AGENDA

CITY OF SISTERS
SISTERS CITY COUNCIL

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

FEBRUARY 11, 2016

6:00 P.M. CITY COUNCIL WORKSHOP

1. Wastewater System Capital Facilities Plan – *A. Gorayeb/P. Bertagna/E. Huffman*
2. Other Business – *Staff/Council*

7:00 P.M. CITY COUNCIL REGULAR MEETING

I. CALL TO ORDER/PLEDGE OF ALLEGIANCE

II. VISITOR COMMUNICATION

III. CONSENT AGENDA

A. Minutes
   1. January 14, 2016 – Regular Meeting
   2. January 28, 2016 - Workshop
   3. January 28, 2016 – Regular Meeting
   4. February 04, 2016 - Workshop

B. Bills to Approve
   1. February Accounts Payable

C. Liquor License Applications
   1. Sisters Saloon, and Ranch Grill
   2. Sisters Meats & Smokehouse
   3. Hop in the Spa
   4. Rio Restaurant

IV. STAFF REPORTS

A. December Staff/Council Work Plan

B. New Business License Report for January 2016

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

V. COUNCIL BUSINESS

A. Public Hearing and Consideration of Resolution No. 2016-02: A RESOLUTION OF THE CITY OF SISTERS ADOPTING A SUPPLEMENTAL BUDGET AND ESTABLISHING APPROPRIATIONS WITHIN THE 2015/16 BUDGET – *J. O'Neill*

B. Public Hearing and Consideration of Resolution 2016-03: A RESOLUTION ADOPTING A WASTEWATER SYSTEM CAPITAL FACILITIES PLAN DATED JANUARY 2016 – *A. Gorayeb/P. Bertagna/Erik Huffman*

C. Continued Public Hearing and Consideration of Resolution 2016-04: A RESOLUTION OF THE CITY OF SISTERS CITY COUNCIL STATE OF OREGON REGARDING APPEAL APPLICATION AP #15-03 AN APPEAL OF PLANNING COMMISSION RESOLUTION OF APPROVAL (PC 2015-16) REGARDING APPLICATION EXT #15-01 EXTENSION TO A TENTATIVE SUBDIVISION PLAT FOR MCKENZIE MEADOW VILLAGE – *P. Davenport*

D. Discussion and Consideration of a Motion to Extend the Abatement Agreement of the Greater Redmond Enterprise Zone for PCC Schlosser – *Caprielle Foot-Lewis*

E. Public Hearing and Discussion on the Possibility of Raising the Transient Room Tax Rate to 9.99 Percent - *A. Gorayeb*

VI. OTHER BUSINESS

VII. MAYOR/COUNCILOR BUSINESS

VIII. ADJOURN

REGULAR MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
JANUARY 14, 2016

MEMBERS PRESENT:

Chris Frye	Mayor
Nancy Connolly	Council President
David Asson	Councilor
Amy Burgstahler	Councilor
Andrea Blum	Councilor

STAFF PRESENT:

Andrew Gorayeb	City Manager
Steve Bryant	City Attorney
Paul Bertagna	PW Director
Lynne Fujita-Conrads	Finance Director
Joe O'Neill	Finance Officer
Kathy Nelson	City Recorder

ABSENT:

Patrick Davenport	CDD Director

I. CALL TO ORDER/PLEDGE OF ALLEGIANCE

The meeting was called to order by Mayor Frye at 7:03 p.m.

II. VISITOR COMMUNICATION

Richard Esterman, 153 Oak Street, Sisters, OR 97759

Mr. Esterman voiced his displeasure with the newly adopted Transient Merchant Code stating he felt his events were being discriminated against. He provided a list of acts he felt were discriminatory and stated he felt there was no accountability or outlined chain of command in City Hall. He requested the Council reconsider its decision and allow established events to be grandfathered in.

III. CONSENT AGENDA

A. Minutes

1. March 12, 2015 – Workshop
2. August 13, 2015 – Workshop
3. October 22, 2015 – Workshop
4. November 19, 2015 – Workshop
5. December 03, 2015 – Workshop
6. December 10, 2015 – Workshop
7. December 10, 2015 – Regular Meeting
8. December 17, 2015 – Workshop
9. January 07, 2016 - Workshop

B. Bills to Approve

1. January 14, 2016 Accounts Payable
2. December 17, 2015 Accounts Payable

C. Liquor License Expanded Use Application – Eurosports

***Councilor Burgstahler** moved to approve the consent agenda including the additional page of accounts payable. **Councilor Connolly** seconded the motion.*

- **Director Bertagna** explained the $63,634.68 payment to Legacy Builders was for reimbursement of a performance bond as the contractor had met its obligation. He explained the City collects a bond worth 120% of the cost of the required improvements that are outstanding until the work has been completed.
- **Director Bertagna** explained the $4,360 payment to Becon LLC was for work performed on the update of the Wastewater Capital Facilities Plan.
- **Director Bertagna** explained the $12,119 payment to Ferguson Enterprises was for battery packs for meter reading equipment. He added the City reserves funds specifically for this purpose each budget year.
- **Director Bertagna** explained the 744.80 payment to Sisters Lock & Key Service was for water meter padlocks, keys for the new Village Green restrooms, lockout service for a vehicle, and some additional keys.

The motion carried unanimously.

IV. STAFF REPORTS

A. Deschutes County Sheriff's Office – no questions

B. January Staff/Council Work Plan

Councilor Connolly questioned if the terms for maintaining the tennis courts at the elementary school had been determined and if some type of document to formalize those terms had been crafted. **Manager Gorayeb** replied the cost division terms had been determined. He explained the maintenance of the tennis courts would be borne by the school district and he felt it was an unnecessary cost to have an intergovernmental agreement (IGA) crafted. He added the City could decide to assist the school district if the tennis courts sustained significant damage, but that would be on a case by case basis. **Director Bertagna** reported the City would be painting pickle ball and basketball lines on the courts as weather permitted.

C. New Business License Report for December 2015 – list included

V. COUNCIL BUSINESS

A. Public Hearing and Consideration of Resolution No. 2016-01: A RESOLUTION OF THE CITY OF SISTERS ADOPTING CHANGES TO THE MASTER FEE SCHEDULE

Mayor Frye opened the public hearing for Resolution 2016-01.

Finance Director Fujita-Conrads stated the Master Fee schedule was being amended to reflect the fees the Council had directed staff to incorporate into the schedule for public events. She stated the amended fees would produce approximately $4,700 in additional revenue for the year.

Mayor Frye asked if there was anyone that wished to testify.

Richard Esterman, 153 Oak Street, Sisters, OR 97759
Mr. Esterman stated it used to cost him $450 to rent Creekside Park for three days and that fee would now be $900. He challenged the notion of increased maintenance costs, stating the City maintained its parks whether there was an event or not. He stated he also left the park cleaner then when he had initially set up for one of his events. He requested the Council reconsider before adopting any changes to the fee structure.

Mayor Frye asked Director Bertagna to respond to Mr. Esterman's claims. **Director Bertagna** stated all anyone needed to do was look at the difference to a park on the Thursday before set-up began and compare it to the Sunday once all the vendors had left. He stated the contrast would speak for itself. He stated the green lawn was wilted and Public Works staff had to work to bring the lawn back to its initial state. He reported there were costs associated with that type of maintenance that otherwise would not be incurred. He added that damage to the lawn by elements such as gasoline or cooking oil, as have occurred in the past, incur an additional charge to the event promotor as those are not considered normal maintenance tasks.

As there was no else that wished to speak, **Mayor Frye** closed the public hearing.

***Councilor Connolly** moved to approve Resolution No. 2016-01 adopting changes to the master fee schedule. **Councilor Blum** seconded the motion. The motion carried unanimously.*

B. Discussion and Consideration of a Motion to Approve a Chamber of Commerce Lease

Manager Gorayeb stated the new lease had been drawn up in response to Chamber of Commerce Executive Director Judy Trego's request, and the Council subsequent directive, to reduce the base rent to zero. He stated staff had also looked into property tax implications and found that the City would still be required to pay property tax for the building the Chamber uses but would be excluded for paying property tax for the Maida Bailey building since it was available to be used as a community room at no charge. He reported that would save the City approximately $778 in property taxes a year.

Councilor Burgstahler questioned if any upgrades to the Maida Bailey building were planned noting the interior was quite gloomy and dark. **Manager Gorayeb** replied staff would look into what improvements might be possible once it finished with the necessary Americans with Disability (ADA) compliance upgrades. He stated upgrades for the building could be considered during the FY 2016/17 budget cycle.

***Councilor Asson** moved to approve a Chamber of Commerce lease. **Councilor Burgstahler** seconded the motion. The motion carried unanimously.*

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

Director Bertagna stated the item was being pulled as the City had not received the necessary performance bond.

VI. OTHER BUSINESS

A. Goal Setting Worksheet

The **Council** discussed submitting their goals to staff in advance of the goal setting session in order to provide the opportunity to collate the information into one list. The **Council** discussed the agenda, format of the goal setting and information to be covered. The **Council** requested a list of upcoming projects from the department heads for the upcoming year.

VII MAYOR/COUNCILOR BUSINESS

- **Councilor Connolly** stated she had received a compliment on the professionalism and thoroughness of Director Davenport and Planner Reed from a party to a recent Planning Commission hearing.
- Mayor Frye and Councilor Blum will conduct an exit interview with Finance Director Fujita-Conrads.
- The **Council** discussed their agenda calendar to prioritize and schedule topics.

Councilor Asson left the meeting at 7:48 p.m.

- **Manager Gorayeb** reported the refinance of the City's debt through a municipal bond issuance would save the city approximately $672,000. He noted that combined with the savings with the Bank of the Cascades re-finance, the total saved was approximately $786,000 over the life of the loans.
- **Finance Director Fujita-Conrads** informed the Council the contract with Dickey and Tremper, the City's auditor for the past several years, was up and suggested the Council consider offering a one year extension to assist with the transition for Finance Officer O'Neill. The **Council** was supportive of the extension.

- City Manager evaluations are due to Mayor Frye by Tuesday, January 19th.
- The criteria under which the City Manager was to be rated was discussed and the **Council** stated it would prefer an open discussion as opposed to a numeric rating. **City Attorney Bryant** reminded the Council the criteria could not be changed without approval in a public meeting. The **Council** discussed the possibility of having an interim evaluation in six months and how it was difficult to convert comments into a score. There was also conversation about basing a portion of the evaluation on the City Manager's job description. **City Attorney Bryant** suggested that if the Council wanted to change the format by which the City Manager was to be evaluated, it consider doing so right after their goal setting when the issue was fresh in their minds. There was discussion on the importance of setting measurable goals.

Councilor Connolly *moved to approve the evaluation criteria for the City Manager as presented with the addition of a numeric score of one to three.* ***Councilor Blum*** *seconded the motion. The motion carried unanimously.*

VIII. ADJOURN –8:20 p.m.

Kathy Nelson

Kathy Nelson, City Recorder

Chris Frye Mayor

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
JANUARY 28, 2016

MEMBERS PRESENT:		STAFF PRESENT:	
Chris Frye	Mayor	Andrew Gorayeb	City Manager
Nancy Connolly	Council President	Steve Bryant	City Attorney
David Asson	Councilor	Joe O'Neill	Finance Officer
Amy Burgstahler	Councilor	Patrick Davenport	CD Director
Andrea Blum	Councilor	Kathy Nelson	City Recorder
		ABSENT:	
		Paul Bertagna	PW Director

The workshop was called to order by Mayor Frye at 6:52 p.m.

1. Wastewater System Capital Facilities Plan

Manager Gorayeb requested the Council send their questions to him due to lack of time. **Councilor Asson** stated he felt it was a good document with a lot of valuable information but he was concerned with the population forecast provided by Portland State University. He stated he felt the forecast was light. **Manager Gorayeb** replied it was hard to anticipate what the ebb and flow of growth might bring. He stated a capital improvement plan (CIP) would be created from the facilities plan once it was adopted. He explained the CIP would bring in projects and move them forward on the list. He stated if the forecast was light it would merely mean the system development charge (SDC) revenue would grow faster than anticipated.

City Attorney Bryant explained the City would anticipate growth to a certain point and determine the cost needed to cover projects needed to support that growth. He stated if growth happened faster than the City anticipated, it would need to update its plan. He stressed the importance of constantly monitoring growth to keep pace with the actual growth. **Manager Gorayeb** stated the Council needed to consider the plan included 20 years' worth of projects and all but the second crop irrigation effluent expansion and West Side Pump Station could be developed soon and would support a lot of growth.

The **Council** directed staff to bring the plan to the February 11th meeting for adoption.

2. Other Business

Due to lack of time there was no Other Business discussed.

The meeting was adjourned at 7:00 p.m.

Kathy Nelson

Kathy Nelson, City Recorder

Chris Frye, Mayor

REGULAR MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
JANUARY 28, 2016

MEMBERS PRESENT:

Chris Frye	Mayor
Nancy Connolly	Council President
David Asson	Councilor
Amy Burgstahler	Councilor
Andrea Blum	Councilor

STAFF PRESENT:

Andrew Gorayeb	City Manager
Steve Bryant	City Attorney
Patrick Davenport	CDD Director
Joe O'Neill	Finance Officer
Kathy Nelson	City Recorder

ABSENT:

Paul Bertagna	PW Director

I. CALL TO ORDER/PLEDGE OF ALLEGIANCE

The meeting was called to order by Mayor Frye at 7:08 p.m.

II. VISITOR COMMUNICATION - None

III. CONSENT AGENDA

A. Minutes - None

B. Bills to Approve
1. January Accounts Payable

C. Liquor License Application – La Magie Bakery

***Councilor Asson** moved to approve the consent agenda. **Councilor Burgstahler** seconded the motion. The motion carried unanimously.*

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)

Mayor Frye read from the public hearing script for MOD 15-06, a request to modify certain aspects of SUB 15-01, a previously approved tentative subdivision plat. He stated the public hearing would enable the Council to review the Planning Commission decision and approve, amend, remand or deny the application. He called the hearing to order. He described how the hearing would be conducted and how to provide testimony. He asked for disclosures from the City Council and there were none. There were no members of the audience that wished to challenge the ability of any member of the Council to hear the matter. He asked for the staff report to be presented.

Director Davenport provided background information for the ClearPine development explaining it was slated to construct 77 single family dwellings as well as two acres of multi-family zoned property. He provided a timeline of previous land use entitlements noting the latest was the Planning Commission recommendation for approval of MOD 15-06 to modify a previously approved subdivision plat (SUB 15-01). He stated a 2001 development agreement between the City, Sisters School District and Deschutes County, which assumed the property would be developed for industrial use, required 50 foot set-backs for buildings 20 feet and under and 100 foot setbacks for buildings over 20 feet tall. He stated the request was to modify the original setbacks, adding that even though they had expired in 2008, were still being carried forward to current land use applications. He pointed out the lots in question and explained the current property owner and an adjoining property owner had arrived at a mutually acceptable solution which included:

- 22 foot setback maximum height restriction on lots 35-38
- 38 foot setback for all structures on lots 30-36
- 25 foot setback for all structures on remaining lots along the northern property line
- 50/50 cost sharing for a fence to be built along the property lines of lots 30-36 and Lee property in the Trapper Point subdivision. Details for the fence will be determined by the developer and Mr. Lee within 30 days of Council's final approval.
- All conditions of approval specified in the previously approved application of SUB 15-01, not modified by the application, remain in effect.

Mayor Frye asked if it was appropriate for the Council to make a decision on the matter and **City Attorney Bryant** confirmed it was. **Mayor Frye** asked if the City had made changes to the setbacks in 2007 and **Director Davenport** replied the City had not and the same setbacks had been in since the original development agreement, even after it expired. **Mayor Frye** asked why one of the Planning Commissioner members voted against the resolution. **Director Davenport** replied the vote was more in protest of what the Planning Commissioner viewed as a lack of clarity in the City's Development Code as it relates to buffers between development in the city and rural areas. **Mayor Frye** asked if the negotiations between the developer and adjacent property owner were completed and **Director Davenport** replied they were still working out final details. **Mayor Frye** asked if the new setbacks provided an advantage to the builder and **Director Davenport** replied they provided a larger footprint in which to build homes.

Mayor Frye asked if the applicant would like to testify.

Peter Hall, 1195 NW Redfield Circle, Bend, OR
Mr. Hall stated he was the managing partner of Three Sisters Partners, developers of the Clear Pine subdivision. He clarified that the setbacks had never been changed. He stated he was mostly in agreement with the recommendation from the Planning Commission and stated he felt the terms of the cost sharing agreement for the fence had been determined

with each party paying for 50% of the cost. Clear Pine homeowners association would be responsible for maintaining the fence.

Mr. Hall stated Mr. Lee wanted view shed relief by limiting the heights on four homes to 22 feet high. He stated although he had plans approved for both alley and front loaded garages, his preference for setbacks would be 25 feet across the entire development to create a standard buffer and allow garages to be front loaded.

Councilor Connolly questioned whether there was a mutually acceptable agreement between Mr. Hall and Mr. Lee or not and **Mr. Hall** replied it was his preference to have a uniform 25 foot buffer across the back of the property. **Councilor Burgstahler** asked if there was any issue with the City requiring a different setback for lots 30-36. **City Attorney Bryant** replied the Council needed to be able to justify their decision in what was allowed with the applications. He added if the Council wanted to create a standard setback it could start with this decision or wait and consider the entirety of the city when making a decision. He stated if a situation with the same circumstances arose, there would likely be an expectation it would be handled in the same manner.

Mayor Frye asked if anyone wanted to testify in support of the application and there was no one. He asked if anyone wanted to testify in opposition to the application.

Meriel Darzen, 222 NW Irving, Bend OR
Ms. Darzen identified herself as an attorney representing Mr. Lee. She pointed out Mr. Lee's property relative to the Clear Pine development on a map. She stated the setbacks should remain the same and her client had been trying to work with Mr. Hall. She noted the lots for the 77 residential units were small, by the developers own choosing, and that was why he was interested in the shorter setbacks. She voiced disappointment that Mr. Hall was now backing off on the 38 foot setback for lots 30-36 as previously discussed. She stated the 38 foot setback was not an arbitrary number noting it matched the setbacks for the Sun Ranch development which borders the Clear Pine development. She stated if Mr. Hall wanted uniformity, her client would agree to a 38 foot setback across the entire northern edge of the Clear Pine subdivision. She confirmed her client would agree with the Planning Commission recommendations.

Francis Duane Lee, PO Box 1657, Sisters, OR
Mr. Lee identified himself as the owner of the property in the Trapper Point subdivision. He stated he had owned the property since the mid 1990's. He noted he had participated in a law suit against the City that eventually created the 50 foot and 100 foot setbacks with the 20 foot height restriction. He stated he would have preferred having a light industrial building as opposed to having seven residential units back up to his property. He stated he had heard when he arrived this evening that the applicant had met with the City Manager and now the setback was going to only be 25 feet for all the residential units. He stated he was upset that

he has had to continue to discuss the issue with Mr. Hall as Mr. Hall could adjust his plans and not try and build so many homes on the property. **Mr. Lee** stated his home site was an old mill and log pond and was still home to many critters. He stated he wanted to keep a more natural setting and was willing to accept the 38 foot setback along his property border but if it was anything less, he would pursue a legal challenge.

Mayor Frye asked if anyone wanted to provide neutral testimony and there was no one that did. He asked if anyone wanted to provide rebuttal testimony on either side of the argument.

Peter Hall, 1195 NW Redfield Circle, Bend, OR
Mr. Hall stated his development was not being crammed into a small area as he was building 77 residential units over 17.5 acres, which provided a density of only 4.1 homes per acre. He stated the Development Code allowed density to be from 3 to 8 homes per acre. He stated the original Sun Ranch plat only indicated a 25 foot buffer and at some point the Planning Commission had added the additional 13 feet to create a 38 foot setback.

Mayor Frye asked the applicant if he would like to provide a final statement and **Mr. Hall** declined. **Mayor Frye** asked if anyone would like to keep the record open and no one requested it be kept open. **Mayor Frye** closed the public testimony.

Director Davenport explained the specific conditions of approval discussed during his presentation were the starting point for the Council in determining if they wanted to approve, amend, remand or deny the application. He stated since the Council had originally approved the 2001 development agreement the Council was the appropriate body to make the final decision on the Type IV application.

Mayor Frye asked if there were further questions from the Council. **Councilor Asson** asked if there was a mutual agreement between Mr. Hall and Mr. Lee or not. **Mayor Frye** stated he understood there was a begrudging agreement but it was still Mr. Hall's preference to change all setbacks to 25 feet. **Councilor Asson** asked if the points provided during the staff presentations were generally agreed to at the Planning Commission meeting and **Director Davenport** replied they were. **Councilor Burgstahler** questioned if noticing requirements had been followed and **Director Davenport** replied everyone had been properly noticed. **Councilor Blum** asked for clarification on the 38 foot setbacks at Sun Meadow Ranch and **Director Davenport** replied the 38 foot setback requirement was part of the original zoning and had never changed.

Mayor Frye informed the Council the 120 day review time-frame requiring the City to make its final decision on the application was this evening unless the applicant waived his rights to the requirement. **Mr. Hall** did not waive his right to the requirement. **Mayor Frye** closed the public hearing.

***Councilor Connolly** moved for the City Council to approve file Mod 15-06 as written. **Councilor Asson** seconded the motion. The motion carried unanimously.*

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)

Mayor Frye read from the public hearing script for appeal AP 15-03 on the November 19, 2015 Planning Commission approval of an extension (Ext 15-01) to an approved tentative subdivision plat (SUB 10-02). He stated it was a de novo hearing that allowed all aspects of the application to be re-evaluated as if it were a newly submitted application. He called the hearing to order and explained how the hearing would be conducted and how to provide testimony. He asked for disclosures from the City Council and there were none. There were no members of the audience that wished to challenge the ability of any member of the Council to hear the matter. He asked for the staff report to be presented.

Director Davenport entered a letter from Michael Robinson of Perkins Coie, the attorney representing the appellant, Pinnacle Alliance Group LLC. He explained Pinnacle Alliance had appealed the Planning Commission decision to approve an extension of the McKenzie Meadow Village (MMV) subdivision. He provided a summary of the land use entitlements affecting the property, noting the August 12, 2015 City Council decision to uphold the June 18, 2015 Planning Commission approval for a master plan modification (MOD 15-01) had been appealed to the Land Use Board of Appeals (LUBA) and was still active. **Director Davenport** provided an overview of the previous extensions granted to McKenzie Meadow Village. He explained the review procedures and stated the Council could approve, approve with conditions or deny the extension request based on the applicable standards and criteria.

Director Davenport stated the appellant had not provided any evidence that the Planning Commission should not have been able to make the decision nor had the appellant provided any evidence that the Planning Commission findings were inadequate or internally inconsistent. **Director Davenport** provided a recap of staff responses to the appellant's statements in a letter dated December 3rd providing the grounds for the appeal.

1. The Planning Commission should not have granted the extension request because the City had already granted the maximum number of extensions for the subdivision for the maximum duration of time as allowed by the Sisters Development Code, Section 4.3.400F

Director Davenport replied staff did not agree and provided a review of the previous extensions granted. He noted the appellant did not specifically reference which section of the Development Code was not followed and had not demonstrated how the Planning

Commission had erred in approving the extension nor how the administrative extension was in error. He provided an overview of the Development Code section pertaining to extensions.

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.

Director Davenport replied staff did not agree as the Planning Commission had been made aware of the administrative decision, a Type I administrative decision, during its consideration of an extension request to SUB 10-02.

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 the Pinnacle Alliance letter in opposition to the extension.

Director Davenport replied staff did not agree stating the letter of opposition was included as an attachment to the staff report. He stated the applicant had requested the extension due to the fact that the initial phase of development was still under appeal to a higher body (LUBA). He stated that was a sufficient reason to grant the extension. He stated the appellant did not provide any evidence on how the Planning Commission findings were inadequate or internally inconsistent.

4. The City gave inadequate notice of the decision by failing to provide Pinnacle Alliance Group with a 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 an 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 on this matter.

Director Davenport admitted that the appellant's assertion of late notice was correct due to a clerical oversite but it did not deprive the appellant of its ability to appeal the decision of EXT 15-01. He explained the appellant had substantial time between submitting the appeal on December 3rd, 2015 to submit additional arguments in support of their appeal. He reported a letter from the appellant's attorney was received earlier in the day via email. He added that since it was a *de novo* hearing, the appellant had the opportunity to fully state the justifications on why the Planning Commission decision should be overturned and no one had attended the hearing to do so or submitted any evidence to support their assertions.

Commission decision (EXT 15-01) should be overturned and MMV be directed to file for a

new subdivision plan, it was staff's recommendation the Council not reject the Planning Commission decision and not require the applicant to file for a new land use application. He stated staff felt the Planning Commission decision had been made in compliance with the Development Code.

Director Davenport stated the appellant's attorney asserted there had not been adequate evidence provided to show there had been no changes to the applicable Development Code provisions on which the approval had been based. He reported there had been no changes to the Development Code in effect and entered a copy of the applicable provisions into the record.

Councilor Asson asked if the open LUBA appeal had any bearing on the Council's decisions and **City Attorney Bryant** replied it did not. **Mayor Frye** asked if the responses provided by staff to the issues raised by Pinnacle Alliance were correct and **City Attorney Bryant** replied the responses from staff had been in order. **Mayor Frye** asked if the noticing requirement, which staff admitted had been delayed, was a problem and **City Attorney Bryant** replied the appellant took advantage of the appeal opportunity and so that issue had been rectified. **City Attorney Bryant** noted the appellant had requested the record remain open for seven days for written testimony and then allow another seven day period as an opportunity to respond to submittals received during the second seen day period. He stated the record should remain open until 2:00 p.m. on February 11th.

Mayor Frye asked for public testimony. The only one to testify was the applicant's attorney

Laurie Craghead, PO Box, Bend, OR 97708
Ms. Craghead introduced herself as an attorney representing MMV in the matter. She stated the Laura Cooper of Brix Law was also an attorney for the matter and she had been unable to attend the hearing. She stated the argument from the appellant that the number of staff extension had been exceeded was impermissible as it was a collateral attack on the 2014 extension and therefore moot. She asserted the reasons for the extensions were all legitimate per the Sisters development Code. She requested the record remain open for an additional seven day to submit written testimony with additional time to respond to those submittals.

Staff had no further comments and **Mayor Frye** asked for questions of clarification from the Council.

Councilor Connolly asked City Attorney Bryant to explain the discussion about the first staff extension. **City Attorney Bryant** explained that when the Council takes action during a quasi-judicial hearing there was an appeal period and once that appeal period had passed an appellant couldn't go back and assert it had been invalid.

Mayor Frye informed the Council the 120 day review time frame requiring the City to make

a final decision on the application for EXT 15-01 was April 1, 2016. **Mayor Frye** stated the hearing was continued until the regular meeting of the City Council on February 11, 2016.

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

Manager Gorayeb stated Director Bertagna had reviewed and signed off on the checklist for completion of the public improvements for the Sky Gate subdivision, an affordable housing project developed by Housing Works. He explained this was the final step the City took prior to accepting the responsibility of perpetually operating and maintaining the public improvements associated with the subdivision.

***Councilor Asson** moved to accept public improvements for Sky Gate subdivision. **Councilor Burgstahler** seconded the motion. The motion carried unanimously.*

VI. OTHER BUSINESS

A. Planning Commission Appointment

Mayor Frye appointed Tim Clem to the Planning Commission. The **Council** concurred.

VII MAYOR/COUNCILOR BUSINESS

- **Council** directed staff to reach out to the individuals unofficially working on researching the viability of the two projects identified by the Community Assets Committee (CAC) as potential projects and encourage them to officially organize and move forward with their research.
- The City has been receiving positive comments on the Hood Avenue improvement project.
- **Mayor Frye** reported he and Manager Gorayeb met with Mike Reed and the manager for the Best Western Ponderosa Lodge to discuss the possibility of raising the transient room tax to 9.99%. **Mayor Frye** reported he had met with other lodging providers and had found most to be supportive of the idea. The **Council** discussed the matter and decided to hold a public hearing at the February 11th regular meeting to provide an opportunity for the lodging providers and community members to share their thoughts on the proposal.
- A cottonwood tree next to the Chamber of Commerce has been recommended for removal by the City Forester and the Urban Forestry Board due to safety concerns.

VIII. ADJOURN – 8:55 p.m.

Kathy Nelson

Kathy Nelson, City Recorder

Chris Frye Mayor

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
FEBRUARY 04, 2016

MEMBERS PRESENT:		**STAFF PRESENT:**	
Chris Frye	Mayor	Andrew Gorayeb	City Manager
David Asson	Councilor	Steve Bryant	City Attorney
Nancy Connolly	Councilor	Patrick Davenport	CD Director
Amy Burgstahler	Councilor	Paul Bertagna	PW Director
Andrea Blum	Councilor	Joe O'Neill	Finance Officer
		Julie Pieper	Finance Assistant
		Kathy Nelson	City Recorder

The meeting was called to order by Mayor Frye at 8:00 a.m.

1. Ethics and Public Meeting Law Review

City Attorney Bryant began his presentation by drawing a triangle on the board and explaining to the Council that they represented only the very tip of the triangle and that everything else was what happened in the City. He stated the Council's job was to set goals for the city and it was the City Manager's job to create the work plan that would implement those goals. He stressed that individual Council members had no authority and decisions could only be made by a majority of Council members agreeing on a matter. He stated collaboration was very important, as was allowing the City Manager the latitude to set up the flow of work.

City Attorney Bryant stated when the Council was acting in a quasi-judicial capacity it was only allowed to make decisions based on the information it received in the form of the staff report. Personal research, site visits and discussion with other parties would be considered ex parte contact and an ethics violation. He stated Council members should ask any questions they had during the actual hearing. **City Attorney Bryant** explained a Council member should not attend any Planning Commission meeting where any matter might later come before the Council for a quasi-judicial review since the Council was the appeal board. He stated it could disqualify the Council member to hear the matter. He added a maximum of two member of the Council should attend a Planning Commission meeting that was legislative in nature.

City Attorney Bryant stated public meetings were required to be noticed and transparent. He explained that meant a Councilor could discuss a matter with only one other Council member as anything more could be considered deliberative in nature and would be considered a public meeting.

The **Council** discussed how information might be shared among Council members. **City Attorney Bryant** explained that information coming from staff as it relates to a topic coming before the Council was acceptable but information from one Council members to all the others that might influence other Councilors in their decision making was not.

City Attorney Bryant informed the Council they could campaign for whatever they chose to but staff members were prohibited by state law from doing so, while on the job.

2. Council Goals Prioritization

Councilor Burgstahler stated she felt the Council goal priorities needed to be more organized to have more meaning and illustrate how they related to the vision statement. The **Council** discussed the benefits of using a facilitator for goal setting sessions with **Councilor Burgstahler** stating she felt this year's goal setting would have benefitted from having one. **Councilor Asson** stated in general he was not in favor of facilitators and **Councilor Connolly** stated she felt this year's process had worked well. **Councilor Blum** stated she felt the over-arching goals needed to be more clearly articulated and tasks assigned accordingly. She stated it was the City Manager's job to determine which department or people would handle a task and what resources were needed and not in the Council's prevue.

Councilor Connolly left at 9:07 a.m.

Manager Gorayeb explained that two years previous, staff had worked with two Council members to create a packet of information that provided an overview of the City to the entire Council. **Councilor Burgstahler** and **Councilor Blum** stated that would have beneficial to have since they had not previously participated in a goal setting session.

The **Council** discussed identifying the larger goals and agreed to have Councilor Burgstahler reorganize the Council priorities, separate goals from tasks, trace them back to their core value and present the revised information to the Council at a future meeting.

3. Housing Needs Analysis/Affordable Housing Policies

Director Davenport explained how staff had been drafting sections of an urbanization study which included a chapter devoted to the analysis of housing needs. He stated the analysis was part of the work necessary to update the Comprehensive Plan and help create an affordable housing policy. **Director Davenport** stated within the statewide planning goals related to housing, cities were required to complete an inventory of buildable residential lands with the intent of determining the types of dwelling units that exist in the city as opposed to the types of dwelling units needed.

Director Davenport explained a summary of the buildable land showed the City currently had just over 1,100 dwelling units. If the city were to be completely built out, there would be room for over 2,200 dwelling units. Statistical data collected indicated over 50% of all Sisters households, including owners and renters, were experiencing a cost burden as it relates to the percentage of their income that goes towards housing. Lack of affordable housing has contributed to finding service sector employees in Sisters as they cannot afford to live in Sisters and don't want to commute from Bend or Redmond. Further breakdown of the data indicated the dwelling units by type and need, illustrating a strong need for all types of multi-family dwelling units. **Director**

Davenport stated both housing and acreage needs were contemplated. **Manager Gorayeb** reported staff was in the process of ranking property outside the urban growth boundary (UGB) as it was anticipated there would be a shortage of land for housing needs towards the end of the 20 year planning period and the UGB would need to be expanded.

Director Davenport directed the Council to the proposed general policy recommendations to support affordable housing in the staff report and noted language in red had been recommended by the Planning Commission and bold printed language had been gleaned from the 2010 Housing Plan. He stated staff was looking for guidance from the Council on the proposed policies. The policies were discussed individually.

1. *Appoint a part-time housing Coordinator or designate an appropriate staff person to monitor housing related activity and to represent Sisters at a regional level*

Manager Gorayeb stated it would likely be Director Davenport.

2. *Develop a Housing Policy Board to assist the City Housing Coordinator in developing strategies, providing input on housing relates policies and regarding housing activity within the City*

The **Council** was supportive of the creation of a Housing Policy Board which would have five to seven members. **Director Davenport** indicated he would bring an ordinance to the Council to create of the board.

3. *Develop a Housing Trust Fund and use other existing City funding sources on a limited basis*

The **Council** was supportive of using urban renewal funds, general fund reserves and transient room tax revenue to contribute to the fund. The fact that most builders of affordable housing needed gap-funding was discussed and **Manager Gorayeb** stated a housing fund with a steady income stream could be effectively leverage.

Mayor Frye left the meeting at 9:58 a.m.

4. *Develop a comprehensive incentive program for developers of Affordable Housing*

The **Council** discussed potential program options. **Director Davenport** explained this included building permit and development plan review fee discounts, fee discounts for market rate multi-family units and system development charge (SDC) grants.

5. *Draft amendments to the Development Code adopting annexation plan and re-zoning plan both of which combine effectively to provide needed affordable housing units through buildout of the current UGB.*

Director Davenport reported there were amendments to the Development Code that were forthcoming to help incentivize affordable housing developers.

6. Land development and acquisition

Director Davenport shared the City of Ashland's annexation requirements for affordable housing as an example for the City to consider.

7. Financing support and tax credits

Ongoing support.

8. Legislative lobbying efforts

Ongoing support.

Manager Gorayeb summarized there was a whole spectrum of options and incentives the City could adopt in support of affordable housing.

4. Camp Reservation System Demonstration

Finance Assistant Julie Pieper gave an on-line demonstration of the new camp reservation system. She walked the Council through the steps of how visitors could answer a few questions and the system would bring up available spots that would insure campers were placed in an appropriate spot for their camping needs. The new system will provide a photo of the camping space, email directions for ingress and egress to the campground and directions for coming from the north or south that would be easy to navigate. Campers will also be made aware of the recent changes to the campground.

Manager Gorayeb stated discussion was needed with regard to whether the senior discount should still be provided with the suggestion it be based on a percentage discount versus a flat dollar amount and whether the transient room tax should be included inside or outside the rates.

5. Preview February 11, 2016 Workshop and Regular Meeting Agenda

City Recorder Nelson previewed the February 11th workshop and regular meeting agenda. **Director Davenport** reported that due to a lack of quorum at the City Park Advisory Board meeting, the City Parks Master Plan had not been approved and therefore would be removed from the workshop as a topic. The **Council** requested a review of the Wastewater System Capital Facilities Plan be scheduled instead. **Councilor Asson** asked if his concerns regarding the population forecasts in the plan had been addressed and **Manager Gorayeb** replied they had as staff had added language to state population forecast would be re-visited every five years. He stated a majority of the projects would be completed within the next three years which would support a great deal of growth.

6. Other Business

- **Manager Gorayeb** reported staff met with Councilor Burgstahler to discuss utility bill inserts and asked how the Council would feel about having public works, planning and the City provide newsletters on a rotating quarterly basis. The **Council** was supportive of the idea.

- **Council** discussed identifying a Council representative for the Dark Skies Committee liaison. **Councilor Blum** was identified as the Council member that would attend.
- **Councilor Burgstahler** stated she had voiced concerns to the Mayor on how the executive session to perform the City Manager review had been deliberated and felt there was a need for additional conversation relating to the matter. **Councilor Blum** stated she had been unaware that a merit increase was even going to be considered and had felt unprepared to discuss the matter. She stated her preference would have been to see all the scoring sheets from the other Council members in advance so questions related to the comments could have been framed in advance. **Councilor Asson** stated there needed to be collaboration between the Council and staff and he felt that was a failing of the Council. **Councilor Burgstahler** stated she felt the review process had been deeply flawed and felt the need to have a workshop to discuss the process since decisions had been made during the process. **Councilor Asson** suggested each Council member write down their concerns with regard to the review process for discussion at a future workshop and the other Council members agreed. The **Council** also wanted to discuss the goal setting process and stated if necessary, an executive session might be necessary.

The meeting was adjourned at 10:53 a.m.

Kathy Nelson

Kathy Nelson, City Recorder

Chris Frye, Mayor

PACKET: 02446 AP 2/11/16 KK
VENDOR SET: 01 CITY OF SISTERS
SEQUENCE : ALPHABETIC
DUE TO/FROM ACCOUNTS SUPPRESSED

--------ID-------- POST DATE	BANK CODE	---------DESCRIPTION---------	GROSS DISCOUNT	P.O. # G/L ACCOUNT	------ACCOUNT NAME------	DISTRIBUTION
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1/04/2016	AP-US	DUE: 1/04/2016 DISC: 1/04/2016		1099: N		
		RETURN SERPENTINE BELT-STOTTS		01 5-03-796	VEHICLE MAINTENANCE	0.51CR
		RETURN SERPENTINE BELT-STOTTS		01 5-05-796	VEHICLE MAINTENANCE	0.51CR
		RETURN SERPENTINE BELT-STOTTS		02 5-00-796	VEHICLE MAINTENANCE	2.03CR
		RETURN SERPENTINE BELT-STOTTS		03 5-00-796	VEHICLE MAINTENANCE	1.52CR
		RETURN SERPENTINE BELT-STOTTS		05 5-00-796	VEHICLE MAINTENANCE	0.51CR
C-28-524279		RETURN FILTERS-MCINTOSH	91.04CR			
1/25/2016	AP-US	DUE: 1/25/2016 DISC: 1/25/2016		1099: N		
		RETURN FILTERS-MCINTOSH		01 5-03-796	VEHICLE MAINTENANCE	9.10CR
		RETURN FILTERS-MCINTOSH		01 5-05-796	VEHICLE MAINTENANCE	9.10CR
		RETURN FILTERS-MCINTOSH		02 5-00-796	VEHICLE MAINTENANCE	9.10CR
		RETURN FILTERS-MCINTOSH		03 5-00-796	VEHICLE MAINTENANCE	27.31CR
		RETURN FILTERS-MCINTOSH		05 5-00-796	VEHICLE MAINTENANCE	36.43CR
I-28-522209		BATTERY-STOTTS	96.77			
1/25/2016	AP-US	DUE: 2/15/2016 DISC: 2/10/2016	1.94CR	1099: N		
		BATTERY-STOTTS		01 5-03-796	VEHICLE MAINTENANCE	9.68
		BATTERY-STOTTS		01 5-05-796	VEHICLE MAINTENANCE	9.68
		BATTERY-STOTTS		02 5-00-796	VEHICLE MAINTENANCE	19.35
		BATTERY-STOTTS		03 5-00-796	VEHICLE MAINTENANCE	38.71
		BATTERY-STOTTS		05 5-00-796	VEHICLE MAINTENANCE	19.35
I-28-523888		FLEX HANDLE	18.68			
1/20/2016	AP-US	DUE: 2/15/2016 DISC: 2/10/2016	0.37CR	1099: N		
		FLEX HANDLE		01 5-03-796	VEHICLE MAINTENANCE	1.87
		FLEX HANDLE		01 5-05-796	VEHICLE MAINTENANCE	4.86
		FLEX HANDLE		02 5-00-796	VEHICLE MAINTENANCE	4.48
		FLEX HANDLE		03 5-00-796	VEHICLE MAINTENANCE	4.86
		FLEX HANDLE		05 5-00-796	VEHICLE MAINTENANCE	2.61
I-28-524079		BOBCAT AIR HOSE,SLEEVE,NUT	21.88			
1/22/2016	AP-US	DUE: 2/15/2016 DISC: 2/10/2016	0.44CR	1099: N		
		BOBCAT AIR HOSE,SLEEVE,NUT		03 5-00-796	VEHICLE MAINTENANCE	10.94
		BOBCAT AIR HOSE,SLEEVE,NUT		05 5-00-796	VEHICLE MAINTENANCE	10.94
I-28-524123		AIR FILTERS-MCINTOSH	91.04			
1/22/2016	AP-US	DUE: 2/15/2016 DISC: 2/10/2016	1.82CR	1099: N		
		AIR FILTERS-MCINTOSH		01 5-03-796	VEHICLE MAINTENANCE	9.10
		AIR FILTERS-MCINTOSH		01 5-05-796	VEHICLE MAINTENANCE	9.10
		AIR FILTERS-MCINTOSH		02 5-00-796	VEHICLE MAINTENANCE	9.10
		AIR FILTERS-MCINTOSH		03 5-00-796	VEHICLE MAINTENANCE	27.31
		AIR FILTERS-MCINTOSH		05 5-00-796	VEHICLE MAINTENANCE	36.43
I-28-524124		AIR FILTERS CABIN-MCINTOSH	37.83			
1/22/2016	AP-US	DUE: 2/15/2016 DISC: 2/10/2016	0.76CR	1099: N		
		AIR FILTERS CABIN-MCINTOSH		01 5-03-796	VEHICLE MAINTENANCE	3.78
		AIR FILTERS CABIN-MCINTOSH		01 5-05-796	VEHICLE MAINTENANCE	3.78
		AIR FILTERS CABIN-MCINTOSH		02 5-00-796	VEHICLE MAINTENANCE	3.78

PACKET: 02446 AP 2/11/16 KK
VENDOR SET: 01 CITY OF SISTERS
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DUE TO/FROM ACCOUNTS SUPPRESSED

--------ID-------- POST DATE	BANK CODE	---------DESCRIPTION---------	GROSS DISCOUNT	P.O. # G/L ACCOUNT	------ACCOUNT NAME------	DISTRIBUTION
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		AIR FILTERS CABIN-MCINTOSH		05 5-00-796	VEHICLE MAINTENANCE	15.14
I-28-524281		AIR FILTER-BACKHOE	93.94			
1/25/2016	AP-US	DUE: 2/15/2016 DISC: 2/10/2016	1.88CR	1099: N		
		AIR FILTER-BACKHOE		03 5-00-796	VEHICLE MAINTENANCE	31.31
		AIR FILTER-BACKHOE		02 5-00-796	VEHICLE MAINTENANCE	31.31
		AIR FILTER-BACKHOE		05 5-00-796	VEHICLE MAINTENANCE	31.32
		=== VENDOR TOTALS ===	264.02			
01-0893	BECON LLC					
I-02032016		ENGINEERING SERVICES JAN 2015	2,725.00			
2/03/2016	AP-US	DUE: 2/03/2016 DISC: 2/03/2016		1099: Y		
		ENGINEERING SERVICES JAN 2015		02 5-00-713	DEVELOPMENT REVIEW	144.00
		ENGINEERING SERVICES JAN 2015		05 5-00-713	DEVELOPMENT REVIEW	144.00
		ENGINEERING SERVICES JAN 2015		03 5-00-713	DEVELOPMENT REVIEW	72.00
		AIRPORT-IFA UTILITY IMP.		02 5-00-906	CAPITAL OUTLAY	180.00
		AIRPORT-IFA UTILITY IMP.		05 5-00-906	CAPITAL OUTLAY	180.00
		CREEKSIDE CAMPGROUND		01 5-05-726	CONTRACTED SERVICES	60.00
		ODOT US 20 ROUNDABOUT		03 5-00-726	CONTRACTED SERVICES	480.00
		HOOD AVE LIGHTING & IRRIGATION		03 5-00-906	CAPITAL OUTLAY	385.00
		WATER CAPITAL FACILITIES PLAN		02 5-00-726	CONTRACTED SERVICES	1,080.00
		=== VENDOR TOTALS ===	2,725.00			
01-0314	BEND MEMORIAL CLINIC					
I-02012016		IMMUNIZATIONS-MONTALVO	116.00			
2/01/2016	AP-US	DUE: 2/01/2016 DISC: 2/01/2016		1099: Y		
		IMMUNIZATIONS-MONTALVO		01 5-03-771	MEDICAL TESTING & SERVIC	11.60
		IMMUNIZATIONS-MONTALVO		01 5-05-771	MEDICAL TESTING & SERVIC	30.17
		IMMUNIZATIONS-MONTALVO		02 5-00-771	MEDICAL TESTING & SERVIC	27.83
		IMMUNIZATIONS-MONTALVO		03 5-00-771	MEDICAL TESTING & SERVIC	30.17
		IMMUNIZATIONS-MONTALVO		05 5-00-771	MEDICAL TESTING & SERVIC	16.23
		=== VENDOR TOTALS ===	116.00			
01-0719	BEND OIL CO., INC.					
I-134061		FUEL JANUARY 2016	799.14			
1/31/2016	AP-US	DUE: 1/31/2016 DISC: 1/31/2016		1099: N		
		FUEL JANUARY 2016		01 5-03-755	GAS/OIL	107.27
		FUEL JANUARY 2016		01 5-05-755	GAS/OIL	103.33
		FUEL JANUARY 2016		02 5-00-755	GAS/OIL	167.33
		FUEL JANUARY 2016		03 5-00-755	GAS/OIL	254.34
		FUEL JANUARY 2016		05 5-00-755	GAS/OIL	166.87
		=== VENDOR TOTALS ===	799.14			

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I-6823		DOOR MATS-RESTROOMS	19.96			
1/14/2016	AP-US	DUE: 1/14/2016 DISC: 1/14/2016		1099: N		
		DOOR MATS-RESTROOMS		01 5-05-795	SUPPLIES	19.96
		=== VENDOR TOTALS ===	19.96			
01-1 MISC VENDOR						
I-01312016		BLUM,ANDREA:MILEAGE REIMB	48.60			
1/28/2016	AP-US	DUE: 1/28/2016 DISC: 1/28/2016		1099: N		
		BLUM,ANDREA:MILEAGE REIMB		01 5-01-700	MAYOR & COUNCIL	48.60
		=== VENDOR TOTALS ===	48.60			
01-0172 BMS TECHNOLOGIES						
I-46248		UTILITY BILLING JANUARY 2016	591.02			
2/01/2016	AP-US	DUE: 2/01/2016 DISC: 2/01/2016		1099: Y		
		UTILITY BILLING JANUARY 2016		02 5-00-715	POSTAGE	295.52
		UTILITY BILLING JANUARY 2016		05 5-00-715	POSTAGE	295.50
I-46249		ONLINE BILLPAY FEBRUARY 2016	56.77			
2/01/2016	AP-US	DUE: 2/01/2016 DISC: 2/01/2016		1099: Y		
		ONLINE BILLPAY FEBRUARY 2016		02 5-00-715	POSTAGE	28.39
		ONLINE BILLPAY FEBRUARY 2016		05 5-00-715	POSTAGE	28.38
		=== VENDOR TOTALS ===	647.79			
01-0053 BRYANT EMERSON, LLP						
I-0216482		LEGAL FEES-FINANCE DEC 2015	196.00			
1/28/2016	AP-US	DUE: 1/28/2016 DISC: 1/28/2016		1099: Y		
		LEGAL FEES-FINANCE DEC 2015		01 5-07-777	LEGAL FEES	196.00
I-0216736		LEGAL FEES-MMV DEC 15 JAN 16	4,176.15			
1/25/2016	AP-US	DUE: 1/25/2016 DISC: 1/25/2016		1099: Y		
		LEGAL FEES-MMV DEC 15 JAN 16		01 5-07-777	LEGAL FEES	4,176.15
I-0216737		LEGAL FEES-CDD JANUARY 2016	476.00			
1/25/2016	AP-US	DUE: 1/25/2016 DISC: 1/25/2016		1099: Y		
		LEGAL FEES-CDD JANUARY 2016		01 5-07-777	LEGAL FEES	476.00
I-0216739		LEGAL FEES-JANUARY 16 GENERAL	1,554.00			
1/25/2016	AP-US	DUE: 1/25/2016 DISC: 1/25/2016		1099: Y		
		LEGAL FEES-JANUARY 16 GENERAL		01 5-01-777	LEGAL FEES	1,554.00

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01-0053 BRYANT EMERSON, LLP		(** CONTINUED **)				
I-0216740		LEGAL FEES-JAN 15 KARNECKI	2,520.00			
1/25/2016	AP-US	DUE: 1/25/2016 DISC: 1/25/2016		1099: Y		
		LEGAL FEES-JAN 15 KARNECKI		01 5-07-777	LEGAL FEES	2,520.00
		=== VENDOR TOTALS ===	8,922.15			
01-0047 C & K MARKET INC.						
I-1646881		PC MEETING	65.40			
1/21/2016	AP-US	DUE: 2/25/2016 DISC: 2/25/2016		1099: N		
		PC MEETING		01 5-07-793	MEETINGS/WORKSHOPS	65.40
		=== VENDOR TOTALS ===	65.40			
01-0014 CENTRAL ELECTRIC COOP						
I-0005589700-0116		SISTERS SEWER TREATMENT	2,971.97			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		SISTERS SEWER TREATMENT		05 5-00-743	ELECTRICITY	2,971.97
I-0005591100-0116		ROPE LANE/LIFT STATION	840.78			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		ROPE LANE/LIFT STATION		05 5-00-743	ELECTRICITY	840.78
I-4602923513-0116		ELM/THREE CREEKS WELL	1,173.04			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		ELM/THREE CREEKS WELL		02 5-00-743	ELECTRICITY	1,173.04
I-4603150100-0116		VILLAGE GREEN RESTROOMS	491.73			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		VILLAGE GREEN RESTROOMS		01 5-05-743	ELECTRICITY	491.73
I-4630200101-0116		600 W HOOD	23.28			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		600 W HOOD		01 5-05-743	ELECTRICITY	23.28
I-5024820101-0116		SISTERS HIGH WELL	295.17			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		SISTERS HIGH WELL		02 5-00-743	ELECTRICITY	295.17
I-5402923491-0116		FS1605 CHLORINE BLDG	62.84			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		FS1605 CHLORINE BLDG		02 5-00-743	ELECTRICITY	62.84
I-5431540100-0116		68105 PETERSON BURN RD	68.05			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		68105 PETERSON BURN RD		02 5-00-743	ELECTRICITY	68.05

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01-0014 CENTRAL ELECTRIC COOP		(** CONTINUED **)				
I-8300033500-0116		CREEKSIDE CITY PARK	193.62			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		CREEKSIDE CITY PARK		01 5-05-743	ELECTRICITY	193.62
I-8300170200-0116		W BARCLAY DR LIFT STATION	40.24			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		W BARCLAY DR LIFT STATION		05 5-00-743	ELECTRICITY	40.24
I-8300418800-0116		SEWER TREATMENT/SHOP	1,231.92			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		SEWER TREATMENT/SHOP		05 5-00-743	ELECTRICITY	1,231.92
I-8300435700-0116		HAROLD BARCLAY MEMORIAL PARK	316.49			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		HAROLD BARCLAY MEMORIAL PARK		01 5-05-743	ELECTRICITY	316.49
I-8300550700-0116		LARCH ST PARK	23.16			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		LARCH ST PARK		01 5-05-743	ELECTRICITY	23.16
I-8300593501-0116		5 PINE CAMPUS LIFT STATION	43.97			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		5 PINE CAMPUS LIFT STATION		05 5-00-743	ELECTRICITY	43.97
I-8300695200-0116		1000 S LOCUST ST GATE	24.10			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		1000 S LOCUST ST GATE		05 5-00-743	ELECTRICITY	24.10
I-8301018100-0116		520 E CASCADE SISTERS CH	1,328.16			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		520 E CASCADE SISTERS CH		01 5-03-743	ELECTRICITY	1,328.16
I-8301034600-0116		VETERANS PARK	41.48			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		VETERANS PARK		01 5-05-743	ELECTRICITY	41.48
I-8301186200-0116		LIBRARY OUTDOOR LIGHTING	70.87			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		LIBRARY OUTDOOR LIGHTING		01 5-03-743	ELECTRICITY	70.87
I-8301301000-0116		990 JANTZEN L LIFT STATION	36.02			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		990 JANTZEN L LIFT STATION		05 5-00-743	ELECTRICITY	36.02
I-8301339500-0116		SISTERS PARKWAY RECYCLE	107.02			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		SISTERS PARKWAY RECYCLE		01 5-03-743	ELECTRICITY	107.02

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01-0014 CENTRAL ELECTRIC COOP		(** CONTINUED **)				
I-8301419900-0116		SUN RANCH DR WELL	165.54			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		SUN RANCH DR WELL		02 5-00-743	ELECTRICITY	165.54
I-8301614400-0116		E CASCADE DECORATIVE LIGHTING	30.31			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		E CASCADE DECORATIVE LIGHTING		03 5-00-743	ELECTRICITY	30.31
I-8301715301-0116		1000 S LOCUS ST PWHQ BLDG	411.67			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		1000 S LOCUS ST PWHQ BLDG		01 5-03-743	ELECTRICITY	411.67
I-8301802201-0116		MAIN ST DECORATIVE LIGHTING	141.43			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		MAIN ST DECORATIVE LIGHTING		03 5-00-743	ELECTRICITY	141.43
I-8301966001-0116		150 N FIR ST/FIR ST PARK	192.37			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		150 N FIR ST/FIR ST PARK		01 5-05-743	ELECTRICITY	192.37
		=== VENDOR TOTALS ===	10,325.23			
01-0024 CURTS ELECTRIC						
I-4200		REPLACE GFI'S-PWHQ	426.60			
1/14/2016	AP-US	DUE: 1/14/2016 DISC: 1/14/2016		1099: N		
		REPLACE GFI'S-PWHQ		01 5-03-788	PWHQ MAINTENANCE	426.60
I-4214		STREET LIGHT REPAIR	1,524.60			
1/11/2016	AP-US	DUE: 1/11/2016 DISC: 1/11/2016		1099: N		
		STREET LIGHT REPAIR		03 5-00-778	STREET LIGHTS	1,524.60
I-4215		STREET LIGHT REPAIR CEDAR/WAS	197.86			
1/11/2016	AP-US	DUE: 1/11/2016 DISC: 1/11/2016		1099: N		
		STREET LIGHT REPAIR CEDAR/WASH		03 5-00-778	STREET LIGHTS	197.86
		=== VENDOR TOTALS ===	2,149.06			
01-0101 DESCHUTES COUNTY SHERIFF'S DEP						
I-02012016		SHERIFF SERVICES FEBRUARY 201	45,327.50			
2/01/2016	AP-US	DUE: 2/01/2016 DISC: 2/01/2016		1099: N		
		SHERIFF SERVICES FEBRUARY 2016		01 5-06-783	DCSD - POLICING SERVICES	45,327.50
		=== VENDOR TOTALS ===	45,327.50			

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01-0596 DICKEY AND TREMPER, LLP						
I-62619		URA AUDIT FEE	1,665.00			
1/26/2016	AP-US	DUE: 1/26/2016 DISC: 1/26/2016		1099: Y		
		URA AUDIT FEE		21 5-00-706	AUDITING SERVICES	1,665.00
		=== VENDOR TOTALS ===	1,665.00			
01-0104 ECONOMIC DEVELOPMENT FOR CENTR						
I-7606		2016 MEMBERSHIP DUES	7,500.00			
1/28/2016	AP-US	DUE: 1/28/2016 DISC: 1/28/2016		1099: N		
		2016 MEMBERSHIP DUES		01 5-01-791	ECONOMIC DEVELOPMENT	7,500.00
I-7623		15/16 1ST QTR EDCO MANAGER	20,000.00			
1/28/2016	AP-US	DUE: 1/28/2016 DISC: 1/28/2016		1099: N		
		15/16 1ST QTR EDCO MANAGER		01 5-01-791	ECONOMIC DEVELOPMENT	20,000.00
I-7624		15/16 2ND QTR EDCO MANAGER	20,000.00			
1/28/2016	AP-US	DUE: 1/28/2016 DISC: 1/28/2016		1099: N		
		15/16 2ND QTR EDCO MANAGER		01 5-01-791	ECONOMIC DEVELOPMENT	20,000.00
I-7702		15/16 3RD QTR EDCO MANAGER	20,000.00			
1/28/2016	AP-US	DUE: 1/28/2016 DISC: 1/28/2016		1099: N		
		15/16 3RD QTR EDCO MANAGER		01 5-01-791	ECONOMIC DEVELOPMENT	20,000.00
		=== VENDOR TOTALS ===	67,500.00			
01-1001 EDGE ANALYTICAL, INC.						
I-16-02416		WATER SAMPLES	33.00			
2/04/2016	AP-US	DUE: 2/04/2016 DISC: 2/04/2016		1099: N		
		WATER SAMPLES		02 5-00-775	LABORATORY FEES	33.00
		=== VENDOR TOTALS ===	33.00			
01-0909 FASTENAL						
I-ORBEN99528		STREET MARKING PAINT	89.82			
1/14/2016	AP-US	DUE: 1/14/2016 DISC: 1/14/2016		1099: N		
		STREET MARKING PAINT		03 5-00-795	SUPPLIES	89.82
		=== VENDOR TOTALS ===	89.82			

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01-0028 FERGUSON ENTERPRISES, INC.						
I-0494107-2		METER PARTS	320.57			
1/25/2016	AP-US	DUE: 1/25/2016 DISC: 1/25/2016		1099: N		
		METER PARTS		02 5-00-788	METERS & PARTS	320.57
I-0500885		1 1/2" METER	507.93			
1/20/2016	AP-US	DUE: 1/20/2016 DISC: 1/20/2016		1099: N		
		1 1/2" METER		02 5-00-788	METERS & PARTS	507.93
I-0501540		METER PARTS	1,668.66			
1/26/2016	AP-US	DUE: 1/26/2016 DISC: 1/26/2016		1099: N		
		METER PARTS		02 5-00-788	METERS & PARTS	1,668.66
I-0501770		3/4" REGISTERS	424.74			
1/28/2016	AP-US	DUE: 1/28/2016 DISC: 1/28/2016		1099: N		
		3/4" REGISTERS		02 5-00-788	METERS & PARTS	424.74
I-0501789		3/4" METERS	1,632.00			
1/28/2016	AP-US	DUE: 1/28/2016 DISC: 1/28/2016		1099: N		
		3/4" METERS		02 5-00-788	METERS & PARTS	1,632.00
		=== VENDOR TOTALS ===	4,553.90			
01-0699 HCD						
I-02012016		FAN GRANT 5031775	21.76			
2/01/2016	AP-US	DUE: 2/01/2016 DISC: 2/01/2016		1099: N		
		FAN GRANT 5031775		01 5-08-311	COMMUNITY SERVICES GRANT	21.76
I-2186405		MASTER BILLING JANUARY 2016	597.25			
2/01/2016	AP-US	DUE: 2/01/2016 DISC: 2/01/2016		1099: N		
		MASTER BILLING JANUARY 2016		01 5-08-309	CITY MANAGED ACCOUNTS	597.25
		=== VENDOR TOTALS ===	619.01			
01-0017 HOYT'S HARDWARE						
I-439448		DRILL BITS, FENCE G1401	105.54			
1/25/2016	AP-US	DUE: 1/25/2016 DISC: 1/25/2016		1099: N		
		DRILL BITS, FENCE G1401		05 5-00-746	SMALL TOOLS & EQUIPMENT	11.33
		DRILL BITS, FENCE G1401		02 5-00-746	SMALL TOOLS & EQUIPMENT	12.52
		DRILL BITS, FENCE G1401		03 5-00-746	SMALL TOOLS & EQUIPMENT	16.04
		DRILL BITS, FENCE G1401		01 5-05-746	SMALL TOOLS & EQUIPMENT	11.92
		DRILL BITS, FENCE G1401		01 5-03-746	SMALL TOOLS & EQUIPMENT	7.75
		DRILL BITS, FENCE G1401		21 5-00-906	CAPITAL OUTLAY	45.98
I-439567		CEDAR MATERIAL	136.00			
1/04/2016	AP-US	DUE: 1/04/2016 DISC: 1/04/2016		1099: N		
		CEDAR MATERIAL		03 5-00-762	STREET SIGNS	136.00

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01-0017 HOYT'S HARDWARE		(** CONTINUED **)				
I-439824		SAW HORSE LUMBER	92.24			
1/07/2016	AP-US	DUE: 1/07/2016 DISC: 1/07/2016		1099: N		
		SAW HORSE LUMBER		01 5-03-788	PWHQ MAINTENANCE	92.24
I-439941		BROWN FLASHING-FIR ST PARK	7.50			
1/08/2016	AP-US	DUE: 1/08/2016 DISC: 1/08/2016		1099: N		
		BROWN FLASHING-FIR ST PARK		01 5-05-786	PARK MAINTENANCE	7.50
I-440141		SAFETY GATE HOOK	6.29			
1/12/2016	AP-US	DUE: 1/12/2016 DISC: 1/12/2016		1099: N		
		SAFETY GATE HOOK		01 5-05-786	PARK MAINTENANCE	6.29
I-440286		SIGN HANGING SUPPLIES	27.97			
1/14/2016	AP-US	DUE: 1/14/2016 DISC: 1/14/2016		1099: N		
		SIGN HANGING SUPPLIES		01 5-03-788	PWHQ MAINTENANCE	27.97
I-440787		PWHQ DRAFTING TABLE SUPPLIES	147.87			
1/21/2016	AP-US	DUE: 1/21/2016 DISC: 1/21/2016		1099: N		
		PWHQ DRAFTING TABLE SUPPLIES		01 5-03-788	PWHQ MAINTENANCE	147.87
I-441009		RECYCLE CENTER SUPPLIES	31.17			
1/25/2016	AP-US	DUE: 1/25/2016 DISC: 1/25/2016		1099: N		
		RECYCLE CENTER SUPPLIES		01 5-03-784	MAINTENANCE RECYCLE CENT	31.17
I-441347		CHAMBER DECK SUPPLIES	27.56			
1/28/2016	AP-US	DUE: 1/28/2016 DISC: 1/28/2016		1099: N		
		CHAMBER DECK SUPPLIES		01 5-03-906	CAPITAL OUTLAY	27.56
I-K39190		G1401 VG BIKE RACK	52.25			
1/25/2016	AP-US	DUE: 1/25/2016 DISC: 1/25/2016		1099: N		
		G1401 VG BIKE RACK		21 5-00-906	CAPITAL OUTLAY	52.25
I-K40043		FLASHING,MOP-FIR ST PARK	21.69			
1/11/2016	AP-US	DUE: 1/11/2016 DISC: 1/11/2016		1099: N		
		FLASHING,MOP-FIR ST PARK		01 5-05-786	PARK MAINTENANCE	21.69
		=== VENDOR TOTALS ===	656.08			
01-0011 LUTTON'S HARDWARE						
I-315863		WRENCH COMB-STREET LIGHTS	11.99			
1/04/2016	AP-US	DUE: 1/04/2016 DISC: 1/04/2016		1099: N		
		WRENCH COMB-STREET LIGHTS		03 5-00-778	STREET LIGHTS	11.99
I-315901		GORILLA GLUE,PUTTY,TAPE	13.97			
1/05/2016	AP-US	DUE: 1/05/2016 DISC: 1/05/2016		1099: N		
		GORILLA GLUE,PUTTY,TAPE		03 5-00-778	STREET LIGHTS	13.97

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01-0011 LUTTON'S HARDWARE		(** CONTINUED **)				
I-315905		MOUNTING PUTTY	5.99			
1/05/2016	AP-US	DUE: 1/05/2016 DISC: 1/05/2016		1099: N		
		MOUNTING PUTTY		03 5-00-778	STREET LIGHTS	5.99
I-315927		SNOW SHOVEL,POWER BITS	36.98			
1/06/2016	AP-US	DUE: 1/06/2016 DISC: 1/06/2016		1099: N		
		SNOW SHOVEL,POWER BITS		05 5-00-746	SMALL TOOLS & EQUIPMENT	7.03
		SNOW SHOVEL,POWER BITS		02 5-00-746	SMALL TOOLS & EQUIPMENT	7.77
		SNOW SHOVEL,POWER BITS		03 5-00-746	SMALL TOOLS & EQUIPMENT	9.96
		SNOW SHOVEL,POWER BITS		01 5-05-746	SMALL TOOLS & EQUIPMENT	7.40
		SNOW SHOVEL,POWER BITS		01 5-03-746	SMALL TOOLS & EQUIPMENT	4.82
I-315935		LIGHT CONNECTORS	11.97			
1/06/2016	AP-US	DUE: 1/06/2016 DISC: 1/06/2016		1099: N		
		LIGHT CONNECTORS		03 5-00-778	STREET LIGHTS	11.97
I-316069		LIGHT COVERS-FIR ST PARK	19.96			
1/08/2016	AP-US	DUE: 1/08/2016 DISC: 1/08/2016		1099: N		
		LIGHT COVERS-FIR ST PARK		01 5-05-786	PARK MAINTENANCE	19.96
I-316155		STREET MARKING PAINT	19.98			
1/11/2016	AP-US	DUE: 1/11/2016 DISC: 1/11/2016		1099: N		
		STREET MARKING PAINT		03 5-00-795	SUPPLIES	19.98
I-316174		SAND PAPER,SANDING BELT	14.97			
1/11/2016	AP-US	DUE: 1/11/2016 DISC: 1/11/2016		1099: N		
		SAND PAPER,SANDING BELT		05 5-00-746	SMALL TOOLS & EQUIPMENT	2.85
		SAND PAPER,SANDING BELT		02 5-00-746	SMALL TOOLS & EQUIPMENT	3.15
		SAND PAPER,SANDING BELT		03 5-00-746	SMALL TOOLS & EQUIPMENT	4.03
		SAND PAPER,SANDING BELT		01 5-05-746	SMALL TOOLS & EQUIPMENT	3.00
		SAND PAPER,SANDING BELT		01 5-03-746	SMALL TOOLS & EQUIPMENT	1.94
I-316207		SUNFLOWER SEEDS	39.98			
1/12/2016	AP-US	DUE: 1/12/2016 DISC: 1/12/2016		1099: N		
		SUNFLOWER SEEDS		03 5-00-795	SUPPLIES	39.98
I-316209		MOUSE REPELLENT	35.96			
1/12/2016	AP-US	DUE: 1/12/2016 DISC: 1/12/2016		1099: N		
		MOUSE REPELLENT		01 5-03-796	VEHICLE MAINTENANCE	3.60
		MOUSE REPELLENT		01 5-05-796	VEHICLE MAINTENANCE	9.35
		MOUSE REPELLENT		02 5-00-796	VEHICLE MAINTENANCE	8.63
		MOUSE REPELLENT		03 5-00-796	VEHICLE MAINTENANCE	9.35
		MOUSE REPELLENT		05 5-00-796	VEHICLE MAINTENANCE	5.03
I-316210		MOUSE REPELLENT	97.08			
1/12/2016	AP-US	DUE: 1/12/2016 DISC: 1/12/2016		1099: N		
		MOUSE REPELLENT		01 5-03-796	VEHICLE MAINTENANCE	9.71
		MOUSE REPELLENT		01 5-05-796	VEHICLE MAINTENANCE	25.25
		MOUSE REPELLENT		02 5-00-796	VEHICLE MAINTENANCE	23.29
		MOUSE REPELLENT		03 5-00-796	VEHICLE MAINTENANCE	25.25

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01-0011 LUTTON'S HARDWARE		(** CONTINUED **)				
		MOUSE REPELLENT		05 5-00-796	VEHICLE MAINTENANCE	13.58
I-316218		STREET SIGN SUPPLIES	35.96			
1/12/2016	AP-US	DUE: 1/12/2016 DISC: 1/12/2016		1099: N		
		STREET SIGN SUPPLIES		03 5-00-762	STREET SIGNS	35.96
I-316269		HARDWARE FOR PWHQ RACK	1.44			
1/13/2016	AP-US	DUE: 1/13/2016 DISC: 1/13/2016		1099: N		
		HARDWARE FOR PWHQ RACK		01 5-03-786	MAINTENANCE CITY SHOP	1.44
I-316270		HARDWARE RACK AT PWHQ	2.00			
1/13/2016	AP-US	DUE: 1/13/2016 DISC: 1/13/2016		1099: N		
		HARDWARE RACK AT PWHQ		01 5-03-788	PWHQ MAINTENANCE	2.00
I-316292		MIXING CONTAINER	4.90			
1/14/2016	AP-US	DUE: 1/14/2016 DISC: 1/14/2016		1099: N		
		MIXING CONTAINER		03 5-00-778	STREET LIGHTS	4.90
I-316307		7" PLIERS	16.99			
1/14/2016	AP-US	DUE: 1/14/2016 DISC: 1/14/2016		1099: N		
		7" PLIERS		05 5-00-746	SMALL TOOLS & EQUIPMENT	3.23
		7" PLIERS		02 5-00-746	SMALL TOOLS & EQUIPMENT	3.57
		7" PLIERS		03 5-00-746	SMALL TOOLS & EQUIPMENT	4.58
		7" PLIERS		01 5-05-746	SMALL TOOLS & EQUIPMENT	3.40
		7" PLIERS		01 5-03-746	SMALL TOOLS & EQUIPMENT	2.21
I-316351		LIGHT BULBS	19.98			
1/15/2016	AP-US	DUE: 1/15/2016 DISC: 1/15/2016		1099: N		
		LIGHT BULBS		01 5-05-795	SUPPLIES	19.98
I-316656		HARDWARE FOR METER INSTALL	5.96			
1/22/2016	AP-US	DUE: 1/22/2016 DISC: 1/22/2016		1099: N		
		HARDWARE FOR METER INSTALL		02 5-00-795	SUPPLIES	5.96
I-316659		STAIN,PAINTBRUSHES,PAINT	12.62			
1/22/2016	AP-US	DUE: 1/22/2016 DISC: 1/22/2016		1099: N		
		STAIN,PAINTBRUSHES,PAINT		01 5-03-788	PWHQ MAINTENANCE	12.62
I-316745		SPRAY PAINT	11.97			
1/22/2016	AP-US	DUE: 1/22/2016 DISC: 1/22/2016		1099: N		
		SPRAY PAINT		01 5-03-784	MAINTENANCE RECYCLE CENT	11.97
I-316823		COOLER	19.99			
1/27/2016	AP-US	DUE: 1/27/2016 DISC: 1/27/2016		1099: N		
		COOLER		05 5-00-795	SUPPLIES	19.99
		=== VENDOR TOTALS ===	440.64			

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01-0883 MELVIN'S FIR STREET MARKET						
I-456297		CC MTG	17.35			
1/28/2016	AP-US	DUE: 1/28/2016 DISC: 1/28/2016		1099: N		
		CC MTG		01 5-01-700	MAYOR & COUNCIL	17.35
		=== VENDOR TOTALS ===	17.35			
01-0143 NORCO						
I-17770592		20#	20.46			
1/31/2016	AP-US	DUE: 1/31/2016 DISC: 1/31/2016		1099: N		
		20#		01 5-03-795	SUPPLIES	2.05
		20#		01 5-05-795	SUPPLIES	5.32
		20#		02 5-00-795	SUPPLIES	4.91
		20#		03 5-00-795	SUPPLIES	5.32
		20#		05 5-00-795	SUPPLIES	2.86
		=== VENDOR TOTALS ===	20.46			
01-0515 OFFICEMAX						
I-039498		TRASH BAGS	53.84			
1/26/2016	AP-US	DUE: 1/26/2016 DISC: 1/26/2016		1099: N		
		TRASH BAGS		01 5-01-714	OFFICE SUPPLIES	8.09
		TRASH BAGS		01 5-02-714	OFFICE SUPPLIES	8.59
		TRASH BAGS		01 5-03-795	SUPPLIES	1.08
		TRASH BAGS		01 5-05-714	OFFICE SUPPLIES	4.86
		TRASH BAGS		01 5-07-714	OFFICE SUPPLIES	13.45
		TRASH BAGS		02 5-00-714	OFFICE SUPPLIES	7.54
		TRASH BAGS		03 5-00-714	OFFICE SUPPLIES	4.31
		TRASH BAGS		05 5-00-714	OFFICE SUPPLIES	5.92
I-072754		TRASH BAGS, BATTERIES	57.06			
1/29/2016	AP-US	DUE: 1/29/2016 DISC: 1/29/2016		1099: N		
		TRASH BAGS, BATTERIES		01 5-01-714	OFFICE SUPPLIES	8.58
		TRASH BAGS, BATTERIES		01 5-02-714	OFFICE SUPPLIES	9.10
		TRASH BAGS, BATTERIES		01 5-03-795	SUPPLIES	1.14
		TRASH BAGS, BATTERIES		01 5-05-714	OFFICE SUPPLIES	5.15
		TRASH BAGS, BATTERIES		01 5-07-714	OFFICE SUPPLIES	14.25
		TRASH BAGS, BATTERIES		02 5-00-714	OFFICE SUPPLIES	7.99
		TRASH BAGS, BATTERIES		03 5-00-714	OFFICE SUPPLIES	4.56
		TRASH BAGS, BATTERIES		05 5-00-714	OFFICE SUPPLIES	6.29
I-982664		PAPER CLIPS	3.46			
1/26/2016	AP-US	DUE: 1/26/2016 DISC: 1/26/2016		1099: N		
		PAPER CLIPS		01 5-01-714	OFFICE SUPPLIES	0.52
		PAPER CLIPS		01 5-02-714	OFFICE SUPPLIES	0.55
		PAPER CLIPS		01 5-03-795	SUPPLIES	0.07
		PAPER CLIPS		01 5-05-714	OFFICE SUPPLIES	0.31
		PAPER CLIPS		01 5-07-714	OFFICE SUPPLIES	0.86
		PAPER CLIPS		02 5-00-714	OFFICE SUPPLIES	0.48

PACKET: 02446 AP 2/11/16 KK
VENDOR SET: 01 CITY OF SISTERS
SEQUENCE : ALPHABETIC
DUE TO/FROM ACCOUNTS SUPPRESSED

--------ID-------- POST DATE	BANK CODE	---------DESCRIPTION---------	GROSS DISCOUNT	P.O. # G/L ACCOUNT	------ACCOUNT NAME------	DISTRIBUTION
01-0515 OFFICEMAX		(** CONTINUED **)				
		PAPER CLIPS		03 5-00-714	OFFICE SUPPLIES	0.28
		PAPER CLIPS		05 5-00-714	OFFICE SUPPLIES	0.39
		=== VENDOR TOTALS ===	114.36			
01-0233 PETERSON MACHINERY CO.						
I-SW550030089		BACKHOE REPAIRS	1,284.07			
1/27/2016	AP-US	DUE: 1/27/2016 DISC: 1/27/2016		1099: N		
		BACKHOE REPAIRS		03 5-00-796	VEHICLE MAINTENANCE	428.02
		BACKHOE REPAIRS		02 5-00-796	VEHICLE MAINTENANCE	428.02
		BACKHOE REPAIRS		05 5-00-796	VEHICLE MAINTENANCE	428.03
		=== VENDOR TOTALS ===	1,284.07			
01-0056 PETTY CASH						
I-02012016		PETTY CASH JANUARY 2016	21.65			
2/01/2016	AP-US	DUE: 2/01/2016 DISC: 2/01/2016		1099: N		
		CC GOAL SETTING MTG		01 5-01-700	MAYOR & COUNCIL	12.20
		GRANT POSTAGE		01 5-01-715	POSTAGE	9.45
		=== VENDOR TOTALS ===	21.65			
01-0013 PONY EXPRESS						
I-272303		LUBA/MMV SHIPPING	33.24			
1/15/2016	AP-US	DUE: 1/15/2016 DISC: 1/15/2016		1099: N		
		LUBA/MMV SHIPPING		01 5-01-715	POSTAGE	33.24
I-272932		SHIPPING-TOOL RETURN	13.96			
1/22/2016	AP-US	DUE: 1/22/2016 DISC: 1/22/2016		1099: N		
		SHIPPING-TOOL RETURN		03 5-00-715	POSTAGE	13.96
I-273142		SHIPPING-BOND DOCUMNETS	13.00			
1/26/2016	AP-US	DUE: 1/26/2016 DISC: 1/26/2016		1099: N		
		SHIPPING-BOND DOCUMNETS		01 5-01-715	POSTAGE	13.00
I-273715		SHIPPING RTN-WELL 1 INJECTOR	18.49			
2/01/2016	AP-US	DUE: 2/01/2016 DISC: 2/01/2016		1099: N		
		SHIPPING RTN-WELL 1 INJECTOR		02 5-00-715	POSTAGE	18.49
		=== VENDOR TOTALS ===	78.69			

PACKET: 02446 AP 2/11/16 KK
VENDOR SET: 01 CITY OF SISTERS
SEQUENCE : ALPHABETIC
DUE TO/FROM ACCOUNTS SUPPRESSED

--------ID-------- POST DATE	BANK CODE	---------DESCRIPTION---------	GROSS DISCOUNT	P.O. # G/L ACCOUNT	------ACCOUNT NAME------	DISTRIBUTION
01-0944 QUANTUM COMMUNICATION						
I-27996		TELEPHONE FEBRUARY 2016	816.02			
2/01/2016	AP-US	DUE: 2/01/2016 DISC: 2/01/2016		1099: N		
		TELEPHONE FEBRUARY 2016		01 5-01-735	TELEPHONE	50.62
		TELEPHONE FEBRUARY 2016		01 5-02-735	TELEPHONE	60.75
		TELEPHONE FEBRUARY 2016		01 5-03-735	TELEPHONE	20.28
		TELEPHONE FEBRUARY 2016		01 5-05-735	TELEPHONE	60.75
		TELEPHONE FEBRUARY 2016		01 5-07-735	TELEPHONE	90.92
		TELEPHONE FEBRUARY 2016		02 5-00-735	TELEPHONE	86.04
		TELEPHONE FEBRUARY 2016		03 5-00-735	TELEPHONE	75.90
		TELEPHONE FEBRUARY 2016		05 5-00-735	TELEPHONE	60.76
		CITY HALL		01 5-03-735	TELEPHONE	93.00
		PWHQ		01 5-03-735	TELEPHONE	62.00
		SEWER		05 5-00-735	TELEPHONE	155.00
		=== VENDOR TOTALS ===	816.02			
01-0074 ROBINSON & OWEN HEAVY CONST						
I-16103		G1401, ST MAIN 3/4" STATE SPE	3,464.00			
1/27/2016	AP-US	DUE: 1/27/2016 DISC: 1/27/2016		1099: N		
		G1401-VG 3/4" STATE SPEC		21 5-00-906	CAPITAL OUTLAY	1,480.00
		3/4" & 1/1/2" STREET MAINT		03 5-00-749	STREET MAINTENANCE	985.00
		3/4" STATE SPEC STREET IMP		03 5-00-765	IMPROVEMENTS & REPAIRS	999.00
I-16110		ST1401-HOOD AVE PAY EST #1	150,346.86			
2/03/2016	AP-US	DUE: 2/03/2016 DISC: 2/03/2016		1099: N		
		ST1401-HOOD AVE PAY EST #1		03 5-00-906	CAPITAL OUTLAY	150,346.86
		=== VENDOR TOTALS ===	153,810.86			
01-0754 SANI-STAR						
I-3290		SANI-STAR LEASE JANUARY 2016	100.00			
2/01/2016	AP-US	DUE: 2/01/2016 DISC: 2/01/2016		1099: N		
		SANI-STAR LEASE JANUARY 2016		01 5-05-718	LEASES	100.00
		=== VENDOR TOTALS ===	100.00			
01-0100 SISTERS AREA CHAMBER OF COMMER						
I-12312015		TRT DECEMBER 2015	10,839.91			
2/04/2016	AP-US	DUE: 2/04/2016 DISC: 2/04/2016		1099: N		
		TRT DECEMBER 2015		01 5-08-312	CHAMBER OF COMMERCE	10,839.91
		=== VENDOR TOTALS ===	10,839.91			

PACKET: 02446 AP 2/11/16 KK
VENDOR SET: 01 CITY OF SISTERS
SEQUENCE : ALPHABETIC
DUE TO/FROM ACCOUNTS SUPPRESSED

--------ID-------- POST DATE	BANK CODE	---------DESCRIPTION---------	GROSS DISCOUNT	P.O. # G/L ACCOUNT	------ACCOUNT NAME------	DISTRIBUTION
01-0502 SISTERS COFFEE CO.						
I-1197590		COFFEE	176.97			
1/26/2016	AP-US	DUE: 1/26/2016 DISC: 1/26/2016		1099: N		
		COFFEE		01 5-01-714	OFFICE SUPPLIES	26.60
		COFFEE		01 5-02-714	OFFICE SUPPLIES	28.23
		COFFEE		01 5-03-795	SUPPLIES	3.53
		COFFEE		01 5-05-714	OFFICE SUPPLIES	15.96
		COFFEE		01 5-07-714	OFFICE SUPPLIES	44.20
		COFFEE		02 5-00-714	OFFICE SUPPLIES	24.78
		COFFEE		03 5-00-714	OFFICE SUPPLIES	14.15
		COFFEE		05 5-00-714	OFFICE SUPPLIES	19.52
		=== VENDOR TOTALS ===	176.97			
01-0319 SISTERS FOLK FESTIVAL						
I-02052016		DEPOSIT RETURN-FOLK FEST 2015	250.00			
1/25/2016	AP-US	DUE: 1/25/2016 DISC: 1/25/2016		1099: N		
		DEPOSIT RETURN-FOLK FEST 2015		01 2-00-162	DEPOSITS - SPECIAL EVENT	250.00
		=== VENDOR TOTALS ===	250.00			
01-0157 SISTERS LOCK & KEY SERVICE						
I-10192		CH EXTRA KEYS	30.00			
2/02/2016	AP-US	DUE: 2/02/2016 DISC: 2/02/2016		1099: Y		
		CH EXTRA KEYS		01 5-03-785	MAINTENANCE CITY HALL	30.00
		=== VENDOR TOTALS ===	30.00			
01-1004 SLINGSHOT MATERIAL PLACEMENT						
I-SS548		3/4" ROCK	742.50			
1/29/2016	AP-US	DUE: 1/29/2016 DISC: 1/29/2016		1099: N		
		3/4" ROCK		03 5-00-765	IMPROVEMENTS & REPAIRS	742.50
		=== VENDOR TOTALS ===	742.50			
01-0838 SPINDRIFT FORESTRY CONSULTING						
I-SIS20160001		HAZARDOUS TREE EVALUATION	289.75			
2/02/2016	AP-US	DUE: 2/02/2016 DISC: 2/02/2016		1099: Y		
		HAZARDOUS TREE EVALUATION		03 5-00-726	CONTRACTED SERVICES	289.75
		=== VENDOR TOTALS ===	289.75			

PACKET: 02446 AP 2/11/16 KK
VENDOR SET: 01 CITY OF SISTERS
SEQUENCE : ALPHABETIC
DUE TO/FROM ACCOUNTS SUPPRESSED

--------ID-------- POST DATE	BANK CODE	---------DESCRIPTION---------	GROSS DISCOUNT	P.O. # G/L ACCOUNT	------ACCOUNT NAME------	DISTRIBUTION
01-0995 SUN COUNTRY ENGINEERING & SURV						
I-17520		BARCLAY RD ENGINEERING SVS	450.00			
2/01/2016	AP-US	DUE: 2/01/2016 DISC: 2/01/2016		1099: N		
		BARCLAY RD ENGINEERING SVS		03 5-00-906	CAPITAL OUTLAY	225.00
		BARCLAY RD ENGINEERING SVS		05 5-00-906	CAPITAL OUTLAY	225.00
		=== VENDOR TOTALS ===	450.00			
01-0155 SWEENEY PLUMBING, INC						
I-37936		TOILET REPAIR-BARCLAY PARK	192.50			
1/26/2016	AP-US	DUE: 1/26/2016 DISC: 1/26/2016		1099: N		
		TOILET REPAIR-BARCLAY PARK		01 5-05-786	PARK MAINTENANCE	192.50
		=== VENDOR TOTALS ===	192.50			
01-0937 U.S. BANK						
I-012016BERTAGNA		VISA-BERTAGNA JANUARY 2016	111.97			
1/25/2016	AP-US	DUE: 1/25/2016 DISC: 1/25/2016		1099: N		
		VISA-BERTAGNA JANUARY 2016		05 5-00-746	SMALL TOOLS & EQUIPMENT	21.29
		VISA-BERTAGNA JANUARY 2016		02 5-00-746	SMALL TOOLS & EQUIPMENT	23.53
		VISA-BERTAGNA JANUARY 2016		03 5-00-746	SMALL TOOLS & EQUIPMENT	30.15
		VISA-BERTAGNA JANUARY 2016		01 5-05-746	SMALL TOOLS & EQUIPMENT	22.41
		VISA-BERTAGNA JANUARY 2016		01 5-03-746	SMALL TOOLS & EQUIPMENT	14.59
I-01202016BERTAGNA		VISA-BERTAGNA JANUARY 2016	58.07			
1/25/2016	AP-US	DUE: 1/25/2016 DISC: 1/25/2016		1099: N		
		VISA-BERTAGNA JANUARY 2016		05 5-00-793	MEETINGS/WORKSHOPS	11.04
		VISA-BERTAGNA JANUARY 2016		02 5-00-793	MEETINGS/WORKSHOPS	12.21
		VISA-BERTAGNA JANUARY 2016		03 5-00-793	MEETINGS/WORKSHOPS	15.63
		VISA-BERTAGNA JANUARY 2016		01 5-05-793	MEETINGS/WORKSHOPS	11.64
		VISA-BERTAGNA JANUARY 2016		01 5-03-793	MEETINGS/WORKSHOPS	7.55
I-01202016NELSON		VISA-NELSON JANUARY 2016	511.00			
1/25/2016	AP-US	DUE: 1/25/2016 DISC: 1/25/2016		1099: N		
		J. ONEILL NAME PLATE		01 5-02-714	OFFICE SUPPLIES	12.00
		CAMPGROUND RESERVATION SYS		01 5-05-733	DUES & SUBSCRIPTIONS	499.00
		=== VENDOR TOTALS ===	681.04			
01-0976 USA FLEET SOLUTIONS						
I-22835		MONTHY TRACKING FEBRUARY 16	209.65			
2/01/2016	AP-US	DUE: 2/01/2016 DISC: 2/01/2016		1099: Y		
		MONTHY TRACKING FEBRUARY 16		01 5-03-726	CONTRACTED SERVICES	20.96
		MONTHY TRACKING FEBRUARY 16		01 5-05-726	CONTRACTED SERVICES	54.52
		MONTHY TRACKING FEBRUARY 16		02 5-00-726	CONTRACTED SERVICES	50.30
		MONTHY TRACKING FEBRUARY 16		03 5-00-726	CONTRACTED SERVICES	54.52
		MONTHY TRACKING FEBRUARY 16		05 5-00-726	CONTRACTED SERVICES	29.35
		=== VENDOR TOTALS ===	209.65			

PACKET: 02446 AP 2/11/16 KK
VENDOR SET: 01 CITY OF SISTERS
SEQUENCE : ALPHABETIC
DUE TO/FROM ACCOUNTS SUPPRESSED

--------ID-------- POST DATE	BANK CODE	---------DESCRIPTION---------	GROSS DISCOUNT	P.O. # G/L ACCOUNT	------ACCOUNT NAME------	DISTRIBUTION
01-0903 VELOX SYSTEMS						
I-2556		IT SUPPORT JANUARY 2016	1,685.00			
1/28/2016	AP-US	DUE: 1/28/2016 DISC: 1/28/2016		1099: Y		
		IT SUPPORT JULY 2015		01 5-01-726	CONTRACTED SERVICES	168.50
		IT SUPPORT JULY 2015		01 5-02-726	CONTRACTED SERVICES	202.20
		IT SUPPORT JULY 2015		01 5-03-726	CONTRACTED SERVICES	67.40
		IT SUPPORT JULY 2015		01 5-05-726	CONTRACTED SERVICES	219.05
		IT SUPPORT JULY 2015		01 5-07-726	CONTRACTED SERVICES	286.45
		IT SUPPORT JULY 2015		02 5-00-726	CONTRACTED SERVICES	286.45
		IT SUPPORT JULY 2015		03 5-00-726	CONTRACTED SERVICES	252.75
		IT SUPPORT JULY 2015		05 5-00-726	CONTRACTED SERVICES	202.20
		=== VENDOR TOTALS ===	1,685.00			
01-0760 VERIZON WIRELESS						
I-9758918485		CELL PHONES JANUARY 2016	217.99			
1/26/2016	AP-US	DUE: 1/26/2016 DISC: 1/26/2016		1099: N		
		CELL PHONES JANUARY 2016		01 5-03-736	CELLULAR PHONES	22.65
		CELL PHONES JANUARY 2016		01 5-05-736	CELLULAR PHONES	44.18
		CELL PHONES JANUARY 2016		01 5-07-736	CELLULAR PHONES	15.94
		CELL PHONES JANUARY 2016		02 5-00-736	CELLULAR PHONES	39.55
		CELL PHONES JANUARY 2016		03 5-00-736	CELLULAR PHONES	67.55
		CELL PHONES JANUARY 2016		05 5-00-736	CELLULAR PHONES	28.12
		=== VENDOR TOTALS ===	217.99			
01-0061 WESTERN COMMUNICATIONS, INC.						
I-2327401		PLANNING PUBLIC NOTICE	489.50			
1/31/2016	AP-US	DUE: 3/02/2016 DISC: 3/02/2016		1099: N		
		PLANNING PUBLIC NOTICE		01 5-07-705	ADVERTISING	489.50
		=== VENDOR TOTALS ===	489.50			
01-0225 X-PRESS PRINTING						
I-78700		ENVELOPES	245.77			
1/27/2016	AP-US	DUE: 1/27/2016 DISC: 1/27/2016		1099: N		
		ENVELOPES		01 5-01-714	OFFICE SUPPLIES	36.93
		ENVELOPES		01 5-02-714	OFFICE SUPPLIES	39.20
		ENVELOPES		01 5-03-795	SUPPLIES	4.91
		ENVELOPES		01 5-05-714	OFFICE SUPPLIES	22.17
		ENVELOPES		01 5-07-714	OFFICE SUPPLIES	61.39
		ENVELOPES		02 5-00-714	OFFICE SUPPLIES	34.42
		ENVELOPES		03 5-00-714	OFFICE SUPPLIES	19.65
		ENVELOPES		05 5-00-714	OFFICE SUPPLIES	27.10
		=== VENDOR TOTALS ===	245.77			

PACKET: 02446 AP 2/11/16 KK
VENDOR SET: 01 CITY OF SISTERS
SEQUENCE : ALPHABETIC
DUE TO/FROM ACCOUNTS SUPPRESSED

--------ID-------- POST DATE	BANK CODE	---------DESCRIPTION---------	GROSS DISCOUNT	P.O. # G/L ACCOUNT	------ACCOUNT NAME------	DISTRIBUTION
01-0428 XEROX CORPORATION						
I-083271854		COPIER LEASE 7665 JANUARY 201	22.40			
2/01/2016	AP-US	DUE: 2/01/2016 DISC: 2/01/2016		1099: N		
		COPIER LEASE 7665 JANUARY 2016		01 5-01-721	COPIER/PRINTER	7.17
		COPIER LEASE 7665 JANUARY 2016		01 5-02-721	COPIER/PRINTER	4.03
		COPIER LEASE 7665 JANUARY 2016		01 5-05-721	COPIER/PRINTER	1.12
		COPIER LEASE 7665 JANUARY 2016		01 5-07-721	COPIER/PRINTER	6.94
		COPIER LEASE 7665 JANUARY 2016		02 5-00-721	COPIER/PRINTER	1.57
		COPIER LEASE 7665 JANUARY 2016		05 5-00-721	COPIER/PRINTER	1.57
I-083271863		COPIER LEASE 7855 JANUARY 201	636.26			
2/01/2016	AP-US	DUE: 2/01/2016 DISC: 2/01/2016		1099: N		
		COPIER LEASE 7855 JANUARY 2016		01 5-01-721	COPIER/PRINTER	203.65
		COPIER LEASE 7855 JANUARY 2016		01 5-02-721	COPIER/PRINTER	114.52
		COPIER LEASE 7855 JANUARY 2016		01 5-05-721	COPIER/PRINTER	31.82
		COPIER LEASE 7855 JANUARY 2016		01 5-07-721	COPIER/PRINTER	197.22
		COPIER LEASE 7855 JANUARY 2016		02 5-00-721	COPIER/PRINTER	44.52
		COPIER LEASE 7855 JANUARY 2016		05 5-00-721	COPIER/PRINTER	44.53
		=== VENDOR TOTALS ===	658.66			
		=== PACKET TOTALS ===	320,390.00			

RECEIVED
JAN 25 2016
CITY OF SISTERS

OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES

- [x] Full On-Premises Sales ($402.60/yr)
  - [x] 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
- [x] New Outlet
- [ ] Greater Privilege
- [ ] Additional Privilege
- [ ] Other _____

RECEIVED
JAN 12 2016
Oregon Liquor Control Commission
Bend, Oregon

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 [x] Limited Liability Company [ ] Individuals

CITY AND COUNTY USE ONLY

Date application received: 1/25/16

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: SC

Date: 1/12/16

90-day authority: [ ] Yes [x] No

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

① ~~Aaron Okura~~ Sisters Saloon LLC ③ _____

② _____ ④ _____

2. Trade Name (dba): Sisters Saloon & Ranch Grill

3. Business Location: 190 E Cascade Ave. Sisters, Deschutes County, Oregon 97759
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: PO box 2424 Sisters, Oregon 97759
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541-549-7247
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? [ ] Yes [x] No no

7. If yes to whom: ~~Tammy Falconer~~ Type of License: ~~Full On-Premises Sales~~

8. Former Business Name: Bronco Billy's

9. Will you have a manager? [x] Yes [ ] No Name: Aaron Okura
(manager must fill out an Individual History form)

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

11. Contact person for this application: Aaron Okura 801-712-4798
(name) (phone number(s))

PO box 2424 Sisters, Oregon aaronokura@gmail.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 Aaron Okura Date 12-29-15 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____

RECEIVED
JAN 25 2016
CITY OF SISTERS

OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES
- [x] Full On-Premises Sales ($402.60/yr)
  - [x] 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
- [x] New Outlet
- [ ] Greater Privilege
- [ ] Additional Privilege
- [ ] Other _____

RECEIVED
JAN 12 2016
Oregon Liquor Control Commission
Bend, Oregon

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 [x] Limited Liability Company [ ] Individuals

CITY AND COUNTY USE ONLY
Date application received: 1/25/16
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: SC
Date: 1/12/16
90-day authority: ☐ Yes ☐ No

1/29/16 DCSO

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]
① ~~Aaron Okura~~ Sisters Saloon LLC ③ _____
② _____ ④ _____

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(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541-549-7247
(phone) (fax)

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

7. If yes to whom: ~~Tantalus/Falconer~~ Type of License: ~~Full On-Premises Sales~~

8. Former Business Name: Bronco Billy's

9. Will you have a manager? [x] Yes [ ] No Name: Aaron Okura
(manager must fill out an Individual History form)

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

11. Contact person for this application: Aaron Okura 801-712-4798
(name) (phone number(s))
PO box 2424 Sisters, Oregon aaronokura@gmail.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 Aaron Okura Date 12-29-15 ③ _____ Date _____
② _____ Date _____ ④ _____ Date _____

OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY

OSP/DMV
Search Completed
JAN 13 2016

1. Trade Name Sisters Saloon & Ranch Grill 2. City Sisters

INITIALS: SC

3. Name Okura Aaron Masaru
(Last) (First) (Middle)

4. Other names used (maiden, other) _____

5. *SSN ____ ____ ____ 6. Place of Birth Hawaii (State or Country) 7. DOB ____ ____ ____ (mm) (dd) (yyyy) 8. Sex M ◉ F ○

*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: Aaron Okura

9. Driver License or State ID # _____ 10. State Utah

11. Residence Address 15000 Mckenzie Highway Sisters, Oregon 97759
(number and street) (city) (state) (zip code)

12. Mailing Address (if different) PO box 2424 Sisters, Oregon 97759
(number and street) (city) (state) (zip code)

13. Contact Phone 801-712-4798 14. E-Mail address (optional) aaronokura@gmail.com

15. Do you have a spouse or domestic partner? ◉ Yes ☐ No
If yes, list his/her full name: Ashley Reed Okura

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:
Utah

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 Sisters Saloon & Ranch Grill 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:

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: Ann Obrien Date: 12-29-15

RECEIVED
JAN 27 2016
CITY OF SISTERS

OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

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 14 2016
Oregon Liquor Control Commission
Bend, Oregon

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: 1/27/16
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: SC
Date: 1/14/16
90-day authority: ☐ Yes ☒ No

1/28/16 DCSD

1. Entity or individuals applying for the license: [See SECTION 1 of the Guide]
① Brody's Meats Inc. ③ _____
② _____ ④ _____

2. Trade Name (dba): Sisters Meat + Smokehouse

3. Business Location: 110 S. Spruce St. Sisters Deschutes OR 97759
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 70285 Sorrell Dr. Sisters OR 97759
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541-549-6139 _____
(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: _____

9. Will you have a manager? ☒ Yes ☐ No Name: Brody Ty Waller
(manager must fill out an Individual History form)

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

11. Contact person for this application: Katherine Johnson 503-784-8479
(name) (phone number(s))
70285 Sorrell Dr. Sisters, OR 97759 KayJ97070@gmail.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 Katherine Johnson Date 1-5-2016 ③ _____ Date _____
② _____ Date _____ ④ _____ Date _____

OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

JAN 27 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 14 2016

Oregon Liquor Control Commission
Bend, Oregon

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: 1/27/16

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: SC

Date: 1/14/16

90-day authority: ☐ Yes ☒ No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]
   ① Brody's Meats Inc. ③ _____
   ② _____ ④ _____
2. Trade Name (dba): Sisters Meat + Smokehouse
3. Business Location: 110 S. Spruce St. (number, street, rural route) Sisters (city) Deschutes (county) OR (state) 97759 (ZIP code)
4. Business Mailing Address: 70285 Sorrell Dr. (PO box, number, street, rural route) Sisters (city) OR (state) 97759 (ZIP code)
5. Business Numbers: 541-549-6139 (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: _____
9. Will you have a manager? ☒ Yes ☐ No Name: Brody Ty Waller (manager must fill out an Individual History form)
10. What is the local governing body where your business is located? City of Sisters (name of city or county)
11. Contact person for this application: Katherine Johnson (name) 503-784-8479 (phone number(s))
    70285 Sorrell Dr. Sisters, OR 97759 (address) ~~(fax number)~~ KayJ97070@gmail.com (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 Katherine Johnson Date 1-5-2016 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____

OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY

OSP/DMV Search Completed JAN 05 2016

1. Trade Name ~~Brody's Meats Inc.~~ Sisters Meat & Smokehouse dba 2. City Sisters

3. Name Johnson (Last) Jeffrey (First) D (Middle)

4. Other names used (maiden, other) Jeff INITIALS: SC

5. *SSN ___ ___ ___ 6. Place of Birth OR (State or Country) 7. DOB ___ (mm) (dd) (yyyy) 8. Sex M ☒ F ☐

*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 Oregon

11. Residence Address 70285 Sorrell Dr. (number and street) Sisters (city) OR (state) 97759 (zip code)

12. Mailing Address (if different) ___ (number and street) (city) (state) (zip code)

13. Contact Phone 503-789-0831 14. E-Mail address (optional) chiefjdj@gmail.com

15. Do you have a spouse or domestic partner? ☒ Yes ☐ No
If yes, list his/her full name: Katherine Jean Johnson

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: None

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.

Sisters Meat

20. Trade Name ~~Brody's Meats Inc.~~ 88 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:

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: 1-5-2016

OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY

OSP/DMV Search Complete JAN 15 2016

1. Trade Name ~~Brodie Meats Inc.~~ dba Sisters Meat + Smokehouse 2. City Sisters

3. Name Johnson (Last) Katherine (First) Jean (Middle)

INITIALS: KC

4. Other names used (maiden, other) Kay (Smith)

5. *SSN ___ ___ 6. Place of Birth MA (State or Country) 7. DOB _ (mm) (dd) (yyyy) 8. Sex M ☐ F ☒

*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: Katherine J Johnson

9. Driver License or State ID # _____ 10. State Oregon

11. Residence Address 70285 Sorrell Dr. (number and street) Sisters (city) OR (state) 97759 (zip code)

12. Mailing Address (if different) _____ (number and street) (city) (state) (zip code)

13. Contact Phone 503-784-8479 14. E-Mail address (optional) KayJ97070@gmail.com

15. Do you have a spouse or domestic partner? ☒ Yes ☐ No
If yes, list his/her full name: Jeffrey Douglas Johnson

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:
None

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.

1-800-452-OLCC (6522)
www.oregon.gov/OLCC

(rev. 02/12)

Sisters meat + smoke house

20. Trade Name ~~Brady's Meats Inc.~~ SB 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:

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: Kathe[illegible] Date: 1-5-2016

OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY

1. Trade Name ~~Brody's Meats Inc.~~ SD dba Sisters Meat + Smokehouse 2. City SISTERS

OSP/DMV Search Completed JAN 15 2016

3. Name WALLER (Last) BRODY (First) T (Middle)

4. Other names used (maiden, other) NO SB INITIALS: SC

5. *SSN ___ - ___ - ___ 6. Place of Birth OREGON (State or Country) 7. DOB ___ ___ (mm) (dd) (yyyy) 8. Sex M ☑ F ☐

*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: Brody Waller

9. Driver License or State ID # ___ 10. State ALASKA

11. Residence Address 70285 SORRELL DR. (number and street) SISTERS (city) OR (state) 97759 (zip code)

12. Mailing Address (if different) ___ (number and street) (city) (state) (zip code)

13. Contact Phone 1-(907) 764-3401 14. E-Mail address (optional) ___

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:
ALASKA

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.

Sisters Meat & Smokehouse

20. Trade Name SD ~~Brody's Meats Inc.~~ 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:

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: [signature] Date: 1-5-16

OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

RECEIVED
JAN 20 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 15 2016
Oregon Liquor Control Commission
Bend, Oregon

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: _____

The City Council or County Commission:

_____
(name of city or county)

recommends that this license be:

☐ Granted ☐ Denied

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: EL

Date: 1/15 for Terry Hutton

90-day authority: ☒ Yes ☐ No
For Off Premises Sales

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

① ~~Sally Champa~~ ③ _____

② Oregon Bath + Brew, LLC ④ _____

2. Trade Name (dba): ~~Oregon Bath + Brew~~ Hop in the Spa

3. Business Location: 371 W. Cascade Ave. Sisters, Deschutes, Or. 97759
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: P.O. Box 1603 Sisters Or. 97759
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541-633-~~4567~~ 4576
(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: _____

9. Will you have a manager? ☑ Yes ☒ No Name: Sally Champa
(manager must fill out an Individual History form) 1/20/16 JW

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

11. Contact person for this application: Sally Champa 541-633-4576
(name) (phone number(s))

371 W. Cascade Ave. Sisters, Or. oregonbathnbrew@gmail.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 Sally Champa Date 1/11/16 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____

RECEIVED
JAN 2: 2016
CITY OF SISTERS

OREGON LIQUOR( )NTROL COMMISSION
LIQUOR LICENSE APPLICATION

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 15 2016
Oregon Liquor Control Commission
Bend, Oregon

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: _____
The City Council or County Commission:
_____ (name of city or county)
recommends that this license be:
☐ Granted ☐ Denied
By: _____ (signature) (date)
Name: _____
Title: _____

OLCC USE ONLY
Application Rec'd by: _____
Date: 1/15 for Terry Hutton
90-day authority: ☒ Yes ☐ No
for Off Premises Sales

1/20/16 DSD

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]
① ~~Sally Champa~~ ③ _____
② Oregon Bath + Brew, LLC ④ _____
2. Trade Name (dba): ~~Oregon Bath + Brew~~ Hop in the Spring
3. Business Location: 301 W. Cascade Ave. Sisters, Deschutes, Or. 97759 (number, street, rural route) (city) (county) (state) (ZIP code)
4. Business Mailing Address: P.O. Box 1603 Sisters Or. 97759 (PO box, number, street, rural route) (city) (state) (ZIP code)
5. Business Numbers: 541-633-~~4569~~ 4576 (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: _____
9. Will you have a manager? ☑ Yes ☒ No Name: Sally Champa (manager must fill out an Individual History form) 1/20/16 JW
10. What is the local governing body where your business is located? Sisters ~~Deschutes~~ (name of city or county)
11. Contact person for this application: Sally Champa (name) 541-633-4576 (phone number(s))
301 W. Cascade Ave. Sisters, Or. (address) (fax number) oregonbathnbrew@gmail.com (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 Sally Champa Date 1/11/16 ③ _____ Date _____
② _____ Date _____ ④ _____ Date _____

OSP/DMV
Search Completed
JAN 19 2016

OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY

INITIALS: EE

1. Trade Name HOP in The Spa 2. City Sisters

3. Name CHAMPA (Last) SALLY (First) DANE (Middle)

4. Other names used (maiden, other) FOSDICK

5. *SSI Place of Birth IOWA (State or Country) 7. DOB _ (mm) (dd) (yyyy) 8. Sex M ○ F ☑

*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: _____

9. Driver License or State ID # _ 10. State Oregon

11. Residence Address 3354 NE Hoja (number and street) Bend (city) OR (state) 97701 (zip code)

12. Mailing Address (if different) Same (number and street) (city) (state) (zip code)

13. Contact Phone 541-633-4546 14. E-Mail address (optional) Oregonbathinbrew@gmail.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:
California

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 Hop in the Spa 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:

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: [signature] Date: 1/11/16

RECEIVED
FEB 01 2016
CITY OF SISTERS

OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES
- [x] Full On-Premises Sales ($402.60/yr)
  - [x] 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
- [x] Change Ownership
- [ ] New Outlet
- [ ] Greater Privilege
- [ ] Additional Privilege
- [x] Other C/TN per license

RECEIVED
JAN 06 2016
Oregon Liquor Control Commission
Bend, Oregon

90-DAY AUTHORITY
[x] 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 [x] Limited Liability Company [ ] Individuals

CITY AND COUNTY USE ONLY

Date application received: 2/1/16

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: SC

Date: 1/6/16

90-day authority: [x] Yes [ ] No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]
   ① ~~Rocio Villalobos~~ ③ Rio Restaurant LLC
   ② ~~El Rio, LLC~~ ④
2. Trade Name (dba): rio restaurant llc
3. Business Location: 1011 desperado trail (number, street, rural route) sisters (city) Deschutes (county) OR (state) 97759 (ZIP code)
4. Business Mailing Address: 1011 desperado trail (PO box, number, street, rural route) sisters (city) OR (state) 97759 (ZIP code)
5. Business Numbers: _____ (phone) _____ (fax)
6. Is the business at this location currently licensed by OLCC? [x] Yes [ ] No
7. If yes to whom: ELRIOSISTERS LLC Type of License: F-Com
8. Former Business Name: Rio Restaurant Sisters
9. Will you have a manager? [x] Yes [x] No Name: Rocio Villalobos (manager must fill out an Individual History form)
10. What is the local governing body where your business is located? ~~Deschutes~~ Sisters (name of city or county)
11. Contact person for this application: Roberto Cardenas (name) 541-390-2518 (phone number(s))
    20194 Lava ln Bend OR (address) (fax number) rio sisters or @gmail.com (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 Rocio Villalobos Date 1-3-16 ③ _____ Date 1-3-16

② _____ Date _____ ④ _____ Date _____

RECEIVED
FEB 0 : 2016
CITY OF SISTERS

OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES
- [x] Full On-Premises Sales ($402.60/yr)
  - [x] 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
- [x] Change Ownership
- [ ] New Outlet
- [ ] Greater Privilege
- [ ] Additional Privilege
- [x] Other C/TN

RECEIVED
JAN 06 2016
Oregon Liquor Control Commission
Bend Oregon

90-DAY AUTHORITY
[x] 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 [x] Limited Liability Company [ ] Individuals

CITY AND COUNTY USE ONLY
Date application received: 2/3/16
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: SC
Date: 1/6/16
90-day authority: [x] Yes ☐ No

DCSO 2/3/16

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]
① ~~Rocio Villalobos~~ ③ Rio Restaurant LLC
② ~~El Rio LLC~~ ④
2. Trade Name (dba): RIO RESTAURANTE
3. Business Location: 101 desperado trail (number, street, rural route) sisters (city) Deschutes (county) OR (state) 97759 (ZIP code)
4. Business Mailing Address: 101 desperado trail (PO box, number, street, rural route) sisters (city) OR (state) 97759 (ZIP code)
5. Business Numbers: (phone) (fax)
6. Is the business at this location currently licensed by OLCC? [x] Yes [ ] No
7. If yes to whom: ELRIOSISTERS LLC Type of License: F-Com
8. Former Business Name: RIO RESTAURANT SISTERS
9. Will you have a manager? [x] Yes [ ] No Name: Rocio Villalobos (manager must fill out an Individual History form)
10. What is the local governing body where your business is located? ~~Deschutes~~ SISTERS (name of city or county)
11. Contact person for this application: Roberto Cardenas (name) 541-390-2518 (phone number(s))
20194 Lava Ln Bend OR (address) (fax number) rio sisters or @gmail.com (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 ROCIO VILLALOBOS Date 1-3-16 ③ Date 1-3-16
② Date ④ Date

OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY

1. Trade Name Rio restaurant llc 2. City Sisters Or.

3. Name Villalobos (Last) Rocio (First) (Middle)

4. Other names used (maiden, other) Ma del Rocio Villalobos Alvarez

5. *SSN 6. Place of Birth Mexico (State or Country) 7. DOB ____ (mm) (dd) (yyyy) 8. Sex M ○ F ⊘

*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: Rocio Villalobos

9. Driver License or State ID # ____ 10. State OR

11. Residence Address 64900 Hunnell Rd #12 Bend OR 97703 (number and street) (city) (state) (zip code)

12. Mailing Address (if different) 1011 Desperado Trail Sisters OR 97759 (number and street) (city) (state) (zip code)

13. Contact Phone 541-647-0675 14. E-Mail address (optional) rocio.sisters@gmail.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

OSP/DMV Search Completed JAN 04 2013

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

Oregon

INITIALS:

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.

1-800-452-OLCC (6522)
www.oregon.gov/OLCC

(rev. 02/12)

20. Trade Name Rio Restaurant llc 21. City Sisters or.

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.
El rio sisters llc sisters or date exp - 9-30-2016

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.

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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:

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: Rocio Villalobos Date: 1-3-16

Work Plan

February 2016

City of Sisters

Finance:

- 2015/16 Budget Changes
  - ODOT / Cascade Avenue Cost Reimbursement – Applying, requesting updates - Ongoing
  - Sewer/Water Rate Changes – Reviewing data, revisiting rates schedule - Ongoing
  - 5 year forecast for Sewer and Water, DONE. Infrastructure Management plans being drafted, reviewing with Council in December
- Receivables Status Update (Report to CM)-DONE, continue monthly reporting – 30th of every month
- Forecasting Tool (Excel Sheet) – DONE, update monthly
- Cash Position Update, review CoS cash position, commitments and potential commitments – DONE, 30th of every month
- Create a presentation and proposal to develop Online Reservations System for Creekside Campground – Presented to CC on 2/4/16
- Revise Chamber lease per Council direction, address any outstanding issues and proposed rent change - DONE
- Reimbursements for: Village Green Restrooms, Barclay Drive Improvements – Pending
- Bond Issue / Refinancing – DONE

City of Sisters

Community Development:

- Existing Applications: Site Plan SP 15-03, CU 15-01 Dairy Queen FFE; Final Plat FP 14-05 Peaks @ Pine Meadow (8 lots); Final Plat FP 11-01 McKenzie Meadow Village Phase 1 final plats (15 lots); Temporary Use TU 15-01 Celia Hung 320/350 E. Cascade; Minor Partition MNR 16-01 Ashley (2 lots); Appeal AP 15-03 (Appeal of McKenzie Meadow Village Extension to Subdivision; Minor Partition MNR 16-02 Dutch Pacific (3 lots); SP 16-01 Sister's Meat
- Development Code revisions: Text Amendment TA 15-03 –Setbacks for alley loaded garages, MFR density and heights, definitions of FFE, Others scheduled for 02/18/16 public hearing @ PC; New discussion Mobile Food Units, Temporary Uses, Vacation Rentals; Dark Skies discussion;
- Long range planning and studies: Urbanization Study/Housing Needs Analysis/Affordable Housing Policies; Carver Lake Moraine Dam Risk Analysis and Reduction Project; Hood Ave Art District/Public Art projects;
- Parks: Update City Parks Master Plan and City Parks CIP- final review by CPAB on 02/16/16;
- GIS update, Project List needs to include updates for Base Map (include all as-builts for new subdivisions), Fire Hydrants and a new aerial;
- Code Enforcement: Active enforcement underway including: 5 active cases;
- Grants: Urban Renewal Grants – 1 contract from 2014 and 7 from 2015 outstanding (not executed)
- PC and Other Board Vacancies - Urban Forestry Board - Need one, open until filled;
- Planning Commission and City Council Agendas:
- Feb 11 CC: Appeal of Extension to McKenzie Meadow Village Subdivision;
- Feb 18 PC: Text Amendment TA 15-03 public hearing; Site Plan SP 15-03;
- Planning and Building Fee Update, Contract restructure with Deschutes County for Building Services and Potentially Hiring an "in house" building official

City of Sisters

Public Works:

- List and schedule for all "can't you just (CYJ)" projects –schedule/completion is on-going – List has been updated effective 2/1, prioritized. Scheduling/execution is progressing
- URA Projects
    - Chamber Building Improvements – Interior Done, Landscape / ADA improvements Winter 2015
- SDC Update – Infrastructure Management Plan, Wastewater drafted and delivered to Council, awaiting comments. Water is being drafted
- Red Dirt Triangle- to be analyzed along with intersections and access points for the eastern highway corridors as part of a TSP update which may include a corridor refinement plan
- Cascade Ave. – Lighting retrofit completed, we reduced the wattage on 2 fixtures at Spruce on the north side of Cascade and are determining if we can further reduce dark skies impact, waiting for Dark Skies Committee recommendation (working with CDD)
- East Portal – Forest Service update on 12/8, they are going to retain a broker and should be in a position to discuss the sale of this property some time in 2016
- Barclay Square Waterline Upgrade – Design Spring 2015, work Spring 2016
- Speed zone study – All documents submitted, awaiting response from ODOT
- Barclay/Hwy 20 Roundabout – IGA done, working with ODOT on design / construction staging and minimizing impact on west side and downtown businesses
- Hood Avenue Improvements – Design complete, bids received October 28. Value engineering proceeding, construction has begun, finish in spring 2016
- Airport Infrastructure Projects – DONE, awaiting reimbursement from IFA and IOF
- Work with DEQ to develop plan for long-term compliance and obtain their support for proposed Sewer System Master Plan – ongoing
- Developed plan and cost estimates for repair of SSD Tennis Courts at Highway 20/Locust, Council approved on November 12, paving complete, work ongoing, expected completion in Spring 2016
- Campground Upgrades, budget, plan. If Council approves, commence in February to be finished by May
- TSP Update, RFP to Council for approval by March 1, 2016

City of Sisters

City Manager:

- ***Kathy***
  - Upcoming Council Meeting /Workshops – ongoing
  - Municipal Code Update –2016
  - Council Rules – 3/3/16 meeting
- ***Andrew***
  - SDCs
    - Restructure and rationalize based on water / sewer service sizes, work with Parks Board and Council to revise Park and potentially Transportation as well (TSP update)
  - Water / Sewer Rate discussion ongoing

City Council:

- Strengthen City Finances
  - Establish water and sewer rates that assure ratepayer equity and build cash reserves for future capital improvement needs
  - Review current status of pending litigation and potential financial liability of the City - Done
  - Increase reserves - Done
  - Examine Park SDC's – In Process
- Increase both Community and Private Sector Asset Base
  - Enhance city parks - Ongoing
  - Movies in the park
  - Community asset – Positions posted for new Committee - Ongoing
  - Increase TRT – In Process
- Economic Development
  - Increase funding to make Economic Development Manager position full-time - Done
  - Increase Chamber of Commerce Funding to 50% of TRT - Done
  - Create and Implement a forgivable loan program - Done
  - Develop an affordable housing policy - Ongoing

- Improve Connectivity
  - ❖ Continue work with ODOT on roundabout project for Highway 20 - Done
  - ❖ Work on connectivity projects (Village Green to Petersen Ridge Trailhead and Village Green Park to Sisters Airport)

- Improve Public Outreach
  - ❖ Reinstate CCI and establish clear direction for its purpose
  - ❖ Conduct Surveys to find out how a majority of citizens and businesses feel - Done
  - ❖ Utilize Sisters local radio station - Ongoing
  - ❖ Establish guidelines for processing future capital projects – Who, What, Where, When and Why - Done

LICENSES: THRU ZZZZZZZZZZ SORTED BY: LICENSE NUMBER ORIGINATION DATES: 1/01/2016 TO 2/08/2016

PAID STATUS: ALL EFFECTIVE DATES: 0/00/0000 TO 99/99/9999

LIC CODES: ALL EXPIRATION DATES: 0/00/0000 TO 99/99/9999

ID	CODE	NAME	PROPERTY ADDRESS	CITY LIMIT	EFFECTIVE
001140	CONTR	ELITE ELECTRIC, LLC	62987 PLATEAU DR	OUTSIDE	1/12/2016
001141	SVS	KELLEY NETWORK SERVICES,LLC	1630 W WILLIAMSON	INSIDE	1/12/2016
001142	CONTR	EMPIRE CONSTRUCTION & DEV,LLC	63026 NE LOWER MEADOW DR #200	OUTSIDE	1/14/2016
001143	SVS	ABSOLUTE SERENITY SENIOR CARE	182 E TALL FIR CT	INSIDE	1/14/2016
001147	LNDSC	EASY GREEN LANDSCAPE MAINT.	14925 CONESTOGA	OUTSIDE	1/27/2016

TOTAL LICENSES: 5

AGENDA ITEM SUMMARY

CITY OF SISTERS
SISTERS CITY COUNCIL

Meeting Date: February 11, 2016 **Staff:** Joseph O'Neill

Type: Regular Meeting **Dept:** Finance

Subject: Supplemental Budget – FY 2015-16

Action Requested: Conduct a public hearing and consider the approval of Resolution No. 2016-02: A RESOLUTION OF THE CITY OF SISTERS ADOPTING A SUPPLEMENTAL BUDGET AND ESTABLISHING APPROPRIATIONS WITHIN THE FY 2015/16 BUDGET.

Background:

Budget adjustments are permitted under Oregon Revised Statute 294.471. Per Oregon Revised Statute 294.473(1)(b), if total fund expenditures change by more than ten percent, or a new appropriation category is created, a notice of a public meeting and the proposed budget adjustments need to be published at least 5 days prior to the meeting. The public notice appeared in the Nugget News on February 5, 2016.

This supplemental budget includes items that effect various funds. The summary points are below:

General Fund

- The Department of Public Works is requesting an increase of Capital Outlay for Creekside Campground improvements consisting of $34,000 in landscaping improvements, $22,000 in entry and exit improvements, $5,000 in site removals/hook-up alterations and $7,000 for 1 ADA space resulting in a total of $68,000. The improvements are in direct response to the adopted Campgroud Master Plan. The project will begin in mid February 2016 and end in mid April 2016.

Street Fund

- The Department of Public Works is requesting an increase in Materials and Services for the addition of a feedback sign located on the west side of town facing eastbound traffic. The project is in favor of increased safety by slowing down traffic as it approaches the City. ODOT will be installing the feedback sign. The project will be initiated in February 2016.

Financial Impact:

Funding for the Creekside Campground improvements will come from the General Fund Operating Contingency and the feedback sign will come from the Street Fund Operating Contingency, therefore, there are no impacts on appropriations.

Attachment(s):

Attachment A – Resolution No. 2016-02

Attachment B – Supplemental Budget Worksheet

Concurrence: CM: _____ FIN: _____ PW: _____ CDD: PTO

ATTACHMENT A

RESOLUTION NO. 2016-02

A RESOLUTION OF THE CITY OF SISTERS ADOPTING A SUPPLEMENTAL BUDGET AND ESTABLISHING APPROPRIATIONS WITHIN THE 2015/16 BUDGET.

WHEREAS, the City of Sisters will have unexpected and unbudgeted resources and expenditures for FY 2015/16.

RESOLUTION ADOPTING THE SUPPLEMENTAL BUDGET

BE IT RESOLVED that the City Council of the City of Sisters hereby adopts the supplemental budget for fiscal year 2015/16. This budget is now on file at 520 E. Cascade Ave., in Sisters, Oregon.

RESOLUTION MAKING APPROPRIATIONS

BE IT RESOLVED that the following adjustments to appropriation categories are authorized by supplemental budget:

General Fund	
Capital Outlay	$ 68,000
Operating Contingency	(68,000)
Street Fund	
Materials and Services	$ 7,700
Operating Contingency	(7,700)

SECTION THREE: This resolution is hereby approved and adopted by the Sisters City Council and approved by the Mayor on this 11th day of February 2016.

Chris Frye, Mayor

Nancy Connolly, Councilor

Amy Burgstahler, Councilor

David Asson, Councilor

Andrea Blum, Councilor

ATTEST:

Kathy Nelson, City Recorder

Attachment B

City of Sisters
Supplemental Budget Worksheet
FY 2015/16

2/11/2016

FUND CATEGORY	ACCOUNT #	REVENUE / EXPENSE DESCRIPTION	REASON	ADOPTED BUDGET	PROPOSED SUPPL.	REVISED BUDGET
GENERAL FUND						
Operating Contingency	**01-5-00-400**	Operating Contingency		288,825	(68,000)	220,825
Capital Outlay	**01-5-05-906**	Parks - Capital Outlay	Campground Improvements	0	68,000	68,000
STREET FUND						
Operating Contingency	**03-5-00-400**	Operating Contingency		62,480	(7,700)	54,780
Materials and Services	**03-5-00-762**	Street Signs	Feedback Signs	7,500	7,700	15,200

AGENDA ITEM SUMMARY

CITY OF SISTERS
SISTERS CITY COUNCIL

Meeting Date: February 11, 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: Deliberation for Resolution 2016-04.

Summary: During the January 28, 2016 public hearing on the subject application, City Council left the written record open until February 11, 2016 at 2pm.

Staff requests that the City Council deliberate over the *de novo* review of the appeal and issue a decision to either remand, affirm, reverse or modify the decision of the Planning Commission's Resolution PC 2015-16 per SDC 4.1.800.H.

The below referenced attachments were received either during the January 28, 2016 public hearing or were received during the open written record period and are included into the record.

Attachments

A. Applicable sections of the City of Sisters Development Code in effect at the time McKenzie Meadow Village received its land use entitlements.
B. Letter from Perkins Coie dated 02/04/16
C. Letter from Brix Law dated 02/04/16
D. Draft Council Resolution 2016-04

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

RESOLUTION 2016-04
A RESOLUTION OF THE CITY OF SISTERS CITY COUNCIL REGARDING APPEAL APPLICATION AP #15-03
AN APPEAL OF PLANNING COMMISSION APPROVAL (PC 2015-16) REGARDING APPLICATION EXT #15-01
EXTENSION TO A TENTATIVE SUBDIVISION PLAT #10-02
FOR MCKENZIE MEADOW VILLAGE

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

WHEREAS, the City of Sisters Planning Commission held a public hearing on November 19, 2015 and approved via resolution (PC #2015-16), applications EXT #15-01 extension of time for expiry of a tentative subdivision plat for McKenzie Meadow Village; and,

WHEREAS, on December 3, 2016, Pinnacle Alliance Group, LLC, submitted an application (AP #15-03) to appeal the aforementioned City of Sisters Planning Commission resolution; and,

WHEREAS, after due notice, a public hearing on the appeal application (AP #15-03) was held by the Sisters City Council on January 28, 2016 at which time findings were reviewed, witnesses were heard, and evidence and written testimony was received; and,

WHEREAS, on January 28, 2016 the City Council left the public record open until February 11, 2016; and,

WHEREAS, the Sisters City Council reconvened on February 11, 2016 to deliberate on this appeal; and,

WHEREAS, on February 11, 2016, the City Council approved application EXT #15-01 extension of expiration date for a tentative subdivision plat (SUB #10-02) for McKenzie Meadow Village with the below referenced exhibits and conditions of approval; and,

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF SISTERS CITY COUNCIL 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 contained in:

   A- Planning Commission Resolution PC 2015-16 incorporated as Exhibit A;

   B- Staff report for City Council's January 28, 2016 meeting for appeal of AP 15-03 including staff's responses to appellant, incorporated as Exhibit B.

   C- Staff report dated 02/09/16 responding to Perkins Coie's letter dated 02/04/16 the staff report, incorporated as Exhibit C.

NOW THEREFORE, the City Council hereby approves applications EXT #15-01 extension of expiry time for a tentative subdivision plat (SUB #10-02) for McKenzie Meadow Village subject to the following exhibits and conditions of approval:

CONDITIONS OF APPROVAL

1. The time of expiry for application SUB 10-02 shall be December 31, 2016.
2. No additional extensions are available for this application (SUB 10-02).
3. All conditions of approval specified in previously approved applications (MP 10-01, SUB 10-02, MOD 12-01, MOD 15-06 and SP 15-01), not modified by this application (EXT 15-01), remain in effect.

APPROVED by the City Council of the City of Sisters, Oregon and signed by the Mayor this __th day of February, 2016.

_____

Chris Frye, Mayor

ATTEST:

_____

Kathy Nelson, City Recorder

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 for City Council deliberation for the February 11, 2016 meeting

The purpose of this staff report is to provide responses to the appellant's statements from his letter dated February 4, 2016. The appellant's individual statements are provided first and staff's responses follow.

Appellant's statement #1:

I. **Argument.**

A. The City may not approve the Subdivision Extension because it has already granted the maximum number of quasi-judicial extensions (two) of the Subdivision allowed by the SOC.

The City is authorized to grant only two quasi-judicial extensions of 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, which extended the approval period for the Subdivision by two years; and (2} in EXT 14-02, which extended the approval period for the Subdivision by an additional one year. It is irrelevant that the first quasi-judicial extension occurred in the form of a Modification application rather than an Extension application; the effect of approving the Modification application was the same as if it were an Extension application because it extended the approval period for the Subdivision. As a result, the Subdivision Extension is the third quasi-judicial extension request for the Subdivision. Therefore, the City Council may not grant the request because the SOC prohibits a third quasi-judicial extension for the Subdivision.

Staff response: The Conditions of Approval for MOD 12-01 clearly indicate that two extensions are available after the date of the decision (October 18, 2012). One extension was granted administratively on December 10, 2014 and the Planning Commission approved the second and final extension on November 19, 2015.

Appellant's statement #2:

B. The City may not approve the Subdivision Extension because doing so will exceed the maximum six-year term of the Subdivision under the SDC.

The City is only authorized to grant extensions if the extensions "combined with the original approval durations" do not exceed four years for a single-phase development or do not exceed six years for subsequent phases within a multi-phase development. SDC 4.3.400.F.2. In this *case*, the City's original approval of the Subdivision was in September 2010. *See* City Staff Report at p. 6. Six years after that date is September 2016. Therefore, the Subdivision Extension, which requests the right to extend the approval period until December 2016, exceeds the six-year window of SDC 4.3.400.F.2. Although the Planning Commission apparently concluded that the 2012 Modification reset the clock for the Subdivision, the Planning Commission is mistaken. SDC 4.3.400.F.2 expressly provides that the extension period is to be 11 Combined with the original approval durations." Therefore, there is no mechanism to toll the clock, and the City Council may not grant the Subdivision Extension consistent with the SDC.

Staff response: As stated before, the Conditions of Approval for MOD 12-01 clearly indicate that two extensions are available after the date of the decision (October 18, 2012). One extension was granted administratively on December 10, 2014 and the Planning Commission approved the second and final extension on November 19, 2015. Sisters Development Code section 4.3.400.F.2 states ..."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.". The development subject to this appeal is a multi phased development. The appellant incorrectly argues that since the development is multi phased, it should have a total of six years to complete. Staff's logical interpretation of this section would enable a multi phased development to have four years for the first phase and a total of six years for subsequent phases. Notwithstanding varying interpretations of SDC 4.3.400.F.2, the Planning Commission's approval of MOD 12-01 clearly "reset the clock" on time to expiry for SUB 10-02. Staff and the project's applicant subsequently relied on these Conditions of Approval per Exhibit B of MOD 12-01 to issue and administrative extension on December 10, 2014 and in support of findings for the Planning Commission's approval of an extension for SUB 10-02 on November 19, 2015.

Appellant's statement #3:

C. Approval of the 2014 extension of the Subdivision is not substantial evidence that the Subdivision Extension complies with applicable approval criteria.

As explained above, in 2014, the City Planning Director approved an administrative extension of the Subdivision {EXT 14-02}. In the Staff Report for the Subdivision Extension, City staff contend that the 2014 extension approval provides a factual base to support approval of the Subdivision Extension. *See* Staff Report at p. 7. Further, the Staff Report contends that because Pinnacle does not explain why approval of EXT 14-02 was erroneous, Pinnacle has not adequately undermined this factual base.

The Staff Report misconstrues the law on this issue in two ways. First, the Subdivision Extension is an independent application and must demonstrate compliance with applicable approval criteria on its own, regardless of decisions made for any other applications. Second, the 2014 extension approval is final and beyond appeal and cannot be collaterally attacked in this proceeding. However, it does not mean that the City did not err in approving that extension. Moreover, if the City did err in approving that extension, it does not grant the City a license to perpetuate that error in the instant proceedings. For these reasons, the City Council should reject the Staff Report's position on this issue.

Staff response: Staff has sufficiently demonstrated compliance with the applicable approval criteria. As stated before, the Conditions of Approval for MOD 12-01 clearly indicate that two extensions are available after the date of the decision (October 18, 2012). One extension was granted administratively on December 10, 2014 and the Planning Commission approved the second and final extension on November 19, 2015.

Appellant's statement #4:

D. The Subdivision Extension is dependent upon the Master Plan, which the City erroneously extended in EXT 15-02.

The Subdivision is premised upon the Master Plan for the project because the City originally approved these applications in a common decision in 2010, and they relate to the same development plan for the same property. The City recently approved an administrative extension of the Master Plan in EXT 15-02 ("Master Plan Extension"); however, the City erred in doing so, and the City's decision is now on appeal to the Land Use Board of Appeals (11LUBA"). Until the Master Plan Extension appeal is resolved and the City addresses the errors in its underlying decision in that case, the City Council should refrain from taking action on the Subdivision Extension.

Staff's response: As stated before, the Conditions of Approval for MOD 12-01 clearly indicate that two extensions are available after the date of the decision (October 18, 2012). City staff consistently applied Development Code requirements subsequent to the approval of MOD 12-01 which effectively "restarted the expiry clock" for MP 10-01 and SUB 10-02. The City is under no legal obligation to refrain from making a decision regarding EXT 15-01 until the appeal of EXT 15-02 is resolved.

Appellant's statement #5:

E. 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 City Council is not required to grant an extension; in fact, it is discretionary in nature. SOC 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.

Staff response: The Assisted Living Facility (ALF) is required to be built in the first phase per the Annexation Agreement. A delay caused by the ongoing appeal of the approvals for Site Plan (SP 15-01) and MP Modification (MP 15-05) was an important factor to consider. The Planning Commission found that the since the part of the project that has to be built first was being appealed, that circumstance was one of the sufficient reasons to grant the extension. Therefore, the applicant's reason for requesting an extension is wholly compelling.

2. The record does not demonstrate that the approval criteria applicable to the Subdivision Extension have been met.

If applicable SOC standards have changed, the City Council may add conditions of approval to bring the Subdivision into compliance with current standards and ordinances. SOC 4.3.400.F.2. The mere inclusion of the 2010 version of the SOC does not adequately address this standard. Therefore, there is no legal basis for the City Council to find that the Subdivision Extension is consistent with this provision. If conditions have changed substantially, the City Council is required to direct applicant to file an application for a new land division. SOC 4.3.400.F.2. Applicant has not addressed existing conditions or whether they have changed substantially. Therefore, there is no factual basis for the City Council to find that the Subdivision Extension is consistent with this provision.

Staff response: SDC Section 4.3.F.2 states in part: "...*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*..."

While various sections of the Development Code have been revised since May 2010 (the date of the Development Code in effect at the time of the project's original approval), the revisions to the applicable sections Development Code that have occurred since May 2010 would not prevent the project from being replicated when using the current version of the Development Code.

Conclusion

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. 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.

END OF STAFF REPORT

February 09, 2016

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.

January 28, 2016 City Council meeting

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.

END OF STAFF REPORT

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

RECEIVED
DEC 03 2015
CITY OF SISTERS

BEFORE THE CITY COUNCIL OF THE CITY OF SISTERS, OREGON

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.

PERKINSCOIE

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November 12, 2015

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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

EXHIBIT 1

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

The Master Plan and Subdivision are not vested.

II. Arguments in Opposition to the Subdivision Extension.

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

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

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

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

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

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

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

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

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

C. Even if the City could grant the Subdivision Extension, Applicant has not met its burden to prove that the City should do so.

1. Applicant's justification for requesting the Subdivision Extension is not compelling.

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

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.

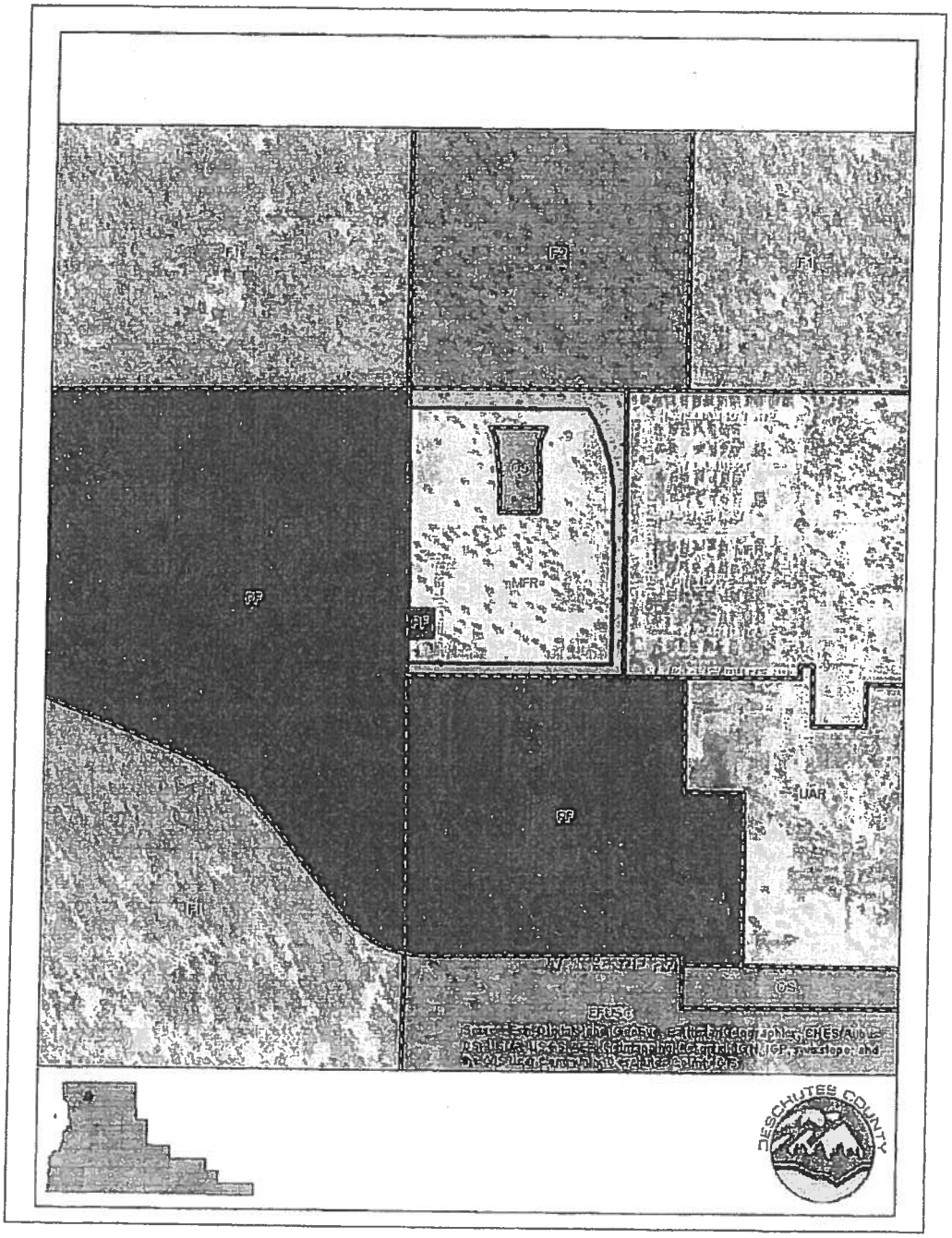
Vicinity Map of Project Location on Back

***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.

EXHIBIT 2

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 19TH 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:	

Signed: David Gentry 11/20/2015

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

CITY OF SISTERS

PLANNING COMMISSION

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**

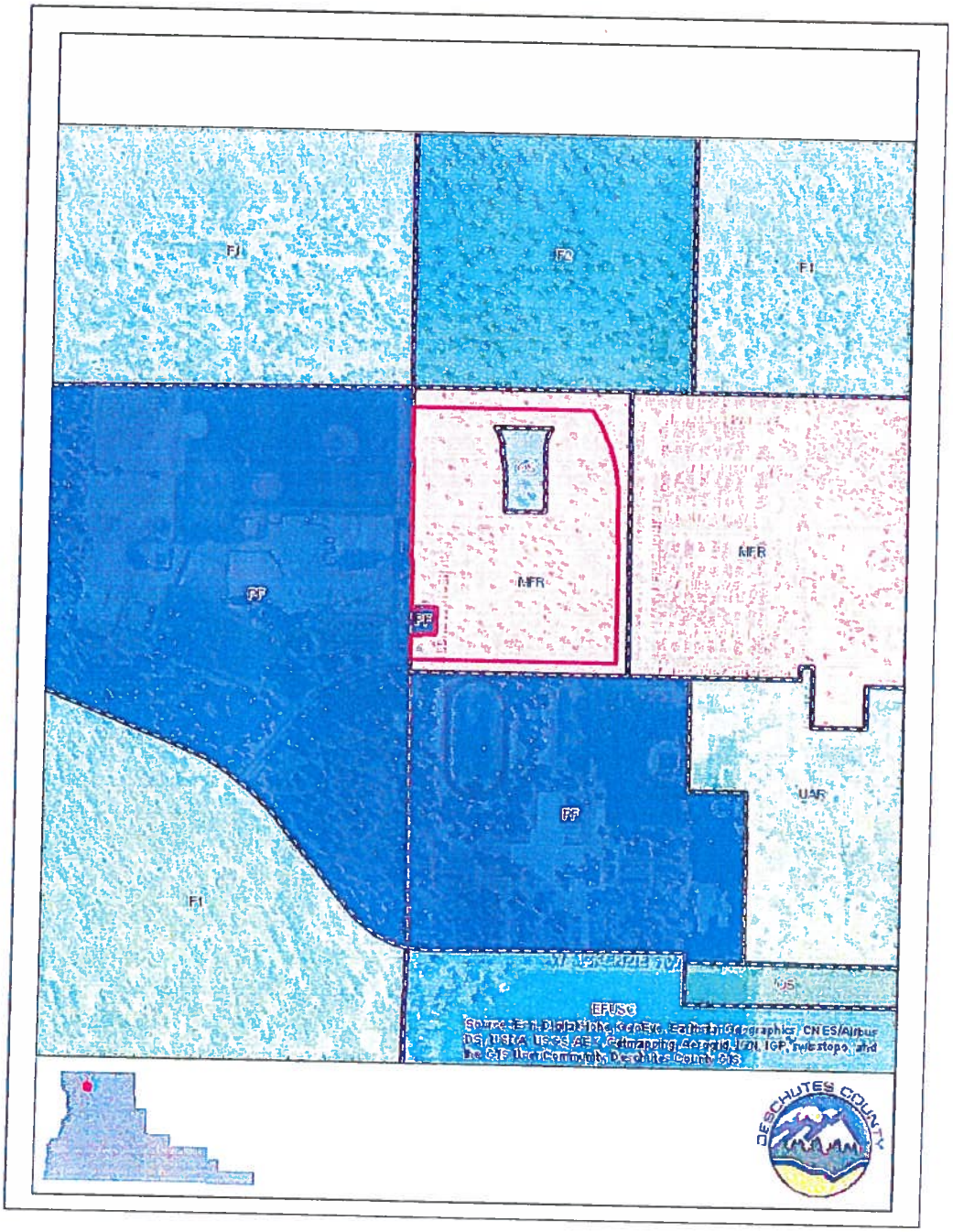
   The Applicant requests extension of an approved subdivision plat (SUB #10-02).

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).

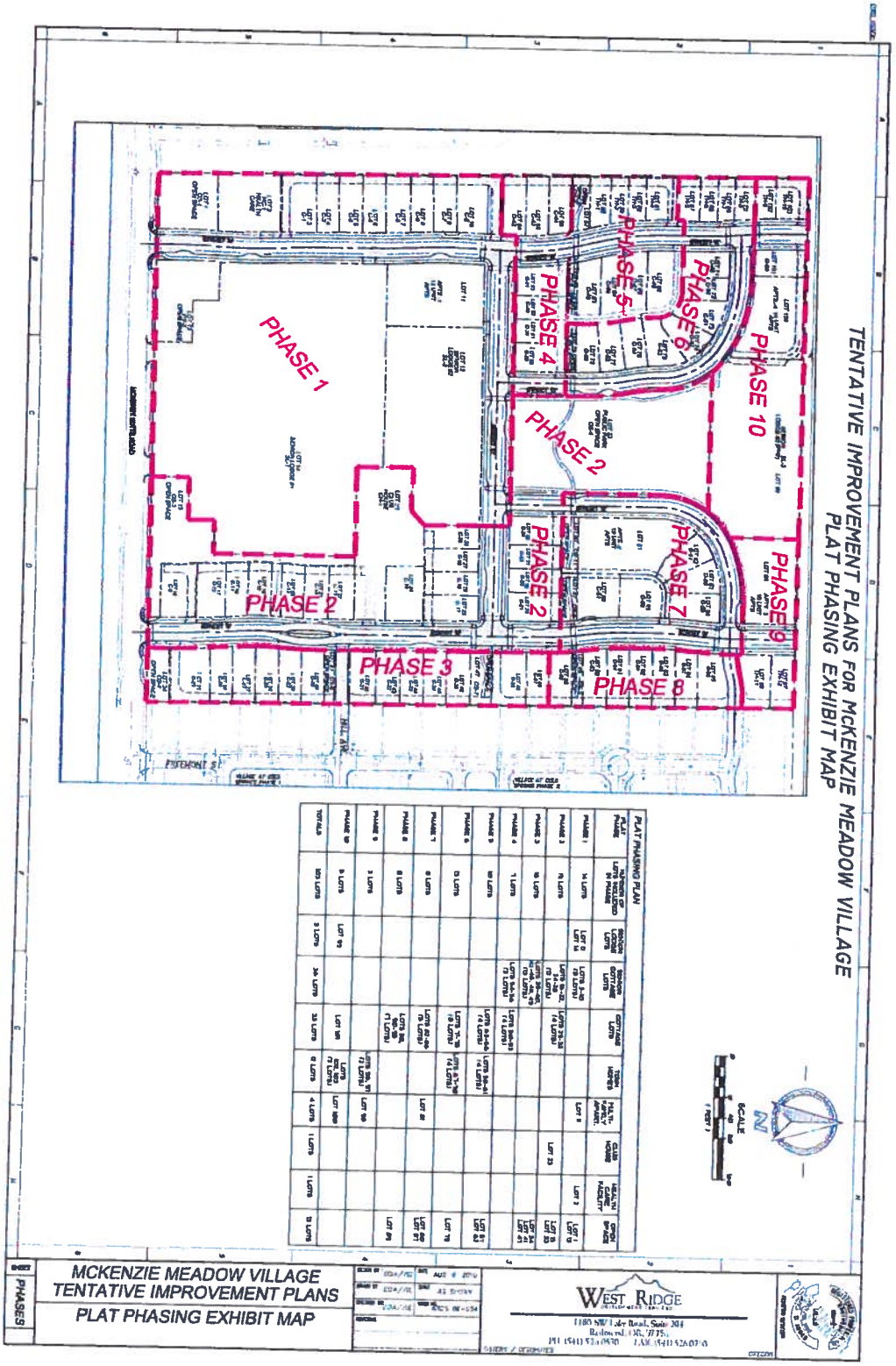
In 2010, the City approved a Master Plan (MP 10-01) and a Tentative Subdivision Plan (SUB 10-02) on the property, known as McKenzie Meadow Village. The Master Plan was modified in 2012 in association with MOD 12-01. In 2011 the City approved a Site Plan for an 82 unit Assisted Living Facility and a maintenance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



1. **Review Procedures**

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

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

4.1.200 Description of Permit/Decision Making Procedures

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

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

4.3.400.F: Extensions

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

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

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

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

Staff Determination:

1) The Planning Commission was the original decision making body for the approval of application SUB #10-02 and City staff granted an administrative extension on November 3, 2014. Therefore, the Development Code requires the Planning Commission to make the next decision regarding extending the entitlements for the tentative subdivision plat.

2) The Development Code does not specifically state the application type with regards to an extension. Since the Development Code references the original decision making body as being the Planning Commission in this instance, this extension request is being processed as a Type III application.

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

Public Notices

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

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

Recommendations:

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

Exhibits

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

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

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

1. All applicable conditions of approval specified in previously approved land use applications affecting the subject property not modified by this application remain in effect.

2. If the extension is granted by the Planning Commission, and not appealed to the City Council, the extension duration shall expire on December 31, 2016.

3. Other conditions as approved by the Planning Commission (if any).

MASTER PLANNING APPLICATION FORM

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 Ore 97759

PROPERTY OWNER: SAME PHONE:

ADDRESS OF PROPERTY OWNER: SAME

PROPERTY ADDRESS: 1680 W. McKinney Butte Rd Sisters Ore.

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 of Applicant	Curt Kallberg Printed Name	5/28/15 Date
Signature of Property Owner	Curt Kallberg Printed Name	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: _____

BRIX LAW

October 22, 2015

Laura Craska Cooper
lcooper@brixlaw.com

VIA EMAIL & FIRST CLASS MAIL

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

Dear Patrick,

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

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

Thank you for your consideration.

Sincerely,

Laura Craska Cooper

LCC/lts

cc: Steve Bryant
Curt Kallberg
Mike Reed
Bill Willitts

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OCT 26 2015
CITY OF SISTERS

{00027319;2}

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.

<u>Phase I</u>. 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.

c. **McKinney Butte Road.** Improvements to McKinney Butte to ¾ local collector street standards with bike lane, sidewalk, street trees and bioswales adjacent to the subject site. The Public Works Director may at his discretion allow the street to be built to match the existing construction to the immediate east and west along McKinney Butte Road.

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

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 serving Phases I through IV shall be installed within the right of way for Streets C, B and A in a manner that loops the system. Further, the looped main line shall be connected to a connector line that is stubbed out at the western terminus of 'Hill Avenue' to the subject site. The fire hydrant locations shown on Sheet no. C7.0 appear to be acceptable, however the Fire Marshal and/or Public Works Director reserve the right to require additional or relocated fire hydrants during Site Plan review for the Senior Assisted and/or Senior Affordable Housing units and/or the Medical Clinic.

5. **Memorandum of Understanding.** Regarding a 'per EDU' payment for interim mitigation measures to the intersection of McKinney Butte / Highway 20; see condition no. I.5, pages 40 and 41 of this report.

6. **Final Plat for Phase I.** Phase I final plat shall be recorded before any other Phase. The following information shall be shown on the final plat. All right of way shall be dedicated without reservation as described herein.

   a. **Street A.** Right of way dedication for Street A beginning at its intersection with McKinney Butte Road, then 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.** Right of way dedication for Street C shall at a minimum include the span beginning at its intersection with Street A, and proceeding eastward approximately 330 feet to the eastern termination of the phase line for Phase I.

   c. Open space areas identified as 'OS 1' and 'OS 2' shall be re-identified as Tract 1 / Open Space Easement and Tract 2 / Open Space Easement on the final plat and shall be recorded onto the plat.

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.

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.

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 ¾ 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.

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.

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'.

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;

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

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.

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

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

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

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

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

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

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

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

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

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

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

CITY OF SISTERS

Planning Commission Resolution

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

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

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

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

Signed: _____ David Gentry, Chairman

PERKINSCOIE

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November 12, 2015

Michael C. Robinson
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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

EXHIBIT G

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

The Master Plan and Subdivision are not vested.

II. Arguments in Opposition to the Subdivision Extension.

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

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

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

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

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

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

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

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

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

C. Even if the City could grant the Subdivision Extension, Applicant has not met its burden to prove that the City should do so.

1. Applicant's justification for requesting the Subdivision Extension is not compelling.

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

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.

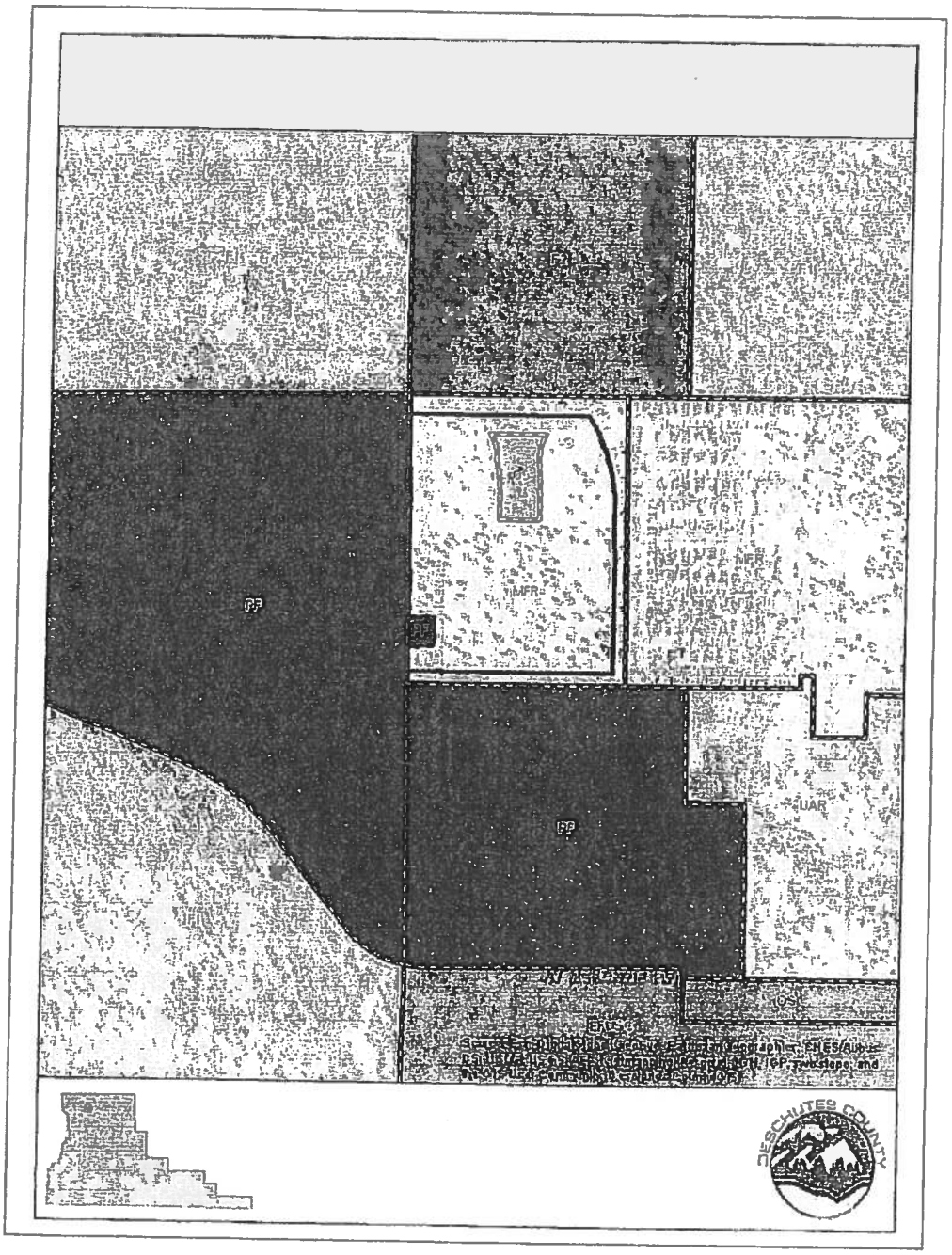
Vicinity Map of Project Location on Back

***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 19TH 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:	

Signed: David Gentry 11/20/2015

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

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 18th and November 19th – 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

PERKINSCOIE

1120 NW Couch Street
10th Floor
Portland, OR 97209-4128

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January 28, 2016

Michael C. Robinson
MRobinson@perkinscoie.com
D. (503) 727-2264
F. (503) 346-2264

VIA EMAIL

Mr. Chris Frye, Mayor
City of Sisters City Council
Sisters City Hall
520 East Cascade
Sisters, OR 97759

Re: City of Sisters File No. AP#15-03;
Appeal of Planning Commission Approval Extending McKenzie Meadows Village Subdivision (City File No. EXT#15-01);
Letter on behalf of Appellant, Pinnacle Alliance Group, LLC

Dear Mayor Frye and Members of the City Council:

This office represents the Appellant, Pinnacle Alliance Group, LLC ("Pinnacle"). This letter supplements the December 2, 2015 letter and its enclosures on behalf of Pinnacle. I have asked Mr. Davenport to place this letter in the official Planning Department file and before you at the commencement of tonight's public hearing on the appeal. I have also asked Mr. Davenport to provide me with written notice of the City Council's decision on the appeal. I apologize for being unable to attend tonight's hearing due to another commitment. My absence and that of my client does not underscore the importance which my client attaches to this appeal.

I understand that the entire Planning Department file for this appeal will be physically before the City Council tonight and that no additional testimony other than that contained in the staff report packet has been received by the City. I have asked Mr. Davenport to provide me with copies of any additional testimony received by the City Council. If additional testimony is received by the City Council for inclusion in the record, I respectfully request that the City Council close the public hearing but leave the written record open for two (2) seven (7) day periods in order to allow all parties an opportunity to submit argument and evidence regarding the new submittals (the first seven (7) day period) and an opportunity to respond to submittals received during the first open record (the second seven (7) day period).

The Appellant respectfully disagrees with the conclusions of the staff report regarding Sisters Development Code ("SDC") 4.3.400.F.1.a-.d. As the Appellant's November 12, 2015 letter and its "Statement in Support of Appeal" attached to the December 2, 2015 letter explain, the Planning Commission committed at least two (2) errors in approving the requested extension.

First, the Planning Commission does not have substantial evidence to find that there have been no changes to the applicable SDC provisions on which the approval was based.

SDC 4.3.400.F.1.c. The staff report states, "There have been no changes to the applicable Code provisions on which the original approval was based." However, neither the staff report nor the record contains any evidence comparing the SDC provisions on which the original approval was based to the current SDC. Statement without supporting evidence is not a basis for determining that approval criteria for an extension had been satisfied. Moreover, the Applicant which has the burden of proof to demonstrate that the approval criteria is satisfied, failed to submit substantial evidence demonstrating that there has been no changes to the applicable SDC provisions under which the original approval is granted. Without such substantial evidence, the City may not find that this approval criterion has been satisfied it must deny the extension request.

Second, SDC 4.3.400.F.1 allows the Community Development Director to grant a total of one extension of the approval period not to exceed one year per project subject to the approval criteria and SDC 4.3.400.F.1.a-d. Even if the City Council finds that the Planning Commission did not error in finding the extension approval criteria were satisfied, the Community Development Director errored by granting more than one extension and this Planning Commission compounded that error by affirming the Community Development Director's decision. SDC 4.300.400.F.2 allows only a single additional one-year extension. The Appellant's November 12, 2015 letter at page 3 under heading II.A explains that "The [present] 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, as explained in the letter, the three (3) extensions described do not count the purported quasi-judicial extension for Phase I final plat deadline included in the conditions of approval for the Site Plan decision, which Pinnacle has also appealed. Further, even if the number of permitted extensions had not been exceeded, the Community Development Director, the Planning Commission and City Council errored because substantial evidence does not support a finding that the approval criteria for even one extension has been satisfied.

For all of these reasons, Pinnacle respectfully requests that the Sister's City Council grant the appeal, reverse the Planning Commission decision and deny the requested subdivision extension.

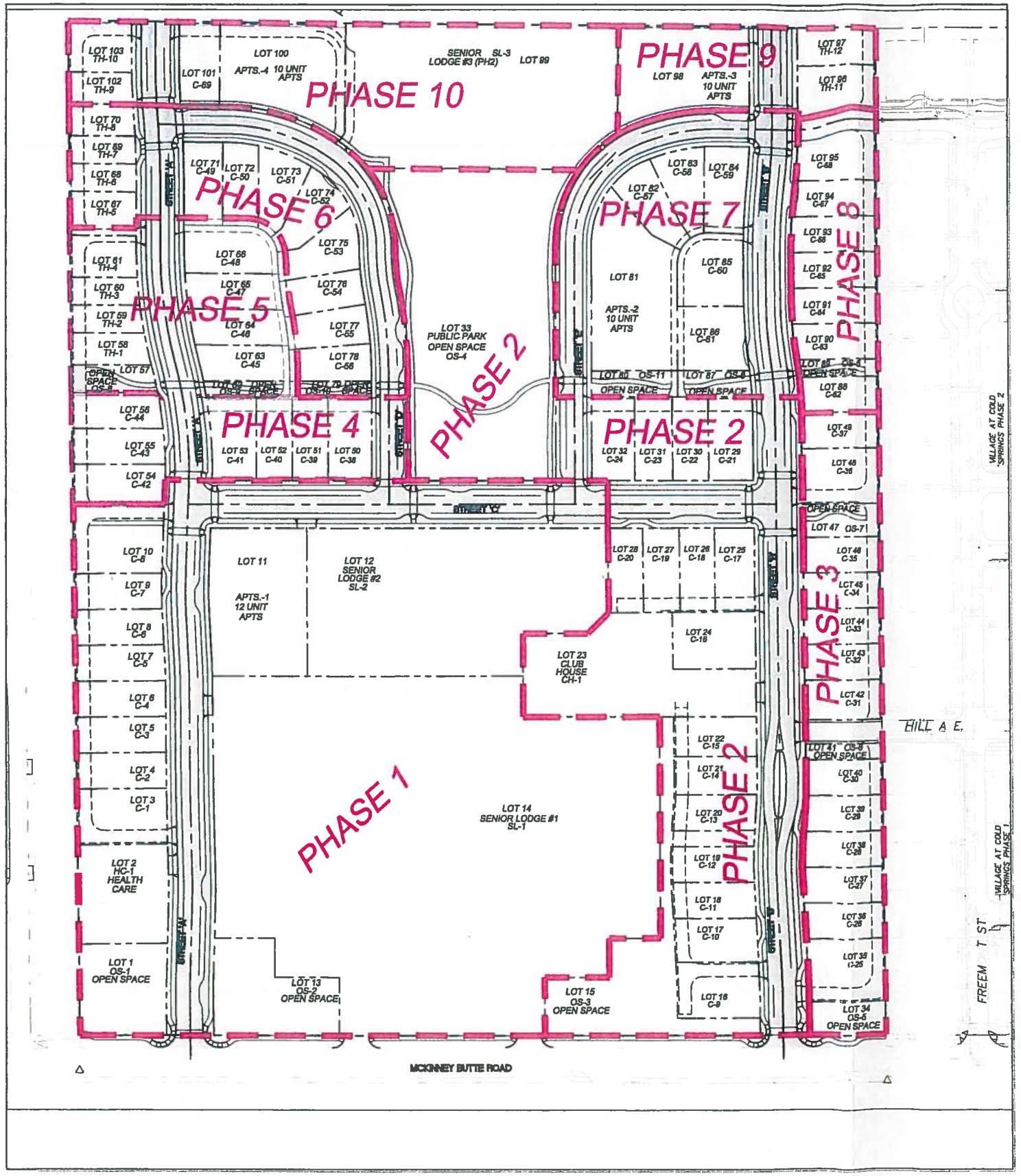
Very truly yours,

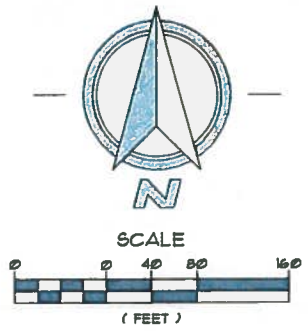
Michael C. Robinson
MCR:rsr

cc: Mr. Mark Adolf (via email)
Mr. Michael Repucci (via email)
Mr. Patrick Davenport (via email)
Ms. Laura Craska Cooper (via email)

DWG INDEX:

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)			LOT 11		LOT 2	LOT 1 LOT 13
PHASE 2	19 LOTS		LOTS 16-22, 24-28 (12 LOTS)	LOTS 29-32 (4 LOTS)			LOT 23		LOT 15 LOT 33
PHASE 3	16 LOTS		LOTS 35-40, 42-46, 48, 49 (13 LOTS)						LOT 34 LOT 41 LOT 47
PHASE 4	7 LOTS		LOTS 54-56 (3 LOTS)	LOTS 50-53 (4 LOTS)					
PHASE 5	10 LOTS			LOTS 63-66 (4 LOTS)	LOTS 58-61 (4 LOTS)				LOT 57 LOT 62
PHASE 6	13 LOTS			LOTS 71-78 (8 LOTS)	LOTS 67-70 (4 LOTS)				LOT 79
PHASE 7	8 LOTS			LOTS 82-86 (5 LOTS)		LOT 81			LOT 80 LOT 87
PHASE 8	8 LOTS			LOTS 88, 90-95 (7 LOTS)					LOT 89
PHASE 9	3 LOTS				LOTS 96, 97 (2 LOTS)	LOT 98			
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

REGISTERED PROFESSIONAL ENGINEER — D. ABBAS — RENEWS 12/31/2011

WEST RIDGE DEVELOPMENT SERVICES LLC
1180 SW Lake Road, Suite 204
Redmond, OR, 97756
PH: (541) 526 0530 FAX: (541) 526 0790
SISTERS / DESCHUTES OREGON

DESIGN BY DDA/JSE	DATE AUG. 6, 2010	
DRAWN BY DDA/JSE	SCALE AS SHOWN	
CHECKED BY DDA/JSE	WRDS NO. WRDS 06-054	
REVISIONS		

MCKENZIE MEADOW VILLAGE
TENTATIVE IMPROVEMENT PLANS
PLAT PHASING EXHIBIT MAP

SHEET PHASES

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,

Patrick T. Davenport
Community Development Director

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

PERKINSCOIE

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10th Floor
Portland, OR 97209-4128

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February 4, 2016

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

RECEIVED
FEB 04 2016
CITY OF SISTERS

VIA ELECTRONIC MAIL

Mayor Chris Frye
City of Sisters City Council
Sisters City Hall
520 East Cascade
Sisters, OR 97759

Re: Appeal of Extension of McKenzie Meadows Village Subdivision
City Files Nos. AP#15-03/EXT#15-01
Appellant's First Open Record Period Submittal

Dear Mayor Frye and Members of the City Council:

This office represents Pinnacle Alliance Group, LLC ("Pinnacle"), which has appealed the Planning Commission's approval of the McKenzie Meadow Village Subdivision Plat (City File No. Ext 15-01) ("Subdivision Extension"). This letter constitutes Pinnacle's first open record period submittal, which is timely made on February 4, 2016, by 5:00pm.

The City Council should deny the Subdivision Extension for the following reasons:

- The City has already granted the maximum number of quasi-judicial extensions (two) of the Subdivision allowed by the SDC
- Approving the Subdivision Extension will exceed the maximum six-year term of the Subdivision under the SDC
- Approval of an extension of the Subdivision in 2014 does not constitute substantial evidence to approve the Subdivision Extension
- The Subdivision Extension is dependent upon the Master Plan, which the City erroneously approved in EXT 15-02
- Applicant has not met its burden to prove that the approval criteria are met

The remainder of this letter addresses these points in more detail.

I. Argument.

A. The City may not approve the Subdivision Extension because it has already granted the maximum number of quasi-judicial extensions (two) of the Subdivision allowed by the SDC.

The City is authorized to grant only two quasi-judicial extensions of 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, which extended the approval period for the Subdivision by two years; and (2) in EXT 14-02, which extended the approval period for the Subdivision by an additional one year. It is irrelevant that the first quasi-judicial extension occurred in the form of a Modification application rather than an Extension application; the effect of approving the Modification application was the same as if it were an Extension application because it extended the approval period for the Subdivision. As a result, the Subdivision Extension is the third quasi-judicial extension request for the Subdivision. Therefore, the City Council may not grant the request because the SDC prohibits a third quasi-judicial extension for the Subdivision.

B. The City may not approve the Subdivision Extension because doing so will exceed the maximum six-year term of the Subdivision under the SDC.

The City is only authorized to grant extensions if the extensions "combined with the original approval durations" do not exceed four years for a single-phase development or do not exceed six years for subsequent phases within a multi-phase development. SDC 4.3.400.F.2. In this case, the City's original approval of the Subdivision was in September 2010. *See* City Staff Report at p. 6. Six years after that date is September 2016. Therefore, the Subdivision Extension, which requests the right to extend the approval period until December 2016, exceeds the six-year window of SDC 4.3.400.F.2. Although the Planning Commission apparently concluded that the 2012 Modification reset the clock for the Subdivision, the Planning Commission is mistaken. SDC 4.3.400.F.2 expressly provides that the extension period is to be "combined with the original approval durations." Therefore, there is no mechanism to toll the clock, and the City Council may not grant the Subdivision Extension consistent with the SDC.

C. Approval of the 2014 extension of the Subdivision is not substantial evidence that the Subdivision Extension complies with applicable approval criteria.

As explained above, in 2014, the City Planning Director approved an administrative extension of the Subdivision (EXT 14-02). In the Staff Report for the Subdivision Extension, City staff contend that the 2014 extension approval provides a factual base to support approval of the Subdivision Extension. *See* Staff Report at p. 7. Further, the Staff Report contends that because Pinnacle does not explain why approval of EXT 14-02 was erroneous, Pinnacle has not adequately undermined this factual base.

The Staff Report misconstrues the law on this issue in two ways. First, the Subdivision Extension is an independent application and must demonstrate compliance with applicable approval criteria on its own, regardless of decisions made for any other applications. Second, the 2014 extension approval is final and beyond appeal and cannot be collaterally attacked in this proceeding. However, it does not mean that the City did not err in approving that extension. Moreover, if the City did err in approving that extension, it does not grant the City a license to perpetuate that error in the instant proceedings.

For these reasons, the City Council should reject the Staff Report's position on this issue.

D. The Subdivision Extension is dependent upon the Master Plan, which the City erroneously extended in EXT 15-02.

The Subdivision is premised upon the Master Plan for the project because the City originally approved these applications in a common decision in 2010, and they relate to the same development plan for the same property. The City recently approved an administrative extension of the Master Plan in EXT 15-02 ("Master Plan Extension"); however, the City erred in doing so, and the City's decision is now on appeal to the Land Use Board of Appeals ("LUBA"). Until the Master Plan Extension appeal is resolved and the City addresses the errors in its underlying decision in that case, the City Council should refrain from taking action on the Subdivision Extension.

E. 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 City Council 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.

2. The record does not demonstrate that the approval criteria applicable to the Subdivision Extension have been met.

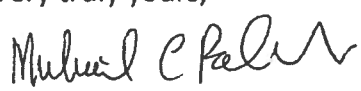
If applicable SDC standards have changed, the City Council may add conditions of approval to bring the Subdivision into compliance with current standards and ordinances. SDC 4.3.400.F.2. The mere inclusion of the 2010 version of the SDC does not adequately address this standard. Therefore, there is no legal basis for the City Council to find that the Subdivision Extension is consistent with this provision.

If conditions have changed substantially, the City Council 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 factual basis for the City Council to find that the Subdivision Extension is consistent with this provision.

II. Conclusion.

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

Very truly yours,



Michael C. Robinson

cc: Mr. Patrick Davenport (via email)
Mr. Steve Bryant (via email)
Ms. Laura Craska Cooper (via email)
Mr. Mark Adolf (via email)
Mr. Michael Repucci (via email)
Mr. Seth King (via email)

BRIX | LAW

February 4, 2016

Laura Craska Cooper
lcooper@brixlaw.com

VIA EMAIL & FIRST CLASS MAIL

RECEIVED
FEB 04 2016
CITY OF SISTERS

City Council
City of Sisters
c/o Patrick Davenport
Community Development Director
PO Box 39
Sisters, OR 97759
pdavenport@ci.sisters.or.us

Dear Mayor Frye and Member of the City Council,

This letter is sent on behalf of my client, McKenzie Meadow Village, LLC, with respect to EXT 15-02, the one-year extension for Subdivision 10-02. We respectfully request that the City Council approve the extension and, in doing so, make formal interpretations of the City Code.

The Pinnacle Alliance Group claims that this extension cannot be approved because MOD 12-01 constituted one extension of the Subdivision and EXT 14-02 (attached and incorporated by reference herein) was therefore the second. As my client's other attorney, Laurie Craghead, said at the January 28, 2016, hearing on the current extension request, such a claim is an impermissible collateral attack on the 2014 extension. It is also incorrect.

As we understand it, the City has always interpreted the modification provisions in SDC 4.1.700.J and 4.3.400.H as setting a new expiration date rather than extending the previous expiration date. In other words, the City approval of a modification re-sets the expiration date on a project, which expiration date may then be extended as permitted under SDC 4.3.400.F. In fact, at the time of the 2012 modification the SDC said that major modifications are to be considered as new applications.

This interpretation was evident in the EXT 14-02 approval, which was not appealed, in which staff found that extension request to be the first request for an extension per the Sisters Development Code. That decision further determined that the applicant would be entitled to a second extension, but it would have to be reviewed by the Planning Commission. The applicant relied on those findings when applying for the subject extension request. Thus, any claim that the applicant cannot rely on those findings and that the subdivision application has expired is an impermissible collateral attack on a prior land use decision that is binding on the City and the applicant.

{00057316;4}

Accordingly, we request that the City Council formally recognize and adopt this code interpretation in connection with EXT 15-02. Specifically, we ask that the City Council formally interpret its code to mean that modification approvals made pursuant to SDC 4.1.700.J. and 4.3.400.H are distinct from extensions pursuant to SDC 4.3.400.F, such that a new expiration date set in a modification does not constitute an "extension" pursuant to SDC 4.3.400.F. Pursuant to this interpretation, we further request that the City Council find that MOD 12-01 set the expiration date for the project, that MOD 14-02 constituted the first extension of that expiration date under SDC 4.3.400.F., and that EXT 15-02 therefore constitutes the second extension for the subdivision.

Additionally, upon review of the prior version of the City Code provisions entered into the record by Patrick Davenport on the night of the hearing, anyone can see that no changes have been made to the City Code that relate to any application or approval criteria for the subject application. Therefore, although we continue to believe that entering the prior version was not necessary because the City Council could take administrative notice of it, there is now sufficient evidence in the record that the application satisfies any code requirement that no codes changes have been made since the last extension.

Thank you for this opportunity to provide additional comments on this application.

Sincerely,

Laura Craska Cooper

LCC/lts

cc: Steve Bryant
Laurie Craghead
Bill Willitts

CITY OF REDMOND
Community Development Department

716 SW Evergreen Avenue
Redmond, OR 97756
(541) 923-7721
Fax: (541) 548-0706
www.ci.redmond.or.us

STAFF REPORT

DATE: January 26, 2016
TO: Mayor and Council Members
THROUGH: Keith Witcosky, City Manager
Heather Richards, CDD Director
FROM: Jon Stark, Sr. Manager, Redmond Economic Development, Inc.
SUBJECT: Extended Enterprise Zone Abatement Agreement – PCC Structurals dba PCC Schlosser

---

Addresses Council Goal:
4. ECONOMIC DEVELOPMENT: Develop and maintain an environment that promotes and supports a strong, healthy and diverse economic base.

A. Help existing businesses within the City grow and thrive.

Report in Brief:
This is the consideration of the approval of a five-year Extended Enterprise Zone Abatement Agreement for PCC Structurals dba PCC Schlosser (PCC Schlosser). PCC Schlosser currently employs approximately 325 people, and they have committed to adding 33 new employees to that workforce with this expansion project. Capital investment for this expansion project is estimated to be $2,600,000.

Background:
Extended E-Zone abatements are a local agreement of the enterprise zone sponsor(s) to extend the property tax abatement of a qualifying enterprise zone project for either one or two years more than the standard three-year abatement. To qualify the applicant must be adding jobs which are 150% of the county's median wage.

Extended abatements need to be approved by the sponsor(s) of the Enterprise Zone. It is the prerogative of the sponsor agency whether or not the approval is made by the governing body or administratively. The Greater Redmond Area Enterprise Zone (E-Zone) has three co-sponsors: the City of Redmond; Deschutes County; and the City of Sisters. The City of Redmond's policy is that the Redmond City Council approves all extended enterprise zone agreements.

All employment lands in the City of Redmond are part of the (E-Zone). This program allows qualifying businesses and investments to receive 100% abatement of property taxes associated with the assessed value of new qualifying capital improvements. Companies continue to pay taxes on the value of the land and any capital investments that are not qualifying for the Enterprise Zone program. Depending upon the nature of the State program being used E-Zone abatements can range from three (3) years; to five (5) years (known as the Extended program), to as many as (fifteen) 15 years (known as the Super program). The duration of the abatement is connected to the number of jobs created and wage level. The three year abatement does not have an average wage requirement; however the

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Attachments:
Greater Redmond Area Enterprise Zone Abatement Agreement with PCC Structurals dba PCC Schlosser.

Extended and Super programs require wages that are certified at 150% of Deschutes County average annual compensation.

The Deschutes County average annual compensation (as relevant to 2016 approvals prior to 11/2016) is $39,099 per year - 150 percent of that is $58,649. Compensation under the criteria includes not only salary, but overtime, medical and retirement benefits as well.

Additionally, the City of Redmond waives or reduces, depending upon specific set criteria, land-use, building and permitting fees.

Discussion:
PCC Schlosser is a manufacturer of titanium investment castings – with applications in jet aircraft engines, airframes, military armament, medical prosthesis, and many other industrial markets. PCC Schlosser is one of Redmond's most successful manufacturing companies, continually expanding their capital investment and workforce in Redmond. Dating back to 1990. PCC Schlosser has participated in five Enterprise Zone programs. Since, companies can only apply for the Enterprise Zone Abatement during times of growth and expansion, PCC Schlosser's past history of Enterprise Zone Abatement applications is indicative of the steady growth that the company has enjoyed in Redmond.

Schlosser Casting Company first applied for an Enterprise Zone Abatement in 1990. In 1997, after PCC Structurals acquired the business, PCC Structurals applied for a second Enterprise Zone Abatement in 1998 when the company expanded. Three more subsequent expansions occurred in 2005, 2008, and 2014. Now, as PCC Schlosser, the company is undertaking their sixth expansion in Redmond and again applying to use the E-Zone abatement for a five-year term.

The company's average annual compensation for its new employees will be greater than 150 percent of the Deschutes County average annual compensation, qualifying it for the E-Zone Zone Extended Abatement program 2015-2019, two additional years to the three-year abatement program. These wages have been certified by REDI, the Community Development Director and the City Manager.

Fiscal Impact:
This action will extend the property tax abatement from three years to five years.

Alternative Courses of Action:

1. Approve the Agreement for Oregon Enterprise Zone Extended Abatement for PCC Structurals dba PCC Schlosser.

2. Do not approve the Agreement for Oregon Enterprise Zone Extended Abatement for PCC Structurals dba PCC Schlosser in which the firm would still be eligible for the "Standard" abatement of three (3) years.

Recommendation/Suggested Motion:

"I move to approve the Agreement for Oregon Enterprise Zone Extended Abatement for PCC Structurals dba PCC Schlosser."

Jon Stark,
Redmond Economic Development, Inc.

Attachments:
Greater Redmond Area Enterprise Zone Abatement Agreement with PCC Structurals dba PCC Schlosser.

Greater Redmond Area Enterprise Zone Extended Abatement

WRITTEN AGREEMENT WITH THE GREATER REDMOND AREA ENTERPRISE ZONE SPONSORS TO EXTEND PROPERTY TAX EXEMPTION TO FIVE (5) CONSECUTIVE YEARS IN TOTAL FOR CAPITAL INVESTMENT BY PCC STRUCTURALS DBA PCC SCHLOSSER

The sponsors of the Greater Redmond Area Enterprise Zone comprising the governing bodies of [the City of Redmond, Sisters and Deschutes County] (hereinafter the "Zone Sponsor") and PCC Structurals dba PCC Schlosser (hereinafter the "Firm") do hereby enter into an agreement pursuant to ORS 285C.160 for extending the period of time in which the Firm will receive a property tax exemption on its [proposed] investment[s] in qualified property in the Greater Redmond Area Enterprise Zone contingent on certain special requirements.

The Zone Sponsor and the Firm jointly acknowledge: that subject to the Firm's timely submission of an application for authorization, the satisfaction of applicable requirements under ORS 285C.050 to 285C.250 (the "Statute"), and the Zone Sponsor's approval thereof, the Firm is eligible for three years of property tax exemption on its qualified property. So long as the Firm elects to continue to receive this property tax exemption and continues to qualify therefor, then this agreement shall have no effect on this three-year exemption. Nothing in this agreement shall be construed as a waiver of the qualification requirements of the Statute. If the Firm loses its qualified status for any reason set forth in the Statute, then this agreement becomes null and void.

The Zone Sponsor extends The Firm's property tax exemption an additional two (2) years on all property that initially qualifies in the Greater Redmond Area Enterprise Zone after the assessment year beginning on January 1, 2017 and, thus, sets a total period of exemption five (5) consecutive years during which statutory requirements for the standard three-year enterprise zone exemption must also be continuously satisfied.

CONFIRMATION OF STATUTORY PROVISIONS

In order to receive the additional two (2) years of enterprise zone exemption granted herein, the Firm agrees under 285C.160(3)(a)(A) that for each year of the entire exemption period, including the first three years and the additional two years, all of the Firm's new employees will receive an average rate of compensation equal to or greater than 150 percent of the county average annual wage, as determined at the time the enterprise zone tax exemption is authorized in accordance with the specific definitions and guidelines in Oregon Administrative Rules (OAR), Chapter 123, Division 65 Division 674 (123-674-0600), the "Compensation standard". Firm will validate meeting the compensation standard by submitting a completed "New Hire Wage Template" to the Zone Manager with the Enterprise Zone Application Authorization.

Only "Affected Employees" are counted. Affected Employees means persons, positions or jobs under ORS 285C.050(13) that satisfy the following criteria: (a) included as "employment of the firm" in accordance with OAR 123-674-0200; and (b) new jobs filled for the first time: (A) after the date of Application under ORS 285C.140(1), even if an individual filling the job is already employed by the eligible business firm in another position that is refilled within the zone; and (B) on or before December 31 at the end of the initial exemption year, and located within the current boundaries of the Greater Redmond Area Enterprise Zone.

Only full-time, year-round and non-temporary employees engaged a majority of their time in the Firm's eligible operations consistent with ORS 285C.135 including but not limited to persons who perform eligible activities as described in OAR 123-674-1100 or 123-674-1200(3) or (4) and OAR 123-674-0200 are counted, regardless of whether such employees are leased, contracted for or otherwise obtained through an external agency or are employed directly by the Firm.

ACCEPTING FOR THE CO-SPONSORS OF THE GREATER REDMOND AREA ENTERPRISE ZONE:

Signature: _____ Date: _____
George Endicott, Mayor,
City of Redmond

Signature: _____ Date: _____
Alan Unger, Board Chair,
Deschutes County

Signature: _____ Date: _____,
Chris Frye, Mayor,
City of Sisters

ACCEPTING FOR THE FIRM:

Signature: _____ Date: _____

Representative Signature

_____

Printed Name / Title

_____

Address

_____

City, State, Zip

_____

Phone / Fax

_____

Email