



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

MAY 26, 2016

**6:00 p.m. WORKSHOP**

1. Building Code Administration – *P. Davenport and County CDD staff*
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. May 19, 2016 – Special Meeting
  - B. Bills to Approve
    1. May Accounts Payable
  - C. Liquor License Application – R Spot, LLC
- IV. STAFF REPORTS
  - A. Deschutes County Sheriff's Office
- V. COUNCIL BUSINESS
  - A. **Public Hearing and Consideration of a Remand** by the Land Use Board of Appeals (LUBA) of Case No. 2015-063 in Reference to Findings Previously Approved by the City Council Associated with City Land Use File #'s AP 15-02, MOD 15-05 and SP 15-01, and Remanded Back to City Council by LUBA for Additional Findings of Fact. The subject project is known as McKenzie Meadow Village and the appeal is associated with a proposed Assisted Living Facility within the project site. – *P. Davenport*
  - B. **Public Comment and Consideration of Resolution No. 2016 –14: A RESOLUTION OF THE CITY OF SISTERS ADOPTING CHANGES TO THE MASTER FEE SCHEDULE FOR DUMPING FEES AND COMMUNITY DEVELOPMENT FEES**– *J. O'Neill*

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

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

**C. Discussion and Consideration of a Motion to Approve a Personal Services Agreement with Bryant, Lovelin and Jarvis for Limited Duration Legal Services – *R. Allen***

**VI. OTHER BUSINESS**

**VII. MAYOR/COUNCILOR BUSINESS**

**VIII. ADJOURN**

# AGENDA ITEM SUMMARY



# CITY OF SISTERS SISTERS CITY COUNCIL

**Meeting Date:** May 26, 2016

**Staff:** Patrick Davenport

**Type:** Workshop

**Dept:** CDD

**Subject:** Program responsibilities transition for Building Code Administration

**Action Requested:** Review draft documents associated with transition of Building Code Administration program; Provide final consent to formally approve program transition;

**Report Summary:** In a workshop on 04/07/16, the City Council agreed to transition the Building Code Administration program from City of Sisters to Deschutes County. The program transition is formally scheduled to occur on 07/01/16. An Intergovernmental Agreement (IGA) is necessary to formalize the collection of an 'advance planning fee' by the County and return the fee to the City to cover the cost of building permit review by City staff. The Memorandum of Understanding (MOU) will be between the City and County Departments of Community Development and will cover administrative details. The State of Oregon Building Code Division (BCD) requires a letter of notice (attached) from the City to the BCD when a transition of responsibilities building code administration occurs between localities.

As the draft MOU, indicates, the County CDD will provide permit technician staff at City Hall at least one day per week, to provide personal service, permit intake and issuance for City and County customers. Starting on 07/1/16, City of Sisters building permit applicants can be served personally at the city halls in Sisters and La Pine, the County's satellite office in Redmond and at the County's main office in Bend.

**Fiscal Impact:** On 07/01/16, building permits applicants will pay the fees in accordance with the current County CDD Building Division fee schedule. The advanced planning fee is calculated at 0.025% of the project's value. This is the only direct fee collected for building permit review by City staff that will be required, starting on 07/01/16. The City's permit technician will have their job responsibilities and duties transitioned to other CDD program support functions.

**Recommendation:** Staff recommends that Council review the attached documents and schedule an action item for formal approval of the IGA, provide consent for City CDD staff to sign the MOU with County CDD staff and provide consent to the Mayor signing the letter to State of Oregon BCD.

**Attachments:**

Exhibit A: Draft IGA

Exhibit B: Draft MOU

Exhibit C: Letter to State of Oregon Building Codes Division

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

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

**INTERGOVERNMENTAL AGREEMENT  
ADVANCED PLANNING FEE COLLECTION SERVICES  
Document No. 2016-197**

This Agreement is made and entered into by and between Deschutes County, a political subdivision of the State of Oregon, hereinafter referred to as "COUNTY," and the City of Sisters, an Oregon municipal corporation, hereinafter referred to as "CITY."

**WITNESSETH:**

**WHEREAS**, the COUNTY and the CITY are authorized pursuant to ORS 190.003 through 190.110 to enter into an intergovernmental agreement for the performance of any or all functions which a party to the agreement has the authority to perform; and

**WHEREAS**, the CITY imposes system development charges (SDCs) for capital improvements for transportation, water, sewer, and park facilities, and advanced planning fees to cover costs associated with providing planning services; and

**WHEREAS**, such fees and charges are required by City ordinance to be paid to the CITY by property owners upon obtaining building or development permits; and

**WHEREAS**, by virtue of agreements with the City, the COUNTY issues building permits in areas within the CITY and is therefore administratively set up to collect such charges in such areas; and

**WHEREAS**, CITY desires to delegate to COUNTY the responsibility of collection of such charges and COUNTY is willing to accept such delegation, all pursuant to the conditions of this Agreement; now therefore,

**IT IS HEREBY AGREED** by and between the parties for and in consideration of the mutual promises herein stated as follows:

**GENERAL:**

1. The purpose of this agreement is to facilitate and coordinate the collection of advanced planning fees imposed by the CITY.
2. The COUNTY has adopted certain fees which include an advance planning fee that is collected at the time the building permit is issued; County shall collect this fee on behalf of CITY and return this fee to CITY.

**COUNTY OBLIGATIONS:**

1. COUNTY shall endeavor to collect advanced planning fees for the benefit of the CITY. It is agreed that said funds at all times belong to the CITY.
2. COUNTY will calculate the advanced planning fee for each permit application as applicable.
3. COUNTY shall account for all such funds collected separately from other funds received and shall implement tracking systems to track such funds from receipt until transfer to the CITY.
4. COUNTY shall automatically disburse said funds to the CITY once each month in the ordinary course of accounts payable disbursements and shall provide the CITY with monthly documentation demonstrating the source and amount of each collection. COUNTY will deduct from each advanced planning fee collection paid by credit card a credit card transaction fee of Five Percent (5%) of the total amount charged. The transaction fee will be reviewed annually.
5. Other than the obligations set forth herein, COUNTY shall have no other obligations, responsibilities or liabilities with respect to any other fee.

**CITY OBLIGATIONS:**

1. CITY shall be responsible for payment and processing of any refunds of the advance planning fees.

**MISCELLANEOUS:**

1. This Agreement is effective July 1, 2016.
2. This Agreement shall automatically renew each fiscal year unless otherwise terminated as provided herein.
3. This Agreement may be terminated at the end of any fiscal year upon written notice of one party to the other party not later than ninety (90) days prior to the end of such fiscal year.

**LIMITATIONS:**

1. This Agreement, as applicable, is expressly subject to the provisions and requirements of ORS 279A and 279B, the Oregon Tort Claims Act, ORS 30.260 through 30.300 and to the debt limitation of Oregon counties as set forth in Article XI, Section 10, of the Oregon Constitution, and is contingent upon funds being appropriated therefore.
2. In the event sufficient funds are not appropriated for the payment of consideration required to be paid under this agreement, and if CITY has no funds legally available for consideration from other sources, then either party may terminate this agreement in accordance with Section 2 of this agreement.
3. Any provisions herein, which would conflict with law, are deemed inoperative to that extent.

**NON-DISCRIMINATION:**

1. Each party agrees that no person shall, on the grounds of race, color, creed, national origin, sex, marital status, or age, suffer discrimination in the performance of this Agreement when employed by either party.
2. Each party agrees to comply with Title VI of the Civil Rights Act of 1964, with Section V of the Rehabilitation Act of 1973, and with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
3. Additionally, each party shall comply with the Americans with Disabilities Act of 1990 (as amended), ORS Chapter 659A., and all applicable regulations and administrative rules established pursuant to those laws.

**PARTNERSHIP:**

Neither party is, by virtue of this Agreement, a partner or joint venture in connection with activities carried out under this Agreement, and shall have no obligation with respect to the other party's debts or any other liability or obligation of the other party of whatever kind or nature.

**CITY'S REPRESENTATIVE:**

CITY's authorized representative for the purposes of this Agreement shall be the Sisters Community Development Director, Patrick Davenport or the Director's designee, P.O. Box 39, Sisters, Oregon 97759, Phone (541) 323-5219, Fax (541) 549-0561.

**COUNTY'S REPRESENTATIVE.**

COUNTY's authorized representative for the purposes of this Agreement shall be Deschutes County Community Development Director, Nick Lelack or the Director's designee, 117 NW Lafayette, Bend, Oregon 97703, phone 541-385-1708, fax 541-385-1764.

**SUBCONTRACT - ASSIGNMENTS AND DELEGATION:**

1. This Agreement and all of the covenants and conditions hereof, shall inure to the benefit of and be binding upon CITY and COUNTY respectively and their legal representatives and successors.
2. Except as otherwise proved herein, COUNTY shall not assign any rights nor delegate any duties incurred by this Agreement, or any part hereof without written consent of CITY and any assignment or delegation in violation hereof shall be void.

**ACCESS TO RECORDS:**

1. CITY shall have access to such books, documents, papers and records of COUNTY as are directly pertinent to the services performed under the terms of this Agreement for the purpose of conducting an audit or examination or obtaining excerpts and transcripts.
2. The COUNTY shall have reciprocal access to CITY planning and building files.

**FORCE MAJEURE:**

Neither party to this Agreement shall be liable to the other party for delays in performing the services or for the direct or indirect cost resulting from such delays that may result from strikes, riots, war, acts of governmental authorities, extraordinary weather conditions or other natural catastrophe, or any other cause beyond the reasonable control or contemplation of either party.

**NON-WAIVER:**

The failure by any party to enforce any provision of this Agreement shall not constitute a waiver by that party of that provision or of any other provision of this Agreement.

**ATTORNEY FEES:**

In the event an action, lawsuit or proceeding, including appeal therefrom, is brought for failure to fulfill or comply with any of the terms of this Agreement, each party shall be responsible for their own attorney fees, expenses, costs and disbursements for said action, lawsuit, proceeding or appeal.

**APPLICABLE LAW:**

This Agreement will be governed by the laws of the State of Oregon.

**INDEMNIFICATION:**

1. To the extent permitted by Article XI, Section 10, of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, COUNTY shall defend, save, hold harmless and indemnify CITY and its officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities costs and expenses of any nature resulting from or arising out of, or relating to the activities of the COUNTY or its officers, employees, contractors, or agents under this Agreement.
2. To the extent permitted by the Oregon Tort Claims Act, ORS 30.260 through 30.300, CITY shall defend, save, hold harmless and indemnify COUNTY and its officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities costs and expenses of any nature resulting from or arising out of, or relating to the activities of CITY or its officers, employees, contractors, or agents under this Agreement.
3. In addition to any other indemnification terms in this Agreement, CITY agrees to indemnify, save harmless and defend the COUNTY, its officers, agents, and employees from and against all claims, suits, actions, damages, costs, losses and expenses in any manner resulting from or arising out of any claim that the advanced planning fee funds collected by COUNTY and thereafter transferred to CITY, were assessed, misspent or collected in violation of ORS 223.297 to 223.314.
4. Neither party shall be liable to the other for any incidental or consequential damages arising out of or related to this Contract.
5. Neither party shall be liable for any damages of any sort arising solely from the termination of this Contract or any part hereof in accordance with its terms.

**ASSIGNMENT:**

Neither this Agreement nor any of the rights granted by this Agreement may be assigned or transferred by either party.

**BINDING EFFECT:**

The terms of this Agreement shall be binding upon and inure to the benefit of each of the parties and each of their respective administrators, agents, representatives, successors and assigns.

**SEVERABILITY:**

Should any provision or provisions of this Agreement be construed by a court of competent jurisdiction to be void, invalid or unenforceable, such construction shall affect only the provision or provisions so construed, and shall not affect, impair or invalidate any of the other provisions of this Agreement which shall remain in full force and effect.

**HEADINGS:**

The headings of this Agreement are for convenience only and shall not be used to construe or interpret any provisions of this Agreement.

**INCORPORATION OF RECITALS:**

The recitals set forth above are hereby incorporated into and made a part of this Agreement.

**COMPLETE AGREEMENT:**

1. This contract and any referenced attachments constitute the complete Agreement between CITY and COUNTY and supersede all prior written or oral discussions or agreements.
2. This Agreement may not be modified or amended except by writing signed by all parties to this Agreement.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2016

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
ALAN UNGER, CHAIR

\_\_\_\_\_  
TAMMY BANEY, VICE CHAIR

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
ANTHONY DEBONE, COMMISSIONER

Dated this \_\_\_\_ day of \_\_\_\_\_, 2016

**CITY OF SISTERS**

\_\_\_\_\_  
CHRIS FRYE, MAYOR

\_\_\_\_\_  
INTERIM CITY MANAGER

**APPROVED AS TO FORM:**

\_\_\_\_\_  
STEVE BRYANT, CITY ATTORNEY



## Community Development Department

Planning, Building Safety, Environmental Soils, Code Enforcement  
PO Box 6005, Bend, Oregon 97708-6005  
117 NW Lafayette Avenue  
[www.deschutes.org/cd](http://www.deschutes.org/cd)

### DRAFT MEMORANDUM

**TO:** City of Sisters  
**FROM:** Nick Lelack, Director  
**DATE:** May 12, 2016  
**SUBJECT:** Deschutes County Building Safety Services

Upon assuming jurisdiction for the building administration and enforcement program in the City of Sisters (City), the Deschutes County Community Development Department Building Safety Division (County CDD) agrees to provide the following services in the City of Sisters at City Hall and in any location CDD provides such services (CDD offices).

- County CDD will meet with permit applicants/holders and/or City staff at County CDD offices or City Hall to address and attempt to resolve any issues arising under the applicable State Building Codes, State MHRV Regulations or City Codes and Ordinances and related issues.
- County CDD will coordinate with the City, including the City Community Development Department, Sisters-Camp Sherman Fire & Rescue (Fire Marshall) and City Public Works Department, on inspections, permit applications, plans reviews, City land use and utilities regulations, and an electronic filing system to ensure that records of all permits and applications are properly maintained.
- County CDD will provide building inspector and permit technician availability by phone or at the main County CDD Office, 117 NW Lafayette Avenue, Bend, OR, 8:00 a.m. to 3:30 p.m., Monday through Friday, to answer questions, and other County CDD offices during normal business hours (Tuesdays in La Pine, Thursdays in Redmond, as of the date of this memorandum).
- County CDD to provide a Permit Technician one day per week, to process permit applications. Specific day and time schedule to be agreed by County CDD and City. Customers will have access to the County CDD main office in Bend and County CDD satellite offices in Redmond and LaPine as available every weekday for assistance during normal business hours, including the ability to apply for and have permits issued. County CDD, at its sole discretion, may increase or eliminate this staffing level as the usage and permit volumes dictate, but will coordinate and notify the City of any such changes at least 30 days prior to implementing changes.
- County CDD will require all applicants to pay building, mechanical, electrical, plumbing, and manufactured home permit fees, plan check fees, and manufactured home park and recreational vehicle park fees to the County prior to the issuance of any permit.

- If the City waives or reduces the fee for any application for which County CDD provides the services, City will compensate County CDD based on County CDD's full permit rate as adopted in the current Deschutes County's Fee Schedule at the time of application submittal.
- City to review plans for compliance with City Development Code and other applicable City ordinances and requirements, and notify County CDD in writing of any concerns or issues by notations on the building plans.
- County CDD will retain responsibility for building permit and inspection services program, as prescribed in the Oregon Revised Statutes (ORS Chapter 455) and related Oregon Administrative Rules, until such time City elects to initiate the process to assume this responsibility. City will provide a minimum thirty (30) day notice of intent to initiate the process to assume these responsibilities.
- County CDD to make a good faith effort to review all plans submitted with the permit applications within ten (10) working days after all reviews by City are completed and are formally approved for review.
- City to provide the permit technician with front counter and office area, use of City's wireless network, desk, chair, phone, and meeting room space if needed. County CDD to provide the permit technician with a computer, printer/scanner file cabinet with locking file drawer and other peripherals and supplies as needed.
- City staff will create a sign off form that authorizes the County CDD to accept the application for a building permit and advise the County CDD of City's SDC fees and/or other administrative fees required based on the type of application.

Signature lines

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Nick Lelack, AICP, Director

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Patrick Davenport,  
City of Sisters Community Development Director



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## CITY OF SISTERS

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May XX, 2016

State of Oregon Department of Consumer Services, Building Codes Division  
Attention: Brett Salmon, Policy and Technical Services Manager  
Electronically submitted to: [tyler.j.larson@oregon.gov](mailto:tyler.j.larson@oregon.gov)

Dear Mr. Salmon,

The City of Sisters has been working with the Deschutes County Community Development Department to transition the administration of building codes administration from the City to the County. ORS 455.148 and 150 provide guidance in reference to the decision by a municipality to cease administration of a building inspection program.

The purpose of this letter is to advise you that the City of Sisters will abandon administration of its building inspection program as of July 1, 2016. As mentioned previously, Deschutes County will be taking over administration of the program effective July 1, 2016. The City of Sisters and Deschutes County staff will work closely to ensure a smooth transition of program responsibilities.

If you have any questions, please feel free to call or reply to this email.

Sincerely,

Chris Frye  
Mayor

Cc: Randy Scheid, Deschutes County Building Official

SPECIAL MEETING MINUTES  
SISTERS CITY COUNCIL  
520 E. CASCADE AVENUE  
MAY 19, 2016

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

Paul Bertagna PW Director  
Patrick Davenport CDD Director  
Joe O'Neill Finance Officer  
Kathy Nelson City Recorder

**GUEST:**

Rick Allen Interim City Manager Candidate

**I. CALL TO ORDER**

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

**II. COUNCIL BUSINESS**

**A. Discussion and Consideration of a Motion to Approve an Intergovernmental Agreement (IGA) with Oregon Department of Transportation (ODOT) for Right of Way Services associated with the US 20/Barclay Project**

**Director Bertagna** noted the IGA would be the first of several from ODOT related to the roundabout construction at the Highway 20/Barclay Avenue intersection. He explained ODOT would perform the right of way work and once completed, it would transfer back to the City for maintenance.

*Councilor Connolly moved to approve an IGA with ODOT for the right of way services associated with the US 20/Barclay Project. Councilor Blum seconded the motion. The motion carried unanimously.*

**B. Discussion and Consideration of a Motion to Appoint Rick Allen as a Limited Duration City Manager for a set term through November 18, 2016 or upon termination at a point, whichever comes earlier. The Mayor shall have the authority to sign the Limited Duration Contract**

The **Council** discussed the terms of the contract for the Interim City Manager.

*Councilor Connolly moved to appoint Rick Allen as a Limited Duration City Manager for a set term through November 18, 2016 or upon termination at a point, whichever comes earlier. Councilor Asson seconded the motion. The motion carried unanimously.*

**VII. ADJOURN – The meeting was adjourned at 8:26 a.m.**

  
Kathy Nelson, City Recorder

\_\_\_\_\_  
Chris Frye, Mayor

PACKET: 02487 5/26/1 KK

VENDOR SET: 01 CITY OF SISTERS

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-0018		BAXTER AUTO PARTS				
I-28-533407		FUEL AND OIL FILTER-CRACK SEA	27.01			
5/13/2016	AP-US	DUE: 6/15/2016 DISC: 6/10/2016	0.54CR	1099: N		
		FUEL AND OIL FILTER-CRACK SEAL		03 5-00-796	VEHICLE MAINTENANCE	27.01
		=== VENDOR TOTALS ===	27.01			
=====						
01-0057		BEERY, ELSNER & HAMMOND, LLP				
I-12966		LEGAL FEES	7.80			
5/02/2016	AP-US	DUE: 5/02/2016 DISC: 5/02/2016		1099: Y		
		LEGAL FEES		01 5-01-777	LEGAL FEES	7.80
		=== VENDOR TOTALS ===	7.80			
=====						
01-0716		BI-MART CORPORATION				
I-0248		BATTERIES,BULBS,SNAPS	18.45			
5/07/2016	AP-US	DUE: 5/07/2016 DISC: 5/07/2016		1099: N		
		BATTERIES,BULBS,SNAPS		01 5-05-795	SUPPLIES	18.45
I-0882		WRITE BOARD,WASHERS	15.07			
5/11/2016	AP-US	DUE: 5/11/2016 DISC: 5/11/2016		1099: N		
		WRITE BOARD,WASHERS		01 5-05-795	SUPPLIES	15.07
		=== VENDOR TOTALS ===	33.52			
=====						
01-0172		BMS TECHNOLOGIES				
I-48599		16/17 BUSINESS LICENSE RENEWA	467.60			
5/16/2016	AP-US	DUE: 5/16/2016 DISC: 5/16/2016		1099: Y		
		16/17 BUSINESS LICENSE RENEWAL		01 5-02-715	POSTAGE	239.13
		16/17 BUSINESS LICENSE RENEWAL		01 5-02-726	CONTRACTED SERVICES	228.47
		=== VENDOR TOTALS ===	467.60			
=====						
01-0053		BRYANT EMERSON, LLP				
I-0217902		LEGAL FEES-LUBA APRIL 2016	322.00			
4/25/2016	AP-US	DUE: 4/25/2016 DISC: 4/25/2016		1099: Y		
		LEGAL FEES-LUBA APRIL 2016		01 5-07-777	LEGAL FEES	322.00
I-0217903		LEGAL FEES-CDD APRIL 2016	798.00			
4/25/2016	AP-US	DUE: 4/25/2016 DISC: 4/25/2016		1099: Y		
		LEGAL FEES-CDD APRIL 2016		01 5-07-777	LEGAL FEES	798.00
I-0217905		LEGAL FEES-GENERAL APRIL 2016	8,542.00			
4/25/2016	AP-US	DUE: 4/25/2016 DISC: 4/25/2016		1099: Y		
		LEGAL FEES-GENERAL APRIL 2016		01 5-01-777	LEGAL FEES	8,542.00

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PACKET: 02487 5/26/1 KK  
 VENDOR SET: 01 CITY OF SISTERS  
 SEQUENCE : ALPHABETIC  
 DUE TO/FROM ACCOUNTS SUPPRESSED

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01-0053	BRYANT EMERSON, LLP	( ** CONTINUED ** )				
I-0217906		LEGAL FEES-KARNECKI APRIL 201	844.16			
4/25/2016	AP-US	DUE: 4/25/2016 DISC: 4/25/2016		1099: Y		
		LEGAL FEES-KARNECKI APRIL 2016		01 5-07-777	LEGAL FEES	844.16
=== VENDOR TOTALS ===			10,506.16			
01-0047	C & K MARKET INC.					
I-1636715		FIRST AID TRAINING	45.12			
5/09/2016	AP-US	DUE: 6/25/2016 DISC: 6/25/2016		1099: N		
		FIRST AID TRAINING		01 5-02-793	MEETINGS/WORKSHOPS	45.12
I-1646929		BUDGET MEETING	93.96			
5/18/2016	AP-US	DUE: 6/25/2016 DISC: 6/25/2016		1099: N		
		BUDGET MEETING		01 5-02-793	MEETINGS/WORKSHOPS	93.96
=== VENDOR TOTALS ===			139.08			
01-0014	CENTRAL ELECTRIC COOP					
I-5016080107-0516		CITY STREET LIGHTS	333.91			
5/13/2016	AP-US	DUE: 5/13/2016 DISC: 5/13/2016		1099: N		
		CITY STREET LIGHTS		03 5-00-743	ELECTRICITY	333.91
=== VENDOR TOTALS ===			333.91			
01-0024	CURTS ELECTRIC					
I-4414		AERATOR REPAIR	227.80			
4/28/2016	AP-US	DUE: 4/28/2016 DISC: 4/28/2016		1099: N		
		AERATOR REPAIR		05 5-00-787	SEWER SYSTEM REPAIRS	227.80
I-4415		ON PARK SITE REPAIR	105.26			
5/03/2016	AP-US	DUE: 5/03/2016 DISC: 5/03/2016		1099: N		
		ON PARK SITE REPAIR		01 5-05-786	PARK MAINTENANCE	105.26
I-4420		VILLAGE GREEN GAZEBO/BBQ	918.19			
4/29/2016	AP-US	DUE: 4/29/2016 DISC: 4/29/2016		1099: N		
		VILLAGE GREEN GAZEBO/BBQ		01 5-05-786	PARK MAINTENANCE	918.19
=== VENDOR TOTALS ===			1,251.25			

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PACKET: 02487 5/26/1 KK

VENDOR SET: 01 CITY OF SISTERS

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
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01-0025	DEPARTMENT OF ENVIRONMENTAL QU					
I-WQ17DOM-0012		WW TREATMENT IMPROVEMENTS	1,313.00			
5/04/2016	AP-US	DUE: 5/04/2016 DISC: 5/04/2016		1099: N		
		WW TREATMENT IMPROVEMENTS		05 5-00-727	PERMITS & FEES	1,313.00
=====						
I-WQ17WSC-0098		16/17 WW SUPPORT FEE	100.00			
5/04/2016	AP-US	DUE: 5/04/2016 DISC: 5/04/2016		1099: N		
		16/17 WW SUPPORT FEE		05 5-00-727	PERMITS & FEES	100.00
		=== VENDOR TOTALS ===	1,413.00			
=====						
01-0582	DESCHUTES COUNTY					
I-04302016		PERMIT SERVICES APRIL 2016	13,869.38			
4/30/2016	AP-US	DUE: 4/30/2016 DISC: 4/30/2016		1099: N		
		ELECTRICAL PERMITS APRIL 2016		01 5-07-301	ELECTRICAL INSPECTION	726.02
		BLDG PERMITS APRIL 2016		01 5-07-300	BUILDING INSPECTIONS	13,143.36
		=== VENDOR TOTALS ===	13,869.38			
=====						
01-0673	DOGPOOPBAGS.COM					
I-6393		DOG POOP BAGS	1,363.94			
5/20/2016	AP-US	DUE: 5/20/2016 DISC: 5/20/2016		1099: N		
		DOG POOP BAGS		01 5-05-795	SUPPLIES	1,363.94
		=== VENDOR TOTALS ===	1,363.94			
=====						
01-1001	EDGE ANALYTICAL, INC.					
I-16-11496		WATER SAMPLE	33.00			
5/19/2016	AP-US	DUE: 5/19/2016 DISC: 5/19/2016		1099: N		
		WATER SAMPLE		02 5-00-775	LABORATORY FEES	33.00
		=== VENDOR TOTALS ===	33.00			
=====						
01-0909	FASTENAL					
I-ORBEN101851		GLOVES	215.76			
5/05/2016	AP-US	DUE: 5/05/2016 DISC: 5/05/2016		1099: N		
		GLOVES		01 5-03-795	SUPPLIES	21.57
		GLOVES		01 5-05-795	SUPPLIES	56.11
		GLOVES		02 5-00-795	SUPPLIES	51.77
		GLOVES		03 5-00-795	SUPPLIES	56.11
		GLOVES		05 5-00-795	SUPPLIES	30.20
=====						
I-ORBEN101971		SAFETY VESTS	69.98			
5/20/2016	AP-US	DUE: 5/20/2016 DISC: 5/20/2016		1099: N		
		SAFETY VESTS		01 5-03-795	SUPPLIES	7.00
		SAFETY VESTS		01 5-05-795	SUPPLIES	18.20
		SAFETY VESTS		02 5-00-795	SUPPLIES	16.79

pg 3 of 9

PACKET: 02487 5/26/1 KK

VENDOR SET: 01 CITY OF SISTERS

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
01-0909	FASTENAL	( ** CONTINUED ** )				
		SAFETY VESTS		03 5-00-795	SUPPLIES	18.20
		SAFETY VESTS		05 5-00-795	SUPPLIES	9.79
		=== VENDOR TOTALS ===	285.74			
01-0028	FERGUSON ENTERPRISES, INC.					
I-0519275		WATER PARTS TOOL	300.00			
5/11/2016	AP-US	DUE: 5/11/2016 DISC: 5/11/2016		1099: N		
		WATER PARTS TOOL		02 5-00-746	SMALL TOOLS & EQUIPMENT	300.00
I-0519612		1 1/2 METER PARTS	280.14			
5/12/2016	AP-US	DUE: 5/12/2016 DISC: 5/12/2016		1099: N		
		1 1/2 METER PARTS		02 5-00-788	METERS & PARTS	280.14
I-0519622		1 1/2 METER	1,269.12			
5/12/2016	AP-US	DUE: 5/12/2016 DISC: 5/12/2016		1099: N		
		1 1/2 METER		02 5-00-788	METERS & PARTS	1,269.12
		=== VENDOR TOTALS ===	1,849.26			
01-0214	FIREPRO					
I-1062832		FIRE EXTINGUISHER MAINT	198.00			
5/09/2016	AP-US	DUE: 5/09/2016 DISC: 5/09/2016		1099: N		
		FIRE EXTINGUISHER MAINT		01 5-03-726	CONTRACTED SERVICES	19.80
		FIRE EXTINGUISHER MAINT		01 5-05-726	CONTRACTED SERVICES	51.49
		FIRE EXTINGUISHER MAINT		02 5-00-726	CONTRACTED SERVICES	47.51
		FIRE EXTINGUISHER MAINT		03 5-00-726	CONTRACTED SERVICES	51.49
		FIRE EXTINGUISHER MAINT		05 5-00-726	CONTRACTED SERVICES	27.71
		=== VENDOR TOTALS ===	198.00			
01-0424	FUJITA-CONRADS, LYNNE					
I-05222016		BUDGET SERVICES	3,375.00			
5/11/2016	AP-US	DUE: 5/11/2016 DISC: 5/11/2016		1099: Y		
		BUDGET SERVICES		01 5-01-726	CONTRACTED SERVICES	3,375.00
		=== VENDOR TOTALS ===	3,375.00			
01-0980	GELFUZION, INC					
I-05222016		SERVER STORAGE	40.00			
5/22/2016	AP-US	DUE: 5/22/2016 DISC: 5/22/2016		1099: N		
		IT SUPPORT JULY 2015		01 5-01-726	CONTRACTED SERVICES	4.00
		IT SUPPORT JULY 2015		01 5-02-726	CONTRACTED SERVICES	4.80
		IT SUPPORT JULY 2015		01 5-03-726	CONTRACTED SERVICES	1.60
		IT SUPPORT JULY 2015		01 5-05-726	CONTRACTED SERVICES	5.20
		IT SUPPORT JULY 2015		01 5-07-726	CONTRACTED SERVICES	6.80
		IT SUPPORT JULY 2015		02 5-00-726	CONTRACTED SERVICES	6.80

pg 4 of 9

PACKET: 02487 5/26/1 KK

VENDOR SET: 01 CITY OF SISTERS

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
01-0980	GELFUZION, INC	( ** CONTINUED ** )				
		IT SUPPORT JULY 2015		03 5-00-726	CONTRACTED SERVICES	6.00
		IT SUPPORT JULY 2015		05 5-00-726	CONTRACTED SERVICES	4.80
		=== VENDOR TOTALS ===	40.00			

01-0959	GRADELINE, INC.					
I-15442		ON PARK-GRAVEL	520.00			
4/28/2016	AP-US	DUE: 4/28/2016 DISC: 4/28/2016		1099: Y		
		ON PARK-GRAVEL		01 5-05-906	CAPITAL OUTLAY	520.00
		=== VENDOR TOTALS ===	520.00			

01-0565	GSI WATER SOLUTIONS, INC.					
I-0283.004-69		WATER MANAGEMENT PLAN	919.04			
5/09/2016	AP-US	DUE: 5/09/2016 DISC: 5/09/2016		1099: N		
		WATER MANAGEMENT PLAN		02 5-00-726	CONTRACTED SERVICES	919.04
		=== VENDOR TOTALS ===	919.04			

01-0029	H. D. FOWLER COMPANY					
I-14197022		ON PARK-IRRIGATION	443.37			
5/02/2016	AP-US	DUE: 6/10/2016 DISC: 6/10/2016		1099: N		
		ON PARK-IRRIGATION		01 5-05-906	CAPITAL OUTLAY	443.37
		=== VENDOR TOTALS ===	443.37			

01-0953	LANDSCAPES FORMS, INC					
I-81506		CHAMBER IMP-BENCHES	2,007.40			
5/13/2016	AP-US	DUE: 5/13/2016 DISC: 5/13/2016		1099: N		
		CHAMBER IMP-BENCHES		01 5-05-906	CAPITAL OUTLAY	2,007.40
		=== VENDOR TOTALS ===	2,007.40			

01-0799	LANE FOREST PRODUCTS					
I-47549-01		ON PARK - BARK	1,563.80			
5/14/2016	AP-US	DUE: 5/14/2016 DISC: 5/14/2016		1099: N		
		ON PARK - BARK		01 5-05-906	CAPITAL OUTLAY	1,563.80
		=== VENDOR TOTALS ===	1,563.80			

pg 5 of 9

PACKET: 02487 5/26/1 KK

VENDOR SET: 01 CITY OF SISTERS

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-0988		MEDIAMERICA, INC				
I-0028978-IN		TRAVEL OREGON GUIDE AD	735.00			
5/09/2016	AP-US	DUE: 5/09/2016 DISC: 5/09/2016		1099: N		
		TRAVEL OREGON GUIDE AD		01 5-05-726	CONTRACTED SERVICES	735.00
=== VENDOR TOTALS ===			735.00			
=====						
01-0883		MELVIN'S FIR STREET MARKET				
I-492288		CC WORKSHOP	16.03			
5/12/2016	AP-US	DUE: 5/12/2016 DISC: 5/12/2016		1099: N		
		CC WORKSHOP		01 5-01-700	MAYOR & COUNCIL	16.03
=== VENDOR TOTALS ===			16.03			
=====						
01-0515		OFFICEMAX				
I-135193		PENS, STAPLES, BATTERIES	51.04			
5/19/2016	AP-US	DUE: 5/19/2016 DISC: 5/19/2016		1099: N		
		PENS, STAPLES, BATTERIES		01 5-01-714	OFFICE SUPPLIES	7.67
		PENS, STAPLES, BATTERIES		01 5-02-714	OFFICE SUPPLIES	8.14
		PENS, STAPLES, BATTERIES		01 5-03-795	SUPPLIES	1.02
		PENS, STAPLES, BATTERIES		01 5-05-714	OFFICE SUPPLIES	4.60
		PENS, STAPLES, BATTERIES		01 5-07-714	OFFICE SUPPLIES	12.75
		PENS, STAPLES, BATTERIES		02 5-00-714	OFFICE SUPPLIES	7.15
		PENS, STAPLES, BATTERIES		03 5-00-714	OFFICE SUPPLIES	4.08
		PENS, STAPLES, BATTERIES		05 5-00-714	OFFICE SUPPLIES	5.63
=== VENDOR TOTALS ===			51.04			
=====						
01-0759		OREGON DMV				
I-61603-042916		AUTOMATED REPORTING	1.50			
4/29/2016	AP-US	DUE: 4/29/2016 DISC: 4/29/2016		1099: N		
		AUTOMATED REPORTING		01 5-02-727	PERMITS & FEES	1.50
=== VENDOR TOTALS ===			1.50			
=====						
01-0144		RESERVE ACCOUNT				
I-05172016		RESERVE ACCOUNT POSTAGE	200.00			
5/17/2016	AP-US	DUE: 5/17/2016 DISC: 5/17/2016		1099: N		
		RESERVE ACCOUNT POSTAGE		01 5-01-715	POSTAGE	6.00
		RESERVE ACCOUNT POSTAGE		01 5-02-715	POSTAGE	74.00
		RESERVE ACCOUNT POSTAGE		01 5-07-715	POSTAGE	46.00
		RESERVE ACCOUNT POSTAGE		02 5-00-715	POSTAGE	36.00
		RESERVE ACCOUNT POSTAGE		03 5-00-715	POSTAGE	2.00
		RESERVE ACCOUNT POSTAGE		05 5-00-715	POSTAGE	36.00
=== VENDOR TOTALS ===			200.00			

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PACKET: 02487 5/26/1 KK

VENDOR SET: 01 CITY OF SISTERS

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
-----						
01-0281		POWERS OF AUTOMATION INC				
I-11857		IRRIGATION CALL OUT	600.00			
5/05/2016	AP-US	DUE: 5/05/2016 DISC: 5/05/2016		1099: N		
		IRRIGATION CALL OUT		02 5-00-779	WATER SYSTEM REPAIRS	600.00
		=== VENDOR TOTALS ===	600.00			

-----						
01-0944		QUANTUM COMMUNICATION				
I-29180		TELEPHONES MAY 2016	814.71			
5/01/2016	AP-US	DUE: 5/01/2016 DISC: 5/01/2016		1099: N		
		TELEPHONES MAY 2016		01 5-01-735	TELEPHONE	50.49
		TELEPHONES MAY 2016		01 5-02-735	TELEPHONE	60.60
		TELEPHONES MAY 2016		01 5-03-735	TELEPHONE	20.22
		TELEPHONES MAY 2016		01 5-05-735	TELEPHONE	60.60
		TELEPHONES MAY 2016		01 5-07-735	TELEPHONE	90.68
		TELEPHONES MAY 2016		02 5-00-735	TELEPHONE	85.81
		TELEPHONES MAY 2016		03 5-00-735	TELEPHONE	75.70
		TELEPHONES MAY 2016		05 5-00-735	TELEPHONE	60.61
		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 ===	814.71			

-----						
01-1		MISC VENDOR				
I-05202016		ROSE, CATHLEEN:DEPOSIT REFUND	50.00			
5/20/2016	AP-US	DUE: 5/20/2016 DISC: 5/20/2016		1099: N		
		ROSE, CATHLEEN:DEPOSIT REFUND		01 2-00-162	DEPOSITS - SPECIAL EVENT	50.00
		=== VENDOR TOTALS ===	50.00			

-----						
01-0590		SHERWIN-WILLIAMS				
I-8890-3		STREET PAINT	180.00			
5/13/2016	AP-US	DUE: 5/13/2016 DISC: 5/13/2016		1099: N		
		STREET PAINT		03 5-00-795	SUPPLIES	180.00
		=== VENDOR TOTALS ===	180.00			

-----						
01-0866		SIGNS OF SISTERS				
I-05052016		INFORMATION SIGNS	575.00			
5/05/2016	AP-US	DUE: 5/05/2016 DISC: 5/05/2016		1099: Y		
		INFORMATION SIGNS		01 5-07-783	PUBLIC OUTREACH	575.00
		=== VENDOR TOTALS ===	575.00			

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PACKET: 02487 5/26/1 KK

VENDOR SET: 01 CITY OF SISTERS

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-0083	SISTERS RENTAL					
I-0037461		LAWN ROLLER	30.00			
5/16/2016	AP-US	DUE: 5/16/2016 DISC: 5/16/2016		1099: N		
		LAWN ROLLER		01 5-05-786	PARK MAINTENANCE	30.00
		=== VENDOR TOTALS ===	30.00			
=====						
01-1003	SISTERS SCREEN PRINTING & EMBR					
I-12420		UNIFORMS	284.33			
5/17/2016	AP-US	DUE: 5/17/2016 DISC: 5/17/2016		1099: N		
		UNIFORMS		01 5-03-782	UNIFORMS	28.43
		UNIFORMS		01 5-05-782	UNIFORMS	73.94
		UNIFORMS		02 5-00-782	UNIFORMS	68.22
		UNIFORMS		03 5-00-782	UNIFORMS	73.94
		UNIFORMS		05 5-00-782	UNIFORMS	39.80
		=== VENDOR TOTALS ===	284.33			
=====						
01-0182	TEWALT & SONS EXCAVATION					
I-85		ON PARK-GRAVEL	482.27			
5/13/2016	AP-US	DUE: 5/13/2016 DISC: 5/13/2016		1099: N		
		ON PARK-GRAVEL		01 5-05-906	CAPITAL OUTLAY	482.27
		=== VENDOR TOTALS ===	482.27			
=====						
01-0950	THREE SISTERS TELENETWORKS, LL					
I-1180		CONNECT CHAMBERS PHONE	75.00			
5/11/2016	AP-US	DUE: 5/11/2016 DISC: 5/11/2016		1099: Y		
		CONNECT CHAMBERS PHONE		01 5-03-785	MAINTENANCE CITY HALL	75.00
		=== VENDOR TOTALS ===	75.00			
=====						
01-0563	TREASURE VALLEY COFFEE, INC.					
I-549577		TEA, FIRST AID KIT SUPPLIES	96.90			
5/12/2016	AP-US	DUE: 5/12/2016 DISC: 5/12/2016		1099: N		
		TEA, FIRST AID KIT SUPPLIES		01 5-01-714	OFFICE SUPPLIES	14.56
		TEA, FIRST AID KIT SUPPLIES		01 5-02-714	OFFICE SUPPLIES	15.46
		TEA, FIRST AID KIT SUPPLIES		01 5-03-795	SUPPLIES	1.93
		TEA, FIRST AID KIT SUPPLIES		01 5-05-714	OFFICE SUPPLIES	8.74
		TEA, FIRST AID KIT SUPPLIES		01 5-07-714	OFFICE SUPPLIES	24.20
		TEA, FIRST AID KIT SUPPLIES		02 5-00-714	OFFICE SUPPLIES	13.57
		TEA, FIRST AID KIT SUPPLIES		03 5-00-714	OFFICE SUPPLIES	7.75
		TEA, FIRST AID KIT SUPPLIES		05 5-00-714	OFFICE SUPPLIES	10.69
		=== VENDOR TOTALS ===	96.90			

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PACKET: 02487 5/26/1 KK  
VENDOR SET: 01 CITY OF SISTERS  
SEQUENCE : ALPHABETIC  
DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-0109		TYLER TECHNOLOGIES/INCODE				
-----						
I-025-156260		16/17 BUSINESS LICENSE MAINT	806.76			
5/01/2016	AP-US	DUE: 5/01/2016 DISC: 5/01/2016		1099: N		
		16/17 BUSINESS LICENSE MAINT		01 5-02-710	COMPUTER SOFTWARE MAINT	806.76
		=== VENDOR TOTALS ===	806.76			
=====						
01-0344		USA BLUEBOOK				
-----						
I-947991		WATER SUPPLIES	236.20			
5/17/2016	AP-US	DUE: 5/17/2016 DISC: 5/17/2016		1099: N		
		WATER SUPPLIES		02 5-00-795	SUPPLIES	236.20
		=== VENDOR TOTALS ===	236.20			
		=== PACKET TOTALS ===	45,882.00			

pg 9 of 9



OREGON LIQUOR CONTROL COMMISSION  
LIQUOR LICENSE APPLICATION

RECEIVED

MAY 13 2016

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

MAY 13 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 OF SISTERS  
CITY AND COUNTY USE ONLY

Date application received: 5/12/16

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: R. Han

Date: 5/13/16

90-day authority:  Yes  No

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

- ① ~~NORMAN GARRETT~~ ③ \_\_\_\_\_
- ② R SPOT LLC NG ④ \_\_\_\_\_

2. Trade Name (dba): R SPOT

3. Business Location: 101 W MAIN AVE SUITE A SISTERS DESCHUTES, OR 97759  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: PO BOX 1696 SISTERS OR 97759  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541-549-7768  
(phone) (fax)

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

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

8. Former Business Name: N/A

9. Will you have a manager?  Yes  No Name: N/A GARRETT, NORMAN  
(manager must fill out an Individual History form)

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

11. Contact person for this application: NORMAN GARRETT 310-418-5088  
(name) (phone number(s))  
P.O. BOX 1696 SISTERS OR 97759 normgarrett@live.com  
(address) (fax number) (e-mail address)

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

Applicant(s) Signature(s) and Date:

- ① [Signature] Date 4-21-16 ③ \_\_\_\_\_ Date \_\_\_\_\_
- ② [Signature] Date 5-11-16 ④ \_\_\_\_\_ Date \_\_\_\_\_



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

RECEIVED

MAY 1, 2016

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

MAY 13 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 OF SISTERS  
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: R. H. Q.

Date: 5/13/16

90-day authority:  Yes  No

Approved Paul B Gardner 5/17/16

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

- ① NORMAN GARRETT ③ \_\_\_\_\_
- ② R SPOT LLC ④ \_\_\_\_\_

2. Trade Name (dba): R SPOT

3. Business Location: 101 W MAIN AVE SUITE A SISTERS DESCHUTES, OR 97759  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: PO BOX 1696 SISTERS OR 97759  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541-549-7768  
(phone) (fax)

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

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

8. Former Business Name: N/A

9. Will you have a manager?  Yes  No Name: N/A GARRETT, NORMAN  
(manager must fill out an Individual History form)

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

11. Contact person for this application: NORMAN GARRETT 310-418-5088  
(name) (phone number(s))  
P.O. BOX 1696 SISTERS OR 97759 normgarrett@live.com  
(address) (fax number) (e-mail address)

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

Applicant(s) Signature(s) and Date:

- ① [Signature] Date 4-21-16 ③ \_\_\_\_\_ Date \_\_\_\_\_
- ② [Signature] Date 5-11-16 ④ \_\_\_\_\_ Date \_\_\_\_\_



# OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

1. Trade Name R Spot 2. City SISTERS  
 3. Name GARRETT NORMAN EUGENE  
 (Last) (First) (Middle)  
 4. Other names used (maiden, other) N/A  
 5. \*SSN \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Place of Birth CALIFORNIA 7. DOB \_\_\_\_\_ 8. Sex M  F   
 (State or Country) (mm) (dd) (yyyy)

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

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

Applicant Signature: [Signature]

9. Driver License or State ID # \_\_\_\_\_ 10. State \_\_\_\_\_  
 11. Residence Address 240 E. CASCADE AVE Apt B SISTERS OR 97759  
 (number and street) (city) (state) (zip code)  
 12. Mailing Address (if different) P.O. BOX 1696 SISTERS OR 97759  
 (number and street) (city) (state) (zip code)  
 13. Contact Phone 310-418-5088 14. E-Mail address (optional) normgarrett@live.com  
 15. Do you have a spouse or domestic partner?  Yes  No  
 If yes, list his/her full name: N/A  
 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 R SPOT 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.

ARRESTED FEB 1985 FOR DUI IN L.A. COUNTY - CALIFORNIA

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: 4-21-16



# OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

1. Trade Name R SPOT 2. City Sisters  
 3. Name Hosler Jonathan Steven  
 (Last) (First) (Middle)  
 4. Other names used (maiden, other) \_\_\_\_\_  
 5. \*SSN \_\_\_\_\_ 6. Place of Birth CALIFORNIA 7. DOB \_\_\_\_\_ 8. Sex M  F   
 (State or Country) (mm) (dd) (yyyy)

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

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

Applicant Signature:

9. Driver License or State ID # \_\_\_\_\_ 10. State \_\_\_\_\_  
 11. Residence Address 520 SOUTH FIR. Sisters OR 97759  
 (number and street) (city) (state) (zip code)  
 12. Mailing Address (if different) PO BOX 1336 sisters OR 97759  
 (number and street) (city) (state) (zip code)  
 13. Contact Phone 541-610-6963 14. E-Mail address (optional) JOHNNU hosler@hotmail.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 ~~XXXXXX~~ R SPOT 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.

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.

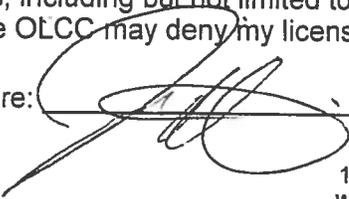
27. Does, or will, a maker, wholesaler, or distributor of alcohol have any ownership interest in your business?  
 N/A  Yes  No  Unsure If yes or unsure, explain:

**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: 5/11/16

# AGENDA ITEM SUMMARY



# CITY OF SISTERS CITY COUNCIL

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**Meeting Date:** May 26, 2016 **Staff:** Patrick Davenport  
**Type:** Public Hearing **Dept:** CDD  
**Subject:** LUBA Remand for File #'s AP 15-02/MOD 15-05/SP 15-01  
Remand from LUBA case # 2015-063

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**Action Requested:** Approve a motion making additional findings per Remand by Oregon Land Use Board of Appeals (LUBA Case # 2015-063)

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## Report in Brief.

The Oregon Land Use Board of Appeals (LUBA) has remanded an appeal (application AP #15-02) of City land use applications MOD 15-05 and SP 15-01 back to the City Council to make additional findings. The original applications are a modification to an existing master plan for McKenzie Meadow Village to accommodate shifting the location of a proposed assisted living facility and a site plan to entitle the development details associated with the assisted living facility.

## Case History Summary:

- 2006: Annexation approved
- 2009: Annexation Agreement approved
  - Land designated for a Senior Living Center/Assisted Living Facility.
- 2010: Master Plan and subdivision approved (MP 10-01, SUB 10-02).
- 2011: Site Plan approved (SP 11-05)
- 2012: Master Plan and subdivision (MP 10-02, SUB 10-02) modification approved (MOD 12-01)
- 2012: Site Plan (SP 11-05) modified by MOD 12-02.
- 2014: Subdivision (SUB 10-2) administratively extended
- June 2015: Modification to Master Plan (MOD 15-05) and new site plan application (SP15-01) approved by Planning Commission and appealed to City Council (AP 15-02)
- July 2015: City Council approves (MOD 15-05 and SP 15-01); appealed to LUBA, remanded to City Council)
- October 2015: Master Plan administratively extended (appealed to LUBA – appeal dismissed)
- November 2015: Extension application (EXT 15-01) for Subdivision (SUB 10-02) extended by Planning Commission (appealed to City Council AP 15-03)
- February 2016: City Council approves extension to Subdivision (SUB 10-02); appealed to LUBA – case active)

## CITY OF SISTERS

### LUBA Remand of Case #2015-063 RE City Land Use Applications AP 15-03/MOD 15-05/SP 15-01

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#### Issues on Remand:

Per the remand decision, the LUBA has instructed the City to address the following questions and make findings of fact to support the City's determination. Staff are providing proposed findings of fact for the Council to consider in its review. It should be noted that the code sections at issue on this remand have been removed from the city code.

1. Addressing the Second Assignment of Error. Which staff report did City Council intend to adopt during the hearing?

a) Although the City Council performed a *de novo* hearing on the modified master plan and site plan applications, staff intended the City Council to use both the staff report presented to the Planning Commission June 18, 2015 hearing and the staff report presented City Council July 2, 2015 hearing.

Staff will write for the City Council's later approval new findings that incorporate the findings from those two previous staff reports and provide more detail based on the issues remanded by LUBA. The City Council is requested to direct staff to prepare those findings.

2. Addressing the Third Assignment (three sub-assignments) of Error.

Subassignment of Error #1 - Failure to require an impact study: Did the City err in not requiring the applicant to submit new impact studies for water, sewer and transportation as a result of the application for a major modification to the master plan? The City did not err in not requiring the applicant to submit new impact studies for water, sewer and transportation as a result of the application for a major modification to the master plan.

a) Sisters Development Code (SDC) 4.1.700.A.7 requires that Type III applications requires impact studies. SDC 4.5.800.D.1.c further requires that if a modification application requests a shift in building location by more than 25' from an area illustrated on the approved master plan the Modification application becomes a major modification. Major Modifications to an approved master plan are processed as a Type III application.

The master plan for the subject development was approved on September 16, 2010. Several impact studies were submitted by the applicant and referenced in the Conditions of Approval for the approved master plan. Although the shifting of the assisted living facility (ALF) by more than 25' required an application for a major modification to be processed as a Type III application, staff finds that the original impact studies were sufficient and still applicable to the proposed modification and site plan application. Furthermore, Community Development Department staff sent requests for comments on the modification and site plan application to the Public Works Director and City Engineer. No concerns were received from Public Works Director or City Engineer that would have indicated that the impact studies were either outdated or the shifting of the ALF required new impact studies. Finally, the Applicant submitted a letter on May 6, 2016 outlining the issues to be determined on remand. Attached to that letter were additional letters from experts explaining why the proposed facility will have fewer impacts than the previously approved facility.

The original impact studies are attached to this report and City Council is requested to adopt the studies as part of the findings for this hearing.

**CITY OF SISTERS**

**LUBA Remand of Case #2015-063 RE City Land Use Applications AP 15-03/MOD 15-05/SP 15-01**

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Staff also requests the City Council to find that the original impact studies and application review comments from Public Works and the City Engineer are sufficient to comply with the requirements of SDC 4.1.700.A.7. and adopt the recommended findings as provided in 3a through 3i in the Craska Cooper letter to City Council dated May 6, 2016.

Subassignment of Error #2 - Was the application a major modification and did the City process the application as such? The application was a major modification and the City did process the application as a major modification.

a) The applicants originally argued that the application for modification was a minor modification. The modification illustrated a shift in the ALF by more than 25' from its originally approved location on the master plan that was approved on September 26, 2010. Staff determined that SDC 4.5.800.D.1.c provided clear guidance regarding shifting the building by more than 25' and processed the application as a major modification and Type III application. Both the staff reports to the Planning Commission and City Council clearly indicated that application MOD 15-05 was a major modification as was processed as such.

Staff requests that the City Council finds that the application for the Master Plan Modification MOD 15-05 is a major modification and was properly processed as a Type III application.

Subassignment of Error #3 – The Proposal is a Substantially New Proposal: Did the City err by failing to recognize that the proposed modification is a substantially new proposal? No. The City did not err by deciding that the proposed modification is not a substantially new proposal.

a) Regarding the proposed use of an ALF, the approved original annexation agreement dated December 3, 2009 item #4 provided in part: "Owner shall designate no less than 6.3 acres of the Owner property for the purpose of construction and operation of a Senior Living Center". The proposed use in the original master plan application (MP 10-01) approved on September 16, 2010 for the ALF site indicated 82 units of senior assisted living and independent living. The approved Amended Annexation Agreement dated May 2, 2011 Agreement Item #4 provided in part: "Owner shall designate no less than 6.3 acres of the Owner property for the purpose and operation of a Senior Living Center. The Center will provide senior (55 years old and older) assisted and independent living, and non-senior assisted living options."

The master plan modification application (MOD 15-05) proposes 45 units of assisted living and 12 units of memory care in the ALF. The SDC definitions for the terms of reference related to the proposed ALF are as follows:

**Assisted Living Facility** - A facility that provides a "social model of care", designed to meet the social needs as well as the medical needs of people requiring placement in a supervised care facility. Costs for care are flexible, depending on the level of care necessary for individuals to maintain their independence. Assisted living facilities are considered a type of residential care facility, see also residential care facility.

**Residential care facility** - A facility that provides, for six or more socially dependent individuals or individuals with physical disabilities, residential care in one or more buildings on contiguous properties.

The definitions as provided above are analogous to the uses proposed in the master plan modification application (MOD 15-05) including the proposed 12 units of memory care. Staff interpreted the proposed



**CITY OF SISTERS**

**LUBA Remand of Case #2015-063 RE City Land Use Applications AP 15-03/MOD 15-05/SP 15-01**

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**Attachments:**

**Exhibit A - LUBA Remand decision: Case 2015-063**

**Exhibit B - Letter from Laura Craska Cooper/Brix Law dated 05/06/16**

**Exhibit C - Letter from James E Frost, PE/Parametrix dated 04/26/16 (Exhibit B to Craska Cooper letter dated 05/06/16)**

**Exhibit D - Letter from Scott Ferguson, PE/Ferguson and Associates dated 05/06/16 (Exhibit C to Craska Cooper letter dated 05/06/16)**

**Exhibit E - Letter from Kevin Cox/Ageia Health Services dated 04/26/16 (Exhibit A to Craska Cooper letter dated 05/06/16)**

**Exhibit F - Transportation Impact Analysis by Ferguson and Associates dated June 8, 2010**

**Exhibit G - Water Capacity Analysis by Parametrix dated June 8, 2010**

**Exhibit H - Waste Capacity analysis by Parametrix dated June 15, 2010**

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

1                   BEFORE THE LAND USE BOARD OF APPEALS

2                               OF THE STATE OF OREGON

3  
4                   PINNACLE ALLIANCE GROUP, LLC,

5                               *Petitioner,*

6  
7                               vs.

8  
9                               CITY OF SISTERS,

10                              *Respondent,*

11  
12                             and

13  
14                   MCKENZIE MEADOWS VILLAGE, LLC,

15                              *Intervenor-Respondent.*

16  
17                             LUBA No. 2015-063

18  
19                             FINAL OPINION

20                             AND ORDER

21  
22                   Appeal from City of Sisters.

23  
24                   Seth J. King, Portland, filed the petition for review and argued on behalf  
25 of petitioner. With him on the brief were Michael C. Robinson and Perkins  
26 Coie LLP.

27  
28                   Steven D. Bryant, City of Sisters City Attorney, Redmond, filed a  
29 response brief and argued on behalf of respondent.

30  
31                   Laurie Craghead and Laura Craska Cooper, Bend, filed a response brief  
32 and argued on behalf of intervenor-respondent. With them on the brief was  
33 Brix Law LLP.

34  
35                   HOLSTUN, Board Member; BASSHAM, Board Chair; RYAN, Board  
36 Member, participated in the decision.

37  
38                   REMANDED

04/11/2016

1           You are entitled to judicial review of this Order. Judicial review is  
2 governed by the provisions of ORS 197.850.

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**NATURE OF THE DECISION**

The city planning commission approved a new site plan and a modification of a previously approved master plan to allow construction of a senior assisted living facility. Petitioner appealed that decision to the city council, which denied petitioner’s local appeal and affirmed the planning commission decision. In this appeal, petitioner seeks review of that city council decision.

**REPLY BRIEF**

Petitioner moves for permission to file a reply brief. The motion is allowed.

**FACTS**

McKenzie Meadow Village (MMV) is a proposed multi-phase, primarily residential, mixed use development. A master plan for MMV and site plan for a portion of MMV were approved in 2010 (2010 master plan and site plan). This appeal concerns a 2015 modification of that master plan and a new site plan for a portion of phase 1 of MMV (2015 modified master plan and site plan). Shortly after the city issued the decision that is the subject of this appeal, the city approved an extension of the 2010 master plan approval for MMV, as modified in 2012. That extension decision is the subject of a second LUBA appeal. We discuss those 2010 and 2012 master plan decisions below.

1 On this date, we separately issue our decision in the second appeal that  
2 challenges the 2010/2012 master plan extension decision.

3 **A. The Annexation and the Annexation Agreements**

4 Pursuant to a December 3, 2009 Annexation Agreement, the city  
5 annexed thirty acres of land. Pursuant to the Annexation Agreement and a  
6 subsequent Amended Annexation Agreement, 6.3 acres of the 30 acres were to  
7 be designated for a “Senior Living Center.” The requirement, as stated in the  
8 May 27, 2010 Amended Annexation Agreement, is set out below:

9 “**Senior Living Center:** Owner shall designate no less than 6.3  
10 acres of the Owner Property for the purpose of construction and  
11 operation of a Senior Living Center. The Center will provide  
12 senior (55 years old and older) assisted and independent living,  
13 and nonsenior assisted living options. The Senior Living Center  
14 (or a phase of it) shall be built in the first phase of construction.  
15 Except for the senior apartment complex and the medical facility,  
16 no other occupancy permits will be issued for any other  
17 development on the Owner Property until the Senior Assisted  
18 Living Center (or a phase of it) has received its occupancy  
19 permit.” Record I, 295.<sup>1</sup>

20 To summarize and simplify the above, with two specified exceptions, the  
21 Amended Annexation Agreement requires that a *Senior Living Center (or a*  
22 *phase of it)* must be constructed as part of phase 1 on 6.3 acres of the 30 acres  
23 and receive occupancy permits before any other development on the 30 acres

---

<sup>1</sup> The county prepared a record that compiles documents more or less chronologically. That Record is labeled “Binder 1 of 2.” We cite to that record as Record I. Record “Binder 2 of 2” is a large collection of documents submitted by petitioner’s attorney below. We cite to that record as Record II.

1 may receive occupancy permits. Importantly, the Amended Annexation  
2 Agreement requires that the Senior Living Center must include three kinds of  
3 living options: *(1) assisted living for seniors (55 years old or older), (2)*  
4 *assisted living for nonseniors, and (3) independent living for seniors.*

5 **B. 2010 Comprehensive Plan and Zoning Ordinance**  
6 **Amendments**

7 On September 16, 2010, the city approved comprehensive plan and  
8 zoning map amendments for MMV. Record II, 19. A total of 6.3 acres is  
9 planned and zoned Multi-Family Residential (MFR). For purposes of this  
10 appeal the important part of the comprehensive plan and zoning map  
11 amendments is condition 3, which provides “[a]ll future uses of the property  
12 shall comply with the revised Annexation Agreement \* \* \* dated May 27,  
13 2010.” Record I, 298.

14 Simply stated, the comprehensive plan and zoning map amendments  
15 carry forward the Amended Annexation Agreement requirement that MMV  
16 include a Senior Living Center that includes the three specified types of  
17 housing.

18 **C. 2010 Master Plan and Tentative Subdivision Plan**

19 The city approved a master plan and tentative subdivision plan for MMV  
20 at the same time it approved the comprehensive plan and zoning map  
21 amendments. As relevant here, the 2010 master plan for MMV calls for a ten-  
22 phase development. The 2010 master plan called for the following  
23 development in phase 1 of MMV:

- 1           • An 82-unit Senior Lodge, which is described as a “senior  
2           assisted and independent living facility[.]” Record II, 20,  
3           80, 82-83.
- 4           • A 26-unit Affordable Senior Lodge. *Id.*
- 5           • 8 of 36 proposed Senior Cottages. *Id.*
- 6           • A 12-Unit Apartment that is not age restricted.<sup>2</sup> *Id.*

7           **D. 2011 Site Plan**

8           On September 8, 2011, the city approved a site plan for “an 82 room  
9           assisted living facility and a small maintenance building \* \* \*.” Record II,  
10          110.

11          **E. 2012 Modified Master Plan**

12          As far as we can tell the changes adopted by the 2012 modified master  
13          plan have no bearing on this appeal, and no party argues otherwise. We  
14          therefore do not consider the 2012 modified master plan further.

15          **F. The 2015 Modified Master Plan and Modified Site Plan**

16          The development authorized by the 2010 master plan has not been  
17          constructed. The 2015 modified master plan that is the subject of this appeal  
18          only changes the 82-unit senior assisted and independent living facility that  
19          was approved by the 2010 master plan and site plan. As far as we can tell, and  
20          as far as the parties have informed us, the 2010 master plan is otherwise

---

<sup>2</sup> The remaining 28 Senior Cottages and a second 26-unit Affordable Senior Lodge were to be developed in later phases.

1 unaffected.<sup>3</sup> The 82-unit senior assisted and independent living facility is  
2 eliminated by the 2015 modified master plan, and city approves in its place a  
3 facility that will provide 45 units of assisted living and 12 memory care units  
4 along with an unexplained “Future Addition.” Record 1, 422, 484.

#### 5 **FIRST ASSIGNMENT OF ERROR**

6 Sisters Development Code (SDC) 4.1.500.C.1.d gives parties in quasi-  
7 judicial land use proceedings before the planning commission a right, which  
8 must be exercised prior to the close of the initial evidentiary hearing, to request  
9 an opportunity to present additional evidence. If such a request is timely made,  
10 the planning commission must (1) continue the hearing to allow the additional  
11 evidence to be submitted, or (2) hold the record open to receive the additional  
12 evidence.<sup>4</sup> The continuance or open record period required by SDC

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<sup>3</sup> The decision specifically states “[a]ll conditions of approval specified in previously approved applications \* \* \*, not modified by this application, remain in effect.” Record I, 26.

<sup>4</sup> SDC 4.1.500.C.1.d provides:

“Before the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a ‘continuance’) per paragraph 2 of this subsection, or by leaving the record open for additional written evidence or testimony per paragraph 3 of this subsection.” *See* n 5.

1 4.1.500.C.1.d must be at least seven days in length. SDC 4.1.500.C.2 and .3.<sup>5</sup>  
2 These requirements of SCD 4.1.500.C are substantively identical to the ORS  
3 197.763(6)(a) through (c) statutory requirements for quasi-judicial land use  
4 hearings.

5 Pursuant to the rights granted under ORS 197.763(6)(a) through (c) and  
6 SCD 4.1.500.C, prior to the close of the planning commission's initial June 18,  
7 2015 hearing in this matter, petitioner requested that the hearing be continued  
8 to allow petitioner to submit additional evidence. Record 373. The planning  
9 commission denied the request. Record 384. All parties recognize that planning  
10 commission denial of petitioner's request was a procedural error.

11 Under ORS 197.835(9)(a)(B), LUBA is directed to reverse or remand a  
12 decision where it finds a local government "[f]ailed to follow the procedures  
13 applicable to the matter before it in a manner that prejudiced the substantial  
14 rights of the petitioner[.]" Under ORS 197.835(9)(a)(B), reversal or remand is  
15 only required and appropriate if a procedural error resulted in prejudice to  
16 petitioner's substantial rights. The "substantial rights" of parties in quasi-

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<sup>5</sup> SDC 4.1.500.C provides in part:

- "2. If the Planning Commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. \* \* \*;
- "3. If the Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. \* \* \* [.]"

1 judicial land use proceedings, as referenced in ORS 197.835(9)(a)(B), are “the  
2 rights to an adequate opportunity to prepare and submit their case and a full  
3 and fair hearing.” *Muller v. Polk County*, 16 Or LUBA 771, 775 (1988).

4 Petitioner appealed the planning commission’s decision to the city  
5 council. On July 23, 2015, thirty-five days after the planning commission’s  
6 June 18, 2015 hearing, the city council held a *de novo* public hearing on  
7 petitioner’s appeal. Prior to and during that hearing, petitioner was permitted to  
8 submit additional evidence. Respondent and intervenor-respondent  
9 (respondents) contend that the city council’s *de novo* hearing on July 23, 2015,  
10 at which petitioner was permitted to submit additional evidence, was adequate  
11 to ensure that petitioner’s substantial rights to prepare and submit its case and  
12 to a full and fair hearing were not prejudiced, with the result that the planning  
13 commission’s procedural error provides no basis for reversal or remand under  
14 ORS 197.835(9)(a)(B). We agree with respondents.

15 Petitioner argues that the right it is granted under SCD 4.1.500.C is a  
16 right to submit additional evidence to the initial decision maker, *the planning*  
17 *commission*, and the opportunity it was given on appeal to present additional  
18 evidence to the *city council* in its local appeal is not sufficient to avoid  
19 prejudice to its substantial rights. Petitioner goes on to argue that to conclude  
20 otherwise would improperly insert language into SCD 4.1.500.C, in

1   contravention of ORS 174.010.<sup>6</sup> Neither respondent nor intervenor-respondent  
2   specifically address those arguments.

3           Petitioner had 35 days to collect additional evidence after the planning  
4   commission's June 18, 2015 decision and submit it to the city council on July  
5   23, 2015, and did so. Putting aside the different decision makers and the stage  
6   of the proceeding at which the additional evidence was submitted, the right that  
7   petitioner was given to submit additional evidence appears to have been at least  
8   as extensive as the right granted by SCD 4.1.500.C. While that evidence was  
9   submitted to the city council in a local appeal of the planning commission's  
10   decision rather than directly to the planning commission as the initial decision  
11   maker, petitioner does not explain why those differences result in prejudice to  
12   its substantial rights, other than to claim that they did. Without such an  
13   explanation, we conclude that petitioner has failed to demonstrate that the  
14   planning commission's procedural error resulted in prejudice to petitioner's  
15   substantial rights.

16           We also reject petitioner's ORS 174.010 argument. *See* n 6. Our  
17   conclusion that the planning commission's procedural error provides no basis  
18   for remand does not improperly insert missing text into SCD 4.1.500.C. That

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<sup>6</sup> ORS 174.010 provides, in part:

“In the construction of a statute, the office of the judge is simply to ascertain and declare what is, in terms or in substance, contained therein, not to insert what has been omitted, or to omit what has been inserted[.]”

1 might arguably be the case if we concluded that the city council's action was  
2 sufficient *to comply with* SCD 4.1.500.C. But we do not conclude the city  
3 council complied with SCD 4.1.500.C. Rather, we conclude (1) the planning  
4 commission erroneously denied petitioner's rights under SCD 4.1.500.C, but  
5 (2) the city council's decision to grant petitioner a *de novo* evidentiary hearing  
6 as part of its appeal, where petitioner could and did present evidence was  
7 sufficient to avoid any prejudice to petitioner's rights under SCD 4.1.500.C.

8 Finally, petitioner also argues the city council erred by failing to adopt  
9 findings addressing the planning commission's violation of SCD 4.1.500.C  
10 and improperly construed SDC 4.1.800.H.1, which we understand petitioner to  
11 interpret to require the city council to remand the planning commission's  
12 decision to the planning commission so that the planning commission itself  
13 could correct its error.

14 We address petitioner's broader findings challenge under the second  
15 assignment of error. As respondent and intervenor-respondent (respondents)  
16 correctly point out, SDC 4.1.800.H.1 merely *authorizes* the city council to  
17 remand matters to the planning commission for correction of identified errors,  
18 it does not *require* the city council to do so. SDC 4.1.800.H.1 in no way  
19 prohibits the city council from attempting to correct planning commission  
20 errors or taking steps to avoid any prejudice that a planning commission error  
21 might cause if those steps were not taken.

22 The first assignment of error is denied.

1    **SECOND ASSIGNMENT OF ERROR**

2           In its second assignment of error, petitioner contends the two-page city  
3 council decision in this matter is not supported by adequate findings. As we  
4 explained in *Heiller v. Josephine County*, 23 Or LUBA 551, 556 (1992):

5           “Findings must (1) identify the relevant approval standards, (2) set  
6 out the facts which are believed and relied upon, and (3) explain  
7 how those facts lead to the decision on compliance with the  
8 approval standards. *Sunnyside Neighborhood v. Clackamas Co.*  
9 *Comm.*, 280 Or 3, 20-21, 569 P2d 1063 (1977); *Vizina v. Douglas*  
10 *County*, 17 Or LUBA 829, 835 (1989); *Bobitt v. Wallowa County*,  
11 10 Or LUBA 112, 115 (1984). Additionally, findings must address  
12 and respond to specific issues relevant to compliance with  
13 applicable approval standards that were raised in the proceedings  
14 below. *Norvell v. Portland Area LGBC*, 43 Or App 849, 853, 604  
15 P2d 896 (1979); *White v. City of Oregon City*, 20 Or LUBA 470,  
16 477 (1991); *Grover’s Beaver Electric v. City of Klamath Falls*, 12  
17 Or LUBA 61, 66 (1984).”

18           LUBA’s rules require that the record include “[t]he final decision  
19 including any findings of fact and conclusions of law.” OAR 661-010-  
20 0025(1)(a). Given the importance land use findings have assumed, following  
21 *Sunnyside Neighborhood League v. Board of Commissioners of Clackamas*  
22 *County*, 280 Or at 21 and *Fasano v. Washington Co. Comm.*, 264 Or 574, 507  
23 P2d 23 (1973), it would seem that it should be almost automatic by now that  
24 the final decision that is the subject of an appeal, with all adopted findings,  
25 would be clearly identified and collected in a single place at the beginning of  
26 the record that is submitted to LUBA in the event of an appeal. Yet that  
27 frequently is not the case, and it is not the case here.

1           The 1666-page record in this appeal does not include a separate listing in  
2 the table of contents for the city council decision that is the subject of this  
3 appeal. But the two-page “Decision” that is signed by the mayor appears within  
4 several other listed record items. One of those is an item identified as “Email  
5 from Director Davenport to Mike Reed with signed decision for AP 15-02  
6 attached[.]” Record I, 21-26. The two-page city council decision appears at  
7 Record I, 25-26. That two-page decision does not include anything that could  
8 be called findings. Nothing in that decision identifies the relevant approval  
9 criteria or explains why the city council found that those criteria are satisfied or  
10 addresses the issues raised by petitioner in its appeal of the planning  
11 commission decision. The two-page decision does include the following  
12 statement:

13           “2. The findings of fact in this matter are located in the staff  
14 report, incorporated herein as Exhibit A.” Record I, 25.

15 On the next page the decision lists “exhibits and conditions of approval[.]”  
16 which include the following:

17           “1. Exhibit A – Staff Report[.]” Record I, 26.

18           None of the two-page city council decisions that appear in the record  
19 have a staff report attached, much less one that is labeled “Exhibit A.” As a  
20 matter of fact, the only staff reports in the record that are labeled “Exhibit A”  
21 appear at Record II, 20-75 and 93-109. The first of those Exhibit A staff  
22 reports is the staff report for the 2010 master plan and the second is the staff  
23 report for the 2012 modified master plan. No party argues that the city council

1 intended to adopt either of those staff reports as findings for its 2015 decision,  
2 even though they are the only staff reports that are labeled “Exhibit A.” We  
3 were advised at oral argument that while all parties before the city council were  
4 sent a copy of the two-page city council decision on the 2015 master plan  
5 modification and site plan, that decision did not include a copy of the  
6 referenced staff report.

7 To begin, it is clear from the quoted language in the city council’s  
8 decision that the city council meant to adopt a staff report as the findings to  
9 support its decision. But which staff report did the city council intend to  
10 adopt? There appear to be two reasonable possibilities.<sup>7</sup> First, there is a 50-  
11 page staff report to the planning commission, dated June 18, 2015, that appears  
12 at Record I, 422-71.<sup>8</sup> Second, there is an undated 19-page staff report to the  
13 city council, which apparently was transmitted to the city council at or shortly  
14 before its July 23, 2015 hearing. Record I, 108-26. As noted earlier, neither of  
15 those staff reports is labeled “Exhibit A” and neither staff report is attached to,  
16 or even in particularly close proximity to, one of the two-page city council  
17 decisions in the record.

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<sup>7</sup> In arguing that there are four staff reports in the record, petitioner double counts the planning commission staff report in this matter, incorrectly identifies the Agenda Item Summary at Record I, 81 as a staff report, and overlooks the two staff reports for the 2010 and 2012 master plan modifications at Record II, 20-75 and 93-109.

<sup>8</sup> A color version of that same staff report to the planning commission also appears at Record I, 132-81.

1           In its petition for review, at several places petitioner speculates the city  
2 council may have intended to adopt the city council staff report as findings.  
3 Both respondent and intervenor-respondent contend that, to the contrary, it is  
4 clear that the city council intended to adopt the planning commission staff  
5 report that appears at Record I, 422-71 as its findings:

6           “\* \* \* While there are several other documents in the record  
7 labeled in various ways as a Staff Report, there is only one  
8 document that contains specific findings of fact relevant to this  
9 decision. [The planning commission staff report] is the only  
10 document that specifically address[es] the Code issues raised by  
11 this application and includes the staff response and findings.”  
12 Respondent’s Brief 8-9 (record citations omitted).

13           “In the [planning commission staff report] all criteria for the  
14 current applications are addressed and found to be met or met with  
15 conditions of approval. Conditions of approval are then attached.  
16 No other staff report in the record includes all that. \* \* \*.”  
17 Intervenor-Respondent’s Brief 11 (record citations omitted).

18           The standard that LUBA applies to determine if a local government has  
19 adequately incorporated documents as supporting findings was set out in  
20 *Gonzalez v. Lane County*, 24 Or LUBA 251, 259 (1992):

21           “[W]e hold that if a local government decision maker chooses to  
22 incorporate all or portions of another document by reference into  
23 its findings, it must clearly (1) indicate its intent to do so and (2)  
24 identify the document or portions of the document so incorporated.  
25 A local government decision will satisfy these requirements if a  
26 reasonable person reading the decision would realize that another  
27 document is incorporated into the findings and, based on the  
28 decision itself, would be able both to identify and to request the  
29 opportunity to review the specific document thus incorporated.”  
30 (Footnote omitted.)

1           The city council satisfied the first *Gonzalez* requirement. The city  
2 council clearly indicated its intent to incorporate a staff report as findings.  
3 However, the city council decision falls considerably short on the second  
4 *Gonzalez* requirement. There are at least two staff reports that were prepared  
5 during the proceedings on the 2015 master plan modification and site plan, and  
6 it is not clear which one the city council intended to adopt. Respondents are  
7 correct that the June 18, 2015 planning commission staff report is the only one  
8 that comprehensively attempts to address the applicable approval criteria. But  
9 petitioner's local appeal was filed on July 2, 2015. Record I, 82-106. The city  
10 council staff report appears immediately after that appeal document in the  
11 record. Record I, 108-26. And that city council staff report is the only staff  
12 report that comprehensively attempts to address the issues that are raised in  
13 petitioner's local appeal.

14           It would seem to us that while the city council almost certainly would  
15 have wanted to adopt the planning commission staff report, for the reasons  
16 cited by respondents, the city council also certainly had good reason to want to  
17 adopt the city council staff report, to ensure that there were at least some  
18 findings specifically addressing the issues petitioner raised in its appeal to the  
19 city council. That is because petitioner's appeal was filed after the planning  
20 commission findings were prepared and it would be unusual for the planning  
21 commission staff report to have anticipated and addressed all the issues  
22 petitioner would later raise in its appeal.

1           We conclude the city council did not adequately identify which of those  
2 two staff reports it intended to incorporate as findings. Under the second  
3 *Gonzalez* requirement “a reasonable person reading the decision” must “be able  
4 both to identify and to request the opportunity to review the specific document  
5 thus incorporated.” If forced to choose between the planning commission staff  
6 report and the city council staff report, we do not believe a reasonable person  
7 would be able to determine which of those staff reports were incorporated as  
8 findings. And as we have already suggested, either choice presents benefits  
9 and problems. If the planning commission staff report was intended, there are  
10 no findings specifically addressing the issues raised in petitioner’s local appeal.  
11 If the city council staff report was intended, that problem is avoided, but there  
12 are no findings at all addressing the vast majority of the approval criteria.

13           Of course a third possibility, one which no party in this appeal suggests  
14 was intended by the city council, is that the city council intended to incorporate  
15 both the planning commission staff report and the city council staff report as its  
16 findings. That at least would have the virtue of adopting findings that attempt  
17 to address all approval criteria and all the issues specified in petitioner’s local  
18 appeal statement. But the city council decision refers to the staff report in the  
19 singular, and, as noted, no party argues the city council intended to adopt both  
20 the planning commission and city council staff reports.

21           Finally, presumably relying on ORS 197.835(11)(b), intervenor-  
22 respondent suggests the city’s reasoning for concluding applicable approval

1 criteria are satisfied and for rejecting petitioner’s arguments in its local appeal  
2 of the planning commission decision can be gleaned from the planning  
3 commission findings, the city council findings, the minutes of the local  
4 proceedings and testimony to the city council from the applicant’s attorney and  
5 others.<sup>9</sup> We reject the suggestion. ORS 197.835(11)(b) provides limited  
6 authority for LUBA to overlook minor discrepancies in findings. *Del Rio*  
7 *Vineyards, LLC v. Jackson County*, 70 Or LUBA 368, 384 (2014); *Terra v.*  
8 *City of Newport*, 36 Or LUBA 582, 589-90 (1999); *Waugh v. Coos County*, 26  
9 Or LUBA 300, 306-08 (1993). ORS 197.835(11)(b) does not authorize LUBA  
10 to overlook a city council total failure to adequately identify any findings in a  
11 case that presents the factual and legal complexities that are presented in this  
12 appeal.

13 The second assignment of error is sustained. On remand the city council  
14 will need to more clearly identify the “staff report,” or the “staff reports,” that it  
15 intended to adopt in support of its decision. In addition, as suggested below,

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<sup>9</sup> ORS 197.835(11)(b) provides:

“Whenever the findings are defective because of failure to recite adequate facts or legal conclusions or failure to adequately identify the standards or their relation to the facts, but the parties identify relevant evidence in the record which clearly supports the decision or a part of the decision, the board shall affirm the decision or the part of the decision supported by the record and remand the remainder to the local government, with direction indicating appropriate remedial action.”

1 the city council may wish to consider whether it wants to adopt supplemental  
2 findings to further address the issues raised in the third and fourth assignments  
3 of error.

4 **THIRD AND FOURTH ASSIGNMENTS OF ERROR**

5 According to petitioner the 82-unit assisted and independent living  
6 facility that was proposed in the 2010 master plan is now to be a 45-unit  
7 assisted care facility and 12 units of memory care under the approved 2015  
8 master plan modification and site plan. In its third assignment of error,  
9 petitioner assumes the city council adopted the city council staff report to  
10 respond to issues that petitioner raised to the city council concerning whether  
11 the master plan modification complies with master plan modification approval  
12 criteria and requirements for impact studies.<sup>10</sup> In its fourth assignment of error  
13 petitioner contends the 2015 modified master plan is inconsistent with the  
14 Amended Annexation Agreement.

15 Our resolution of the second assignment of error requires that we  
16 remand, so that the city council can more clearly identify the findings it  
17 intended to adopt, which makes it unnecessary for LUBA to address  
18 petitioner's third and fourth assignments of error. We nevertheless discuss

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<sup>10</sup> We agree with petitioner that in doing so petitioner does not concede that the city council adequately identified the city council findings as the findings it intended to adopt to support its decision.

1 those assignments of error below, to attempt to clarify some of the issues the  
2 city council may need to address on remand.

3 **A. Amended Annexation Agreement (Fourth Assignment of**  
4 **Error)**

5 As explained earlier, the comprehensive plan and zoning ordinance  
6 require that uses on the property be consistent with the Amended Annexation  
7 Agreement. The Amended Annexation Agreement in turn requires that a  
8 “Senior Living Center (or a phase of it) shall be built in the first phase of  
9 construction.” Record I, 295. As we also explained earlier, under the  
10 Amended Annexation Agreement, the Senior Living Center must include three  
11 kinds of housing options (1) assisted living for seniors (55 years old or older),  
12 (2) assisted living for nonseniors, and (3) independent living for seniors. *Id.*

13 Petitioner argues “the Amended Annexation Agreement requires  
14 construction of a ‘Senior Living Center’ during Phase 1 of development of the  
15 property[.]” Petition for Review 28. Petitioner contends the applicant initially  
16 described the proposed 45 units as “Housing with Services” but later referred  
17 to those 45 units as “Assisted Living.” We understand petitioner to contend it  
18 is not clear whether the 45 units proposed under the Modified Master Plan are  
19 to be Assisted Living or Housing with Services. Whether the 45 units are to be  
20 Housing with Services or Assisted Living, we understand petitioner to contend  
21 there is no evidence that those units will be something other than “assisted  
22 living,” as the Amended Annexation Agreement uses that term, whereas the  
23 Amended Annexation Agreement requires that a Senior Living Center must

1 include at least some independent living for seniors. Finally, petitioner  
2 contends the Amended Annexation Agreement also specifies that a Senior  
3 Living Center must include some assisted living for nonseniors. Petitioner  
4 contends there is no indication that the Modified Master Plan and the site plan  
5 call for any assisted living for nonseniors in phase 1.

6 This assignment presents one issue that is easily disposed of and one  
7 issue that is more complicated. Turning to the easy issue first, we agree with  
8 the city that petitioner misreads the Amended Annexation Agreement. The  
9 Amended Annexation Agreement does not require that the Senior Living  
10 Center (in its entirety) must be constructed during the first phase. It only  
11 requires that the first phase must include *a phase of the Senior Living Center*,  
12 without specifying what must be included in such “a phase of the Senior Living  
13 Center.” The proposed 45 units of senior assisted living and 12 units of  
14 Memory Care seem to qualify as assisted living for seniors and therefore would  
15 seem to qualify as a *phase* of the required Senior Living Center. Further, as far  
16 as we can tell, both before and after the master plan modification that is  
17 challenged in this appeal, the first phase of MMV is to include a 26-unit  
18 Affordable Senior Lodge and 8 of the 36 total number of proposed Senior  
19 Cottage Units proposed. Those units presumably qualify as independent living  
20 for seniors and would also seem to qualify as “a phase of the Senior Living  
21 Center.” The city can confirm this in its findings on remand. Or if the city  
22 views the Amended Annexation Agreement requirement for a phase of the

1 Senior Living Center in the first phase of MMV differently, it may explain that  
2 different understanding and explain whether the proposed modification is  
3 consistent with or runs afoul of that requirement, as the city council  
4 understands it.

5 Moving on to the more difficult issue, it is exceedingly unclear to us  
6 what parts of the proposed 10-phase MMV were proposed to satisfy the  
7 Amended Annexation Agreement requirement that the MMV include a Senior  
8 Living Center, that includes (1) assisted living for seniors, (2) assisted living  
9 for nonseniors and (3) independent living for seniors. On remand, the city  
10 council should consider identifying those parts of the proposed MMV. The city  
11 council will then be in a position to explain why converting the 82-unit senior  
12 assisted and independent living facility into 45 units of Senior Assisted living  
13 or Housing With Services and 12 units of Memory Care does not render the  
14 Amended Master Plan inconsistent with the Amended Annexation Agreement.  
15 While it appears to us that such findings are possible, we reject respondents'  
16 arguments that such findings are not necessary.

17 We also reject petitioner's suggestion that the challenged decision must  
18 include conditions of approval that ensure that all necessary components of the  
19 required Senior Living Center will be constructed. We agree with respondents  
20 that such conditions of approval either were included in the 2010 master plan  
21 modification, as carried forward in the challenged decision, or should have  
22 been. The challenged decision only replaces the 82-unit senior assisted and

1 independent living facility with the proposed 45 units of Senior Assisted living  
2 or Housing with Services and 12 units of Memory Care. On remand, the city  
3 council may want to adopt findings that explain why that change in the 2010  
4 master plan does not render the proposal inconsistent with the Amended  
5 Annexation Agreement Senior Living Center requirement.

6 **B. SDC 4.1.700.A.7, SDC 4.56.800.D.1 and SDC 4.1.700.J. (Third**  
7 **Assignment of Error)**

8 SDC 4.1.700.A.7 sets out application requirements for Type III  
9 applications and imposes the following requirement:

10 “Type III. Include an impact study for all Type III applications.  
11 The impact study shall quantify/assess the effect of the  
12 development on public facilities and services. The study shall  
13 address, at a minimum, the transportation system, including  
14 pedestrian ways and bikeways, the drainage system, the parks  
15 system, the water system, the sewer system, and the noise impacts  
16 of the development. For each public facility system and type of  
17 impact, the study shall propose improvements necessary to meet  
18 City standards and to minimize the impact of the development on  
19 the public at large, public facilities systems, and affected private  
20 property users. In situations where this Code requires the  
21 dedication of real property to the City, the City shall either (1)  
22 include in the written decision evidence that shows that the  
23 required property dedication is roughly proportional to the  
24 projected impacts of the development on public facilities and  
25 services, or (2) delete the dedication as a condition of approval[.]”

26 Simply stated, for Type III applications, SDC 4.1.700.A.7 requires an impact  
27 study that considers the effect of the development on public facilities and  
28 services, and proposes “improvements necessary to meet City standards and to

1 minimize the impact of the development on the public at large, public facilities  
2 systems, and affected private property users.”

3 Moving next to SDC 4.5.800.D.1, that SDC provision authorizes the  
4 planning director to approve minor modifications administratively, without a  
5 hearing. Petitioner contends that *major* modifications, such as the 2015 master  
6 plan modification, are different, and must be reviewed for compliance with  
7 SDC 4.1.700.J, as discussed below. SDC 4.5.800.D.1.a through .c identify  
8 modifications that qualify as a minor modification, and petitioner contends the  
9 modification in this case does not qualify as a minor modification.<sup>11</sup>

10 SDC 4.1.700.J authorizes major modifications of land use approvals.

11 SDC 4.1.700.J.2 provides:

12 “Unless otherwise specified in this Code and [the proposed  
13 modification] is not considered a minor modification, the grounds  
14 for filing a [major] modification shall be that a change of  
15 circumstances since the issuance of the approval makes it  
16 desirable to make changes to the proposal, as approved. A [major]  
17 modification shall not be filed as a substitute for an appeal or to  
18 apply for a substantially new proposal or one that would have  
19 significant additional impacts on surrounding properties.”

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<sup>11</sup> SDC 4.5.800.D.1.c provides:

“The location of buildings, proposed streets, parking and landscaping or other site improvements shall be as proposed, or as modified through conditions of approval. Changes in the location or alignment of these features by 25 feet or less or other changes of similar magnitude may be approved administratively. Changes to locations approved as part of a land division shall be reviewed using Chapter 4.3 Land Divisions[.]”

1 As potentially relevant in this appeal, under SDC 4.1.700.J.2, a major  
2 modification to the 2010 Master Plan cannot (1) be “a substantially new  
3 proposa[l],” or (2) “have significant additional impacts on surrounding  
4 properties.”

5 Petitioner asserts three subassignments of error under SDC 4.1.700.A.7,  
6 SDC 4.5.800.D.1 and SDC 4.1.700.J. We address those subassignments of  
7 error separately below.

8 **1. Failure to Require an Impact Study**

9 Petitioner contends the city erred by failing to require that the applicant  
10 submit an impact study, as required by SDC 4.1.700.A.7, to support the  
11 proposed Master Plan Modification. In the event the city council was relying  
12 on the city council staff report as findings to explain why an impact study was  
13 not required, petitioner contends the following finding is inadequate to explain  
14 why the applicant was not required to submit an impact study to support the  
15 2015 master plan modification:

16 “Requiring the applicant to perform new studies for impacts to  
17 transportation, utilities, drainage and parks is entirely unnecessary  
18 due to the minor adjustments in the location of a building and  
19 parking lots and consolidation of an entrance from 2 entrances to  
20 1. It should be noted that there were no objections stated in the  
21 hearing from adjoining property owners that referenced adverse  
22 impacts arising from the modification.” Record I, 118.

23 Petitioner argues the city cannot know the impacts of the proposed  
24 modification without the required impact study. Petitioner also contends that  
25 SDC 4.1.700.A.7 is also concerned with the capacity of the public facilities that

1 must serve the modified MMV and even if those public facilities were adequate  
2 in 2010 when the master plan was originally approved, petitioner contends the  
3 city cannot assume they remain adequate in 2015.

4 Respondents essentially argue that 2015 modified master plan simply  
5 replaces the 82 unit senior assisted and independent living facility with the  
6 proposed 45 units of Senior Assisted living or Housing With Services and 12  
7 units of Memory Care. On the surface that seems to us to be a potentially  
8 sustainable response. The city now has the benefit of petitioner's arguments  
9 that the city cannot assume the fewer units will result in fewer or less intense  
10 public facility impacts. On remand the city will have an opportunity to adopt  
11 supplemental findings, including any interpretive supplemental findings it may  
12 want to adopt, to address petitioner's arguments. We also note that  
13 respondents' contention that the appealed modification that replaces an 82 unit  
14 facility with a 57 unit facility would have fewer rather than greater public  
15 facility impacts would be much stronger if there were some expert testimony to  
16 the effect that the impact study that was performed to support the 2010 master  
17 plan modification is adequate to support the 2015 master plan modification as  
18 well, given the nature of the modification.<sup>12</sup> Finally, as far as we can tell, the

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<sup>12</sup> Intervenor-respondent cites to argument presented by the applicant's attorney below. Intervenor-Respondent's Brief 15-17. We do not believe testimony by the applicant's attorney, who as far as we know has no particular expertise in assessing the impacts assisted living facilities may have on public facilities, is substantial evidence that the modified proposal will have fewer

1 record in this appeal does not include the impact study that was prepared to  
2 support the 2010 master plan modification. If the city is relying on that impact  
3 study to excuse intervenor from preparing a new one, it would seem obvious  
4 that the 2010 impact study needs to be included in the record.

5 **2. Failure to Approve as a Major Modification**

6 Petitioner contends the city erred by failing to approve the proposed  
7 modification as a major modification. Respondents answer that although the  
8 applicant argued below that the proposal could be approved as a minor  
9 modification, planning staff disagreed because the location of buildings was  
10 changed by more than 25 feet. *See* n 11. Moreover, the 2015 modified master  
11 plan was reviewed and approved as a major modification. Record I, 426, 428,  
12 430. Respondents appear to be correct. If so, on remand, the city council may  
13 adopt the planning staff's explanation that the proposed modification was  
14 reviewed and approved as a major modification.

15 **3. The Proposal is a Substantially New Proposal**

16 As explained above, under SDC 4.1.700.J.2, a major modification cannot  
17 be approved if it is “a substantially new proposal[.]” Petitioner argues that  
18 assuming the city council intended to rely on the city council staff report to find  
19 that the proposed modification is not “a substantially new proposal[.]” that

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impacts than the approved 2010 master plan proposal. *Weaver v. Linn County*,  
40 Or LUBA 203, 209-10 (2001); *Wuester v. Clackamas County*, 25 Or LUBA  
425, 437 (1993).

1 finding is inadequate because it simply concludes without explanation that the  
2 proposed modification “is not a new proposal[.]” Record I, 118.

3 We agree with petitioner that something more than that unexplained  
4 conclusion is required, but we disagree with petitioner’s suggestion that the  
5 required comparison in determining whether the modified master plan is  
6 accurately viewed as “a substantially new proposal” requires a comparison of  
7 the 82-unit senior assisted and independent living facility with the proposed 45  
8 units of Senior Assisted living or Housing with Services and 12 units of  
9 Memory Care. To us the correct comparison would appear to be a comparison  
10 of the 2010 master plan proposal, as a whole, and the 2015 master plan  
11 proposal, as a whole. The 2010 master plan approved a 10-phase, 30-acre  
12 mixed use development, which includes an 82-unit senior assisted and  
13 independent living facility on five of the 30 acres. The 2015 master plan  
14 proposes the same 10-phase, 30-acre mixed use development, but with 45 units  
15 of Senior Assisted living or Housing with Services and 12 units of Memory  
16 Care on the same five acres, instead of the 82-unit senior assisted and  
17 independent living facility. Based on that comparison, we tend to agree with  
18 respondents that the modified master plan is not “a substantially new  
19 proposal[.]” but on remand the city will have the opportunity to adopt findings  
20 that more adequately explain that position, along with any interpretations of the  
21 relevant SDC criteria it believes are appropriate.

22 We do not resolve the third and fourth assignments of error.

1 **CONCLUSION**

2           In accordance with our resolution of the second assignment of error, the  
3 city's decision is remanded to more adequately identify the findings that the  
4 city council wishes to adopt to support its decision.

5           The city's decision is remanded.



May 6, 2016

Laura Craska Cooper  
lcooper@brixlaw.com

City of Sisters City Council  
c/o Patrick Davenport  
Community Development Director  
VIA E-MAIL: pdavenport@ci.sisters.or.us

RE: File No. AP 15-02/MOD 15-05/SP 15-01  
Proceedings on Remand from LUBA of LUBA No. 2015-063

Dear Mayor Frye and City Councilors:

As you know, Laurie Craghead and I represent McKenzie Meadow Village LLC ("McKenzie") in the above-referenced matter. This letter is to outline the issues remanded by the Oregon Land Use Board of Appeals ("LUBA") and to request specific findings by the City Council. We present our information and arguments in the outline format in the hope that it will assist the Council in easily identifying the issues and arriving at a determination.

The following is what we respectfully request the City Council find on remand.

1. The first phase of the modified structure need not have all three types of living required by the amended annexation agreement: 1) senior (55 years old and older) assisted living; 2) senior independent living; 3) non-senior assisted living.
  - a. The proposal is for 57 units, all of which will qualify as assisted living units per the "Assisted Living Facility" definition in SDC 1.3.300.
  - b. The 12 units for those with memory impairment, while meeting the City Code definition, will not be licensed by the state as assisted living units. They will, however, have the services that qualify as assisted living units. See Exhibit A, letter from Kevin Cox dated April 26, 2016, attached and incorporated by reference herein.
  - c. All of the units qualify within the definition of "Residential Care Facility" in SDC 1.3.300, an allowed use in the Multi-Family Residential zone.
  - d. The amended annexation agreement requires that only a portion of the senior living center must be built in the first phase.
    - 1) Not all three types of living units must be provide in the same building or in the same phase.
    - 2) Nothing in the amended annexation agreement requires that all the components be included in the same structure.
    - 3) The independent living units can be built in a later phase.

{00062288;1}

- 4) The amended annexation agreement specifically allows for the construction of a "senior apartment complex and the medical facility" prior to the completion of the entire Senior Assisted Living Center.
  - 5) The senior apartment complex, 26-unit affordable senior lodge and the 8 senior cottages will constitute the "senior independent living" component of the Senior Living Center.
  - 6) The Phase map on page 3 of the staff report to the Planning Commission for the June 18, 2015 hearing shows that sufficient space is available in the area marked for Phase 1 for the required senior independent living.
  - 7) The site plan at page 500 of the record for LUBA No. 2015-063 shows that there is additional space on the lot for the construction of an additional wing to be added to the senior living facility that could be for any of the three required types of living units.
- e. Nothing in the Burden of Proof statement for this modification application or in any subsequent applicant submittals limits the units to seniors.
- 1) The only limit is for the 12 memory care units, and that limit does not relate to age, but rather to a need for living assistance as a result of memory impairment.
  - 2) Non-seniors can live in either the assisted living or the memory care units.
- f. No condition of approval is necessary to assure the building of the senior independent living units because those are already required by the original Master Plan and the modification does not propose to change that use.
2. McKenzie now agrees with staff that the application is a Type III Major Modification application.
- a. Because the application changes the alignment of the structure by more than 25 feet, the application is a Major Modification requiring the Type III application procedures be followed.
  - b. At all times, the City processed the application as a Type III application with the appropriate notices and review by the Planning Commission and by the City Council on appeal.
3. A new impact study is not required.
- a. As noted in the Record at pg 487-488, City Public Works Staff found no additional road, water, or sewer mitigation needed on any of those public facilities.
  - b. Additionally, the record includes Exhibits B and C, letters from Jim Frost and Scott Ferguson, dated April 26, 2016 and May 6, 2016, respectively, attached

and incorporated by reference herein, stating that this proposal will have fewer impacts than the original, larger proposal.

- c. The testimony of members of the public expressing concerns about traffic impacts was directed at the impacts upon full build-out of the Village project.
    - 1) The testimony was not specifically directed at this modification.
    - 2) Such evidence is a collateral attack on the prior impact studies with no evidence as to why they were insufficient.
    - 3) Thus, the testimony is not substantial evidence of a need for new impact studies for a modification that reduces the size of the originally proposed structure.
  - d. The City Public Works Staff findings and the letters from Kevin Cox, Jim Frost and Scott Ferguson are substantial evidence the new proposal will not have any more impacts than what was analyzed in the original impact studies.
  - e. As noted in the Staff Report to the Planning Commission for its June 18, 2015 hearing, all other conditions of approval from the original Master Plan approval as modified in 2012 regarding public facility and transportation system improvements required remain in effect.
  - f. The inclusion of the memory care units will not create additional impacts
    - 1) Speculation by some who presented testimony in the prior proceedings that memory care patients will escape the facility and cause traffic impacts is not substantial evidence of impacts.
    - 2) Such speculation assumes the facility will not do its job in meeting all standards in maintaining the safety of its residents. The City Council will not make this assumption.
    - 3) A new impact study is not necessary to address such speculation.
  - g. The applicant proposed and will be required to provide landscaping and screening that will further mitigate noise, sight and smell impacts as noted in the staff report.
  - h. Because of the fewer number of units, fewer vehicle trips than the original proposed 82-unit facility and the fact that nothing else will substantially change from the original proposal, the modification will not result in any additional noise impacts.
  - i. Because the record includes substantial evidence that impacts from the modification will be reduced or remain the same, the original impacts studies for the 2010 application are sufficient to satisfy the requirement in SDC 4.1.700(A)(7) for an impact study for a Type III application.
4. The proposed modification is not a substantially new proposal.

- a. This modification application is still for a structure to be built in phase 1 out of 10 phases under the McKenzie Meadow Village Master Plan resulting in only 1/10<sup>th</sup> of the entire Master Planned project being modified.
  - b. The proposed use of the structure with this modification is still for a senior living facility in Phase 1.
  - c. Nothing in the 82-unit approval specified the types of living units for that facility, although it was also called a senior living center.
  - d. The current proposal is for 57 units of both senior and non-senior assisted living.
  - e. The modification will merely be for fewer units than what were planned to be built under the prior approval.
5. With a few exceptions, the Staff Report to the Planning Commission for its June 18, 2016 (LUBA Record at 132) hearing and to the City Council responding to the Appellant's statements dated July 2, 2015 (LUBA Record at 111) are adopted by the City Council and are to be included in the final decision.
- a. LUBA already decided that any procedural error in the Planning Commission proceedings was remedied in the City Council proceedings and the City Council need not make further findings on that issue.
  - b. The City Council need not issue any findings regarding the expiration of the master plan because Pinnacle's appeal of the City's approval of extension of the Master Plan was dismissed by LUBA.
  - c. Staff will incorporate in the remand final decision the prior staff findings appropriate to these proceedings.

We thank you for this opportunity to present these basic findings to be revised by staff for your final review.

Sincerely,

Laura Craska Cooper

LCC/lts

cc: Bill Willitts  
Kevin Cox  
Laurie Craghead

# EXHIBIT C

EXHIBIT B  
McKenzie Meadow Village LLC  
Submittal 5/6/16  
Page 1 of 1

**Parametrix**  
ENGINEERING PLANNING ENVIRONMENTAL SCIENCES

595 SW BLUFF DRIVE, SUITE B | BEND, OR 97702 | P 541 508 7710

April 26, 2016  
Parametrix No. 297-7445-001

City of Sisters  
Attn: Patrick Davenport  
Planning Director  
PO Box 39  
Sisters, OR 97759

Re: McKenzie Meadows Village LLC  
LUBA NO. 2015-063  
2015 Master Plan Modification  
Impact on Public Facilities

Dear Patrick:

McKenzie Meadow Village, LLC requested that I review the impact study that was performed to support the 2010 Master Plan Modification, and the changes proposed in the 2015 Master Plan Modification.

The Sewer System Impact Statement completed by Westridge Development Services LLC June 10, 2010 has an EDU calculation table on pg 2 of 5. To update this Table to match the 2015 Master Plan Modification, replace the first row of the table: *82 units of Senior Lodge (SL1) at 0.7 EDU per unit equals 57.4 EDU with: 45 Assisted Living plus 12 Memory Care + 22 Future Expansion (sums to 79 units) at 0.7 EDU/unit = 55.3 EDU*. All other rows stay the same so the EDU total of 217.4 reduces to 215.3.

The proposed uses in the 2015 Master Plan Modification result in fewer Equivalent Dwelling Units (EDUs) than the 2010 Master Plan Modification. Please note that there is no difference in EDU measurements for senior assisted living, non-senior assisted living, and memory care units. The reduction in EDUs means that the impacts from the modification to existing sewer and water systems as well as any other affected Public Facilities will actually be lower than original impacts.

Sincerely,

Parametrix



James E. Frost, PE  
Senior Project Manager

May 6, 2016  
#01482

Bill Willits  
251 South Elm Street  
Sisters, OR 97759  
bill.willits@fivepinelodge.com

**re: Trip Generation Assessment for Assisted Living Facility – Sisters, Oregon**

## INTRODUCTION

As requested, we have prepared this assessment trip generation for a senior housing facility. On September 8, 2011, the City of Sisters approved a change in the McKenzie Meadows master to include an 82 room assisted living facility and a small maintenance building.

More recently, the plan was modified from an 82 unit assisted living facility to 45 units of assisted living with 12 units for memory care.

The purpose of this report is to demonstrate the already an approved plan for an 82 unit assisted living facility requires no further traffic analysis for a smaller facility, since there would be an overall reduction in trip generation.

## ANALYSIS

There is no significant difference in the trip generation for an assisted living facility with a memory care unit compared to one with out. Traffic impact studies base their findings on a series of analytical steps that begin with a forecast of trip generation. The standard approach for this first step is to use a trip-generation rate from an ITE Publication called *Trip Generation*. This publication includes land use category (ITE Land Use Code 254) called "Assisted Living." A description of this land use from *Trip Generation* follows.

*"Assisted living complexes are residential settings that provide either routine general protective oversight or assistance with activities necessary for independent living to mentally or physically limited persons. They commonly have separate living quarters for residents, and services include dining, housekeeping, social and physical activities, medication administration and transportation. Alzheimer's and ALS care are commonly offered by these facilities, though the living quarters for these patients may be located separately from the other residents. Assisted care commonly bridges the gap between independent living and nursing homes. In some areas of the country, assisted living residences may be called personal care, residential care, or domiciliary care. Staff may be available at an assisted care facility 24 hours a day, but skilled medical care – which is limited in nature – is not required."*

As per the above description of "Assisted Living," this land use category appropriately describes either the 82 unit facility or the smaller facility -- 45 units of assisted living plus 12 units of memory care (20 beds). Accordingly, the same trip rate would be used for either project and the resulting trip generation would be smaller for the new proposal.

Trip generation for assisted living facilities was forecast using the trip generation rates found in the ITE publication, *Trip Generation* (9th Edition), using land use code 254. The p.m. peak hour trip rate for this land use is 0.22 trips per bed during the p.m. peak hour and 2.66 trips per unit per day. The forecast was for 18 p.m. peak hour trips and 173 daily trips for the 82 bed facility. As shown below, the smaller facility would generate fewer trips.

**TABLE 1– TRIP GENERATION FORECAST WITH REVISED ASSISTED LIVING CENTER**

ITE LAND USE	SIZE (BEDS)	PM PEAK HOUR TRIP ENDS			DAILY
		IN	OUT	TOTAL	
254 Assisted Living (Proposed)	65	6	8	14	173
254 Assisted Living (Previous Proposal)	82*	8	10	18	218

\* It is not known how many beds were to be provided in the 82 unit facility; however, if there were two-bedroom units, the trip generation for this facility would be higher.

As shown, the trip generation for the current proposal would generate less traffic than the facility already studied.

**CONCLUSIONS**

The proposed modification would result in a reduction of traffic. As such, no further traffic analysis is required for the new proposal, which generates less traffic than the 82 unit assisting living facility, which has already been approved for development.

\* \* \* \* \*

It is trusted that this analysis will assist the City of Sisters in evaluating the parking needs for this development. Please feel free to contact me if you have any questions or comments regarding this analysis.

Very truly yours,  
FERGUSON & ASSOCIATES, INC.

Scott Ferguson, PE



## EXHIBIT E

EXHIBIT A  
McKenzie Meadow Village LLC  
Submittal 5/6/16  
Page 1 of 1



April 26, 2016

Patrick Davenport, AICP  
Community Development Director  
City of Sisters  
520 E. Cascade Avenue  
Sisters, OR 97759

RE: File no. SP 15-01

Dear Mr. Davenport,

The purpose of this letter is to provide clarification regarding the proposed use our Assisted Living and Memory Care Community. The Assisted Living portion of our building will have 45 living units, while the Memory Care portion will have 12 living units. Both the Assisted Living and Memory Care portions of the community will be licensed by Oregon Department of Human Services and both will be available to senior assisted living and non-senior assisted living residents .

I hope this gives you clearer picture of the type of residents our community will serve.

Sincerely,

Kevin Cox  
President/CEO

205 SE Wilson Avenue, Suite 1 • Bend, OR 97702 • 541.389.8929  
[www.ageia.net](http://www.ageia.net)

The Amber, Bridgecreek Memory Care, Moran Vista Senior Living, Solvang Retirement Living,  
SouthTowne Living Center, Valley View Assisted Living, and Woodway Senior Living

**EXHIBIT F**

June 8, 2010  
P#01186

6/8/2010

David Abbas  
West Ridge Development Services  
750 Buckaroo Trail, Suite 204  
Sisters, OR 97759

**RE: TPR ANALYSIS FOR MCKENZIE MEADOW VILLAGE MIXED USE NEIGHBORHOOD – SISTERS, OREGON**

This letter-report presents the findings of study which addressed the traffic impacts of zone change and comprehensive plan amendment for the purpose of assessing compliance with the Oregon Transportation Planning Rule (TPR.) The site is a 29.68 parcel located off McKinney Butte Road in Sisters, Oregon, as shown in Figure 1. It was concluded that the proposed changes would not significantly impact the transportation system.

**EXISTING AND PROPOSED ZONING AND PLAN DESIGNATIONS**

The site is currently zoned UAR 10. The proposed zoning is MFR (Multi Family Residential zone) and PF (Public Facilities, for the health center). The site for the health care facility is 0.32 acres.

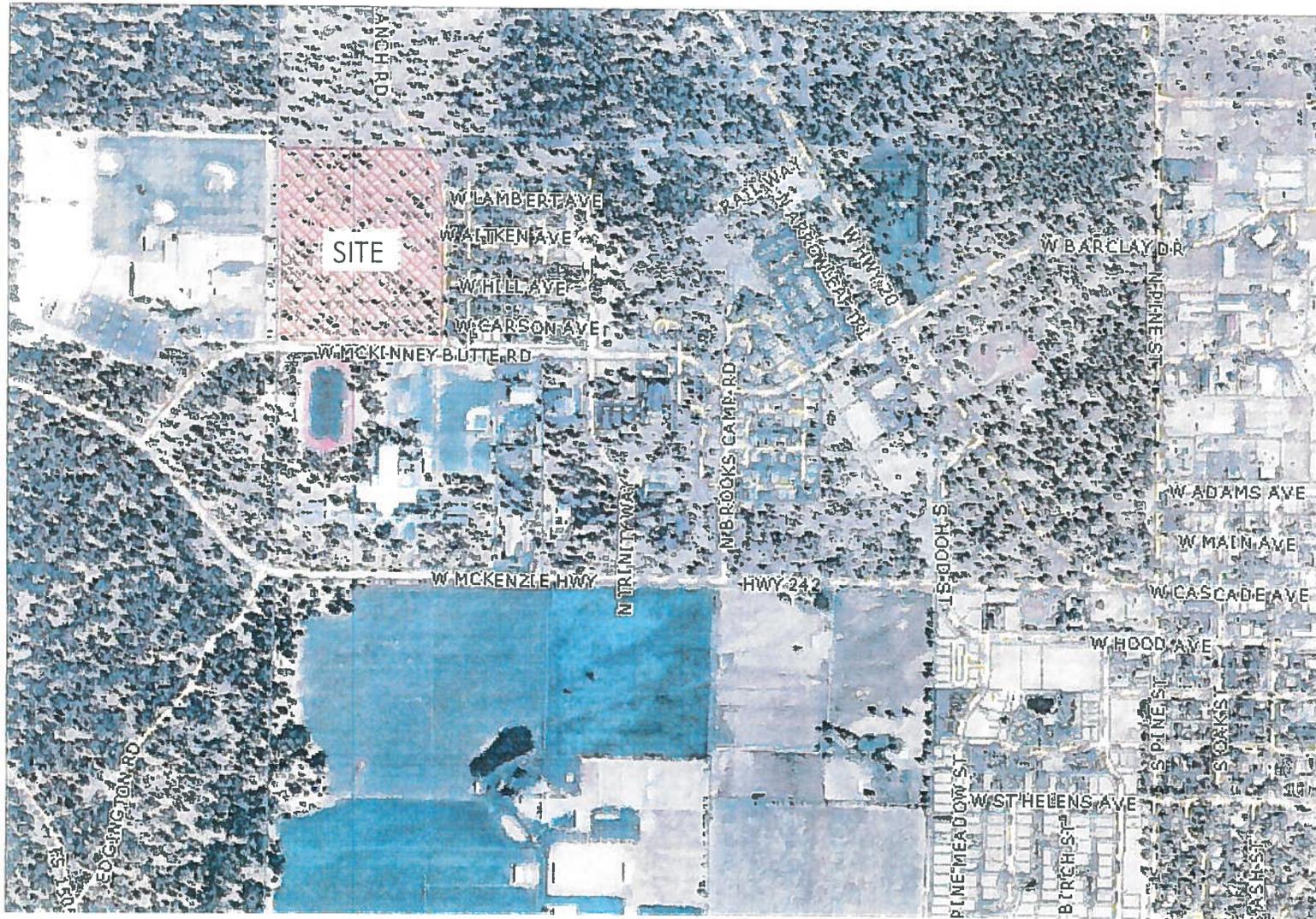
The Current Comp Plan designation is R (Residential). It was designated for R in 2005, when there was demand for additional 25 acres to support low density residential. The proposed comprehensive plan designation is R-MFSD.

**CONCURRENT MASTER PLAN APPROVAL**

A master plan application is being prepared for concurrent approval with the zone change and comprehensive plan amendment. The master plan is for a mixed neighborhood that would include a 3,000 square foot medical office, 48 apartment units, 12 townhouses, 33 cottages, 36 senior cottages, and 134 units of senior lodging, of which 52 will be affordable and 82 at market rate.

**TRANSPORTATION PLANNING RULE (TPR)**

The following discussion and analysis is presented to address the question of long-range growth as needed for the proposed zone change and comprehensive plan amendment in terms of the analysis of the Transportation Planning Rule and the analysis of OAR 660-012-0060. The study horizon must be the greater of 15-years or horizon year for the TSP. In this case, the TPR horizon year of 2030 was selected which is the horizon year of the TSP.



Source: Deschutes County LAVA 5

### Site Location

## McKenzie Meadow Village Mixed Use Neighborhood - Sisters, Oregon

#01186  
June 7, 2010

### Figure 1

Ferguson & Associates, Inc.

To comply with the Transportation Planning Rule the applicant must demonstrate that the proposed land uses are consistent with the identified function, capacity, and performance standards of the facility as defined in the TSP or the Oregon Highway Plan, for impacted state highways. The impact of the proposed changes is measured in terms of the incremental change in trip generation between the existing zoning and the proposed zoning (or between the existing and proposed plan designation). This incremental change in traffic is then used to determine impacts on any of the near-by facilities.

This land use regulation consists of two parts. The first is to determine if the proposed change would significantly impact the transportation system. If the impacts are significant under the criteria spelled out in the TRP, the second part is then used to determine if any changes should be made either to the proposal or to the Transportation System Plan to meet the rules.

**RULES FOR DETERMINATION OF SIGNIFICANCE** - A change "significantly affects a transportation facility" according to OAR 660-012-0060, if the proposed land use action would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
  - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
  - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
  - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

**DETERMINATION OF SIGNIFICANCE** - The above criteria are typically required to determine whether the proposed project is significant or not. As per ODOT's guidelines for a TPR analysis, the Land Use Board of Appeals (LUBA) has held that zone changes do not trigger a significant effect under Section 660-012-0060 if they do not have the effect of allowing more trip generation than the existing planning and zoning. In this particular case, the land use would be limited by the approved master-plan.

It was found, as discussed in more detail below, that the trip generation of the master plan would be less than the trip generation of the R designation for the site. It was also found that the recently updated Transportation System Plan was based on a transportation model that assumed build-out of the site with R zoning. For this reason it was concluded that the proposed change to the comprehensive plan map would not significantly affect any of the transportation facilities in the study area and the proposed change in the plan designation and zoning would meet the requirements of the TPR without any additional action.

**MASTER PLAN TRIP GENERATION** – Future trips generated by the project were forecast using trip generation rates found in the 8th Edition of Trip Generation (ITE, 2008) as shown in Table 1. It is acceptable to use this trip generation forecast as a reasonable worst-case scenario since the proposed master plan which would be approved concurrently with the zone and comprehensive plan changes.

**TABLE 1 – TRIP GENERATION RATES (MUA-10)**

ITE LAND USE CODE	LAND USE	IND. VARIABLE	TRIP ENDS RATE		IN/OUT SPLIT (PERCENT)	
			PM PEAK HOUR	DAILY	PM PEAK HOUR	DAILY
720	Medical Office	t.s.f.	3.46	36.13	27/73	50/50
220	Apartment	units	0.62	6.65	65/35	50/50
230	Condo/Townhouse	units	0.52	5.81	67/33	50/50
210	Single Family Residential	units	1.01	9.57	63/37	50/50
251	Senior Housing – Detached	units	0.27	3.71	61/39	50/50
252	Senior Housing – Attached	units	0.16	3.48	60/40	50/50

Notes: Source Trip Generation (ITE, 8<sup>th</sup> Edition, 2008).

The proposed mixed use neighborhood and zone change was forecast to generate 110 p.m. peak hour trips and 1,332 daily trips at build-out, as shown in Table 2 by development phase.

**TABLE 2 – TRIP GENERATION FORECAST (RMF ZONING)**

ITE LAND USE	SIZE	PM PEAK HOUR TRIP ENDS			DAILY
		IN	OUT	TOTAL	
<b>PHASE 1</b>					
Senior Housing - Attached	42 units	4	3	7	146
Senior Housing - Detached	8 units	1	1	2	30
Medical Office	3.0 t.s.f	3	7	10	108
<b>TOTAL PHASE 1</b>		<b>8</b>	<b>11</b>	<b>19</b>	<b>284</b>
<b>PHASE 2</b>					
Senior Housing - Attached	40 units	7	4	11	148
Senior Housing - Detached	12 units	2	1	3	45
<b>TOTAL PHASE 2</b>		<b>9</b>	<b>5</b>	<b>14</b>	<b>193</b>
<b>PHASE 3</b>					
Senior Housing - Detached	13 units	2	2	4	48
<b>PHASE 4</b>					
Single Family Residential	8 units	5	3	8	77
Apartments	12 units	5	2	7	80
<b>TOTAL PHASE 4</b>		<b>10</b>	<b>5</b>	<b>15</b>	<b>157</b>
<b>PHASE 5</b>					
Single Family Residential	4 units	3	1	4	38
Senior Housing – Detached	3 units	1	0	1	11
Condo/Townhouse	4 units	1	1	2	23
<b>TOTAL PHASE 5</b>		<b>5</b>	<b>2</b>	<b>7</b>	<b>72</b>
<b>PHASE 6</b>					
Single Family Residential	3 units	5	3	8	77
Condo/Townhouse	4 units	1	1	2	23
<b>TOTAL PHASE 6</b>		<b>6</b>	<b>4</b>	<b>10</b>	<b>100</b>
<b>PHASE 7</b>					
Single Family Residential	9 units	6	3	9	86
<b>PHASE 8</b>					
Apartments	24 units	10	5	15	160
<b>PHASE 9</b>					
Apartments	12 units	5	2	7	80
Condo/Townhouse	2 units	1	0	1	12
<b>TOTAL PHASE 9</b>		<b>6</b>	<b>2</b>	<b>8</b>	<b>92</b>
<b>PHASE 10</b>					
Senior Housing – Attached	26 units	2	2	4	90
<b>PHASE 11</b>					
Single Family Residential	4 units	3	1	4	38
Condo/Townhouse	2 units	1	0	1	12
<b>TOTAL PHASE 11</b>		<b>4</b>	<b>1</b>	<b>5</b>	<b>50</b>
<b>TOTAL PHASE 1 – PHASE 11 (BUILD-OUT)</b>		<b>68</b>	<b>42</b>	<b>110</b>	<b>1,332</b>

**ANALYSIS OF SIGNIFICANCE DETERMINATION** - The following facts and analysis were used to arrive at the positive finding:

1. According to the engineer responsible for preparing the transportation model used in the TSP update, the trip generation for this parcel was based on a density of 5-single family residential units per acre (see attached email correspondence). This would amount to a total of 150 units, which would have a p.m. peak hour trip generation of 152 p.m. peak hour trips, using the same assumptions documented in TSP background materials<sup>a</sup>. If this amount of traffic was assigned to the street network in the model update, the proposed project trip generation would be accounted for in the TSP and the requirements of the TPR would be met.
2. The model was checked to see if these trips were assigned. The first step in this verification process was to determine how much of the trip generation from this area was actually assigned to the network. The increase in peak hour trip generation from existing conditions for this the Transportation Analysis Zone (TAZ) was 653 p.m. peak hour trips (809 trips in 2030 minus 156 trips for existing conditions)<sup>b</sup>; however, due to various factors, such as model calibration, not all of these trips were assigned to the network. The trip tables<sup>c</sup> used to assign traffic from this TAZ indicate that the 2030 assignment was for only 748 p.m. peak hour trips. Subtracting the trips from the existing conditions trip table from the 2030 trip table resulted in a net increase of 596 p.m. peak hour trips in between the base model year and 2030 for this TAZ, as shown in Table 3. As such, only 91.3 percent of the trips forecast to this zone were assigned to the network.
3. Accordingly, it would be reasonable to assume that the resulting p.m. peak hour assignment for the proposed project could also be reduced by the same proportion. The resulting trip-end production would be 138 p.m. peak hour trips at the site of the proposed project. This is reasonably close to what the City has indicated as the approved density of this site – 131 equivalent dwelling units. The equivalent trip generation would be 132 p.m. peak hour trips.
4. From this, it was concluded that as long as the site generates less than 138 p.m. peak hour trips, the requirements of the TPR would be met without further

---

<sup>a</sup> Memorandum: "Sisters TSP Update – Future Forecasting Methodology" From DKS to Peter Schuytema, ODOT; March 28, 2008; Table 2.

<sup>b</sup> Ibid; Table 3.

<sup>c</sup> Ibid; last to pages of the document contain the trip tables.

Analysis; and, that as long as the site generates less than 132 p.m. peak hour trips, then the requirements of the City would be met. The proposed project was forecast to generate 110 p.m. peak hour trips. This is less than what has been studied at the site, so the project would not adversely impact the transportation system and TPR requirements are met. This analysis, however, assumes that the trip generation for the site was actually developed at a density of 5 units per acre. ODOT expressed the reasonable concern that since the TAZ is larger than the site, it can not be readily determined that these trips were not allocated to other parcels or in some way spread-out over the TAZ at a lesser intensity.

5. To verify that the trip generation for the model was in the vicinity of 5 units per acre or not otherwise diluted, other land uses in the TAZ were reviewed. As shown in Table 3, a total of 596 new p.m. peak hour trips were assigned from zone 12. TAZ 12 includes a number of other parcels. The Village at Cold Springs and Village Meadows would occupy a significant portion of the TAZ, with the remainder of the zone consisting of either land that is designated as UAR or the project site, which is designated as R (Residential) in the comprehensive plan. Subtracting these already approved projects (to be conservative, the full amount was subtracted even though these projects are partially constructed) leaves 222 p.m. peak hour trips in the TAZ. The proposed project was forecast to generate 110 p.m. peak hour trips, which leaves an additional 112 p.m. peak hour trips (or more, considering that some of the two approved projects listed above have already been partially constructed and occupied. This analysis demonstrates that the proposed project was accounted for and that there are additional trips assigned to this zone beyond what is shown in the comprehensive plan. These may be related to the UAR areas shown in the comprehensive plan. A map of the TAZ is attached to this letter-report along with the model forecast memorandum.

**TABLE 3 – ALLOCATION OF TRIPS FOR TAZ #12**

<b>ITEM</b>	<b>PM PEAK HOUR FLOW (v/h)</b>
2030 Matrix O+D from Zone 12	748
Existing Matrix O+D from Zone 12	152
<b>DIFFERENCE</b>	<b>596</b>
Village Meadows	59
Cold Springs	315
Subtotal	374
<b>REMAINDER</b>	<b>222</b>
McKenzie Meadow Village	110
Unallocated	112

\* \* \* \* \*

It is trusted that the above analysis demonstrates that the impact of the proposed zone change and plan designation change would not significantly impact a transportation facility and as such the requirements of the TPR would be met. Please feel free to contact me at your convenience if there are any questions or comments regarding this analysis.

Very truly yours,  
FERGUSON & ASSOCIATES, INC.

G. Scott Ferguson, PE

Attachments:

TSP Update Assumptions email

Model Forecast Memorandum (includes TAZ Map, and assignment matrix)

Comprehensive plan map

Excerpts from traffic studies showing trip generation and location of Village Meadows and Village at Cold Springs

from Chris Maciejewski <csm@dkspdx.com>  
to Scott Ferguson <gscott@traffic-team.us>  
cc Eric Porter <eporter@ci.sisters.or.us>, Jun 3, 2010  
Jim Bryant <james.r.bryant@odot.state.or.us>  
date Thu, Jun 3, 2010 at 9:19 AM  
subject Re: Sisters TSP

Scott-

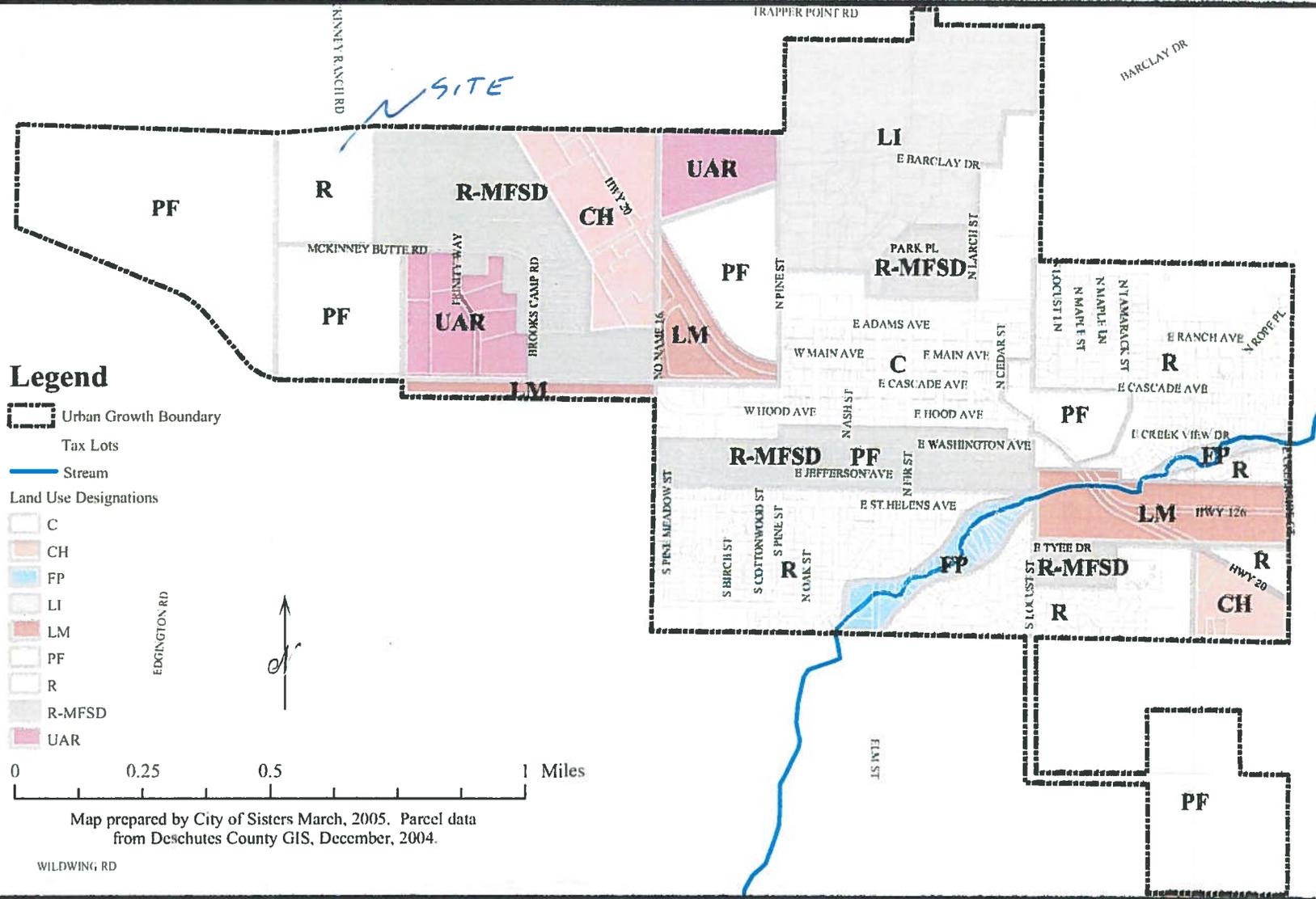
I confirmed in my parcel level file that the parcel you are studying was coded as "R" zoning per the Comp. Plan designation and 5 units/acre was applied for future growth potential.

Chris

--

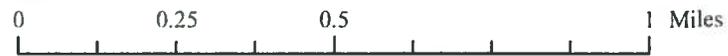
Chris Maciejewski, PE  
DKS Associates  
1400 SW Fifth Avenue  
Suite 500  
Portland, OR 97201  
(503) 243-3500  
[csm@dkspdx.com](mailto:csm@dkspdx.com)  
Cell: (503) 916-9610

# City of Sisters: Comprehensive Plan Map



## Legend

- Urban Growth Boundary
- Tax Lots
- Stream
- Land Use Designations
- C
- CH
- FP
- LI
- LM
- PF
- R
- R-MFSD
- UAR



Map prepared by City of Sisters March, 2005. Parcel data from Deschutes County GIS, December, 2004.

WILDWING RD

## MEMORANDUM

**TO:** Peter Schuytema, ODOT Transportation Planning Analysis Unit

**FROM:** Chris Maciejewski, P.E.  
Mat Dolata  
Garth Appanaitis  
Brad Coy

**DATE:** March 28, 2008

**SUBJECT:** **Sisters TSP Update – Future Forecasting Methodology** P/A No. 07288-000-003

---

This memorandum summarizes the future forecasting methodology relating to the 2008 update of the City of Sisters Transportation System Plan (TSP). The methodology expands upon a Level 2 Cumulative Analysis approach (as defined in Transportation Planning Analysis Unit's (TPAU's) Analysis Procedure Manual) by including total base year and future year trip tables, as well as utilizing VISUM to complete an equilibrium trip assignment. The resulting forecasting tool allows for improved evaluation of changes in traffic volumes between various project alternatives.

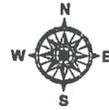
### Approach Summary

Based on the size of Sisters, the amount of highway traffic, and the alternatives that will be evaluated in this TSP update, a simple trend line (Level 1) was determined to be inadequate. As TPAU has not completed the Deschutes County Travel Demand Model, a cumulative analysis (Level 2) approach was selected. While the chosen forecasting methodology utilizes the Level 2 Cumulative Analysis (as defined in TPAU's Analysis Procedure Manual) as a foundation for developing forecasts, additional elements were included in the model.

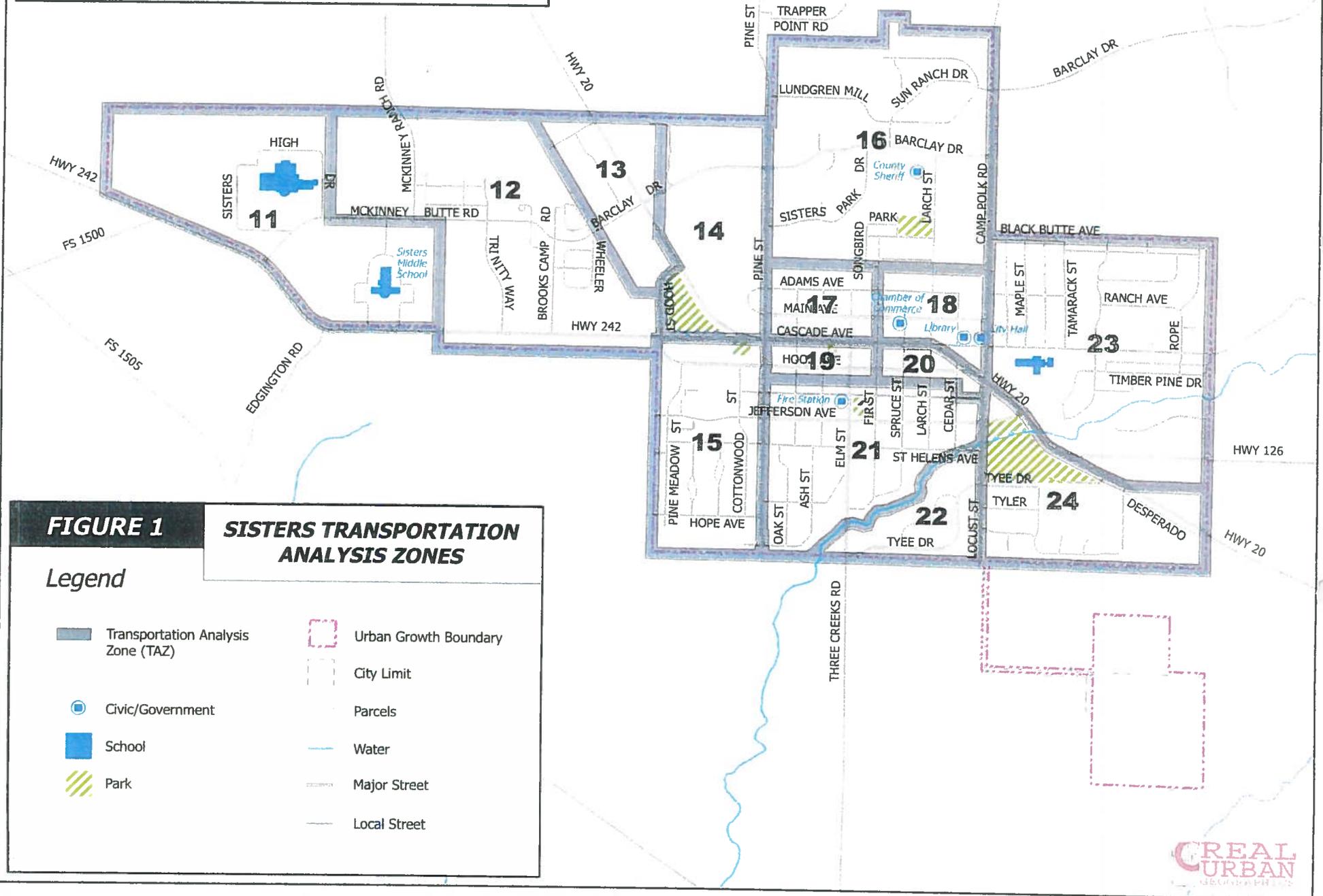
In the context of the traditional 4-step travel demand model approach, the Level 2 Analysis is used for trip generation and trip distribution purposes only. The result is a trip table (for growth increment) that is used as an input into traffic assignment where analysis is completed by manually assigning trips to a network to estimate future traffic volumes.

The Cumulative Analysis method described in the Analysis Procedure Manual (APM) divides traffic growth into three distinct segments: External-External, Internal-Internal, and Internal-External/External-Internal. This format is retained in this analysis. Trip growth estimates are based on forecasted growth on external roadways and forecasted land use changes within the Sisters TSP Update study area. Land uses changes based on the City's Comprehensive Plan are allocated across 14 transportation analysis zones (TAZs), which are shown in Figure 1.

# City of Sisters Transportation System Plan



**DKS Associates**  
TRANSPORTATION SOLUTIONS



**FIGURE 1**

## SISTERS TRANSPORTATION ANALYSIS ZONES

### Legend

- Transportation Analysis Zone (TAZ)
- Urban Growth Boundary
- City Limit
- Civic/Government
- School
- Park
- Water
- Major Street
- Local Street

average values used are provided in Table 2.<sup>5</sup> In addition, Table 3 lists in detailed the existing 2006 and forecasted 2030 in and out trips generated for each TAZ.

**TABLE 2. PM Peak Hour Trip Generation Rates by Land Use**

Land Use	ITE Trip Generation Rates		
	<i>Trips In</i>	<i>Trips Out</i>	<i>Total Trip Ends</i>
Households (per dwelling unit)	0.64	0.37	1.01
Retail (per employee)	2.06	2.32	4.38
Service (per employee)	0.83	1.06	1.89
Other—Education (per employee)	0.84	0.71	1.55
Other—Non-Education (per employee)	0.06	0.33	0.39

**TABLE 3. PM Peak Hour Trip Generation Rates by Land Use**

Zone	Existing Trips Generated			2030 Trips Generated		
	<i>Trips In</i>	<i>Trips Out</i>	<i>Total Trip Ends</i>	<i>Trips In</i>	<i>Trips Out</i>	<i>Total Trip Ends</i>
11	84	71	<b>155</b>	167	143	<b>310</b>
12	79	77	<b>156</b>	471	338	<b>809</b>
13	285	329	<b>614</b>	512	591	<b>1103</b>
14	0	0	<b>0</b>	145	167	<b>312</b>
15	140	126	<b>266</b>	456	416	<b>872</b>
16	273	359	<b>632</b>	759	939	<b>1698</b>
17	394	476	<b>870</b>	450	542	<b>992</b>
18	114	136	<b>250</b>	190	226	<b>416</b>
19	454	537	<b>990</b>	464	548	<b>1012</b>
20	204	245	<b>449</b>	225	270	<b>495</b>
21	144	87	<b>231</b>	211	142	<b>353</b>
22	29	17	<b>45</b>	116	111	<b>227</b>
23	219	139	<b>358</b>	402	278	<b>680</b>
24	67	59	<b>126</b>	177	158	<b>335</b>

<sup>5</sup> Based on the results of model calibration, there was no indication that further trip rate adjustments were needed to improve model accuracy.

**Existing Model Trip Table**  
**Level 2.5 (TPAU-Level 2 plus DKS Refinement)**

		to TAZ																				
		1	2	3	4	5	6	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Total
from TAZ	1	0	190	121	0	0	11	11	11	39	0	19	37	54	15	62	28	20	4	30	9	661
	2	173	0	0	34	2	35	11	11	38	0	19	36	52	15	60	27	19	4	29	9	574
	3	93	0	0	18	1	19	7	7	24	0	12	23	33	9	38	17	12	2	18	6	337
	4	0	48	30	0	0	3	2	2	8	0	4	7	10	3	12	5	4	1	6	2	147
	5	0	1	0	0	0	0	0	0	1	0	0	1	1	0	2	1	0	0	0	0	9
	6	10	31	17	2	0	0	7	3	24	0	5	20	32	8	37	17	0	0	3	2	218
	11	10	8	4	2	0	4	1	1	4	0	2	4	6	2	7	3	3	1	4	1	69
	12	10	9	5	2	0	3	2	1	5	0	2	5	7	2	8	4	2	0	3	1	72
	13	45	37	20	10	0	20	6	6	21	0	11	20	29	8	33	15	12	2	18	5	320
	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	15	17	14	8	4	0	5	3	2	9	0	4	8	12	3	14	6	3	1	5	2	117
	16	49	40	22	11	1	21	7	7	23	0	12	22	32	9	36	16	12	2	19	6	346
	17	65	53	29	15	1	28	9	9	30	0	16	29	42	12	48	22	17	3	26	8	461
	18	19	15	8	4	0	8	3	2	9	0	4	8	12	4	14	6	5	1	7	2	131
	19	73	60	32	17	1	32	10	10	34	0	18	33	47	14	54	24	20	4	29	9	521
	20	33	27	15	8	0	15	5	5	15	0	8	15	21	6	25	11	9	2	13	4	237
	21	12	10	5	3	0	0	2	1	7	0	2	6	9	2	11	5	0	0	1	1	76
	22	2	2	1	1	0	0	0	0	1	0	0	1	2	0	2	1	0	0	0	0	14
	23	19	15	8	4	0	2	3	2	10	0	3	9	14	4	16	7	1	0	3	1	123
	24	8	7	4	2	0	2	1	1	4	0	2	4	6	2	7	3	1	0	2	1	55
	Total	640	567	328	137	7	208	90	80	305	0	143	289	421	120	486	218	139	28	216	67	4487

# 2030 Future Model Trip Table

## Level 2.5 (TPAU-Level 2 plus DKS Refinement)

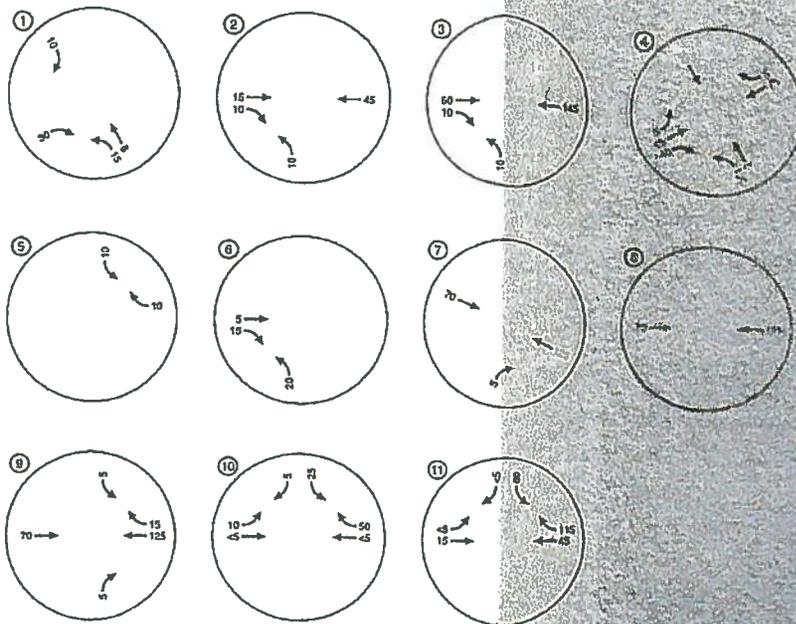
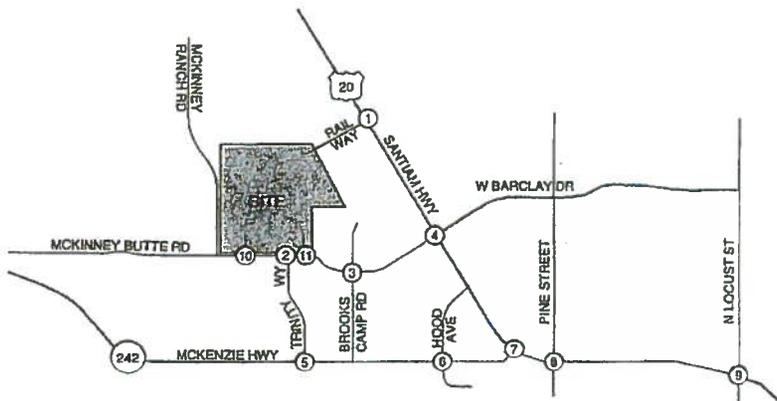
		to TAZ																			Total	
		1	2	3	4	5	6	11	12	13	14	15	16	17	18	19	20	21	22	23		24
from TAZ	1	0	289	213	0	1	25	20	55	60	17	54	89	53	22	54	26	25	14	47	21	1085
	2	282	0	0	55	2	80	19	53	57	16	51	85	50	21	52	25	24	13	45	20	951
	3	152	0	0	30	1	43	13	37	40	11	36	60	35	15	36	18	17	9	32	14	599
	4	0	72	53	0	0	6	4	11	12	3	11	18	11	4	11	5	5	3	9	4	243
	5	0	1	1	0	0	0	1	0	2	0	1	2	1	1	2	1	0	0	0	0	14
	6	22	71	38	5	0	0	18	7	54	15	26	69	47	18	49	24	3	8	13	9	497
	11	17	14	8	4	0	11	3	10	9	3	9	14	8	3	8	4	4	2	8	3	143
	12	42	33	20	10	0	8	8	9	26	7	15	34	22	9	23	11	4	4	10	5	302
	13	73	58	35	17	1	46	12	40	37	10	36	56	33	14	33	16	18	9	33	14	591
	14	21	16	10	5	0	13	3	11	10	3	10	16	9	4	9	5	5	3	9	4	167
	15	51	41	25	12	0	23	9	21	28	8	23	41	25	10	26	12	9	6	19	9	397
	16	115	92	56	27	1	69	20	60	60	17	56	90	53	22	54	26	27	14	50	22	930
	17	67	53	32	15	1	42	11	36	34	10	33	52	30	13	31	15	16	8	30	13	541
	18	28	22	13	6	0	17	5	15	14	4	13	22	13	5	13	6	7	3	12	5	224
	19	67	54	33	16	1	43	11	37	34	10	33	52	30	13	31	15	17	8	31	13	548
	20	33	26	16	8	0	21	6	18	17	5	16	26	15	6	15	7	8	4	15	6	269
	21	17	14	8	4	0	3	4	3	11	3	6	14	9	4	10	5	1	2	4	2	126
	22	14	11	7	3	0	7	2	6	7	2	6	11	7	3	7	3	3	2	5	2	108
	23	34	27	16	8	0	9	7	10	20	6	13	28	18	7	18	9	4	4	10	5	254
	24	19	16	9	5	0	8	4	7	11	3	8	16	10	4	10	5	3	2	7	3	150
	Total	1054	912	594	230	10	474	178	446	545	154	456	793	478	200	493	239	199	118	390	175	8139

Updated 3/28/2008



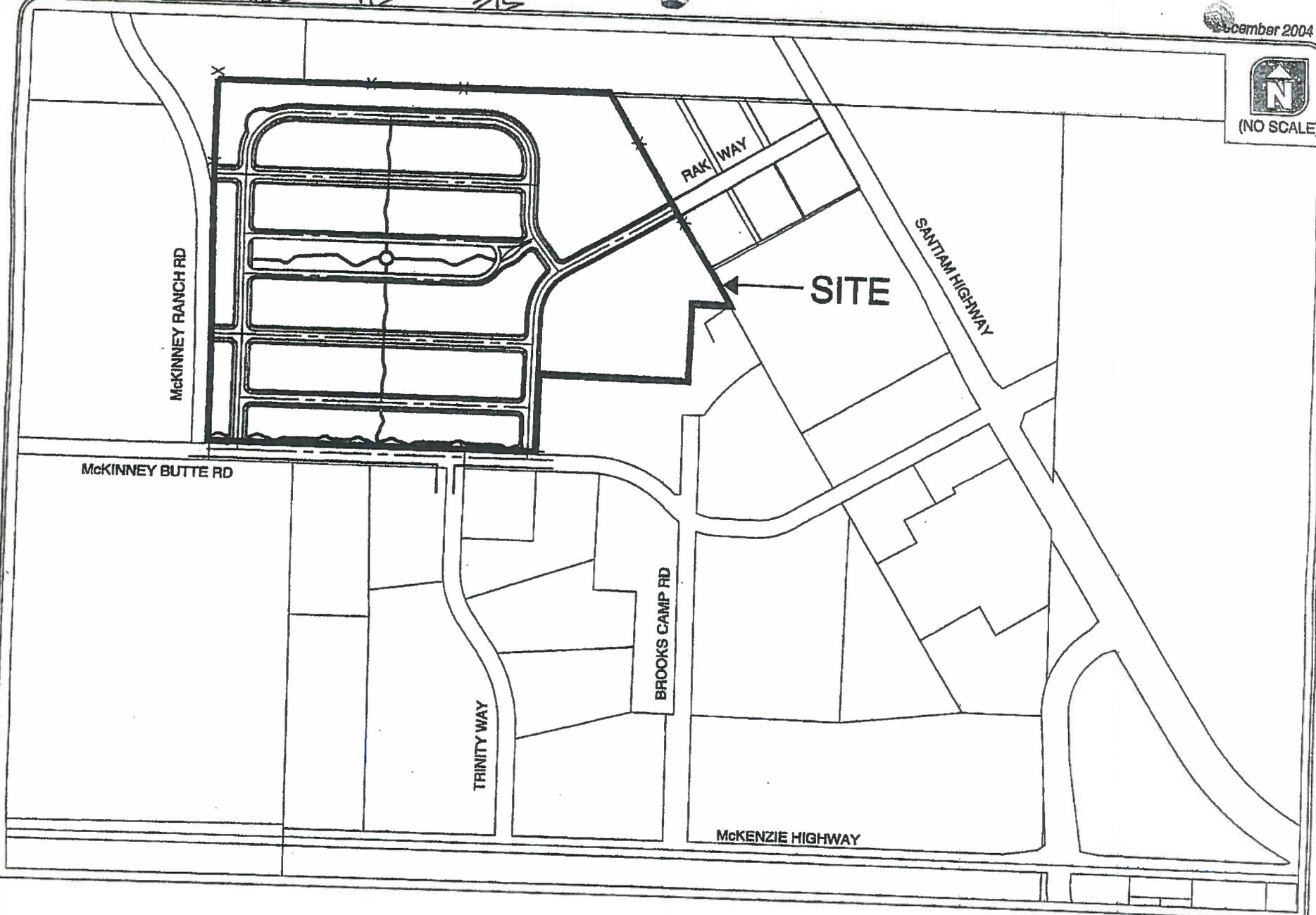
PM Peak Hour  
 TRIP GENERATION  

IN	OUT	TOTAL
200	115	315



7403  
 PMVT &  
 Occupied  
 07.2.07

SITE GENERATED TRAFFIC - LIMITED ACCESS RAIL WAY/SANTIAM HIGHWAY ACCESS  
 WEEKDAY PM PEAK HOUR  
 SISTERS, OREGON



F:\proj\16823\wgs\figs\16823FIGS.dwg Dec 21, 2004 - 1:59pm - bwilist Layout Tab: FIG 02

**PROPOSED SITE PLAN  
SISTERS, OREGON**

**FIGURE  
2**

approved first development in the Relco Station subdivision (fast-food restaurant/gas station/convenience store) is estimated to utilize approximately 173 of the 180 available peak hour trips. According to conversations with ODOT staff, once the weekday p.m. peak hour trip cap is exceeded, ODOT has indicated that they will likely impose future development conditions that will limit access between Rail Way and the Santiam Highway. Assuming that additional development within the Relco Station subdivision over the next five years will trigger the need for limited access, ODOT staff has requested that this traffic study analyze a left-turn prohibition from Rail Way onto the Santiam Highway. This left-turn prohibition will be reflected in all subsequent operations analysis and figures.

**TRIP GENERATION**

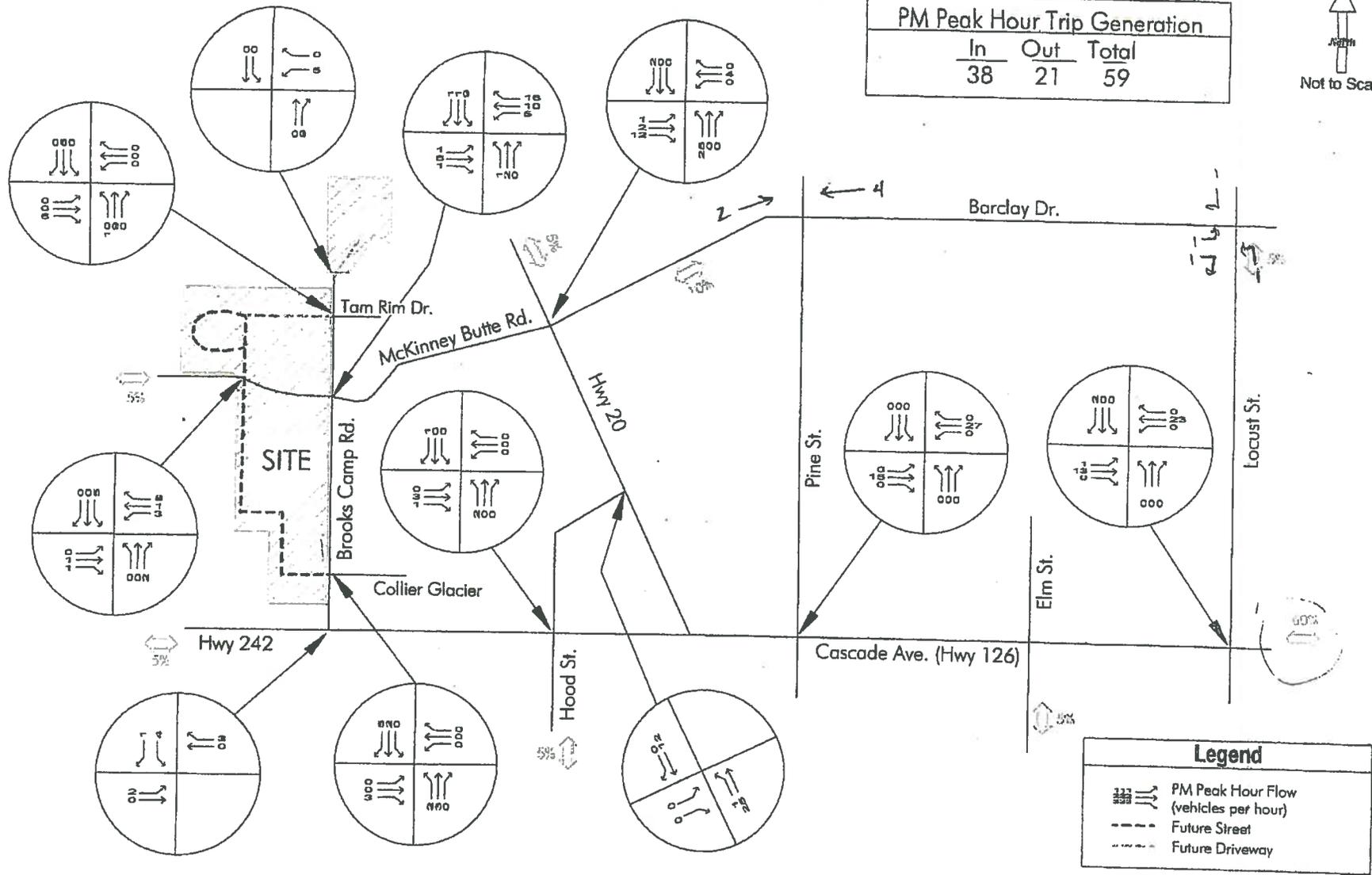
The trip generation estimates for the proposed residential development were derived from empirical observations at other similar developments. These observations are summarized in the standard reference manual, *Trip Generation, 7<sup>th</sup> Edition*, published by the Institute of Transportation Engineers (Reference 7). Trip generation estimates for the single-family homes were calculated under Land Use 210 (Single Family Detached Housing), while the trip generation for the multi-family housing was calculated under Land Use 220 (Apartments). Table 6 summarizes the estimated site trip generation during a typical weekday as well as during the weekday a.m. and p.m. peak hours (all trip ends have been rounded to the nearest five trips).

**Table 6  
Estimated Trip Generation**

Land Use	ITE Code	Size (units)	Daily Trips	Weekday AM Peak Hour Trips			Weekday PM Peak Hour Trips		
				Total	In	Out	Total	In	Out
Single Family Detached Housing	210	191	1,890	145	35	110	190	120	70
Apartment	220	200	1,350	100	20	80	125	80	45
<b>Total</b>			<b>2,620</b>	<b>245</b>	<b>55</b>	<b>190</b>	<b>315</b>	<b>200</b>	<b>115</b>

As shown in Table 6, the proposed development is estimated to generate approximately 245 (55 in, 190 out) weekday a.m. peak hour trips and 315 (200 in, 115 out) weekday p.m. peak hour trips.

PM Peak Hour Trip Generation		
In	Out	Total
38	21	59



PM Peak Hour Trip Distribution & Assignment  
~~Howard Residential Subdivision - Sisters, Oregon~~

Figure 9  
 Ferguson & Associates, Inc.

#00623  
 August 1, 2005

VILLAGE MEADOWS

888 JCC 5260

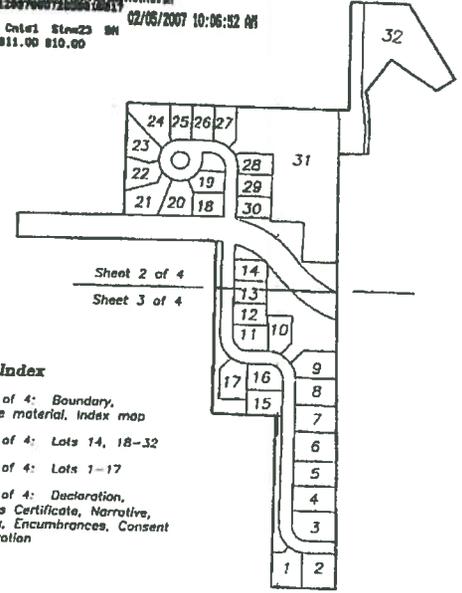
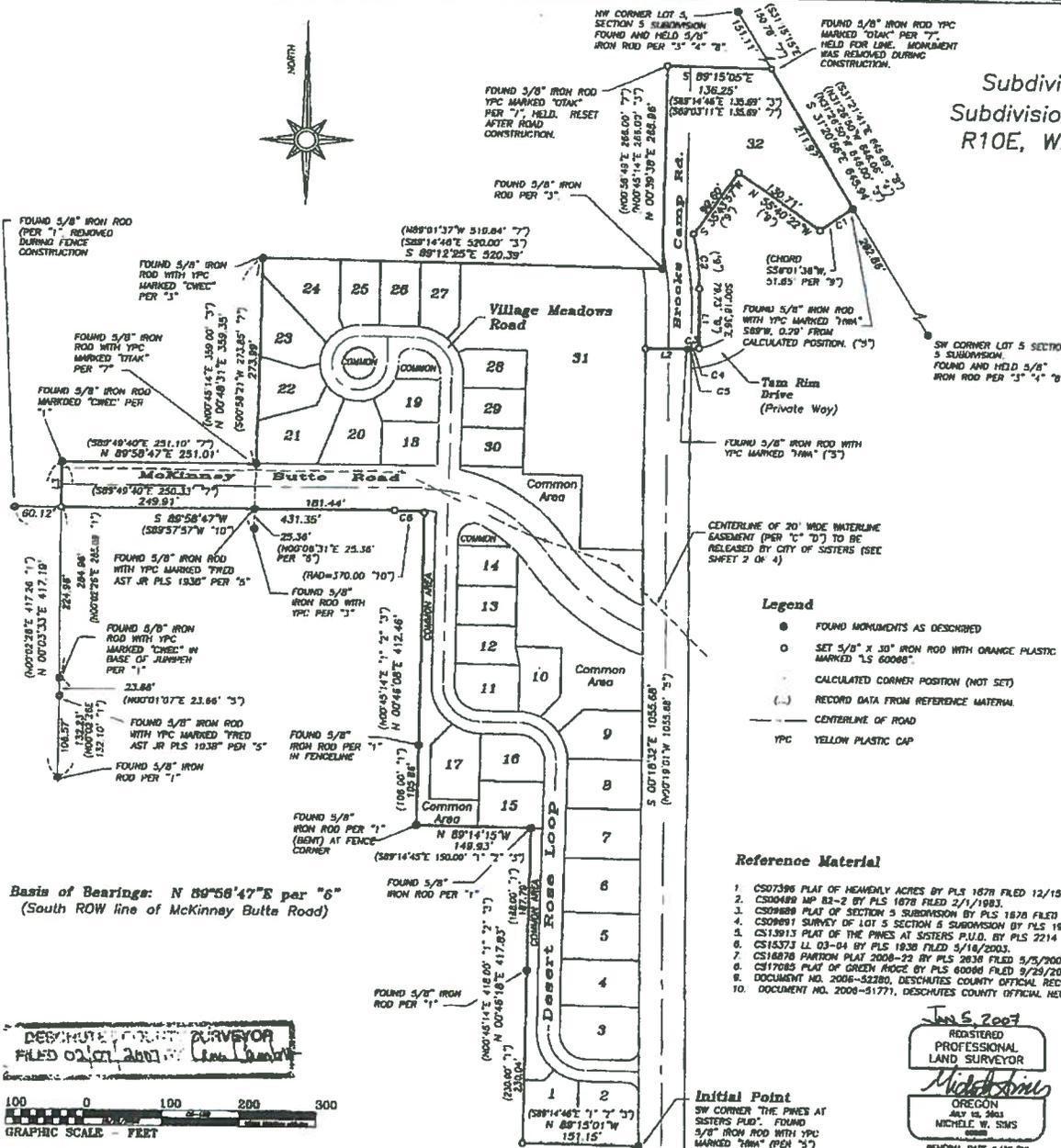
H-243

CS17213

# Village Meadows

Subdivision of a portion of Lots 2 & 3, Section 5  
Subdivision, situated in the the S 1/2 of Sec. 5, T15S,  
R10E, W.M., City of Sisters, Deschutes County, Oregon

DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK 2007-07265  
\$81.00  
02/05/2007 10:06:52 AM  
D-PLAT Cntel Stw23 SH  
888.00 \$11.00 \$10.00



- Legend**
- FOUND MONUMENTS AS DESCRIBED
  - SET 5/8" X 3/8" IRON ROD WITH ORANGE PLASTIC CAP MARKED "LS 60088"
  - ( ) CALCULATED CORNER POSITION (NOT SET)
  - (---) RECORD DATA FROM REFERENCE MATERIAL
  - CENTERLINE OF ROAD
  - YPC YELLOW PLASTIC CAP

- Reference Material**
1. CS07398 PLAT OF HEAVENLY ACRES BY PLS 1878 FILED 12/15/1981.
  2. CS00488 MP 82-2 BY PLS 1878 FILED 2/1/1983.
  3. CS00888 PLAT OF SECTION 5 SUBDIVISION BY PLS 1878 FILED 2/1/1983.
  4. CS00891 SURVEY OF LOT 5 SECTION 5 SUBDIVISION BY PLS 1938 FILED 2/26/1988.
  5. CS13913 PLAT OF THE PINES AT SISTERS P.U.D. BY PLS 2214 FILED 1/12/2000.
  6. CS15373 LL 03-04 BY PLS 1838 FILED 5/14/2003.
  7. CS18878 PARTITION PLAT 2006-22 BY PLS 2636 FILED 5/5/2006
  8. CS17683 PLAT OF GREEN RIDGE BY PLS 60098 FILED 9/25/2006.
  9. DOCUMENT NO. 2006-52380, DESCHUTES COUNTY OFFICIAL RECORDS 7/31/2006.
  10. DOCUMENT NO. 2006-51771, DESCHUTES COUNTY OFFICIAL RECORDS 7/29/2006.

**Line Table**

Course	Bearing	Distance
L1	S 07°12'24" E	29.71'
L2	S 89°40'49" W	54.26' 37"
L3	N 00°14'33" E	60.00'

**Curve Table**

Curve	Radius	Length	Delta	Chord	Chord Bear.
C1	622.73'	51.86'	4°48'31"	51.88'	S 55°02'29" W
C2	340.00'	79.24'	12°22'34"	73.30'	S 05°28'59" E
C3	90.00'	15.37'	9°48'58"	15.35'	S 84°47'20" W
C4	90.00'	15.37'	9°48'58"	15.35'	S 03°10'10" W
C5	90.00'	3.30'	3°22'21"	3.30'	S 87°59'39" W
C6	250.00'	5.25'	3°20'41"	4.25'	N 88°00'32" E 37"
				207.45'	N 87°02'26" E

Basis of Bearings: N 89°58'47"E per "6"  
(South ROW line of McKinney Butte Road)

DESCHUTES COUNTY SURVEYOR  
FILED 02/05/2007



**Initial Point**  
SW CORNER THE PINES AT SISTERS P.U.D. FOUND 5/8" IRON ROD WITH YPC MARKED "HMA" (PER "5")

Jan 5, 2007  
REGISTERED PROFESSIONAL LAND SURVEYOR  
Michelle Sims  
OREGON  
July 18, 2003  
MICHELLE W. SIMS  
RENEWAL DATE 6/30/08

Fred A. Ast, Jr. and Associates

250 West Cascade

P.O. Box 751

Sisters, Oregon 97759

541-549-7851

CS17213

Sheet 1 of 4

August 10, 2010  
P#01186

David Abbas  
West Ridge Development Services  
750 Buckaroo Trail, Suite 204  
Sisters, OR 97759

**RE: FOLLOW UP TO QUESTIONS REGARDING THE MCKENZIE MEADOW VILLAGE MIXED USE  
NEIGHBORHOOD – SISTERS, OREGON**

This letter was prepared at your request to follow-up on a question raised by a member of the planning commission regarding current traffic operations at the intersection of McKinney Butte Road/Barclay Drive and US 20. The question was asked in the context of reviewing the application for a zone change and comprehensive plan amendment for the site.

The answer to this question is not simple. It depends on ones perspective:

1. *From the perspective of the transportation planning rule, the charge of the planning commission is simply verifying compliance. Given that: a) the intersection was shown to operate satisfactorily in the Transportation System Plan (TSP); b) the planned improvements have a reasonable funding mechanism; and, c) the proposed project would generate no more traffic than was assumed in the development of the TSP -- it was correctly concluded in the report that the proposed change would not significantly impact the transportation system and therefore the application complies with the TPR. For the purposes of the zone change and comprehensive plan application, there is no development proposed. All that is required is to demonstrate compliance with the TPR. This is also the City's requirement. The question of existing operations is not formally addressed until the site-plan is up for consideration. With this said, it is also a reasonable question to ask considering that the two applications are related and the question will ultimately need to be addressed.*
2. *From the perspective of someone who regularly drives through the intersection, the answer can be found in the operations analysis presented in the subsequent traffic impact study that was prepared for the site application. In this report, it was shown in Table 6 that the left-turn and through movements on eastbound approach (McKinney Butte Road) operate at Level of Service F during the peak hour. This means that it can be difficult to turn left or cross the highway during peak times. Operations were also calculated to be Level of Service F for westbound left-turns from Barclay Drive (with build-out of the project). Through movements and turns from Highway 20 operated at Level of Service A. From this perspective, most drivers who use the McKinney Butte*

Road approach to the intersection would probably say that there is an operational problem at this intersection.

3. *From the perspective of ODOT, operations are evaluated in terms of the mobility standards defined in the Oregon Highway Plan, which is a measure based on volume-capacity ratios. While ODOT would not evaluate existing conditions for the purposes of a rezone and plan amendment (in this case), the criterion is worth exploring. From this perspective, the existing operations at this intersection meet the standards as set forth in the Oregon Highway Plan for existing conditions. (Aside: while a standard based on the volume-capacity ratio may be useful for ODOT's purposes, it is not a good indicator of how well or poorly the intersection operates from the perspective of a driver when evaluating stop-controlled approaches to an intersection.) Another complicating factor is that ODOT policies require the baseline evaluation to be based on a level of traffic flow that also includes all planned and approved development that would impact the intersection. While the intersection may meet ODOT mobility standards for existing conditions, as shown in Table 6 of the traffic impact analysis, when the traffic from planned development is added (this is shown as the "2010" scenario on the table) ODOT mobility standards would not be met.*

The follow-up questions are then: a) what should be done to correct problem? And b) when should any improvements be put in place? Here is an explanation of how traffic engineers generally evaluate this type of problem.

1. When operations are poor at a stop-controlled intersection, these questions are considered:
  - a. What kind of geometric improvements can resolve the problem:
    - i. Turn restrictions?
    - ii. Add turn lanes?
    - iii. A traffic signal?
    - iv. A roundabout?
    - v. New routes or better connect parallel routes?
  - b. What are the impacts, costs, and benefits of the proposed change?
    - i. How will turn-restrictions impact access?
    - ii. Will new turn lanes add sufficient capacity?
    - iii. Will a traffic signal or roundabout result in improved safety and overall improved operations for all drivers?
  - c. Can we live with the situation? In other words, are the solutions worse than the problem?
2. The timing of improvements depends on:
  - a. Actual traffic flow at the time of the improvement; and,
  - b. Various warrants which are used to determine the safety and capacity benefits.

- c. Operational indicators such as level of service or ODOT's mobility standards are indicators but should not be used to determine if a traffic signal is to be installed without also meeting warrants for a signal.

Specific to this situation, it was found for existing conditions (with or without the project):

1. Turn restrictions at this intersection were rejected as a potential solution since this is an intersection of two higher-order streets and full access is typically the standard for such intersections; in addition, the TSP shows the intersection as a full-access intersection.
2. The addition of turn lanes would not resolve the capacity issues.
3. Traffic signal warrants are not met for existing conditions plus project traffic and ODOT would not allow an unwarranted traffic signal to be constructed.
4. A roundabout may be allowed by ODOT, but it may increase total delay at this time.

#### **MORE ON TRAFFIC SIGNAL WARRANTS**

Traffic signals should only be installed at such time when the signal would alleviate more problems than it creates. This criterion is typically met when at least one of the warrants to justify a new traffic signal is met. The reasons for this being an ODOT requirement (as well as a key component of the MUTCD) is:

1. An unwarranted traffic signal can increase total delay at the intersection. In this case, the average delay for all movements would increase from 11.8 seconds per vehicle without a traffic signal to 23.6 seconds per vehicle with a traffic signal. (The same geometry was assumed in both calculations, as show in the attached calculations sheets.)
2. An unwarranted traffic signal can increase the number of accidents, as shown by numerous studies. Most of the increased accidents are related to rear-end collisions. There can also be the problem of people running a red light and hitting a driver who thought they were making a turn protected by the traffic signal. This is generally more of a problem for the first traffic signal in town coming off a highway and when the new signal is in a town which previously did not have traffic signals. In short, it is unwise to install an unwarranted traffic signal for safety reasons.
3. A traffic signal will also increase maintance and power consumption costs for the City. These would be an unwarranted cost that would be born by the City.

#### **TIMING OF IMPROVEMENTS**

A traffic signal should not be installed until at least one of the traffic signal warrants is met. In addition, action should not be taken on a traffic signal until it is determined if a roundabout will be the ultimate solution. It is recommended that this intersection (as well as other intersections that have been identified in the TSP) be periodically monitored for traffic flow to determine the time when such action should be taken. The studies conducted at this intersection show that a traffic signal would be needed at this location within the next five

years. Straight-line growth, while a reasonable guide for planning improvement needs, should not be used to establish a construction schedule. The need for a traffic signal at this location has been noted for at least four of five years already and the volume of traffic needed to meet a warrant has not yet been reached. Staff has indicated that there is sufficient funding available for the installation of a traffic signal when needed and the proposed project will contribute to the funding of this signal (or roundabout) through the payment of System Development Charges (SDC's).

### **SUMMARY AND RECOMMENDATIONS**

In summary, existing operations at the intersection of McKinney Butte Road/Barclay Drive and US 20 are poor for left-turning and through movements on the stop-controlled approaches (Level of Service F). Nevertheless, with this level of traffic ODOT mobility standards are met with or without buildout of the proposed project.

A traffic signal or a roundabout is planned and funded for this intersection by 2013. Either solution would solve the forecast operational problems; however, the timing of a traffic signal should be based on traffic signal warrants, not a level of service standard or a mobility standard. The ODOT preliminary traffic signal warrant was checked and it was determined that a traffic signal should not be installed at this time.

In calculating warrants for other than planning purposes, actual (not a future forecast) traffic flow should be used along with development that is certain to be constructed and in operation no more than one year away. (See ODOT guidelines for a more precise explanation of ODOT policy). Appropriate timing can be established by monitoring the intersection. The monitoring of the intersection can be paid for by requiring a simplified traffic impact review for new development which involves checking ODOT's preliminary traffic signal warrant. Staff has the ability to require such an analysis under current code. This analysis was provided in the traffic study prepared for the master-plan application and it was found that the warrant is not met for existing conditions.

A study has also been funded (or will shortly be funded) by the City to assess the viability of roundabouts rather than traffic signals on Highway 20 in Sisters. A roundabout would resolve existing and forecast operational deficiencies at this intersection. It would also provide improved safety over a traffic signal (and over existing conditions). Roundabouts also typically reduce fuel consumption, emissions, and overall delay compared to a traffic signal. ODOT could allow for a roundabout to be constructed before traffic signal warrants are met; however, caution should be used so that overall delay is not increased. The traffic signal warrants could be a good guideline for the timing of a roundabout.

\* \* \* \* \*

It is trusted that the above analysis answers the question related to current operations and the implied follow-up question of improvement timing. Also, the question of current operations is a question that should be addressed in the context of the application for the master-plan and is not needed to make a positive determination with respect to traffic impacts for the purposes of the application for a zone change and plan designation change. Please feel free to contact me at your convenience if there are any questions or comments regarding this response to the commissioner's question.

Very truly yours,  
FERGUSON & ASSOCIATES, INC.

G. Scott Ferguson, PE

Attachments:  
Level of Service Calculations

McKenzie Meadow Village
Existing Conditions (Seasonally Adjusted and No In-Process)
Project #01186

Level Of Service Computation Report
2000 HCM Operations Method (Future Volume Alternative)

Intersection #5 Hwy 20 & Barclay Drive/McKinney Butte Road

Cycle (sec): 100 Critical Vol./Cap.(X): 0.457
Loss Time (sec): 0 Average Delay (sec/veh): 23.6
Optimal Cycle: 42 Level Of Service: C

Table with columns for Approach (North, South, East, West Bound) and Movement (L, T, R). Rows include Control, Rights, Min. Green, Y+R, and Lanes.

Volume Module table with 13 columns and 13 rows including Base Vol, Growth Adj, Initial Bse, Added Vol, PasserByVol, Initial Fut, User Adj, PHF Adj, PHF Volume, Reduct Vol, Reduced Vol, PCE Adj, MLF Adj, and Final Volume.

Saturation Flow Module table with 13 columns and 4 rows including Sat/Lane, Adjustment, Lanes, and Final Sat.

Capacity Analysis Module table with 13 columns and 10 rows including Vol/Sat, Crit Moves, Green/Cycle, Volume/Cap, Delay/Veh, User DelAdj, AdjDel/Veh, LOS by Move, and HCM2kAvgQ.

Note: Queue reported is the number of cars per lane.

-----  
 McKenzie Meadow Village  
 Existing Conditions (Seasonally Adjusted and No In-Process)  
 Project #01186  
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Level Of Service Computation Report

2000 HCM Unsignalized Method (Future Volume Alternative)

\*\*\*\*\*

Intersection #5 Hwy 20 & Barclay Drive/McKinney Butte Road

\*\*\*\*\*

Average Delay (sec/veh): 11.8 Worst Case Level Of Service: E[ 36.5]

\*\*\*\*\*

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Uncontrolled			Uncontrolled			Stop Sign			Stop Sign		
Rights:	Include			Include			Include			Include		
Lanes:	1	0	1	0	1	0	0	1	0	0	1	0

Volume Module:

Base Vol:	148	259	22	46	388	35	28	47	146	10	55	46
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	148	259	22	46	388	35	28	47	146	10	55	46
Added Vol:	48	0	0	0	0	3	2	4	27	0	7	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	196	259	22	46	388	38	30	51	173	10	62	46
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	196	259	22	46	388	38	30	51	173	10	62	46
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Final Volume:	196	259	22	46	388	38	30	51	173	10	62	46

Critical Gap Module:

Critical Gp:	4.1	xxxx	xxxxxx	4.1	xxxx	xxxxxx	7.2	6.6	6.3	7.2	6.6	6.3
FollowUpTim:	2.2	xxxx	xxxxxx	2.2	xxxx	xxxxxx	3.6	4.1	3.4	3.5	4.0	3.3

Capacity Module:

Cnflct Vol:	426	xxxx	xxxxxx	281	xxxx	xxxxxx	1215	1172	407	1262	1169	259
Potent Cap.:	1139	xxxx	xxxxxx	1293	xxxx	xxxxxx	154	188	633	145	191	772
Move Cap.:	1139	xxxx	xxxxxx	1293	xxxx	xxxxxx	85	150	633	66	152	772
Volume/Cap:	0.17	xxxx	xxxx	0.04	xxxx	xxxx	0.35	0.34	0.27	0.15	0.41	0.06

Level Of Service Module:

2Way95thQ:	0.6	xxxx	xxxxxx	0.1	xxxx	xxxxxx	xxxx	xxxx	1.1	0.5	xxxx	xxxxxx			
Control Del:	8.8	xxxx	xxxxxx	7.9	xxxx	xxxxxx	xxxxxx	xxxx	12.8	68.9	xxxx	xxxxxx			
LOS by Move:	A	*	*	A	*	*	*	*	B	F	*	*			
Movement:	LT	-	LTR	-	RT	LT	-	LTR	-	RT	LT	-	LTR	-	RT
Shared Cap.:	xxxx	xxxx	xxxxxx	xxxx	xxxx	xxxxxx	117	xxxx	xxxxxx	xxxx	xxxx	231			
Shared Queue:	xxxxxx	xxxx	xxxxxx	xxxxxx	xxxx	xxxxxx	3.7	xxxx	xxxxxx	xxxxxx	xxxx	2.3			
Shrd ConDel:	xxxxxx	xxxx	xxxxxx	xxxxxx	xxxx	xxxxxx	86.6	xxxx	xxxxxx	xxxxxx	xxxx	33.5			
Shared LOS:	*	*	*	*	*	*	F	*	*	*	*	D			
Approach Del:	xxxxxx			xxxxxx			36.4			36.5					
Approach LOS:	*			*			E			E					

\*\*\*\*\*

Note: Queue reported is the number of cars per lane.

\*\*\*\*\*

  
WEST RIDGE  
DEVELOPMENT SERVICES LLC  
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REDMOND, OR 97759  
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## WATER SYSTEM IMPACT STATEMENT

**Project:** McKenzie Meadow Village, Project No. 06-054

**Re:** Water System Impacts Statement

**Date:** June 8, 2010

**By:** David D. Abbas, P.E. *David D. Abbas*

---

West Ridge Development Services has prepared this water impact statement in accordance with the City of Sisters requirements. Please refer to the body of this document and the referenced documentation for additional clarification.

The objective of this document is to look at the Water System Capital Facilities Management Plan (prepared by HGE Inc, dated Sept. 2005), existing population the water system is currently serving, existing capacity within the existing water system, and the impacts the McKenzie Meadow Village will have to the existing water system to determine that the system can adequately handle the proposed project.

This Water System Impacts Analysis is divided into the following sections:

- Population and Facility Plan Area
- Water Sources
- Water Storage
- Water Transmission and Distribution
- McKenzie Meadow Village Impacts on Water System
- Conclusion

### POPULATION AND FACILITY PLAN AREA:

The existing population of The City of Sisters is approximately 1,925. The estimated population at the time the Water System Capital Facilities Plan (WSCFP) was prepared (Sept. 2005) was 1,768. The City of Sisters experienced rapid growth in the early – mid 2000's. The WSCFP had anticipated growth the City of Sisters would grow over 5% per year between 2005 and 2011 and 3.13% growth rate between 2010 and 2025. The WSCFP therefore anticipated an overall growth over the planning period (2005 – 2025) of 3.8% per year.

The growth rate over recent years has been reflective of the economic downturn that we have experienced. Therefore, we have seen an average annual growth rate of approximately 1.5% since 2005.

It is important to note that the September 2005 WSCFP included the McKenzie Meadow Village property in the planning area as evidence by Figure 1.2 within the planning document. The WSCFP however reflected the McKenzie Meadow Village property as a Residential "R" zone. The McKenzie Meadow Village project however, is requesting Multi-Family Residential "MFR" zoning to enable the senior assisted living aspects of the project. We had previously coordinated with the City that the original "R" zoning correlated to 131 EDU's based on conservative "R" zoning densities. Therefore, 131 EDU's of this project were included into the WSCFP, as also noted in the annexation agreement for this property.

Due to density requirements within the "MFR" zone, the project is master planned to comply with the minimum density requirements within the "MFR" zone of 9 units per acre. The proposed master plan therefore contains 263 units. At full buildout, the entire McKenzie Meadow Village will consume 217 Equivalent Dwelling Units (EDU's), as shown in the following table:

MIXED USE	NO. OF UNITS	EDU / UNIT RATE	TOTAL EDU'S
Senior Lodge (SL-1)	82	0.7	57.4
Senior Lodge (SL-2)	26	0.7	18.2
Senior Lodge (SL-3)	26	0.7	18.2
Senior Independent Living Cottages (C1-C36)	36	0.9	32.4
Cottages C37-C69 (All Ages)	33	1.0	33.0
Health Care Facility (HC-1)	6 exam rooms	1.3 per exam room	7.8
Townhomes (TH1-TH12)	12	1.0	12.0
Apartments	48	0.8	38.4
<b>TOTALS</b>	<b>263</b>		<b>217.4</b>

Therefore, the proposed master plan contains 86 additional EDU's (217-131) in addition to what was accounted for this property in the WSCFP.

At an occupancy rate of 2.2 persons per EDU per the WSCFP, the McKenzie Meadow Village property at full build-out would increase the population by an estimated 477 people (217 edu's x 2.2), resulting in a population base of 2,402. The McKenzie Meadow Village project is a phased project with full build-out occurring likely in the 6-10 year horizon.

**WATER SOURCES:**

The City of Sisters has three developed well sources: Well No. 1 (City Well), Well No. 2 (High School Well), and the recently constructed Well No. 3 (Sun Ranch Business

Park). Well No. 3 primarily operates during the summer months, during peak demand. The City is working on water rights transfers from Well No. 2 to Well No. 3 to enable additional operating parameters for Well No. 3.

The existing well capacities are summarized in the following table:

<b>WELL SOURCE</b>	<b>WELL CAPACITY</b>
Well No. 1 (City Well)	750 gpm
Well No. 2 (high School Well)	750 gpm
Well No. 3 (Sun Ranch Business Park)	1550 gpm
<b>TOTAL WELL CAPACITY</b>	<b>3,050 gpm</b>

The City recently constructed the Well No. 3 as recommended in the WSCFP to improve source capacity and to tremendously improve water system capabilities.

**WATER STORAGE:**

The City of Sisters has a single 1.6 MG concrete reservoir constructed in 1995. The reservoir is believed to be in excellent condition, and will provide good service through the planning period. While a new additional reservoir will be needed within the 20 planning horizon, the existing storage reservoir and well sources are capable of providing good service to the existing City of Sisters population and the McKenzie Meadow Village project.

**WATER TRANSMISSION AND DISTRIBUTION:**

The City of Sisters overall has a very good transmission and distribution system consisting of well looped 10" and 12" waterlines forming a distribution gridiron with internal loops. McKenzie Meadow Village is adjacent to McKinney Butte Road which currently has an existing 12" diameter waterline within the right of way. The existing 12" waterline is part of a main loop for this area with additional internal looping. The main loop consist of mostly 12" diameter waterlines with some 10" diameter waterlines and with the loop generally routed along McKinney Butte Road and McKenzie Highway 242 with internal looping. There are two existing water stubs out to the McKenzie Meadow Village property.

West Ridge Development Services contacted the Sisters-Camp Sherman Rural Fire District to research and determine fire flow availability in the area. The most recent fire hydrant test were performed in this area were in 2008 which is prior to the new Well No. 3 being on line. It is believed that the new Well No. 3 improves the fire flow availability within town while in operation. The following table summarizes the available fire flows:

EXTG FIRE HYDRANT AND TEST DATE	LOCATION	STATIC PRESSURE (psi)	RESIDUAL PRESSURE (psi)	OBSERVED FLOW (gpm)	CALCULATED FLOW AT 20 PSI RESIDUAL
208 (2008)	McKinney Butte Road adjacent to MMV	64	53	841	1778
188 (2008)	High School Property West of MMV	51	44	713	1592
96 (2008)	McKinney Butte Road East of MMV	58	46	752	1401

Taking the average of the tests shows that 1590 gpm is available within the water system in this area. Per the Sisters-Camp Sherman Fire District, the minimum fire flow requirement for single family type housing is 1,000 gpm. The fire flow requirements for the senior lodges however, will depend on size, building materials, and internal sprinkler system design to determine if adequate fire flow is available for these structures or if the senior lodges will require supplemented fire flows. This review will occur during the Site Design submittal for the lodges.

**MCKENZIE MEADOW VILLAGE IMPACTS ON THE WATER SYSTEM:**

**WATER SOURCES:**

West Ridge Development Service reviewed the WSCFP to apply and relate the methodology used in the plan, to compare and describe the impacts of the McKenzie Meadow Village Project to the City water system. The WSCFP had calculated the water requirements at the time of the plan preparation based on known population and records. The water demands at the time of WSCFP are summarized as:

**Water Requirements at Time of WSCFP Planning Document (Sept. 2005)**

FLOW PARAMETER	ESTIMATED PRODUCTION FLOW PER CAPITA (gpcd)	RATIO OF DEMAND PARAMETER TO ADD	WSCFP DEMAND (MGD)
ADD: Average Daily Demand	421	1	0.602
MMD: Maximum Monthly Demand	977	2.32	1.396
MDD: Maximum Day Demand	1360	3.23	1.944
PHD: Peak Hour Demand	2442	5.80	3.490

As described in the WSCFP, the 421 gpcd value is a high consumption rate. An overall average for water production on a per capita basis would normally be in the 100-120 GPCD range with a design value of 235 gpcd. The influences of tourists in the City of Sisters are a factor in this high value. Water conservation is an important element described in the WSCFP to limit water useage to aid in protecting a limited resource, such as water. The most important method to achieving water conservation is to address reduction of system losses within the system. Therefore, while anticipating water conservation efforts to reduce system demands in the system, but while also recognizing the impact that tourism has on the system, the WSCFP identifies 346 gpcd as the design basis for per capita demands and water production.

The existing water demands based on the current population are then summarized as follows:

**Current Water Requirements Based on Current Population of 1,925**

<b>FLOW PARAMETER</b>	<b>ESTIMATED PRODUCTION FLOW PER CAPITA (gpcd)</b>	<b>RATIO OF DEMAND PARAMETER TO ADD</b>	<b>CURRENT DEMAND (MGD)</b>
ADD: Average Daily Demand	346	1	0.666
MMD: Maximum Monthly Demand	803	2.32	1.545
MDD: Maximum Day Demand	1118	3.23	2.151
PHD: Peak Hour Demand	2007	5.80	3.863

Accounting for the McKenzie Meadow Village project by adding 477 people to the population base for a population of 2,402 at buildout, as described above, provides for water demands summarized as follows:

**McKenzie Meadow Village Full Buildout Water Requirements Based on Population of 2,402**

<b>FLOW PARAMETER</b>	<b>ESTIMATED PRODUCTION FLOW PER CAPITA (gpcd)</b>	<b>RATIO OF DEMAND PARAMETER TO ADD</b>	<b>FUTURE BUILDOUT DEMAND (MGD)</b>
ADD: Average Daily Demand	346	1	0.831
MMD: Maximum Monthly Demand	803	2.32	1.928
MDD: Maximum Day Demand	1118	3.23	2.684
PHD: Peak Hour Demand	2007	5.80	4.820

Therefore, a summary of the water demands and production requirements for the existing served population and with the addition of the McKenzie Meadow Village at full buildout is as follows:

**McKenzie Meadow Village Full Build-Out Water Demands and Production Requirements Based on Population of 2,402**

FLOW PARAMETER	ESTIMATED PRODUCTION FLOW PER CAPITA (gpcd)	RATIO OF DEMAND PARAMETER TO ADD	WATER PRODUCTION REQUIREMENTS	
			(mgd)	(gpm)
ADD: Average Daily Demand	346	1	0.831	577
MMD: Maximum Monthly Demand	803	2.32	1.928	1,339
MDD: Maximum Day Demand	1118	3.23	2.684	1,865
PHD: Peak Hour Demand	2007	5.80	5.80	3,348

WATER STORAGE:

The WSCFP analyzed the water storage needs for the City of Sisters and determined that based on the extremely high estimated production flow per capita rate of 421 gpcd, that the City's water storage requirement was approximately equal to the existing reservoir capacity. Therefore, the capital improvement recommendations called for a new 2.5 MG reservoir to be SDC funded. The City has since constructed the new Well No. 3 within the system which will be a large benefit to the overall system. WRDS analyzed the water storage needs for the current population of 1925 and for the future population of 2402 people to include the McKenzie Meadow Village project, with an allowance for the new existing well capacity and the update per capita flow production rate.

Results show the city currently has approximately their reservoir capacity needs with the existing 1.6 MG reservoir and well capacity. As growth occurs within the City, the need for additional storage space will increase. West Ridge Development Services suggest that the City continue to plan for the SDC funded new reservoir as detailed in the WSCFP.

The McKenzie Meadow Village project is a phased project with ultimate build-out occurring years down the road. As the initial phases of McKenzie Meadow Village develop, the project will be contributing to the future reservoir and other water capital improvement projects through System Development Charges (SDC) fees.

WATER TRANSMISSION AND DISTRIBUTION:

As previously discussed, there is 1590 gpm available in the system, at 20 psi residual, in the area of the McKenzie Meadow Village project, according to 2008 fire flow test data acquired from the Sister-Camp Sherman Rural Fire District. Note that this flow data is prior to the completion of the new Well No. 3. The following table summarizes the water demands by phase:

## McKenzie Meadow Village Phased Water Demand Summary

PHASE	# OF UNITS	# OF EDU's	TOTAL # OF EDU'S BY PHASE	WATER DEMAND GPD	AVERAGE DAILY WATER DEMAND GPM	PEAK HOUR DEMAND GPM
1	76	62.6	62.6	47,651	33	192
2	52	38.8	101.4	29535	21	119
3	13	11.7	113.1	8906	6	36
4	20	17.6	130.7	13397	9	54
5	11	10.7	141.4	8415	6	33
6	12	12	153.4	9134	6	37
7	9	9	162.4	6851	5	28
8	24	19.2	181.6	14615	10	59
9	14	11.6	193.2	8830	6	36
10	26	18.2	211.4	13854	10	56
11	6	6	217.4	4567	3	18
<b>TOTAL</b>	<b>263</b>	<b>217.4</b>	<b>217.4</b>	<b>165485</b>	<b>115</b>	<b>661</b>

Notes: Water demands estimated an average daily demand rate of 346 gpcd.

As previously discussed, the McKenzie Meadow Village property was included in the WSCFP for a total of 131 EDU's. As you can see by the above phasing summary, phases 1 through 4 utilize 130.7 EDU's.

The affordable housing Senior Lodge (SL-2) is anticipated within phase 1 of the project. While all EDU's impact the system, no matter what the project, for clarification, the agreement between the owners and the affordable senior housing developers is that the affordable senior housing phase 1 and 2 projects (SL-1 and SL-2), will be required to coordinate and mitigate with the City for EDU's associated with their projects, separate from the original 131 EDU's identified for this property. I believe the affordable senior housing development has already been in contact with the city regarding this.

Each affordable senior lodge (SL-2 and SL-3) accounts for 18.2 EDU's each for a total of 36.4 EDU's. Phase 1 and phase 2 of the senior affordable housing projects are anticipated in Phase 1 and Phase 10 of the overall masterplan, respectively. To compare the current McKenzie Meadow Village project to the original 131 EDU's accounted for in the WSCFP and to account for the affordable senior housing projects coordinating and mitigating EDU's for their projects, we looked at each of the initial phases.

The WSCFP 131 EDU's for the McKenzie Meadow Village project would be fully utilized within Phase 6 of the project (153.4 EDU's minus 18.2 EDU's for senior affordable housing (SL-1) = 135.2 EDU's). Build-out of phases 1-6 results in calculated average daily water demand of 81 gpm and a peak hour demand of 470 gpm. If phase 1 of senior affordable housing (SL-1) is included in the EDU useage count, the 131 EDU threshold would be fully utilized with phase 4 at 130.7 EDU's. Build-out of phases 1-4

results in calculated average daily water demand of 69 gpm and a peak hour demand of 401 gpm.

Complete build-out of the McKenzie Meadow Village project results in 217.4 EDU's. The full build-out of McKenzie Meadow Village results in a calculated average daily water demand of 115 gpm and a peak hour demand of 667 gpm.

The water system appears to have adequate system pressure and flow capacity available for the McKenzie Meadow Village project.

### **CONCLUSION:**

In summary, with the inclusion of 131 EDU's for the McKenzie Meadow Village property in the current WSCFP and with the recent addition of the new Well No. 3 to the water system, the water system appears adequate to handle the current McKenzie Meadow Village master plan project. Due to other potential developments and growth which could occur within the City of Sisters, it is important for the City of Sisters to continue pursuing the Water Capital Improvement Plan as outlined in the WSCFP including:

- Water rights transfers to Well No. 3 and continued improvements to Well No's 1 and 2.
- Future reservoir for additional storage capacity
- Continued improvement transmission and distribution system which includes additional internal water line looping in the vicinity of the McKenzie Meadow Village property
- Updating the City of Sisters Water Master Plan

The SDC fees generated from this project, and other projects, will help fund the implementation of the water capital improvement projects and updating the Water Master Plan.



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## SEWER SYSTEM IMPACT STATEMENT

**Project:** McKenzie Meadow Village, Project No. 06-054

**Re:** Sewer System Impacts Statement

**Date:** June 15, 2010

**By:** David D. Abbas, P.E.

---

West Ridge Development Services has prepared this sewer impact statement in accordance with the City of Sisters requirements. Please refer to the body of this document and the referenced documentation for additional clarification.

The objective of this document is to look at the Wastewater System Capital Facilities Plan (WSCFP) (prepared by HGE Inc, dated Feb. 2006), the sewer basin area being served in the area of this project, existing capacity within the existing sewer system, and the impacts the McKenzie Meadow Village (MMV) will have to the existing sewer system to determine that the system can adequately handle the proposed project.

This Sewer System Impacts Analysis is divided into the following sections:

- Population and Facility Plan Area
- Sewer Basin Description
- Sewer Basin Flow Estimation
- Existing Sewer Facility and Flow Capacity
- McKenzie Meadow Village Impacts on Sewer System
- Conclusion

### POPULATION AND FACILITY PLAN AREA:

The existing population of The City of Sisters is approximately 1,925. The estimated population at the time the Water System Capital Facilities Plan (WSCFP) was prepared (Feb. 2006) was 1,768. The City of Sisters experienced rapid growth in the early – mid 2000's. The WSCFP had anticipated growth the City of Sisters would grow over 5% per year between 2005 and 2011 and 3.13% growth rate between 2010 and 2025. The WSCFP therefore anticipated an overall growth over the planning period (2005 – 2025) of 3.8% per year.

The growth rate over recent years has been reflective of the economic downturn that we have experienced. Therefore, we have seen an average annual growth rate of approximately 1.5% since 2005.

It is important to note that the February 2006 WSCFP included the McKenzie Meadow Village property in the planning area within the document. The WSCFP however envisioned the McKenzie Meadow Village property as a Residential "R" zone. The McKenzie Meadow Village project however, is requesting Multi-Family Residential "MFR" zoning to enable the senior assisted living aspects of the project. We had previously coordinated with the City that the original "R" zoning correlated to 131 EDU's based on conservative "R" zoning densities. Therefore, 131 EDU's of this project were included into the WSCFP, as also noted in the annexation agreement for this property. It is also West Ridge Development Services understanding that the owners of the McKenzie Meadow Village property were a part of the consortium at the time the sewer main was constructed within McKinney Butte Road and had contributed funds to the construction and over sizing of the sewer main.

Due to density requirements within the "MFR" zone, the project is master planned to comply with the minimum density requirements within the "MFR" zone of 9 units per acre. The proposed master plan therefore contains 263 units. At full buildout, the entire McKenzie Meadow Village will utilize 217 Equivalent Dwelling Units (EDU's), as shown in the following table:

MIXED USE	NO. OF UNITS	EDU / UNIT RATE	TOTAL EDU'S
Senior Lodge (SL-1)	82	0.7	57.4
Senior Lodge (SL-2)	26	0.7	18.2
Senior Lodge (SL-3)	26	0.7	18.2
Senior Independent Living Cottages (C1-C36)	36	0.9	32.4
Cottages C37-C69 (All Ages)	33	1.0	33.0
Health Care Facility (HC-1)	6 exam rooms	1.3 per exam room	7.8
Townhomes (TH1-TH12)	12	1.0	12.0
Apartments	48	0.8	38.4
<b>TOTALS</b>	<b>263</b>		<b>217.4</b>

Therefore, the proposed master plan contains 86 additional EDU's (217-131) in addition to what was accounted for this property in the WSCFP.

At an occupancy rate of 2.2 persons per EDU per the WSCFP, the McKenzie Meadow Village property at full build-out would increase the population by an estimated 477 people (217 edu's x 2.2), resulting in a population base of 2,402. The McKenzie Meadow Village project is a phased project with full build-out occurring likely in the 6-10 year horizon.

**SEWER BASIN DESCRIPTION:**

The McKenzie Meadow Village project is located northwest of Sisters off of McKinney Butte Road and is located in between the existing Sisters High School (to the west) and Village at Cold Springs project (to the east). This area is currently provided sanitary sewer service via an existing 12" pvc (3034) sewer main constructed within the McKinney Butte Road right-of-way. The 12" sewer main transitions to a 15" sewer main at Highway 20 and ultimately to an 18" sewer main, which carries sewage flows to the existing sewer pump station #1.

The sewer basin areas served by this existing 12" sewer main, the zoning descriptions, and the design flow parameters per the WSCFP are summarized in the following table:

<b>ZONE</b>	<b>AREA</b>	<b>DESIGN FLOW PARAMETER</b>
CH: Commercial Highway	1,481,065 SF 34.0 Acres	5,000 SF / EDU
R-MFSD: Residential Multi-Family Sub District	3,671,571 SF 84.3 Acres	5,000 SF / EDU
UAR: Urban Area Reserve	1,470,272 SF 33.8 Acres	10,000 SF / EDU
PF: Public Facilities Schools	6438506 SF 147.8 Acres	10,000 SF / EDU
MFR: Multi Family Residential for M.M.V.	1,214,453 SF 27.88 Acres	5,000 SF / EDU
PF: Public Facilities (Park and Health Clinic)	92347 SF 2.12 Acres	2000 SF / EDU
<b>TOTAL SEWER BASIN AREA</b>	<b>14,368,214 SF</b> <b>329.8 Acres</b>	

**SEWER BASIN FLOW ESTIMATION:**

Based on the above sewer basin areas and zoning designations, the sewer flows were estimated for full build-out to assess the capacity status of the existing 12" sewer trunk main serving this area. The full build-out estimated sewer flows are summarized in the following table:

<b>ZONE</b>	<b>No. of EDU's</b>	<b>DESIGN FLOW at 125 Gallons per Day</b>
CH: Commercial Highway	296	37,027 gpd
R-MFSD: Residential Multi-Family Sub District	734	91,789 gpd
UAR: Urban Area Reserve	147	18,378 gpd
PF: Public Facilities Schools	644	80,481 gpd
MFR: Multi Family Residential for M.M.V.	243	30361 gpd
PF: Public Facilities (Park and Health Clinic) for M.M.V.	46	5772 gpd
<b>TOTALS</b>	<b>2110</b>	<b>263,809 GPD</b>

Note that the above table, using the parameters provided for in the WSCFP, estimates the EDU count for the MMV property at 289 EDU's (243 + 46). The actual EDU count for this property based on the master plan is 217.4, as discussed above. These are comparable figures considering that McKenzie Meadow Village master plan is proposed at the lower end of the density range for Multi-Family Residential zone.

The design flow parameter for daily flow of 263,809 GPD from the above table correlates to:

263,809 gallons per day  
 10,992 gallons per hour  
 183 gallons per minute  
**0.408 cubic feet per second**

Per the WSCFP, utilizing a peaking factor of 2.4 for a pipeline designed to run no greater than 50% full, the daily peak flows for this sewer basin therefore are:

633,141 gallon per day peak  
 26,381 gallons per hour peak  
 440 gallons per minute peak  
**0.980 cubic feet per second peak**

#### EXISTING SEWER FACILITY AND FLOW CAPACITY:

The capacity of the existing 12" pvc sewer main within McKinney Butte Road was researched to confirm adequate capacity exists for above build-out scenario of the sewer basin.

The 12" sewer trunk main starts at Hwy 20 where it transitions into a larger 15" sewer main. Working from Highway 20 west along McKinney Butte Road, the existing 12" sewer main design was reviewed for slope and capacity of the sewer main. The slope of the existing sewer main varies from 0.0035 FT/FT (0.35%) through the majority of the line, to 0.01 FT/FT (1.0%) near the Sisters High School. Utilizing the Manning's Equation to calculate the flow capacity of the existing 12" sewer trunk main flowing half full provides:

- Mannings "n" coefficient = 0.009
- Flow Area = 0.3927 SF (flowing half full)
- Wetted Perimeter = 1.5708 FT (flowing half full)
- Hydraulic Radius = 0.25 FT (flowing half full)
- Slope = 0.0035 FT/FT
- **Flow Capacity = 1.5264 CFS**

The existing sewer main therefore has capacity to handle the daily peak flow of 0.98 cubic feet per second for the sewer basin.

Per the WSCFP, the existing sewer pump stations and waste water treatment plant have sufficient capacity to handle the projected influent flows through the planning year

2025, which utilized and estimated population of 3,747 people. Therefore, with the WSCFP already including the McKenzie Meadow Village property in the planning area for 131 EDU's and the slower than anticipated population growth, it is WRDS opinion that the existing sewer facility and flow capacities are able to handle the proposed McKenzie Meadow Village project.

**McKenzie Meadow Village Impacts on the Sewer System:**

The proposed master plan for McKenzie Meadow Village project, and the corresponding 217 EDU's (217.4), will generate an average daily sewage flow of 27,125 GPD (217 edu's x 125 gpd/edu) or 0.042 CFS, and peak daily flow of 65,100 GPD (27,125 gpd x 2.4 peak factor) or 0.101 CFS. This correlates to 2.8% (daily) and 6.6% (peak) of the existing 12" sewer main capacity.

**Conclusion:**

In summary, with the inclusion of 131 EDU's for the McKenzie Meadow Village property in the current WSCFP, the sewer system appears adequate to handle the current McKenzie Meadow Village master plan project.

The SDC fees generated from this project, and other projects, will help fund the implementation of the sewer capital improvement projects and updating the Sewer Master Plan.

AGENDA ITEM SUMMARY



CITY OF SISTERS  
SISTERS CITY COUNCIL

**Meeting Date:** May 26, 2016

**Staff:** J. O'Neill/P. Davenport

**Type:** Meeting

**Dept:** Finance/CDD

**Subject:** Master Fee Schedule revisions

**Action Requested:** Approve Master Fee Schedule revisions to Finance and CDD's fees

**Summary:** City Council has directed staff to increase City of Sister's dump station fees at Creekside Campground. Attachment A reflects that update to the master fee schedule. This fee revision is proposed to be effective upon passage of the resolution.

CDD staff are proposing several revisions to the fee schedule associated with land use review. Attachment B reflects the proposed changes to those fees. The purpose for these fee revisions are to reflect appropriate review costs associated with certain land use applications. Staff is proposing that these fees become effective on July 1, 2016.

**Fiscal Impact:** Fees for waste water dumping at Creekside Campground will increase from \$5 to \$10 per dump. Regarding the CDD fee schedule revisions, some fees will decrease, some will increase and some fees will be eliminated due to the Building Code Administration program change. An exact fiscal impact to CDD budget hasn't been quantified but the overall net effect should be minimal.

**Attachments:**

- Attachment A; Finance Department revisions to the Master Fee Schedule
- Attachment B: CDD revisions
- Attachment C: Draft Resolution 2016-14

Concurrence:  CM  F&A  CDD  PW

## SISTERS OVERNIGHT PARK

*(All RV and Tent sites are for a maximum of 6 persons and 2 motor vehicles per site)*

SOP	1	Additional Person	2.00	per night
SOP	2	Additional Motor Vehicle	5.00	per night
SOP	3	Fire Wood	5.00	per bundle
SOP	4	Non Hook-Up RV Site	15.00	per night
SOP	5	Senior Rate	10.00	per night
		Maximum of 6 people and 2 motor vehicles per site		
SOP	6	Full Hook-Up RV Site - 30 AMP	35.00	per night
SOP	7	Senior Rate	30.00	per night
		Maximum of 6 people and 2 motor vehicles per site		
SOP	8	Full Hook-Up RV Site - 50 AMP	40.00	per night
SOP	9	Senior Rate	35.00	per night
		Maximum of 6 people and 2 motor vehicles per site		
SOP	10	RV Dump Fee	<del>5.00</del> <b>10.00</b>	
SOP	11	Tent Site	15.00	per night
SOP	12	Senior Rate	10.00	per night
SOP	13	Hiker/Cyclist	5.00	per person/per night

**Current Fee Schedule as 11/20/2014**

**CURRENT**

ITEM NO.	DESCRIPTION	FEE (\$)	UNIT AND/OR COMMENT
<b>COMMUNITY DEVELOPMENT</b>			
<b>Building Permits</b> See attachment A			
<b>Planning Fees</b>			
CDD 1	Accessory Dwelling (Type I)	\$500	Chapter 2.15.300
CDD 2	Agreement Recording (not tied to Land Use Decision)	\$600	
CDD 3	Annexation	\$3,500	Plus election cost - 4.1
	<b>Appeal</b>		Chapter 4.1.800
CDD 4	First Appeal	\$250	
CDD 5	Subsequent Appeals	\$1,500	Plus cost of transcripts
CDD 6	Code Interpretation (Type II)	\$300	Chapter 4.8
CDD 7	Comprehensive Plan / Ordinance Amendment	\$4,000	Chapter 4.1 and 4.7
CDD 8	Minor Conditional Use *	\$1,200	Chapter 4.4
CDD 9	Conditional Use *	\$2,400	Chapter 4.4
CDD 10	Extension Fee (First)	\$150	
CDD 11	Extension (Second)	\$250	
CDD 12	Final Plat Review/Condominium Plat Review	\$500	Chapter 4.3.700
CDD 13	Historic Landmarks Commission Review	\$500	
CDD 14	Home Occupation	\$100	Chapter 2.15.700
CDD 15	Lot Line Adjustment	\$500	Chapter 4.3.1100
	<b>Master Planned Development</b>		Chapter 4.5
CDD 16	0 to 4.99 acres	\$4,000	
CDD 17	5 to 10 acres	\$5,000	
CDD 18	More than 10 acres	\$6,000	
CDD 19	Partition/Replat	\$1,600	Chapter 4.3
CDD 20	Pre-application/Design Review (initial meeting)	\$300	
CDD 21	Pre-application/Design Review (additional meeting)	\$75	/per hour
CDD 22	Sign, Permit	\$100	Chapter 3.4
CDD 23	Additional sign, same application	\$40	Chapter 3.4
CDD 24	Temporary Sign Permit	\$10	Chapter 3.4.1000
CDD 25	Portable Sign	\$40	Annually - Chapter 3.4.600.M.
CDD 26	Relocation of approved signs	\$40	
	<b>Site Plan Review *</b>		Chapter 4.2
CDD 27	Less Than 1,000 sq.ft.	\$2,000	
CDD 28	1,001 to 5,000 sq.ft.	\$2,500	
CDD 29	5,001 to 10,000 sq.ft.	\$3,500	
CDD 30	More than 10,000 sq.ft.	\$4,000	
CDD 31	Accessory structure (not including residential) 201 sq.ft. to 1,000 sq.ft.	\$500	Chapter 2.15.400 and 4.2
	<b>Site Suitability Check / Land Use Review</b>		
CDD 32	Residential	\$250	
CDD 33	Commercial / Industrial / Other	\$500	
CDD 34	Subdivision/Replat	\$4,000	Plus \$20/lot - Chapter 4.3
CDD 35	Temporary Use Permit (Type I)	\$150	Chapter 2.15.1900
CDD 36	Temporary Use Permit (Type II)	\$500	Chapter 2.15.1900
CDD 37	Type I Review - New SFR, Townhouse, Duplex, Manufactured Dwellings in DC District	\$150	Ch. 2.4, 2.15.900 (manufactured); 2.15.1300 (townhse)
CDD 38	Minor Variance	\$1,200	Chapter 5.1
CDD 39	Major Variance	\$2,400	Chapter 5.1
CDD 40	Vacation Rental (Type I)	\$150	
CDD 41	Zone Change	\$6,000	Chapter 4.1 and 4.7
CDD 42	Hearing Fee	\$500	
CDD 43	Rebuild/LUCS	\$50	
CDD 44	Lot of Record Verification	\$500	
CDD 45	Modification to Approved Decision	25% of original fee	
	<b>Miscellaneous Planning Fees</b>		
CDD 46	Research	\$100	/per hour
	<b>Maps</b>		
CDD 47	Small (8 1/2 x 11)	\$5	
CDD 48	Medium ( 11 x 17)	\$15	
CDD 49	Large (24 x 36 or larger)	\$30	
CDD 50	Comprehensive Plan Copy	\$20	
CDD 51	Development Code Copy	\$50	
CDD 52	Other Documents	\$25	
CDD 53	Tree Replacement Fee	\$175	Chapter 3.2.500.D.2.C
CDD 54	Parking 'In-Lieu' of Development Fee	\$2,314	/per space
	<b>Public Works Development Plan Review</b>		
CDD 55	Commercial / Industrial Development/Other	\$500	Plus \$.10/Sq.Ft. or \$50/lot
CDD 56	Residential Development	\$500	Plus \$50/unit or lot

**CITY OF SISTERS  
MASTER FEE SCHEDULE**

**PROPOSED FEE SCHEDULE CHANGES (annotated)**

TEM NO.	CURRENT FEE (\$)	PROPOSED FEE (\$)	UNIT AND/OR COMMENT	NOTES
CDD 1 Accessory Dwelling (Type I)	\$500.00	\$500.00	Chapter 2.15.300	
CDD 2 Agreement Recording (not tied to Land Use Decision)	\$600.00	\$600.00		
CDD 3 Annexation	\$3,500.00	\$3,500.00	Plus election cost - 4.1	
Appeals	\$0.00		Chapter 4.1.800	
CDD 4 First Appeal	\$250.00			Revise to \$500
CDD 4 Appeal of staff decision to Planning Commission	\$250.00	\$500.00		
CDD 5 Subsequent Appeals	\$1,500.00			
CDD 5 Appeal of Planning Commission decision to City Council	\$1,500.00	\$2,500.00	Plus cost of transcripts	Revise to \$2,500
CDD 6 Code Interpretation (Type II)	\$300.00	\$300.00	Chapter 4.8	
CDD 7 Comprehensive Plan / Ordinance Amendment	\$4,000.00	\$4,000.00	Chapter 4.1 and 4.7	
CDD 8 Minor Conditional Use *	\$1,200.00	\$500.00	Chapter 4.4	Revise to \$500
CDD 9 Conditional Use *	\$2,400.00	\$2,000.00	Chapter 4.4	Revise to \$2000
CDD 10 Extension Fee (First)	\$150.00	\$150.00		Revise to \$500
CDD 11 Extension (Second)	\$250.00	\$500.00		Revise to \$500
CDD 12 Final Plat Review/Condominium Plat Review	\$500.00	\$500.00	Chapter 4.3.700	Revise to \$500 for the first three lots, then \$25.00 per lot
CDD 13 Historic Landmarks Commission Review	\$500.00	\$500.00		Eliminate fee
CDD 14 Home Occupation	\$100.00	\$100.00	Chapter 2.15.700	
CDD 15 Lot Line Adjustment	\$500.00	\$250.00	Chapter 4.3.1100	Revise to \$250
Master Planned Development	\$0.00		Chapter 4.5	
CDD 16 0 to 4.99 acres	\$4,000.00	\$4,000.00		
CDD 17 5 to 10 acres	\$5,000.00	\$5,000.00		
CDD 18 More than 10 acres	\$6,000.00	\$6,000.00		
CDD 19 Partition/Replat	\$1,600.00	\$1,600.00	Chapter 4.3	
CDD 20 Pre-application/Design Review (initial meeting)	\$300.00	\$300.00		Eliminate fee
CDD 21 Pre-application/Design Review (additional meeting)	\$75.00	\$75.00	/per hour	Eliminate fee
CDD Roll change	\$0.00	\$100.00		Add new fee
CDD 22 Sign, Permit	\$100.00	\$100.00	Chapter 3.4	For new sign and structure
CDD Replacing sign facia, no structural changes	\$100.00	\$50.00		Revised from \$100 to \$50
CDD 23 Additional sign, same application	\$40.00	\$25.00	Chapter 3.4	Revise to \$25
CDD 24 Temporary Sign Permit	\$10.00	\$10.00	Chapter 3.4.1000	
CDD 25 Portable Sign	\$40.00	\$40.00	Annually - Chapter 3.4.600.M.	
CDD 26 Relocation of approved signs	\$40.00	\$40.00		
Site Plan Review*	\$0.00		Chapter 4.2	
CDD 27 Less Than 1,000 sq.ft.	\$2,000.00	\$2,000.00		
CDD 28 1,001 to 5,000 sq.ft.	\$2,500.00	\$2,500.00		
CDD 29 5,001 to 10,000 sq.ft.	\$3,500.00	\$3,500.00		
CDD 30 More than 10,000 sq.ft.	\$4,000.00	\$4,000.00		
Accessory structure (not including residential)	\$0.00		Chapter 2.15.400 and 4.2	
CDD 31 201 sq.ft. to 1,000 sq.ft.	\$500.00	\$250.00		Revise to \$250
Site Suitability Check / Land Use Review				
CDD 32 Residential	\$250.00	\$250.00		To be replaced with building permit review fee = 0.025% of job value
CDD 33 Commercial / Industrial / Other	\$500.00	\$500.00		To be replaced with building permit review fee = 0.025% of job value
CDD 34 Subdivision/Replat	\$4,000.00	\$4,000.00	Chapter 4.3	Keep \$4,000, drop per lot fee
CDD 35 Temporary Use Permit (Type I)	\$150.00	\$150.00	Chapter 2.15.1900	
CDD 36 Temporary Use Permit (Type II)	\$500.00	\$500.00	Chapter 2.15.1900	
CDD 37 Type I Review - New SFR, Townhouse, Duplex, Manufactured Dwellings in DC District	\$150.00	\$150.00	Ch. 2.4, 2.15.900 (manufactured); 2.15.1300 (townhse)	Eliminate fee
CDD 38 Minor Variance	\$1,200.00	\$500.00	Chapter 5.1	Revise to \$500

**CITY OF SISTERS  
MASTER FEE SCHEDULE**

TEM NO.	FEE (\$)	FEE (\$)	UNIT AND/OR COMMENT	NOTES
CDD 39 Major Variance	\$2,400.00	\$1,500.00	Chapter 5.1	Revise to \$1,500 for one category, \$500 for each additional category
CDD 40 Vacation Rental (Type I)	\$150.00	\$250.00		Revise to \$250
CDD 41 Zone Change	\$6,000.00	\$6,000.00	Chapter 4.1 and 4.7	
CDD 42 Hearing Fee	\$500.00	\$500.00		
CDD 43 Rebuild/LUCS	\$50.00	\$25.00		Revise to \$25
CDD 44 Lot of Record Verification	\$500.00	\$500.00		
CDD 45 Modification to Approved Decision	Keep at 25% of original fee, add \$25 per lot/unit or \$0.10/sq. ft. for commercial; applicable to approvals issued after July 1, 2010.			
CDD 46 Research	\$100.00	\$100.00	/per hour	
	\$0.00			
<b>Maps (copies)</b>	\$0.00			
CDD 47 Small (8 1/2 x 11)	\$5.00	\$1.00		Revise to \$1.00
CDD 48 Medium ( 11 x 17)	\$15.00	\$5.00		Revise to \$5.00
CDD 49 Large (24 x 36 or larger)	\$30.00	\$10.00		Revise to \$10.00
CDD 50 Comprehensive Plan Copy	\$20.00	\$20.00		Digital versions no charge or charges per Public Records Request policy
CDD 51 Development Code Copy	\$50.00	\$50.00		Digital versions no charge or charges per Public Records Request policy
CDD 52 Other Documents	\$25.00	\$25.00		Digital versions no charge or charges per Public Records Request policy
CDD 53 Tree Replacement Fee	\$175.00	\$175.00	Chapter 3.2.500.D.2.C	
CDD 54 Parking 'In-Lieu' of Development Fee	\$2,314.00	\$2,314.00	/per space	
	\$0.00			
<b>Public Works Review Fees</b>	\$0.00			
CDD 55 Commercial / Industrial Development/Other	\$500.00	\$500.00	Plus \$.10/Sq.Ft. or \$50/lot	
CDD 56 Residential Development	\$500.00	\$500.00	Plus \$50/unit or lot	

**PROPOSED FEE SCHEDULE EFFECTIVE JULY 1, 2016**

**COMMUNITY DEVELOPMENT DEPARTMENT FEES**

**Building Permits**

See current County Building Division fees

**Planning Fees**

CDD 1	Accessory Dwelling (Type I)	\$500	Chapter 2.15.300
CDD 2	Agreement Recording (not tied to Land Use Decision)	\$600	
CDD 3	Annexation	\$3,500	Plus election cost - 4.1 Chapter 4.1.800
	<b>Appeals</b>		
CDD 4	Appeal of staff decision to Planning Commission	\$500	
CDD 5	Appeal of Planning Commission decision to City Council	\$2,500	Plus cost of transcripts
CDD 6	Code Interpretation (Type II)	\$300	Chapter 4.8
CDD 7	Comprehensive Plan / Ordinance Amendment	\$4,000	Chapter 4.1 and 4.7
CDD 8	Minor Conditional Use *	\$500	Chapter 4.4
CDD 9	Conditional Use*	\$2,000	Chapter 4.4
CDD 10	Extension Fee (First)	\$150	
CDD 11	Extension (Second)	\$500	
CDD 12	Final Plat Review/Condominium Plat Review	\$500	Chapter 4.3.700
CDD 14	Home Occupation	\$100	Chapter 2.15.700
CDD 15	Lot Line Adjustment	\$250	Chapter 4.3.1100 Chapter 4.5
	<b>Master Planned Development</b>		
CDD 16	0 to 4.99 acres	\$4,000	
CDD 17	5 to 10 acres	\$5,000	
CDD 18	More than 10 acres	\$6,000	
CDD 19	Partition/Replat	\$1,600	Chapter 4.3
CDD 20	Roll change	\$100	
CDD 21	Sign, Permit	\$100	Chapter 3.4
CDD 23	Replacing sign facia, no structural changes	\$50	
CDD 24	Additional sign, same application	\$25	Chapter 3.4
CDD 25	Temporary Sign Permit	\$10	Chapter 3.4.1000
CDD 26	Portable Sign	\$40	Annually - Chapter 3.4.600.M.
CDD 27	Relocation of approved signs	\$40	
	<b>Site Plan Review*</b>		Chapter 4.2
CDD 28	Less Than 1,000 sq.ft.	\$2,000	
CDD 29	1,001 to 5,000 sq.ft.	\$2,500	
CDD 30	5,001 to 10,000 sq.ft.	\$3,500	
CDD 31	More than 10,000 sq.ft.	\$4,000	
CDD 32	Accessory structure (not including residential)		Chapter 2.15.400 and 4.2
CDD 33	201 sq.ft. to 1,000 sq.ft.	\$250	
CDD 34	Site Suitability Check / Land Use Review		
CDD 35	Subdivision/Replat	\$4,000	Chapter 4.3
CDD 36	Temporary Use Permit (Type I)	\$150	Chapter 2.15.1900
CDD 37	Temporary Use Permit (Type II)	\$500	Chapter 2.15.1900
CDD 38	Minor Variance	\$500	Chapter 5.1
CDD 39	Major Variance	\$1,500	Chapter 5.1
CDD 40	Vacation Rental (Type I)	\$250	
CDD 41	Zone Change	\$6,000	Chapter 4.1 and 4.7
CDD 42	Hearing Fee	\$500	
CDD 43	Rebuild/LUCS*	\$25	
CDD 44	Lot of Record Verification	\$500	
CDD 45	Modification to Approved Decision		25% of original fee for approvals issued after June 30, 2010 plus \$25 per lot/unit or \$0.10/sq. ft. for commercial
CDD 47	Research	\$100	per hour
	<b>Maps (copies)</b>		
CDD 48	Small (8 1/2 x 11)	\$1	
CDD 49	Medium ( 11 x 17)	\$5	
CDD 50	Large (24 x 36 or larger)	\$10	
CDD 51	Comprehensive Plan Copy	\$20	
CDD 52	Development Code Copy	\$50	
CDD 53	Other Documents	\$25	
CDD 54	Tree Replacement Fee	\$175	Chapter 3.2.500.D.2.C
CDD 55	Parking 'In-Lieu' of Development Fee	\$2,314	/per space
	<b>Public Works Review Fees</b>		
CDD 56	Commercial / Industrial Development/Other	\$500	Plus \$.10/Sq.Ft. or \$50/lot
CDD 57	Residential Development	\$500	Plus \$50/unit or lot

**RESOLUTION NO. 2016-14**

**A RESOLUTION OF THE CITY OF SISTERS  
ADOPTING CHANGES TO THE MASTER FEE SCHEDULE**

**WHEREAS**, the City Council of the City of Sisters, may impose fees that recover the actual costs of providing the services and will do so by resolution modifying the City's Master Fee Schedule; and

**WHEREAS**, the City of Sisters Master Fee Schedule consolidates all the city fees to assist the City staff and public in quickly locating the appropriate fee for service; and

**WHEREAS**, on May 26, 2016 the City Council received public comments on the amendments to the Master Fee Schedule and considered the comments as part of the decision.

**NOW, THEREFORE, BE IT RESOLVED** the City Council of Sisters hereby adopts the amendments to the City's Master Fee Schedule as provided in Exhibit A to this resolution effective upon passage.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** the City Council of Sisters hereby adopts the amendments to the City's Master Fee Schedule as provided in Exhibit B to this resolution effective July 1, 2016.

**ADOPTED** by the City Council and **SIGNED** by the Mayor this 26<sup>th</sup> day of May 2016.

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Chris Frye, Mayor

ATTEST:

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Kathy Nelson, City Recorder