



SISTERS CITY COUNCIL  
520 E. Cascade Avenue  
Sisters, OR 97759

JANUARY 28, 2016

**5:30 p.m. EXECUTIVE SESSION**

1. Pursuant to ORS: 192.660(2)(i) Performance Evaluation per ORS 192.502(4)

**6:15 (approximate) CITY COUNCIL WORKSHOP**

1. Wastewater System Capital Facilities Plan – *A. Gorayeb/P. Bertagna/Erik Huffman*
2. Other Business
  - A. Dark Skies Liaison

**7:00 P.M. CITY COUNCIL REGULAR MEETING**

**I. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

**II. VISITOR COMMUNICATION**

**III. CONSENT AGENDA**

- A. Minutes - None
- B. Bills to Approve
  1. January Accounts Payable
- C. Liquor License – La Magie Bakery

**IV. STAFF REPORTS - None**

**V. COUNCIL BUSINESS**

- A. **Public Hearing and Consideration of a Motion** to Approve a Modification to a Previously Approved Subdivision Plat (SUB #15-01) – *P. Davenport*
- B. **Public Hearing and Consideration of an Appeal** to the Planning Commission Decision to Approve an Extension (EXT #15-01) to an Approved Subdivision Plan (SUB #10-02) – *P. Davenport*

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*This agenda is also available via the Internet at [www.ci.sisters.or.us](http://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*

January 28, 2016

**C. Discussion and Consideration to a Motion to Accept Public Improvements for Sky Gate Subdivision – *P. Bertagna***

**VI. OTHER BUSINESS**

A. Planning Commission Appointment

**VII. MAYOR/COUNCILOR BUSINESS**

**VIII. ADJOURN**

# AGENDA ITEM SUMMARY



# CITY OF SISTERS SISTERS CITY COUNCIL

**Meeting Date:** January 28, 2016

**Staff:** Bertagna/Huffman

**Type:** Workshop

**Dept:** Public Works

**Subject:** 2016 Draft Wastewater Capital Facilities Plan Update

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**Action Requested/Motion:** Discussion of the Draft 2016 Wastewater Capital Facilities Plan update with direction provided to staff for the completion of the plan with necessary edits. The revised plan will be brought back to Council for formal adoption.

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**Background:** The City wastewater system was constructed during the period of 2000 to 2002. Construction included a complete gravity collection system, pumpstations, treatment plant and effluent disposal system on the existing 160 treatment plant site. Since the initial construction and over time the system has been expanded through development.

The primary objective of the Wastewater Master Plan update is to provide the City with an updated comprehensive wastewater utility planning document through the year 2035, and to identify improvements needed for system growth and to meet regulatory requirements. The update is intended to modify outdated sections of the 2006 plan and to utilize remaining sections for supporting data. Staff has worked with the City Engineer to evaluate current treatment plant and effluent disposal capacities in order to determine the approximate timelines for implementing the recommended improvements. The recommended improvements are planned to accommodate the collection, treatment and effluent disposal needs through 2035.

The most critical concerns for the system include effluent disposal, Pumpstation #1 pumps, 10" and 18" gravity mains, bio-solids and aeration capacity. The highest priority at this time is the development of additional effluent irrigation on the Lazy Z. The Lazy Z provides multiple possibilities for effluent reuse expansion including both forest and crop irrigation. The 2013 re-use and conservation study included as an appendix in the update details the various crop options, associated costs and funding options.

## **Financial Impact:**

<u>Project Description</u>	<u>Project Cost</u>
Lazy Z Forest Irrigation Effluent Expansion	\$579,600
Treatment Plant Software and Security Upgrades	\$79,200
Locust Street Interceptor	\$508,200
Aeration Improvements at Treatment Plant	\$223,850
Biosolids Removal at Treatment Plant	\$290,400
Pump Station #1 New Pumps	\$116,600
Crop Irrigation Effluent Expansion	\$786,857
<u>West Side Pump Station and Force Main</u>	<u>\$1,507,660</u>
<b>Total:</b>	<b>\$4,092,367</b>

\*Project cost include 10% for Engineering and 10% Contingency

\*\*Total cost to date for the Master Plan update is \$4800 in Engineering contracted services

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**Attachment(s):**

2016 Draft Wastewater Capital Facilities Plan was distributed to Council in December 2015

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**Concurrence:**  CM  F&A  CDD  PW

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01-0175		ALERT SAFETY SUPPLY					
I-2035		STOP SIGN	345.00				
1/11/2016	AP-US	DUE: 1/11/2016 DISC: 1/11/2016		1099: N			
		STOP SIGN		03 5-00-762	STREET SIGNS		345.00
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=====							
01-0018		BAXTER AUTO PARTS					
I-28-522786		TAIL LIGHT,ANTIFREEZE-BENTZ	23.32				
1/06/2016	AP-US	DUE: 2/15/2016 DISC: 2/10/2016	0.47CR	1099: N			
		TAIL LIGHT,ANTIFREEZE-BENTZ		01 5-03-796	VEHICLE MAINTENANCE		2.33
		TAIL LIGHT,ANTIFREEZE-BENTZ		01 5-05-796	VEHICLE MAINTENANCE		2.33
		TAIL LIGHT,ANTIFREEZE-BENTZ		02 5-00-796	VEHICLE MAINTENANCE		9.32
		TAIL LIGHT,ANTIFREEZE-BENTZ		03 5-00-796	VEHICLE MAINTENANCE		7.00
		TAIL LIGHT,ANTIFREEZE-BENTZ		05 5-00-796	VEHICLE MAINTENANCE		2.34
I-28-523803		BLOWER MOTOR-MCINTOSH	37.59				
1/19/2016	AP-US	DUE: 2/15/2016 DISC: 2/10/2016	0.75CR	1099: N			
		BLOWER MOTOR-MCINTOSH		01 5-03-796	VEHICLE MAINTENANCE		3.76
		BLOWER MOTOR-MCINTOSH		01 5-05-796	VEHICLE MAINTENANCE		3.76
		BLOWER MOTOR-MCINTOSH		02 5-00-796	VEHICLE MAINTENANCE		3.76
		BLOWER MOTOR-MCINTOSH		03 5-00-796	VEHICLE MAINTENANCE		11.27
		BLOWER MOTOR-MCINTOSH		05 5-00-796	VEHICLE MAINTENANCE		15.04
I-28-523803-1		AIR FILTER-JOHNSON	14.19				
1/19/2016	AP-US	DUE: 2/15/2016 DISC: 2/10/2016	0.28CR	1099: N			
		AIR FILTER-JOHNSON		01 5-03-796	VEHICLE MAINTENANCE		2.84
		AIR FILTER-JOHNSON		01 5-05-796	VEHICLE MAINTENANCE		4.97
		AIR FILTER-JOHNSON		02 5-00-796	VEHICLE MAINTENANCE		2.13
		AIR FILTER-JOHNSON		03 5-00-796	VEHICLE MAINTENANCE		2.84
		AIR FILTER-JOHNSON		05 5-00-796	VEHICLE MAINTENANCE		1.41
I-28-523871		BATTERY WIRES, BRUSH-MCINTOSH	57.58				
1/20/2016	AP-US	DUE: 2/15/2016 DISC: 2/10/2016	1.15CR	1099: N			
		BATTERY WIRES, BRUSH-MCINTOSH		01 5-03-796	VEHICLE MAINTENANCE		5.76
		BATTERY WIRES, BRUSH-MCINTOSH		01 5-05-796	VEHICLE MAINTENANCE		5.76
		BATTERY WIRES, BRUSH-MCINTOSH		02 5-00-796	VEHICLE MAINTENANCE		5.76
		BATTERY WIRES, BRUSH-MCINTOSH		03 5-00-796	VEHICLE MAINTENANCE		17.27
		BATTERY WIRES, BRUSH-MCINTOSH		05 5-00-796	VEHICLE MAINTENANCE		23.03
I-28-523885		BREAKER BAR	22.84				
1/20/2016	AP-US	DUE: 2/15/2016 DISC: 2/10/2016	0.46CR	1099: N			
		BREAKER BAR		05 5-00-746	SMALL TOOLS & EQUIPMENT		4.34
		BREAKER BAR		02 5-00-746	SMALL TOOLS & EQUIPMENT		4.80
		BREAKER BAR		03 5-00-746	SMALL TOOLS & EQUIPMENT		6.15
		BREAKER BAR		01 5-05-746	SMALL TOOLS & EQUIPMENT		4.57
		BREAKER BAR		01 5-03-746	SMALL TOOLS & EQUIPMENT		2.98
=== VENDOR TOTALS ===			155.52				

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01-0716		BI-MART CORPORATION				
I-5415		TRASH CANS, CLOROX	48.36			
1/21/2016	AP-US	DUE: 1/21/2016 DISC: 1/21/2016		1099: N		
		TRASH CANS, CLOROX		01 5-05-795	SUPPLIES	48.36
I-6328		STORAGE HOOKS,EXT CORD-PWHQ	84.56			
1/21/2016	AP-US	DUE: 1/21/2016 DISC: 1/21/2016		1099: N		
		STORAGE HOOKS,EXT CORD-PWHQ		01 5-03-788	PWHQ MAINTENANCE	84.56
I-7422		PW SUPPLIES-BATTERIES,TAPE	105.31			
1/21/2016	AP-US	DUE: 1/21/2016 DISC: 1/21/2016		1099: N		
		PW SUPPLIES-BATTERIES,TAPE		01 5-03-795	SUPPLIES	10.53
		PW SUPPLIES-BATTERIES,TAPE		01 5-05-795	SUPPLIES	27.39
		PW SUPPLIES-BATTERIES,TAPE		02 5-00-795	SUPPLIES	25.27
		PW SUPPLIES-BATTERIES,TAPE		03 5-00-795	SUPPLIES	27.39
		PW SUPPLIES-BATTERIES,TAPE		05 5-00-795	SUPPLIES	14.73
I-8180		HAIR DRYER,FUSES	9.79			
1/21/2016	AP-US	DUE: 1/21/2016 DISC: 1/21/2016		1099: N		
		HAIR DRYER,FUSES		03 5-00-795	SUPPLIES	9.79
		=== VENDOR TOTALS ===	248.02			
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01-1		MISC VENDOR				
I-01112016		BLACKWELL,SAM: SEWER REFUND	4,989.60			
1/11/2016	AP-US	DUE: 1/11/2016 DISC: 1/11/2016		1099: N		
		BLACKWELL,SAM: SEWER REFUND		05 4-00-327	SEWER RECEIPTS	4,989.60
		=== VENDOR TOTALS ===	4,989.60			
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01-0249		BRATTAIN INTERNATIONAL TRUCKS,				
I-5758358		5 YARD DUMPT TRUCK MAINT	3,534.78			
1/14/2016	AP-US	DUE: 1/14/2016 DISC: 1/14/2016		1099: N		
		5 YARD DUMPT TRUCK MAINT		03 5-00-796	VEHICLE MAINTENANCE	1,178.26
		5 YARD DUMPT TRUCK MAINT		02 5-00-796	VEHICLE MAINTENANCE	1,178.26
		5 YARD DUMPT TRUCK MAINT		05 5-00-796	VEHICLE MAINTENANCE	1,178.26
		=== VENDOR TOTALS ===	3,534.78			
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01-0053		BRYANT EMERSON, LLP				
I-0216480		LEGAL FEES DEC 2015-MMV	1,026.15			
12/31/2015	AP-US	DUE: 12/31/2015 DISC: 12/31/2015		1099: Y		
		LEGAL FEES DEC 2015-MMV		01 5-07-777	LEGAL FEES	1,026.15

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01-0053	BRYANT EMERSON, LLP	( ** CONTINUED ** )				
I-0216481		LEGAL FEES DEC 2015-CDD	1,022.00			
12/31/2015	AP-US	DUE: 12/31/2015 DISC: 12/31/2015		1099: Y		
		LEGAL FEES DEC 2015-CDD		01 5-07-777	LEGAL FEES	1,022.00
I-0216483		LEGAL FEES DEC 2015-GENERAL	4,033.50			
12/31/2015	AP-US	DUE: 12/31/2015 DISC: 12/31/2015		1099: Y		
		LEGAL FEES DEC 2015-GENERAL		01 5-01-777	LEGAL FEES	4,033.50
I-0216484		LEGAL FEES DEC 2015-KARNECKI	7,926.05			
12/31/2015	AP-US	DUE: 12/31/2015 DISC: 12/31/2015		1099: Y		
		LEGAL FEES DEC 2015-KARNECKI		01 5-07-777	LEGAL FEES	7,926.05
		=== VENDOR TOTALS ===	14,007.70			
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01-0047	C & K MARKET INC.					
I-1636446		CC GOAL SETTING MTG	45.95			
1/21/2016	AP-US	DUE: 2/25/2016 DISC: 2/25/2016		1099: N		
		CC GOAL SETTING MTG		01 5-01-700	MAYOR & COUNCIL	45.95
		=== VENDOR TOTALS ===	45.95			
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01-0014	CENTRAL ELECTRIC COOP					
I-5016080107-0116		CITY STREET LIGHTS	363.80			
1/22/2016	AP-US	DUE: 1/22/2016 DISC: 1/22/2016		1099: N		
		CITY STREET LIGHTS		03 5-00-743	ELECTRICITY	363.80
		=== VENDOR TOTALS ===	363.80			
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01-0024	CURTS ELECTRIC					
I-4174		REPLACE THERMOSTAT-FIR ST PAR	93.06			
1/04/2016	AP-US	DUE: 1/04/2016 DISC: 1/04/2016		1099: N		
		REPLACE THERMOSTAT-FIR ST PARK		01 5-05-786	PARK MAINTENANCE	93.06
I-4191		ST1401 HOOD ST LIGHTS	1,142.96			
1/04/2016	AP-US	DUE: 1/04/2016 DISC: 1/04/2016		1099: N		
		ST1401 HOOD ST LIGHTS		03 5-00-906	CAPITAL OUTLAY	1,142.96
		=== VENDOR TOTALS ===	1,236.02			

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01-0045		DATA FLOW				
I-20964		1099'S FORMS & ENVELOPES	66.03			
1/05/2016	AP-US	DUE: 1/05/2016 DISC: 1/05/2016		1099: N		
		1099'S FORMS & ENVELOPES		01 5-01-714	OFFICE SUPPLIES	9.92
		1099'S FORMS & ENVELOPES		01 5-02-714	OFFICE SUPPLIES	10.53
		1099'S FORMS & ENVELOPES		01 5-03-795	SUPPLIES	1.32
		1099'S FORMS & ENVELOPES		01 5-05-714	OFFICE SUPPLIES	5.96
		1099'S FORMS & ENVELOPES		01 5-07-714	OFFICE SUPPLIES	16.49
		1099'S FORMS & ENVELOPES		02 5-00-714	OFFICE SUPPLIES	9.25
		1099'S FORMS & ENVELOPES		03 5-00-714	OFFICE SUPPLIES	5.28
		1099'S FORMS & ENVELOPES		05 5-00-714	OFFICE SUPPLIES	7.28
		=== VENDOR TOTALS ===	66.03			
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01-0582		DESCHUTES COUNTY				
I-12312015		PERMIT SERVICES DECEMBER 2015	17,706.10			
12/31/2015	AP-US	DUE: 12/31/2015 DISC: 12/31/2015		1099: N		
		ELECTRIAL PERMITS		01 5-07-301	ELECTRICAL INSPECTION	752.06
		BLDG PERMITS		01 5-07-300	BUILDING INSPECTIONS	16,954.04
		=== VENDOR TOTALS ===	17,706.10			
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01-0596		DICKEY AND TREMPER, LLP				
I-62618		AUDIT FEES 14/15	2,475.00			
12/31/2015	AP-US	DUE: 12/31/2015 DISC: 12/31/2015		1099: Y		
		AUDIT FEES 14/15		01 5-02-706	AUDIT FEES	1,392.19
		AUDIT FEES 14/15		02 5-00-706	AUDIT FEES	267.30
		AUDIT FEES 14/15		03 5-00-706	AUDIT FEES	331.65
		AUDIT FEES 14/15		05 5-00-706	AUDIT FEES	483.86
		=== VENDOR TOTALS ===	2,475.00			
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01-1001		EDGE ANALYTICAL, INC.				
I-15-14488		WATER SAMPLE	93.00			
1/21/2016	AP-US	DUE: 1/21/2016 DISC: 1/21/2016		1099: N		
		WATER SAMPLE		02 5-00-775	LABORATORY FEES	93.00
I-15-15541		WATER SAMPLES	234.00			
1/21/2016	AP-US	DUE: 1/21/2016 DISC: 1/21/2016		1099: N		
		WATER SAMPLES		02 5-00-775	LABORATORY FEES	234.00
I-16-01408		WATER SAMPLE	33.00			
1/21/2016	AP-US	DUE: 1/21/2016 DISC: 1/21/2016		1099: N		
		WATER SAMPLE		02 5-00-775	LABORATORY FEES	33.00

PACKET: 02443 1/28/16 AP  
VENDOR SET: 01 CITY OF SISTERS  
SEQUENCE : ALPHABETIC  
DUE TO/FROM ACCOUNTS SUPPRESSED

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01-1001		EDGE ANALYTICAL, INC. ( ** CONTINUED ** )				
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I-16-01410		WATER SAMPLE	33.00			
1/21/2016	AP-US	DUE: 1/21/2016 DISC: 1/21/2016		1099: N		
		WATER SAMPLE		02 5-00-775	LABORATORY FEES	33.00
		=== VENDOR TOTALS ===	393.00			
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01-0909		FASTENAL				
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I-ORBEN99424		SAFETY VESTS	17.50			
1/07/2016	AP-US	DUE: 1/07/2016 DISC: 1/07/2016		1099: N		
		SAFETY VESTS		01 5-03-795	SUPPLIES	1.75
		SAFETY VESTS		01 5-05-795	SUPPLIES	4.55
		SAFETY VESTS		02 5-00-795	SUPPLIES	4.20
		SAFETY VESTS		03 5-00-795	SUPPLIES	4.55
		SAFETY VESTS		05 5-00-795	SUPPLIES	2.45
		=== VENDOR TOTALS ===	17.50			
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01-0028		FERGUSON ENTERPRISES, INC.				
=====						
I-0498275		GASKETS	38.39			
1/01/2016	AP-US	DUE: 1/01/2016 DISC: 1/01/2016		1099: N		
		GASKETS		02 5-00-788	METERS & PARTS	38.39
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I-0498475		BOXED GEL CAPS	91.88			
1/01/2016	AP-US	DUE: 1/01/2016 DISC: 1/01/2016		1099: N		
		BOXED GEL CAPS		02 5-00-788	METERS & PARTS	91.88
		=== VENDOR TOTALS ===	130.27			
=====						
01-0980		GELFUZION, INC				
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I-01162016		1 YEAR STORAGE UPGRADE	40.00			
1/19/2016	AP-US	DUE: 1/19/2016 DISC: 1/19/2016		1099: N		
		IT SUPPORT JULY 2015		01 5-01-726	CONTRACTED SERVICES	4.00
		IT SUPPORT JULY 2015		01 5-02-726	CONTRACTED SERVICES	4.80
		IT SUPPORT JULY 2015		01 5-03-726	CONTRACTED SERVICES	1.60
		IT SUPPORT JULY 2015		01 5-05-726	CONTRACTED SERVICES	5.20
		IT SUPPORT JULY 2015		01 5-07-726	CONTRACTED SERVICES	6.80
		IT SUPPORT JULY 2015		02 5-00-726	CONTRACTED SERVICES	6.80
		IT SUPPORT JULY 2015		03 5-00-726	CONTRACTED SERVICES	6.00
		IT SUPPORT JULY 2015		05 5-00-726	CONTRACTED SERVICES	4.80
		=== VENDOR TOTALS ===	40.00			

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01-1012	GRABER MANUFACTURING, INC.					
I-63040		G1401 BIKE LOCKERS	762.00			
1/05/2016	AP-US	DUE: 1/05/2016 DISC: 1/05/2016		1099: N		
		G1401 BIKE LOCKERS		21 5-00-906	CAPITAL OUTLAY	762.00
=== VENDOR TOTALS ===			762.00			
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01-0565	GSI WATER SOLUTIONS, INC.					
I-0283.004-66		PERMIT EXTENSION,CITY WMCP	1,266.00			
1/11/2016	AP-US	DUE: 1/11/2016 DISC: 1/11/2016		1099: N		
		PERMIT EXTENSION,CITY WMCP		02 5-00-726	CONTRACTED SERVICES	1,266.00
=== VENDOR TOTALS ===			1,266.00			
=====						
01-0029	H. D. FOWLER COMPANY					
I-14117633		SEAT REMOVAL TOOL-HYDRANT RPR	337.00			
1/08/2016	AP-US	DUE: 2/10/2016 DISC: 2/10/2016		1099: N		
		SEAT REMOVAL TOOL-HYDRANT RPR		02 5-00-779	WATER SYSTEM REPAIRS	337.00
=== VENDOR TOTALS ===			337.00			
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01-0017	HOYT'S HARDWARE					
I-439338		PWHQ STORAGE RACK	32.68			
12/29/2015	AP-US	DUE: 12/29/2015 DISC: 12/29/2015		1099: N		
		PWHQ STORAGE RACK		01 5-03-788	PWHQ MAINTENANCE	32.68
=== VENDOR TOTALS ===			32.68			
=====						
01-0458	KNIFE RIVER					
I-1537305		BALLAST	180.78			
1/08/2016	AP-US	DUE: 1/08/2016 DISC: 1/08/2016		1099: N		
		BALLAST		03 5-00-749	STREET MAINTENANCE	180.78
=== VENDOR TOTALS ===			180.78			
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01-0964	MILLER PAINT CO., INC.					
I-29236468		STREET LIGHT PAINT	92.10			
1/05/2016	AP-US	DUE: 1/05/2016 DISC: 1/05/2016		1099: N		
		STREET LIGHT PAINT		03 5-00-778	STREET LIGHTS	92.10
=== VENDOR TOTALS ===			92.10			

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01-0515	OFFICEMAX					
I-807035		DATE STAMP	69.70			
1/11/2016	AP-US	DUE: 1/11/2016 DISC: 1/11/2016		1099: N		
		DATE STAMP		01 5-01-714	OFFICE SUPPLIES	10.47
		DATE STAMP		01 5-02-714	OFFICE SUPPLIES	11.12
		DATE STAMP		01 5-03-795	SUPPLIES	1.39
		DATE STAMP		01 5-05-714	OFFICE SUPPLIES	6.29
		DATE STAMP		01 5-07-714	OFFICE SUPPLIES	17.41
		DATE STAMP		02 5-00-714	OFFICE SUPPLIES	9.76
		DATE STAMP		03 5-00-714	OFFICE SUPPLIES	5.57
		DATE STAMP		05 5-00-714	OFFICE SUPPLIES	7.69
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I-838318		NOTE PADS	32.46			
1/11/2016	AP-US	DUE: 1/11/2016 DISC: 1/11/2016		1099: N		
		NOTE PADS		01 5-01-714	OFFICE SUPPLIES	4.88
		NOTE PADS		01 5-02-714	OFFICE SUPPLIES	5.18
		NOTE PADS		01 5-03-795	SUPPLIES	0.65
		NOTE PADS		01 5-05-714	OFFICE SUPPLIES	2.93
		NOTE PADS		01 5-07-714	OFFICE SUPPLIES	8.11
		NOTE PADS		02 5-00-714	OFFICE SUPPLIES	4.55
		NOTE PADS		03 5-00-714	OFFICE SUPPLIES	2.60
		NOTE PADS		05 5-00-714	OFFICE SUPPLIES	3.56
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I-897867		BATTERIES	19.68			
1/14/2016	AP-US	DUE: 1/14/2016 DISC: 1/14/2016		1099: N		
		BATTERIES		01 5-01-714	OFFICE SUPPLIES	2.96
		BATTERIES		01 5-02-714	OFFICE SUPPLIES	3.14
		BATTERIES		01 5-03-795	SUPPLIES	0.39
		BATTERIES		01 5-05-714	OFFICE SUPPLIES	1.78
		BATTERIES		01 5-07-714	OFFICE SUPPLIES	4.92
		BATTERIES		02 5-00-714	OFFICE SUPPLIES	2.76
		BATTERIES		03 5-00-714	OFFICE SUPPLIES	1.57
		BATTERIES		05 5-00-714	OFFICE SUPPLIES	2.16
		=== VENDOR TOTALS ===	121.84			
=====						
01-0459	OLSON, LLC					
I-1451		BACKFLOW TESTING	12,732.50			
12/31/2015	AP-US	DUE: 12/31/2015 DISC: 12/31/2015		1099: Y		
		BACKFLOW TESTING		02 5-00-748	BACKFLOW TESTING SERVICE	12,732.50
		=== VENDOR TOTALS ===	12,732.50			

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-0759	OREGON DMV					
I-61603-123115		AUTOMATED REPORTING SVS	3.00			
12/31/2015	AP-US	DUE: 12/31/2015 DISC: 12/31/2015		1099: N		
		AUTOMATED REPORTING SVS		01 5-02-727	PERMITS & FEES	3.00
		=== VENDOR TOTALS ===	3.00			
=====						
01-0441	OWEN EQUIPMENT COMPANY					
I-00170809		TUBE WELD,GASKETS-VACTOR TR	1,433.14			
1/06/2016	AP-US	DUE: 1/06/2016 DISC: 1/06/2016		1099: N		
		TUBE WELD,GASKETS-VACTOR TR		05 5-00-796	VEHICLE MAINTENANCE	1,433.14
		=== VENDOR TOTALS ===	1,433.14			
=====						
01-0144	RESERVE ACCOUNT					
I-01192016		RESERVE ACCOUNT POSTAGE	200.00			
1/19/2016	AP-US	DUE: 1/19/2016 DISC: 1/19/2016		1099: N		
		RESERVE ACCOUNT POSTAGE		01 5-01-715	POSTAGE	6.00
		RESERVE ACCOUNT POSTAGE		01 5-02-715	POSTAGE	74.00
		RESERVE ACCOUNT POSTAGE		01 5-07-715	POSTAGE	46.00
		RESERVE ACCOUNT POSTAGE		02 5-00-715	POSTAGE	36.00
		RESERVE ACCOUNT POSTAGE		03 5-00-715	POSTAGE	2.00
		RESERVE ACCOUNT POSTAGE		05 5-00-715	POSTAGE	36.00
		=== VENDOR TOTALS ===	200.00			
=====						
01-0667	PLATT					
I-I515607		LIGHT BULBS	300.56			
1/07/2016	AP-US	DUE: 2/06/2016 DISC: 2/06/2016		1099: N		
		LIGHT BULBS		03 5-00-778	STREET LIGHTS	300.56
		=== VENDOR TOTALS ===	300.56			
=====						
01-0034	PONDEROSA FORGE & IRONWORKS, I					
I-13177		LIGHT COVERS-FIR ST PARK	200.00			
1/15/2016	AP-US	DUE: 1/15/2016 DISC: 1/15/2016		1099: N		
		LIGHT COVERS-FIR ST PARK		01 5-05-786	PARK MAINTENANCE	200.00
		=== VENDOR TOTALS ===	200.00			

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-0219		QUILL CORPORATION				
I-2151595		PRINTER CARTRIDGES AT PWHQ	298.96			
1/08/2016	AP-US	DUE: 1/08/2016 DISC: 1/08/2016		1099: N		
		PRINTER CARTRIDGES AT PWHQ		01 5-03-721	COPIER/PRINTER	29.89
		PRINTER CARTRIDGES AT PWHQ		01 5-05-721	COPIER/PRINTER	77.74
		PRINTER CARTRIDGES AT PWHQ		02 5-00-721	COPIER/PRINTER	71.73
		PRINTER CARTRIDGES AT PWHQ		03 5-00-721	COPIER/PRINTER	77.74
		PRINTER CARTRIDGES AT PWHQ		05 5-00-721	COPIER/PRINTER	41.86
		=== VENDOR TOTALS ===	298.96			
=====						
01-0527		RANCH COUNTRY OUTHOUSES				
I-21002		PORTABLE TOILET RENTAL-CLEMEN	110.00			
12/25/2015	AP-US	DUE: 12/25/2015 DISC: 12/25/2015		1099: N		
		PORTABLE TOILET RENTAL-CLEMENS		01 5-05-786	PARK MAINTENANCE	110.00
I-21003		G1401 PORTABLE TOILET RENTAL	129.60			
12/25/2015	AP-US	DUE: 12/25/2015 DISC: 12/25/2015		1099: N		
		G1401 PORTABLE TOILET RENTAL		21 5-00-906	CAPITAL OUTLAY	129.60
		=== VENDOR TOTALS ===	239.60			
=====						
01-1003		SISTERS SCREEN PRINTING & EMBR				
I-12124		PW CREW UNIFORMS	632.75			
1/21/2016	AP-US	DUE: 1/21/2016 DISC: 1/21/2016		1099: N		
		PW CREW UNIFORMS		01 5-03-782	UNIFORMS	63.26
		PW CREW UNIFORMS		01 5-05-782	UNIFORMS	164.54
		PW CREW UNIFORMS		02 5-00-782	UNIFORMS	151.82
		PW CREW UNIFORMS		03 5-00-782	UNIFORMS	164.54
		PW CREW UNIFORMS		05 5-00-782	UNIFORMS	88.59
		=== VENDOR TOTALS ===	632.75			
=====						
01-0868		SONSRAY MACHINERY				
I-P112161-10		BACKHOE BUCKET PARTS	41.15			
1/13/2016	AP-US	DUE: 1/13/2016 DISC: 1/13/2016		1099: N		
		BACKHOE BUCKET PARTS		03 5-00-796	VEHICLE MAINTENANCE	13.72
		BACKHOE BUCKET PARTS		02 5-00-796	VEHICLE MAINTENANCE	13.72
		BACKHOE BUCKET PARTS		05 5-00-796	VEHICLE MAINTENANCE	13.71
I-P11242-10		BACKHOE BUCKET PARTS	27.68			
1/13/2016	AP-US	DUE: 1/13/2016 DISC: 1/13/2016		1099: N		
		BACKHOE BUCKET PARTS		03 5-00-796	VEHICLE MAINTENANCE	9.23
		BACKHOE BUCKET PARTS		02 5-00-796	VEHICLE MAINTENANCE	9.23
		BACKHOE BUCKET PARTS		05 5-00-796	VEHICLE MAINTENANCE	9.22
		=== VENDOR TOTALS ===	68.83			

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
01-0416		THREE SISTERS IRRIGATION DISTR				
I-16-022		2015 CAPITAL CHARGE	1,208.00			
1/06/2016	AP-US	DUE: 1/06/2016 DISC: 1/06/2016		1099: N		
		2015 CAPITAL CHARGE		05 5-00-727	PERMITS & FEES	1,208.00
		=== VENDOR TOTALS ===	1,208.00			
01-0563		TREASURE VALLEY COFFEE, INC.				
I-544115		TEA, FIRST AID SUPPLIES	115.50			
1/21/2016	AP-US	DUE: 1/21/2016 DISC: 1/21/2016		1099: N		
		TEA, FIRST AID SUPPLIES		01 5-01-714	OFFICE SUPPLIES	17.36
		TEA, FIRST AID SUPPLIES		01 5-02-714	OFFICE SUPPLIES	18.42
		TEA, FIRST AID SUPPLIES		01 5-03-795	SUPPLIES	2.31
		TEA, FIRST AID SUPPLIES		01 5-05-714	OFFICE SUPPLIES	10.42
		TEA, FIRST AID SUPPLIES		01 5-07-714	OFFICE SUPPLIES	28.85
		TEA, FIRST AID SUPPLIES		02 5-00-714	OFFICE SUPPLIES	16.17
		TEA, FIRST AID SUPPLIES		03 5-00-714	OFFICE SUPPLIES	9.24
		TEA, FIRST AID SUPPLIES		05 5-00-714	OFFICE SUPPLIES	12.73
		=== VENDOR TOTALS ===	115.50			
01-0109		TYLER TECHNOLOGIES/INCODE				
I-025-145348		SOFTWARE MAINTENANCE	3,330.16			
12/31/2015	AP-US	DUE: 12/31/2015 DISC: 12/31/2015		1099: N		
		SOFTWARE MAINTENANCE		01 5-02-710	COMPUTER SOFTWARE MAINT	382.20
		SOFTWARE MAINTENANCE		02 5-00-710	COMPUTER SOFTWARE MAINT.	1,414.05
		SOFTWARE MAINTENANCE		03 5-00-710	COMPUTER SOFTWARE MAINT.	111.41
		SOFTWARE MAINTENANCE		05 5-00-710	COMPUTER SOFTWARE MAINT.	1,422.50
		=== VENDOR TOTALS ===	3,330.16			
01-0420		VAN HANDEL AUTOMOTIVE, INC.				
I-34765		STEERING MAINT-BRAUGHTON	374.41			
1/19/2016	AP-US	DUE: 1/19/2016 DISC: 1/19/2016		1099: N		
		STEERING MAINT-BRAUGHTON		01 5-03-796	VEHICLE MAINTENANCE	37.67
		STEERING MAINT-BRAUGHTON		01 5-05-796	VEHICLE MAINTENANCE	37.34
		STEERING MAINT-BRAUGHTON		02 5-00-796	VEHICLE MAINTENANCE	75.01
		STEERING MAINT-BRAUGHTON		03 5-00-796	VEHICLE MAINTENANCE	187.37
		STEERING MAINT-BRAUGHTON		05 5-00-796	VEHICLE MAINTENANCE	37.02
		=== VENDOR TOTALS ===	374.41			

PACKET: 02443 1/28/16 AP  
VENDOR SET: 01 CITY OF SISTERS  
SEQUENCE : ALPHABETIC  
DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
11-0903	VELOX SYSTEMS					
I-2455		IT SUPPORT-COUNCIL CHAMBERS	642.50			
1/21/2016	AP-US	DUE: 1/21/2016 DISC: 1/21/2016		1099: Y		
		IT SUPPORT JULY 2015		01 5-01-726	CONTRACTED SERVICES	64.25
		IT SUPPORT JULY 2015		01 5-02-726	CONTRACTED SERVICES	77.10
		IT SUPPORT JULY 2015		01 5-03-726	CONTRACTED SERVICES	25.70
		IT SUPPORT JULY 2015		01 5-05-726	CONTRACTED SERVICES	83.53
		IT SUPPORT JULY 2015		01 5-07-726	CONTRACTED SERVICES	109.23
		IT SUPPORT JULY 2015		02 5-00-726	CONTRACTED SERVICES	109.23
		IT SUPPORT JULY 2015		03 5-00-726	CONTRACTED SERVICES	96.38
		IT SUPPORT JULY 2015		05 5-00-726	CONTRACTED SERVICES	77.08
		=== VENDOR TOTALS ===	642.50			
		=== PACKET TOTALS ===	70,326.60			



OREGON LIQUOR CONTROL COMMISSION  
LIQUOR LICENSE APPLICATION

RECEIVED

JAN 14 2016

CITY OF SISTERS

Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
- Commercial Establishment
- Caterer
- Passenger Carrier
- Other Public Location
- Private Club

- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
  - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: \_\_\_\_\_

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other \_\_\_\_\_

RECEIVED

JAN 13 2016

Oregon Liquor Control Commission

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

CITY AND COUNTY USE ONLY

Date application received: 1/14/16

The City Council or County Commission:

City of Sisters  
(name of city or county)

recommends that this license be:

- Granted
- Denied

By: \_\_\_\_\_  
(signature) (date)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

OLCC USE ONLY

Application Rec'd by: [Signature]

Date: 1/13/16

90-day authority:  Yes  No

1/14/16  
DCSO

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① La magie Bakery Sisters Inc.  
② \_\_\_\_\_ ④ \_\_\_\_\_

2. Trade Name (dba): La magie Bakery

3. Business Location: 473 E. Hood Ave. Sisters OR 97759  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 945 NW Bond St Bend OR 97701  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541 9142926  
(phone) (fax)

6. Is the business at this location currently licensed by OLCC?  Yes  No

7. If yes to whom: \_\_\_\_\_ Type of License: \_\_\_\_\_

8. Former Business Name: EL CAPORAL

9. Will you have a manager?  Yes  No Name: Di Long  
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? SISTERS  
(name of city or county)

11. Contact person for this application: Di Long 541 9142926  
(name) (phone number(s))  
2552 NE Lynda Bend, OR 97701 dilong@me.com  
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① [Signature] Date 1/7/16 ③ \_\_\_\_\_ Date \_\_\_\_\_  
② \_\_\_\_\_ Date \_\_\_\_\_ ④ \_\_\_\_\_ Date \_\_\_\_\_



OREGON LIQUOR CONTROL COMMISSION  
**INDIVIDUAL HISTORY**

1. Trade Name La Magie Bakery Sisters 2. City Sisters  
 3. Name Long Di L  
 (Last) (First) (Middle)  
 4. Other names used (maiden, other) N/A  
 5. \*SSN: \_\_\_\_\_ 6. Place of Birth VIETNAM 7. DOB \_\_\_\_\_ 8. Sex  M  F  
 (State or Country) (mm) (da) (yyyy)

\*SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC§ 552(a). If you consent to these uses, please sign here:

Applicant Signature: [Signature]

9. Driver License or State ID # \_\_\_\_\_ 10. State OR  
 11. Residence Address 2552 NE LYNDA LN. BEND OR 97701  
 (number and street) (city) (state) (zip code)  
 12. Mailing Address (if different) 945 NW BOND BEND OR 97701  
 (number and street) (city) (state) (zip code)  
 13. Contact Phone 541 914 2926 14. E-Mail address (optional) dilong@me.com

15. Do you have a spouse or domestic partner?  Yes  No  
 If yes, list his/her full name: \_\_\_\_\_

16. If yes to #15, will this person work at or be involved in the operation or management of the business?  
 Yes  No

17. List all states, other than Oregon, where you have lived during the past ten years:  
N/A

18. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of driving a car with a suspended driver's license or driving a car with no insurance?  
 Yes  No  Unsure If yes, list the date(s), or approximate dates, and type(s) of convictions.  
 If unsure, explain. You may include the information on a separate sheet.

19. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of a misdemeanor or a felony?  Yes  No  Unsure  
 If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.

20. Trade Name La Magic Bakery Sisters 21. City SISTERS

22. Do you have any arrests or citations that have not been resolved?  Yes  No  Unsure  
If yes or unsure, explain here or include the information on a separate sheet.

23. Have you ever been in a drug or alcohol diversion program in Oregon or any other state? (A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense.)  Yes  No  Unsure  
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

24. Do you, or any legal entity that you are a part of, currently hold or have previously held a liquor license in Oregon or another US state? (Note: a service permit is not a liquor license.)  Yes  No  Unsure  
If yes, list the name(s) of the business, the city (or cities) and state (or states) where located, and the date(s) of the license(s). If unsure, explain. You may include the information on a separate sheet.

25. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate denied or cancelled by the OLCC or any other governmental agency in the US?  
 Yes  No  Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

Questions 26 and 27 apply if you, or any legal entity that you are part of, are applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license. If you are not applying for one of those licenses, mark "N/A" on Questions 26 & 27.

26. Do you have any ownership interest in any other business that makes, wholesales, or distributes alcohol?  N/A  Yes  No  Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

27. Does, or will, a maker, wholesaler, or distributor of alcohol have any ownership interest in your business?  
 N/A  Yes  No  Unsure If yes or unsure, explain:

Question 28 applies if you, or any legal entity that you are part of, are applying for a Brewery, Brewery-Public House, Distillery, Grower Sales Privilege, Warehouse, Wholesale Malt Beverage & Wine, or Winery license. If you are not applying for one of those licenses, mark "N/A" on Question 28.

28. Do you, or any legal entity that you are part of, have any ownership interest in any other business that sells alcohol at retail in Oregon?  N/A  Yes  No  Unsure If yes or unsure, explain:

N/A

You must sign your own form (you can't have your attorney or a person with power of attorney sign your form).

I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature:  Date: 11/7/16

AGENDA ITEM SUMMARY



CITY OF SISTERS  
SISTERS CITY COUNCIL

**Meeting Date:** January 28, 2016

**Staff:** Patrick Davenport

**Type:** Meeting

**Dept:** CDD

**Subject:** Modification request (MOD 15-06) to an approved tentative subdivision plat (SUB 15-01)

**Action Requested:** Hold public hearing, approve motion regarding request.

**Summary:** The subject land use application is to modify an approved tentative subdivision plat from the setback originally specified in the property's April 2001 Annexation Agreement. The specific request is to modify the existing setbacks per the original Agreement for this property which specified setbacks for future industrial buildings along the northern property as 50' setback for structures less than 20' in height and 100' setback for structures greater than 20' in height.

The original purpose of the setbacks were 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 are still applicable.

During the November 19, 2015 and January 7, 2016 regular meetings the Planning Commission received the staff report and public testimony on the subject land use application. The Planning Commission, applicant and an adjoining property owner arrived at a mutually acceptable solution which is summarized below as specific conditions of approval:

1. 22-foot maximum height restriction on Lots 35-38
2. 38-foot setback for all structures on Lots 30-36
3. 25-foot setback for all structures on remaining Lots along northern property line
4. Cost-share 50/50 for fence to be built along property lines of Lots 30-36 and the Duane Lee property. Details of fence location, construction details, timing and maintenance agreement to be determined between developer and adjoining property owner (Duane Lee) along proposed Lots 30-36 within 30 days of City's Council's final approval.

General Conditions: All conditions of approval specified in previously approved application (SUB 15-01), not modified by this application, remain in effect.

The City Council is requested to hold a public hearing and receive testimony from the applicant and the public. The original staff report to the Planning Commission and other attachments from the November 17, 2015 and January 7, 2016 public hearings are attached to this report.

**Exhibit A:** Planning Commission staff report and findings, signed Planning Commission resolution

**Concurrence:**  CM  F&A  PTD CDD  PW

**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.

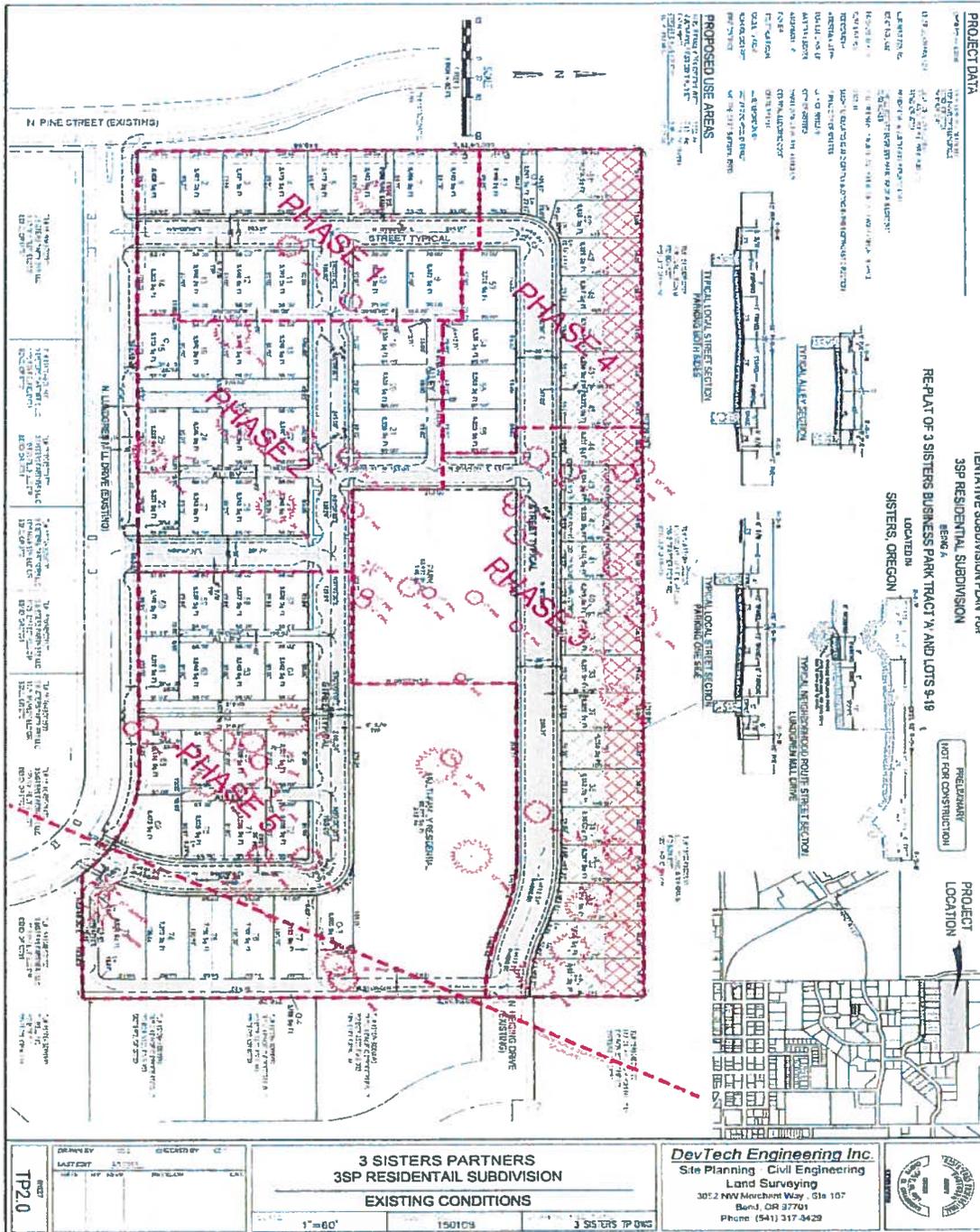
**4. Applicant's Request**

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:

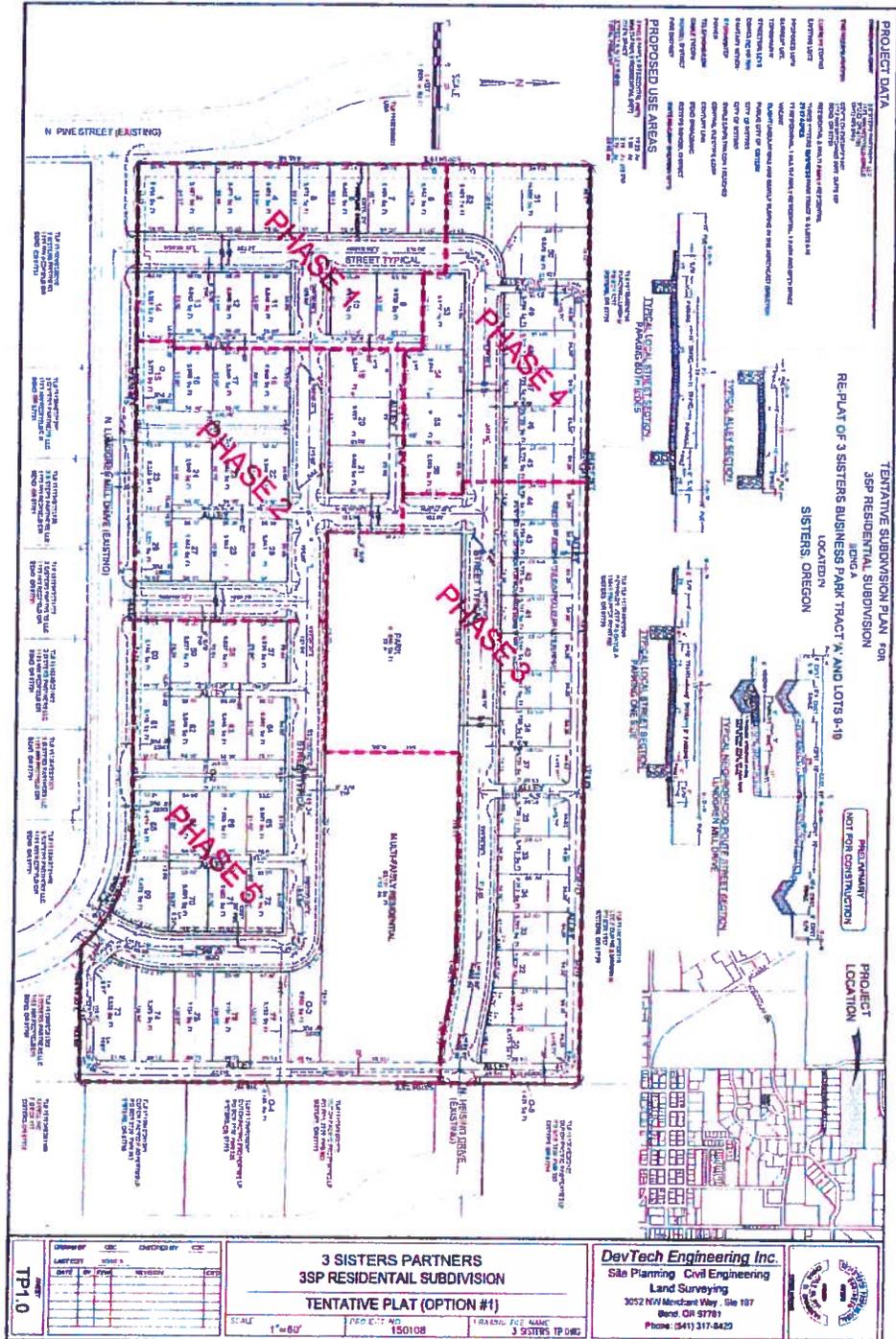
- Option 1: Apply a 20' no build zone (20' setbacks for all structures along the northern property line)
- Option 2: Revert to the minimum Sisters Development Code setbacks per 2.2.2:

<b>Rear Yard Setbacks</b>	
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.

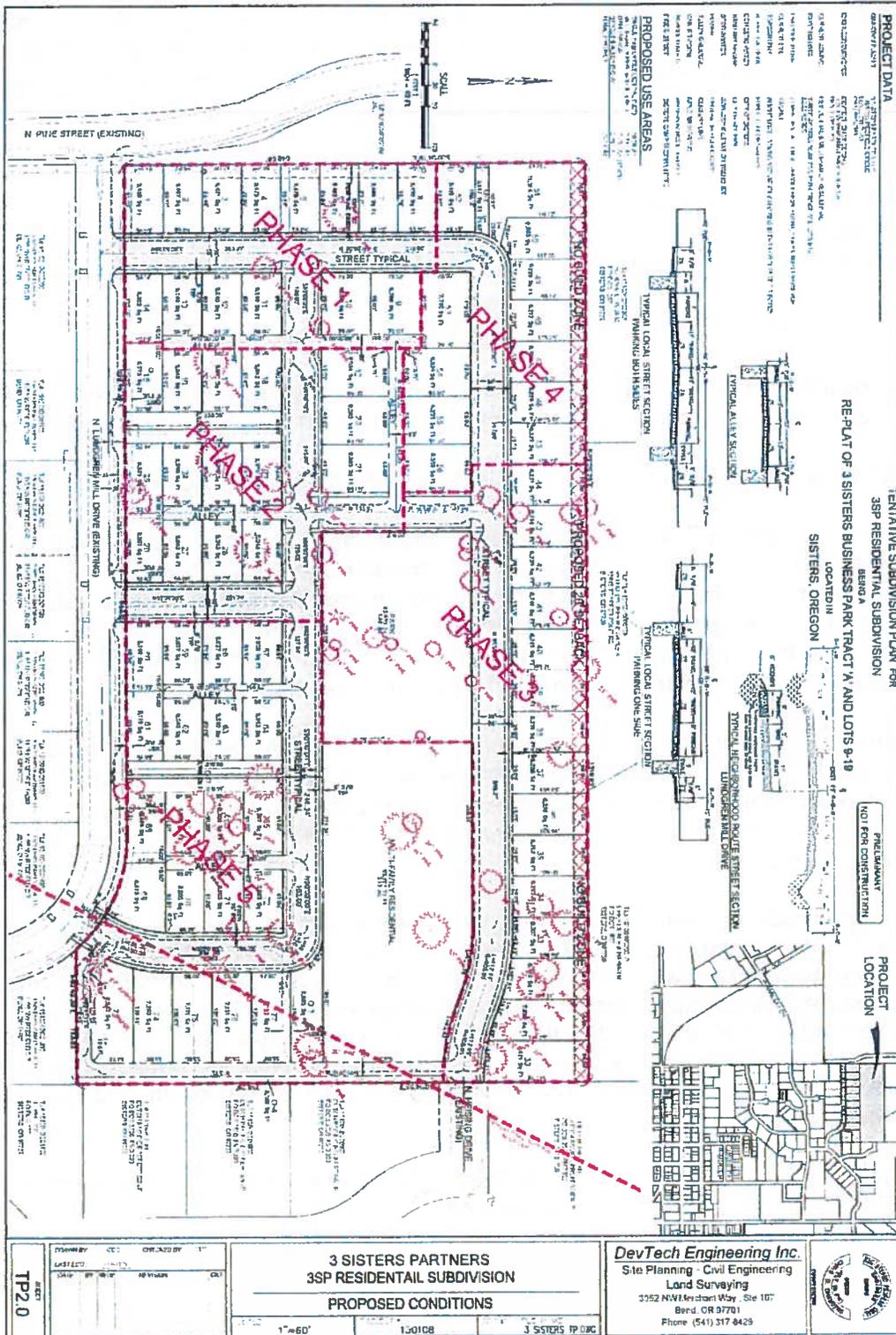
**APPLICANT'S PRELIMINARY PLAT: EXISTING CONDITIONS Version 1**  
**Without alley along northern property line**



**APPLICANT'S PRELIMINARY PLAT: EXISTING CONDITIONS Version 2**  
**With alley along northern property line**



**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).





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

**15665 Trapper Point Road**

**P. O. Box 1657**

**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**

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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





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 Reynolds* *Gayle Reynolds*

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

November 19, 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**

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Dear Mr. Davenport:

This letter provides additional comments on behalf of my client, Duane Lee, regarding MOD 15-06. Please include this letter in the official record for this matter.

I have reviewed the land use history of this property going back to 1999 before it was annexed into the City of Sisters. The setbacks at issue in this modification application were originally included in the 2001 Development Agreement for this property. From that point forward the setbacks and height restrictions were discussed and included in each of the subsequent land use decisions impacting and binding the property.<sup>1</sup>

In 2006, when the applicant applied to have the northern portion of the property (Tract A) rezoned, he requested the height restrictions and setbacks in the original Development Agreement be reduced. Although neighbors opposed any reduction, the City Council considered the applicant's proposal. Ultimately the Council's approval of the Comprehensive Plan Text Amendment (C06-04), the Development Code Text Amendment (CP06-03), and the Comprehensive Plan Map and Land Use District Map Amendments (Z06-02), which re-zoned Tract A from Light Industrial to Residential, was conditioned on the developer's representations in his

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<sup>1</sup> The setbacks have been acknowledged and included in the following binding land use decisions related to the subject property: PA-99-5/ZC-99-3, CP 06-03/C06-04/Z06-02, FP 06-05, CU07-03/MP 07-02/SUB 07-04, CP 14-01/Z14-01 and Ordinances 448 and 449, MP 15-01/SUB15-01. Each of these decisions includes discussion regarding the need, intent and commitment to maintain large setbacks along the north property line bordering Trapper Point.

*Michael W. Peterkin* ♦ *Megan K. Burgess* ♦ *Meriel L. Darzen*

application that he would apply a 50 foot setback and a 25 foot height restriction within the first 100' adjacent to the Trapper Point properties.<sup>2</sup>

When the City approved those applications and signed ordinances allowing Tract A to be re-zoned from LI to R, it relied on the applicant's representation that he would adhere to those revised setbacks, which were included in his application. In conjunction with its approval of the zone change, the City Council approved an ordinance (Ordinance 370) that amended the original Development Agreement to include the applicant's revised setbacks, which were a reduction from what was then required by the original Development Agreement. It appears however, that after the City Council granted the zone change, the applicant refused to sign the Amendment to the Development Agreement reducing the setbacks, even though the applicant proposed and apparently drafted it and it was incorporated in the City's decision and Ordinance 370.

Much has transpired since the 2007 decision and the applicant's refusal to sign the Amendment to the Development Agreement. The applicant has obtained yet another zone change, rezoning even more of the property to residential, and has obtained a Master Plan approval for up to 77 residential lots and a multi-family residential property. As discussed above and below, each of these subsequent decisions has acknowledged the original setbacks in the Development Agreement and the overall importance of having adequate setbacks and height restrictions along the border with the Trapper Point properties.

The applicant is now asking for a much greater reduction in the setbacks and height restrictions from either the Development Agreement or the restrictions imposed by the 2007 decision.

In fact, the City cannot modify the setbacks via the current application (modification of Master Plan approval). A zone change, such as the one that was approved in 2007, is a quasi-judicial and legislative decision. It cannot be changed via a modification of the current Master Plan. The applicant and the City are bound either by the setbacks proposed in the 2006 application for the zone change, or by the setbacks in the original Development Agreement. The fact that the original Development Agreement may have expired has no bearing because in 2007 the City made its decision to approve the zone change based on the representation that the developer would either adhere to the requirements in the Development Agreement or those in the Amendment to the Development agreement.

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<sup>2</sup> See C06-04/CP0603/Z06-02 Findings and Decision p. 56 – "The City Council found that the 25 foot height maximum within the 50 to 100 foot setback from the northerly property line was reasonable and provided an orderly transition from urban to rural. In response an Amendment to the Development Agreement (Exhibit A of Ordinance 370).

At this point if the City modifies the setbacks and height restrictions, they will be modifying them in violation of conditions imposed by the plan amendment/zone change, which is not permitted. See *Broetje-McLaughlin v. Clackamas County*, 22 OR LUBA 198 (1991) (conditions imposed in previous plan amendment/zone change are applicable to subsequent development of property and city must adopt findings and decision consistent with such conditions).<sup>3</sup>

As a Trapper Point resident who will be directly impacted by the proposed development, Mr. Lee has a right to rely on the previous decisions that have recognized the need for substantial setbacks and height restrictions that protect the scenic resources, provide adequate buffering between what will be a very dense residential neighborhood and a rural landscape, and that are consistent with Comprehensive Plan and the approval criteria for a Master Plan and Conditional Use Permit for this type of development.<sup>4</sup> Changing the setbacks and height restrictions this late in the game will cause a great inequity for the residents of Trapper Point.

Sincerely,



Meriel L. Darzen

Cc: client

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<sup>3</sup> In fact the City is likely precluded from redeciding the issue of setbacks altogether because the issue was proposed, considered and approved in the previous decision. See e.g. *VanSpreybroeck v. Tillamook County*, 56 OR LUBA 184 (2008) (“To give preclusive effect to an earlier unappealed land use decision and thus bar raising issues in a subsequent decision on a related, but separate permit proceeding, the issue must concern particular development that was proposed, considered and approved in the earlier unappealed decision.”)

<sup>4</sup> Mr. Lee raised several Goals and Policies that are relevant to the consideration of the setbacks and height restrictions in his October 15, 2015 letter which should be part of the file for this application. In addition, the City must consider the criteria in Section 4.2.500 and 4.2.700 of the development code, which include the provision of adequate setbacks.



3 Sisters Partners, LLC  
1195 NW Redfield Circle  
Bend, OR 97703

December 11, 2015

Duane & Marian Lee  
PO Box 1657  
Sisters, OR 97759

RECEIVED  
DEC 17 2015  
CLEARPINE SISTERS

Dear Duane/Marian:

The Sisters Planning Commission granted a continuation of the November 19 hearing to give us additional time to work out an arrangement with respect to modification of building setbacks at ClearPine. The next hearing date is scheduled January 7, 2016. The request for continuance was granted primarily for your benefit, but I have not heard from you since the last hearing date.

My proposed solution to the PC at the November 19 hearing was as follows:

- Approve a 20' no-build setback along our common property line. The reduced setback allows us to efficiently "front load" the driveways to the south side of new homes, and eliminate the need for a public alley.
- Limit the maximum building height to 22' on up to four lots that might limit your mountain views (example- #33 - #36). This is a very favorable concession to you.
- Require rear yard fencing along the common property line, as new home applications are approved (this assumes no alley is present).

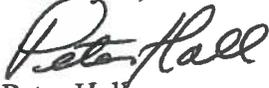
If this compromise is acceptable to you, please notify Patrick Davenport, Director of Planning in writing, and let him know we are in agreement. If not acceptable, please feel free to communicate with me on any outstanding issues.

Our current Masterplan allows us to place an alley directly on our common property line, in order to serve approximately 21 homes in the northernmost section of ClearPine. As the situation stands now, and unless a reduced setback is approved by the Sisters PC, we will build the alley as described, helping to efficiently serve new homes burdened by a 50' no-build area. Further, rear yard fencing is not a requirement of future homeowners, so if this is important to you, it will remain your responsibility to construct and pay for it.



If the Planning Commission does approve a reduced setback, you will have the opportunity to appeal their decision. If your appeal is successful, the current setbacks, alley & optional fences will remain as described above.

Thank you,



Peter Hall

CC: Meriel Darzen, Peterkin and Associates  
Patrick Davenport, City of Sisters





**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 and continued to January 7, 2016 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- Letter from Merial Darzen/Peterkin and Associates dated November 19, 2015**
- J- Letter from Peter Hall dated December 11, 2015**
- K- Letter from Peter Hall dated January 6, 2016**

**CITY OF SISTERS  
Planning Commission Resolution**

**(FILE: MOD #15-06; CONSIDERATION BY THE PLANNING COMMISSION,  
NOVEMBER 19, 2015 AND JANUARY 7, 2016)**

- L- Letter from Duane Lee dated January 7, 2016**
- M- Recorded plats for Phase 1**
- N- Signed Resolution 2015-15**

**THE FOREGOING RESOLUTION IS HEREBY ADOPTED THIS 7<sup>TH</sup> DAY OF JANUARY, 2016.**

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

AYES: Detweiler, Gentry, Nagel, Wright

NOES: Seymore

ABSENT:

ABSTAIN:

(4)  
(1)  
( )  
( )



Signed:

David Gentry, Chairman

**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**
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- I- Letter from Merial Darzen/Peterkin and Associates dated November 19, 2015**
- J- Letter from Peter Hall dated December 11, 2015**
- K- Letter from Peter Hall dated January 6, 2016**
- L- Letter from Duane Lee dated January 7, 2016**
- M- Recorded plats for Phase 1**
- N- Signed Resolution 2015-15**

Conditions of Approval. Below are the Conditions of Approval from the Planning Commission's recommendation to City Council during the January 7, 2016 meeting. Conditions related to the request are specified. General conditions follow.

1. 22-foot maximum height restriction on Lots 35-38
2. 38-foot setback for all structures on Lots 30-36
3. 25-foot setback for all structures on remaining Lots along northern property line
4. Cost-share 50/50 for fence to be built along property lines of Lots 30-36 and the Duane Lee property. Details of fence location, construction details, timing and maintenance agreement to be determined between developer and adjoining property owner (Duane Lee) along proposed Lots 30-36 within 30 days of City's Council's final approval.

General Conditions: All conditions of approval specified in previously approved applications (SUB 15-01), not modified by this application, remain in effect.

AGENDA ITEM SUMMARY



CITY OF SISTERS  
SISTERS CITY COUNCIL

**Meeting Date:** January 28, 2016

**Staff:** Patrick Davenport

**Type:** Meeting

**Dept:** CDD

**Subject:** Appeal (AP #15-03) of Planning Commission's approval from November 19, 2015 meeting regarding McKenzie Meadows Village applications Extension request (EXT #15-01)

**Action Requested:** Hear appeal of Planning Commission's decision of approval of subject application and either affirm, remand, reverse or modify the decision.

**Summary:** Through their attorney, Pinnacle Alliance Group, LLC has appealed the Planning Commission's decision of approval on November 19, 2015 for McKenzie Meadows Village Extension (EXT #15-01) to an approved subdivision plan (SUB #10-02).

Staff requests that the City Council perform a *de novo* review, consider the appeal and issue a decision to either remand, affirm, reverse or modify the decision the Planning Commission's decision per SDC 4.1.800.H. The below referenced attachments are included with the staff report for the appeal application.

**Attachments**

- A. Staff report for appeal application including staff's responses to appellant.
- B. Appellant's application and appeal pleadings
- C. Staff report, signed resolution and Conditions of Approval for Planning Commission's meeting on 11/19/15 to consider EXT #15-01
- D. Approved minutes from Planning Commission's meeting on 11/19/15.

**Concurrence:**  CM  F&A  PTD CDD  PW

**Appeal # 15-03: Appeal of Planning Commission Decision of Approval RE Application  
EXT #15-01 Extension to McKenzie Meadows Village Subdivision Plan (SUB #10-02)  
Planning Commission Decision Date: November 19, 2015; PC Resolution 2015-16**

**STAFF REPORT**

Perkins Coie Attorneys at Law on behalf of Pinnacle Alliance Group, LLC have submitted an appeal regarding above referenced application. The staff report will provide an analysis of Sisters Development (SDC) section 4.3.400F Extensions and 4.1.800 Appeals. The analysis will provide evidence that the Planning Commission's approval of the extension to the tentative subdivision plat (SUB 10-02) via application EXT 15-01 was correct. Responses to the Appellant's arguments by City Community Development Department (CDD) staff will follow. The agenda packet item from the June 18, 2015 Planning Commission's meeting along with several documents will be enumerated in the Agenda Item Summary to City Council and attached to this staff report.

**McKenzie Meadow Village - Summary of land use entitlements affecting subject property:**

The subject property was annexed into the City of Sisters 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 Master Plan (MP 10-01) and a Tentative Subdivision Plan (SUB 10-02) on the subject property. 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 (MOD 12-02). 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).

**Review Procedures**

Conclusionary Findings. Pursuant to the applicable chapters found in the Sisters Development Code regarding the Planning Commission approval to the extension request being appealed, the City Council can either approve, approve with conditions, or deny the extension request on the basis of whether the applicable standards and criteria are 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); 4.1.800 Appeals; 4.3.400.F (Land Divisions and Lot Lines Adjustments-Extensions)

**4.1.800.A. Scope of Review on Appeal:** All appeals to the Planning Commission or City Council shall include a *de novo* evidentiary hearing.

**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 required 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 was processed as a Type III application.
- 3) There have been no changes to the applicable Code provisions on which the original approval was based.

**The Planning Commission properly authorized the extension (EXT 15-01) of tentative subdivision plat (SUB 10-02).**

**4.1.800 Appeals**

**A. Purpose**

The purpose of this Section is to establish uniform procedures for the appeal of land use and development and policy decisions provided in Chapter 4 of this Code.

**B. Appeal Authority**

1. Decisions reached by the following review authorities pursuant to Chapter 4 shall be subject to appeal to the authority shown:
  - a. Community Development Department/Community Development Director/Planner - Decision may be appealed to the Planning Commission.
  - b. Planning Commission - Decision may be appealed to the City Council
  - c. City Council - Decision may be appealed to the Land Use Board of Appeals (LUBA).

**Staff's response: The Planning Commission's decision is being appealed to City Council.**

2. Any request for modification or removal of conditions of approval shall be subject to review by the approving body. The approving body shall grant such request or portions thereof, only upon finding that the application of the condition or conditions would impose an undue or unnecessary hardship on the applicant, and that the condition causing the difficulty was not created by the applicant.

**Staff's response: The request before City Council is to void the Planning Commission's decision from the November 19, 2015 meeting.**

**C. Standing to Appeal**

To have standing to appeal, persons must participate either orally or in writing at the public hearing.

**Staff's Response: The appellant has standing to appeal the Planning Commission's decision.**

**D. Initiation of Appeal**

A decision of a review authority pursuant to Chapter 4 shall be appealed by a party with standing within the time limits prescribed. The filing of a Notice of Appeal shall be accompanied by the fee prescribed by Resolution of the City Council. Except as otherwise required, the notice of appeal and appeal fee must be received by the Community Development Department no later than 5 p.m. on the fourteenth calendar day following mailing of the decision. Notices of Appeals may not be filed by facsimile machine. The Notice of Appeal shall be submitted upon the form provided by the Community Development Department, shall include any such information as listed on the application submittal checklist and shall contain the following:

1. A concise description of the land use decision sought to be reviewed, including the date of decision.
2. A statement of the interest of the appellant seeking review and, that the appellant was a party to the initial proceedings.
3. The grounds relied upon for review.

**Staff's response: The appellant has satisfied the requirements of this Section 4.1.800.A-D.**

**E. Scope of Review on Appeal**

All appeals to the Planning Commission or City Council shall include a de novo evidentiary hearing.

**F. Review of the Record**

1. When an appeal is scheduled for hearing by the Planning Commission or City Council, the Community Development Department shall prepare and transmit the Record, which shall include:
  - a. Findings prepared by the Community Development Department and the Resolution adopted by the Planning Commission.
  - b. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.
  - c. Minutes of any hearing or meeting during which the matter was discussed.

**Staff's response: Staff has included the required materials in the packet for City Council review.**

2. The appeal authority shall make its decision based upon the Record and the testimony received during the hearing.

**G. Notice of Appeal Hearing**

Notice of the hearing held by an appeal authority shall be of the same type as that required for the original hearing. Notice shall be mailed to the appellant, to all persons originally notified, and to parties to the hearing who may not have been on the original notification list.

**Staff's response: The Notice of Hearing has been properly advertised.**

## H. Appeal Authority Decision

1. Upon review, the appeal authority may by Resolution remand, affirm, reverse, or modify a determination or requirement of the decision that is under review. When the appeal authority renders a decision that reverses or modifies a decision of the hearing body, the appeal authority, in its Resolution, shall set forth its findings and state its reasons for taking the action encompassed in the Resolution. When the appeal authority elects to remand the matter to the hearing body for further consideration, it shall include a statement explaining the errors or omissions found to have materially affected the outcome of the original decision and the action necessary to rectify such.
2. Action by the appeal authority shall be decided by a majority vote of a quorum of the hearing body. The appeal authority shall render its decision no later than thirty (30) days from the date at which review was made. Decision, Findings of Fact and Resolution shall be prepared in accordance with Chapter 4.

### Staff Responses to Appellant's Statements

I. Following are Staff's responses to Appellant's Statement dated December 3, 2015.

**Staff responses to: STATEMENTS OF REASONS FOR APPEAL (Grounds Relied Upon for Review)**

**Appellant's statement (Issue 1):** The Planning Commission should not have granted the Extension request because the City has already granted the maximum number of extensions for the subdivision for the maximum duration of time allowed by SDC section 4.3.400.F.

**Staff response:** A brief summary of the project's land use application history subject to this appeal follows. The property subject to the appeal is known as McKenzie Meadow Village. The property was annexed into the Sisters City Limits as Urban Area Reserve 10 (UAR 10) 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, currently 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).

The appellant did not specifically reference which section of the Development Code was not followed properly by the Planning Commission. The Development Code references which pertain to granting extensions to land use applications and staff's determination on the applicability of these regulations to the original extension request are:

#### **Development Code Section 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:

- e. The applicant has submitted written intent to file a final plat within the one-year extension period;
- f. An extension of time will not prevent the lawful development of abutting properties;
- g. 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
- h. The extension request is made before expiration of the original approved plan.

**4.3.400.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's determination:**

- 1) The Planning Commission was the original decision making body for the approval of application SUB #10-02. City staff granted an administrative extension on November 3, 2014. For the subject land use application being appealed (EXT 15-01), the Development Code requires the Planning Commission to make the next decision regarding extending the entitlements for tentative subdivision plat (SUB 10-02). The Planning Commission considered and approved the Extension request on November 19, 2015.
- 2) The Development Code does not specifically state an 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 was processed as a Type III application.

- 3) There have been no changes to the applicable Code provisions on which the original approval was based.

In addition to the references in the Development Code pertaining to approving extensions to land use decisions, the previously approved administrative extension dated November 3, 2014 was used as one supporting fact for issuing findings in approving the Extension to SUB #10-02. The appellant has not demonstrated how the Planning Commission erred in approving this extension either by direct references to the Development Code or citing that the administrative extension approved on November 3, 2014 was also approved in error.

**Appellant's statement (Issue 2):** The Planning Commission should not have granted the request because the Extension request could not have been approved without approving an extension to the Master Plan

**Staff response:** The Master Plan was extended on by administrative extension on October 20, 2015 as a Type I administrative decision. The Planning Commission was advised of this approval during its consideration of the Extension request to SUB #10-02.

**Appellant's statement (Issue 3):** The Planning Commission erred by adopting findings in support of the Decision that are inadequate and internally inconsistent because they purport to justify approving the Extension but incorporate by reference Pinnacle letter in opposition to the Extension

**Staff response:** The appellant's letter of opposition was included in the staff report. The applicant for the Extension stated that the reason for requesting the extension was that the land use applications supporting the construction of the initial phase was being appealed. This reason along with meeting the requirements of the Development Code was sufficient to grant the extension. The appellant has not provided any evidence that the Planning Commission's findings are inadequate or internally consistent. On the contrary, the Planning Commission accepted the legitimacy of administrative extension granted to SUB #10-02 on November 4, 2014 and subsequently adopted findings consistent with a follow-up extension for SUB 10-02 processed and approved as a Type III application for EXT #15-01.

**Appellant's statement (Issue 4):** The City gave inadequate notice of Decision by failing to provide Pinnacle, a party to the Planning Commission proceedings, a copy of the Decision until two days before the appeal deadline (and 11 days after the Decision was mailed to others). The City's delay prejudiced Pinnacle's substantial rights because the City failed to provide reasonable notice and deprived Pinnacle of the opportunity to prepare and submit its argument in the appeal. Pinnacle relies upon its letter in Exhibit 1 to further explain these issues. Pinnacle also reserves the right to present additional argument and evidence at the *de novo* City Council hearing in this matter.

**Staff response:** Staff admits that the appellant's assertion of the late notice to him is correct. The appellant did not receive a timely notice due to a clerical oversight. However, the appellant was not deprived of the ability to appeal the decision of EXT #15-01. The appellant has had substantial time between submitting his initial appeal on December 3, 2015 to submit additional arguments in support of his appeal but has not done so by the time this staff report is prepared. Furthermore, this appeal of the Planning Commission's decision by City Council is considered a *de novo* hearing. Therefore, the appellant has the opportunity to fully state the justifications on why the Planning Commission's decision should be overturned.

## II. Conclusion

**Should the Planning Commission's decision overturned (EXT #15-01 extension request for a subdivision plan (SUB 10-02) be denied and MMV be directed to file for a new subdivision plan?**

**Staff response:** Staff recommends that the City Council not reject the Planning Commission's decision, and not require the applicant to file for new land use applications as requested by the appellant. The Planning Commission's decision to approve EXT #15-01 is in compliance with the Sisters Development Code and consistent with prior land use decisions.

However, if the City Council remands the decision to the Planning Commission or affirms, reverses or modifies the decision, SDC 4.1.800.H states that:

### H. Appeal Authority Decision

1. Upon review, the appeal authority may by Resolution remand, affirm, reverse, or modify a determination or requirement of the decision that is under review. When the appeal authority renders a decision that reverses or modifies a decision of the hearing body, the appeal authority, in its Resolution, shall set forth its findings and state its reasons for taking the action encompassed in the Resolution. When the appeal authority elects to remand the matter to the hearing body for further consideration, it shall include a statement explaining the errors or omissions found to have materially affected the outcome of the original decision and the action necessary to rectify such.

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**END OF STAFF REPORT**

RECEIVED

DEC 03 2015

CITY OF SISTERS

December 2, 2015

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

**VIA OVERNIGHT DELIVERY**

Patrick Davenport  
Community Development Director  
City of Sisters  
Sisters City Hall  
520 East Cascade  
Sisters, OR 97759

**Re: Appeal of Planning Commission Decision to Approve Extension of McKenzie Meadow Village Subdivision (City File #EXT 15-01)**

Dear Mr. Davenport:

This office represents Pinnacle Alliance Group, LLC ("Pinnacle"). With this letter and the accompanying materials, Pinnacle appeals the Planning Commission's November 20, 2015 decision to approve the extension of the McKenzie Meadow Village Subdivision (City File #EXT 15-01).

Enclosed please find the following materials in support of this appeal:

- Appeal form signed by Pinnacle President
- Check in the amount of \$250.00 made payable to "City of Sisters" for appeal fee
- Three (3) copies of the Statement in Support of Appeal addressing criteria of Sisters Development Code 4.1.800, with two exhibits

Please process this appeal. I am Pinnacle's representative in this matter. Please copy me on all notices, staff reports, decisions, and other correspondence. Please also coordinate with me in scheduling the City Council appeal hearing.

Patrick Davenport, Director  
December 2, 2015  
Page 2

Thank you for your courtesies in this matter.

Very truly yours,



Michael C. Robinson

Encls.

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

RECEIVED

DEC 03 2015

CITY OF SISTERS

**In the Matter of an Appeal of the Decision by the City of Sisters Planning Commission in Planning Commission Resolution PC 2015-16 to Approve a Request (EXT #15-01) to Extend a Previously Approved Subdivision Plat (SUB #10-02) for the 10-Phase, 103-Lot Subdivision Known as McKenzie Meadow Village.**

**STATEMENT IN SUPPORT OF APPEAL FILED BY PINNACLE ALLIANCE GROUP, LLC**

**A. Introduction.**

Pinnacle Alliance Group, LLC, a Washington limited liability company ("Pinnacle"), requests that the Sisters City Council ("City Council") reverse the decision of the Sisters Planning Commission ("Planning Commission") set forth in Planning Commission Resolution PC 2015-16 to approve a request (EXT #15-01 or "Extension") to extend a previously approved subdivision plat (SUB # 10-02) for the 10-phase, 103-lot subdivision known as McKenzie Meadow Village ("Decision"). Pinnacle files the appeal because there is no authority for the City to grant the Extension because the City has already granted the maximum number of extensions for this subdivision for the maximum duration of time allowed by the Sisters Development Code ("SDC"), because the applicant has not met its burden to prove that the City should grant the Extension, and for the additional reasons stated below. Based upon the arguments in this appeal statement, the City Council should grant the appeal, reverse the Decision, and deny the Extension.

**B. Appeal Requirements.**

Appeals are subject to the requirements of SDC 4.1.800 ("Appeals"). Pinnacle's appeal meets these requirements as follows:

**4.1.800 Appeals**

**A. Purpose**

**The purpose of this Section is to establish uniform procedures for the appeal of land use and development and policy decisions provided in Chapter 4 of this Code.**

RESPONSE: Pinnacle acknowledges the purpose of this section.

## **B. Appeal Authority**

**1. Decisions reached by the following review authorities pursuant to Chapter 4 shall be subject to appeal to the authority shown:**

- a. Community Development Department/Community Development Director/Planner - Decision may be appealed to the Planning Commission.**
- b. Planning Commission - Decision may be appealed to the City Council**
- c. City Council - Decision may be appealed to the Land Use Board of Appeals (LUBA).**

RESPONSE: The Planning Commission reached the Decision. Therefore, the appeal authority is the City Council.

**2. Any request for modification or removal of conditions of approval shall be subject to review by the approving body. The approving body shall grant such request or portions thereof, only upon finding that the application of the condition or conditions would impose an undue or unnecessary hardship on the applicant, and that the condition causing the difficulty was not created by the applicant.**

RESPONSE: This appeal does not include a request for modification or removal of conditions of approval. Therefore, this provision is not applicable.

## **C. Standing to Appeal**

**To have standing to appeal, persons must participate either orally or in writing at the public hearing.**

RESPONSE: Pinnacle participated in writing at the public hearing by submitting a letter to the Planning Commission dated November 12, 2015. A copy of this letter is set forth in Exhibit 1.

## **D. Initiation of Appeal**

**A decision of a review authority pursuant to Chapter 4 shall be appealed by a party with standing within the time limits prescribed. The filing of a Notice of Appeal shall be accompanied by the fee prescribed by Resolution of the City Council. Except as otherwise required, the notice of appeal and appeal fee must be received by the Community Development Department no later than 5 p.m. on the fourteenth calendar day following mailing of the decision. Notices of Appeals may not be filed by facsimile**

machine. The Notice of Appeal shall be submitted upon the form provided by the Community Development Department, shall include any such information as listed on the application submittal checklist and shall contain the following:

RESPONSE: This section requires that an appellant have standing, pay the applicable fee, and file a complete appeal by the required deadline. This appeal satisfies each of these requirements. First, as explained above, Pinnacle is a party with standing because Pinnacle submitted a letter to the Planning Commission dated November 12, 2015. Second, this filing is accompanied by a check payable to "City of Sisters" in the amount of \$250.00 for the applicable appeal fee. Third, the appeal is complete because it includes the signed appeal form, appeal fee, and statement in support of appeal with exhibits. Fourth, the appeal is timely because it will be received via overnight delivery in the City offices on the morning of December 3, 2015, before the 5pm filing deadline.

**1. A concise description of the land use decision sought to be reviewed, including the date of decision.**

RESPONSE: The Decision is set forth in Planning Commission Resolution PC 2015-16, which is dated November 20, 2015. The Decision approves an extension of a previously approved subdivision plat (SUB #10-02) for the 10-phase, 103-lot subdivision known as McKenzie Meadow Village. A copy of the Decision is attached as Exhibit 2.

**2. A statement of the interest of the appellant seeking review and, that the appellant was a party to the initial proceedings.**

RESPONSE: Pinnacle has an interest in ensuring that the City properly and fairly interprets and applies the SDC. Pinnacle was a party to the initial proceedings because Pinnacle submitted a letter to the Planning Commission.

**3. The grounds relied upon for review.**

RESPONSE: The grounds relied upon for review are the following:

**Issue 1:** The Planning Commission erred in granting the Extension because the City has already granted the maximum number of extensions for the subdivision for the maximum duration of time allowed by SDC 4.3.400.F.

**Issue 2:** The Planning Commission erred in granting the Extension because the City cannot approve the Extension without also approving the companion master plan

extension for the same project, and the City has improperly approved that master plan extension in a separate proceeding.

**Issue 3:** Even if the City Council could grant the Extension, applicant has not met its burden to prove that the application satisfies the requirements of SDC 4.3.400.F.2, including providing an adequate justification for the request and demonstrating that no SDC criteria have changed and conditions have not changed substantially.

**Issue 4:** The Planning Commission erred by adopting findings in support of the Decision that are inadequate and internally inconsistent because they purport to justify approving the Extension but incorporate by reference Pinnacle's letter in opposition to the Extension.

**Issue 5:** The City gave inadequate notice of the Decision by failing to provide Pinnacle, a party to the Planning Commission proceedings, a copy of the Decision until two days before the appeal deadline (and 11 days after the Decision was mailed to others). The City's delay prejudiced Pinnacle's substantial rights because the City failed to provide reasonable notice and deprived Pinnacle of the opportunity to prepare and submit its arguments in this appeal.

Pinnacle relies upon its letter in Exhibit 1 to further explain these issues. Pinnacle also reserves the right to present additional argument and evidence at the *de novo* City Council hearing in this matter.

#### **E. Scope of Review on Appeal**

**All appeals to the Planning Commission or City Council shall include a *de novo* evidentiary hearing.**

**RESPONSE:** This section establishes a procedural requirement. Upon compliance with this section, the City Council can find that it has properly defined the scope of review on appeal.

#### **F. Review of the Record**

**1. When an appeal is scheduled for hearing by the Planning Commission or City Council, the Community Development Department shall prepare and transmit the Record, which shall include:**

**a. Findings prepared by the Community Development Department and the Resolution adopted by the Planning Commission.**

- b. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.
  - c. Minutes of any hearing or meeting during which the matter was discussed.
2. The appeal authority shall make its decision based upon the Record and the testimony received during the hearing.

RESPONSE: This section establishes procedural requirements. Upon compliance with this section, the City Council can find that it has made its decision based upon the proper argument and evidence.

### **G. Notice of Appeal Hearing**

**Notice of the hearing held by an appeal authority shall be of the same type as that required for the original hearing. Notice shall be mailed to the appellant, to all persons originally notified, and to parties to the hearing who may not have been on the original notification list.**

RESPONSE: This section establishes procedural requirements. Upon compliance with this section, the City Council can find that it has provided the proper notice of appeal hearing.

### **H. Appeal Authority Decision**

1. Upon review, the appeal authority may by Resolution remand, affirm, reverse, or modify a determination or requirement of the decision that is under review. When the appeal authority renders a decision that reverses or modifies a decision of the hearing body, the appeal authority, in its Resolution, shall set forth its findings and state its reasons for taking the action encompassed in the Resolution. When the appeal authority elects to remand the matter to the hearing body for further consideration, it shall include a statement explaining the errors or omissions found to have materially affected the outcome of the original decision and the action necessary to rectify such.
2. Action by the appeal authority shall be decided by a majority vote of a quorum of the hearing body. The appeal authority shall render its decision no later than thirty (30) days from the date at which review was made. Decision, Findings of Fact and Resolution shall be prepared in accordance with Chapter 4.

RESPONSE: This section establishes procedural requirements. Upon compliance with the requirements of this section, the City Council can find that it has followed the correct decision-making requirements. Pinnacle requests that the City Council reverse the Decision of the Planning Commission.

**C. Conclusion.**

For these reasons, the City Council should grant the appeal, reverse the Decision of the Planning Commission, and deny the Extension.

November 12, 2015

Michael C. Robinson  
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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  
Page 2

- 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).<sup>1</sup> 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

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<sup>1</sup> 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.

David Gentry, Chair  
November 12, 2015  
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.

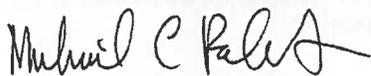
If conditions have changed substantially, the Planning Commission is required to direct Applicant to file an application for a new land division. SDC 4.3.400.F.2. Applicant has not addressed existing conditions or whether they have changed substantially. Therefore, there is no basis for the Planning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

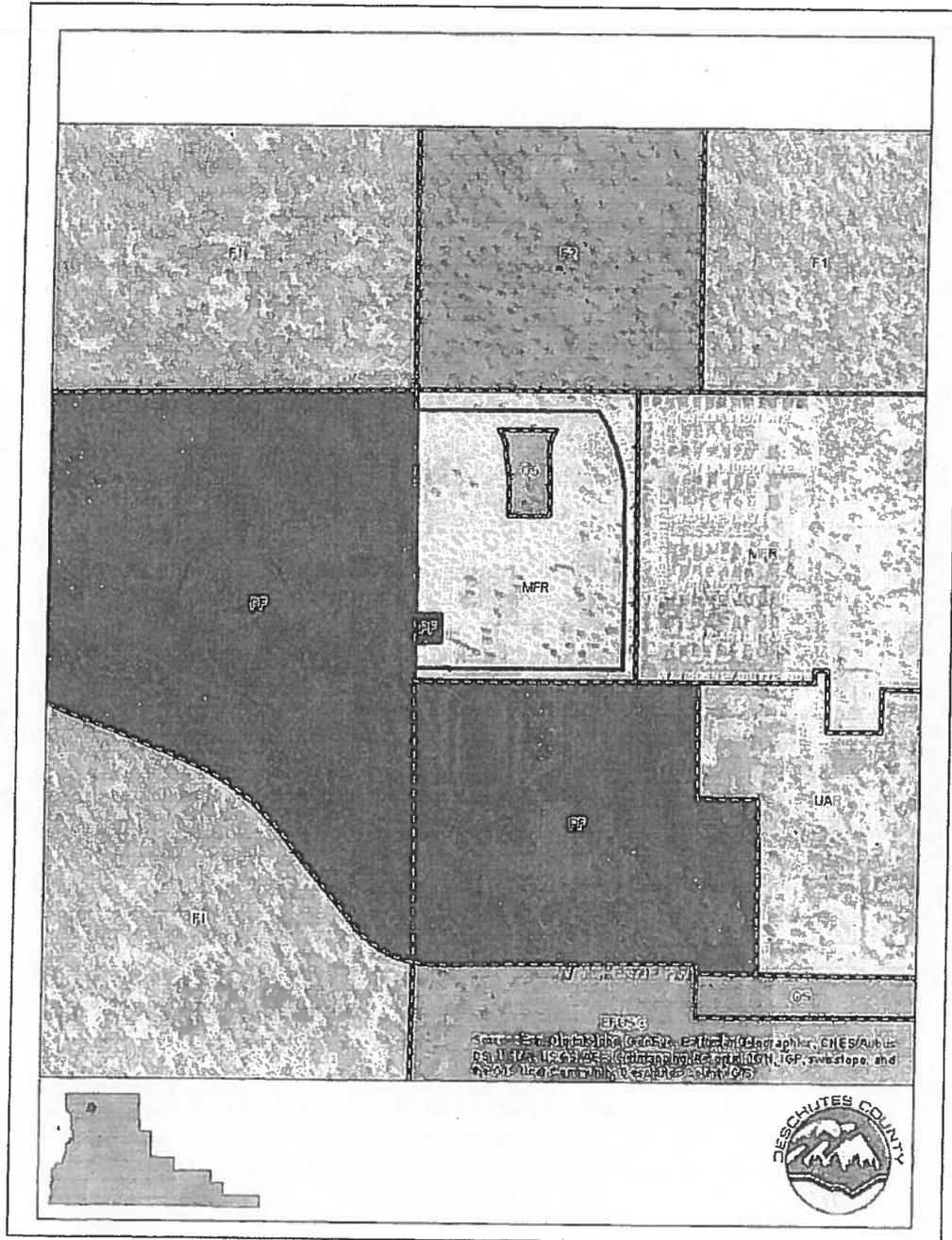
\*Notice to mortgagee, lienholder, vendor or seller: City of Sisters Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.

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.**



## NOTICE OF TYPE III LAND USE DECISION

Notice is hereby given that the City of Sisters Planning Commission approved the below referenced on **November 19, 2015** 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) were 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 #10-02) on a 30.0 acre property, for a 10 Phase, 103-lot subdivision. The Planning Commission approved the request for extension of approval duration to run until December 31, 2016.

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

**Appeal Period:** The 14 day appeal period begins the day this notice is mailed. This notice was mailed on November 20, 2015, the appeal period ends on December 4, 2015.

Questions or concerns regarding this application or its approval should be directed to the Community Development Department at Sisters City Hall.



**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 in 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- 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 19<sup>TH</sup> DAY OF NOVEMBER, 2015.**

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

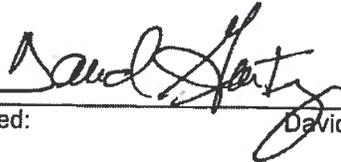
AYES: Detweiler, Gentry, Nagel, Seymour, Tewalt, Wright,

NOES:

ABSENT: Dean

ABSTAIN:

6  
0  
1

 11/20/2015  
Signed: \_\_\_\_\_  
David Gentry, Chairman

**Final Conditions of Approval.** Below are the Final Conditions of Approval for the Planning Commission's approval of file EXT # 15-01:

1. The Planning Commission granted an extension of the expiration period for SUB #10-02 to run until December 31, 2016.
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.

  
\_\_\_\_\_

Patrick T. Davenport, Community Development Director

11/20/2015

Date



**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**

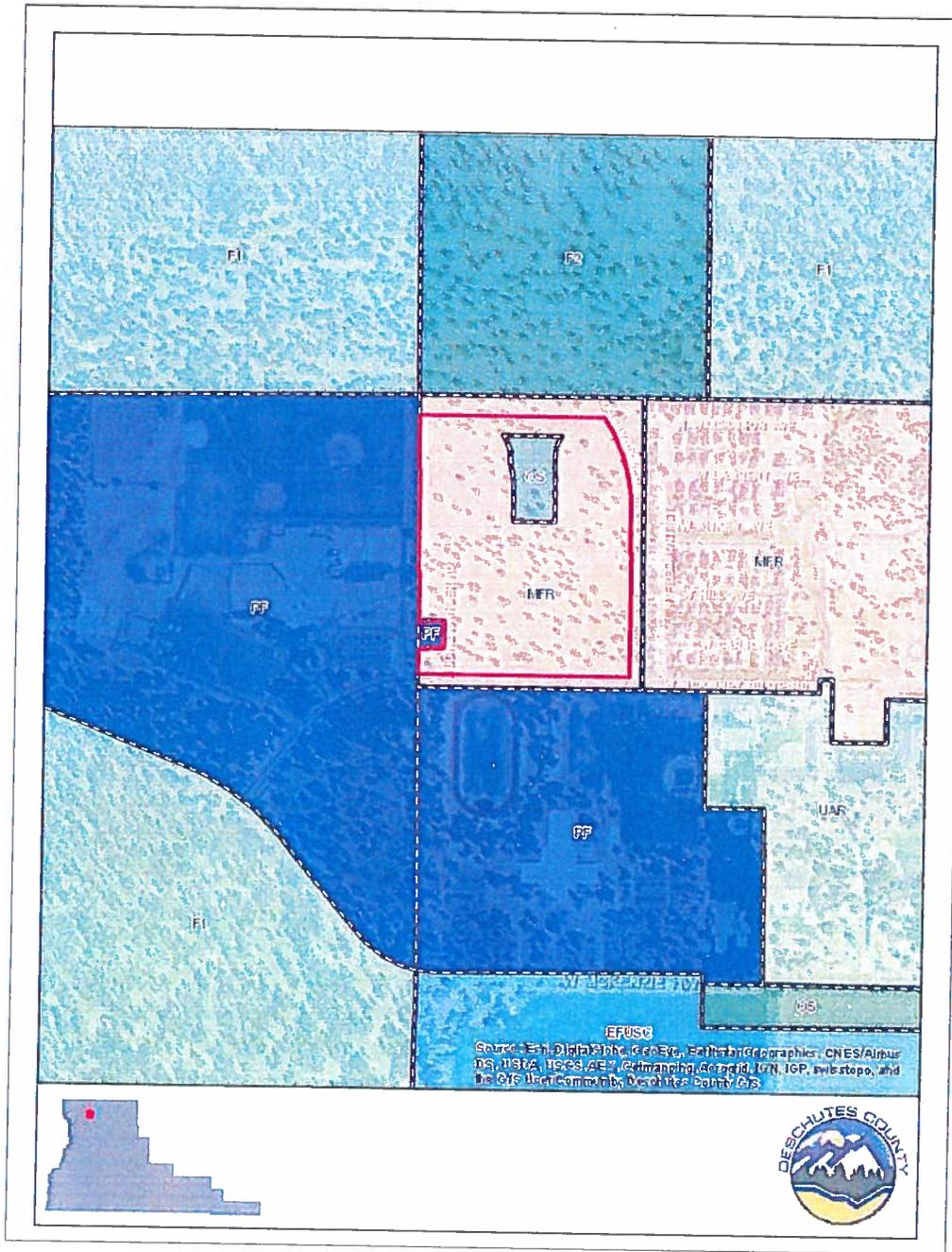
The Applicant requests extension of an approved subdivision plat (SUB #10-02).

**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).

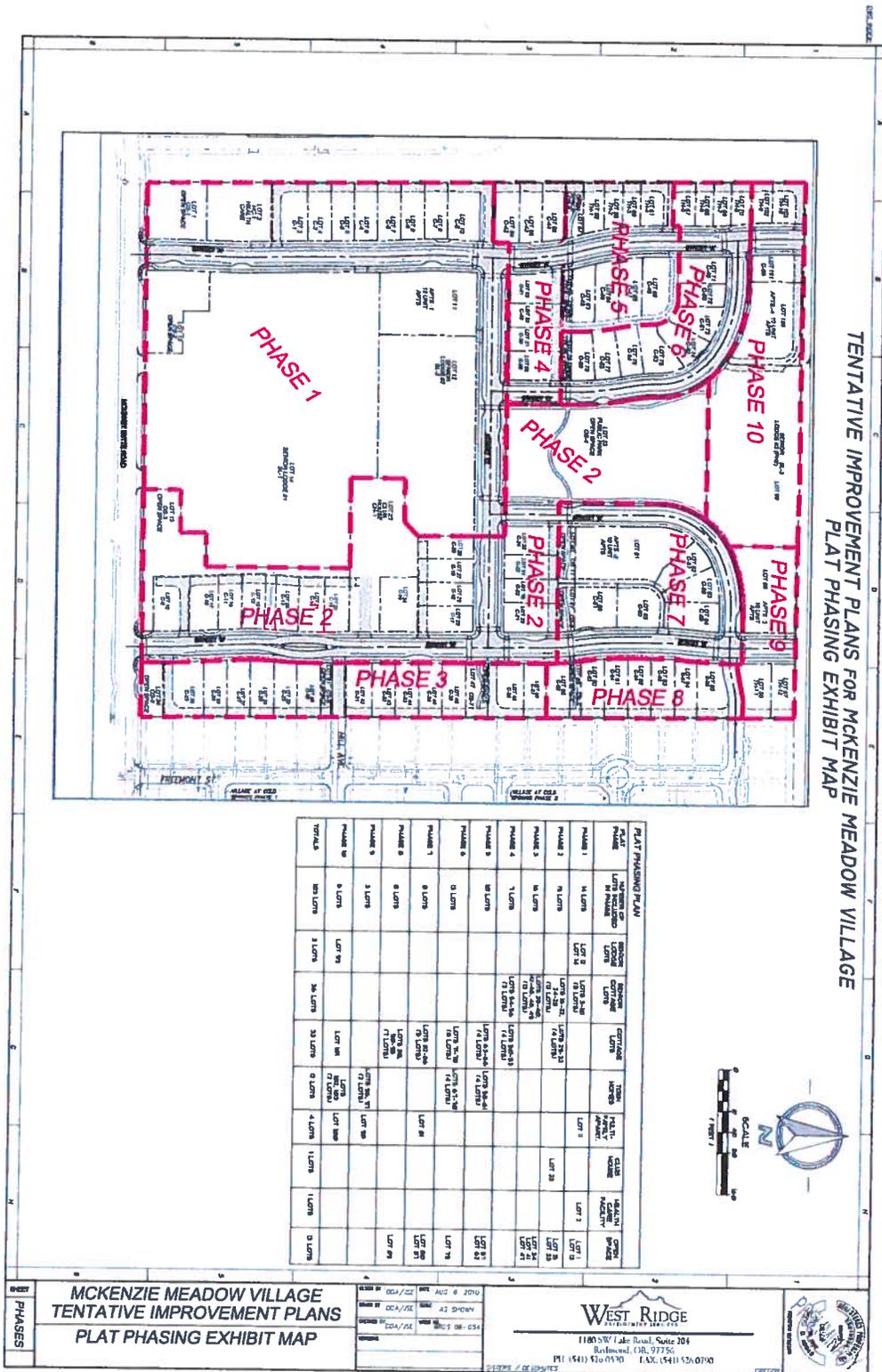
In 2010, the City approved a Master Plan (MP 10-01) and a Tentative Subdivision Plan (SUB 10-02) on the property, known as McKenzie Meadow Village. The Master Plan was modified in 2012 in association with MOD 12-01. In 2011 the City approved a Site Plan for an 82 unit Assisted Living Facility and a maintenance 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



**PLAT PHASING PLAN**

PHASE	PHASE AREA (AC)	PHASE LOTS	PHASE TOTAL LOTS	PHASE TOTAL AREA (AC)	PHASE TOTAL AREA (SQ FT)	PHASE TOTAL AREA (SQ YD)	PHASE TOTAL AREA (SQ MI)
PHASE 1	14.000	LOT 1	1	14.000	1,000,000	1,000,000	0.023
PHASE 2	11.000	LOT 2	1	11.000	770,000	770,000	0.018
PHASE 3	18.000	LOT 3	1	18.000	1,280,000	1,280,000	0.029
PHASE 4	1.000	LOT 4	1	1.000	70,000	70,000	0.002
PHASE 5	10.000	LOT 5	1	10.000	700,000	700,000	0.016
PHASE 6	13.000	LOT 6	1	13.000	910,000	910,000	0.021
PHASE 7	9.000	LOT 7	1	9.000	630,000	630,000	0.014
PHASE 8	8.000	LOT 8	1	8.000	560,000	560,000	0.013
PHASE 9	3.000	LOT 9	1	3.000	210,000	210,000	0.005
PHASE 10	5.000	LOT 10	1	5.000	350,000	350,000	0.008
TOTALS	90.000	10 LOTS	10	90.000	6,300,000	6,300,000	0.144

**MCKENZIE MEADOW VILLAGE  
TENTATIVE IMPROVEMENT PLANS  
PLAT PHASING EXHIBIT MAP**

**WEST RIDGE**  
SURVEYORS & ENGINEERS

11805 SW Lake Road, Suite 204  
Redmond, OR, 97756  
PH (541) 820-0700 FAX (541) 526-0700



## 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;

<b>Action</b>	<b>Decision Type</b>	<b>Applicable Regulations</b>
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



- 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: 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.

[Signature]  
Signature of Applicant  
[Signature]  
Signature of Property Owner

CURT KAUBERG  
Printed Name  
CURT KAUBERG  
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/Its

cc: Steve Bryant  
Curt Kallberg  
Mike Reed  
Bill Willitts

RECEIVED

OCT 26 2015

CITY OF SISTERS

{00027319;2}

**CITY OF SISTERS**  
**Planning Commission Staff Report**

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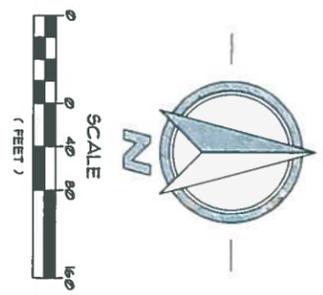
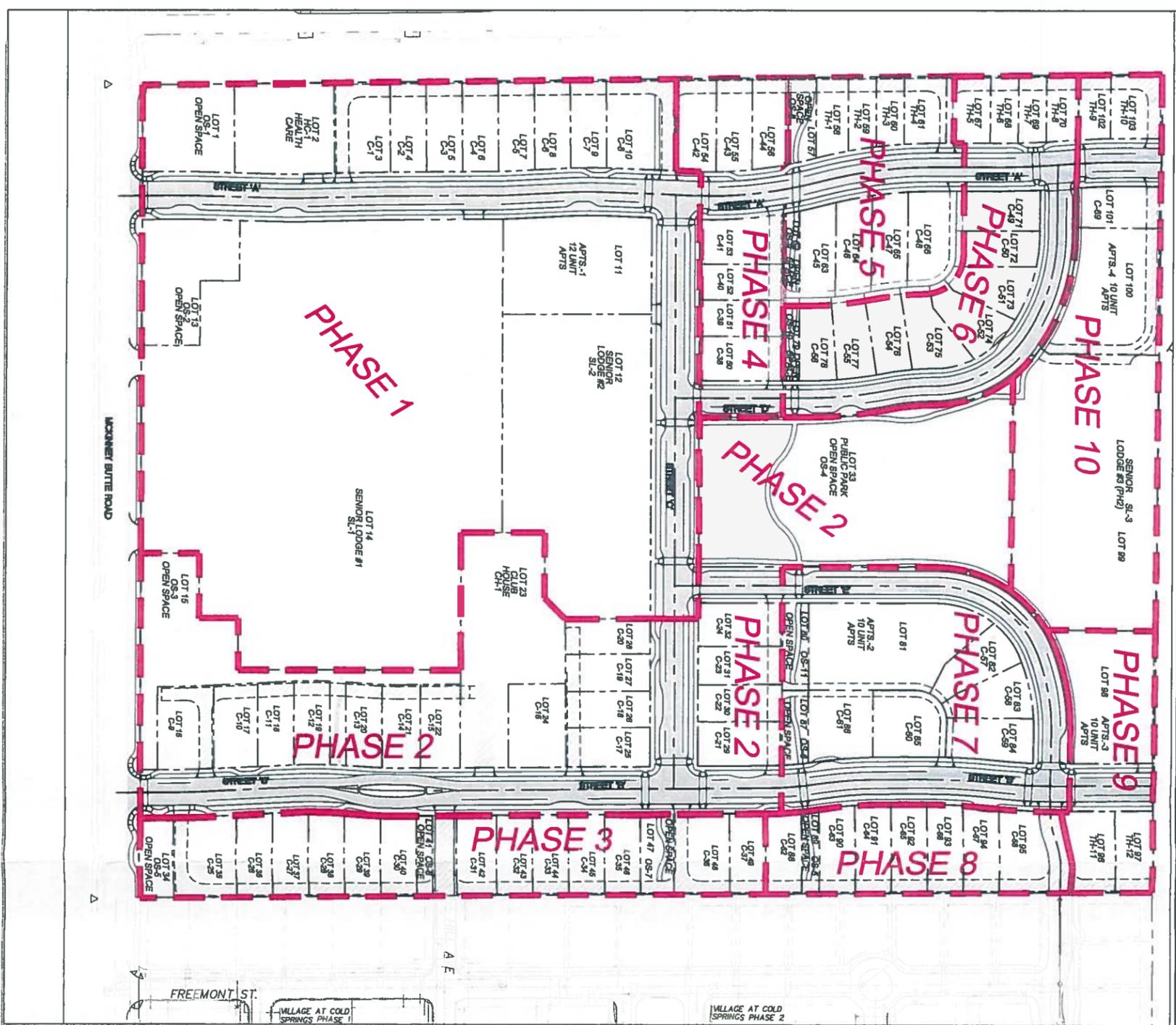
File Numbers: MP10-01, SUB 10-02  
Original Report Date: August 6, 2010

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

- 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 ¾ 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.



# 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 LOT 14	LOTS 3-10 (8 LOTS)	LOTS 28-32 (4 LOTS)		LOT 11		LOT 2	LOT 1 LOT 15 LOT 16
PHASE 2	19 LOTS		LOTS 16-22 (7 LOTS)						LOT 17 LOT 23
PHASE 3	16 LOTS		LOTS 35-40, 42-46, 48, 49 (13 LOTS)						LOT 34 LOT 41 LOT 41
PHASE 4	1 LOTS		LOTS 54-56 (3 LOTS)						
PHASE 5	10 LOTS			LOTS 58-59 (2 LOTS)					LOT 51 LOT 52
PHASE 6	13 LOTS			LOTS 63-66 (4 LOTS)					LOT 79
PHASE 7	8 LOTS			LOTS 71-78 (8 LOTS)					LOT 80 LOT 81
PHASE 8	8 LOTS			LOTS 88, 90-95 (7 LOTS)					LOT 89
PHASE 9	3 LOTS			LOTS 96, 97 (2 LOTS)					
PHASE 10	5 LOTS	LOT 99		LOT 101	LOTS 102, 103 (2 LOTS)	LOT 100			
TOTALS	103 LOTS	3 LOTS	36 LOTS	33 LOTS	12 LOTS	4 LOTS	1 LOTS	1 LOTS	13 LOTS

EXHIBIT C

SHEET PHASES	<b>MCKENZIE MEADOW VILLAGE TENTATIVE IMPROVEMENT PLANS PLAT PHASING EXHIBIT MAP</b>		DESIGN BY: DDA/JSE	DATE: AUG. 6, 2010	 1180 SW Lake Road, Suite 204 Redmond, OR, 97756 PH: (541) 526 0530 FAX: (541) 526 0790 SISTERS / DESCHUTES	
			DRAWN BY: DDA/JSE	SCALE: AS SHOWN		
			CHECKED BY: DDA/JSE	WORDS NO. WRDS 06-054		
			REVISIONS:			

**CITY OF SISTERS**  
**Planning Commission Staff Report**

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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;

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**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

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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 cursive script 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**

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

**THE FOREGOING RESOLUTION IS HEREBY ADOPTED THIS 19<sup>TH</sup> DAY OF NOVEMBER, 2015.**

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

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

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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

118534-0001/128558273.3

- 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).<sup>1</sup> 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

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<sup>1</sup> 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.

David Gentry, Chair  
November 12, 2015  
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**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

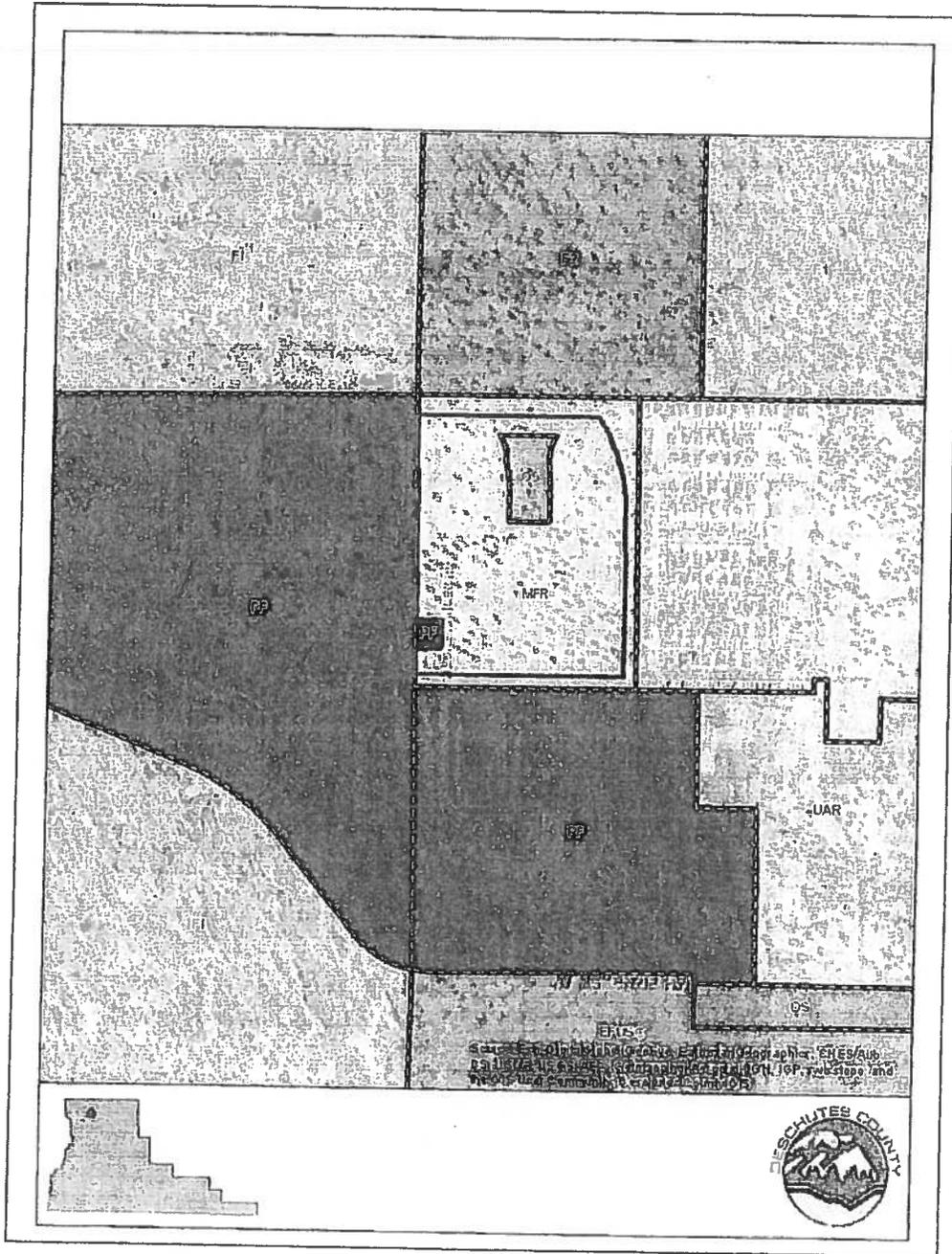
**\*Notice to mortgagee, lienholder, vendor or seller:** City of Sisters Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.

**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.**



**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 in 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- 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 19<sup>TH</sup> DAY OF NOVEMBER, 2015.**

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

AYES: Detweiler, Gentry, Nagel, Seymour, Tewalt, Wright,

6

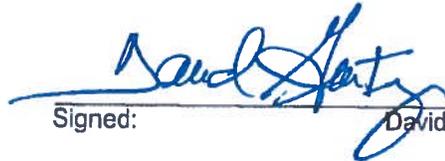
NOES:

0

ABSENT: Dean

1

ABSTAIN:

 11/20/2015  
Signed: \_\_\_\_\_ David Gentry, Chairman

**Final Conditions of Approval.** Below are the Final Conditions of Approval for the Planning Commission's approval of file EXT # 15-01:

1. The Planning Commission granted an extension of the expiration period for SUB #10-02 to run until December 31, 2016.
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.



Patrick T. Davenport, Community Development Director



Date

setbacks. This would allow the Planning Commission to make a recommendation to the City Council with the support of the opposition and the applicant.

The Planning Commission discussed that the next possible hearing date for the continuance, and it was decided that *January 7, 2015 at 5:30 pm* would work.

*Mr. Hall* discussed a letter submitted from the Reynolds stating that they want fencing and to not have an alley on their property. He stated that this is not a settlement agreement, the Planning Commission makes the decision. *Mr. Hall* addressed the three issues that involve the alley or no alley, setbacks of 20-feet, and the height restriction at this time.

*Ms. Darzen* came forward and addressed the settlement agreement, the setbacks that were originally approved, and is asking for another opportunity to work this out with the applicant at this time.

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

*Commissioner Wright* made a motion to continue the hearing to January 7, 2015 at 5:30 pm.

*Commission Nagel* seconded. Motion carries to continue the hearing to January 7, 2015.

*Staff* stated that there will be no legal ad in the Nugget for this continued hearing and there will be mailings to those previously noticed.

File No: EXT15-01

Applicant: McKenzie Meadow Village – Bill Willitts

Request: Type III Review of a request to expand a previously approved subdivision plat (SUB10-03) 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.

*Chairman Gentry* asked for staff to come forward and present the staff report at this time.

*Staff* came forward and gave the background on McKenzie Meadow Village, as well as the Extension Request of the Subdivision Plat and previous extensions that were granted. *Staff* also gave visual examples of the Phases of the project, and the McKenzie Meadow Village Criteria in Code Chapter 4.3.400.F: Extensions, Chapter 4.3.44.F.2: Additional Extension by Original Decision-Making Body, Chapter 4.3.44.F.2: Additional Extension by Original Decision-Making Body at this time.

*Staff* stated that the Planning Commission was the original decision making body for this subdivision. *Staff* granted an administrative extension last year in 2014, therefore, the Planning Commission has power to approve, or deny this subdivision extension request.

The Planning Commission discussed the letter from Pinnacle Group and why it states that the Planning Commission cannot approve this extension request due to the SDC prohibits a 3rd quasi-

judicial extension. A brief discussion took place and staff stated that he does not agree with that statement at this time.

*Staff* stated that no additional correspondence was received other than those items included in the agenda at this time.

*Chairman Gentry* asked for anyone wishing to speak in favor of the proposed text changes to come forward at this time.

Mike Reed  
291 W. Cascade Ave.  
Sisters, OR 97759

*Mr. Reed* came forward and addressed the project and vision for the McKenzie Meadow Village project. He addressed the history and original agreement with Pinnacle Alliance Group back in 2010, the economy at the time, termination of their agreement, and another prospect surfaced being Kevin Cox with Ageia, and entered into an agreement with them. He discussed the delay in construction for Phase I, the delay in the LUBA Appeal, the agreement with the City, and the reason for the Extension and reasons for needing an Assisted Living Facility in Sisters at this time.

*Staff* stated that the delay with the LUBA Appeal is in getting the record correct – the appellant has objected to the record, but since then, the City has provided more documentation to satisfy that objection. It has not been heard to date.

A discussion took place regarding the adjacent property owners, narrow roads, increased traffic, an option of allow pedestrian and bicycle traffic, and putting in a fire gate with the approval of the Fire Marshall.

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

*Mr. McGhehey* came forward and addressed the project, the LUBA Appeal, costs associated with the delay, and the need to approve the Extension at this time.

The Commission asked if this extension could be extended for more than a year to a time certain for the decision by LUBA. They asked staff what the rules are, process, and the timeline for a LUBA appeal.

*Staff* stated that by the Code, it is only for an additional one-year extension. It is not clear what happens in this instance when entitlements are nearing expiration and something is being appealed, if it stops the clock or not. There is nothing in the Development Code about that – it is more case law and needing legal support. The information for LUBA has been provided by the City Recorder to the City Attorney. The City Attorney will review that information and send it off to Salem.

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

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

*Commission Nagel* made a motion to approve the Extension  
*Commission Wright* seconded. *Motion carries.*

File No: SUB15-03

Applicant: Don Denning Homes, Inc.

Request: Type III Review of a subdivision to divide a 13.43 acre property into thirty-five (35) lots and establish a ½ acre City Park and City Well site. The address is 310 E. Sun Ranch Drive, Sisters, OR 97759.

Location: The property is located in the west ½ of Section 4, Township 15 South, Range 10 East, Tax Lot 100, Tax Map 151004BD.

*Chairman Gentry* asked for staff to come forward and present the staff report at this time.

*Staff* came forward and addressed the tentative subdivision plan, file no. SUB15-03 and the applicant Don Denning Homes, Inc. The subdivision name is known as Kuivato located in the northern most part of Sisters to the west of the Sisters Eagle Airport. The Request, Background, Annexation, Comprehensive Land Use and Zoning Entitlements, City Park dedication, City well site, Open Space, lot sizes, building heights, Airport Runway Protection Zone, pedestrian easement, Plat from 2006, access, Tracts A and B of the project at this time.

*Staff* discussed the affordable housing process, Exhibits F & G, the Skygate subdivision (visual), Housing Works, conditions and entitlements at this time.

*Chairman Gentry* asked if any correspondence has been received other than what was in the packet at this time.

*Staff* stated yes - on November 18<sup>th</sup> and November 19<sup>th</sup> – two separate letters which have been submitted into the record.

*Chairman Gentry* asked if anyone in favor of the proposal to come forward at this time.

Don Denning - Applicant  
22647 Rosby  
Bend, OR 97701

*Mr. Denning* came forward and stated that the project has been pretty well outlined. He discussed price ranges of the homes, lot sizes, configuration of the properties, density, intent of the lots, and the advantages of the single level homes at this time.

Susan Trask  
15685 Trapper Point Rd.  
Sisters, OR 97759

*Ms. Trask* came forward and stated that she is in full support of the project and is an adjoining neighbor to the affected property owner. She stated that this project is very well thought out with a lot of integrity in putting this together. She stated that in full disclosure she is a Real Estate Agent

**AGENDA ITEM**



**SUMMARY**

**CITY OF SISTERS  
SISTERS CITY COUNCIL**

**Meeting Date:** January 14, 2016 *2814*

**Staff:** Paul Bertagna

**Type:** Regular Meeting

**Dept:** PW

**Subject:** Public Improvement Acceptance – Sky Gate Subdivision

**Action Requested:**

Motion to accept public improvements for Sky Gate Subdivision

**Summary Points:**

- As one of the final steps in the construction of public improvements, the City Council formally accepts the improvements.
- The Public Works Department goes through a detailed checklist to ensure the Developer has met the requirements of the land use approval process as well as the Public Works requirements.
- The public improvements are ready to be accepted by the City of Sisters for perpetual operation and maintenance and start the one year warranty period.

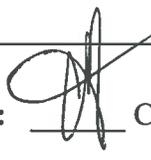
**Financial Impact:**

Accepting these improvements means the City will perpetually operate and maintain this infrastructure.

**Attachment(s):**

A. Final Acceptance Checklist

**Concurrence:**

 CM  F&A  CDD  PW



## City of Sisters

### Subdivision/Public Works Improvements Final Acceptance Checklist

Subdivision Name: Sky Gate Subdivision

Developer: Housing Works

Contractor: Robinson & Owen Heavy Construction

Checked Item	Approved/Date	N/A	Comments
<b>1. Easements</b>			
A) Accurate	Pending	_____	To be checked in Final Plat Review Public access/utility easements Final Plat Recordation
B) Special Items Installed	Pending	_____	
C) Recorded	Pending	_____	
<b>2. Public Works Requirements</b>			
A) R.O.W. Dedications	_____	N/A	_____
B) Cost of Improvements	_____	_____	_____
1) Water	1/7/16	_____	_____
2) Sewer	1/7/16	_____	_____
3) Streets	1/7/16/	_____	_____
4) Sidewalks/curbs	1/7/16	_____	_____
5) Pumpstations	_____	N/A	_____
6) Others	_____	N/A	_____
C) DEQ UIC Approval letter	_____	N/A	No UIC's
D) Land Use Decision	6/19/15	N/A	SUB 15-02
E) Pre-Construction	9/9/15	_____	_____
<b>3. Water System</b>			
A) Water Mains	_____	_____	_____
1) Correct Sizes	_____	N/A	Existing
2) Chlorinated	_____	N/A	_____
3) Flushed	_____	N/A	_____
4) Bacti Test Pass	_____	N/A	_____
5) Pressure Test Pass	_____	N/A	_____
B) Valves	_____	_____	_____
1) Nut Centered in Can	_____	N/A	Existing



Checked Item	Approved/Date	N/A	Comments
2) Open Position	_____	N/A	_____
3) Quantity/Size	_____	N/A	_____
4) Locations	_____	N/A	_____
C) Services			
1) Meter Locations	OK	_____	7
2) Meter Sizes	OK	_____	1"
3) Meter Boxes (Types)	OK	_____	Carson 1320's
4) Meter Height	OK	_____	_____
5) Tracer Wire	OK	_____	_____
D) Fire Hydrants			
1) Pressure Rating	_____	_____	Existing
2) Make/Model	_____	_____	Existing
3) Hydrant Valve Open	Yes	_____	field verified by PW's Dept.
4) Correct Height	OK	_____	_____
5) Bollards	OK	_____	_____
6) Snow Flags	OK	_____	_____
E) Irrigation Systems			
1) Locations	_____	N/A	_____
2) Water Service(s)	_____	N/A	_____
3) Backflow(s)	_____	N/A	_____
F) Hot Taps	Yes	_____	(1) Jantzen (2) Heising
4. Sewer System			
A) Sewer Mains			
1) Correct Sizing	_____	N/A	Existing
2) Cleaned and Flushed	_____	N/A	_____
3) Air Test/Passed	_____	N/A	_____
4) T.V. Test/Passed	_____	N/A	_____
5) Mandrel/Passed	_____	N/A	_____
B) Manholes			
1) Quantity	_____	N/A	Existing
2) Locations	_____	N/A	_____
3) Grouted	_____	N/A	_____
4) Cleaned	_____	N/A	_____
5) Locate Wire(s)	_____	N/A	_____
6) Vacuum Test/Passed	_____	N/A	_____
C) Laterals			
1) Correct Sizing	Yes	_____	(7) 4" services
2) Cleaned and Flushed	Yes	_____	_____
3) Every lot is served	Yes	_____	_____
4) Brooks Boxes	Yes	_____	_____



Checked Item	Approved/Date	N/A	Comments
5) Locate Wire(s)	OK		
6) Locations	OK		
7) T.V. Test	Yes		City of Sisters
D) Mainline Cleanouts			
1) Quantity		N/A	
2) Locations		N/A	
3) Concrete Poured		N/A	
4) Locate Wire		N/A	
5. Stormwater			
A) Drainage Swails			
1) Depth/Width	OK		
2) Drain Material	OK		18" Topsoil verified
3) Cover Material	OK		2-3" Crushed Rock
B) Detention Areas			
1) Capacity		N/A	
2) Geo-Fabric		N/A	
3) Areas Cleaned		N/A	
4) Access for Maint.		N/A	
C) Curb Inlets/Outlets			
1) Locations		N/A	
2) Quantity		N/A	
3) Clean of Debris		N/A	
D) Catch Basins			
1) Locations		N/A	
2) Quantity/Size		N/A	
3) Cleaned		N/A	
E) Drywells			
1) Locations		N/A	
2) Quantity		N/A	
3) Cleaned		N/A	
4) Grouted		N/A	
5) Tested		N/A	
6. Streets			
A) Sidewalks/Curbs			
1) Quantity	OK		1800 SF (Bonded for walks)
2) Alignment		N/A	
3) Joint Spacing		N/A	
4) Backfilled Edge		N/A	
5) Clean		N/A	
6) ADA Ramps	OK		Truncated Domes (yellow)
B) Asphalt			



Checked Item	Approved/Date	N/A	Comments
1) Quantity	OK/3"		Widening
2) Laying Temps	"		HMAC Tested by Carlson
3) Infra-red Patches		N/A	
4) Edge Rock	"		
5) Clean	"		
C) Street Trees			
1) Quantity	OK		(10) Bonded for trees
2) Locations	"		
7. Final Walk-Thru			
A) Punchlist	12/31/15		
B) Punchlist Items fixed	Pending		(Spring 2016) Bonded
8. As-Builts			
A) Accuracy	OK		
B) Special Items Installed	Yes		Sewer lateral lot 4 in easement
C) Re-submitted/Approved		N/A	
9. Letter of Completion			
A. Bond Reduction	Pending		Council acceptance
B. 10% Warrant Bond Rec'd	Pending		
C. 1yr Warranty Begins	Pending		Council acceptance
10. Warranty Approval			
A. 11 month walkthru			
B. 11 month T.V.			
C. Warrany Items fixed			
D. 10% Bond Released			
Subdivision Approved By:			Date:



PLANNING COMMISSION APPLICATION

1. Name: Jane go Steven Michael Steve  
(Last) (First) (Middle) (I go by ...)  
Address: 69125 Hurley Ranch Ad. Sisters OR 97759  
Street, P. O. Box P.O. Box 2036 City State Zip Code  
2. Telephone No.: 541-504-9693 E-mail Address: spjanego@gmail.com  
3. Occupation: retired Work Phone: N/A  
4. Do you reside within the city limits of Sisters? \_\_\_ Yes  No

5. Statement indicating reason you would like to serve on the Sisters Planning Commission:  
I have a keen interest and passion to contribute to the ongoing positive development of the City of Sisters and the community it serves

6. Special skills, interests, hobbies that you believe would bring special value to your ability to serve on this committee:  
Outdoors enthusiast, active community member, corporate leadership and Board member experiences

7. Other volunteer, committee, board, commission experience:  
From 2/11 (Mo/Yr) Organization Oregon Health Network  
To 2/13 (Mo/Yr) Address Portland OR  
Type of Organization Wide Area Network Services Telephone No. \_\_\_\_\_  
Role: Board Member

If you are still serving in this capacity, do you foresee any conflicts between this committee and the position you currently hold? \_\_\_ Yes  No

From 2/07 (Mo/Yr) Organization Central Oregon Community College  
To 2/09 (Mo/Yr) Address Bend  
Type of Organization IT Education Adv. Svc. Telephone No. \_\_\_\_\_  
Role Board Member

If you are still serving in this capacity do you foresee any conflicts between this committee and the position you currently hold \_\_\_ Yes  No



# CITY OF SISTERS

From: 1/1/98 (Mo/Yr) Organization Livfield College  
To: 2/2000 (Mo/Yr) Address McMinnville, OR  
Type of organization Advisory Board For education  
Role: Board member

If you are still serving in this capacity, do you foresee an conflicts between this committee and the position you currently hold? \_\_\_ Yes X No

8. How did you hear about this position? The Nugget News
9. Would you be interested in serving on advisory committee in the future? Yes

References: Brenda Finkle - St. Charles Burt Ridge - St. Charles  
Ric Sharp - St. Charles Tom Foco - Consultant

My signature affirms that the information in this application is true to the best of my knowledge. I understand that misrepresentation and/or omission of facts are cause for removal from any advisory committee, board or commission I may be appointed to. All information/documentation related to service on this committee is subject to public record disclosure.

Date: 01/05/2015 Signature: [Handwritten Signature]

Please return this application to the City of Sisters, 520 E Cascade Avenue, P. O. Box 39, Sisters, Oregon 97759. For more information, please call the Community Development Department, (541) 549-6022

## Statement of Interest for the City of Sisters Planning Commission

To: Patrick Davenport

Date: 01/05/16

Hello,

My name is Steve Janego and I have recently retired from a long career in Information Systems leadership positions. These include a global high tech company and for the past 10 years supporting Health Care facilities in Central Oregon. I have been an avid outdoorsman my entire life and have reached a point where I would like to "give back" in support of the City of Sisters. I have a deep passion for ensuring our town grows and develops in a positive way for future generations to appreciate and value for many years to come.

I believe I can apply my life experiences related to living in the Sisters Community for over 10 years, volunteering for things like the Folk Festival, Quilt Show along with my professional leadership skills acquired throughout my career to serve in this role.

Thank you very much for your consideration and I would be very happy to discuss any topics if you would like additional information. I would be happy to supply references upon your request.

Respectfully,

Steve Janego



Sisters, OR

**RECEIVED**  
JAN 06 2016  
CITY OF SISTERS

# Steven M. Janego

69125 Hurtlely Ranch Rd, Sisters, OR 97759

spjanego@gmail.com

Residence: 541.504.9693

Cell: 541.231.9371

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## *Senior Information Technology Leadership*

Highly effective Senior Information Technology Leader with proven abilities in Healthcare and High-Tech Manufacturing with 37 years of experience in managing all aspects of the IS function including, Strategic Planning, Security, IT Portfolio Management, Global Program & Project Implementations, Policy Development, Operations, Applications Development and Support, and Account Management for site, region, and global companies. A results-oriented, delivery focused leader with vision, strong team building skills, extensive change management experience and demonstrated success in bringing the benefits of Information Services to the organization.

- Delivering solutions to dramatically improve business results and customer satisfaction.
- Creating and fostering partnerships and alliances.
- Leading key breakthroughs in business operations.
- Developing a Customer-Centric culture and an IT learning organization.
- Exceptional expertise in building cohesive, productive, high-performing cross-functional teams and partnerships to deliver superior company results.

## *Career Overview*

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- Director of Applications Development – St. Charles Health System** 2014 – Retired
- Director IT Services – St. Charles Health System** 2013 - 2014
- Chief Technology Officer – St. Charles Health System** 2009 - 2012  
Leadership and Strategy for the Services and Technology team and included a full data center move to the new Vault Data Center in Central Oregon.
- IT Director – Cascade Healthcare Community** 2007- 2009  
Overall leadership and strategy for all IT functions serving the Health System. This included Cerner, McKesson and Allscripts EMR implementations and ongoing management.
- IS Director – Bend Memorial Clinic** 2006 - 2007  
Leadership for IT, Transcription, Medical Records, and scheduling functions for a large outpatient clinic environment. This included the IT implementation leadership of the Allscripts EMR solution.
- Executive IT Services Account Manager – Hewlett Packard** 2002 - 2005  
Managed the customer relationship, IT strategy development, execution, and ongoing IT global service delivery of a \$40 billion dollar Imaging and Printing business.
- Global IT Infrastructure Manager – Hewlett Packard** 2001 - 2002  
Directed development and deployment of effective solutions for IT operations infrastructure supporting HP's \$14 billion dollar inkjet cartridge manufacturing business.
- Global Computing Environment Manager – Hewlett Packard** 1997 - 2000  
Managed all functional areas and teams of the site and global Information Technology organization including startup IT teams in Puerto Rico, Ireland, and Singapore. Full accountability for over 200 IT professionals delivering services to 10,000 employees worldwide.

**Site Information Technology Director – Hewlett Packard** 1990 - 1997  
Directed all information technology services for 6 diverse site businesses. This included Telecom, Infrastructure, Applications development and management, end-user computing and support. Oversight for over 200 IT professionals and lead breakthroughs including Microsoft application adoption and creation of the “business within a business” IT model for HP Corvallis.

**Site IT Applications Manager – Hewlett Packard** 1987-1990  
Leadership and management of the Corvallis Site applications team. This included development of new applications as well as implementation of large 3<sup>rd</sup> party software packages for high-volume manufacturing environments.

**Site Telecom and Data Center Manager – Hewlett Packard** 1985 - 1987  
Managed the network and computer center environments which supported daily business operation

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## **EDUCATION AND PROFESSIONAL DEVELOPMENT**

Bachelor of Science, Business Management with Honors  
Linfield College, McMinnville, Oregon

## **AFFILIATIONS**

**Oregon Health Network – Board of Directors** 2011-2013  
**COCC IT Education Advisory Board** 2007-2009  
**Linfield College Technical Education Advisory Board** 1998-2000  
**City of Corvallis Information Technology Planning** 1999-2000  
**Sematech HP Representative to US Semiconductor Consortium** 1995-1997



- Committee Applying For: PLANNING COMMISSION
- Name: MARLOW DAVID V. DAVE  
(Last) (First) (Middle) (I go by ...)  
 Address: 70110 RUNNING HORSE CT. SISTERS OR. 97759  
Street, P. O. Box City State Zip Code
- Telephone No.: 541-504-2413 E-mail Address: RUNNINGHORSE@YKWC.NET
- Occupation: RETIRED Work Phone: 541-504-2413
- Do you reside within the city limits of Sisters? Yes  No  BUT I OWN PROPERTY IN THE CITY PROPER
- Statement indicating reason you would like to serve on this voluntary Advisory Committee:  
I HAVE ALWAYS BEEN INTERESTED IN  
WORKING TO MAKE THE SISTERS COMMUNITY  
A BETTER PLACE TO LIVE AND WORK.
- Special skills, interests, hobbies that you believe would bring special value to your ability to serve on this committee:  
ENGINEERING, PLANNING, PROJECT DEVELOPMENT,  
DESIGN AND BUILDING.
- Other volunteer, committee, board, commission experience:

From <u>2001</u> (Mo/Yr)	Organization <u>KIWANIS</u>
To <u>2016</u> (Mo/Yr)	Address _____
Type of Organization <u>CHARITY</u>	Telephone No. _____
Role: <u>GENERAL MEMBER - WORKER BEE</u>	
If you are still serving in this capacity, do you foresee any conflicts between this committee and the position you currently hold? <input checked="" type="radio"/> Yes <input type="radio"/> No <u>NO CONFLICTS</u>	



From 2003 (Mo/Yr) Organization SISTERS PLANNING COMMISSION  
 To 2008 (Mo/Yr) Address 520 E. CASCADE AVE. SISTERS  
 Type of Organization CITY GOV. Telephone No. 541-323-5219  
 Role: MEMBER & CHAIR PERSON  
 If you are still serving in this capacity, do you foresee any conflicts between this committee and the position you currently hold? Yes  No  NO CONFLICTS

From 2001 (Mo/Yr) Organization SISTERS TRAIL COMM  
 To 2002 (Mo/Yr) Address \_\_\_\_\_  
 Type of Organization \_\_\_\_\_ Telephone No. \_\_\_\_\_  
 Role: MEMBER  
 If you are still serving in this capacity, do you foresee any conflicts between this committee and the position you currently hold? Yes  No  NO CONFLICTS

9. How did you hear about this position? NEWSPAPER

10. Would you be interested in serving on advisory committee in the future? YES

References: BILL WILLITTS DOUG ROBERTS  
PETER STORTEN DARYL TEWALT

My signature affirms that the information in this application is true to the best of my knowledge. I understand that misrepresentation and/or omission of facts are cause for removal from any advisory committee, board or commission I may be appointed to. All information/documentation related to service on this committee is subject to public record disclosure.

Date: 1/10/16 Signature: [Signature]

Please return this application to the City of Sisters, 520 E. Cascade Avenue, P. O. Box 39, Sisters, OR. 97759. For more information, please call the City Manager's office, (541) 549-6022 Ext. 1



CITY OF SISTERS  
RECEIVED

JAN 08 2016

PLANNING COMMISSION APPLICATION CITY OF SISTERS

1. Name: CLEM TIMOTHY LANE TIM  
(Last) (First) (Middle) (I go by ...)  
Address: 14844 BLUEGRASS LOOP, SISTERS OR 97759  
Street, P. O. Box City State Zip Code
2. Telephone No.: 541-241-0054 E-mail Address: TIMOTHYLCLEM@LIVE.COM
3. Occupation: ARCHITECT Work Phone: 541-241-0054
4. Do you reside within the city limits of Sisters?  Yes  No

5. Statement indicating reason you would like to serve on the Sisters Planning Commission:  
THE PLANNING COMMISSION HAS DONE A GREAT JOB OF HELPING SHAPE SISTERS INTO THE DESIRABLE COMMUNITY IT IS TODAY. I WOULD LIKE TO OFFER MY SKILLS AND TRAINING TO CONTINUE TO GROW SISTERS INTO A PLACE WHERE PEOPLE WANT TO LIVE AND PLAY.

6. Special skills, interests, hobbies that you believe would bring special value to your ability to serve on this committee:

ARCHITECTURAL EDUCATION AND LICENSURE

7. Other volunteer, committee, board, commission experience:

From 4/15 (Mo/Yr) Organization CITY OF SISTERS PARKS ADVISORY BOARD  
To 8/15 (Mo/Yr) Address 520 E CASCADE AVE, SISTERS OR 97759  
Type of Organization ADVISORY BOARD Telephone No. 541-549-6022  
Role: MEMBER

If you are still serving in this capacity, do you foresee any conflicts between this committee and the position you currently hold?  Yes  No

From 2010 (Mo/Yr) Organization ASOCIACION EMI PARA AMERICA LATINA  
To 2/14 (Mo/Yr) Address APDO 409-4013, ALAJUELA, ATENAS 20501  
Type of Organization GOVERNING BOARD Telephone No. COSTA RICA  
Role VICE PRESIDENT

If you are still serving in this capacity do you foresee any conflicts between this committee and the position you currently hold  Yes  No



**CITY OF SISTERS**

From: \_\_\_\_\_(Mo/Yr) Organization \_\_\_\_\_  
To: \_\_\_\_\_(Mo/Yr) Address \_\_\_\_\_  
Type of organization \_\_\_\_\_  
Role: \_\_\_\_\_

If you are still serving in this capacity, do you foresee an conflicts between this committee and the position you currently hold? \_\_\_Yes \_\_\_No

8. How did you hear about this position? CAROL JENKINS
9. Would you be interested in serving on advisory committee in the future? YES

References: PETER STORTON 541-549-3333  
THANE EDDINGTON 503-449-9534

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Date: 8 JAN 2016 Signature: [Signature]

Please return this application to the City of Sisters, 520 E Cascade Avenue, P. O. Box 39, Sisters, Oregon 97759. For more information, please call the Community Development Department, (541) 549-6022

# TIMOTHY L. CLEM

AIA, CSI-CDT, NFPA, LEED AP, NCARB

## CONTACT

541.241.0054

[TimothyLClem@Live.com](mailto:TimothyLClem@Live.com)

TimothyLClem (Skype)

## ADDRESS

14844 Bluegrass Loop  
Sisters, Oregon 97759-3114

## REGISTRATION

Oregon Architect No. 4199  
National Council of Architectural  
Registration Boards (NCARB)

## AFFILIATIONS

American Institute of Architects (AIA)  
National Fire Protection Association  
(NFPA)

## ACCREDITATIONS

Construction Specifications Institute  
(CSI-CDT)  
LEED AP 2.0

## CIVIC

Sisters City Parks Advisory Board  
(Member)

## SPECIALIZATION AND APTITUDE

Specification Writing  
Code Review/Compliance

Connect on LinkedIn for additional  
recommendations and examples:  
[www.linkedin.com/in/timothylclem](http://www.linkedin.com/in/timothylclem)

## EXPERIENCE

**PETERSEN KOLBERG & ASSOCIATES (PKA)** 503.968.6800 Aug 2015-Present  
Project Manager participating in all phases of Healthcare projects from  
inception through occupancy.

### Selected Projects:

- St. Charles Medical Center Masterplan - Bend, Oregon  
Masterplan for future expansion of medical campus.

**PINNACLE ARCHITECTURE, INC.** 541.388.9897 2014-June 2015

Project Architect participating on all phases of public projects in the  
office and leading healthcare division of firm.

### Selected Projects:

- John Day Fire Station - John Day, Oregon  
Replacement Fire Station.

**ENGINEERING MINISTRIES INTERNATIONAL (EMI)** 719.633.2078 2008-2014

Project Manager coordinating design teams on all phases of projects in  
Central America, from project approval through issue of Construction  
Documents. Coordinate production of all projects in office.

### Selected Projects:

- Youth With A Mission (YWAM) - Gonaïves, Haiti  
1,180 m<sup>2</sup> dormitory and 11 acre youth camp masterplan.
- Colegio Cristiano Avivando El Fuego - El Tizate, Guatemala  
1,660 m<sup>2</sup> primary school and 1.5 acre campus masterplan.
- Amor Ministries - Puerto Morelo, Mexico  
1,790 m<sup>2</sup> university building and 12 acre campus masterplan.
- Clínica El Buen Pastor - Santa María del Real, Honduras  
1,800 m<sup>2</sup> clinic and surgery center and masterplan of 11 acre site.

**GIFFIN BOLTE JURGENS ARCHITECTS** 503.223.0992 1996-2008

Associate and Project Architect participating in all phases of Healthcare  
projects from inception through occupancy.

### Selected Projects:

- Doernbecher Children's Hospital - Portland, Oregon  
Emergency Department Remodel  
Pediatric Minimally Invasive Surgery Suites
- Roundup Athletic Club - Pendleton, Oregon  
Expansion of existing facility and upgrade to current Code.
- Saint Peter's Hospital - Olympia, Washington  
Emergency Department and Clinical Laboratory addition.

## EDUCATION

UNIVERSITY OF IDAHO

Bachelor of Architecture

Bachelor of Science, Forest Products, Wood Construction

1995



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JAN 14 2016 CITY OF SISTERS

CITY OF SISTERS

1. Committee Applying For: PLANNING COMMISSION

2. Name: TRYENS JEFFREY LEIGH JEFF  
(Last) (First) (Middle) (I go by ...)

Address: 1446 POLE CT. SISTERS OR 97759  
Street, P. O. Box City State Zip Code

3. Telephone No.: 503-244-4355 E-mail Address: JEFF.TRYENS@GMAIL.COM

4. Occupation: CONCOURANT-PART TIME Work Phone: SAME

5. Do you reside within the city limits of Sisters? Yes  No

6. Statement indicating reason you would like to serve on this voluntary Advisory Committee:

I'M RELATIVELY NEW TO THE AREA. I WANT TO GET INVOLVED IN CNIC AFFAIRS & I BELIEVE THE PLANNING COMMISSION IS SOMETHING I'M WELL QUALIFIED FOR. I HAVE TWO DEGREES IN CIVIL ENGINEERING, ONE IN PUBLIC ADMINISTRATION & HAVE BEEN EMPLOYED IN PLANNING FOR THE PAST

7. Special skills, interests, hobbies that you believe would bring special value to your ability to serve on this committee: <sup>20 YEARS+</sup>

EXTENSIVE INVOLVEMENT IN PUBLIC DELIBERATIVE PROCESSES. ED. OF STATE STRATEGIC PLANNING AGENCY FOR 10 YEARS.

8. Other volunteer, committee, board, commission experience:

From	<u>1115 (Mo/Yr)</u>	Organization	<u>SISTERS FIRE DISTRICT</u>
To	<u>NOW (Mo/Yr)</u>	Address	<u>3015 ELM, SISTERS</u>
Type of Organization	<u>CITY-BUDGETED</u>	Telephone No.	<u>541-544-0771</u>
Role:	<u>BOARD MEMBER</u>		
If you are still serving in this capacity, do you foresee any conflicts between this committee and the position you currently hold? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			



From 9/14 (Mo/Yr) Organization WATERSTON DESERT WILDLIFE  
 To Now (Mo/Yr) Address Box 640, BEAS, OR 97704  
 Type of Organization DESERT ADVISORY Telephone No. 541-430-3433  
 Role: BOARD MEMBER  
 If you are still serving in this capacity, do you foresee any conflicts between this committee and the position you currently hold?  Yes  No

APPROX.  
 From 6/30 (Mo/Yr) Organization PORTLAND PARKS BOARD  
 To 7/10 (Mo/Yr) Address 1120 SW FIFTH AVE, #1320 PORTLAND 97204  
 Type of Organization ADVISORY PARKS DEPT. Telephone No. 503-823-6007  
 Role: BOARD MEMBER  
 If you are still serving in this capacity, do you foresee any conflicts between this committee and the position you currently hold?  Yes  No

9. How did you hear about this position? NUCKET NEWSPAPER

10. Would you be interested in serving on advisory committee in the future? YES

References: CAROL FIZEL (SISTERS) CHAD DREW (GARDEN CITY MANAGER)  
NEIL BRYANT (BEAS) ELLEN KLATERSTON (BEAS)

My signature affirms that the information in this application is true to the best of my knowledge. I understand that misrepresentation and/or omission of facts are cause for removal from any advisory committee, board or commission I may be appointed to. All information/documentation related to service on this committee is subject to public record disclosure.

Date: 11/3/2016 Signature: [Handwritten Signature]

Please return this application to the City of Sisters, 520 E. Cascade Avenue, P. O. Box 39, Sisters, OR. 97759. For more information, please call the City Manager's office, (541) 549-6022 Ext. 1