential facility	none	
Building Height		
	30' for all residential uses <u>except 5 or more multifamily units</u> ; 35' for all non-residential uses.	<u>Multifamily: 5 or more units 35' within habitable area, 35' to 45' may include non-habitable area</u>

Continued - Table 2.3.2 Development Standards in the Multi-Family Residential District

Setbacks	
Exterior Side Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min
Garage (front-loaded street accessed) <u>when accessed from a street</u>	20 ft. min
Garage (side-loaded street accessed) <u>when accessed from a street</u>	10 ft. min
<u>Garage (front-loaded) when accessed from an alley</u>	<u>10 ft. min.</u>
<u>Garage (side-loaded) when accessed from an alley</u>	<u>3 ft. min.</u>
Rear Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Attached garage (street accessed)	15 ft. min
Accessory Building	5 ft. per story min.
Detached Garage (street accessed)	5 ft. per story min.
Garage setbacks (front-loaded) <u>Garage (side-loaded)</u> when accessed from an alley	20 <u>10</u> ft. min.
Side-loaded garages <u>Garage (side-loaded)</u> when accessed from <u>an</u> alley	3 ft. min.
See also garage requirements 2.3.300.E	
Accessory dwelling units shall comply with living space setbacks	

G. Residential Density Standards. The following residential density standards apply to all land divisions in the Multi-Family Residential District and to multi-family housing on individual lots.

1. The density range for the Multi-Family Residential District shall be ~~7~~ 7 units per gross acre minimum and ~~20~~ 15 units per gross acre maximum; more than 15 units per acre up to 20 units per acre allowed via Minor Conditional Use
2. Minimum and maximum residential densities are calculated by multiplying the gross acres by the applicable density standard. For example, if the parcel size is 5 acres, the minimum density is 45 units and the maximum is 100 units. When calculating minimum and maximum densities, figures are rounded down to the closest whole number.
3. Accessory dwelling units are exempt from the minimum density standards.

K. Additional Design Standards for Multi-Family Housing. In addition to the design standards set forth in Section 2.3.300.H above, development of multi-family housing (4 ~~5~~ or more units) shall also comply with the following additional standards.

1. ~~Common Usable~~ Usable open space shall be ~~A minimum of 15 percent of site area, inclusive of required setbacks but~~ exclusive of dedicated street right-of-ways, land dedicated to other public uses like parks and schools, and vehicular circulation and parking areas. Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.

➤ **Chapter 2.4 Downtown Commercial (DC) District**

Development Code Section 2.4.300 Development Standards is amended as follows:

Table 2.4.2.a Development Standards for Stand-Alone Residential Uses located within the Downtown Commercial District. These standards only apply to lots fronting Adams Avenue and on lots that are located within 114' of Adams Avenue to the south, and 256' to the north of Adams Avenue

Development Standard	Downtown Commercial District	Comments/Other Requirements
Exterior Side Yard Setbacks		
Primary Building/Living Space (Enclosed habitable area)/Accessory Building		10 ft. min
Garage (front-loaded street accessed)	<u>when accessed from a street</u>	20 ft. min
Garage (side-loaded street accessed)	<u>when accessed from a street</u>	10 ft. min
<u>Garage (front-loaded) when accessed from an alley</u>		<u>10 ft. min.</u>
<u>Garage (side-loaded) when accessed from an alley</u>		<u>3 ft. min.</u>
Rear Yard Setbacks		
Primary Building/Living Space (Enclosed habitable area)/Attached garage (street accessed)		15 ft. min
Accessory Building		5 ft. per story min.
Detached Garage (street accessed)		5 ft. per story min.
Garage setbacks <u>(front-loaded)</u> when accessed from an alley		20 <u>10</u> ft. min.
Side-loaded garages <u>Garage (side-loaded)</u> when accessed from <u>an</u> alley		3 ft. min.
See also garage requirements 2.4.300.B		
Accessory dwelling units shall comply with living space setbacks		

➤ **Chapter 3.2 Landscaping and Screening**

Development Code Section 3.2.600 Street Trees is amended as follows:

3.2.600 Street Trees

C. Caliper Size. Planted trees shall have a minimum caliper size of ~~two (2)~~ one and one-half (1½) inches and shall conform to the standards described by the ANSI A300 standards for nursery stock, latest edition.