



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

JULY 23, 2015

5:30 P.M. CITY COUNCIL WORKSHOP

1. City Council Applicant Interview
2. Community Grant Allocations – *K. Nelson*
3. Other Business – *A. Gorayeb/Council*

7:00 P.M. CITY COUNCIL REGULAR MEETING

- I. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
- II. COUNCILOR APPOINTMENT**
- III. OATH OF OFFICE FOR APPOINTED COUNCILOR**
- IV. ELECTION OF COUNCIL PRESIDENT**
- V. VISITOR COMMUNICATION**
- VI. CONSENT AGENDA**
 - A. Minutes
 1. June 25, 2015 – Regular Meeting
 2. July 09, 2015 – Regular Meeting
 - B. Bills to Approve
 1. July Accounts Payable
 - C. Liquor License Change of Ownership – The Gallery Restaurant & Bar
- VII. STAFF REPORTS**
 - A. Deschutes County Sheriff's Office
- VIII. COUNCIL BUSINESS**
 - A. **Public Hearing and Consideration of Resolution No. 2015-16: A RESOLUTION OF THE CITY OF SISTERS ADOPTING A SUPPLEMENTAL BUDGET AND**

This agenda is also available via the Internet at www.ci.sisters.or.us

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

ESTABLISHING APPROPRIATIONS WITHIN THE 2015/16 BUDGET
– *L. Fujita-Conrads*

- B. Discussion and Consideration of Resolution No. 2015-17:** A RESOLUTION SUPPORTING THE CREATION OF A COMMITTEE TO FURTHER RESEARCH THE TOP TWO COMMUNITY ASSET PROJECTS IDENTIFIED BY THE COMMUNITY ASSETS COMMITTEE AND AUTHORIZE THE USE OF COMMUNITY ACTION TEAM OF SISTERS FUNDS HELD BY THE CITY OF SISTERS – *K. Nelson*

- C. Public Hearing** for an Appeal of a City of Sisters Planning Commission Decision Relating to Planning Commission. Resolution No. 2015-13 regarding MOD 15-05, SP 15-01– *P. Davenport*

- D. Discussion and Consideration of a Motion** to Award Community Grant Funds for Fiscal Year 2015/16 – *K. Nelson*

IX. OTHER BUSINESS

X. MAYOR/COUNCILOR BUSINESS

XI. ADJOURN

Kathy Nelson

From: MARK MABOLL <marxmark54@yahoo.com>
Sent: Tuesday, June 30, 2015 7:28 AM
To: Kathy Nelson
Subject: Re: Open Council Position

kathy, i am still interested, please submit my name, thank you, mark maboll

From: Kathy Nelson <knelson@ci.sisters.or.us>
To: Kathy Nelson <knelson@ci.sisters.or.us>
Sent: Monday, June 29, 2015 4:05 PM
Subject: Open Council Position

Good Afternoon,

You are receiving this email as a position has come up on the City Council. Since you recently applied for the position I wanted you to know in case being on the City Council was still of interest to you. If you still have an interest in being considered for the position please let me know via email. I will attach your email to the application you submitted previously and you will not need to fill out another application, unless you prefer to do so. I have attached the announcement that will appear in the Nugget newspaper this week. The closing date for applications is July 10th so please let me know prior to that date if you are still interested.

If you have any questions please contact me via email or phone. Thank you.

Kathy Nelson
City Recorder
541-323-5213
knelson@ci.sisters.or.us

DISCLOSURE NOTICE: Messages to and from this E-mail address may be subject to Oregon Public Records Law.



RECEIVED

APR 20 2015

CITY OF SISTERS

CITY OF SISTERS

1. Name: MABOWL MARK LORING
(Last) (First) (Middle) (I go by ...)
 Address: 1690 West Williamson Ave Sisters OR 97759
Street, P. O. Box City State Zip Code
 2. Telephone No.: 720-425-0220 E-mail Address: MARK.MARK54@YAHOO.COM

3. Occupation: Retired / RN / ARMY Work Phone: _____

4. Have you resided within the City of Sisters city limits for the preceding 12 months?
 Yes No _____

5. Are you 18 years of age or older and a registered voter? Yes No _____

6. Statement indicating reason you would like to serve on Sisters City Council: I have
retired to Sisters and it's my home I have
time to devote to the City Council and would
like to help in the management of the city

7. Special skills, interests, hobbies that you believe would bring special value to your ability to serve as a City Councilor:
Good listener + investigator, served in the Army
for 21 years

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

From <u>3/15</u> (Mo/Yr)	Organization <u>Sisters True League</u>
To _____ (Mo/Yr)	Address _____
Type of Organization <u>Recreation</u>	Telephone No. _____
Role: <u>Coach</u>	

If you are still serving in this capacity, do you foresee any conflicts between serving as a City Councilor and _____



From 3/15 (Mo/Yr) Organization Circle of Friends
 To - (Mo/Yr) Address Sisters
 Type of Organization Community Service Telephone No. _____
 Role: Councilor
 If you are still serving in this capacity, do you foresee any conflicts between serving as a City Councilor and the position you currently hold? Yes No

From _____ (Mo/Yr) Organization _____
 To _____ (Mo/Yr) Address _____
 Type of Organization _____ Telephone No. _____
 Role: _____
 If you are still serving in this capacity, do you foresee any conflicts between serving as a City Councilor and the position you currently hold? Yes No

9. How did you hear about this position? Mr Kibban Wamont

References: Brian Wagoner - 541-588-6445
Regan Moffat - 541-719-0587

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

Date: 4/12/15 Signature: M. Mabeal

Please return this application to the City of Sisters Attn: Kathy Nelson City Recorder, 520 E. Cascade Avenue, P. O. Box 39, Sisters, OR, 97759. For more information, please call the City Recorder, Kathy Nelson at (541) 323-5213.

Kathy Nelson

From: Amy Burgstahler <aburgstahler@bendbroadband.com>
Sent: Thursday, July 9, 2015 6:37 AM
To: Kathy Nelson
Subject: Re: Open Council Position; Yes, please resubmit my application; Thank you again

Hi Kathy,

I guess the subject line above pretty much says it all. But just to make it official: Yes, please do resubmit my application for the position. My apologies for waiting until the 9th (only one day before the deadline) to let you know. I've picked up a good amount of marketing/public relations communications work recently, and so I wanted to weigh with great care this decision about the Council position (i.e., the time and professional commitment involved, etc.).

Again, my heartfelt thanks for keeping the previous applicants--myself included--updated on this. Can you tell me if the Selection Committee would be re-interviewing previous candidates? I'm happy to re-interview; I'm just curious about the process and timing.

Best To You As Always,
Amy Burgstahler

Sent from my iPad

On Jun 30, 2015, at 3:36 PM, Amy Burgstahler <aburgstahler@bendbroadband.com> wrote:

Thanks, Kathy, for this update.
Best,
Amy

Sent from my iPad

On Jun 29, 2015, at 4:05 PM, Kathy Nelson <knelson@ci.sisters.or.us> wrote:

Good Afternoon,

You are receiving this email as a position has come up on the City Council. Since you recently applied for the position I wanted you to know in case being on the City Council was still of interest to you. If you still have an interest in being considered for the position please let me know via email. I will attach your email to the application you submitted previously and you will not need to fill out another application, unless you prefer to do so. I have attached the announcement that will appear in the Nugget newspaper this week. The closing date for applications is July 10th so please let me know prior to that date if you are still interested.

If you have any questions please contact me via email or phone. Thank you.

Kathy Nelson

City Recorder

541-323-5213

knelson@ci.sisters.or.us

DISCLOSURE NOTICE: Messages to and from this E-mail address may be subject to Oregon Public Records Law.

<Vacancy Announcement june.docx>

CITY COUNCIL APPLICATION



RECEIVED
APP SISTERS 2015
CITY OF SISTERS
CITY OF SISTERS

1. Name: BURGSTAHLER Amy AGRONIS Amy
(Last) 1605 OAK ST. #202 (First) (Middle) (I go by ...)
 Address: 547 Cottonwood St. SISTERS OR 97759
Street, P. O. Box City State Zip Code
 2. Telephone No.: 918-704-6817 E-mail Address: aburgstahler@bendbroadband.com
 3. Occupation: CREATIVE DIRECTOR/EDITOR Work Phone: 918-704-6817

4. Have you resided within the City of Sisters city limits for the preceding 12 months?
 Yes No (*As of May, we will have been here a year.)

5. Are you 18 years of age or older and a registered voter? Yes No

6. Statement indicating reason you would like to serve on Sisters City Council:
please see attached ... (Resume + Cover Letter)

7. Special skills, interests, hobbies that you believe would bring special value to your ability to serve as a City Councilor:
please see attached ... (Resume and Cover letter)

8. Other volunteer, committee, board, commission experience: (Please see attached)

From	_____ (Mo/Yr)	Organization	_____
To	_____ (Mo/Yr)	Address	_____
Type of Organization	_____	Telephone No.	_____
Role:	_____		
If you are still serving in this capacity, do you foresee any conflicts between serving as a City Councilor and the position you currently hold? <input type="checkbox"/> Yes <input type="checkbox"/> No			



From _____ (Mo/Yr) Organization _____
 To _____ (Mo/Yr) Address _____
 Type of Organization _____ Telephone No. _____
 Role: _____
 If you are still serving in this capacity, do you foresee any conflicts between serving as a City Councilor and the position you currently hold? Yes No

From _____ (Mo/Yr) Organization _____
 To _____ (Mo/Yr) Address _____
 Type of Organization _____ Telephone No. _____
 Role: _____
 If you are still serving in this capacity, do you foresee any conflicts between serving as a City Councilor and the position you currently hold? Yes No

9. How did you hear about this position? First, at Council mtg. 4/9; then, in Nugget.

References: please see attached (resume + cover letter)

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

Date: 4/19/2015 Signature: *Jay Byrd*

Please return this application to the City of Sisters Attn: Kathy Nelson City Recorder, 520 E. Cascade Avenue, P. O. Box 39, Sisters, OR. 97759. For more information, please call the City Recorder, Kathy Nelson at (541) 323-5213.

Amy Agronis Burgstahler
547 S. Cottonwood St.
Sisters, OR 97759

City of Sisters/City Hall
520 E. Cascade Ave.
Sisters, OR 97759
Re: City Council Application

Dear Council Members,

A "happy accident" brought my husband, our son and me to Sisters a year ago. But our decision to make Sisters home was anything but accidental. Indeed, we adore the unique character of our city and the warmth of its people. It would be an honor to apply my personal and professional experience to benefit Sisters. So, I thank you for considering me for the vacant City Council position.

In short, I believe my skill set and personal temperament would complement the Council. Also, with my son now in school, I'm currently in a position to devote significant time to this undertaking. And while I have lived in Sisters a shorter time than many, I believe that fact might lend me a fresh personal and professional perspective that actually could prove valuable. I would come to this position with open eyes, but free of pre-conceived attitudes and free of perceived loyalties.

For more than two decades, I've engaged in personal and professional work that is focused around community-building and trust-building. The goal has been to foster prosperity while engendering a sense of civic pride, belonging and partnership. Each of my work experiences has demanded strong communication skills, including strong listening skills. And I've enjoyed helping stakeholders find common ground in communities facing the same sorts of smart growth issues Sisters faces.

In addition to personal values that honor the ideals of community and leadership skills honed in supervisory positions, I have extensive professional experience in public relations, event-planning, marketing and branding. I have successfully worked on local, regional and national campaigns to promote business, health, arts and tourism.

My volunteer work includes serving as a founding committee chairperson for two major festivals in Northern California—The Elk Grove Community Harvest & Giant Pumpkin Festival (Sacramento County, CA), which now attracts 40,000-plus attendees; and the Auburn Community Festival (Placer County, CA), which attracts thousands of people to the streets and businesses of Auburn.

I'm well-acquainted with issues that surround growth and the challenges of pursuing smart growth. As a reporter for the *Sacramento Bee*, I covered growth/development council meetings for Elk Grove, Calif., which was named the nation's fastest growing city in the early 2000s (growing from about 35,000 residents in the 1990s to more than 120,000 in the early 2000s). And I helped the *University of California, Davis*, communicate various aspects of its Long Range Development Plan.

Success at a community level requires relationship-building and recruiting the right help for a task as well as determining who is best to deliver a message. And as a former Editor for various local publications, I know that listening carefully, outreach, fairness, respect and balance also are key

when weighing an issue. I might not agree with an audience member; but I respect that their pain points are real to them. And I know those pains can be somewhat intense when residents possess a strong sense of ownership in the community, as is the case in Sisters. So, it's not only what you do, but how you do it and the impression that gives.

Working as a Public Information Representative for *UC Davis* furthered my skills in diplomacy and consensus-building and enhanced my ability to lead a conversation on an issue, particularly when engaging with highly educated audiences. And I learned to never ignore the bigger picture—to weigh not only what today's action might mean, but also the ramifications of that action over time.

Recurring aspects of my experience also include: budget/resource oversight and accountability, pro-actively researching industry "best practices," and hosting workgroups to analyze emerging trends.

Additionally, my work has required me to become very adept at assimilating new information quickly and thoroughly so that I can apply that knowledge in meaningful ways. I believe these skills would serve me well as a member of the City Council.

Those who I have supervised (ranging from interns and freelancers to full-time employees) say they appreciate my warm and laid-back-but-professional, mission-focused management approach. Former colleagues have said I appear "unflappable" in the face of deadline pressures and politically charged environments.

And my supervisors have said they appreciate my passion for community-building, my collaborative approach to problem-solving, my ability to see opportunity where others might not, and my ability to build awareness creatively.

I have received a variety of service awards during my career. But few hold as much meaning for me as an official Proclamation I received from the leaders of Elk Grove. In part, the proclamation reads:

"Amy Agronis' insight and thoughtfulness have helped to encourage local businesses and community groups to work together for the benefit of the entire community...(She) has contributed to the success of numerous events...(and)...has helped to capture and depict the hometown flavor of the community."

I look forward to the possibility of meeting with you to discuss my resume (attached) and my personal and professional values, and how those might make me a good fit for this Council seat.

Sincerely,



Amy Agronis Burgstähler

Amy Agronis Burgstahler

Mailing:

160 S. Oak St., #202
Sisters, OR 97759

Home:

547 S. Cottonwood St.
Sisters, OR 97759

Mobile:

(918) 704-6817
aburgstahler@bendbroadband.com

EXPERIENCE:

Creative Director, Mullerhaus Communications; Tulsa, OK, 2006-2012

Developed logos, names, marketing strategies and branded print, online and broadcast media content for a diverse range of businesses and events. Managed brands for clients including: small mom-and-pop restaurateurs, service-business owners, realtor and physician groups, mid-size financial consulting firms, a regional hospital, a national home furnishings retailer, and an international medical devices provider.

Developed strategy-driven marketing materials for non-profits and state agencies to increase interest in Oklahoma's people (and their historical contributions) and to increase intra-state travel and agrotourism. Co-developed innovative tools that helped the Oklahoma Dept. of Recreation and Tourism win special recognition for excellence in promoting the state's unique towns, businesses and attractions.

Worked with clients to educate them about the importance of consistent, cohesive marketing that is driven by genuine core competencies. Successfully leveraged my listening skills to help clients promote (and sometimes discover) the essence of what makes their business unique. Created brand architecture tools to help clients stay true to their brand attributes and promises on a day-to-day basis.

Provided behind-the-scenes help to international advertising firms, including Saatchi & Saatchi.

Sr. Public Information Representative/Publications Editor, University of California, Davis, CA, 2001-2005

Helped deliver a consistent brand message for the *University*—one that reinforced its commitment to service and increasing quality of life—not only during popular times (e.g., rollout of the adored Mondavi Center for Performing Arts), but also during more challenging times (e.g., rollout of the *UCD Long Range Development Plan* with its expansion of housing/research districts into open spaces).

Met regularly with each of the *University's* college deans and assistant chancellors and their teams to establish common goals and build relationships with these important constituencies. Developed/implemented media plans in cooperation with these colleges, schools, divisions and departments, ensuring that the strategies adopted reinforced the *University's* mission as a land-grant university.

Oversaw production and budget for *Dateline UC Davis*—in its online and print newspaper forms—to serve the campus' internal audience of 25,000 employees, and the external community of *University* donors, local residents and faculty research peers across the nation and globe.

Reached out to faculty—a constituency that had felt somewhat underrepresented in *Dateline*; and was later lauded for making the publication's content more dynamic and relevant to more readers.

Helped engender a warm-and-fun but dedicated workplace, encouraging productivity and new ideas.

Helped organize and lead “best practices” conferences on campus and in Northwestern, Western and Midwestern states; and helped host visits to campus by national and international dignitaries.

Features Editor/Special Projects Coordinator, *Gold Country Media*, Auburn, CA, 1997-2001

Supervised Features Department sections for the flagship publication of *Gold Country Media, the Auburn Journal*, a daily newspaper with a 17,000+ circulation. Created a more dynamic newspaper, with greater direct outreach to the community, resulting in increased reader interest and participation.

Offered local community groups (e.g., Chamber of Commerce, Arts Commission) more media relations assistance and developed new ways to promote community contests, shows and festivals.

Co-founded the Auburn Community (Harvest) Festival and organized and coordinated all aspects of Auburn’s annual Scarecrow contest in conjunction with the festival.

Marketing & Community Relations Coordinator, *The Sacramento Bee*, Sacramento, CA, 1995-1997

Developed and implemented multiple new and successful in-paper and online campaigns that increased regular, active community participation with the pages of *The Bee*, engendering a greater sense of goodwill toward the paper and building a greater sense of community among its readers.

Helped garner internal and external audience support for the successful launches of: *Sacbee.com*, *The Bee’s Taste* (Food) section and *The Bee Book Club*. Met regularly with Directors of *The Bee* to prioritize marketing needs and lay framework for what became more collaborative relationships within the organization.

Managed annual *Market Books* to promote the reach/strength of *The Bee* among regional advertisers.

Forged community partnerships and expanded *The Bee’s* participation in various community events (Chamber of Commerce’s Business Expo, the annual Strauss Festival, Annual Holiday parade, 4th of July parade/festival). Also, helped co-found and co-chair a then-brand-new community event—the Elk Grove Giant Pumpkin & Harvest Festival, which now draws more than 40,000 people annually.

Represented *The Bee* at various civic functions (e.g., Elk Grove Community Services District, Elk Grove/Laguna Planning Advisory Council, Jaycees). Was honored to receive a city Proclamation that recognized my commitment to enriching the lives of residents and promoting local business vitality.

Line Editor, Gibson Greeting Cards, Cincinnati, OH, 1992-1994

Coordinated content and artwork for world’s third-largest greeting card company. Wrote, edited, hired freelancers and collaborated with artists on card categories including: birthday, anniversary, wedding, thank you and friendship. Was recognized as a “calming” force within my department.

Public Relations Coordinator, AAA Cincinnati, Cincinnati, OH, 1990-1992

Was effective in shaping a new, aggressive media relations program to more actively promote the *American Automobile Association of Cincinnati*. Wrote community-safety and member-benefit columns and press releases. Also wrote radio commercials, fielded broadcast media requests for interviews and helped create media talking points for department leaders.

Coordinated with AAA's national headquarters to ensure AAA Cincinnati's compliance regarding mandated Safety Patrol Program offerings at the local level. Supervised the local School Safety Patrol Program. Duties included addressing thousands of spectators at Reds baseball games for AAA.

Built meaningful community relationships by developing cross promotions and public relations campaigns with leaders of major, respected organizations, including the Cincinnati Reds, Cincinnati Bengals, Cincinnati Police, Tri-County Mall and the Children's Hospital. Developed/implemented a re-imagined Law Enforcement Appreciation gala, giving new life to the sedate and somber event.

Co-developed internal promotions for sales staff and external advertising that doubled AAA Cincinnati's Downtown Travel Center sales and client lists.

Advertising Department Editorial Coordinator/Reporter, The Norman Transcript, Norman, OK, 1988-1990

Researched and wrote hard news and features for the 25,000-circulation daily newspaper serving central Oklahoma. Served as a liaison between the editorial and advertising staff for special publications. Also performed duties of a junior advertising associate, meeting with advertisers to discuss their print advertising needs and writing and designing ads. Represented the newspaper at civic functions.

EDUCATION:

University of Oklahoma, Norman, Oklahoma; Journalism/Professional Writing, 1984-1989

Continuing Education:

Central Oregon Community College, Real Estate Broker License course, 2014

Sierra College, Rocklin, CA, Applied Art and Design Program, 2005- 2006

Sierra College, Rocklin, CA, Equine Studies Program, 2005-2006

UC Davis, Media Training Program, 2003

Sacramento City College, Spanish-Language studies, 2002-2003

Duke University, Summer Institute in Communications & Marketing, 2001

CNPA Feature Writers and Page Designers Workshop, Fullerton, CA, 1998

OTHER SKILLS/INTERESTS:

-Versed in Android and Apple mobile operating systems, social media networking; Experience with several applications, including: *Adobe Illustrator, Photoshop, GoLive and InDesign, Quark Xpress*; and *Microsoft PowerPoint, Excel and Word*.

-Hobbies include woodworking, reading, horseback riding, golfing and bicycling.

REFERENCES:

- Ruthie Douglass: neighbor and landlord while our home in Pine Meadow Village is under development, (361) 779-1798.
- Mike Golden: pastor, Calvary Chapel of Sisters, (541) 410-5751, (541) 588-6288.
- Rhonda McHugh: friend and local Realtor, formerly with Cascade Sotheby's, (541) 550-6137
- Karen Stoneback: friend and paraprofessional at Sisters Elementary School, (541) 815-1568.
- Lisa Lapin: former supervisor at UC Davis, currently Assistant Vice President for University Communications, Stanford University, (650) 725-3330.

(Note: I'm happy to make more references available to you, upon request.)

AGENDA ITEM



SUMMARY

CITY OF SISTERS SISTERS CITY COUNCIL

Meeting Date: July 23, 2015
Type: Workshop and Regular Meeting
Subject: FY 15/16 Community Grants

Staff: Kathy Nelson *kw*
Dept: CMO

Action Requested/Recommendation: *Workshop:* Review and discuss the attached community grant applications. *Regular Meeting:* By motion establish which organizations and agencies will be recipients of community grant funds for FY 15/16 and determine the amount given to each.

Background: The City of Sisters has budgeted \$20,000 for community grant funds to be used by non-profits and other entities that provide projects or programs in the Sisters area. Past recipients of grants have been for the purpose of meeting essential needs, educational enrichment, recreational opportunities and other miscellaneous community needs. The annual application process ended July 18th.

Following are the grant request applications and letters for Council consideration. Also included is the community grant policy adopted by the City Council on February 28, 2010 as well as a recap of the past five years of awards.

As part of the Community Grant award process, those organizations and entities receiving a grant are asked to provide a written account of exactly how the funds were used. Included are those letters from the FY 14/15 Community Grant recipients. Some recipients have included this information in their FY 15/16 community grant application letter.

Financial Impact: The FY 15/16 adopted budget includes \$20,000 for community grants.

Attachment(s): A. FY 15/16 grant request spreadsheet with supporting applications and letters
B. Community Grant Policy
C. Community Grant Awards 5 Year Recap
D. FY 14/15 grant fund utilization letters

Concurrence: CM: *[Signature]* FIN: *[Signature]* PW: n/a CDD: n/a

COMMUNITY GRANT REQUESTS FY 2015-16

<i>ORGANIZATION</i>	<i>PURPOSE</i>	<i>REQUESTED AMT.</i>	<i>AWARDED</i>	<i>PREV. YR. AWARD</i>
Circle of Friends	Program Support/Materials & Supplies	\$ 1,500.00		\$ 500.00
Desch. Public Library Found.	Early Learning Space at Sisters Library	\$ 4,000.00		None
FAN	Utility Services Assistance	\$ 2,500.00		\$ 3,000.00
Habitat for Humanity	Campground Fees for Volunteers	\$ 1,000.00		\$ 1,200.00
Seed to Table Program	Education Expansion & Food Bank Prod.	\$ 1,000.00		\$ 1,000.00
Sisters Community Garden	Capital Improvements	\$ 1,800.00		\$ 800.00
Sisters Folk Festival	Americana Project Scholarship Funding	\$ 1,000.00		\$ 500.00
Sisters School Foundation	Program Support	\$ 7,500.00		\$ 2,000.00
SMART	Book Purchase/Volunteer Recruitment	\$ 500.00		\$ 500.00
SPRD	Scholarships	\$ 5,000.00		\$ 3,000.00
VFW Post 8138	Purchase Flags	\$ 500.00		\$ 200.00

TOTAL REQUESTS \$ 26,300.00

\$20,000 Available for Grants

**COMMUNITY SERVICES
GRANT**



CITY OF SISTERS

The City of Sisters *may* provide community services grants to non-profit and other entities that serve the Sisters community for projects or programs that meet the following criteria:

- Provides assistance for essential utilities, food, clothing or shelter.
- Provides educational or recreational opportunities for children or seniors.
- Generates/supports economic activity in Sisters.

In evaluating requests, the City will consider the following:

- The ability to meet one or more of the criteria listed above.
- The requesting organization's history of success.
- The organizational and financial stability of the requesting organization.
- The number and types of community members served by the request.
- The ability to measure and track the effectiveness of the project or service.

RECEIVED

JUL 08 2015

CITY OF SISTERS

Please type or print clearly:

1. Organization: Circle of Friends
2. Mailing Address: P.O. Box 1718, Sisters, OR 97759
3. Telephone No.: 541-419-0903 E-mail Address: debbie@acircleof
friendsoregon.com
4. Contact Person: Debbie Newport
5. Requested Amount: \$1500
6. Project/Use for Funds: Program Support/ Materials & Supplies

Attach a letter explaining how the funds will be used, how one or more of the criteria will be met, number and types (children, seniors etc.) of community members served, and any other information relevant to the request. Community services grant funds may not be used for travel, budget deficits or for routine operating expense.

Return completed applications and letters to City of Sisters, Attn: Kathy Nelson, 520 E. Cascade Avenue, P. O. Box 39, Sisters, OR. 97759. For additional information, please contact City Recorder Kathy Nelson at 541-323-5213 or knelson@ci.sisters.or.us

Sisters City Hall 520 E. Cascade Avenue P. O. Box 39 Sisters, OR 97759
Ph (541)549-6022 Fax (541)549-0561

www.ci.sisters.or.us

For TTY service, dial 711

This institution is an equal opportunity provider



July 6, 2015

Kathy Nelson
City Recorder
PO Box 39
Sisters, OR 97759

Dear Kathy and The City of Sisters,

Please consider this letter and application for a Sisters Community Services Grant. Circle of Friends began its work in Sisters in 2011. The organization exists to provide one-on-one mentoring support for children in our community who can benefit from the presence of an additional role model in their lives. Circle of Friends provides guidance, support and advocacy to children, from kindergarten to high school graduation, in the belief that such support will increase the likelihood of lifelong success.

Circle of friends continues to grow slowly and steadily – one child and one mentor at a time. Currently, we serve 21 children through the volunteer services of 30 mentors. We anticipate serving 30 children this year.

We respectfully submit this request to the City of Sisters for \$1500. These funds will assist us to:

- 1) Increase after-school programming for children. As an example, last spring Circle of Friends conducted a once monthly healthy lifestyle class for children (with their mentors) that consisted of nutrition and culinary instruction. Each class cost approximately \$80 for materials and cooking supplies. Additional funding will allow us to continue this offering and expand to include more children as we grow this fall.
- 2) Increase mentor-training opportunities for adults. Additional funding will allow us to utilize community experts and professionals to support the mentor training offerings that take place each month.

Thank you so much for your consideration of this request. Please contact me directly at 541-419-0903 or by email (Debbie@acircleoffriendsoregon.com) if you have questions or need additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Debbie Newport", is written over a light blue background.

Debbie Newport,
Executive Director

Circle of Friends is a designated 501©3 non-profit organization. TAX ID #27-4404972

office: 541.588.6445 | email: beth@acircleoffriendsoregon.com
PO Box 1718, Sisters, OR 97759
www.acircleoffriendsoregon.com

**COMMUNITY SERVICES
GRANT**



CITY OF SISTERS

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- The requesting organization's history of success.
- The organizational and financial stability of the requesting organization.
- The number and types of community members served by the request.
- The ability to measure and track the effectiveness of the project or service.

RECEIVED
JUL 13 2015
CITY OF SISTERS

Please type or print clearly:

1. Organization: Deschutes Public Library Foundation
2. Mailing Address: P.O. Box 963, Bend, OR 97709
3. Telephone No.: (541) 312-1027 E-mail Address: admin@dplfoundation.org
4. Contact Person: Suzy Olsen, Development Coordinator
5. Requested Amount: \$4,000
6. Project/Use for Funds: Early Learning Space Installation in the Sisters Library

Attach a letter explaining how the funds will be used, how one or more of the criteria will be met, number and types (children, seniors etc.) of community members served, and any other information relevant to the request. Community services grant funds may not be used for travel, budget deficits or for routine operating expense.

Return completed applications and letters to City of Sisters, Attn: Kathy Nelson, 520 E. Cascade Avenue, P. O. Box 39, Sisters, OR. 97759. For additional information, please contact City Recorder Kathy Nelson at 541-323-5213 or knelson@ci.sisters.or.us



Dear City of Sisters:

The Deschutes Public Library Foundation is respectfully requesting a grant in the amount of \$4,000 for the Sisters Public Library's Early Learning Space.

The Sisters Public Library is a natural fit for a permanent Early Learning Space installation. As a public agency, the Library is already known as a free resource for educational materials and a safe environment for children and families. The Early Learning Space in Sisters will be located in the established Children's section of the branch. The space will invite children and adults to play and read together, encourage exploration and promote a feeling of comfort for both caretaker and child. The Early Learning Space provides a place that encourages interaction between child and caregiver and promotes the five early literacy activities: read, play, talk, write, sing/rhyme. The floor plan provides clear messages about what is supposed to happen in a given area and will be flexible to rotate themes for play and ignite a child's creativity.

For many poor and vulnerable children, libraries function as community "touch points," providing engaging pathways into knowledge and school-readiness. All of the activities offered in the Early Learning Spaces prepare children for Kindergarten. They'll start their school year already able to play with words and letter sounds as well as make up stories and practice writing. Research cited in "The Oregon Literacy Plan" describes the importance of targeting low-income and at-risk families in order to improve literacy, prepare for Kindergarten readiness and increase third-grade reading scores. The Early Learning Space in Sisters will encourage parents and caregivers to interact with their children and create a lasting bond that nurtures brain development and provides positive, memorable experiences. Library staff and volunteers will be available to offer hundreds of free books to enhance the learning and school readiness. Increasing library usage and access to books improves phonological awareness, print motivation, vocabulary, and read-aloud time, thereby closing the opportunity gaps and positively impacting Kindergarten readiness and third grade reading levels.

Through a 2014 grant from The Oregon Community Foundation, the Deschutes Public Library was able to create permanent Early Learning Spaces in the East Bend, Downtown Bend and the La Pine libraries. These spaces are highly effective at both training caregivers about the critical importance of doing early learning activities and engaging young children in early literacy play and learning. Based on our experience in these libraries, we anticipate many more young children and caregivers visiting the Sisters Library to engage in the Early Learning Space. These children and parents/caregivers will check out materials for their age group, attend story times, and engage in the early literacy activities offered through the Early Learning Spaces. Families who are currently regular users of the Sisters Library will use it more frequently, stay longer and increased the variety of ways they use the library. Most importantly, a greater number of children entering Kindergarten in the Sisters area will be successful in school because they have had meaningful exposure to the five early literacy activities of reading, playing, talking, writing, and singing/rhyming. The Early Learning Space will equalize the opportunities children aged 0-5 years have for learning. Studies prove that children who experience rich early learning experiences are better prepared to thrive in school. The Early Learning Space in Sisters will provide all families, regardless of income, the tools they need to help their child succeed in Kindergarten and thus setting their children up for continued success through all of their school years and beyond.

The Sisters Library's Early Learning Space will be evaluated as follows:

- Track the circulation of materials targeted to ages 0 to 5 (picture books, board books, Easy Readers.)

- Regularly count the number of children and caregivers who are engaged in the Early Learning Space.
- Keep sign-in log at service desks for customer comments about the space.
- Survey parents/caregivers how, if at all, the Early Learning Space has impacted their child's development.
- Measure the attendance at story times.

The Deschutes Public Library continually strives to provide educational and engaging environments for all children and families of Deschutes County. The Early Learning Space in Sisters is a great step toward achieving this goal. One of the measurements that we are using to mark the effectiveness of the district's existing Early Learning Spaces in East Bend, Downtown Bend and La Pine is a sign-in book promoting comments. Here are a few comments left by children and care providers: "My two-year-old son loves the play area! He loves to be around other kids, read and clean-up after himself. Our last library in CA didn't have a learning, kid-friendly activity-filled place. We will continue to return many days a week!"; "Karys Cooper loves it! She made ice cream sundaes and banana splits. And finally realized we were at the library!"; "The best place a grandfather could take his granddaughter."; "Mommy and Jacob are at it again. We can't seem to stay away. This time we will read three books, play with some toys too and maybe color some. Thank you once again!"

For the Early Learning Space in Sisters, we anticipate the following outcomes: More children and caregivers will use the library in Sisters by visiting the Early Learning Space, checking out materials for their age group, and attend story times. Families already visiting the library in Sisters will use it more frequently, stay longer and in an increased variety of ways. Children and caregivers become engaged and interact in the Early Learning Space. And, most importantly, a greater number of children entering Kindergarten in the Sisters area will be successful in school because they have had meaningful exposure to the 5 early literacy activities: reading, playing, talking, writing, singing/rhyming. The Early Learning Space will help equalize the opportunities children ages 0 to 5 have for learning and be less dependent on a family's income and socioeconomic status.

The total budget for the Early Learning Space in Sisters is \$20,000. The Deschutes Public Library Foundation has committed \$10,000 towards this investment in the Sisters community. A grant in the amount of \$6,000 has been submitted to U.S. Bank for the project and we are respectfully requesting the remaining \$4,000 from the City of Sisters. This one-time commitment in the Early Learning Spaces provides the children and families of the Sisters community the opportunity to prepare for Kindergarten and improve their learning skills thus setting them on a course for improved success throughout their school years.

Thank you for your consideration of our request. Should you have any questions, please feel free to contact Suzy Olsen, Development Coordinator, at (541) 312-1027, or admin@dplfoundation.org.

Sincerely,



Kim Jackson, President
Board of Directors
Deschutes Public Library Foundation



City of Sisters Community Services Grant Application

The City of Sisters *may* provide community services grants to non-profit and other entities that serve the Sisters community for projects or programs that meet the following criteria:

- Provides assistance for essential utilities, food, clothing or shelter.
- Provides educational or recreational opportunities for children or seniors.
- Generates/supports economic activity in Sisters.

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JUL 15 2015

CITY OF SISTERS

In evaluating requests, the City will consider the following:

- The ability to meet one or more of the criteria listed above.
- The requesting organization's history of success.
- The organizational and financial stability of the requesting organization.
- The number and types of community members served by the request.
- The ability to measure and track the effectiveness of the project or service.

Please type or print clearly:

1. Organization: **Sisters Family Access Network (FAN)**
2. Mailing Address: **525 E. Cascade Ave. Sisters, OR 97759**
3. Telephone No: **541-549-0155** E-mail Address: dawn.cooper@sisters.k12.or.us theresa.slavkovsky@sisters.k12.or.us
4. Contact Person: **Dawn Cooper or Theresa Slavkovsky**
5. Requested Amount: **\$2,500.00**
6. Project/Use for Funds: **To provide water, sewage, and/or garbage voucher assistance to City of Sisters residents.**

Attach a letter explaining how the funds will be used, how one or more of the criteria will be met, number and types (children, seniors etc.) of community members served, and any other information relevant to the request. Community services grant funds may not be used for travel, budget deficits or for routine operating expense.

Return completed applications and letters to City of Sisters, Attn: Kathy Nelson, 520 E. Cascade Avenue, P. O. Box 39, Sisters, OR. 97759. For additional information, please contact City Recorder Kathy Nelson at 541-323-5213 or knelson@ci.sisters.or.us

Sisters City Hall 520 E. Cascade Avenue P. O. Box 39 Sisters, OR 97759

Ph (541)549-6022 Fax (541)549-0561

www.ci.sisters.or.us

For TTY service, dial 711

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July 15, 2015

Kathy Nelson
City of Sisters
P.O. Box 39
Sisters, Oregon 97759

Dear Ms. Nelson and Sisters City Council Members:

We are writing to request renewal of the City of Sisters Community Grant Award to Sisters Family Access Network (FAN) for fiscal year 2015-2016.

Sisters FAN 2014-2015 Community Grant Award of \$3,000 benefited local households.

This Community Grant through FAN provided 23 households (unduplicated) with water, sewage, and/or garbage credits during their financial struggles. Families whom received assistance consisted of 43 adults and 34 children (unduplicated).

Request for assistance was from households dealing with a variety of hardships such as inability to work due to a family medical crisis; unemployment; reduced work hours; illness with no sick leave pay; single parent households with one limited income; and/or unexpected car repair or household repair bills to pay.

Financial assistance from the Community Grant allowed Sisters School District (SSD) families the aid they needed in their time of emergency. Families were able to stay in the SSD allowing their children to continue their education in Sisters Country.

We would like to thank you for your support and continued partnership with the Sisters FAN program. We appreciate your concern and provision to Sisters School District families.

Sincerely,

Dawn Cooper
Family Advocate
Sisters FAN

Theresa Slavkovsky
Family Advocate
Sisters FAN



City of Sisters Community Services Grant Application

The City of Sisters *may* provide community services grants to non-profit and other entities that serve the Sisters community for projects or programs that meet the following criteria:

- Provides assistance for essential utilities, food, clothing or shelter.
- Provides educational or recreational opportunities for children or seniors.
- Generates/supports economic activity in Sisters.

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- The ability to meet one or more of the criteria listed above.
- The requesting organization's history of success.
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- The number and types of community members served by the request.
- The ability to measure and track the effectiveness of the project or service.

RECEIVED
JUL 16 2015
CITY OF SISTERS

Please type or print clearly:

1. Organization: Sisters Habitat for Humanity
2. Mailing Address: PO Box 238 Sisters OR 97759
3. Telephone No.: 541 549 1193 E-mail Address: marie@sistershabitat.or
4. Contact Person: Marie Clasen
5. Requested Amount: \$1,000.00
6. Project/Use for Funds: Campground fees for Habitat Volunteers Aug 30-Sept 1

Attach a letter explaining how the funds will be used, how one or more of the criteria will be met, number and types (children, seniors etc.) of community members served, and any other information relevant to the request. Community services grant funds may not be used for travel, budget deficits or for routine operating expense.

Return completed applications and letters to City of Sisters, Attn: Kathy Nelson, 520 E. Cascade Avenue, P. O. Box 39, Sisters, OR. 97759. For additional information, please contact City Recorder Kathy Nelson at 541-323-5213 or knelson@ci.sisters.or.us

Sisters City Hall 520 E. Cascade Avenue P. O. Box 39 Sisters, OR 97759
Ph (541)549-6022 Fax (541)549-0561
www.ci.sisters.or.us

For TTY service, dial 711

This institution is an equal opportunity provider



Sisters Habitat for Humanity
PO Box 238 – 141 West Main St.
Sisters, Oregon 97759
(541) 549-1193, www.sistershabitat.org

July 16, 2015

Kathy Nelson
PO Box 39
Sisters, OR 97759

Dear Kathy,

Sisters Habitat for Humanity is requesting a community grant for \$1,000.00. The grant will be used to offset campground fees at Creekside Park for volunteers that come from out of the area through Habitat for Humanity's Care-A-Vanner program.

Habitat's Care-A-Vanner program encourages RVers to help at Habitat sites around the country. Sisters Habitat will host 10 Care-A-Vanners, 5 RVs, Aug. 30 - Sept. 4, 2015. During this week they will help build homes for 2 hard working families in Sisters. The work done by the Care-A-Vanners and the energy they bring is very important to our organization. Enclosed is information about the program.

Sisters Habitat was established in 1991. In that time, Habitat has provided homeownership opportunities to 55 families. In addition, Sisters Habitat has developed 2 successful retail stores which provide quality affordable goods to Sisters residents as well as a convenient location for Sisters residents to recycle unwanted items.

Please see our Annual Report for more information about our organization. Thank you for your consideration and please let me know if you need any further information.

Sincerely,

A handwritten signature in cursive script that reads "Marie Clasen".

Marie Clasen
Volunteer and Family Services Manager



Habitat for Humanity

RV Care-A-Vanners



RV Care-A-Vanners is a volunteer program for anyone who travels in a recreational vehicle, wants to build Habitat houses and have fun doing it. RV Care-A-Vanners welcomes people of all ages, from all walks of life who want to pick up a hammer and help change lives.

There are ample opportunities to learn and plenty of meaningful work for everyone. No previous construction experience is necessary!

What do RV Care-A-Vanners do?

- We travel around the United States and Canada, helping local Habitat for Humanity affiliates build hundreds of houses annually.
- RV Care-A-Vanner volunteers participate in projects such as house construction, roofing, interior and finish work, renovations or disaster relief.
- Those who prefer non-construction activities can volunteer in the Habitat affiliate office, or act as "gofers" around the build site.
- Many RV Care-A-Vanners help local Habitat affiliates raise the awareness of poverty housing and homelessness by speaking to churches, civic groups and local media.
- Individual Care-A-Vanners often make donations to their local Habitat affiliate.
- Some even organize fundraising teams and sponsor entire houses.

Who can join RV Care-A-Vanners?

- Anyone with a recreational vehicle, motor home, fifth wheel or travel trailer.
- We welcome individual RV owner volunteers and organized groups.
- We also partner with special interest RV groups, including:
 - Family Motor Coach Association Chapter: Habitat for Humanity
 - Escapees RV Club Birds of a Feather: Habitat for Humanity
 - RV manufacturer groups
 - Travel clubs

How can I volunteer?

- Read [registering for scheduled build](#) to learn how to sign up.

What should I expect on a build?

- RV Care-A-Vanner build events normally last two weeks and involve teams of eight to 20 volunteers.

-
- Build events usually begin with a welcome gathering thrown by the local Habitat host affiliate.
 - The work days typically consist of a morning devotional, six to seven hours of building with morning, lunch and afternoon breaks. Lunches may be provided.

What should I bring and what will be provided?

- Bring sturdy work shoes, gloves, a tool belt, hammer, square, pencil and measuring tape.
- RV Care-A-Vanner volunteers each pay their own expenses, which may be tax deductible.
- The local Habitat host affiliate will provide free or low-cost RV parking, instruction, supervision, power tools, building materials and ladders.
- Volunteers can also expect at least minimal electric hookups, access to water and a nearby dump station.
- Due to safety and hygiene issues, pets are not permitted on the work site.



Thank you volunteers, donors and supporters!

Sisters Habitat for Humanity remained strong and steadfast in 2014. A three-year strategic plan for growth was adopted and put in motion. Through combined efforts of volunteers and staff we reached our 2014 target to serve four new families. Planning for a new combined Thrift Store/ ReStore became a reality as well as visioning and initial planning stages for a new 17-lot Habitat neighborhood starting fall of 2015. With strong community support, the Thrift Store and ReStore remained valuable community resources while providing needed funding for our building program. Both stores showed growth in volunteer staff, donations and sales.

This has been a productive, rewarding year and Habitat continues forward into 2015 with vigor, commitment and enthusiasm. With the help of a strong, diverse and committed board of directors, dedicated volunteers, families, staff, and the Sisters community, we will continue to provide affordable, efficient housing for local families.

Please take time to read the enclosed annual report. It's because of you that we are able to accomplish so much!

Toni Landis, Board President

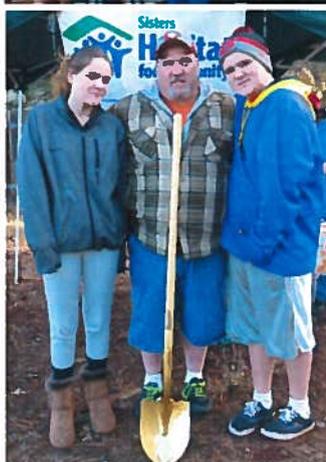
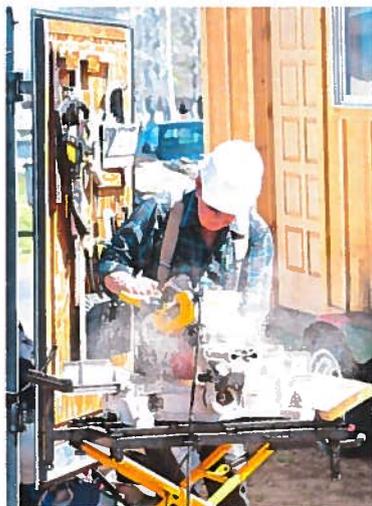
Sisters Habitat Builds Hope and Homes in 2014

Everyone deserves a decent, safe place to live, and in 2014, the volunteers, staff and partners of Sisters Habitat helped make that dream possible for three local families. Chrys and Devin Purkey and Jeannie Sandecki celebrated home dedications as the 53rd and 54th Habitat homeowners. Cari Landis and Keith Brandt and their children were blessed to be the fourth family in our home repair program.

This year, we have begun construction on the David Spain family home and are preparing the foundation for the Maxwell home. In May, our volunteers for Women Build will spend a few days framing the home for the Maxwells. As we look forward, we see 2015 as another great year for spreading hope and building homes, and we thank you for being part of our mission.



Jeannie Sandecki cuts the ribbon to her new home. Photos by Outlaws Photography.



Above | to r: Volunteer Bob Harris shows his talent with the circular saw. Our 2014 1,000 hour volunteer club members: | to r: Connie Young, Dana Cunningham, Sue Remmich, Sue Edgerton. Not pictured Eula Curtis. David Spain, Marie and Brock at their groundbreaking.

Save These Dates

- **Maxwell Home Groundbreaking**
March 15 at 2 p.m. at 910 E. Cascade Ave.
- **Ortega Home Dedication**
March 18 at 5 p.m. at 189 N. Locust Lane
- **Collegiate Challenge, March 22-27**
Welcome potluck for Eastern Washington University
March 22 at 5:30 p.m. at the Episcopal Church
- **Women Build, May 7, 8 & 9**
No experience necessary! It's a fun day of learning construction skills and building a home for a family.
- **Volunteer Orientation, 1st & 3rd Wednesdays at noon**
Contact Marie to attend: 541-549-1193 or marie@sistershabitat.org
- **Chair-A-Table Upcycle Art Event, July 4**
Seeking all artists entries for the silent auction at Hop N Bean. Contact Robin at the ReStore 541-549-1621.



Heart & Hammer

FEBRUARY 2015

Board of Directors

President

Toni Landis

Vice-President

Clark Brody

Secretary

Kevin Neary

Treasurer

Sandra Brink

Members

Lynn Lucas Jones

Shea Krevi

Marsha Lewis

Jack McDonnell

Mimi Miller

Father Jude Onogbosele

Judy Osborne

Candyce Park

Mary Stewart

Kit Thomson

David Vadman

Staff

Executive Director

Sharlene Weed

Volunteer & Family Services Manager

Marie Clasen

Construction Manager

Shawn O'Hern

Finance Manager

Sharon Thorikildson

Office & Communication Assistant

Angela Lund

Thrift Store Manager

Lenora Fitzgerald

Thrift Store Assistant Manager

Sharyn Benson

ReStore Manager

Robin Tawney

ReStore Assistant Manager

Gar Slanning

Sisters Habitat for Humanity

P.O. Box 238

Sisters, OR 97759

541-549-1193

www.sistershabitat.org

New Families Work Toward Home Ownership

We are pleased to welcome our newest partner families who have been busy working on their sweat equity hours.

Kristina and Josh Maxwell moved to Sisters in 2012. Kristina works at U.S. Bank and they both enjoy hiking with their dogs and being in the outdoors. Josh is busy helping our construction manager Shawn O'Hern at our current job sites. They look forward to working together with Habitat volunteers to build their home at Hammond Place this spring.



Alexandra and Jessica Lantaler

have lived in Sisters for three years. Alexandra is a busy mom, working for the Sisters School District. She enjoys all types of sports, dancing and creating crafts. She has been working on her sweat equity hours by sorting items at The Thrift Store and helping with office mailings. Jessica, five, attends Sisters Elementary School and enjoys playing with Dora the Explorer.



Selah Broderick is busy as a massage therapist at the Shibui Spa in Sisters. She is working toward certification as a phlebotomist. Selah has lived in Sisters for three years and can be found playing her flute at Habitat functions or for the Sisters Folk Festival My Own Two Hands event. She has three grown children. Two live locally and plan to help Selah earn sweat equity hours.



Congratulations to these three hardworking families. We look forward to handing over the keys to the homes they will own.

Valuable Volunteers Nan Miller and Pete Deal Will Be Missed

Last year, we said goodbye to two important Habitat volunteers. Nan Miller, one of the founding members of the Thrift Store, touched many lives in the community. She always had an upbeat attitude and encouraged others to volunteer.

Pete Deal was a faithful volunteer at the construction site each summer when he and his wife were living at Black Butte. These two were wonderful advocates for the Habitat mission and we all were blessed to have known Nan and Pete.



**COMMUNITY SERVICES
GRANT**



CITY OF SISTERS

The City of Sisters may provide community services grants to non-profit and other entities that serve the Sisters community for projects or programs that meet the following criteria:

- Provides assistance for essential utilities, food, clothing or shelter.
- Provides educational or recreational opportunities for children or seniors.
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- The requesting organization's history of success.
- The organizational and financial stability of the requesting organization.
- The number and types of community members served by the request.
- The ability to measure and track the effectiveness of the project or service.

RECEIVED

JUL 16 2015

CITY OF SISTERS

Please type or print clearly:

1. Organization: Sisters Seed to Table Program
2. Mailing Address: 525 E Cascade Ave, Sisters 97759
3. Telephone No.: 541480 9039 E-mail Address: audrey.tehan@sisters.kiz
4. Contact Person: Audrey Tehan
5. Requested Amount: \$1000
6. Project/Use for Funds: Expansion of education & food bank production

Attach a letter explaining how the funds will be used, how one or more of the criteria will be met, number and types (children, seniors etc.) of community members served, and any other information relevant to the request. Community services grant funds may not be used for travel, budget deficits or for routine operating expense.

Return completed applications and letters to City of Sisters, Attn: Kathy Nelson, 520 E. Cascade Avenue, P. O. Box 39, Sisters, OR. 97759. For additional information, please contact City Recorder Kathy Nelson at 541-323-5213 or knelson@ci.sisters.or.us

Sisters City Hall 520 E. Cascade Avenue P. O. Box 39 Sisters, OR 97759
Ph (541)549-6022 Fax (541)549-0561

www.ci.sisters.or.us

For TTY service, dial 711

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To: The City of Sisters

From: The Sisters' Seed to Table Program

525 E. Cascade Ave

Sisters, OR 97759

541.480.9039

Community Grant Application Narrative

History and Program Introduction

The Seed to Table Program (S2T) has been in operation since the fall of 2013. The S2T program operates under the umbrella of the Sisters Science Club, a 5013c. The mission of the S2T is to increase the health and wellness of students and families, specifically decreasing obesity, in the Sisters community by providing equal access to nutritious foods and offering opportunities in garden-based wellness education. Since the fall of 2013 the S2T program made a significant impact on the community; providing assistance for the essential utility, nutritious food, and providing educational opportunities for children and seniors. Over 7,000 pounds of local and nutritious foods has been provided to the Sisters School District, over 1,000 pounds of fresh produce has been grown for two community food banks and over 800 students and 400 community members have been provided with garden based nutrition and science education.

During the 2014-15 school year, the program partnered with eight teachers to engage nearly 450 students in the program, which included regular classroom instruction in both health/wellness and the development of a garden and farm plot. All students had multiple on-site learning experiences and participated in all aspects of the food production work. In addition, hundreds of community volunteers contributed to the first year success. In October 2013, Sisters Science Club sponsored a community event focused on the Seed to Table program. Over 150 people attended, many of which committed to offer additional support for the program. Also, in 2013-14, the S2T program wrote submitted and received \$15,060 from ODE Farm to School program for the Sisters School District lunches. So far, the Seed to Table's program management of the grant has helped secure over 7,000 pounds of fresh produce for the Sisters Schools meal program and provided \$3,000 for Seed to Table operations.

From the S2T's farm plot, students and community members currently grow and donate a minimum of 70 pounds of fresh produce per week to the community including the Sisters Kiwanis Food bank and the Sisters Bread of Life food bank. Each week throughout the Central Oregon growing season, 74 low-income families receive fresh garden produce. The S2T program has developed a 1.5 acre, community farm plot which is contracted to the program for a minimum of 5 years, with an option to renew for 5 more years. Since March of 2015 nearly \$17,500 of in-kind material donations and over 589 hours of volunteer labor have supported the S2T farm plot.

The S2T program has provided six community presentations, involving over 400 hours of adult participation, highlighting the obesity crisis in our nation and the importance of eating well through locally grown foods. The Sisters Science Club is committed to the long-term success of the Seed to Table program. Funding requested from the City of Sisters will allow S2T to continue to offer education to the Sisters school system and provide the needed fresh produce to the Sisters food banks. The goal is for the program to be self-sustaining by the 2017-18 school year.

Request and 2014/2015 grant report

The Seed to Table Program is requesting \$1,000 from the City of Sisters. \$1000 will allow S2T to continue to expand in the 2015/2016 year. \$1000 will allow an additional 60 students to receive garden based education and an additional 2,000 pounds of food to be grown for 70 more Sisters families. Over the 2015/2016 school year \$1000 will go towards: \$300 for field trip expansion supplies (art supplies, seeds, bus transportation, taste testing supplies). \$700 is needed to purchase materials to expand food operation for the Sisters food banks and families in need: (seeds, compost, row covers, rodent control, soil amendments, food packing materials, food processing materials, etc..).

During the 2014/2015 year the City of Sisters awarded the S2T program with a generous grant of \$1,000. These funds were crucial to the S2T program increasing educational and production capacity. Last years award was used as follows:

- \$200: shade clothes and row covers for farm expansion and row covers to protect plants against insects, intense heat and cold. Helped to provide provide 2,000 feet of additional garden beds to be cultivated, thus providing helping provide 600 pounds of fresh produce from non-greenhouse areas.
- \$300: potting soil and amendments for cold frame. Materials provided expansion of 1,500 square feet of farmland.
- \$400: seeds and plant starts for cold frame and farm expansion area. This will assist program in growing 500 pounds of produce throughout 2014 and 2015.
- \$100: garden education resources were crucial for expansion of education program (textbooks and art supplies). Materials provided resources for 174 students for fall/spring of 2014/2015.

Program Goals

Goal 1: Utilizing school classrooms, community-based workshops/presentations and a local dedicated farming plot, educate students/families about the health benefits of eating fresh, unprocessed food and about local production of fresh produce.

Goal 2: To produce enough fresh produce to incorporate regularly into SSD school lunch program, and distribute produce to two local food banks for low-income families in the SSD.

Goal 3: By November of 2015 have a program revenue of \$3,000 generated through produce sales, plant sales and the community fall harvest dinner. By November of 2016 have a program revenue of \$7,000 generated through produce sales, plant sales and the community fall harvest dinner.

Goal 4: Continue to develop and monitor success of a 3 year strategic operations and business plan to support sustainability of a Seed to Table program.

Goal 1 Activities:

- 1) Expand classroom/field experience instruction to include all 3rd, 4th and 6th graders and three high school classes. All participating students would receive a minimum of two hours classroom instruction and six hours field-based instruction at the farm plot - in direct service to the production of fresh produce.
- 2) Work closely with food banks to conduct bi monthly recipes and education sessions for healthy living
- 3) Identify and train six high school interns to support Seed to Table activities during the summer months.
- 4) Conduct a minimum of one community-based presentation, highlighting aspects of healthy lifestyle.

- 5) Offer weekly (June-August) opportunities for food bank recipients to visit farm plot as volunteers
- 6) Continue partnering with Heart of Oregon Corp to integrate on site garden based education.
- 7) Partner with the Circle of Friends Oregon to provide 20 students in need with garden based education.
- 8) Continue working with the Sisters Parks and Recreation District to provide a minimum of 20 students with 4 hours of garden based education throughout summer.

Goal 2 Activities:

- 1) Provide ongoing education support to farm manager to oversee farm plot operation and assist with on-site education/supervision of students/volunteers.
- 2) Increase greenhouse space from 1, 12'- 100 ft. to 2 greenhouses to extend growing season.
- 3) Increase production level of farm plot to provide a minimum of 90 lbs./week (May-October) of produce.
- 4) Continue to utilize students, high school interns and parent/community volunteers in all aspects of farm plot operation.

Goal 3 Activities:

2015: Provide \$3,000 worth of nutritious produce to the Sisters community.

2016: Provide \$7,000 worth of nutritious produce to the Sisters community.

Goal 4 Activities:

- 1) Continue working closely with the Central Oregon Intergovernmental Council and the SSC Board of Directors to implement and revise the 3 year business and strategic plan on an annual basis.

Results to Date

The Seed to Table program has had a significant impact on the health and wellness of the Sisters community. Since March of 2015 a total of 441 students received a total of 3993 hours of garden based education. Each student received a minimum of 6 hours of garden based nutrition, science and art education. In addition 70 families receive weekly produce through the Sisters Kiwanis Food and Bread of Life Food Banks. Weekly produce is delivered along with ways to integrate more produce into one's diet, nutrition education and recipes.

Results to date are composed of:

- 80% of Sisters School District (SSD) 3rd and 4th grade students received 6 hours of garden based education, a total of 120 students.
- 100% of SSD 6th grade students received 6 hours of garden based education, a total of 80 students.
- 85 high school students received a minimum of 20 hours each of garden based education.
- 27 Heart of Oregon Corp students participated in 10 hours of garden based education.
- Before field trips an average of 85% of students stated they did not like or had never eaten kale. After completing the field trips 80% of students said they would eat kale in a salad.
- Before the field trips an average of 57% had no experience tending to a plant and then getting to eat it. 100% of students involved, received this valuable experience.
- S2T produce is incorporated on a weekly basis into the SSD, feeding over 220 students weekly.
- The S2T management of the Oregon Farm to School grant integrated 7000 pounds of Oregon grown, nutritious foods into SSD lunches over 2013/2014 & 2014/2015 school years.
- 70 families receive weekly produce through the Sisters Kiwanis Food and Bread of Life Food Banks. Weekly produce is delivered along with ways to integrate more produce into one's diet, nutrition education and recipes.
- 10 community members receive weekly produce shares from the S2T farm plot. High school interns manage the produce shares, gaining valuable skills in business, community involvement and agriculture.

Need Addressed, Organizational Capacity and Partnerships

The S2T addresses the health and well-being of vulnerable populations. Sisters' geographic isolation and climate do not allow for a surplus of readily available and affordable fresh produce. In comparison with communities on the west side of the Cascade mountains, Sisters has a huge deficit of fresh produce at affordable prices for low income families. The deficit of nutritious produce has greatly hindered vulnerable populations from having access to nutritious foods that are critical for health and well-being.

The S2T program's organizational capacity has been greatly enhanced over the past year. The S2T program now has two employees, the program director (FTE) and the farm manager (seasonal). The farm manager focuses on developing and running the S2T farm plot and serves as an on site educator. The program director focuses on using the S2T overarching mission and goals to guide program capacity building and assessment, providing sound leadership and decision making to program employees, curriculum and classroom instruction, increasing programs technical capacity for communications and financial tracking, sound use of resources and creating key community partnerships.

The S2T has greatly enhanced their Collaborations and Partnerships over the past year from five to thirteen community partners. All organizations collaborate with the S2T program to offer education about nutritious foods and provide produce to the community. Through these organizations and the general community over 598 volunteer hours has been put into the S2T program to feed 70 families per week and educate over 400 students.

Partners include: Sisters School District , Sisters Parks and Recreation District , Heart of Oregon Corp, AmeriCorp, Sisters Circle of Friends, Sisters Kiwanis Food Bank, Sisters Bread of Life Food Bank, Rainshadow Organics, Juniper Jungle Farms, Mahonia Gardens, Sisters Community Garden, Oregon Farm to School & Central Oregon Intergovernmental Council.

Program Budget

The S2T program is in a stable financial situation, with a diversified funding base. For the 2014/2015 fiscal year (July 1st, 2014-June 30th, 2015) expenditures totaled \$32,292. Revenues totaled \$48,297 (\$12,000 restricted funds to be used by August 2015 for employees). The S2T program received a \$17,000 grant from the Oregon Community Foundation to hire a part time farm manager to assist with farm production and onsite education. This position is crucial for long term program sustainability. For the current fiscal year (July 1st, 2015-June 30th, 2016) expenses are estimated to be \$47,500. This includes allocating \$15,000 requested from OCF for the rehiring of a farm manager for the 2016 growing season (March-October 2016). Current fiscal year income is projected to be \$45,500.

Sustainability

The S2T program is working to generate continuous produce sales and community support to sustain the program. A goal is to have 50% of the program's income generated through produce sales by October 2018. The hiring of the seasonal farm manager has allowed the program director to focus on program sustainability, organizational capacity, curriculum development and support to all three schools in the Sisters School District. The program director has also been able to focus on community outreach and funding development. The program director has been working closely with the Central Oregon Intergovernmental council to develop a strategic plan. The strategic plan outlines exact amounts of produce sales and community support needed to support the S2T program after the grant period. The S2T program is on track to generate \$17,000 worth of annual produce sales by October 2017. Reaching this goal is possible with current program infrastructure and continuous community support.

Tracking of Progress

The S2T program believes strongly in and consistently measures program success and impacts. The number of students and community members involved and amount in pounds of food donated to the food bank and to the school lunches are tracked. The program also tracks progress in the amount of foods the program directs to the schools through the Farm to School grant. At the end of the field trip series students are given a questionnaire in which they are asked a series of questions including 1) Were you introduced to new foods that you had not known of, list two (2) Did you discover any new foods you liked from the garden, what were they? (3) Had you ever participated in growing food previously.

Results from 2014/2015 Program Tracking

- 91% of students were introduced to new foods they had never tried
- 56% of students were introduced to new foods they actually enjoyed
- Before the field trips an average of 57% had no experience tending to a plant and then getting to eat it. 100% of students involved, received this valuable experience

Seed to Table Program Budget 2015/2016

City of Sisters, 7/14/15

Expenses

Personnel	Budget
Program Director (.75 FTE)	\$18,000
Program Assistant (.5 FTE)	\$16,000
Total Personnel	\$34,000

Materials/Supplies

Garden/Farm Supplies	\$5,000	Seeds, soil amendments, tools, etc.
Educational	\$1,000	Curriculum, art supplies, office, etc.
Total Materials/Supplies	\$6,000	

Other

Equipment Rentals/Maintenance	\$500	
Instructional Support/Consulting	\$300	
Intern Scholarships	\$4,500	6 interns @ \$750 each
Food processing equip/supplies	\$500	Prep for distribution/sale of produce
Training/Prof. Development	\$300	
Farm Community Dinners	\$1,000	
Promotional materials	\$400	
Total Other	\$7,500	
TOTAL EXPENSES	\$47,500	

Income

Science Club	\$18,000	
City of Sisters Grant	\$1,000	Pending 2015/2016
Sisters Garden Club	\$0	
Indiv. Community/Business Sponsorships	\$2,000	
Roundhouse Foundation	\$4,500	
OCF	\$15,000	
Produce Sales	\$5,000	
Total Income	\$45,500	

In-kind

- Farm land	\$2,000.00	
- Farm supplies/equip.	\$2,500.00	
Compost	\$1,200.00	
Tools	\$500.00	
Soil Ammendment	\$1,500.00	
Total in-kind	\$7,700	

Seed to Table Program Budget 2014/2015

Updated 7/7

Expenses

Personnel	Budget	Actual	
Program Director (.75 FTE)	\$18,000	\$18,000	Paid by SSC through Sisters School Foundation Account
Program Assistant (.5 FTE)	\$15,000	\$6,555	Additional \$8,500 to be paid out by Oct 31st, 2015
Total Personnel	\$33,000	\$24,555	

Materials/Supplies

Garden/Farm Supplies	\$3,000	\$1,503	Seeds, soil amendments, tools, etc.
Educational	\$500	\$899	Curriculum, art supplies, office, etc.
Total Materials/Supplies	\$3,500	\$2,402	

Other

Equipment Rentals/Maintenance	\$1,500	\$1,423	
Instructional Support/Consulting	\$300	\$0	
Intern Scholarships	\$4,500	\$1,500	\$3000 restricted to pay 14/15 intern scholarships in SSC student development fund
Food processing equip/supplies	\$500	\$613	Prep for distribution/sale of produce
Training/Prof. Development	\$300	\$0	
Farm Community Dinners	\$1,000	\$0	
Promotional materials	\$400	\$305	
Greenhouse Purchase X 2	\$3,500	\$1,493	One accounts for 1 purchase, 2nd purchase in 15/16
Total Other	\$12,000	\$5,334	
TOTAL EXPENSES	\$48,500	\$32,292	

Income

Science Club	\$18,000	\$18,000	Paid by SSC through Sisters School Foundation Ac
City of Sisters Grant	\$1,000	\$1,000	
Sisters Garden Club	\$3,000	\$3,000	
Indiv. Community/Business Sponsorships	\$2,000	\$3,000	
Roundhouse Foundation	\$4,500	\$4,500	Restricted for Intern Scholarships 2015/2016
OCF	\$17,000	\$17,000	Restricted for \$15,000 for farm manager and \$2000 greenhouse expansion
Community Cash Donations	\$0	\$510	
Produce Sales	\$1,200	\$1,287	
Total Income	\$45,200	\$48,297	

In-kind

- Farm land	\$2,000.00	\$2,000.00	
- Farm supplies/equip.	\$2,500.00	\$2,500.00	
Garden Shed	\$1,550.00	\$1,550.00	
Compost	\$1,200.00	\$1,200.00	
Tools	\$158.00	\$158.00	
Irrigation	\$1,000.00	\$1,000.00	
Fence	\$7,500.00	\$7,500.00	
Soil Ammendment	\$1,500.00	\$1,500.00	
Total in-kind	\$17,408	\$17,408	



City of Sisters Community Services Grant Application

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- The requesting organization's history of success.
- The organizational and financial stability of the requesting organization.
- The number and types of community members served by the request.
- The ability to measure and track the effectiveness of the project or service.

Please type or print clearly:

1. Organization: Sisters Community Garden
2. Mailing Address: 15860 Barclay Drive, Sisters
3. Telephone No.: 541-610-9022 E-mail Address: mtbenson@band6broadband.com
4. Contact Person: Marvin Benson
5. Requested Amount: \$1,800
6. Project/Use for Funds: See attached memo, Garden Capital Improvements

Attach a letter explaining how the funds will be used, how one or more of the criteria will be met, number and types (children, seniors etc.) of community members served, and any other information relevant to the request. Community services grant funds may not be used for travel, budget deficits or for routine operating expense.

Return completed applications and letters to City of Sisters, Attn: Kathy Nelson, 520 E. Cascade Avenue, P. O. Box 39, Sisters, OR. 97759. For additional information, please contact City Recorder Kathy Nelson at 541-323-5213 or knelson@ci.sisters.or.us

Sisters City Hall 520 E. Cascade Avenue P. O. Box 39 Sisters, OR 97759
Ph (541)549-6022 Fax (541)549-0561

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City of Sisters
Community Services Grant Application
Sisters Community Garden

July 17, 2015

The current Sisters Community Garden was established in 2012 through local partnerships and many volunteering participants. The garden was relocated when their existing lease on property in town was to be terminated. Approximately 1-acre of property was donated for use on the Sisters Airport Property. The new site has flourished through the use of 45 existing raised bed plots and the recent addition of a greenhouse.

The Sisters Community provides an interactive area for both Seniors and Children to learn and work together. During the school year 4-7 special needs kids are bused to the garden on a weekly basis to work and enjoy an outdoor setting while supported by a number of adult volunteers. Last year over 350 pounds of fresh vegetables were donated to the food bank. That number is anticipated to increase this year.



The Sisters Community Garden is a non-profit 501c3 organization that is supported through donations. A small reserve is maintained for operating challenges but is very limited in its ability to support capital improvements.

The best way to track the gardens success would be to measure the smiles on the people who are able to utilize this community asset. If an actual measurement metric is required, this may best be the amount of food donated.

The Sisters Community garden is respectfully requesting \$1,800 to be used towards the items as noted below. We realize that the City Grant funding is to be shared amongst multiple parties. If the full amount is not available please consider any amount considered reasonable by the City.

Proposed Capital Improvements:

- Gravel for the parking area,
- Replacing the overhead watering system to an individual plot drip system,
- Construction of table and bench areas within the greenhouse,
- Installation of a permanent mist system in the greenhouse, and
- Improved shade area for gathering.

The many supporters and user of the Sisters Community Garden appreciate your consideration.

Marvin Benson
Sisters Community Garden
FTID 46-575-0038

**COMMUNITY SERVICES
GRANT**



CITY OF SISTERS

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- The organizational and financial stability of the requesting organization.
- The number and types of community members served by the request.
- The ability to measure and track the effectiveness of the project or service.

RECEIVED
JUL 16 2015
CITY OF SISTERS

Please type or print clearly:

1. Organization: Sisters Folk Festival Inc.
2. Mailing Address: PO Box 3500, PMB 304 Sisters, OR 97759
3. Telephone No.: 541-549-4979 E-mail Address: katy@sistersfolkfestival.org
4. Contact Person: Katy Yoder
5. Requested Amount: \$1000
6. Project/Use for Funds: Americana Project Arts Outreach Scholarship funding

Attach a letter explaining how the funds will be used, how one or more of the criteria will be met, number and types (children, seniors etc.) of community members served, and any other information relevant to the request. Community services grant funds may not be used for travel, budget deficits or for routine operating expense.

Return completed applications and letters to City of Sisters, Attn: Kathy Nelson, 520 E. Cascade Avenue, P. O. Box 39, Sisters, OR. 97759. For additional information, please contact City Recorder Kathy Nelson at 541-323-5213 or knelson@ci.sisters.or.us

Kathy Nelson

From: Katy Yoder <katy@sistersfolkfestival.org>
Sent: Thursday, July 16, 2015 2:57 PM
To: Kathy Nelson
Subject: Community Services grant letter of interest for Sisters Folk Festival Inc.
Attachments: 2015.CommunityGrantApplication.pdf

July 16, 2015

Kathy Nelson, City Recorder

City of Sisters

PO Box 39

Sisters, OR 97759

Dear Kathy:

Sisters Folk Festival Inc. (SFF) requests grant funding for the Americana Project Arts Outreach Scholarship (APAOS) fund. With the growing need for the program, the budget for the 2015/2016 school year has grown from \$8,000 per year to \$19,750.

Facilitated through Family Access Network (FAN), the APAOS provides access to long-term arts and music lessons and participation in programs formerly out of reach for struggling families. Thank you so much to the City of Sisters for your past support!

Providing a \$1,000 grant will help maintain sequential learning and give low-income children from pre-school through high school, a sense of stability and inclusion in our community. School administrators see APAOS as a way to provide access to the arts for low income students. Efforts are being made to reach these families and invite them to participate. FAN advocates hear positive feedback from parents and educators about students having better attention spans, attitudes and social skills. Having an outlet for creative expression can channel energy and emotions in a positive way.

Industrial arts classes like the Americana Project Community Luthier program, teach the importance of goal-setting, attention to detail and problem solving. Because of your past support, students who couldn't afford

materials costs were able to join their classmates and build their own guitar or ukulele. At this year's Luthier Showcase, students who received scholarships stood alongside their peers as they displayed their instruments for the audience. It was a real accomplishment and measure of success for them.

When the Sisters Dance Academy held its dance recital, fifteen of the students were recipients of APAOS funding. The image of these young dancers on the front of the local paper typified the benefits of including all our children in programs like this. Raising enrollment for local businesses is also a stabilizing force for arts-related businesses. APAOS has made that possible.

Since 2011, SFF has collaborated with FAN, Sisters School District, Sisters Park and Recreation District and local businesses like Sisters Dance Academy, Bald Eagle Education Station and private instructors to provide funding to children in need. We are \$9,000 short of our budget goals for the coming school year. We need your participation to ensure no child is turned away because of a lack of funding.

APAOS will reach close to 100 low-income students. Some are homeless; some have an incarcerated parent, while others have families hit hard by economic or medical challenges. APAOS has helped fund young children who are taking part in Sisters Park & Recreation District's summer school program by covering the arts portion of their tuition. Pooling resources with other non-profit organizations expands the reach of the fund. These collaborations will continue and expand as we assess and identify the needs in the community.

We appreciate your past participation and support of the students who benefit from SFF programs like the Americana Project. They are learning life-long skills that go beyond their ability to play a musical instrument, paint or build their own guitar. Their boundaries are expanded and their self-confidence is bolstered creating productive young people who are working hard to be the next generation of philanthropists, business leaders and artists.

Sincerely,

Katy Yoder

Development Director

Enriching Lives Through the Arts!

541-420-6408



City of Sisters Community Services Grant Application

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- The requesting organization's history of success.
- The organizational and financial stability of the requesting organization.
- The number and types of community members served by the request.
- The ability to measure and track the effectiveness of the project or service.

Please type or print clearly:

1. Organization: Sisters Schools Foundation
2. Mailing Address: PO Box 2155
3. Telephone No.: 541-549-6277 E-mail Address: nicolemontalvo@netzero.net
4. Contact Person: Nicole Montalvo
5. Requested Amount: \$7,500
6. Project/Use for Funds: Curriculum supplementation and endowment fund.

Attach a letter explaining how the funds will be used, how one or more of the criteria will be met, number and types (children, seniors etc.) of community members served, and any other information relevant to the request. Community services grant funds may not be used for travel, budget deficits or for routine operating expense.

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Sisters City Hall 520 E. Cascade Avenue P. O. Box 39 Sisters, OR 97759
Ph (541)549-6022 Fax (541)549-0561

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Sisters Schools Foundation
PO Box 2155
Sisters, OR, 97759

July 2nd, 2015

Kathy Nelson
City of Sisters
PO BOX 39
Sisters, OR, 97759

RECEIVED
JUL 06 2015
CITY OF SISTERS

Dear Mrs. Nelson,

Please accept this letter as application for the City of Sisters Community Services Grant from the Sisters Schools Foundation. Established in 1996, the Sisters Schools Foundation has been in existence for 19 years. Our volunteer board's time is spent for the benefit of all the children in the Sisters School District. Some of the programs supported and items funded by the Foundation are: the Arts (supplies and equipment) for all art departments in the Elementary, Middle and High Schools, band equipment, choir risers, yearbook, Chrome Books, along with class trips for grades 1-8, science equipment, SMART boards, Cameras, I-Pads and various requests that support sports in the schools.

We are requesting a grant in the amount of \$7,500.00. This grant will enable us to continue funding the many requests we get plus increase our endowment fund. It is the goal of the Sisters Schools Foundation to have an impact today as well as tomorrow. That is why 25% of all general funds raised have been and continue to be placed in an endowment fund. We view this effort to have long lasting impact and to be self-sustaining in the future.

I have attached an overview of the Fall Distribution of 2014. For further information please see our website at www.sisters.k12.or.us and click on the Sisters Schools Foundation link.

Thank you very much for your consideration of this request.

Nicole Montalvo
Sisters Schools Foundation Board Member



Sisters Schools Foundation Fall Distribution 2014

Members received 23 requests for the Fall Distribution Meeting. Extensive discussion took place about the requests and Todd Pilch offered information about district technology plans.

Pat informed members that a donor very generously offered to partially fund one of the larger requests, the choral risers for the elementary school. This donor helped purchase a previous set of choral risers. The donor also funded in part or in whole requests by staff at all three schools.

Members asked Pat to please extend their thanks to the donor.

The district will try to partially fund some of the requests, such as: 1 ipad for special education at the elementary school, 1 Smart Board speaker for an elementary school classroom, and concussion injury services for middle and high school athletes.

After deliberation, the following grants were approved from SSF funds:

Elementary School

Grades 1/2 Sunriver Nature Center Field Trip	500.00
Grade 4 Oregon Field Trip	1,000.00
Kindergarten Phonics	275.00
Kindergarten Stability Balls	200.00
Choral Risers	1,516.50

Middle School

Grade 7 Language Arts Engage NY Novel Set	760.50
Grade 8 Language Arts Engage NY Novel Set	1,688.50
Grade 6 Language Arts Engage NY Novel Set	1,112.65
Grade 6 Math Curriculum	3,198.00
Grade 5 YRCA Novels	1,000.00
Positive Behavior System awards	250.00
Grade 6 Outdoor School	1,513.50
Music Instrument Repair	1,680.00

High School

Weight Room Improvements	1,475.00
Dumbbells	382.88
IEE Language Arts Supplies	400.00
Culinary Arts Program	200.00
Piano Tuning	280.00

K-12

Chess Club Chess Sets	313.85
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City of Sisters Community Services Grant Application

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- The requesting organization's history of success.
- The organizational and financial stability of the requesting organization.
- The number and types of community members served by the request.
- The ability to measure and track the effectiveness of the project or service.

Please type or print clearly:

1. Organization: SMART, Start Making A Reader Today
2. Mailing Address: 520 NW Wall Street Bend, OR 97701
3. Telephone No.: 541-355-5601 E-mail Address: dturnbull@getSMARToregon.org
4. Contact Person: Diane Turnbull
5. Requested Amount: \$500
6. Project/Use for Funds: Purchase of books for children participating in the SMART program in Sisters and volunteer recruitment enabling us to serve more students.

RECEIVED
JUL 08 2015
CITY OF SISTERS

Attach a letter explaining how the funds will be used, how one or more of the criteria will be met, number and types (children, seniors etc.) of community members served, and any other information relevant to the request. Community services grant funds may not be used for travel, budget deficits or for routine operating expense.

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S M A R T
START MAKING A READER TODAY*

Inspire a child's next chapter.
July 2, 2015

City of Sisters
Attn: Andrew Gorayeb
PO Box 39
Sisters, OR 97759

Dear Andrew,

Thank you for your support of SMART, Start Making A Reader Today in Sisters. I am excited to report that we had an amazing SMART year in Central Oregon and across the state. In October of 2014 we received the prestigious Library of Congress American Prize in recognition of making an outstanding contribution to Children's Literacy in the United States.

In Sisters we were able to serve an additional eleven 3-4 year old children in the on-site preschool program at the Elementary School. The children started out the year being unable to sit for a full 15 minutes of 1:1 reading time with a volunteer but by the end of the school year they wanted more than just their allotted 15 minutes! The children were thrilled with the books they were able to take home and keep and read with their families. The City of Sisters contribution of \$500 for books and volunteer recruitment made a difference for each of those 11 children. Thank you!



Kecia is a kindergartener at one of our Central Oregon schools. She wears a hearing aid and initially had difficulty hearing during her SMART reading time. The coordinator at her school paired her with a couple of different volunteer readers until she found one that knew just a little bit of sign language. The reader was able to sign a few of the words in the book they were reading together and Kecia lit up with joy! She was more focused on the book and shared some signed words the reader didn't know. Now she is always ready to read and loves reading aloud and signing with her volunteer readers!

Support of SMART through the City of Sisters has been crucial to the services we provide to children at Sisters Elementary School. As we receive no financial support from school districts to provide SMART we count on local community donors such as the City of Sisters to ensure that our most disadvantaged students receive the literacy support they need to learn to read and succeed in school.

SMART is requesting a renewed commitment from the City of Sisters in the amount of \$500 to help us continue to provide proven one-on-one literacy support to children in your community and engage senior citizens in important volunteer work at Sisters Elementary School.

Thank you again for your consideration. Please contact me at (541) 355-5601 or at dturnbull@getsmartoreogn.org if you have any questions.

Sincerely,

Diane Turnbull
SMART Central Area Manager





City of Sisters Community Services Grant Application

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- The requesting organization's history of success.
- The organizational and financial stability of the requesting organization.
- The number and types of community members served by the request.
- The ability to measure and track the effectiveness of the project or service.

Please type or print clearly:

1. Organization: ~~City of Sisters~~ Sisters Park & Recreation District
2. Mailing Address: P.O Box 2215
3. Telephone No.: (541) 549-2091 E-mail Address: Liam@Sistersrecreation.com
4. Contact Person: Liam Hughes
5. Requested Amount: \$5,000
6. Project/Use for Funds: \$5,000 for scholarships.

Attach a letter explaining how the funds will be used, how one or more of the criteria will be met, number and types (children, seniors etc.) of community members served, and any other information relevant to the request. Community services grant funds may not be used for travel, budget deficits or for routine operating expense.

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Dear Sisters City Council,

The Sisters Park and Recreation Districts awards need-based scholarships for a huge range of activities each year including: preschool, youth sports leagues, youth sports camps, afterschool programs, art programs, music programs, summer adventure camps, and all high school sports.

Currently, with SPRD's low tax base, we are unable to dedicate any tax dollars to scholarships. This means that 100% of the scholarship dollars awarded must come from grants, fundraisers, and private donations. In an average year SPRD awards \$30,000 to \$40,000 in scholarships. Obviously raising this money is a great challenge, and for that reason we are requesting \$5,000 to help ensure that children from low income families are able to participate in all these great programs.

SPRD appreciates the continued partnership with the City of Sisters to provide for our community. Any assistance you can offer is greatly appreciated.

A handwritten signature in black ink, appearing to read 'Liam Hughes'.

Liam Hughes

Executive Director

RECEIVED
JUL 17 2015
CITY OF SISTERS

**COMMUNITY SERVICES
GRANT**



CITY OF SISTERS

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- The ability to measure and track the effectiveness of the project or service.

RECEIVED
JUL 02 2015
CITY OF SISTERS

Please type or print clearly:

1. Organization: Sisters V.F.W Post 8138
2. Mailing Address: 69455 Lasso
3. Telephone No.: (541) 588-6131 E-mail Address: EC Schroeder@Juno.com
4. Contact Person: Carl C Schroeder
5. Requested Amount: \$500.00
6. Project/Use for Funds: Posting 125 US Flags on Cascade Ave + Outlaw Station

Attach a letter explaining how the funds will be used, how one or more of the criteria will be met, number and types (children, seniors etc.) of community members served, and any other information relevant to the request. Community services grant funds may not be used for travel, budget deficits or for routine operating expense.

Return completed applications and letters to City of Sisters, Attn: Kathy Nelson, 520 E. Cascade Avenue, P. O. Box 39, Sisters, OR. 97759. For additional information, please contact City Recorder Kathy Nelson at 541-323-5213 or knelson@ci.sisters.or.us

Sisters City Hall 520 E. Cascade Avenue P. O. Box 39 Sisters, OR 97759
Ph (541)549-6022 Fax (541)549-0561

www.ci.sisters.or.us

For TTY service, dial 711

This institution is an equal opportunity provider

City of Sisters
520 E Cascade Avenue
Sisters, OR 97759

ATTN: Kathy Nelson, City Recorder

Subject: Sisters Community Services Grant

For the past 6 years our local Sisters VFW and American Legion Posts have been posting and retiring approximately 125 US Flags on Cascade Avenue and at Outlaw Station. These flags are flown for about 70 days through out the year on Patriotic days.

These flags add to the image that Sisters has which our visitors surely see. It's a challenge and joy to get this project completed by our many military veterans who spend well over 100 hours in volunteering their time. And, as an aside, we also do a clean-up around the gazebo in Village Green.

The flags do get tattered and faded over time, as the winds whip down Cascade Avenue, and about every 3 years they need to be replaced. We are grateful for the gratis storage facility where the flags are stored. The flags alone have a value of over \$2000, hence the Grant Request.

I understand that down the road Hood Street will become a candidate for flags. Our veterans are willing to help in making that happen too.

Every time the flags are waving in the breeze, locals and citizens alike can't help but notice that the City of Sisters is an outstanding community.

We respectfully request a Community Service Grant of \$500, and rest assured, every penny will go directly to the local military Flag Program.

Sincerely,

Earl C Schroeder

Earl C Schroeder
Sisters VFW Post 8138
Sr Vice Commander

CITY OF SISTERS OREGON
VFW Flag Schedule For The Year 2015

~~~~~

Each year a Flag Posting Schedule is created by the two local military posts of the VFW & American Legion. The dates change slightly each year, and this year is no exception. US Flags are displayed on Cascade Ave, Ray's, Bi-Mart, St Charles Family Care and north of City Hall.

**President's Day: February 16 (Monday)**

***\*Post Flags on February 13 (Friday)***

***\*Retire Flags on February 23 (Tuesday)***

**Memorial Day: May 25 (Monday)**

***\*Post Flags on May 15 (Friday) Armed Forces Day-Sisters Rodeo***

***\*Retire Flags on July 13 (Monday) day after the Quilt Show***

**Labor Day: September 7 (Monday)**

***\*Post Flags on September 2 (Wednesday)***

***\*Retire Flags on September 21 (Monday) POW/MIA Day***

**Veteran's Day: November 11 (Monday)**

***\*Post Flags on November 2 (Monday) prior to Election Day***

***\*Retire Flags on November 13 (Friday) day after Veteran's Day***

Please note that the posting of our Flags is accomplished by Veteran volunteer efforts from VFW Post 8138 and American Legion Post 86.

Flags are posted and retired normally on Mondays thru Fridays, on or before 8:00 AM, unless unusual situations occur.

A committee of four members from the two Posts will be in charge of this project. Communications for this project would be directed to the Post Commanders of either the VFW or American Legion.

Maintenance and purchasing of additional flags / staffs will be the responsibility of the flag committee. Should you see a flag that needs repair/ replacement should call Earl Schroeder (541) 588-6131.

Tattered flags may be dropped off at the Chamber of Commerce.

## CITY OF SISTERS

POLICY: COMMUNITY GRANT CRITERIA

NUMBER: CMO 102

EFFECTIVE DATE: 02/28/2010

APPROVAL: CITY COUNCIL

- I. **POLICY:** It is the policy of the City of Sisters to provide assistance to non-profit or other community entities and organizations that meet specific criteria.

The City of Sisters may provide community assistance grants to non-profit or other entities that serve the Sisters community for projects or programs that meet the following criteria:

- Provides assistance for essential utilities, food, clothing or shelter.
- Provides educational or recreational opportunities for children or seniors.
- Generates/supports economic activity in Sisters.

In evaluating requests, the City will consider the following:

- The ability to meet one or more of the criteria listed above.
- The requesting organization's history of success.
- The organizational and financial stability of the requesting organization.
- The number and types of community members served by the request.
- The ability to measure and track the effectiveness of the project or service.
- Community grant funds will not be used for travel, budget deficits or for routine operating expenses.

- II. **PURPOSE:** To set forth the procedures, terms and conditions under which the City will consider making grant awards to community organizations that meet specific criteria, as budgeted funds allow.

### III. PROCEDURES:

#### City of Sisters

- ❖ In reviewing the annual budget, the City Budget Committee will set an amount targeted for community assistance grants. The Budget Committee may include funding for specific non-profit agencies or choose to earmark funds without specifying a recipient agency.
- ❖ By mid-April, publish an announcement in the Nugget Newspaper announcing the City will be accepting Community Grant applications. The announcement will continue to run until the application due date. Applications will be due by the end of May.
- ❖ Collect date stamped applications until the deadline.
- ❖ Create a spreadsheet of all the community grant requests received.

- ❖ Schedule a workshop for the City Council to discuss and determine who the grant recipients will be and the dollar amount of the grant. The City Council approves the grant recipients and amounts at a regular meeting.
- ❖ The City Council approves the City Budget. The grant award is contingent on the Council's approval of the budget and appropriation of funds for community grants for the upcoming fiscal year.
- ❖ Send a letter to entities confirming grant amount received.
- ❖ Send a letter of regret to entities that were not chosen to receive grants.

### **Community Grant Applicant**

- ❖ Submit a Community Grant application prior to the deadline along with a letter supporting the request. The letter should include how the funds will be used, including the benefit to citizens, number and types (children, seniors etc.) of community members served, positive impacts to the community and any other information relevant to the request.
- ❖ Provide a letter to the City of Sisters upon completion of the project/or fiscal year end detailing how the funds were used.

## Community Grant Awards 2009/10 through 2013/14

### FY 2010/11

\$5,000 – SPRD

\$4,500 – FAN

\$2,000 – SMART

\$ 600 - Quilt Show (streetlight banners)

**\$2,000 – Skate Park (waived fees- no cash outlay) – request granted after normal application process**

\$ 500 – Habitat for Humanity 4<sup>th</sup> of July Picnic – **request granted after normal application process**

\$ 300 – VFW/American Legion (flags) - **request granted after normal application process**

### FY 2011/12

\$5,000 – SPRD

\$4,500 – FAN

\$1,000 – Sisters Public Art

\$ 750 – Sisters Rodeo

\$ 720 – Rotary (3<sup>rd</sup> grade swim program)

\$ 500 - SMART

\$ 280 - Arts Discovery

\$ 250 – Friends of the Children (educational software)

\$1409.25 – Sisters Science Club (reimbursement of permit fees for middle school greenhouse) - **request granted after normal application process**

\$ 500 – Ben Johnson Eagle Scout Project - **request granted after normal application process**

### FY 2012/13

\$4,250 – FAN

\$3,000 – SPRD

\$1,000 - Chamber of Commerce

\$1,000 – Kiwanis - **request granted after normal application process**

\$ 500 – Rotary Club

\$ 500 – Sisters Folk Festival

\$ 500 – SMART

\$ 500 – VFW/American Legion

\$ 500 – SPRD (Early Childhood Ed.) - **request granted after normal application process**

\$ 250 – American Red Cross

\$ 250 – Circle of Friends

\$ 250 – Sisters Cohort 3

### FY 2013/14

\$4,000 - FAN

\$3,500 – SPRD

\$2,500 - Sisters School Foundation

**\$1,000 – Community Health Program – check returned as program did not start**

\$ 750 - Sisters Folk Festival

\$ 500 - Quilt Show

\$ 250 - Circle of Friends

\$ 250 – Friends of Sisters Library

\$ 250 - Sisters Historical Society

\$ 50 – Little Free Library - **request granted after normal application process**

**FY 2014/15**

\$3,000 – FAN

\$3,000 – SPRD

\$2,000 – Sisters School Foundation

\$1,200 – Habitat for Humanity

\$1,000 – KZSO

\$1,000 – Seed to Table

\$ 500 – Circle of Friends

\$ 500 – Rotary Club

\$ 500 – Folk Festival

\$ 500 – SMART

\$ 200 – VFW

\$ 400 – SPRD - **request granted after normal application process**

\$ 400 – Sisters Middle School - **request granted after normal application process**

\$ 800 – Sisters Community Garden - **request granted after normal application process**



# Circle of Friends

August 25, 2014

City of Sisters  
PO Box 39  
Sisters, OR 97759

RECEIVED  
AUG 23 2014  
CITY OF SISTERS

Dear Andrew,

On behalf of Circle of Friends, I wanted to write and thank you for your generous donation. We are deeply grateful for your support and for your shared commitment to the children in Sisters, Oregon.

At Circle of Friends, we know that one person can turn a life around, but it is together, that we are truly transforming lives for the better, one child at a time. Because of your support, we are reaching and increasing number of children in need of a positive and caring adult in their lives. As part of the Friends Family, I look forward to continuing to update you on our children's successes in the future. If you ever have any questions about our program, please feel free to contact me.

Thank you for investing in us and supporting the dream of Circle of Friends.

Sincerely,



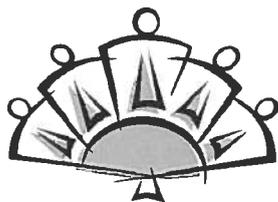
Beth Hanson  
Executive Director

RECEIVED  
AUG 26 2014  
CITY OF SISTERS

Your gift of \$500 is greatly appreciated and tax deductible as the law allows

PO Box 1718, Sisters OR 97759 541-588-6445 [beth@acircleoffriendsoregon.com](mailto:beth@acircleoffriendsoregon.com)  
[www.acircleoffriendsoregon.com](http://www.acircleoffriendsoregon.com)

## SISTERS FAMILY ACCESS NETWORK



**Family Access Network**  
Helping with the Other Kind of Homework

September 15, 2014

Sisters City Council  
Andrew Gorayeb  
c/o City of Sisters  
PO Box 39  
Sisters, Oregon 97759

Thank you for awarding Sisters Family Access Network (FAN) with the generous grant of \$3000 to provide emergency water and garbage services to local families.

FAN continues to serve Sisters School District children and families with multiply services such as one time partial rental assistance, distributes school supplies to over a 100 students each year, connects families to medical, prescription, and dental care, and unites families to local, county and statewide services.

FAN continues to reach those in need thanks to the partnership we share with local businesses, the church community, not for profits, service clubs, and local donors and volunteers. Thank you for being a partner with Sisters FAN.

Very gratefully,

*Theresa Slavkovsky*  
Theresa Slavkovsky

*Dawn Cooper*  
Dawn Cooper

RECEIVED  
SEP 17 2014  
CITY OF SISTERS

525 E. Cascade Ave. Sisters, OR 97759  
Phone 541.549.0155 Fax 541.549.1057



Sisters Habitat for Humanity  
PO Box 238 – 141 West Main St.  
Sisters, Oregon 97759  
(541) 549-1193, [www.sistershabitat.org](http://www.sistershabitat.org)

July 15, 2015

Dear Sisters City Council,

Thank you so much for the Community Grant of \$1200 that was awarded to Sisters Habitat in 2014. The funds were used to help pay city permit fees for two affordable homes that were completed and dedicated last year. See 12/9/14 Nugget News article from the home dedication. Permit receipts are also attached.

We appreciate your help and support.

Best,

A handwritten signature in blue ink that reads "Sharlene Weed".

Sharlene Weed  
Executive Director

12/9/2014 12:46:00 PM

## Habitat celebrates two new homes

By Diane Goble

A little frost and freezing rain couldn't keep Sisters Habitat for Humanity volunteers from coming together last week to celebrate the completion of two new homes on Greenridge Avenue.

Chrys Purkey and her son Devin, a kindergartner at Sisters Elementary School, are now living next door to Jeannie Sandecki. Both women put in well over their required 500 hours of sweat equity with saws and hammers, and pots and pans turning out meals and treats for the many volunteers who poured their time, energy and hearts into the construction of these two homes.

Sisters Habitat for Humanity Board Chair Kevin Neary opened the dedication ceremony, and Father Ted Rodrigues from the Episcopal Church of the Transfiguration was there to give the opening prayer. Lynn Jones, board member and "super-builder," asked everyone to join her in singing "Bless This House."

Chapter Executive Director Sharlene Weed told the story of the land purchase for these homes in 2010 with a zero-interest loan from Habitat for Humanity Oregon and thanked the people and businesses that helped bring this project together - Fred Ast & Associates for their pro bono survey work, the City of Sisters for its affordable housing density bonus; Marie Clausen and the 16-member partnership committee that helped provide the homeowner education program, sweat equity, and support through the process of home-ownership; and the Habitat Thrift Store and ReStore for financial assistance in putting the project together.

She thanked Chris Mayes for his design work, the Sisters High School construction crew for building the walls, and Women Build for all their hard work putting those walls up. Weed also expressed gratitude for \$3,000 down-payment assistance from Oregon Housing & Community Services.

Jennifer Knoll, a former Habitat for Humanity homeowner in 2001, said this program gives a different meaning to the word home: "It's not just laying a foundation and putting up walls, it grows from a great need to building a great life."

She has since been able to purchase her own home.

Construction manager Shawn O'Hern gave thanks to all the volunteers who had a hand in these two simultaneous projects and acknowledged donated items, such as free roofing materials from Certainteed, delivered thanks to Hoyt's Hardware & Building Supply; a refrigerator and stove for each house from Whirlpool; boxes of free cleaning products for each homeowner from Proctor & Gamble; and help with landscaping by a team from U.S. Bank Sisters.



[+ click to enlarge](#)

Devin Purkey cut the ribbon on his new home as his mom Chrys looked on. *photo by Jerry Baldock*

O'Hern made special mention of 87-year-old Ed Patterson, who has been making the cabinets for Habitat homes for many years and will now be retiring. Patterson also knitted a beautiful afghan to bless each new Habitat home.

Ken Purkey gave a special blessing for his daughter Chrys' new home. He started working at the ReStore to earn equity hours for her but likes it so much that he is still one of store manager Robin Tawney's cherished volunteers.

Family partners Paula Reents and Sydney Harrison introduced the Purkeys and Carolyn Gabrielson introduced Sandecki, each telling the story of their journey together leading up to this very emotional ribbon-cutting ceremony. The new homeowners expressed gratitude to everyone for helping their dream of home-ownership come true through tears of joy and laughter. They cut the red ribbons across their doors and were surrounded by the love of the Habitat for Humanity family partners.

The ceremony was followed by a tour of the inside of both homes, with hot coffee and baked goods for all who braved the cold temperatures to show their support for the grateful new homeowners, Chrys and Devin Purkey, and Jeannie Sandecki.

For more information on Habitat programs and volunteer opportunities, call Volunteer and Family Services Manager Marie Clasen at 541-549-1740.



**STRUCTURAL PERMIT APPLICATION**

**City of Sisters**  
 520 E Cascade Ave. / PO Box 39  
 Sisters, OR 97759  
 www.ci.sisters.or.us

Inspections: 541-323-5202  
 office: 541-549-6022

|                                      |                                      |
|--------------------------------------|--------------------------------------|
| <b>STRUCTURAL PERMIT APPLICATION</b> | <b>PERMIT NUMBER: 793-14-0000 88</b> |
|--------------------------------------|--------------------------------------|

|                                                                                                                                                                             |              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| TAX LOT: 151004DC07102                                                                                                                                                      | SUBDIVISION: |
| Job site address: 773 E GREENRIDGE City: SISTERS State: OR Zip: 97759                                                                                                       |              |
| PROPERTY OWNER INSTALLATION: ONLY FOR HOMEOWNERS DOING THE WORK ON THEIR OWN HOME                                                                                           |              |
| Name: SISTERS HABITAT Address: SISTERS State: OR Zip: 97759                                                                                                                 |              |
| Phone: 541-549-1193 E-mail: shawn@sistershabitat.org Fax: 541-549-6696                                                                                                      |              |
| This installation is being made on residential or farm property owned by me or a member of my immediate family and is exempt from licensing requirements under ORS 701.010. |              |
| Sign here:                                                                                                                                                                  |              |

| CONTRACTOR INSTALLATION                 | JOB DESCRIPTION                                    |
|-----------------------------------------|----------------------------------------------------|
| Business name: SISTERS HABITAT/showroom | Describe work being done:                          |
| Address: 141 W MAIN ST                  | R-3 992 # = 106,223.36                             |
| City: SISTERS State: OR Zip: 97759      | U 369 # 14,785.68                                  |
| Phone: 541-549-1193 Fax: 541-549-6696   | Perch 96 # 1,949.76                                |
| E-mail: shawn@sistershabitat.org        | 122,958.80                                         |
| CCB license no: 74066                   | Type of const: VB Occupancy: R-3 Total sq. ft. 980 |
| City business license no: 000372        | Height: 19'6" No. Stories: 1 Cost per sq. ft.      |
| Print name:                             | Plans checked by: JWF Date: 3-7-14                 |
| Signature: <i>[Signature]</i>           | Approved for issuance by: JWF Date: 3-7-14         |

| CATEGORY OF CONSTRUCTION                      | Total Valuation: P 122,959     |
|-----------------------------------------------|--------------------------------|
| Residential Commercial Government             | Planned                        |
| Use Zone: Planning                            | Total Valuation: P 122,959     |
| Minimum Building Setbacks from property line: | Foundation only permit: Yes No |
| Front: Left side: Right side: Rear:           |                                |
| No. of offstreet parking spaces required:     |                                |
| Property is within flood plain: Yes No        |                                |

| Special Conditions:<br>AS submitted only garage is 20' setback from front property line. | FEES                                          |             |
|------------------------------------------------------------------------------------------|-----------------------------------------------|-------------|
|                                                                                          | A. Structural Permit                          | \$ 674.50   |
|                                                                                          | B. Plumbing Permit                            | \$ 168.00   |
|                                                                                          | C. Mechanical Permit                          | \$ 94.08    |
|                                                                                          | D. 12% Surcharge of lines A, B, & C           | \$ 80.94    |
|                                                                                          | E. Prepaid plan check fee #16933 3/4/14       | \$ (500.00) |
|                                                                                          | Plan check fee (61.57)                        | \$ 438.43   |
|                                                                                          | Site Suitability Res. (250.00) Comm. (500.00) | \$ 250.00   |
|                                                                                          | Transportation Systems Development (1,016)    | \$ —        |
|                                                                                          | Park Systems Development Charge (613)         | \$ —        |
| Sewer Systems Development Charge*                                                        | \$ —                                          |             |
| Water Systems Development Charge*                                                        | \$ —                                          |             |
| <b>TOTAL</b> (R# 16971)                                                                  | <b>\$ 1205.95</b>                             |             |

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

This permit is issued under OAR 918-460-0030. Permits expire if work is not started within 180 days of issuance or if work is suspended for 180 days.



**RECEIVED**

OCT 25 2013

CITY OF SISTERS

**STRUCTURAL PERMIT APPLICATION**

**City of Sisters**

520 E Cascade Ave. / PO Box 39

Sisters, OR 97759

www.ci.sisters.or.us

Inspections: 541-323-5202

office: 541-549-6022

|                                                                                                                                                                             |                                                        |                                     |                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|-------------------------------------|-------------------------|
| <b>STRUCTURAL PERMIT APPLICATION</b>                                                                                                                                        |                                                        | <b>PERMIT NUMBER:</b> 13R117        |                         |
| TAX LOT 151004DC-07100                                                                                                                                                      | SUBDIVISION:                                           |                                     |                         |
| Job site address: 105 <del>775</del> E GREEN RIDGE AVE                                                                                                                      | City: SISTERS                                          | State: OR                           | Zip: 97759              |
| PROPERTY OWNER INSTALLATION: ONLY FOR HOMEOWNERS DOING THE WORK ON THEIR OWN HOME                                                                                           |                                                        |                                     |                         |
| Name: SISTERS HABITAT                                                                                                                                                       | Address: 141 E. MAIN ST.                               | City: SISTERS                       | State: OR Zip: 97759    |
| Phone: 541-556-4299                                                                                                                                                         | E-mail: shawn@sistershabitat.org                       | Fax:                                |                         |
| This installation is being made on residential or farm property owned by me or a member of my immediate family and is exempt from licensing requirements under ORS 701.010. |                                                        |                                     |                         |
| Sign here:                                                                                                                                                                  |                                                        |                                     |                         |
| <b>CONTRACTOR INSTALLATION</b>                                                                                                                                              |                                                        | <b>JOB DESCRIPTION</b>              |                         |
| Business name: SISTERS HABITAT                                                                                                                                              | Describe work being done:                              |                                     |                         |
| Address: 141 E MAIN ST.                                                                                                                                                     | R-3 996 sq ft x 107.08 = 106,652                       |                                     |                         |
| City: SISTERS State: OR Zip: 97757                                                                                                                                          | U 364 sq ft x 40.62 = 14,786                           |                                     |                         |
| Phone: 541-549-1193 Fax:                                                                                                                                                    | PORCH 96 sq ft x 20.31 = 1,950                         |                                     |                         |
| E-mail: shawn@sistershabitat.org                                                                                                                                            | 123,388                                                |                                     |                         |
| CCB license no: 74066                                                                                                                                                       | Type of const: B                                       | Occupancy: R-3                      | Total sq. ft.           |
| City business license no: 00372                                                                                                                                             | Height:                                                | No. Stories: 1                      | Cost per sq. ft.        |
| Print name: SHAWN O'Hern                                                                                                                                                    | Plans checked by: [Signature] Date: 10-21-13           |                                     |                         |
| Signature: [Signature]                                                                                                                                                      | Approved for issuance by: [Signature] Date: 10-21-13   |                                     |                         |
| <b>CATEGORY OF CONSTRUCTION</b>                                                                                                                                             |                                                        | <b>Total Valuation:</b>             |                         |
| <input checked="" type="checkbox"/> Residential                                                                                                                             | <input type="checkbox"/> Commercial                    | <input type="checkbox"/> Government | New Addition Alteration |
| <b>Planning</b>                                                                                                                                                             |                                                        | Foundation only permit: Yes No      |                         |
| Use Zone: R-Residential                                                                                                                                                     | No. of offstreet parking spaces required: 2            |                                     |                         |
| <b>Minimum Building Setbacks from property line:</b>                                                                                                                        |                                                        | <b>FEES</b>                         |                         |
| Front: Left side: Right side: Rear:                                                                                                                                         | A. Structural Permit \$ 675.86                         |                                     |                         |
| Property is within flood plain: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                                                                         | B. Plumbing Permit \$ 150.00                           |                                     |                         |
| <b>Special Conditions:</b>                                                                                                                                                  | C. Mechanical Permit \$ 125.00                         |                                     |                         |
| Note address correction.                                                                                                                                                    | D. 12% Surcharge of lines A,B, & C \$ 114.10           |                                     |                         |
| EOP 10-28-13                                                                                                                                                                | E. Prepaid plan check fee 16708 \$ (500.00)            |                                     |                         |
| <b>Public Works/Engineering</b>                                                                                                                                             | Plan check fee (60.69) \$ 439.31                       |                                     |                         |
| See attached conditions of approval.                                                                                                                                        | Site Suitability Res.(250.00) Comm. (500.00) \$ 250.00 |                                     |                         |
| Approved by: [Signature] Date: 10/29/13                                                                                                                                     | Transportation Systems Development(1,016) \$ 1016.00   |                                     |                         |
|                                                                                                                                                                             | Park Systems Development Charge (613) \$ -             |                                     |                         |
| This permit is issued under OAR 918-460-0030. Permits expire if work is not started within 180 days of issuance or if work is suspended for 180 days.                       | Sewer Systems Development Charge* \$ 2411.11           |                                     |                         |
|                                                                                                                                                                             | Water Systems Development Charge* \$ 2052.80           |                                     |                         |
|                                                                                                                                                                             | <b>TOTAL</b> CK#16762 \$ 6734.18                       |                                     |                         |

Make credit on next permit. Sh... -



## ROTARY CLUB OF SISTERS

P.O. Box 1286  
Sisters, Oregon 97759

June 8, 2015

City of Sisters  
P.O. Box 39  
Sisters, OR 97759

To the City of Sisters,

It is with profound gratitude to the City of Sisters for their support in awarding our Sisters Rotary Club a \$500.00 Grant for our 6<sup>th</sup> annual "Books For Kids" project that I submit the funding report for 2015.

As you can see by the enclosed article, the event was a huge success. Tumalo was unable to attend this year.

The books, which we ordered through Paulina Springs in Sisters were presented to 86 students from Sisters Elementary School and Sisters Christian Academy. Each student received a special back pack with a bright yellow T shirt. The T's were purchased from Eric Liddell of Sisters Screen Printing and Embroidery. The back packs also included several generous donations from our local banks, Forest Service and business'.

Our *Interact* students, which is a High School branch of Rotary, staged a fun enactment, complete with the Grinch, of the story of "The Good Queen Sue" read by its author and Founder of the Literacy program, Mr. John Jorgensen from Casper, Wyoming. The children were enthralled to say the least!

RECEIVED

JUN 11 2015

CITY OF SISTERS

City of Sisters  
June 8, 2015 – Page 2

Following is a list of expenses for the year 2015.

|                                                                                                         |                   |
|---------------------------------------------------------------------------------------------------------|-------------------|
| Back packs:                                                                                             | \$192.00 for 100  |
| Books:                                                                                                  | \$1,073.86        |
| (That cost includes three sets of six of the original books for teachers and one set for Mr. Jorgensen) |                   |
| T Shirts:                                                                                               | \$ 577.85         |
| Special Book Marks:                                                                                     | \$ 99.00          |
| Total 2015 Budget:                                                                                      | <u>\$1,942.71</u> |

Again my thank you to the City of Sisters for your part in making our “Books For Kids” 2015 event a huge success.

Sincerely,

Gayla Nelson  
Rotary Club of Sisters  
Books For Kids Literacy Project Chair

Enclosure

**RECEIVED**  
JUN 11 2015  
CITY OF SISTERS



September 15, 2014

City of Sisters  
Andrew Gorayeb  
PO Box 39  
Sisters, OR 97759

Dear Andrew:

Thank you for awarding a grant to Sisters Folk Festival's Americana Project Arts Outreach Scholarship fund (APAOS). The money will be disseminated through Family Access Network (FAN) and will focus on children who have expressed an interest in arts-related activities. Some were in music, dance or art lessons but their families could no longer pay the tuition. This grant will keep the lessons going and their dreams flourishing. Before APAOS started in 2011, some students were forced to quit their music, dance and art classes when the money ran out.

There's nothing more rewarding than providing the funds to get them back on track as they rejoin classes with their peers or begin working once again with a beloved teacher. Thank you so much for making that possible! APAOS also broadens the horizons for families who never considered providing arts-related instruction for their children. With FAN advocates letting them know these opportunities exist, we're seeing children join their peers and form bonds with classmates that enrich their lives and make them feel like they truly belong. The arts have proven to be an effective pathway to foster relationships, self-discovery and a sense of community.

We look forward to reporting on this grant once the funds have been dispersed or prior to the City's fiscal year on June 30, 2015. Your support will truly touch and improve the lives of the children who need it most. Thank you so much for being there for them!

Sincerely,

  
Katy Yoder  
Development Director

RECEIVED

SEP 17 2014

CITY OF SISTERS

**Kathy Nelson**

---

**From:** ecschroeder@juno.com  
**Sent:** Friday, July 17, 2015 12:00 PM  
**To:** Kathy Nelson  
**Subject:** Sisters Community Grant

**RE: Community Grant**

**To the Attn of: Sisters City Council**

For the past 7 years the combined military posts of the America Legion and VFW, have provided volunteers to post and retire 125 US Flags on Cascade Ave, Mustang Station, Barclay Sq. and the Veterans Park. The flags are flown for about 70 days per year. Over time, the flags become sun bleached, dirty, tattered and torn. The average life of these flags is about 4-5 years and need to be replaced. Occasional repair and cleaning is needed to extend the useful life of these flags.

All funds received from the City of Sisters are expended totally and only for flag replacements. Flags are acquired at \$14 per flag from the US Congress which allows for a very low cost, and are delivered postage paid. \$200 allowed for the purchase of 14 new flags. A veteran personally retires the old flags and remounts the new 3 x 5 nylon flag.

We replace, on average, 30 flags per year. which keeps our inventory of flags appearing fresh and new looking. We appreciate the support from the City of Sisters, and look forward to keeping Sister looking patriotic with our display of our countrys' flag.

Sincerely,

*Earl Schroeder*

Earl C Schroeder  
Sr Vice Commander  
Sisters VFW, Post 8138

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**S M A R T**  
START MAKING A READER TODAY®

Inspire a child's next chapter.

June 10, 2015

Andrew Gorayeb  
City of Sisters  
520 E. Cascade Avenue  
Sisters, OR 97759

RECEIVED  
JUN 26 2015  
CITY OF SISTERS

Dear Andrew—

Thank you for the City of Sisters Award for SMART Programs in Sisters for the 2014-15 program year. It has been a great year for SMART in Central Oregon. We are pleased to inform you that we served children in both the After School Programs through Sisters Parks and Recreation and in the Sisters Elementary on site Preschool. Below are our numbers:

Sisters After School Program

| Children | Volunteers<br>Number/Hours | Books Given |
|----------|----------------------------|-------------|
| 195      | 12 96                      | 195         |

Sisters Preschool

| Children | Volunteers<br>Number/Hours | Books Given |
|----------|----------------------------|-------------|
| 31       | 10 98                      | 394         |

We look forward to continuing to serve the City of Sisters with the SMART program and are pleased with the number of children and volunteers participating in the program as well as the number of books we were able to put in the hands of children to take home and keep. Thanks to the City of Sisters for supporting us in this very important work!

Sincerely,

Diane Turnbull  
Central Area Manager





SMART  
START MAKING A READER TODAY™

# SMART Central Area Spring/Summer 2015

Serving Crook, Deschutes, Grant and Jefferson Counties

Hello from SMART in Central Oregon! It's been a wonderful year of bringing the joy of reading to local children in our communities, thanks to the dedication and partnership of hundreds of local volunteers, donors, advocates and educators.

## THANKS ALL AROUND!

### SITE COORDINATORS

SMART Site Coordinators are vital to the success of our reading programs statewide. Each week during the school year, they spend hours supervising reading sessions, working closely with teachers to help SMART serve young readers at risk of falling behind and bringing the spirit of SMART to the school community. Thank you to our 26 amazing Site Coordinators.

Aileen DeLapp  
Amy Pulitano  
Cathy Cooper  
Charlotte Reed  
Cheri Bellmore  
Christina Saxton  
Christine Brown  
Christine Jacobsen  
Deborah Olsen  
Fran Bush  
Greg Pinkal  
Jeri Coffin  
Jerry Thompson

Jessica Weisgerber  
Judy Loudermilk  
Kathy Knowler  
Kim Pilkington  
Kristy Callahan  
Leslie Riley  
Linda Studtmann  
Lisa Logan  
Marilyn Lankow  
Mary Barlow  
Misty Hense  
Pam Weindel  
Sue White

### SMART READERS

SMART Readers spend an hour each week throughout the school year helping kids develop critical reading skills and self-confidence. One-on-one, our Readers motivate students to read, lead and achieve. Thank you to the more than 350 SMART Readers in the Central Area for inspiring children's lifelong love of reading!

### SMART LEADERSHIP COUNCIL

The SMART Leadership Council is a group of local leaders who've joined together to advocate for SMART in their companies and communities. Thank you to this incredible group for supporting our vision of an Oregon where every child can read and is empowered to succeed!

- Janet Freeman-Bauer—Community Member
- Janice Hughes—Hughes Consulting
- Maggie Kirby—Craft3
- Harriet Langmas—Community Member
- Jim Linker—Umpqua Bank
- Laura Murray—Community Member
- Laura Norwood—US Bank
- Kate Piggot—Coachwell, Inc.
- Taylor Thompson—Bank of the Cascades
- Jane Teater—Retired Educator and Reading Specialist, Statewide SMART Board Member

### CORPORATE AND FOUNDATION SPONSORS

Many businesses, foundations and individuals help provide the funding and volunteer support necessary for SMART sites to thrive. Thanks to these local businesses and partners that help our SMART schools in the Central Area flourish:



SCOOTR, Inc.: South Central Oregon Operation Toy Run

## 2014-15 CENTRAL AREA IMPACT



22  
sites



335  
volunteers

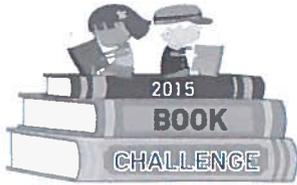


610  
students



7,405  
books given

## 2015 BOOK CHALLENGE RAISES FUNDS FOR BOOKS FOR LOCAL KIDS



Our annual Book Challenge, encouraging volunteers in sites across Central Oregon and statewide to donate funds to purchase books for students in their community, triumphed

once again! Our amazing volunteers raised \$3,267.50, which will help purchase 1,307 books for local SMART students. Crooked River Elementary in Prineville took the honor of winner with the highest percentage of volunteer participation in the Book Challenge. Congratulations and thank you to Crooked River volunteers for taking home the win for your SMART students! A new element of the Book Challenge this year, winning sites also got to give away an additional book for students.

Statewide, the Book Challenge raised \$75,000, thanks to volunteers' generosity and a matching grant from the Fred Meyer Fund; this equates to 30,000 books for kids next year!

**Fred Meyer**

## SPOTLIGHT: JANE TEATER JOINS STATEWIDE SMART BOARD OF DIRECTORS



SMART's statewide Board of Directors was pleased to welcome Jane Teater as a member this year. As a longtime SMART supporter who's served for many years on the local Leadership Council as well as the statewide Program Committee, it was a natural step for Jane to join the Board. With her background in elementary education, Jane brings essential knowledge and expertise to the group. Thank you for joining us, Jane!

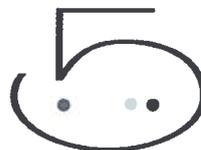
## SMART CHARITY DINNER AT 5 FUSION

SMART was honored to be the beneficiary of the 5 Fusion Charity Dinner for April 2015. Our guest chef was Ariana of Ariana's Restaurant, it was hosted by Lilian Chu of 5 Fusion, and our sponsor for the evening was Brad Bailey with Bend Garbage and Recycling. It was an amazing evening of wonderful food and wine, great conversation – and, of course, raising money to support SMART in Central Oregon. We raised more than \$14,000! Thank you to our table hosts: Jane and Oran Teater; Clella and Bob Thomas; Laura and Jim Murray; and Oscar and Laurel Sorlie.



### SAVE THE DATE: SMART ART 2015

Mark your calendars for our annual friend and fundraiser, SMART Art, which will be held on Thursday, Oct. 22 at Kendall Toyota.



**FIVE** FUSION  
SUSHI BAR



### SMART Central Area Staff

Diana Turnbull, Area Manager  
Sue Stephens, Assistant Manager

### SMART Central Area Office

520 NW Wall St., #105  
Bend, OR 97701

### Contact Us!

Phone: 541-355-5600  
Web: [www.getSMARToregon.org](http://www.getSMARToregon.org)



**S M A R T**  
START MAKING A READER TODAY™

**SMART MAIN OFFICE**

101 SW Market St.  
Portland, OR 97201  
Main | 971-634-1634  
Fax | 971-634-1631

Toll-Free | 877-598-4633  
[www.getSMARToregon.org](http://www.getSMARToregon.org)

**SMART COUNTY OFFICES**

Baker, Hood River,  
Morrow, Umatilla, & Wasco  
971-634-1614

Clackamas,  
Multnomah, & Washington  
971-634-1616

Crook, Deschutes,  
Grant, & Jefferson  
541-355-5600

Douglas  
541-672-6477

Jackson & Josephine  
541-672-6477

Clatsop, Lincoln, Marion,  
Polk, Tillamook, & Yamhill  
503-391-8423

Coos & Curry  
541-266-7476

Klamath & Lake  
541-273-2424

Benton, Lane, & Linn  
541-726-3302

# Inspire a child's next chapter.

September 3, 2014

Eileen Stein  
City of Sisters  
PO Box 39  
Sisters, OR 97759-0039

RECEIVED

SEP 08 2014

Dear Eileen,

Thank you for the City of Sisters' recent gift to SMART (Start Making A Reader Today). Your gift is an important investment in children's literacy, and in the future well-being of our state. We appreciate that you share in our vision of an Oregon where every child can read and is empowered to succeed.

With help from committed supporters like you, the SMART program is making a tremendous impact on young children across Oregon. Now in our 23rd year, SMART has spent more than 3.3 million hours reading one-on-one with children and has given away more than 2 million books for children to take home and keep. Most importantly, we know the SMART program is effective in developing young readers by increasing reading comprehension and fluency, promoting enthusiasm and interest in books, and contributing to their confidence.

Your gift provides the infrastructure for the SMART program—from background checks and training for volunteers to the books we send home with children. For more information about how your gift is making a difference in the lives of children through SMART, please visit our website at [www.getSMARToregon.org](http://www.getSMARToregon.org) or call your local SMART office.

Thank you for your commitment to SMART, and for helping us create brighter, more successful futures for Oregon children.

Sincerely,

Chris Otis  
Executive Director

P.S. Your gift supports SMART programs in Deschutes County.

**For Your Tax Records**

Date Received: 6/23/2014  
Method/Check#: Check #029913  
Amount: \$500.00  
Federal Tax ID: 93-1051724

SMART is a registered 501(c)(3) nonprofit organization. Donations are tax-deductible to the extent allowed by law. SMART certifies that it did not provide any goods or services in consideration of this gift. This letter serves as your receipt.

Thank you City of Sisters!



June 29, 2015

Greetings from the farm!

First things first, let me just say a giant thank you for supporting the Seed to Table Program in its second season! We are so fortunate to have such a great community, believing in our mission to connect food, wellness, and education, and we find ourselves appreciating it every day. Your stock in the farm means a lot to us, and not only translates to growth in the field, but growth in the organization of the program as well.

It's been a very busy year for us out here--this spring we broke ground in our new plot, transforming an old pasture into a productive garden, and increasing our capacity by quite a bit. It has been an incredible process to see, and has been such fulfilling work. We hosted Sisters students out at the plot for field trips and classes, including a series of field trips for 3rd, 4th, and 6th graders, where students came out to seed plants in March, returned to transplant in May, and again to harvest and eat their very own salads in June. This series made such an impression on me--how empowering for them to know that they grew that lush kale plant, that tall pea plant, all by themselves, and that in return, it provided them with tasty food. You wouldn't believe the students' reactions to their produce--kale revelations left and right, asking if they can take their swiss chard on the bus, and "can I have fourths?" for salad.

Some of that aforementioned kale will surely be in your bag today, along with a host of other veggies, listed on the back of the little mesclun print. Everything was harvested this morning by our team--Audrey and I were joined last week by an incredible group of high schoolers (and one middle schooler!) who are this season's farm interns. They're a great group, I hope you get the chance to meet them soon.

Again, thank you so much for your support, we couldn't be more grateful, and can't wait to hear what you think. Any and all feedback is welcome!

Enjoy!

Lauren Griswold  
Farm Manager

## Tips for getting the best use out of your Seed to Table Produce Share



*This is exactly one pound of vegetables. According to Michael Pollan if you eat 1 pound of fresh vegetables every day you will reduce your chances of developing cancer by 50%.*

- 1) I suggest purchasing a copy of Tamar Adler's book "An Everlasting Meal." Read it often! Delicious recipes are accompanied by cooking theory. Every time I open this book I am inspired about putting food on the table
- 2) Inventory the fridge the night before pickup. Make Leftover Stew/Frittata or something that uses up odds and ends, tidy up the veggie drawers and put down a fresh sheet of wax paper in the bottoms.
- 3) Wash all the veggies as soon as you get home. We pre wash veggies but in this summer heat another cold dunk will help ensure longevity. Use a 5-gallon bucket to soak big greens first. If you find a bug, you get produce points for our seal of organic approval!
- 4) Eat veggies with every meal, especially breakfast...sautéed greens reduce to nothing in size and they're delicious and easy to get into the habit of eating. Start now!
- 5) Cook once, eat at least twice--cook up a big whopping batch of whatever you're making. Eat some now, put the rest in mason jars and freeze it. Spring/summer/fall ready-to-eat food is fabulous to pull out, warm up, and enjoy all winter long or any time you don't feel like cooking. The ultimate in convenience food!
- 6) Make friends with your knife, cutting board, sink, dish towel, salad spinner, stove, and oven. They aren't instruments of drudgery, they are keys to liberation. The time you spend prepping and cooking food is time to think and be present in the moment--"mindfulness" is a free benefit of a Seed to Table membership, so take advantage and enjoy it!"--*modified from how to get the most out of your CSA membership, Working Hearts Farm.*

-Enjoy, from all of us at the Seed to Table Program

REGULAR MEETING MINUTES  
SISTERS CITY COUNCIL  
520 E. CASCADE AVENUE  
JUNE 25, 2015

**MEMBERS PRESENT:**

Chris Frye            Mayor  
Bill Hall             Council President  
David Asson         Councilor  
Wendy Holzman     Councilor  
Nancy Connolly     Councilor

**STAFF PRESENT:**

Andrew Gorayeb     City Manager  
Steve Bryant         City Attorney  
Paul Bertagna       PW Director  
Patrick Davenport   CDD Director  
Lynne Fujita-Conrads Finance Officer  
Kathy Nelson         City Recorder

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

The meeting was called to order by Mayor Frye at 7:12 p.m.

**II. VISITOR COMMUNICATION - None**

**III. CONSENT AGENDA**

A. Minutes

1. June 11, 2015 – Workshop
2. June 11, 2015 – Regular Meeting

B. Bills to Approve

1. June Accounts Payable

C. **Resolution No. 2015-10: A RESOLUTION DECLARING THE MUNICIPAL SERVICES PROVIDED BY THE CITY OF SISTERS**

D. **Resolution No. 2015-11: A RESOLUTION EXTENDING THE CITY OF SISTERS WORKERS COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF SISTERS**

*Councilor Holzman moved to approve the consent agenda. Councilor Connolly seconded the motion. The motion carried unanimously.*

**IV. STAFF REPORTS**

A. Deschutes County Sheriff's Office

**Mayor Frye** asked the minimum number of hours the city received each month per the contract. **Manager Gorayeb** replied he couldn't remember off the top of his head and would check the contract and report back to the Council.

**V. COUNCIL BUSINESS**

**A. Public Hearing and Consideration of Resolution No. 2015-12: A RESOLUTION ADOPTING THE FISCAL YEAR 2015-16 BUDGET,**

APPROPRIATING FUNDS, APPROVING A TAX LEVY AND DIRECTING  
STAFF TO FILE THE BUDGET WITH THE COUNTY CLERK

**Mayor Frye** opened the public hearing for Resolution No. 2015-12.

**Finance Officer Fujita-Conrads** explained the resolution was to adopt the FY 015/16 budget approved and forwarded by the Budget Committee.

**Mayor Frye** asked if there was anyone that wished to speak and as there was no one that wished to do so, he closed the public hearing.

*Councilor Holzman moved to approve Resolution No. 2015-12 adopting FY 2015/16 budget, appropriating funds, approving a tax levy and directing staff to file the budget with the County Clerk. Councilor Asson seconded the motion. The motion carried unanimously*

**B. Public Hearing and Consideration of Resolution No. 2015-13: A  
RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE  
REVENUES**

**Mayor Frye** opened the public hearing for Resolution No. 2015-13.

**Finance Officer Fujita-Conrads** explained adoption of a resolution was required each year in order for the City to continue to receive State revenue.

**Mayor Frye** asked if there was anyone that wished to speak and as there was no one that wished to do so, he closed the public hearing.

*Councilor Holzman moved to adopt Resolution No. 2015-13 declaring the City's election to receive State revenues. Councilor Asson seconded the motion. The motion carried unanimously*

**C. Discussion and Consideration of Resolution No. 2015-14: A RESOLUTION  
AMENDING THE PAY PLAN CLASSIFICATION FOR THE CITY OF  
SISTERS**

**Finance Officer Fujita-Conrads** explained the resolution was to reflect the 1.7% cost of living adjustment for employees and to change the Finance Officer position to the Finance and Administration Director.

*Councilor Holzman moved to adopt Resolution No. 2015-14 amending the pay plan classification for the City of Sisters. Councilor Asson seconded the motion. The motion carried unanimously*

**D. Public Comment and Consideration of Resolution NO. 2015-15: A  
RESOLUTION OF THE CITY OF SISTERS AMENDING THE MASTER FEE  
SCHEDULE**

**Finance Officer Fujita-Conrads** explained the resolution would add the fees for three and four inch water meters to its master fee schedule

**Mayor Frye** asked if there was anyone that wished to comment on the resolution. There was no one that wished to comment.

*Councilor Holzman moved to adopt Resolution No. 2015-15 amending the master fee schedule. Councilor Asson seconded the motion. The motion carried unanimously*

**E. Discussion and Consideration of a Motion to Approve a Memorandum of Understanding (MOU) between the City of Sisters and Economic Development of Central Oregon (EDCO) for a Forgivable Loan Program and Authorize the City Manager to Execute the Memorandum of Understanding**

**Manager Gorayeb** explained the memorandum of understanding (MOU) was to authorize Economic Development of Central Oregon (EDCO) to make eligible businesses aware of the City of Sisters' forgivable loan program and for EDCO to create a due diligence committee to review applications and provide recommendations to the City Council. He confirmed the City was not obligated to provide the forgivable loans and would only do so with City Council approval.

**Councilor Asson** stated he felt item #7 on the MOU had a redundant sentence that should be removed. He suggested it read "*All loans and grants are subject to the final prior approval of the Sisters City Council, which approval is at their sole and absolute discretion. EDCO shall have no liability to the City of Sisters or any third party in connection with the Forgivable Loan Program*". The other Council members and City Attorney were supportive of the proposed changes.

*Councilor Asson moved to approve the MOU, as amended, between the City of Sisters and EDCO for a forgivable loan program and authorize the City Manager to execute the MOU as amended. Councilor Holzman seconded the motion. The motion carried unanimously.*

**F. Public Hearing for an Appeal of a Planning Commission Decision relating to  
Clear Pine MP 15-01**

**Mayor Frye** read from the public hearing script for the appeal of Planning Commission Resolution No. Planning Commission. 2015-09 affecting File # MP15-01 and SUB 15-02

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520 E. CASCADE AVENUE  
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Clear Pine Subdivision, 3 Sisters Partners LLC/Peter Hall. He described how the hearing would be conducted and how to provide testimony. He stated the applicant would be allowed 15 minutes to testify and other testimony would be limited to three minutes. He asked for disclosures from the City Council and there were none. There were no members of the audience that wished to challenge the ability of any member of the Council to hear the matter. He asked for the staff report to be presented.

**Director Davenport** began by entering two emails from the applicant's attorney into the record. He noted the Council had received the correspondence via email and there was a hard copy for them at their places on the dais. He gave a Power Point presentation outlining the proposal that had come before the Planning Commission at the April 30<sup>th</sup> hearing. He gave a history of the property explaining it was originally part of the Lundgren Mill. He had a map to illustrate the subject property as well as a zoning map and master plan map indicating the area where the multi-family residences would be built. He explained the affordable housing portion of the project was not part of the master plan that had been submitted for approval. The master plan had five phases of development.

**Director Davenport** explained how the number of affordable units had been determined.

**Director Davenport** stated the issue raised was with the 2007 development agreement and affordable housing units. He explained the original agreement did not include any timing mechanism for when the affordable units should be built, so the Planning Commission worked with the applicant to come up with an option that both could agree to. He explained an affordable housing developer was required to submit a site plan within 24 months of the decision. He explained the decision as mentioned in the Planning Commission decision needed clarification and directed the Council to the clarifying phrase suggested. He requested the Council affirm or deny the decision made by the Planning Commission.

**Mayor Frye** asked for questions from the Council.

**Councilor Asson** asked what had prompted the decision to be called up. **Mayor Frye** replied he'd had some questions surrounding the decision and had been unable to get those questions answered prior to the last date the decision could be called up. He stated the decision notice the Council received had not included the conditions of approval which would have answered some of those questions. **Director Davenport** added that staff would now include the conditions of approval with all decisions sent to the Council for review.

**Councilor Connolly** stated she had also had some concerns and felt the information the Council received had not been clear. She stated she had been concerned with the density issues and set-backs. **Director Davenport** replied the setback requirements were from an April 2001 agreement created to protect the view shed of the property owners in the

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Trapper Point development. He explained those terms had carried over from that agreement and it was not appropriate to discuss modifying the setbacks. He stated they were not included in the site plan being discussed but could be addressed through a different application.

**Councilor Connolly** asked that the timeline for building the affordable housing be clarified. **Director Davenport** stated that 24 months after obtaining the first building permit for Phase One, the applicant or developer of affordable housing must submit a site plan for the affordable housing units. Within 24 months of the Planning Commission issuing approval of that site plan, the units must be built.

**Councilor Connolly** stated one letter submitted stated since the Planning Commission wasn't a party to the 2007 agreement they could not amend it. She asked if that was the case. **Director Davenport** replied the 2007 agreement was just one part of the information the Planning Commission received in order to make its decision. **Councilor Connolly** asked if the Council had not called the matter up, it would have implied consent by the Council. **City Attorney Bryant** replied that was correct. He stated unless a Planning Commission decision was called up, that decision was final.

**Director Davenport** informed the Council staff had decided it would begin writing an agenda item summary (AIS) of the issues coming before the Planning Commission, like the Council receives, in addition to the normal staff report. He stated in the future those AIS' could also be included with the decision and conditions of approval sent to the Council.

**Councilor Holzman** asked how the Planning Commission had voted on the matter. **Director Davenport** replied the vote had been six in support, one against and one abstention.

**Mayor Frye** asked the applicant if he would like to provide testimony.

**Peter Hall, 3 Sisters Partners, LLC, Bend, OR**

**Mr. Hall** stated he was the applicant for the Clear Pine project. He reported it had been in the works for several years. He stated the Planning Commission had been concerned with the lack of a trigger to indicate when the eight affordable housing units had to be built. He stated since he wasn't an affordable housing developer and there was no site plan for the multifamily units, he knew he needed to find a partner. In order to find one, he requested two years to line that partnership up. He stated he knew financing for affordable housing was quite complex and so he had requested an additional two years to complete that process and get the units constructed. He noted he and staff had worked very hard and felt a solid program had been established. He reported he had a contractor lined up for Phase I which would include 14 single family lots. He stated he hoped to break ground the middle of July and record lots in October. He stated permits would be pulled sometime in the last

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quarter of the year. He stated after researching the needs of the community it was determined the homes would range in price from the mid \$200,000 to \$400,000 range. He stated he had hired great talent and stressed he was not the developer of the housing; there would be a builders guild. He stated he was happy with the compromise he and the Planning Commission had agreed upon.

**Councilor Connolly** asked Mr. Hall if he thought he could meet the 24 month timeline for the affordable units. **Mr. Hall** reiterated he was not the developer, as that was a specialized field, but felt it was a reasonable timeframe and it was doable. He stated if the timeline wasn't met, further construction of other phases would not be able to occur.

**Mayor Frye** asked if there was anyone that would like to testify in support of the application. There was no one that wished to testify.

**Mayor Frye** asked if there was anyone that would like to testify in opposition to the application.

**Ed Protas 575 S. Oak Street, Sisters**

**Mr. Protas** stated there was a lack of affordable housing in Sisters and the Planning Commission decision would only exacerbate the problem. He stated he had three pages of detailed comments and would be unable to complete his testimony in the allowed three minutes. **Mayor Frye** replied he was sorry, but he had only three minutes to present his testimony. **Mr. Protas** stated that was not sufficient time for him to raise his concerns and it was not necessary for his testimony to be limited. He stated failure to raise an issue with enough specificity to afford all an opportunity to respond to the issue might preclude an appeal to the Land Use Board of Appeals (LUBA).

**Mayor Frye** asked the City Attorney Bryant if not allowing additional time was an issue and **City Attorney Bryant** replied three minutes was sufficient time to raise any issues Mr. Protas might have. **Mayor Frye** asked how much time Mr. Protas felt he needed and **Mr. Protas** replied he would be as brief as possible but anticipated it would take 10 minutes. **Mayor Frye** replied he could have five minutes to testify and **Mr. Protas** stated that was insufficient and left the lectern.

**Mike Morgan 15925 Pilot View Drive, Sisters**

**Mr. Morgan** stated there was nothing in the agreement that suggested affordable housing could be pushed out and it was apparent the affordable housing was meant to be built concurrently with the other units. He stated he did not agree with the clarification on the decision that Director Davenport had requested. He stated there was still nothing in it to require building of the affordable units. He stated there was another problem in that the official minutes of the Planning Commission meeting did not reflect the same information and that presented a procedural problem. He stated the 2007 agreement was between the

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City Council and developer and the Planning Commission could not change it. He ended his comments by stated there had been too much information presented in too short a period of time to allow anyone to be adequately prepared.

**Ed Protas 575 S. Oak Street, Sisters**

**Mr. Protas** stated he did want to comment on the original 2007 agreement between the City and applicant. He read from the agreement noting item 13 of the agreement stated *"this agreement may be amended or terminated by the mutual consent of the parties or their assigns or successors in interest. Any amendment which is related to the uses, development limitations, or monetary contributions shall require a public hearing before the parties may execute an amendment."* He stated the conditions of approval in the current application stated the 2007 conditions of approval remained in effect and that was a false statement as the conditions of approval, as they relate to affordable housing, had been significantly altered. He stated the Planning Commission was not a part to the 2007 agreement and had not been authorized to amend the agreement during the land use process.

**Mayor Frye** asked if there was anyone that would like to provide neutral testify of the application. There was no one that wished to testify. There was also no one that wanted to provide rebuttal testimony.

**Mayor Frye** asked if staff had anything to add in response to the testimony. **Director Davenport** replied he did not but could answer questions the Council might still have.

**Mayor Frye** asked for clarification on the concurrent building interpretation. **Director Davenport** replied there was no mention of 'concurrent building' in the development agreement.

**Councilor Holzman** asked if the Planning Commission could legally amend the agreement. **City Attorney Bryant** replied the original agreement did not have any timing requirements for the building of the affordable housing units so the addition of those timing requirement was not an amendment but rather setting out a timeframe in which the affordable unit would be built. **Mayor Frye** asked if Mr. Hall had been required to agree to that provision and City Attorney Bryant replied Mr. Hall had not been required to do so.

**Mayor Frye** closed the public hearing.

**Councilor Asson** moved to affirm the Planning Commission decision with the modification as presented by staff for Clear Pine MP 15-01. **Councilor Holzman** seconded the motion. The motion carried unanimously.

**G. Discussion and Consideration of a Motion** to Approve an Immediate Opportunity Fund Agreement between the State of Oregon and the City of Sisters for the East Barclay Drive Project

**Manager Gorayeb** stated the agreement was for the Immediate Opportunity Fund grant for street improvements on Barclay Drive by the airport in conjunction with the Infrastructure Finance Authority Loan approved at the May 28<sup>th</sup> regular meeting.

***Councilor Holzman** moved to approve an Immediate Opportunity Fund agreement between the State of Oregon and the City of Sisters for the East Barclay Drive project. **Councilor Asson** seconded the motion. The motion carried unanimously.*

**H. Discussion and Consideration of a Motion** to Accept Public Improvements for Adams Street Commons

**City Engineer Erik Huffman** explained as a final step in the construction of public improvements, the City Council formally accepts the improvements. After a one year warranty period, the operation and maintenance of the improvements become the responsibility of the City.

***Councilor Holzman** moved to accept the public improvements for the Adams Street Commons. **Councilor Asson** seconded the motion. The motion carried unanimously.*

**I. Discussion and Consideration of a Motion** to Approve a Conduit License Agreement with TDS Baja Broadband LLC, dba BendBroadband and Authorize the City Manager to Sign the Agreement

**Manager Gorayeb** stated the conduit lease had been discussed at the June 18<sup>th</sup> workshop. He explained that TDS Baja Broadband dba Bend Broadband was paying the City \$10,000 for an initial term of 10 years with the possibility of renewing the term for two five year terms at a cost of \$5,000 per term.

***Councilor Holzman** moved to approve a conduit lease agreement with TDS Baja Broadband dba Bend Broadband and authorize the City Manager to sign the agreement. **Councilor Asson** seconded the motion. The motion carried unanimously.*

**J. Discussion and Consideration of a Motion** to Approve an Agreement with the Oregon Department of Transportation for the Cascade East Transit Program

**Finance Officer Fujita-Conrads** explained the grant program for the City, administered by the Central Oregon Intergovernmental Council (COIC), for the Cascade East Transit Program was expiring on June 30<sup>th</sup> and this would extend the agreement until June 30, 2017.

**Mayor Frye** stated he was pleased that after speaking with COIC Executive Director Andrew Spreadborough, a stop was being added to the route between Sisters and Redmond at the Little Cloverdale School for students participating in the Heart of Oregon Youth Build program. **Councilor Asson** encouraged the Council to continue its support of the program noting it was receiving \$100,000 in funding from three different sources.

***Councilor Holzman** moved to approve an agreement with the Oregon Department of Transportation for the Cascade East Transit Program. **Councilor Asson** seconded the motion. The motion carried unanimously.*

## **VI. CONTRACT REVIEW BOARD**

**Mayor Frye** opened the Contract Review Board

- A. Discussion and Consideration of a Motion** to Approve a Contract with Bryant, Emerson LLC for City Attorney Services and Authorize the City Manager to Execute the Contract

***Councilor Holzman** moved to approve a contract with Bryant Emerson LLC for City Attorney Services and authorize the City Manager to execute the contract. **Councilor Asson** seconded the motion. The motion carried unanimously.*

- B. Discussion and Consideration of a Motion** to Approve a Contract with McKenzie Cascade Excavation in the Amount of \$74,767.00 for the Barclay Waterline Improvement Project and Authorize the City Manager to Sign the Contract

**City Engineer Huffman** stated the City received two bids for the project and McKenzie Cascade Excavation was the low bidder. He reported there had been no protest to the notice of bid award and the proposal had come in under the estimate. **Councilor Connolly** asked if the past record of contractors was taken into consideration when awarding a bid. **City Engineer Huffman** explained that as part of the bid process, contractors were required to provide a lot of information including proof of completing five similar projects within the past five years, providing references and have the ability to bond for the project.

***Councilor Holzman** moved to approve a contract with McKenzie Cascade Excavation in the amount of \$74,767 for the Barclay Waterline Improvement Project and authorize the City Manager to Sign the Contract. **Councilor Asson** seconded the motion. The motion carried unanimously.*

**Mayor Frye** closed the Contract Review Board

**VII. OTHER BUSINESS**

A. Planning Commission Appointment

**Mayor Frye** appointed Daryl Tewalt to serve as the in-side city limits Planning Commissioner and Roger Detweiler to serve as the out-side city limits Planning Commissioner. The **Council** concurred.

B. Recreational Marijuana Discussion

The **Council** discussed whether the decision to allow commercial and retail operation of recreational marijuana should go to a vote of the people. City Attorney Bryant reminded the Council it currently had a provision in place that required all businesses had to comply with federal regulations so unless that was changed, marijuana growing operations or retail sales would not be permitted. He explained there was still a great deal that was unclear at the state level and he would do some additional research once the legislators made some final decisions on what options might be available to the city.

**VII. MAYOR/COUNCILOR BUSINESS**

**VIII. ADJOURN** – 8:40 p.m.

Respectfully submitted,

  
Kathy Nelson, City Recorder

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

REGULAR MEETING MINUTES  
SISTERS CITY COUNCIL  
520 E. CASCADE AVENUE  
JULY 09, 2015

**MEMBERS PRESENT:**

Chris Frye Mayor  
David Asson Councilor  
Wendy Holzman Councilor  
Nancy Connolly Councilor

**STAFF PRESENT:**

Andrew Gorayeb City Manager  
Steve Bryant City Attorney  
Lynne Fujita-Conrads Finance Officer  
Patrick Davenport CD Director  
Kathy Nelson City Recorder

**GUESTS:**

Erik Huffman City Engineer

**ABSENT:**

Paul Bertagna PW Director

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

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

**II. VISITOR COMMUNICATION - None**

**III. CONSENT AGENDA**

A. Minutes

1. June 25, 2015 – Workshop

B. Bills to Approve

July Accounts Payable

*Councilor Asson moved to approve the consent agenda that included the additional page of accounts payable. Councilor Holzman seconded the motion.*

**Councilor Connolly** asked how the services from Velox, for which the City was charged, differed from what Data Analyst Walsh provided for the City. **Manager Gorayeb** explained the City contracted with Velox to maintain the City's server, computers, software, InCode and email. **Mayor Frye** noted the City previously had an employee to handle those tasks and it was less expensive to contract the services out.

*The motion carried unanimously.*

**IV. STAFF REPORTS**

A. July Staff/Council Work Plan

**Councilor Connolly** asked if the budget changes listed in the Finance department included the proposed new rates for Three Creeks Brewery. She asked if there were rate changes in the future, how it would affect that agreement. **Finance Officer Fujita-Conrads** replied the sewer and water rates mentioned in the report were looking at the entire system as a whole and were not specific to the brewery. She stated the agreement would only be affected if the methodology for determining equivalent dwelling units (EDU) was changed.

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SISTERS CITY COUNCIL  
520 E. CASCADE AVENUE  
JULY 09, 2015

**Councilor Connolly** asked when the information related to the appeal of the McKenzie Meadow Village project would be available and **Director Davenport** replied it would be distributed to the Council by the end of the following week. **Mayor Frye** asked what the Planning Commission vote had been on the project. **Director Davenport** replied it was four votes in support, two votes against and one Commissioner abstained from the vote. **Councilor Connolly** asked if City Attorney Bryant would be responding to the claims by the appellant's attorney. **Director Davenport** replied staff would write the staff report and it would be reviewed by the City Attorney.

**Councilor Connolly** reported she had attended a portion of the City Parks Advisory Board (CPAB) meeting the previous evening was impressed with the work the board was doing as they considered park amenities.

B. New Business License Report for June 2015 – list included

V. COUNCIL BUSINESS

A. Discussion and Consideration of a Motion to Approve the Three Creeks Production LLC Wastewater Equivalent Dwelling Unit (EDU) Calculation

**Finance Officer Fujita-Conrads** noted breweries used a great deal of water during their production. She stated what was different was that most of the water used, did not become wastewater. Because of this difference, Three Creeks Brewing proposed an EDU calculation for its sewer charges that would take this into consideration. She stated when checking with surrounding cities she found Prineville only had a very small brewing facility connected to a restaurant and there was no special calculation used. Rather, the strength of the wastewater from the facility was monitored. She reported Redmond had a similar calculation as the one proposed and breweries were able to install production meters to measure how much water was actually being used prior to calculating sewer charges. She stated in Bend, the city depended on the breweries to report on their production and waste hauled.

**Councilor Connolly** asked for an explanation on what was meant by “strength” of the wastewater. **City Attorney Bryant** explained the PH concentration from breweries could be very disruptive to a wastewater system if not kept within a narrow margin. **Manager Gorayeb** stated Three Creeks Brewing had a sophisticated system to both monitor and manage the wastewater in order to be compliant and minimize their costs.

**Councilor Asson** asked what impact calculating the EDU's monthly as opposed to the current method of using the average of the first three months of the year would be. **Finance Officer Fujita-Conrads** replied she had taken the information from the first five months of the years and calculated the EDU's both ways. She reported the difference between the two

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SISTERS CITY COUNCIL  
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methods was \$230. She stated this would change from year to year depending on actual production at the brewery.

**Councilor Holzman** asked if by allowing this method of calculation, was the City was forgoing a great deal of revenue even when the jobs created were taken into account. **City Attorney Bryant** replied the regular calculation for sewer costs assumes most water used ends up in the sewer. He stated with a brewery a lot of the water goes into the beer itself and not down the drain.

**Wade Underwood, Three Creek Brewing, Sisters, OR**

**Mr. Underwood** stated there were six tanks being used at present with room for 10 more. He explained how brewery waste was heavy in proteins and solids with high oxygen demands. He reported that in the economic development agreement between Three Creeks Brewing and the City, Three Creek Brewing had agreed to partially fund an expansion of the aeration system at the treatment plant. He stated his company didn't want to be taking up 25% of the treatment plant capacity which it would have once they reached 10,000 barrels of production. He stated that was not the type of community neighbor his company wanted to be and that portion of the aeration upgrade his company was paying for would mitigate the impact to the treatment plant. He stated when his company produces 20,000 barrels, he and the City would need to have another conversation.

**Councilor Connolly** asked if Mr. Underwood was satisfied with the verbiage in the agreement that allows the City to reevaluate the calculation at any time. **Mr. Underwood** replied he was not pleased it was included in the agreement and stated removing the language had not been an option per the City. **City Attorney Bryant** added that while he did not think there would be any problem using the proposed calculation method, the provision would allow staff to evaluate the methodology and make certain the calculation was appropriate.

**Mayor Frye** stated he felt the new methodology was fairer and fit the business model for Three Creeks Brewing. **Councilor Connolly** asked if the business were sold, would the agreement still be in effect. **City Attorney Bryant** replied the agreement was with the LLC and if someone came in and purchased his membership agreement would go with the business if it was sold.

**Councilor Connolly** asked if when the facility got to full brewing capacity it would have a long term effect and would it limit another brewery coming into the city. **City Engineer Erik Huffman** stated Three Creeks Brewing contribution was to contribute toward aerator upgrades in order to increase the amount of oxygen in the wastewater lagoons. He explained without enough oxygen the bacteria would die and the lagoons would turn septic. **City Attorney Bryant** added it wasn't a matter of the next brewery coming in but rather at what point the sewer system met its maximum capacity. He explained the upgraded aerators were one tool in helping to prolong the capacity of the system but at some point the City would

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need to make adjustments to provide additional capacity. He added the City had those future needs well planned.

**Mr. Underwood** stated that when he began looking into opening his brewery he contacted the City to discuss its impact on the wastewater treatment system. He stated there was nothing in the City's Development Code that required him to do so but he felt it was the responsible thing to do. He stated he felt the Development Code did not protect the City from someone else coming in with a business with a significant waste stream that could have a significant impact and suggested the City add language to its Code to protect the entire community and the City's infrastructure. **Manager Gorayeb** stated the City does have the protection of the rate structure and could charge according to the strength of wastewater if it chose to.

*Councilor Asson moved to approve the Three Creeks Production LLC EDU calculation. Councilor Holzman seconded the motion. The motion carried unanimously.*

## VI. CONTRACT REVIEW BOARD

**Mayor Frye** opened the Contract Review Board.

- A. **Discussion and Consideration of a Motion** to Award a Construction Services Contract to High Desert Aggregate and Paving Inc., in the amount of \$72,346.00 or \$73,000 with Added Alternate (for paving between 7:00 p.m. and 7:00 a.m.) for a Pavement Overlay Project and Authorize the City Manager to Execute the Contract

**Manager Gorayeb** explained staff had added the alternative to have the work performed at night so as not to be so disruptive to businesses during the tourist season. **Councilor Connolly** voiced concern about the noise to surrounding residents if the work was performed at night and requested surrounding residents be informed of the impending project. **Manager Gorayeb** replied door hangers would be hung with information on the project. **Engineer Huffman** reported it would take two to three days to complete the project. He stated the bids for the project came in under the anticipated budget and represented a good value.

**City Attorney Bryant** explained that approving the contract as the motion was written would provide staff the flexibility to have the work performed in the day or night time.

*Councilor Holzman moved to award a construction services contract to High Desert Aggregate and Paving Inc., in the amount of \$72,346 or \$73,000 with the added alternate (for paving between 7:00 p.m. and 7:00 a.m.) for a pavement overlay project and authorize the City Manager to execute the contract. Councilor Asson seconded the motion. The motion carried unanimously.*

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Mayor Frye closed the Contract Review Board.

**VII. OTHER BUSINESS**

- Initial Business Owner Survey results will be shared at next week's workshop.
- Two terms on the CPAB end on July 31<sup>st</sup> and will become advertised. One is for an in-city resident and the other for an out of city resident. Both current members with expiring terms are eligible to re-apply.

**VIII. MAYOR/COUNCILOR BUSINESS**

**IX. ADJOURN –7:53 p.m.**

Respectfully submitted,

  
Kathy Nelson, City Recorder

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

PACKET: 02350 7/23/15 AP 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 |
| =====        |           |                                |          |             |                        |              |
| 01-1         |           | MISC VENDOR                    |          |             |                        |              |
| I-07172015   |           | ALLEN,JUDY:CG REFUND           | 40.00    |             |                        |              |
| 7/17/2015    | AP-US     | DUE: 7/17/2015 DISC: 7/17/2015 |          | 1099: N     |                        |              |
|              |           | ALLEN,JUDY:CG REFUND           |          | 01 4-00-312 | PARK USERS FEE         | 36.70        |
|              |           | ALLEN,JUDY:CG REFUND           |          | 01 4-00-303 | TRANSIENT ROOM TAX     | 2.94         |
|              |           | ALLEN,JUDY:CG REFUND           |          | 01 2-00-163 | STATE ROOM TAX PAYABLE | 0.36         |
|              |           | === VENDOR TOTALS ===          | 40.00    |             |                        |              |
| =====        |           |                                |          |             |                        |              |
| 01-0616      |           | ASIFLEX                        |          |             |                        |              |
| I-063015     |           | ADMIN FEES JUNE 2015           | 11.25    |             |                        |              |
| 6/30/2015    | AP-US     | DUE: 6/30/2015 DISC: 6/30/2015 |          | 1099: N     |                        |              |
|              |           | ADMIN FEES JUNE 2015           |          | 01 5-02-727 | PERMITS & FEES         | 11.25        |
|              |           | === VENDOR TOTALS ===          | 11.25    |             |                        |              |
| =====        |           |                                |          |             |                        |              |
| 01-0993      |           | AUTOMATED VALVE SERVICE, INC   |          |             |                        |              |
| I-1450       |           | SEWER LAB VALVES               | 1,236.08 |             |                        |              |
| 6/29/2015    | AP-US     | DUE: 6/29/2015 DISC: 6/29/2015 |          | 1099: N     |                        |              |
|              |           | SEWER LAB VALVES               |          | 05 5-00-787 | SEWER SYSTEM REPAIRS   | 1,236.08     |
|              |           | === VENDOR TOTALS ===          | 1,236.08 |             |                        |              |
| =====        |           |                                |          |             |                        |              |
| 01-0018      |           | BAXTER AUTO PARTS              |          |             |                        |              |
| C-28505714   |           | CORE RETURN-UT ASSIST          | 15.00CR  |             |                        |              |
| 7/14/2015    | AP-US     | DUE: 7/14/2015 DISC: 7/14/2015 |          | 1099: N     |                        |              |
|              |           | CORE RETURN-UT ASSIST          |          | 01 5-05-796 | VEHICLE MAINTENANCE    | 14.25CR      |
|              |           | CORE RETURN-UT ASSIST          |          | 03 5-00-796 | VEHICLE MAINTENANCE    | 0.75CR       |
| I-280505631  |           | E-BRAKE HANDLE-KIEFER          | 63.01    |             |                        |              |
| 7/13/2015    | AP-US     | DUE: 8/15/2015 DISC: 8/10/2015 | 1.26CR   | 1099: N     |                        |              |
|              |           | E-BRAKE HANDLE-KIEFER          |          | 01 5-03-796 | VEHICLE MAINTENANCE    | 3.15         |
|              |           | E-BRAKE HANDLE-KIEFER          |          | 01 5-05-796 | VEHICLE MAINTENANCE    | 6.30         |
|              |           | E-BRAKE HANDLE-KIEFER          |          | 02 5-00-796 | VEHICLE MAINTENANCE    | 18.90        |
|              |           | E-BRAKE HANDLE-KIEFER          |          | 03 5-00-796 | VEHICLE MAINTENANCE    | 31.51        |
|              |           | E-BRAKE HANDLE-KIEFER          |          | 05 5-00-796 | VEHICLE MAINTENANCE    | 3.15         |
| I-28505550   |           | TAIL LIGHT-BENTZ               | 11.63    |             |                        |              |
| 7/13/2015    | AP-US     | DUE: 8/15/2015 DISC: 8/10/2015 | 0.23CR   | 1099: N     |                        |              |
|              |           | TAIL LIGHT-BENTZ               |          | 01 5-03-796 | VEHICLE MAINTENANCE    | 1.16         |
|              |           | TAIL LIGHT-BENTZ               |          | 01 5-05-796 | VEHICLE MAINTENANCE    | 1.16         |
|              |           | TAIL LIGHT-BENTZ               |          | 02 5-00-796 | VEHICLE MAINTENANCE    | 4.65         |
|              |           | TAIL LIGHT-BENTZ               |          | 03 5-00-796 | VEHICLE MAINTENANCE    | 3.49         |
|              |           | TAIL LIGHT-BENTZ               |          | 05 5-00-796 | VEHICLE MAINTENANCE    | 1.17         |

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PACKET: 02350 7/23/15 AP 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              | ( ** CONTINUED ** )            |          |             |                        |              |
| I-28505602        |                                | WINDOW REPAIR OLD CITY JEEP    | 91.96    |             |                        |              |
| 7/13/2015         | AP-US                          | DUE: 8/15/2015 DISC: 8/10/2015 | 1.84CR   | 1099: N     |                        |              |
|                   |                                | WINDOW REPAIR OLD CITY JEEP    |          | 01 5-03-796 | VEHICLE MAINTENANCE    | 91.96        |
| I-28505692        |                                | BATTERY -UT ASSISTANT          | 125.94   |             |                        |              |
| 7/14/2015         | AP-US                          | DUE: 8/15/2015 DISC: 8/10/2015 | 2.52CR   | 1099: N     |                        |              |
|                   |                                | BATTERY -UT ASSISTANT          |          | 01 5-05-796 | VEHICLE MAINTENANCE    | 119.64       |
|                   |                                | BATTERY -UT ASSISTANT          |          | 03 5-00-796 | VEHICLE MAINTENANCE    | 6.30         |
| I-28505712        |                                | BATTERY CABLE FOR UT ASSISTAN  | 21.82    |             |                        |              |
| 7/14/2015         | AP-US                          | DUE: 8/15/2015 DISC: 8/10/2015 | 0.44CR   | 1099: N     |                        |              |
|                   |                                | BATTERY CABLE FOR UT ASSISTANT |          | 01 5-05-796 | VEHICLE MAINTENANCE    | 20.73        |
|                   |                                | BATTERY CABLE FOR UT ASSISTANT |          | 03 5-00-796 | VEHICLE MAINTENANCE    | 1.09         |
|                   |                                | === VENDOR TOTALS ===          | 299.36   |             |                        |              |
| =====             |                                |                                |          |             |                        |              |
| 01-0716           | BI-MART CORPORATION            |                                |          |             |                        |              |
| I-3929            |                                | PW CLEANING SUPPLIES           | 71.56    |             |                        |              |
| 7/02/2015         | AP-US                          | DUE: 7/02/2015 DISC: 7/02/2015 |          | 1099: N     |                        |              |
|                   |                                | PW CLEANING SUPPLIES           |          | 05 5-00-795 | SUPPLIES               | 13.61        |
|                   |                                | PW CLEANING SUPPLIES           |          | 02 5-00-795 | SUPPLIES               | 15.04        |
|                   |                                | PW CLEANING SUPPLIES           |          | 03 5-00-795 | SUPPLIES               | 19.27        |
|                   |                                | PW CLEANING SUPPLIES           |          | 01 5-05-795 | SUPPLIES               | 14.33        |
|                   |                                | PW CLEANING SUPPLIES           |          | 01 5-03-795 | SUPPLIES               | 9.31         |
| I-5428            |                                | CITY HALL CLEANING SUPPLIES    | 11.54    |             |                        |              |
| 7/08/2015         | AP-US                          | DUE: 7/08/2015 DISC: 7/08/2015 |          | 1099: N     |                        |              |
|                   |                                | CITY HALL CLEANING SUPPLIES    |          | 01 5-03-785 | MAINTENANCE CITY HALL  | 11.54        |
|                   |                                | === VENDOR TOTALS ===          | 83.10    |             |                        |              |
| =====             |                                |                                |          |             |                        |              |
| 1-0014            | CENTRAL ELECTRIC COOP          |                                |          |             |                        |              |
| I-5016080107-0715 |                                | CITY STREET LIGHTS             | 344.24   |             |                        |              |
| 7/16/2015         | AP-US                          | DUE: 7/16/2015 DISC: 7/16/2015 |          | 1099: N     |                        |              |
|                   |                                | CITY STREET LIGHTS             |          | 03 5-00-743 | ELECTRICITY            | 344.24       |
|                   |                                | === VENDOR TOTALS ===          | 344.24   |             |                        |              |
| =====             |                                |                                |          |             |                        |              |
| 1-0939            | CENTRAL OREGON CITIES ORGANIZA |                                |          |             |                        |              |
| I-07132015        |                                | ANNUAL CONTRIBUTION 15/16      | 510.00   |             |                        |              |
| 7/01/2015         | AP-US                          | DUE: 7/01/2015 DISC: 7/01/2015 |          | 1099: N     |                        |              |
|                   |                                | ANNUAL CONTRIBUTION 15/16      |          | 01 5-01-733 | DUES & SUBSCRIPTIONS   | 510.00       |

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PACKET: 02350 7/23/15 AP 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 |
| =====        |                                                   |                                |           |             |                        |              |
| 01-0839      | CENTRAL OREGON CITIES ORGANIZA( ** CONTINUED ** ) |                                |           |             |                        |              |
| I-15-058     |                                                   | ANNUAL MEMBERSHIP RENEWAL15/1  | 300.00    |             |                        |              |
| 7/01/2015    | AP-US                                             | DUE: 7/01/2015 DISC: 7/01/2015 |           | 1099: N     |                        |              |
|              |                                                   | ANNUAL MEMBERSHIP RENEWAL15/16 |           | 01 5-05-705 | ADVERTISING            | 300.00       |
|              |                                                   | === VENDOR TOTALS ===          | 810.00    |             |                        |              |
| =====        |                                                   |                                |           |             |                        |              |
| 01-0024      | CURTS ELECTRIC                                    |                                |           |             |                        |              |
| I-3832       |                                                   | SEWER TREATMENT REPAIRS        | 1,313.33  |             |                        |              |
| 6/10/2015    | AP-US                                             | DUE: 6/10/2015 DISC: 6/10/2015 |           | 1099: N     |                        |              |
|              |                                                   | SEWER TREATMENT REPAIRS        |           | 05 5-00-787 | SEWER SYSTEM REPAIRS   | 1,313.33     |
|              |                                                   | === VENDOR TOTALS ===          | 1,313.33  |             |                        |              |
| =====        |                                                   |                                |           |             |                        |              |
| 01-0582      | DESCHUTES COUNTY                                  |                                |           |             |                        |              |
| I-06302015   |                                                   | PERMIT SERVICES JUNE 2015      | 49,269.01 |             |                        |              |
| 6/30/2015    | AP-US                                             | DUE: 6/30/2015 DISC: 6/30/2015 |           | 1099: N     |                        |              |
|              |                                                   | ELECTRICAL PERMITS             |           | 01 5-07-301 | ELECTRICAL INSPECTION  | 6,801.56     |
|              |                                                   | BLDG PERMITS                   |           | 01 5-07-300 | BUILDING INSPECTIONS   | 42,467.45    |
|              |                                                   | === VENDOR TOTALS ===          | 49,269.01 |             |                        |              |
| =====        |                                                   |                                |           |             |                        |              |
| 01-0596      | DICKEY AND TREMPER, LLP                           |                                |           |             |                        |              |
| I-62166      |                                                   | AUDIT SERVICES 14/15           | 7,000.00  |             |                        |              |
| 6/30/2015    | AP-US                                             | DUE: 6/30/2015 DISC: 6/30/2015 |           | 1099: Y     |                        |              |
|              |                                                   | AUDIT SERVICES 6/30/15         |           | 01 5-02-706 | AUDIT FEES             | 3,508.16     |
|              |                                                   | AUDIT SERVICES 6/30/15         |           | 02 5-00-706 | AUDIT FEES             | 809.33       |
|              |                                                   | AUDIT SERVICES 6/30/15         |           | 03 5-00-706 | AUDIT FEES             | 1,174.82     |
|              |                                                   | AUDIT SERVICES 6/30/15         |           | 05 5-00-706 | AUDIT FEES             | 1,507.69     |
| I-62167      |                                                   | URA AUDIT SERVICES 14/15       | 500.00    |             |                        |              |
| 6/30/2015    | AP-US                                             | DUE: 6/30/2015 DISC: 6/30/2015 |           | 1099: Y     |                        |              |
|              |                                                   | URA AUDIT SERVICES 14/15       |           | 21 5-00-706 | AUDITING SERVICES      | 500.00       |
|              |                                                   | === VENDOR TOTALS ===          | 7,500.00  |             |                        |              |
| =====        |                                                   |                                |           |             |                        |              |
| 01-0673      | DOGPOOPBAGS.COM                                   |                                |           |             |                        |              |
| I-5978       |                                                   | DOG POOP BAGS                  | 883.89    |             |                        |              |
| 7/10/2015    | AP-US                                             | DUE: 7/10/2015 DISC: 7/10/2015 |           | 1099: N     |                        |              |
|              |                                                   | DOG POOP BAGS                  |           | 01 5-05-795 | SUPPLIES               | 883.89       |
|              |                                                   | === VENDOR TOTALS ===          | 883.89    |             |                        |              |

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PACKET: 02350 7/23/15 AP 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 |
| =====        |           |                                |          |             |                        |              |
| 01-0028      |           | FERGUSON ENTERPRISES, INC.     |          |             |                        |              |
| I-0467762    |           | 3/4" METERS & MXU'S            | 3,204.00 |             |                        |              |
| 7/02/2015    | AP-US     | DUE: 7/02/2015 DISC: 7/02/2015 |          | 1099: N     |                        |              |
|              |           | 3/4" METERS & MXU'S            |          | 02 5-00-788 | METERS & PARTS         | 3,204.00     |
|              |           | === VENDOR TOTALS ===          | 3,204.00 |             |                        |              |
| =====        |           |                                |          |             |                        |              |
| 01-1         |           | MISC VENDOR                    |          |             |                        |              |
| I-071615     |           | GARRETT, DAVID:CG REFUND       | 70.00    |             |                        |              |
| 7/17/2015    | AP-US     | DUE: 7/17/2015 DISC: 7/17/2015 |          | 1099: N     |                        |              |
|              |           | GARRETT, DAVID:CG REFUND       |          | 01 4-00-312 | PARK USERS FEE         | 64.22        |
|              |           | GARRETT, DAVID:CG REFUND       |          | 01 4-00-303 | TRANSIENT ROOM TAX     | 5.14         |
|              |           | GARRETT, DAVID:CG REFUND       |          | 01 2-00-163 | STATE ROOM TAX PAYABLE | 0.64         |
|              |           | === VENDOR TOTALS ===          | 70.00    |             |                        |              |
| =====        |           |                                |          |             |                        |              |
| 1-0994       |           | GS MEDIA & EVENTS              |          |             |                        |              |
| I-07132015   |           | GOOD SAM ADVERTISING 15/16     | 1,819.20 |             |                        |              |
| 7/01/2015    | AP-US     | DUE: 7/01/2015 DISC: 7/01/2015 |          | 1099: N     |                        |              |
|              |           | GOOD SAM ADVERTISING 15/16     |          | 01 5-05-705 | ADVERTISING            | 1,819.20     |
|              |           | === VENDOR TOTALS ===          | 1,819.20 |             |                        |              |
| =====        |           |                                |          |             |                        |              |
| 1-0029       |           | H. D. FOWLER COMPANY           |          |             |                        |              |
| I-13974120   |           | LOCATE MARKING PAINT           | 116.28   |             |                        |              |
| 7/10/2015    | AP-US     | DUE: 8/10/2015 DISC: 8/10/2015 |          | 1099: N     |                        |              |
|              |           | LOCATE MARKING PAINT           |          | 02 5-00-795 | SUPPLIES               | 58.14        |
|              |           | LOCATE MARKING PAINT           |          | 05 5-00-795 | SUPPLIES               | 58.14        |
| I-13974599   |           | FIRE HYDRANTS                  | 8,304.51 |             |                        |              |
| 7/10/2015    | AP-US     | DUE: 8/10/2015 DISC: 8/10/2015 |          | 1099: N     |                        |              |
|              |           | FIRE HYDRANTS                  |          | 02 5-00-765 | IMPROVEMENTS & REPAIRS | 8,304.51     |
|              |           | === VENDOR TOTALS ===          | 8,420.79 |             |                        |              |
| =====        |           |                                |          |             |                        |              |
| 0515         |           | OFFICEMAX                      |          |             |                        |              |
| I-989928     |           | NOTEBOOKS, PAPER CLIPS,        | 31.70    |             |                        |              |
| 7/01/2015    | AP-US     | DUE: 7/01/2015 DISC: 7/01/2015 |          | 1099: N     |                        |              |
|              |           | NOTEBOOKS, PAPER CLIPS,        |          | 01 5-01-714 | OFFICE SUPPLIES        | 4.76         |
|              |           | NOTEBOOKS, PAPER CLIPS,        |          | 01 5-02-714 | OFFICE SUPPLIES        | 5.06         |
|              |           | NOTEBOOKS, PAPER CLIPS,        |          | 01 5-03-795 | SUPPLIES               | 0.63         |
|              |           | NOTEBOOKS, PAPER CLIPS,        |          | 01 5-05-714 | OFFICE SUPPLIES        | 2.86         |
|              |           | NOTEBOOKS, PAPER CLIPS,        |          | 01 5-07-714 | OFFICE SUPPLIES        | 7.92         |
|              |           | NOTEBOOKS, PAPER CLIPS,        |          | 02 5-00-714 | OFFICE SUPPLIES        | 4.44         |
|              |           | NOTEBOOKS, PAPER CLIPS,        |          | 03 5-00-714 | OFFICE SUPPLIES        | 2.53         |
|              |           | NOTEBOOKS, PAPER CLIPS,        |          | 05 5-00-714 | OFFICE SUPPLIES        | 3.50         |
|              |           | === VENDOR TOTALS ===          | 31.70    |             |                        |              |

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PACKET: 02350 7/23/15 AP 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 |
| 01-1         |           | MISC VENDOR                    |          |             |                        |              |
| I-07152015   |           | PIATT,KARLA:TRANS VNDR REFND   | 200.00   |             |                        |              |
| 7/01/2015    | AP-US     | DUE: 7/01/2015 DISC: 7/01/2015 |          | 1099: N     |                        |              |
|              |           | PIATT,KARLA:TRANS VNDR REFND   |          | 01 4-00-310 | LICENSE FEES           | 200.00       |
|              |           | === VENDOR TOTALS ===          | 200.00   |             |                        |              |

|           |       |                                |       |             |                |       |
|-----------|-------|--------------------------------|-------|-------------|----------------|-------|
| 01-0013   |       | PONY EXPRESS                   |       |             |                |       |
| I-254294  |       | INK CARTRIDGES-CAMPGROUND      | 63.97 |             |                |       |
| 7/09/2015 | AP-US | DUE: 7/09/2015 DISC: 7/09/2015 |       | 1099: N     |                |       |
|           |       | INK CARTRIDGES-CAMPGROUND      |       | 01 5-05-721 | COPIER/PRINTER | 63.97 |
| I-254411  |       | INK CARTRIDGES-CAMPGROUND      | 15.99 |             |                |       |
| 7/10/2015 | AP-US | DUE: 7/10/2015 DISC: 7/10/2015 |       | 1099: N     |                |       |
|           |       | INK CARTRIDGES-CAMPGROUND      |       | 01 5-05-721 | COPIER/PRINTER | 15.99 |
|           |       | === VENDOR TOTALS ===          | 79.96 |             |                |       |

|            |       |                                |       |             |                        |       |
|------------|-------|--------------------------------|-------|-------------|------------------------|-------|
| 01-1       |       | MISC VENDOR                    |       |             |                        |       |
| I-07132015 |       | PREEDON,MIKE:CG REFUND         | 60.00 |             |                        |       |
| 7/01/2015  | AP-US | DUE: 7/01/2015 DISC: 7/01/2015 |       | 1099: N     |                        |       |
|            |       | PREEDON,MIKE:CG REFUND         |       | 01 4-00-303 | TRANSIENT ROOM TAX     | 4.40  |
|            |       | PREEDON,MIKE:CG REFUND         |       | 01 4-00-312 | PARK USERS FEE         | 55.05 |
|            |       | PREEDON,MIKE:CG REFUND         |       | 01 2-00-163 | STATE ROOM TAX PAYABLE | 0.55  |
|            |       | === VENDOR TOTALS ===          | 60.00 |             |                        |       |

|           |       |                                |       |             |                 |      |
|-----------|-------|--------------------------------|-------|-------------|-----------------|------|
| 01-0219   |       | QUILL CORPORATION              |       |             |                 |      |
| I-5568095 |       | ADDING MACHING TAPE            | 27.97 |             |                 |      |
| 7/01/2015 | AP-US | DUE: 7/01/2015 DISC: 7/01/2015 |       | 1099: N     |                 |      |
|           |       | ADDING MACHING TAPE            |       | 01 5-01-714 | OFFICE SUPPLIES | 4.20 |
|           |       | ADDING MACHING TAPE            |       | 01 5-02-714 | OFFICE SUPPLIES | 4.46 |
|           |       | ADDING MACHING TAPE            |       | 01 5-03-795 | SUPPLIES        | 0.56 |
|           |       | ADDING MACHING TAPE            |       | 01 5-05-714 | OFFICE SUPPLIES | 2.52 |
|           |       | ADDING MACHING TAPE            |       | 01 5-07-714 | OFFICE SUPPLIES | 6.99 |
|           |       | ADDING MACHING TAPE            |       | 02 5-00-714 | OFFICE SUPPLIES | 3.92 |
|           |       | ADDING MACHING TAPE            |       | 03 5-00-714 | OFFICE SUPPLIES | 2.24 |
|           |       | ADDING MACHING TAPE            |       | 05 5-00-714 | OFFICE SUPPLIES | 3.08 |
|           |       | === VENDOR TOTALS ===          | 27.97 |             |                 |      |

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PACKET: 02350 7/23/15 AP 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 |
| =====         |           |                                |          |             |                         |              |
| 01-1          |           | MISC VENDOR                    |          |             |                         |              |
| I-7162015     |           | ROLF, PEGGY: CG REFUND         | 120.00   |             |                         |              |
| 7/17/2015     | AP-US     | DUE: 7/17/2015 DISC: 7/17/2015 |          | 1099: N     |                         |              |
|               |           | ROLF, PEGGY: CG REFUND         |          | 01 4-00-312 | PARK USERS FEE          | 110.09       |
|               |           | ROLF, PEGGY: CG REFUND         |          | 01 4-00-303 | TRANSIENT ROOM TAX      | 8.31         |
|               |           | ROLF, PEGGY: CG REFUND         |          | 01 2-00-163 | STATE ROOM TAX PAYABLE  | 1.10         |
|               |           | === VENDOR TOTALS ===          | 120.00   |             |                         |              |
| =====         |           |                                |          |             |                         |              |
| 01-0590       |           | SHERWIN-WILLIAMS               |          |             |                         |              |
| I-8196-9      |           | STREET PAINT                   | 160.56   |             |                         |              |
| 7/13/2015     | AP-US     | DUE: 7/13/2015 DISC: 7/13/2015 |          | 1099: N     |                         |              |
|               |           | STREET PAINT                   |          | 03 5-00-749 | STREET MAINTENANCE      | 160.56       |
|               |           | === VENDOR TOTALS ===          | 160.56   |             |                         |              |
| =====         |           |                                |          |             |                         |              |
| 01-0157       |           | SISTERS LOCK & KEY SERVICE     |          |             |                         |              |
| I-9883        |           | DOOR LOCK, LATCH-BARCLAY PARK  | 845.00   |             |                         |              |
| 7/10/2015     | AP-US     | DUE: 7/10/2015 DISC: 7/10/2015 |          | 1099: Y     |                         |              |
|               |           | DOOR LOCK, LATCH-BARCLAY PARK  |          | 01 5-05-786 | PARK MAINTENANCE        | 845.00       |
|               |           | === VENDOR TOTALS ===          | 845.00   |             |                         |              |
| =====         |           |                                |          |             |                         |              |
| 1-0083        |           | SISTERS RENTAL                 |          |             |                         |              |
| I-0013564-00  |           | WEEDEATER HEAD                 | 44.95    |             |                         |              |
| 6/30/2015     | AP-US     | DUE: 6/30/2015 DISC: 6/30/2015 |          | 1099: N     |                         |              |
|               |           | WEEDEATER HEAD                 |          | 05 5-00-746 | SMALL TOOLS & EQUIPMENT | 8.55         |
|               |           | WEEDEATER HEAD                 |          | 02 5-00-746 | SMALL TOOLS & EQUIPMENT | 9.45         |
|               |           | WEEDEATER HEAD                 |          | 03 5-00-746 | SMALL TOOLS & EQUIPMENT | 12.11        |
|               |           | WEEDEATER HEAD                 |          | 01 5-05-746 | SMALL TOOLS & EQUIPMENT | 9.00         |
|               |           | WEEDEATER HEAD                 |          | 01 5-03-746 | SMALL TOOLS & EQUIPMENT | 5.84         |
| I-0013611-00  |           | WEEDEATER STRING               | 54.24    |             |                         |              |
| 7/07/2015     | AP-US     | DUE: 7/07/2015 DISC: 7/07/2015 |          | 1099: N     |                         |              |
|               |           | WEEDEATER STRING               |          | 05 5-00-746 | SMALL TOOLS & EQUIPMENT | 10.32        |
|               |           | WEEDEATER STRING               |          | 02 5-00-746 | SMALL TOOLS & EQUIPMENT | 11.40        |
|               |           | WEEDEATER STRING               |          | 03 5-00-746 | SMALL TOOLS & EQUIPMENT | 14.61        |
|               |           | WEEDEATER STRING               |          | 01 5-05-746 | SMALL TOOLS & EQUIPMENT | 10.86        |
|               |           | WEEDEATER STRING               |          | 01 5-03-746 | SMALL TOOLS & EQUIPMENT | 7.05         |
| I-01013576-00 |           | WEEDEATER STRING               | 54.24    |             |                         |              |
| 7/01/2015     | AP-US     | DUE: 7/01/2015 DISC: 7/01/2015 |          | 1099: N     |                         |              |
|               |           | WEEDEATER STRING               |          | 05 5-00-746 | SMALL TOOLS & EQUIPMENT | 10.32        |
|               |           | WEEDEATER STRING               |          | 02 5-00-746 | SMALL TOOLS & EQUIPMENT | 11.40        |
|               |           | WEEDEATER STRING               |          | 03 5-00-746 | SMALL TOOLS & EQUIPMENT | 14.61        |
|               |           | WEEDEATER STRING               |          | 01 5-05-746 | SMALL TOOLS & EQUIPMENT | 10.86        |
|               |           | WEEDEATER STRING               |          | 01 5-03-746 | SMALL TOOLS & EQUIPMENT | 7.05         |
|               |           | === VENDOR TOTALS ===          |          |             |                         |              |

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153.43

PACKET: 02350 7/23/15 AP 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 |
| 01-0996               |           | STEELHEAD EQUIPMENT RENTAL COR |          |             |                        |              |
| I-6                   |           | TRENCHER RENTAL-VG PARKING     | 150.00   |             |                        |              |
| 6/30/2015             | AP-US     | DUE: 6/30/2015 DISC: 6/30/2015 |          | 1099: N     |                        |              |
|                       |           | TRENCHER RENTAL-VG PARKING     |          | 21 5-00-906 | CAPITAL OUTLAY         | 150.00       |
| === VENDOR TOTALS === |           |                                | 150.00   |             |                        |              |

|                       |       |                                |          |             |                |          |
|-----------------------|-------|--------------------------------|----------|-------------|----------------|----------|
| 01-0223               |       | SUN COUNTRY ENGINEERING & SURV |          |             |                |          |
| I-17143               |       | SISTERS ANNEXATION ENGINEERIN  | 4,875.00 |             |                |          |
| 6/30/2015             | AP-US | DUE: 6/30/2015 DISC: 6/30/2015 |          | 1099: N     |                |          |
|                       |       | SISTERS ANNEXATION ENGINEERING |          | 02 5-00-906 | CAPITAL OUTLAY | 4,875.00 |
| === VENDOR TOTALS === |       |                                | 4,875.00 |             |                |          |

|                       |       |                                |        |             |                     |        |
|-----------------------|-------|--------------------------------|--------|-------------|---------------------|--------|
| 01-0044               |       | TAYLOR TIRE CENTER             |        |             |                     |        |
| I-76300115670         |       | TIRES-STOTTS TRUCK             | 813.76 |             |                     |        |
| 7/16/2015             | AP-US | DUE: 7/16/2015 DISC: 7/16/2015 |        | 1099: N     |                     |        |
|                       |       | TIRES-STOTTS TRUCK             |        | 01 5-03-796 | VEHICLE MAINTENANCE | 81.38  |
|                       |       | TIRES-STOTTS TRUCK             |        | 01 5-05-796 | VEHICLE MAINTENANCE | 81.38  |
|                       |       | TIRES-STOTTS TRUCK             |        | 02 5-00-796 | VEHICLE MAINTENANCE | 162.75 |
|                       |       | TIRES-STOTTS TRUCK             |        | 03 5-00-796 | VEHICLE MAINTENANCE | 325.49 |
|                       |       | TIRES-STOTTS TRUCK             |        | 05 5-00-796 | VEHICLE MAINTENANCE | 162.76 |
| === VENDOR TOTALS === |       |                                | 813.76 |             |                     |        |

|                       |       |                                |       |             |                 |      |
|-----------------------|-------|--------------------------------|-------|-------------|-----------------|------|
| 01-0563               |       | TREASURE VALLEY COFFEE, INC.   |       |             |                 |      |
| I-534692              |       | TEA, ASPRIN                    | 21.40 |             |                 |      |
| 7/09/2015             | AP-US | DUE: 7/09/2015 DISC: 7/09/2015 |       | 1099: N     |                 |      |
|                       |       | TEA, ASPRIN                    |       | 01 5-01-714 | OFFICE SUPPLIES | 3.22 |
|                       |       | TEA, ASPRIN                    |       | 01 5-02-714 | OFFICE SUPPLIES | 3.41 |
|                       |       | TEA, ASPRIN                    |       | 01 5-03-795 | SUPPLIES        | 0.43 |
|                       |       | TEA, ASPRIN                    |       | 01 5-05-714 | OFFICE SUPPLIES | 1.93 |
|                       |       | TEA, ASPRIN                    |       | 01 5-07-714 | OFFICE SUPPLIES | 5.35 |
|                       |       | TEA, ASPRIN                    |       | 02 5-00-714 | OFFICE SUPPLIES | 3.00 |
|                       |       | TEA, ASPRIN                    |       | 03 5-00-714 | OFFICE SUPPLIES | 1.71 |
|                       |       | TEA, ASPRIN                    |       | 05 5-00-714 | OFFICE SUPPLIES | 2.35 |
| === VENDOR TOTALS === |       |                                | 21.40 |             |                 |      |

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PACKET: 02350 7/23/15 AP 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 |
| =====        |                   |                                |          |             |                        |              |
| 11-0043      | WCP SOLUTIONS     |                                |          |             |                        |              |
| I-499085     |                   | PAPER TOWELS FOR RESTROOMS     | 59.00    |             |                        |              |
| 7/09/2015    | AP-US             | DUE: 8/25/2015 DISC: 7/19/2015 | 0.59CR   | 1099: N     |                        |              |
|              |                   | PAPER TOWELS FOR RESTROOMS     |          | 01 5-05-795 | SUPPLIES               | 59.00        |
|              |                   | === VENDOR TOTALS ===          | 59.00    |             |                        |              |
| =====        |                   |                                |          |             |                        |              |
| 1-0225       | X-PRESS PRINTING  |                                |          |             |                        |              |
| I-76210      |                   | BUDGET BOOKS                   | 1,024.66 |             |                        |              |
| 7/15/2015    | AP-US             | DUE: 7/15/2015 DISC: 7/15/2015 |          | 1099: N     |                        |              |
|              |                   | BUDGET BOOKS                   |          | 01 5-01-714 | OFFICE SUPPLIES        | 153.99       |
|              |                   | BUDGET BOOKS                   |          | 01 5-02-714 | OFFICE SUPPLIES        | 163.43       |
|              |                   | BUDGET BOOKS                   |          | 01 5-03-795 | SUPPLIES               | 20.46        |
|              |                   | BUDGET BOOKS                   |          | 01 5-05-714 | OFFICE SUPPLIES        | 92.43        |
|              |                   | BUDGET BOOKS                   |          | 01 5-07-714 | OFFICE SUPPLIES        | 255.95       |
|              |                   | BUDGET BOOKS                   |          | 02 5-00-714 | OFFICE SUPPLIES        | 143.49       |
|              |                   | BUDGET BOOKS                   |          | 03 5-00-714 | OFFICE SUPPLIES        | 81.93        |
|              |                   | BUDGET BOOKS                   |          | 05 5-00-714 | OFFICE SUPPLIES        | 112.98       |
| I-76301      |                   | WINDOW ENVELOPES               | 117.18   |             |                        |              |
| 7/16/2015    | AP-US             | DUE: 7/16/2015 DISC: 7/16/2015 |          | 1099: N     |                        |              |
|              |                   | WINDOW ENVELOPES               |          | 01 5-01-714 | OFFICE SUPPLIES        | 15.23        |
|              |                   | WINDOW ENVELOPES               |          | 01 5-02-714 | OFFICE SUPPLIES        | 18.75        |
|              |                   | WINDOW ENVELOPES               |          | 01 5-03-795 | SUPPLIES               | 3.52         |
|              |                   | WINDOW ENVELOPES               |          | 01 5-05-714 | OFFICE SUPPLIES        | 12.89        |
|              |                   | WINDOW ENVELOPES               |          | 01 5-07-714 | OFFICE SUPPLIES        | 28.12        |
|              |                   | WINDOW ENVELOPES               |          | 02 5-00-714 | OFFICE SUPPLIES        | 14.06        |
|              |                   | WINDOW ENVELOPES               |          | 03 5-00-714 | OFFICE SUPPLIES        | 11.72        |
|              |                   | WINDOW ENVELOPES               |          | 05 5-00-714 | OFFICE SUPPLIES        | 12.89        |
|              |                   | === VENDOR TOTALS ===          | 1,141.84 |             |                        |              |
| =====        |                   |                                |          |             |                        |              |
| 1-0428       | XEROX CORPORATION |                                |          |             |                        |              |
| I-080260605  |                   | COPIER LEASE 7855 JUNE 2015    | 614.39   |             |                        |              |
| 6/30/2015    | AP-US             | DUE: 6/30/2015 DISC: 6/30/2015 |          | 1099: N     |                        |              |
|              |                   | COPIER LEASE 7855 JUNE 2015    |          | 01 5-01-721 | COPIER/PRINTER         | 190.35       |
|              |                   | COPIER LEASE 7855 JUNE 2015    |          | 01 5-02-721 | COPIER/PRINTER         | 110.47       |
|              |                   | COPIER LEASE 7855 JUNE 2015    |          | 01 5-05-721 | COPIER/PRINTER         | 15.32        |
|              |                   | COPIER LEASE 7855 JUNE 2015    |          | 01 5-07-721 | COPIER/PRINTER         | 190.35       |
|              |                   | COPIER LEASE 7855 JUNE 2015    |          | 02 5-00-721 | COPIER/PRINTER         | 49.29        |
|              |                   | COPIER LEASE 7855 JUNE 2015    |          | 03 5-00-721 | COPIER/PRINTER         | 12.32        |
|              |                   | COPIER LEASE 7855 JUNE 2015    |          | 05 5-00-721 | COPIER/PRINTER         | 49.29        |
| I-080342686  |                   | COPIER LEASE 7665 JUNE 2015    | 94.14    |             |                        |              |
| 6/30/2015    | AP-US             | DUE: 6/30/2015 DISC: 6/30/2015 |          | 1099: N     |                        |              |
|              |                   | COPIER LEASE 7665 JUNE 2015    |          | 01 5-01-721 | COPIER/PRINTER         | 29.17        |
|              |                   | COPIER LEASE 7665 JUNE 2015    |          | 01 5-02-721 | COPIER/PRINTER         | 16.93        |
|              |                   | COPIER LEASE 7665 JUNE 2015    |          | 01 5-05-721 | COPIER/PRINTER         | 1.89         |
|              |                   | COPIER LEASE 7665 JUNE 2015    |          | 01 5-07-721 | COPIER/PRINTER         | 29.17        |

pg 8 of 9

PACKET: 02350 7/23/15 AP 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 |
| 01-0428               | XEROX CORPORATION | ( ** CONTINUED ** )            |           |             |                        |              |
|                       |                   | COPIER LEASE 7665 JUNE 2015    |           | 02 5-00-721 | COPIER/PRINTER         | 7.55         |
|                       |                   | COPIER LEASE 7665 JUNE 2015    |           | 03 5-00-721 | COPIER/PRINTER         | 1.89         |
|                       |                   | COPIER LEASE 7665 JUNE 2015    |           | 05 5-00-721 | COPIER/PRINTER         | 7.54         |
| <hr/>                 |                   |                                |           |             |                        |              |
| i-090342687           |                   | COPIER LEASE 7665 JUNLY 2015   | 22.40     |             |                        |              |
| 7/01/2015             | AP-US             | DUE: 7/01/2015 DISC: 7/01/2015 |           | 1099: N     |                        |              |
|                       |                   | COPIER LEASE 7665 JUNLY 2015   |           | 01 5-01-721 | COPIER/PRINTER         | 7.17         |
|                       |                   | COPIER LEASE 7665 JUNLY 2015   |           | 01 5-02-721 | COPIER/PRINTER         | 4.03         |
|                       |                   | COPIER LEASE 7665 JUNLY 2015   |           | 01 5-05-721 | COPIER/PRINTER         | 1.12         |
|                       |                   | COPIER LEASE 7665 JUNLY 2015   |           | 01 5-07-721 | COPIER/PRINTER         | 6.94         |
|                       |                   | COPIER LEASE 7665 JUNLY 2015   |           | 02 5-00-721 | COPIER/PRINTER         | 1.57         |
|                       |                   | COPIER LEASE 7665 JUNLY 2015   |           | 05 5-00-721 | COPIER/PRINTER         | 1.57         |
| === VENDOR TOTALS === |                   |                                | 730.93    |             |                        |              |
| === PACKET TOTALS === |                   |                                | 84,774.80 |             |                        |              |



# OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

### LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
  - Commercial Establishment
  - Caterer
  - Passenger Carrier
  - Other Public Location
  - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
  - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: \_\_\_\_\_

### ACTIONS

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

**RECEIVED**

JUL 06 2015

Oregon Liquor Control Commission  
Bend, Oregon

### CITY AND COUNTY USE ONLY

Date application received: 7/20/15

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: Andrew Gorayeb

Title: City Manager

### 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

### OLCC USE ONLY

Application Rec'd by: L. Brown

Date: 7/10/2015

90-day authority:  Yes  No

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

① Gretchen Ronhaar ③ \_\_\_\_\_

② GM REST. CORP. ④ \_\_\_\_\_

2. Trade Name (dba): THE GALLERY REST. & BAR

3. Business Location: 171 W CASCADE SISTERS Deschutes OREGON 9775  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: Box 222 SISTERS OR 97759  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541-549-2631  
(phone) (fax)

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

7. If yes to whom: JC REST CORP. Type of License: full

8. Former Business Name: The GALLERY REST & BAR

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

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

11. Contact person for this application: Gretchen Ronhaar 541 549 2631  
(name) (phone number(s))  
527 W. Jefferson Ave Sisters Or 97759 gRonhaar77@gmail  
(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 Gretchen Ronhaar Date 6/26/15 ③ \_\_\_\_\_ Date \_\_\_\_\_  
② \_\_\_\_\_ Date \_\_\_\_\_ ④ \_\_\_\_\_ Date \_\_\_\_\_



OREGON LIQUOR CONTROL COMMISSION  
**INDIVIDUAL HISTORY**

RECEIVED

JUL 20 2015

1. Trade Name THE GALLERY REST + BAR 2. City Sisters CITY OF SISTERS  
 3. Name Ronhaar Gretchen Mae  
 (Last) (First) (Middle)  
 4. Other names used (maiden, other) Stroup.  
 5. \*SSN     -     -     6. Place of Birth Salem Oregon 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: Gretchen Ronhaar

9. Driver License or State ID #     10. State Oregon  
 11. Residence Address 527 W. Jefferson Ave Sisters Or 97759  
 (number and street) (city) (state) (zip code)  
 12. Mailing Address (if different) PO Box 222 Sisters Or 97759  
 (number and street) (city) (state) (zip code)  
 13. Contact Phone 541.549.2631 14. E-Mail address (optional) gronhaar77@gmail  
 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:  
   

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 THE GALLEY REST + BAR 21. City Seaside

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.  
DUI offense 1989

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.  
Currently Manager of Procuring Business

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: Gretchen Konhaan Date: 6/26/15

## SISTERS PATROL HOURS

|              | WEEK 1 | WEEK 2 | WEEK 3 | WEEK 4 | WEEK 5 | TOTAL<br>PATROL | VACATION | SICK  | TRAINING | SRO   | TOTAL |
|--------------|--------|--------|--------|--------|--------|-----------------|----------|-------|----------|-------|-------|
| JAN          | 120    | 122    | 115.5  | 111    | 46     | 514.5           | 46.5     | 0     | 0        | 64    | 625   |
| FEB          | 119.5  | 109.5  | 116    | 139.5  | 0      | 484.5           | 26.5     | 27    | 0        | 61.5  | 599.5 |
| MAR          | 122    | 122    | 126.5  | 132    | 58.5   | 561             | 40       | 60    | 0        | 95    | 756   |
| APR          | 117    | 118.5  | 139    | 114.5  | 34     | 523             | 58.5     | 24    | 0        | 151   | 756.5 |
| MAY          | 111    | 115.25 | 107    | 104    | 41.5   | 478.75          | 72.75    | 17.5  | 5.5      | 140.5 | 715   |
| JUN          | 111.5  | 179.5  | 126    | 115    | 32     | 564             | 35       | 9     | 10       | 111   | 729   |
| JUL          |        |        |        |        |        |                 |          |       |          |       | 0     |
| AUG          |        |        |        |        |        |                 |          |       |          |       | 0     |
| SEP          |        |        |        |        |        |                 |          |       |          |       | 0     |
| OCT          |        |        |        |        |        |                 |          |       |          |       | 0     |
| NOV          |        |        |        |        |        |                 |          |       |          |       | 0     |
| DEC          |        |        |        |        |        | 0               |          |       |          |       | 0     |
| YEAR TO DATE |        |        |        |        |        | 3125.75         | 279.25   | 137.5 | 15.5     | 623   | 4181  |

## PATROL ACTIVITY STATISTICS

| ACTIVITY                           | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | YEAR |
|------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|
| city traffic warnings              | 63  | 55  | 44  | 26  | 31  | 35  |     |     |     |     |     |     | 254  |
| city traffic citations             | 14  | 3   | 12  | 3   | 2   | 6   |     |     |     |     |     |     | 40   |
| city ordinance warnings            | 3   | 1   | 2   | 2   | 12  | 0   |     |     |     |     |     |     | 20   |
| city ordinance citations           | 0   | 4   | 0   | 0   | 0   | 0   |     |     |     |     |     |     | 4    |
| city parking warnings              | 5   | 2   | 7   | 0   | 0   | 4   |     |     |     |     |     |     | 18   |
| city parking citations             | 4   | 0   | 9   | 0   | 0   | 0   |     |     |     |     |     |     | 13   |
| county traffic warnings            | 23  | 21  | 36  | 18  | 26  | 21  |     |     |     |     |     |     | 145  |
| county traffic cite                | 5   | 2   | 7   | 0   | 0   | 1   |     |     |     |     |     |     | 15   |
| county ordinance warnings          | 7   | 1   | 1   | 4   | 1   | 4   |     |     |     |     |     |     | 18   |
| county ordinance citations         | 0   | 0   | 0   | 0   | 0   | 0   |     |     |     |     |     |     | 0    |
| city misd arrests                  | 2   | 0   | 4   | 5   | 4   | 4   |     |     |     |     |     |     | 19   |
| city felony arrests                | 2   | 3   | 0   | 0   | 0   | 2   |     |     |     |     |     |     | 7    |
| county misd arrests                | 4   | 0   | 2   | 0   | 0   | 1   |     |     |     |     |     |     | 7    |
| county felony arrest               | 0   | 0   | 0   | 4   | 0   | 2   |     |     |     |     |     |     | 6    |
| school zone elementary warnings    | 0   | 7   | 2   | 4   | 2   | 0   |     |     |     |     |     |     | 15   |
| school zone elementary citations   | 0   | 2   | 0   | 0   | 0   | 0   |     |     |     |     |     |     | 2    |
| school zone middle /high warnings  | 2   | 5   | 1   | 3   | 6   | 0   |     |     |     |     |     |     | 17   |
| school zone middle /high citations | 2   | 0   | 0   | 0   | 0   | 0   |     |     |     |     |     |     | 2    |

|                 |     |     |     |     |     |     |  |  |  |  |  |  |      |
|-----------------|-----|-----|-----|-----|-----|-----|--|--|--|--|--|--|------|
| security checks | 250 | 233 | 336 | 239 | 341 | 245 |  |  |  |  |  |  | 1644 |
| open doors      | 3   | 2   | 0   | 0   | 0   | 0   |  |  |  |  |  |  | 5    |

# SISTERS CASE LOG REPORT

| CASE#         | DATE             | LOCATION                    | OFFENSE                                                                                                                                                                                                 | EXT |
|---------------|------------------|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 2015-00148219 | 06/02/2015 12:45 | NUTHATCH LN                 | Child Abuse: Report of suspected child abuse. UNFOUNDED.                                                                                                                                                |     |
| 2015-00148999 | 06/03/2015 8:16  | MUSTANG DR                  | UEMV (Car Clout): Citizen reported items had been taken from his unlocked vehicle.                                                                                                                      |     |
| 2015-00149116 | 06/03/2015 9:38  | MOUNTAIN VIEW RD            | UEMV (Car Clout): Citizen reported items had been taken from her unlocked vehicle.                                                                                                                      |     |
| 2015-00150694 | 06/04/2015 15:21 | E JEFFERSON AVE             | Theft: Citizen reported the theft of two ladders taken from a remodel job site.                                                                                                                         |     |
| 2015-00151325 | 06/05/2015 8:38  | LARIAT                      | Runaway: Male juvenile ran away from home and later entered a building illegally. Juvenile also claimed abuse by his mother. Burglary and child abuse allegations sent to the DA for review of charges. |     |
| 2015-00152210 | 06/05/2015 20:38 | E CASCADE AVE / S SPRUCE ST | Warrant Arrest*: Adult female arrested on an outstanding warrant out of Clackamas County.                                                                                                               |     |
| 2015-00152312 | 06/05/2015 22:44 | LUCKY LADY                  | Criminal Mischief: Citizen reported someone threw a rock through her living room window.                                                                                                                |     |
| 2015-00152350 | 06/05/2015 23:23 | HACKAMORE                   | Criminal Mischief: Citizen reported someone broke two windows in her house.                                                                                                                             | 1   |
| 2015-00155751 | 06/09/2015 10:04 | E DESPERADO TRL #B          | Theft: Citizen reported the theft of his debit card which was later used at a gas station. A pair of expensive sunglasses were also taken.                                                              |     |
| 2015-00155766 | 06/09/2015 10:13 | S TIMBER CREEK DR           | Civil Problem: Citizen disputed the Sheriff's Office duty to serve civil papers and was avoiding service. Papers served.                                                                                |     |
| 2015-00156346 | 06/09/2015 17:40 | W MCKINNEY BUTTE RD         | Restraining Order Violation*: Adult male arrested for Violation of Restraining Order after he was too near the petitioner in public.                                                                    | 1   |
| 2015-00158732 | 06/11/2015 16:43 | HWY 20                      | Hit and Run: Citizen reported someone damaged her vehicle in a parking lot and left without exchanging insurance information.                                                                           |     |
| 2015-00159336 | 06/12/2015 9:26  | E CASCADE AVE               | Theft: Adult male reported the theft of his bicycle. Victim confronted suspect and retrieved his bicycle.                                                                                               |     |
| 2015-00159381 | 06/12/2015 10:15 | S ELM ST                    | Theft: Citizen reported the theft of his backpack from a shed on his property.                                                                                                                          |     |
| 2015-00160346 | 06/13/2015 1:04  | HOOD AVE / FIR              | DUII*: Adult male arrested for DUII and Reckless Driving.                                                                                                                                               | 1   |
| 2015-00161185 | 06/13/2015 21:30 | HWY 20                      | MIP/Furnish Alcohol to Minor*: Juvenile female cited for MIP, adult male cited for Furnishing Alcohol to a Minor                                                                                        |     |
| 2015-00162482 | 06/15/2015 9:08  | W HOOD AVE                  | Theft: Business owner reported the theft of two hanging baskets of flowers from outside his business.                                                                                                   |     |
| 2015-00163870 | 06/16/2015 13:17 | S ELM ST                    | Prescription Medication Disposal: Citizen turned in medications for disposal.                                                                                                                           |     |

# SISTERS CASE LOG REPORT

| CASE#                                                    | DATE             | LOCATION    | OFFENSE                                                                                                                               | EXT      |
|----------------------------------------------------------|------------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------|----------|
| 2015-00164182                                            | 06/16/2015 16:39 | HWY 20      | MVA*: Adult male cited for Careless Driving after he rear-ended a stopped vehicle.                                                    |          |
| 2015-00165674                                            | 06/17/2015 22:20 | N LARCH ST  | Harassment: Mutual combat between two adult males who may have been overserved alcohol at a bar. Report forwarded to OLCC for review. | 1        |
| 2015-00167325                                            | 06/19/2015 11:27 | E RANCH AVE | Theft: Citizen reported the theft of her son's bicycle.                                                                               |          |
| 2015-00167817                                            | 06/19/2015 17:04 | HOLMES RD   | Death Investigation: Adult male died of natural causes at home.                                                                       | 3        |
| 2015-00169536                                            | 06/21/2015 13:41 | E HWY 20    | Criminal Mischief: Citizen reported a glass window in her camp trailer had been broken.                                               |          |
| 2015-00172598                                            | 06/24/2015 10:03 | E HOOD AVE  | Theft: Business owner reported the theft of a hanging basket of flowers from outside his business.                                    |          |
| 2015-00174423                                            | 06/25/2015 18:15 | CANTLE      | Burglary/Harassment*: Adult female arrested after entering a neighbor's home and assaulting her.                                      |          |
| 2015-00178028                                            | 06/29/2015 0:47  | S LOCUST ST | Domestic Violence*: Adult male arrested for Assault IV/ Menacing and Harassment after assaulting his girlfriend.                      | 2        |
| 2015-00180380                                            | 06/30/2015 19:11 | S LOCUST ST | Criminal Mischief: Graffiti found in men's public bathroom.                                                                           |          |
| <b>* DENOTES CASE INCLUDED LAW ENFORCEMENT ACTION</b>    |                  |             |                                                                                                                                       |          |
| <b>ADDITIONAL PERSONNEL NEEDED FROM OTHER DISTRICTS:</b> |                  |             |                                                                                                                                       | <b>9</b> |

# AGENDA ITEM SUMMARY



# CITY OF SISTERS SISTERS CITY COUNCIL

**Meeting Date:** July 23, 2015

**Staff:** Lynne Fujita-Conrads

**Type:** Regular Meeting

**Dept:** Finance

**Subject:** Supplemental Budget – FY 2015-16

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

---

**Background:**

Budget adjustments are permitted under Oregon Revised Statute 294.471. Per Oregon Revised Statute 294.473(1)(b), if total fund expenditures change by more than ten percent, or a new appropriation category is created, a notice of a public meeting and the proposed budget adjustments need to be published at least 5 days prior to the meeting. The public notice appeared in the NuggetNews on July 15, 2015.

**General Fund**

- Increase Public Outreach for Community Assets Committee expenditures related to project review and analysis. Expenditures will be from funds donated to the City by the Community Action Team of Sisters for the purpose of supporting community visioning efforts that benefit Sisters Country.

**Water Fund**

- Increase Capital Outlay for Barclay Drive Waterline Project. This project was initially projected to be complete by June 30, 2015 and approved by Council in the May 28, 2015 Supplemental Budget for \$84,500. The project will be completed in July with \$8,500 expended in FY 14/15, \$76,000 expended in FY 15/16. The project will be funded through the Infrastructure Finance Authority.

**Financial Impact:**

Net increase of \$76,000 in appropriations in the Water Fund for Barclay Drive Waterline project costs.

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**Attachment(s):**

Attachment A – Resolution No. 2015-16

Attachment B – Supplemental Budget Worksheet

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**Concurrence:** CM:  FIN:  PW: \_\_\_\_\_ CDD: 

**ATTACHMENT A**

**RESOLUTION NO. 2015-16**

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

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

**RESOLUTION ADOPTING THE SUPPLEMENTAL BUDGET**

**BE IT RESOLVED** that the City Council of the City of Sisters hereby adopts the supplemental budget for fiscal year 2015/16 in the amount of **\$76,000**. This budget is now on file at 520 E. Cascade Ave., in Sisters, Oregon.

**RESOLUTION MAKING APPROPRIATIONS**

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

**General Fund**

|                       |           |
|-----------------------|-----------|
| Council-Manager       | \$ 10,000 |
| Operating Contingency | ( 10,000) |

**Water Fund**

|                |           |
|----------------|-----------|
| Capital Outlay | \$ 76,000 |
|----------------|-----------|

**SECTION THREE:** This resolution is hereby approved and adopted by the Sisters City Council and approved by the Mayor on this 23th day of July 2015.

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

\_\_\_\_\_  
Nancy Connolly, Councilor

\_\_\_\_\_  
Wendy Holzman, Councilor

\_\_\_\_\_  
David Asson, Councilor

\_\_\_\_\_  
Councilor

**ATTEST:**

\_\_\_\_\_  
Kathy Nelson, City Recorder

**City of Sisters  
Supplemental Budget Worksheet  
FY 2015/16**

| <b>FUND<br/>CATEGORY</b> | <b>ACCOUNT #</b> | <b>REVENUE / EXPENSE<br/>DESCRIPTION</b> | <b>REASON</b>                   | <b>ADOPTED<br/>BUDGET</b> | <b>PROPOSED<br/>SUPPL.</b> | <b>REVISED<br/>BUDGET</b> |
|--------------------------|------------------|------------------------------------------|---------------------------------|---------------------------|----------------------------|---------------------------|
| <b>GENERAL FUND</b>      |                  |                                          |                                 |                           |                            |                           |
| Operating Contingency    | 01-5-00-400      | Operating Contingency                    |                                 | 358,825                   | (10,000)                   | 348,825                   |
| Materials & Services     | 01-5-01-783      | Public Outreach                          | Community Assets Project Review | 16,000                    | 10,000                     | 26,000                    |
| <b>WATER FUND</b>        |                  |                                          |                                 |                           |                            |                           |
| Beginning Fund Balance   | 02-4-00-400      | Beginning Fund Balance                   |                                 | 493,396                   | (76,000)                   | 417,396                   |
| Capital Outlay           | 02-5-00-906      | Capital Outlay                           | Barclay Drive Waterline Project | 18,860                    | 76,000                     | 94,860                    |



## AGENDA ITEM SUMMARY

## CITY OF SISTERS SISTERS CITY COUNCIL

---

**Meeting Date:** July 23, 2015

**Staff:** Kathy Nelson

**Type:** Regular Meeting

**Dept:** CMO

**Subject:** Community Assets Projects Further Review

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**Action Requested:** Discuss and consider approval of Resolution No. 2015-17 supporting the creation of a committee to further research the top two Community Assets Projects identified by the Community Assets Committee and authorize the expenditure of Community Action Team of Sisters funds held by the City of Sisters

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**Background:** At the June 18<sup>th</sup> Council workshop members of the Community Assets Committee (CAC) presented their findings related to the Committee's yearlong research in identifying potential community asset projects that would be supported by a majority of Sisters Country residents. As part of those findings, the Committee recommended the Council appoint a committee with a specific skill set in business development, design, architecture and financing to further explore the Combination project (combining a Convention Center with Winter Sports Park and elements of the Arts/Science/History building), and the Field House project. The CAC also recommended allotting \$10,000 from the Community Action Team of Sisters (CATS) funds to create an architectural design, elevations and interior color rendition, budget and financing options for both projects.

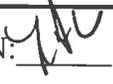
Council voiced support of moving forward with the recommendations from the CAC. This resolution would support the solicitation of committee members and the expenditure of CATS funds that had been given to the City when CATS disbanded. The funds were presented to the City with the provision they be used for the purpose of furthering strategic economic development. Council felt the allocation met the provision requirement.

**Financial Impact:** \$10,000 would be allocated from the CATS funds leaving a balance of \$3,442.

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**Attachment:** Resolution No. 2015-17

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**Concurrence:** CM:  FIN:  PW: \_\_\_\_\_ CDD: PD

**RESOLUTION NO. 2015-17**

**A RESOLUTION SUPPORTING THE CREATION OF A COMMITTEE TO FURTHER RESEARCH THE TOP TWO COMMUNITY ASSET PROJECTS IDENTIFIED BY THE COMMUNITY ASSETS COMMITTEE AND AUTHORIZE THE USE OF COMMUNITY ACTION TEAM OF SISTERS FUNDS HELD BY THE CITY OF SISTERS**

**WHEREAS**, the Community Assets Committee was assembled by the City Council to research the top four ideas identified by the community at a community economic forum held on February 25, 2014 as potential community assets, and;

**WHEREAS**, the four projects identified were the Sisters Park and Recreation District Field House, Winter Sports Park, Arts/Science/History Building and Convention Center; and

**WHEREAS**, the Community Assets Committee proposed a fifth project combining a Convention Center with Winter Sports Park with elements of the Arts/Science/History Building, and;

**WHEREAS** the Community Assets Committee goal was to identify a community asset that would provide affordable family events in Sisters Country, convince families to move to Sisters Country, help the economy by generating increased businesses from tourism, not negatively impact the existing lifestyle and help the economy during the winter and shoulder season, and;

**WHEREAS**, the Community Assets Committee was tasked with developing a process to analyze the factors involved, conduct analysis, conduct project review, perform outreach and present its findings to the City Council, and;

**WHEREAS**, the Community Asses Committee identified through its research and public outreach that the Combination Project and Field House Project received the most positive results and indicated sufficient public interest for further exploration.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SISTERS AS FOLLOWS:**

1. The City Council supports advancing the concepts of a Combination Project and Field House Project with the assistance of a committee skilled in business development, design and architecture, and financing and allocating \$10,000 of the Community Action Team of Sisters (CATS) funds held by the City of Sisters for the purpose of furthering strategic economic development.
2. The committee would be tasked with creating an architectural design, elevations and interior color rendition, determining operational budget and reviewing financing options. These tasks would be accomplished by moving the projects through a preliminary design and cost analysis, soliciting rough bids from three contractors, preparing a report on all

relevant financing options, presenting the findings to the public, soliciting input and presenting the results to the City Council.

ADOPTED by the City Council of the City of Sisters, Oregon and APPROVED by the Mayor this 23<sup>th</sup> day of July, 2015.

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Chris Frye, Mayor

ATTEST:

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Kathy Nelson, City Recorder

AGENDA ITEM SUMMARY



CITY OF SISTERS  
SISTERS CITY COUNCIL

**Meeting Date:** July 23, 2015

**Staff:** Patrick Davenport

**Type:** Meeting

**Dept:** CDD

**Subject:** Appeal (AP #15-02) of Planning Commission's approval from June 18, 2015 meeting regarding McKenzie Meadows Village applications MOD #15-05 and SP#15-01.

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

**Summary:** Through their attorney, Pinnacle Alliance Group, LLC has appealed the Planning Commission's decision of approval on June 18, 2015 for McKenzie Meadows Village modification and site plan applications (MOD 15-05 and SP 15-01).

**Project summary:** MOD #15-05 is a modification to the MMV master plan development (MP #10-01, SUB #10-02) to accommodate a specific site plan (SP #15-01) supporting the construction of an assisted living facility (ALF). The modification request was to accommodate the shifting of a portion of the ALF by more than 25'. A shift of 25 feet or less constitutes a minor modification that would have been approvable by staff but the shift of greater than 25' constituted a major modification that had to be reviewed by the Planning Commission. The site plan (SP # 15-01) illustrates a proposed 46,750 square feet ALF with associated parking, landscaping and other required features.

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

**Attachments**

- A. Appellant's application and appeal pleadings
- B. Staff report for appeal application, responses to appellant.
- C. Letter dated July 15, 2015: Damien R. Hall, attorney for applicant
- D. Staff report packet from June 18, 2015 Planning Commission meeting
- E. Signed Planning Commission resolution from June 18, 2015 meeting (PC 2015-13) and final Conditions of Approval for MOD #15-05 and SP #15-01
- F. Staff power point presentation to Planning Commission for June 18, 2015 meeting
- G. Approved Minutes from June 18, 2015 Planning Commission meeting
- H. Original Annexation Agreement
- I. Amended Annexation Agreement
- J. Conditions of Approval for CP #10-02 and ZC #10-01
- K. Conditions of Approval for MP #10-01 and SUB #10-02
- L. Conditions of Approval for MOD #12-01
- M. Letter from CDD staff to applicant: December 10, 2014
- N. Applications for MOD 15-05 and SP 15-01, signed and unsigned
- O. Email received July 14, 2015: Doug Wills
- P. Letter dated July 14, 2015: Hayden Watson

**Concurrence:** \_\_\_\_\_ CM \_\_\_\_\_ F&A PD CDD \_\_\_\_\_ PW



Michael J. Repucci  
mjrepucci@j-rlaw.com

July 2, 2015

**FEDERAL EXPRESS**

Mr. Patrick Davenport  
Community Development Director  
City of Sisters Community Development Department  
P.O. Box 39  
520 East Cascade Avenue  
Sisters, Oregon 97759

***Re: Appeal of Notice of Decision of City of Sisters Planning Commission Resolution No. 2015-13 Regarding MOD 15-05, SP 15-01***

Dear Patrick:

As discussed during our June 30<sup>th</sup> telephone call, enclosed is Pinnacle Alliance Group, LLC's Notice of Appeal, Statement of Reasons, and a check in the amount of \$250.00 for the City's appeal fee. As you requested, I have only provided one copy of the Notice of Appeal and Statement of Reasons so that the City can prepare its own copy sets for the required mailings.

I want to thank you for the time you spent with me on the phone going through the requirements of the City's Master Planning Application Form for this appeal. We both agree that the form is not particularly well suited for filing an appeal of a City land use decision, but I believe I have accurately completed the form based on your directions. I also appreciate your statement that the City would accept this Notice of Appeal even if you overlooked something else that the City later requires to be included in this package. I would be happy to supplement the package with any additional information the City may require following your review, but please let me know what those items may be as soon as you are able.

Very truly yours,

Johnson & Repucci LLP

Michael J. Repucci

Enclosures

**MASTER PLANNING  
APPLICATION FORM**

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



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

APPLICANT: PINNACLE ALLIANCE GROUP, LLC PHONE: 303-442-1900

ADDRESS OF APPLICANT: C/O MICHAEL J. REPUGLI, JOHNSON & REPUGLI LLC

PROPERTY OWNER: NA 2521 BROADWAY, SUITE A, BOULDER, COLORADO 80304 PHONE: \_\_\_\_\_

ADDRESS OF PROPERTY OWNER: NA

PROPERTY ADDRESS: NA

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

PROPERTY SIZE (ACRES OR SQUARE FEET): NA

EXISTING ZONING OF PROPERTY: NA

COMPREHENSIVE PLAN DESIGNATION OF PROPERTY: NA

DESCRIBE PROJECT OR REASON FOR THIS REQUEST: APPEAL OF NOTICE OF DECISION OF CITY OF SISTERS PLANNING COMMISSION RESOLUTION #2015-13 REGARDING MOD 15-05, SP 15-01

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

Michael J. Repugli MICHAEL J. REPUGLI FOR APPLICANT 7/2/15  
 Signature of Applicant Printed Name Date

\_\_\_\_\_  
 Signature of Property Owner Printed Name Date

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

DATE RECEIVED \_\_\_\_\_ FILE NO. \_\_\_\_\_ CHECK NO. \_\_\_\_\_  
 CASH \_\_\_\_\_ AMOUNT PAID \_\_\_\_\_ RECEIPT NO. \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_

| <p>Use this table to determine the documents/maps needed to complete your application package. Incomplete application packets will delay the processing of your application.</p> <p>X – Information <u>is</u> required.<br/>O – Other Information <u>may</u> be required.<br/>SEE PLANNING STAFF</p> | Application & Filing Fee | Burden of Proof / Needs Analysis | Other Studies | Existing Site Conditions | Proposed Site Plan | Elevations | Floor Plans | Preliminary Title Report | Tentative Plat | Landscape Plan | Drainage / Grading Plan | Letter of Authorization | Legal Description | PDF's of each drawing | Refer to Code section? |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|----------------------------------|---------------|--------------------------|--------------------|------------|-------------|--------------------------|----------------|----------------|-------------------------|-------------------------|-------------------|-----------------------|------------------------|
| Annexation                                                                                                                                                                                                                                                                                           | X                        | X                                | O             |                          |                    |            |             | X                        |                |                |                         | X                       | X                 |                       |                        |
| Appeal                                                                                                                                                                                                                                                                                               | X                        | X                                | X             |                          |                    |            |             |                          |                |                |                         |                         |                   |                       | X                      |
| Code Interpretation                                                                                                                                                                                                                                                                                  | X                        | X                                |               |                          |                    |            |             |                          |                |                |                         |                         |                   |                       |                        |
| Code Text Amendment                                                                                                                                                                                                                                                                                  | X                        | X                                | O             |                          |                    |            |             |                          |                |                |                         |                         |                   |                       |                        |
| Comp. Plan Amend.                                                                                                                                                                                                                                                                                    | X                        | X                                | O             |                          |                    |            |             |                          |                |                |                         |                         |                   |                       |                        |
| Conditional Use Permit                                                                                                                                                                                                                                                                               | X                        | X                                | O             | X                        | X                  | X          | X           | X                        |                | X              | X                       | X                       | O                 | X                     |                        |
| Development Review                                                                                                                                                                                                                                                                                   | X                        | X                                |               | X                        | X                  | O          | O           | X                        |                |                |                         | X                       |                   | O                     |                        |
| Flood Plain Review                                                                                                                                                                                                                                                                                   | X                        | X                                |               | X                        | X                  |            |             | X                        |                |                |                         | X                       |                   | X                     | X                      |
| Home Occupation Permit                                                                                                                                                                                                                                                                               | X                        |                                  |               | X                        | X                  | X          | X           | X                        |                |                | O                       | X                       |                   | X                     |                        |
| Lot Line Adjustment                                                                                                                                                                                                                                                                                  | X                        | X                                |               |                          |                    |            |             | X                        | X              |                |                         | X                       | X                 | X                     |                        |
| Lot Consolidation                                                                                                                                                                                                                                                                                    | X                        | X                                |               |                          |                    |            |             | X                        | X              |                |                         | X                       | X                 | X                     |                        |
| Master Plan Development                                                                                                                                                                                                                                                                              | X                        | X                                | O             | X                        | X                  | O          | O           | X                        | X              | X              | X                       | X                       | X                 | X                     | X                      |
| Partition                                                                                                                                                                                                                                                                                            | X                        | X                                | O             | X                        | X                  |            |             | X                        | X              |                |                         | X                       |                   | X                     |                        |
| Replat                                                                                                                                                                                                                                                                                               | X                        | X                                | O             | X                        | X                  |            |             | X                        | X              |                |                         | X                       |                   | X                     |                        |
| Site Plan Review                                                                                                                                                                                                                                                                                     | X                        | X                                | O             | X                        | X                  | X          | X           | X                        |                | X              | X                       | X                       | X                 | X                     |                        |
| Subdivision                                                                                                                                                                                                                                                                                          | X                        | X                                | O             | X                        | X                  |            |             | X                        | X              |                |                         | X                       |                   | X                     |                        |
| Temporary Use Permit                                                                                                                                                                                                                                                                                 | X                        | X                                | O             | X                        | X                  | O          | O           | X                        |                |                |                         | X                       |                   | X                     |                        |
| Time Extension                                                                                                                                                                                                                                                                                       | X                        |                                  |               |                          |                    |            |             |                          |                |                |                         | O                       |                   |                       | X                      |
| Variance                                                                                                                                                                                                                                                                                             | X                        | X                                | O             | X                        | X                  | O          | O           | X                        | O              | O              | O                       | X                       |                   | X                     | X                      |
| Zone Change                                                                                                                                                                                                                                                                                          | X                        | X                                | O             |                          |                    |            |             | X                        |                |                |                         | X                       |                   |                       | X                      |

## Application Requirements

Application requirements identified on Page 2 shall be submitted as follows, unless indicated otherwise. **NOTE: APPLICATION WILL NOT BE ACCEPTED UNLESS PLANS ARE FOLDED.**

✓

1. APPLICATION (one copy) with FEE. Note: Please refer to fee schedule adopted January 24, 2008 for current fee schedules.

✓

2. BURDEN OF PROOF or NEEDS ANALYSIS (3 copies). Scope of this document will vary according to the complexity of the Code Standards and Criteria that are used to review each application.

NA

3. OTHER STUDIES (3 copies). Other studies, such as a Traffic Study, Impact Study or Soils Study may be required by the Community Development Director or designee according to the applicant's request. If required, the specific requirements needed by the City will be identified clearly / in writing, and within 30 days from the date the application is submitted to the City.

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4. SITE PLAN (Existing Conditions). Ten (10) 18 x 24-inch minimum site plans and one (1) 11 x 17 reduction of the site plan. Additional copies will be needed if a public hearing is required.

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5. SITE PLAN (Proposed Project). Ten (10) 18 x 24-inch minimum site plans and one (1) 11 x 17 reduction of the site plan. Additional copies will be needed if a public hearing is required.

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6. ELEVATIONS. Ten (10) 18 x 24 inch minimum elevation drawings, and one (1) 11 x 17 reduction of the elevation drawings. Additional copies will be needed if a public hearing is required.

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7. FLOOR PLANS. Ten (10) 18 x 24 inch minimum elevation drawings, and one (1) 11 x 17 reduction of the elevation drawings. Additional copies will be needed if a public hearing is required.

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8. PRELIMINARY TITLE REPORT. A preliminary title report, subdivision guarantee, deed or equivalent documentation not older than six (6) months which shows any and all easements affecting the project site. Note: this document must disclose easements recorded on the subject property, or it will not be accepted as meeting the submittal criteria.

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9. TENTATIVE PLAT. Ten (10) copies of a tentative subdivision or parcel plat; 18 x 24 inches minimum. One (1) 11 x 17 reduced copy of the subdivision or partition plat shall also be provided.

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10. LANDSCAPE PLAN. Ten (10) 18 x 24-inch minimum landscape plans and one (1) 11 x 17 reduction of the landscape plan. Additional copies will be needed if a public hearing is required. Plan shall show tree / plant specie(s), coverage and sizes at time of planting, and approximate / type of irrigation system(s) to be used.

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11. GRADING AND DRAINAGE PLAN. Ten (10) 18 x 24-inch minimum grading / drainage plans and one (1) 11 x 17 reduced version. Additional copies will be needed if a public hearing is required. Plan shall show on-site water retention, and shall be engineered to a 10 year / 24 hour event.

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12. LETTER OF AUTHORIZATION. A letter signed by the property owner and containing the original signature which authorizes an agent or representative to act in the behalf of the owner during the planning review process.

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13. LEGAL DESCRIPTION. A legal description of the entire project site (metes and bounds; subdivision or comparable acceptable legal description).

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14. PDF'S OF EACH DRAWING. A disc containing pdf copies of each submitted drawing, burdens of proof, title information, et cetera shall accompany each application requiring such pdf's.

✓

15. REFER TO CODE SECTION. Many application review processes require multiple applications or have references to other code sections that are not readily apparent when making the application. The 'refer to code section' reference alerts applicants that there are likely other code sections that apply to their request, and that questions should be asked of City staff to clarify the extent of the review required.

**Building and Land Use Fee Schedule**  
Updated August 9, 2013

| <b>COMMUNITY DEVELOPMENT</b>                           |                                                         |                                   |                                   |
|--------------------------------------------------------|---------------------------------------------------------|-----------------------------------|-----------------------------------|
| <b>Planning Fees</b>                                   |                                                         |                                   |                                   |
| 1                                                      | Accessory Dwelling (Type I)                             |                                   | 500.00                            |
| 2                                                      | Agreement Recording (not tied to Land Use Decision)     |                                   | 600.00                            |
| 3                                                      | Annexation                                              |                                   | 3,500.00 Plus election cost       |
| <b>Appeal</b>                                          |                                                         |                                   |                                   |
| 4                                                      |                                                         | First Appeal                      | 250.00                            |
| 5                                                      |                                                         | Subsequent Appeals                | 1,500.00 Plus cost of transcripts |
| 6                                                      | Code Interpretation (Type II)                           |                                   | 300.00                            |
| 7                                                      | Comprehensive Plan / Ordinance Amendment                |                                   | 4,000.00                          |
| 8                                                      | Minor Conditional Use *                                 |                                   | 1,200.00                          |
| 9                                                      | Minor Conditional Use - Vacation Rentals                |                                   | 500.00                            |
| 10                                                     | Conditional Use*                                        |                                   | 2,400.00                          |
| 11                                                     | Extension Fee (First)                                   |                                   | 150.00                            |
| 12                                                     | Extension (Second)                                      |                                   | 250.00                            |
| 13                                                     | Final Plat Review/Condominium Plat Review               |                                   | 500.00                            |
| 14                                                     | Historic Landmark Commission Review                     |                                   | 500.00                            |
| 15                                                     | Home Occupation                                         |                                   | 100.00                            |
| 16                                                     | Lot Line Adjustment                                     |                                   | 500.00                            |
| <b>Master Planned Development</b>                      |                                                         |                                   |                                   |
| 17                                                     |                                                         | 0 to 4.99 acres                   | 4,000.00                          |
| 18                                                     |                                                         | 5 to 10 acres                     | 5,000.00                          |
| 19                                                     |                                                         | More than 10 acres                | 6,000.00                          |
| 20                                                     | Partition/Replat                                        |                                   | 1,600.00                          |
| 21                                                     | Pre-application/Design Review (initial meeting)         |                                   | 300.00                            |
| 22                                                     | Pre-application/Design Review (additional meeting)      |                                   | 75.00 /per hour                   |
| 23                                                     | Sign, Permit                                            |                                   | 100.00                            |
| 24                                                     |                                                         | Additional sign, same application | 40.00                             |
| 25                                                     |                                                         | Temporary Sign Permit             | 10.00                             |
| 26                                                     |                                                         | Portable Sign                     | 40.00 Annually                    |
| <b>Site Plan Review*</b>                               |                                                         |                                   |                                   |
| 27                                                     |                                                         | Less Than 1,000 sq.ft.            | 2,000.00                          |
| 28                                                     |                                                         | 1,001 to 5,000 sq.ft.             | 2,500.00                          |
| 29                                                     |                                                         | 5,001 to 10,000 sq.ft.            | 3,500.00                          |
| 30                                                     |                                                         | More than 10,000 sq.ft.           | 4,000.00                          |
| <b>Accessory structure (not including residential)</b> |                                                         |                                   |                                   |
| 31                                                     |                                                         | 201 sq.ft. to 1,000 sq.ft.        | 500.00                            |
| <b>Site Suitability Check / Land Use Review</b>        |                                                         |                                   |                                   |
| 32                                                     |                                                         | Residential                       | 250.00                            |
| 33                                                     |                                                         | Commercial / Industrial / Other   | 500.00                            |
| 34                                                     | Subdivision/Replat                                      |                                   | 4,000.00 Plus \$20/lot            |
| 35                                                     | Temporary Use Permit, seasonal sales (Type I)           |                                   | 150.00                            |
| 36                                                     | Temporary Use Permits, temporary sales offices (Type I) |                                   | 150.00                            |
| 37                                                     | Minor Variance                                          |                                   | 1,200.00                          |
| 38                                                     | Major Variance                                          |                                   | 2,400.00                          |
| 39                                                     | Zone Change                                             |                                   | 6,000.00                          |
| 40                                                     | Hearing Fee                                             |                                   | 500.00                            |
| 41                                                     | Rebuild/LUCS                                            |                                   | 50.00                             |
| 42                                                     | Lot of Record Verification                              |                                   | 500.00                            |
| 43                                                     | Modification to Approved Decision                       |                                   | 25% of Original Fee               |
| <b>Miscellaneous Planning Fees</b>                     |                                                         |                                   |                                   |
| 44                                                     | Research                                                |                                   | 100.00 /per hour                  |
| <b>Maps</b>                                            |                                                         |                                   |                                   |
| 45                                                     |                                                         | Small (8 1/2 x 11)                | 5.00                              |
| 46                                                     |                                                         | Medium ( 11 x 17)                 | 15.00                             |
| 47                                                     |                                                         | Large (24 x 36 or larger)         | 30.00                             |
| 48                                                     | Comprehensive Plan Copy                                 |                                   | 20.00                             |
| 49                                                     | Development Code Copy                                   |                                   | 50.00                             |
| 50                                                     | Other Documents                                         |                                   | 25.00                             |
| 51                                                     | Tree Replacement Fee                                    |                                   | 175.00                            |
| 52                                                     | Parking 'In-Lieu' of Development Fee                    |                                   | 2,314.00 Per Space                |



Michael J. Repucci  
mjrepucci@j-r-law.com

July 2, 2015

City of Sisters  
City Council  
P.O. Box 39  
520 East Cascade Avenue  
Sisters, Oregon 97759

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**STATEMENT OF REASONS IN SUPPORT OF APPEAL OF JUNE 18, 2015  
CITY OF SISTERS PLANNING COMMISSION RESOLUTION PC 2015-13  
CONCERNING THE APPLICATION FOR A MODIFICATION TO MCKENZIE  
MEADOW VILLAGE MASTER PLAN AND A NEW SITE PLAN  
FILE NUMBER MOD 15-05, SP 15-01**

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Pinnacle Alliance Group, LLC (“PAG”), by and through the undersigned counsel, provides this Statement of Reasons in support of PAG’s appeal from the decision of the City of Sisters Planning Commission (the “Planning Commission”) issued on June 18, 2015, and served on the undersigned by mailing postmarked June 22, 2015. A Notice of Appeal is filed contemporaneously with this Statement of Reasons. For the reasons set forth herein, the decision by the Planning Commission should be rejected and the applicant McKenzie Meadow Village, LLC (“MMV”) should be directed to file a new application for approval of a Master Plan for the entirety of the MMV property and in connection therewith, MMV should be directed to process an application for approval of an Annexation Agreement amendment, a Comprehensive Plan amendment, a Zoning Change amendment, a Subdivision Plan amendment, and a Site Plan amendment to allow the uses approved by the Planning Commission in connection with its June 18, 2015 Resolution PC 2015-13.

In accordance with the requirements of City of Sisters Development Code (“SDC”) Section 4.1.800.D., PAG states as follows: this Statement of Reasons constitutes PAG’s concise description of the land use decision sought to be reviewed (*see* SDC Section 4.1.800.D.1.); and PAG participated as a party to the initial Planning Commission proceedings leading up to Resolution PC 2015-13 because as a Sisters business held strictly to all SDC requirements in obtaining approvals for its own development project, PAG wants fair and equal treatment for all, government transparency, no favoritism, consistency in following established procedures and due process, and for the City of Sisters to require MMV to strictly adhere to all SDC land use requirements with respect to the McKenzie Meadow Village project (*see* SDC Section 4.1.800.D.2.). Finally, the following Statement of Reasons includes all grounds relied upon for review of the Planning Commission’s decision (*see* SDC Section 4.1.800.D.3.).

## I. FACTUAL BACKGROUND

Development within MMV's McKenzie Meadow Village project must comply with not only the SDC, but also with the terms of the December 3, 2009 Annexation Agreement pursuant to which McKenzie Meadow Village was annexed to the City of Sisters, as amended, with the terms of the approved McKenzie Meadow Village Master Plan MP 10-01, as amended by MOD 12-01 and MOD 12-02, with the terms of the approved Comprehensive Plan Amendment CP 10-02 and Zoning Change ZC 10-01 documents, with the terms of the Subdivision Plan SUB 10-02, and with the previous City of Sisters Site Plan SP 11-05 approvals.

The McKenzie Meadow Village Annexation Agreement and amendments, the Master Planned Development (MP 10-01, MOD 12-01 and MOD 12-02), and the Comprehensive Plan Amendment (CP 10-02), Zoning Change (ZC 10-01), Subdivision Plan (SUB 10-02) and Site Plan (SP 11-05) approvals, each clearly require that a "Senior Assisted Living Center" be constructed and thereafter operated on not less than 6.3 acres of the McKenzie Meadow Village property. In addition, the Master Plan, the Comprehensive Plan, the Zoning Change, the Subdivision Plan and the previous Site Plan approvals all require that 82 units of Senior Assisted Living Facilities be constructed on the subject property.

The words chosen for these particular land use approval conditions were not thoughtlessly selected, in that the same requirement for construction and operation of a Senior Assisted Living facility appears in the Annexation Agreement, in two amendments to the Annexation Agreement, in the Master Plan approval, in the conditions of approval of the Comprehensive Plan Amendment, in the conditions of approval of the Zoning Change, in the Subdivision Plan, and in the previous Site Plan approvals. The term "Assisted Living Facility" is clearly defined in the SDC and is a type of "Residential Care Facility" as defined in the SDC (*see* SDC Section 1.3.300). Under the SDC, Residential Care Facilities are required to be *licensed* (*see* SDC Section 2.15.1100.A.).

Yet despite this abundance of clarity, MMV's Burden of Proof requested approval of memory care and an unlicensed "Housing with Services" model of use, neither of which are contemplated within the SDC's Assisted Living Facility definition. These proposed changes go to the very heart of the land use approval conditions imposed upon the McKenzie Meadow Village project and consequently constitute "Major Modifications" resulting in "substantial adverse impacts" on the previous approvals, which clearly trigger the requirement that a new Master Plan be submitted and approved. The approvals requested by MMV in its Burden of Proof are simply not "Minor Modifications" of the existing Master Plan as argued by MMV. In addition, MMV's attempt to change uses within the Senior Assisted Living Center also requires an Annexation Agreement amendment, a Comprehensive Plan amendment, a further Zoning Change amendment, a Subdivision Plan amendment, and a Site Plan amendment to allow those uses if approved by the City of Sisters. MMV has not filed any applications for approval of any of these other required amendments.

PAG, through its undersigned counsel, appeared at the Planning Commission's June 18, 2015 hearing and presented a written summary of the SDC's provisions requiring the noted amendments. That written summary is incorporated into this Statement of Reasons and is attached hereto as Exhibit 1. At the conclusion of PAG's presentation at the June 18<sup>th</sup> hearing, PAG formally requested on the record that the hearing be continued in accordance with SDC Section 4.1.500.C.1.d. in order that PAG would have a full and fair opportunity to obtain additional information from the City of Sisters Community Development Department, including, but not limited to, clear proof that various dates and deadlines imposed by previous MMV land use approvals had not previously expired prior to subsequently granted extensions. Despite PAG's clear and unequivocal request to continue the hearing, after many participants spoke both for and against the application, including patently false and misleading testimony provided by the applicant and its representatives, the Planning Commission closed the hearing and rendered its decision, thereby denying PAG its legal rights under SDC Section 4.1.500.C.1.d. and SDC Section 4.1.500.C.3. to present additional written evidence or testimony in support of PAG's opposition to MMV's land use application, and in rebuttal of the false testimony provided by the applicant and its representatives. This fatal failure to comply with PAG's request to continue the hearing, which is mandatory under SDC Section 4.1.500.C.1.d., rendered the Planning Commission's decision entirely void and invalid.

## II. STANDARD FOR REVIEW

On this appeal of a quasi-judicial decision made by the Planning Commission concerning MMV's Type III application (see SDC Sections 4.1.500 and 4.1.700.A.7.), the City of Sisters City Council (the "City Council") is required to conduct a *de novo* evidentiary hearing (see SDC Section 4.1.800.E.). As such, the Planning Commission's decision is not binding (in addition to being invalid as noted above) and the factual record must be considered anew by the City Council. This factual record includes the June 18, 2015 written statement and oral presentation made by PAG in opposition to MMV's application. These materials conclusively establish, contrary to the Planning Commission's decision, that MMV's proposed changes in use of the previously approved Assisted Living Facility to allow memory care and a "Housing with Services" model of use, coupled with the change in location of the previously approved building layout by more than 25 feet, constitute "Major Modifications" resulting in "substantial adverse impacts" on the previous approvals which clearly require the processing of a new Master Plan and related amendments to the MMV Annexation Agreement, the Comprehensive Plan governing the MMC project, the previously approved Zoning Change, the previously approved Subdivision Plan, and the previously approved Site Plan (see SDC Sections 4.1.700.G.4., 4.1.700.J.). A Major Modification of MMV's previous Type III approvals are required to be processed as a Type III application (see SDC Sections 4.1.700.J.4. and 4.1.700.A.), including all of the related impact studies required by SDC Section 4.1.700.A.7. MMV's application at issue in this case is clearly a Type II application, not a Type III application. Consequently, MMV's application is wholly deficient as a matter of law and cannot form the basis for any approval granted by any decision making body, including the City Council.

### III. STATEMENT OF REASONS FOR APPEAL

The Planning Commission's decision relies upon faulty applications of the SDC to MMV's application.

A. **MMV's Application and Burden of Proof do not Comply with SDC's Type III Application Requirements.**

At the very core of PAG's objection to the MMV application is the applicant's Burden of Proof. The Burden of Proof is required to demonstrate a land use application's compliance with all applicable provisions of the Sisters Development Code (*see* SDC Sections 4.1.700.A.4 and 4.5.500.A.2).<sup>1</sup> The applicant's Burden of Proof, however, is based entirely on the premise that the application should be processed as a Type II application.<sup>2</sup> The City of Sisters Community Development Department Staff correctly points out that the applicant's consolidated land use application is required to be processed as a Type III application under SDC Section 4.1.700.E.2 because the applicant sought approval of both a Master Plan modification and a new Site Plan. However, for unexplained reasons, Staff accepted the MMV application and Burden of Proof without requiring the applicant to demonstrate compliance with any of the additional Type III application requirements, including, without limitation, the requirement of SDC Section 4.1.700.A.7 for the applicant to produce multiple current impact studies in support of the application. The failure of the applicant to submit a proper Burden of Proof taints the entire application and requires the Planning Commission to deny the application outright.

B. **MMV's Application is *Per Se* a Request for a Major Modification Requiring a New Master Plan and Related Approval Amendments.**

The previously approved Master Plan for the McKenzie Meadow Village project (MP 10-01, SUB 10-02) clearly states that "a shift greater than 25-feet in the location of buildings, proposed streets, parking lot configuration and landscaping or other site improvements" constitutes a

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<sup>1</sup> The MMV application for Master Plan Modification (MOD 15-05) contained in the Staff Report to the Planning Commission is not even signed, as clearly required by SDC 4.1.700.E.3.a.3., and therefore is facially deficient and should never have been accepted by the City of Sisters Community Development Department Staff in the first place.

<sup>2</sup> It should be noted that the applicant's Burden of Proof did not even use the current approved Site Plan (SP 11-05) in its application materials, apparently in an effort to mislead the Planning Commission concerning the actual scope and breadth of the site plan modifications proposed. This example, coupled with the filing of a Type II application as opposed to a more rigorous Type III application, and other documented attempts by MMV to evade the SDC requirements, all amount to a *de facto* City of Sisters-sanctioned subsidy for the McKenzie Meadow Village project to the disadvantage of others similarly situated in violation of the Fifth and Fourteenth Amendments to the Constitution of the United States (42 U.S.C. § 1983), entitling aggrieved parties to an award of monetary damages, including an award of attorneys' fees pursuant to 42 U.S.C. § 1988.

“substantial adverse impact” requiring “a new Master Plan for the entire subject property.” During the June 18, 2015 Planning Commission hearing, the applicant and City of Sisters Staff attempted to alternatively argue that the clear language of the previous Master Plan approvals on this point was permissive, not mandatory, and that the SDC’s definition of substantial adverse impact did not apply to the shifting of buildings. Both arguments are without merit, however, where the plain language of the MP 10-01 and SUB 10-02 approvals lists the shifting of buildings and other improvements by more than 25 feet as a specific enumerated example of a substantial adverse impact.

In addition, PAG submits that the change in use of the previously approved Assisted Living Facility to allow memory care and some unlicensed “Housing with Services” model of use that is not even contemplated within the SDC’s Assisted Living Facility definition, constitutes a substantial adverse impact upon prior approvals. The record surrounding the Annexation Agreement and Master Plan approvals is replete with discussion of the need within the City of Sisters for an Assisted Living Facility. The definition of Assisted Living Facility, which is considered a “Residential Care Home” under the SDC, requires that the facility be *licensed* (*see* SDC Section 2.15.1100.A.). As clearly stated in MMV’s application, its “Housing with Services” model is not required to be licensed and yet the Planning Commission approved that new use, along with memory care that is also not contemplated within the Assisted Living Facility definition, without even considering the impact of this change on the prior MMV approvals and the community’s clearly stated need for an Assisted Living Facility to be constructed and operated on the MMV property. These changes in use clearly require the processing of an amendment to the Annexation Agreement (a Type IV application procedure), yet the Planning Commission completely ignored PAG’s arguments on this point.

**C. The Planning Commission’s Failure to Continue the Public Hearing is a Fatal Error.**

PAG has significant concerns that certain portions of MMV’s previous approvals expired prior to their extension by the Planning Commission and City Council. Despite efforts by PAG to obtain information concerning prior extensions of MMV approvals to determine whether the current MMV application is further facially deficient, PAG has been unsuccessful in receiving these materials. As a result, PAG formally requested on the record that the hearing be continued in accordance with SDC Section 4.1.500.C.1.d. in order to allow PAG a full and fair opportunity to obtain from the City of Sisters Community Development Department this additional information, as well as information supporting various documents submitted by the applicant and its representatives on the day of the Planning Commission hearing, and evidence supporting multiple erroneous statements made on the record during the hearing by MMV and its representatives. Despite PAG’s clear and unequivocal request to continue the hearing, the Planning Commission closed the hearing and rendered its decision, thereby denying PAG its legal rights under SDC Section 4.1.500.C.1.d. and SDC Section 4.1.500.C.3. to present additional written evidence or testimony in support of PAG’s opposition to MMV’s land use application. This fatal failure to comply with PAG’s request to continue the hearing, which is mandatory under SDC Section 4.1.500.C.1.d., rendered the Planning Commission’s decision entirely void and invalid.

**D. The Conditions of Approval Contained within Planning Commission Resolution PC 2015-13 are Deficient.**

The Conditions of Approval contained within Planning Commission Resolution PC 2015-13 are deficient in that they fail to include many important previous land use requirements contained in MP 10-01, MOD 12-01, MOD 12-02, SUB 10-02, and SP 11-05 (*see* Exhibit E to the Conditions of Approval for MP 10-01 and SUB 10-02, the Conditions of Approval for SP 11-05, and the Revised Conditions of Approval for MOD 12-01 and MOD 12-02). For example and without limitation, the Conditions of Approval fail to include the requirements that: (1) the applicant complete a final subdivision plat of the portion of MMV's property upon which the Senior Assisted Living Facility is to be constructed before issuance of a building permit; (2) negotiate and execute a Memorandum of Understanding with the City of Sisters concerning a whole variety of land use matters prior to recording the final subdivision plat for the portion of MMV's property upon which the Senior Assisted Living Facility is to be constructed; (3) prepare, obtain necessary City of Sisters approvals, and record a Declaration of Covenants, Conditions and Restrictions for the entirety of applicant's property; (4) complete final subdivision platting of the remainder of the applicant's property following approval of the Master Plan as modified; and (5) prepare and submit for the City of Sisters approval a revised detailed site plan showing multiple detailed components of the project plan prior to issuance of any building permits. These are only examples that involve the Senior Assisted Facility, but many other requirements set forth in Exhibit E to the Conditions of Approval for MP 10-01 and SUB 10-02, as well requirements set forth in the respective conditions of approval for MOD 12-01, MOD 12-02, and SP 11-05, relate to the entirety of the McKenzie Meadow Village property and are required to be completed prior to issuance of any building permit on that property. In the event that the City Council determines to uphold the Planning Commission's Notice of Decision, a result that PAG will vigorously oppose, at a minimum the City Council should remand the Notice of Decision to the Planning Commission to amend its Conditions of Approval to include all of the requirements set forth in Exhibit E to the Conditions of Approval for MP 10-01 and SUB 10-02, and any other requirements forming a part of the respective conditions of approval for MOD 12-01, MOD 12-02, and SP 11-05.

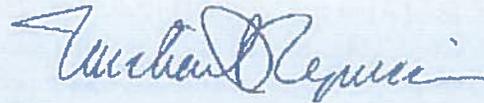
**IV. CONCLUSION**

For the reasons set forth herein, the Planning Commission's decision should be rejected, the MMV application should be denied, and MMV should be directed to file a new application for approval of a Master Plan for the entirety of the MMV property and in connection therewith, MMV should be directed to process an application for approval of an Annexation Agreement amendment, a

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July 2, 2014  
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Comprehensive Plan amendment, a Zoning Change amendment, a Subdivision Plan amendment, and a Site Plan amendment to allow the uses and other matters approved by the Planning Commission in connection with its June 18, 2015 Resolution PC 2015-13.

JOHNSON & REPUCCI LLP



By: \_\_\_\_\_  
Michael J. Repucci

City of Sisters  
City Council  
July 2, 2014  
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**EXHIBIT 1**

**Pinnacle Alliance Group, LLC June 18, 2015 Statement of Opposition**

*[attached hereto]*



Michael J. Repucci  
mjrepucci@j-rlaw.com

June 18, 2015

**HAND DELIVERED**

City of Sisters  
Sisters Planning Commission  
P.O. Box 39  
520 E. Cascade Avenue  
Sisters, Oregon 97759

**Re: *McKenzie Meadow Village, LLC Master Plan Modification (MOD 15-05) and Site Plan Review (SP 15-01)***

Dear Planning Commissioner Members:

This firm represents Pinnacle Alliance Group, LLC with respect to matters associated with the Master Plan Modification application created in May 2015 but as of yet still unsigned, and the Site Plan Review application submitted January 16, 2015, both of which were submitted on behalf of McKenzie Meadow Village, LLC.

My client has actively followed the various submittals made on behalf of McKenzie Meadow Village, LLC leading up to the current consolidated Type III Master Plan Modification and Site Plan Review application and has repeatedly alerted members of the Sisters Community Development Department that the proposed changes to the McKenzie Meadow Village's Senior Assisted Living Facility requirements needed to be processed in accordance with the clear requirements of the Sisters Development Code. My client has maintained from the start that it wants fair and equal treatment for all, government transparency, no favoritism, and consistency in following established procedures and due process.

In response to its stated concerns, my client was assured that any proposed changes to the McKenzie Meadow Village entitlements would be processed in strict accordance with the Sisters Development Code, and that under no circumstances would favoritism be extended in this regard to the McKenzie Meadow Village owners, developers or other related entities, including McKenzie Meadow Village, LLC, McKenzie Meadow Village Holding Co., LLC, Ageia Health Services, Kevin Cox, and Ascent Architecture & Interiors.

Unfortunately, based on our review of the Staff Report and Burden of Proof Statement prepared by the Sisters Community Development Department Staff, it is abundantly clear that the Community Development Department Staff has not properly applied the applicable provisions of the Sisters Development Code to the McKenzie Meadow Village consolidated

application in many important respects. As a result, the entire application is deficient and should be denied.

Development within McKenzie Meadow Village must comply with not only the Sisters Development Code, but also with the terms of the December 3, 2009 Annexation Agreement pursuant to which McKenzie Meadow Village was annexed to the City of Sisters, as amended, with the terms of the approved McKenzie Meadow Village Master Plan MP 10-01, as amended by MP 12-01 and 12-02, with the terms of the approved Comprehensive Plan Amendment CP 10-02 and Zoning Change ZC 10-01 documents, with the terms of the Subdivision Plan SUB 10-02, and with the previous City of Sisters Site Plan SP 11-05 approvals.

The McKenzie Meadow Village Annexation Agreement and amendments, the Master Planned Development (MP 10-01, MP 12-01 and MP 12-02), and the Comprehensive Plan Amendment (CP 10-02), Zoning Change (ZC 10-01), Subdivision Plan (SUB 10-02) and Site Plan (SP 11-05) approvals, each clearly require that a "Senior Assisted Living Center" be constructed and thereafter operated on not less than 6.3 acres of the McKenzie Meadow Village property. In addition, the Master Plan, the Comprehensive Plan Amendment, the Zoning Change, the Subdivision Plan and the previous Site Plan approvals all require that 82 units of Senior Assisted Living Facilities be constructed on the subject property. Excerpts from these approvals are attached for your convenience.

The words chosen for these particular land use approval conditions were not thoughtlessly selected, in that the same requirement for construction and operation of a Senior Assisted Living facility appear in the Annexation Agreement, in two amendments to the Annexation Agreement, in the Master Plan approval, in the conditions of approval of the Comprehensive Plan Amendment, in the conditions of approval of the Zoning Change, in the Subdivision Plan, and in the previous Site Plan approvals. The term "Assisted Living Facility" is clearly defined in the Sisters Development Code.

Yet despite this abundance of clarity, McKenzie Meadow Village, LLC's Burden of Proof seeks approval of memory care and a "Housing with Services" model of use that clearly are not contemplated within the Sisters Development Code's Assisted Living Facility definition. These proposed changes go to the very heart of the land use approval conditions imposed upon the McKenzie Meadow Village project and consequently constitute "Major Modifications" resulting in "substantial adverse impacts" on the previous approvals which clearly require the processing of a new Master Plan, and not simply a modification of the existing Master Plan as proposed by the applicant (*see* excerpt from MP 10-01 attached). In addition, the applicant's attempt to change uses within the Senior Assisted Living Center also requires an Annexation Agreement amendment, a Comprehensive Plan amendment, a further Zoning Change amendment, a Subdivision Plan amendment, and a Site Plan amendment to allow those uses if approved by the City of Sisters.

Furthermore, the Master Plan clearly states that any change in the location of proposed buildings, parking lot configuration, landscaping, or other site improvements noted in the Master Plan by more than 25 feet is deemed to result in a "substantial adverse impact" mandating that a new Master Plan be processed. This fact, coupled with the expiration of multiple dates and deadlines imbedded within the McKenzie Meadow Village current land use approvals and not extended as part of the City of Sisters' previous approval extensions, requires the applicant to process a new Master Plan application with production of all related and current impact analyses.

At the very core of my client's objection to the McKenzie Meadow Village application is the applicant's Burden of Proof. The Burden of Proof is required to demonstrate a land use application's compliance with all applicable provisions of the Sisters Development Code. The McKenzie Meadow Village Burden of Proof, however, is based entirely on the premise that the application should be processed as a Type II application. Sisters Community Development Department Staff correctly points out that the applicant's consolidated land use application is required to be processed as a Type III application under Sisters Development Code Section 4.5.500.A.2 (*see* attached excerpt). However, for unexplained reasons, Staff has accepted the McKenzie Meadow Village application and Burden of Proof without requiring the applicant to demonstrate compliance with any of the additional Type III application requirements, including, without limitation, the requirement of Sisters Development Code Section 4.1.700.A.7 for the applicant to produce multiple current impact studies in support of the application (*see* attached excerpt). The failure of the applicant to submit a proper Burden of Proof taints the entire application and requires the Planning Commission to deny the application outright.

The McKenzie Meadow Village land use approvals are each written instruments, documenting legislative enactments by the City of Sisters, and bind and encumber title to the McKenzie Meadow Village property. Under applicable law, these land use approvals reflect an intention to change the law which must be given full effect by the City of Sisters Planning Commission and City Council. The Sisters Community Development Department Staff is acting in violation of the Sisters Development Code by substituting its own judgment in place of the legislative intent of the Sisters City Council as expressed in the McKenzie Meadow Village land use approvals.

In connection with its review of the McKenzie Meadow Village application as part of a Type III proceeding, the Planning Commission will be exercising a quasi-judicial function when reviewing the Community Development Department Staff's interpretation of the Sisters Development Code as applied to the McKenzie Meadow Village application and Burden of Proof. The Planning Commission will exceed its jurisdiction, abuse its discretion and act in an arbitrary and capricious manner if it approves an application that is facially deficient for the reasons stated above. Further, since any approval of the application will be devoid of evidentiary support and based on a misinterpretation and misapplication of applicable law, my client and

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**Planning Commission**  
June 18, 2015  
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others similarly situated will have a cause of action against the City of Sisters to redress the deprivation under the color of statute, ordinance, regulation, policy, custom, practice or usage of a right, privilege, and immunity secured to them by the Fifth and Fourteenth Amendments to the Constitution of the United States (42 U.S.C. § 1983), by an award of monetary damages, including an award of attorneys' fees pursuant to 42 U.S.C. § 1988.

My clients urge the Planning Commission to properly apply the Sisters Development Code to the McKenzie Meadow Village application and Burden of Proof, and require the applicant to apply for the necessary amendments to all of the applicable McKenzie Meadow Village land use approvals in order to allow the new uses proposed, and to submit a new Master Plan with all required impact studies completed. Since the current consolidated application satisfies none of these requirements, my clients respectfully submit that the pending application should be denied.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Michael J. Repucci". The signature is fluid and cursive, with a large initial "M" and "R".

Michael J. Repucci

Attachments

Land Use Approval and Code Section Excerpts

**CITY OF SISTERS ANNEXATION AGREEMENT**

This ANNEXATION AGREEMENT ("Agreement") is entered into this 3rd day of December, 2009, by and between THE CITY OF SISTERS, an Oregon municipal corporation ("City") and MCKENZIE MEADOWS VILLAGE, LLC, an Oregon limited liability company ("Owner").

4. **Senior Assisted Living Center:** 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 Center will provide senior (55 years old and older) assisted and independent living, and non-senior assisted living options. The Senior Living Center (or a phase of it) shall be built in the first phase of construction. No occupancy permits will be issued for any other development on the Owner Property until the Senior Living Center has received its occupancy permit.

CITY OF SISTERS  
AMENDED ANNEXATION AGREEMENT

JUN 09 2010  
CITY OF SISTERS

This AMENDED ANNEXATION AGREEMENT ("Agreement") is entered into this 27<sup>th</sup> day of May, 2010, by and between THE CITY OF SISTERS, an Oregon municipal corporation ("City") and MCKENZIE MEADOWS VILLAGE, LLC, an Oregon limited liability company ("Owner").

4. **Senior Assisted Living Center:** 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 Center will provide senior (55 years old and older) assisted and independent living, and non-senior assisted living options. The Senior Living Center (or a phase of it) shall be built in the first phase of construction. Except for the senior apartment complex and the medical facility, no other occupancy permits will be issued for any other development on the Owner Property until the Senior Living Center has received its occupancy permit.

**CITY OF SISTERS  
AMENDED ANNEXATION AGREEMENT**

This AMENDED ANNEXATION AGREEMENT ("Agreement") is entered into this 2<sup>nd</sup> day of May, 2011, by and between THE CITY OF SISTERS, an Oregon municipal corporation ("City") and MCKENZIE MEADOWS VILLAGE, LLC, an Oregon limited liability company ("Owner").

**2. Affordable Housing:**

A. Owner shall provide affordable housing units at a ratio of not less than one affordable housing unit for every ten residential units, except the Senior Assisted Living Center shall be exempt from the affordable requirements 2A through 2F.

**4. Senior Living Center:** 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 Center will provide senior (55 years old and older) assisted and independent living, and nonsenior assisted living options. The Senior Living Center (or a phase of it) shall be built in the first phase of construction. Except for the senior apartment complex and the medical facility, no other occupancy permits will be issued for any other development on the Owner Property until the Senior Assisted Living Center (or phase of it) has received its occupancy permit.

CITY OF SISTERS  
STAFF REPORT  
Exhibit A  
PC Decision - Sept 21, 2010

**File #:** MP10-01, SUB 10-02

**Owner / Applicant:** McKenzie Meadow Village, LLC  
Attn: Bill Willitts, Managing Partner  
1021 Desperado Trail  
Sisters, OR 97759

**Consultant:** Sage Land Use, Inc.  
19865 Robinwood Place  
Bend, OR 97702

**Civil Engineer:** West Ridge Development LLC  
1180 SW Lake Road, Suite 204  
Redmond, OR 97756

**Request:** Master Plan and Subdivision approval for a mixed use facility that would include two 26-unit senior affordable housing buildings, an 82 unit senior assisted and independent living facility, a school-based medical clinic, a 1.8 acre park, three 10-plex apartment buildings and one 12-plex apartment buildings, a community center, and single family attached and detached dwelling units.

**4.5.800 Approval Durations, Extensions and Amendments.** This section sets the time frames for approval durations at three years from the date the Master Plan decision becomes final, during which time some construction and/or significant infrastructure improvements of the planned unit development must be started. This section allows for an extension, in writing, for (up to) two 1-year extensions.

Extensions may be considered if no changes have been made on the original Master Plan as approved, if there have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based, and the extension is requested before expiration of the original approval.

Amendments to an approved Master Plan are allowed once the plan is adopted, however if they are determined to create substantial adverse impacts, they must be processed as a new Master Plan for the entire subject property, except as provided for in the original Master Plan approval. Examples of substantial adverse impacts may include;

- a. An increase to lot coverage by buildings or residential densities by more than 10 percent;
- b. A reduction greater than permissible to the dimensional standards identified in Section 4.5.130.B;
- c. A reduction to open space;

- d. A significant change to circulation;
- e. Any change that commits land to development which is environmentally sensitive or subject to a potential hazard; and
- f. A shift greater than 25-feet in the location of buildings, proposed streets, parking lot configuration and landscaping or other site improvements.

City of Sisters – Files No. CP 10-02, ZC 10-01 (MMV)

**EXHIBIT E – CONDITIONS OF APPROVAL**

The following conditions of approval are associated with the zone change and Comprehensive Plan amendment known as city file no. CP 10-02 and ZC 10-01, and shall occur in the time frames specified within each condition.

1. The Owner shall pay a fee of \$670 per EDU for water mitigation. This fee is in addition to any water SDC or other SDC that may be required as a condition of development of the property. If the City amends its water SDC to include a water mitigation component within its water SDC within 5 years of the revised Annexation Agreement (May 27, 2015), the Owner shall pay to the City or the City shall reimburse or provide SDC credit based on the difference between the \$670 EDU fee assessed and the actual SDC water mitigation component.
2. The water mitigation fee shall be equal to one 'equivalent dwelling unit' (EDU) for each dwelling unit seeking a building permit within the boundary of the McKenzie Meadow Village development, with the exception of the Senior Assisted Living facility, where each dwelling unit shall use a multiplier of 0.7 for each dwelling unit (EDU) to determine the 'per unit' water mitigation fee owed up to a total of 82 dwelling units.
3. All future uses of the property shall comply with the revised Annexation Agreement for McKenzie Meadow Village property dated May 27, 2010.
4. The sewer and water capacity analyses provided by the applicant demonstrate that sewer and water capacity exists to accommodate a total of 240 equivalent dwelling units' (EDUs) worth of capacity. The city may at its sole discretion require additional capacity study(s) prior to the construction of any units that are in excess of the 240 EDU's worth of capacity that was accounted for in the capacity studies provided by the applicant, in order to assure the city that the existing system can accommodate up to a total of 240 equivalent dwelling units' worth of impact to the system.
5. In the event that the city requires supplemental analysis of water capacity, and if the supplemental analysis provided to the city indicates that any system upgrades are needed to provide additional capacity to the additional units that are not identified in the originally-submitted sewer capacity analysis, the developer shall pay a pro-rata share of system upgrade fee for each unit based on the cost of the total upgrade divided by the total number of unbuilt units city-wide that would benefit from the system upgrade. If imposed, this fee would be paid at the time a building permit is sought.

**Findings and Decision**  
**Site Plan Review**  
**The Lodge at McKenzie Meadow Village**

**FILE NO:** SP 11-05

**DECISION DATE:** September 8, 2011

**REQUEST:** Site Plan review request to allow an 82 room assisted living facility and a small maintenance building to be constructed on a 5.0 acre portion of a 30 acre site known as McKenzie Meadow Village. The site is located in the Residential Multi Family District. The tax lot no. is T15 R10 section 05 tax lot 1204.

**4.5.500 Master Plan Submittal Requirements**

**A. Submittal requirements.** The applicant shall submit an application containing all of the general information required for a Type III procedure, as governed by Chapter 4.1. In addition, the applicant shall submit the following:

1. A detailed project description by the applicant;-This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
2. Burden of Proof documenting compliance with all applicable approval criteria;
3. Complete application form with fee;
4. Electronic copies of all materials submitted (acceptable file types to be determined by the Community Development Director or designee); and,
5. Preliminary title report or equivalent printed within 90 days of the date of the application submittal.
6. Existing Conditions Site Plan
7. Topographic Map at appropriate contour intervals to be determined by the Community Development Director
8. Access and Circulation Map
9. Site Plan - proposed
10. Landscape/Open Space Plan
11. Utility Plan
12. Conceptual Drainage Plan (to include benchmarks and elevations at staffs discretion)
13. Elevations and floor plans of all proposed buildings, unless reviewed during subsequent Site Plan Review applications.
14. Sign Plan if applicable
15. Tentative Plat if applicable
16. Development Schedule
17. Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).
18. Special studies prepared by qualified professionals may be required by the Community Development Director, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.

**4.1.700 General Provisions**

**A. Application Requirements.**

1. Include the information requested on the application form;
2. Include electronic copies of all materials submitted (acceptable file types to be determined by the Community Development Director or designee);
3. Include a preliminary title report or equivalent printed within 90 days of the date of the application submittal;
4. Be filed with a minimum of one (1) copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. The Community Development Director or designee may require additional copies to be provided;
5. Be filed with the required fee;
6. Land Divisions. Include an impact study for all land division applications. The impact study shall quantify and assess the effect of the development on public facilities and services. The study shall address, at a minimum the following:
  - a. Drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development;
  - b. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users.
  - c. In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval.
7. Type III. Include an impact study for all Type III applications. The impact study shall quantify/assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval; and,
8. Type IV - A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);



**Appeal # 15-02: Appeal of Planning Commission Decision of Approval RE Application  
MOD #15-05 and SP 15-01 McKenzie Meadows Village Assisted Living Facility  
Planning Commission Decision Date: June 18, 2015; PC Resolution 2015-13**

**STAFF REPORT**

Mr. Michael Repucci of Johnson and Repucci Attorneys at Law on behalf of Pinnacle Alliance Group, LLC have submitted an appeal regarding above referenced application. The staff report will provide an analysis of Sisters Development (SDC) section 4.1.800 and how the appellant and staff have satisfied the code requirements regarding processing appeals. Responses by City Community Development Department (CDD) staff to the appellant’s statements will follow. The agenda packet item from the June 18, 2015 Planning Commission’s meeting along with several documents will be enumerated in the Agenda Item Summary to City Council and attached to this staff report.

**4.1.800 Appeals**

**A. Purpose**

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

**B. Appeal Authority**

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

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

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

**Staff’s response: The request before City Council is to void the Planning Commission’s decision from the June 23, 2015 meeting, and direct the applicant to file for an amended annexation agreement, comprehensive plan amendment, zone change amendment, new master plan and subdivision and a revised site plan.**

**C. Standing to Appeal**

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

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

**D. Initiation of Appeal**

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

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

**Staff's response: The appellant has satisfied the requirements of this Section (Attachment A)**

**E. Scope of Review on Appeal**

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

**F. Review of the Record**

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

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

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

**G. Notice of Appeal Hearing**

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

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

**H. Appeal Authority Decision**

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

## Staff Responses to Appellant's Statements

Following are Staff's responses to Appellant's Statement dated July 2, 2015.

### Staff responses to:     **I. FACTUAL BACKGROUND**

**1st ¶: Does the MMV project comply with associated annexation agreements, MP 10-01 as amended by MOD 12-01 and MOD 12-02, Comprehensive Plan Amendment CP 10-02, Zone Change ZC 10-01, SUB 10-02 and SP 11-05 approvals?**

Staff demonstrated to the Planning Commission that MOD 15-05, SP 15-01 was consistent with all previous land use approvals. None of the conditions from CP 10-02, ZC 10-01 have been compromised by the recently approved MOD 15-05, SP 15-01. The appellant does not provide specific evidence in its claim to the contrary.

**Compliance with Annexation agreements:** As seen on pages 1, 3 and 4 of the amended agreement, the language varies from "Senior Living Center" to "Senior Assisted Living Center". No definition exists in the City's code for these exact facilities. Staff applied the most appropriate definitions in the current SDC to the proposed use and determined it complied with the underlying zoning and is consistent with the annexation agreement (**Attachments H and I**).

#### **Sister's Development Code definitions:**

**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 facility** - A residential care facility, residential training facility, residential treatment facility, residential training home or residential treatment home.

**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.

#### **Relevant Annexation Agreement text:**

**Original Annexation Agreement (09/19/2010) - #4 Senior Assisted Living Center:** 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 Senior Living Center will provide senior (55 years old and older) assisted and independent living, and non-senior living assisted living options....

**Amended Annexation Agreement (09/19/14) - #4 Senior Assisted Living Center:** 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 Senior

Living Center will provide senior (55 years old and older) assisted and independent living, and nonsenior living assisted living options....

**Compliance with Comprehensive Plan Amendment CP 10-02, Zone Change ZC 10-01:**

The Conditions of Approval for this land use decision are attached (**Attachment J**). Condition #3 states: "All future uses of the property shall comply with the revised Annexation Agreement for McKenzie Meadows Village property dated May 27, 2010." The current application is in compliance with these land use approvals. The definition of proposed use of Housing with Services as submitted by the applicant is congruent with the definitions of "Assisted Living Facility", "Residential Facility" and "Residential Care Facility" in the Sisters Development Code and the annexation agreement terminology of "Senior Assisted Living Center" or "Senior Living Center".

**Compliance with Subdivision Plan SUB 10-02:** The current application MOD 15-05 and SP 15-01 are proposed in a manner that is consistent with approved application SUB 10-02. The applicant will demonstrate full compliance with application SUB 10-02 when applying for a final plat. The appellant has not offered any evidence to prove any inconsistencies.

**Compliance with Site Plan 11-05:** SP 15-01 is a new standalone site plan and is not subject to the conditions of SP 11-05. Additionally, SP 11-05 expired on June 30, 2015 per Ordinance 455. Furthermore, The applicant who is a party to this appeal was originally the applicant for SP 11-05. It would be entirely unreasonable to require the current applicants to remain vested to a (now expired) application (SP 11-05) with whom a former associate is now an opponent of the same project.

**Compliance with MOD 12-02:** was a modification of the previously approved SP 11-05, and therefore is also irrelevant to the new standalone site plan SP 15-01. Additionally, MOD 12-02 expired along with SP 11-05 on June 30, 2015 per Ordinance 455. Staff has reviewed the underlying conditions of approval attached to MP 10-01, SUB 10-02 (**Attachment K**), MOD 12-01 (**Attachment L**) and has carried forward the following condition as part of MOD 15-05 making all conditions still relevant. **MOD 15-05, COA#2 states:** "All conditions of approval specified in previously approved applications (MP 10-01, SUB 10-02, MOD 12-01), not modified by this application, remain in effect."

**Staff responses to: I. FACTUAL BACKGROUND continued**

**2nd ¶: Does the applicant propose a use that is consistent to all prior land use approvals with respect to the requirements of constructing a "Senior Assisted Living Facility" and is the applicant required to construct all 82 units within the "Senior Assisted Living Facility"?**

As stated in the previous response to the 1<sup>st</sup> paragraph, the proposed use of "Housing with Services" model of client care is congruent to the annexation agreements and the MOD 15-05, SP 15-01 applications complies with the requirements set forth in the annexation agreement and MP 10-01, SUB 10-02 decision. The proposal is part of the first phase, consistent with the annexation agreement, item 4: "The Senior Living Center (or phase of it) shall be built in the first phase of construction." Neither the Master Plan approval for MP 10-01 nor the annexation agreement requires the entire facility to be

constructed in one phase. The Master Plan application MP 10-01 allows up to 82 units in the Assisted Living Facility. Applicant has also demonstrated there is room for additional units to be constructed in future phases to enable up to 82 units are constructed on the property.

Staff responses to: I. FACTUAL BACKGROUND continued

3rd ¶: Is the term “Assisted Living Facility” defined in the SDC and are Residential Care Facilities required to be licensed by the State of Oregon?

“Assisted Living Facility” is defined in SDC as: *“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.”* As stated previously, the applicant’s proposed use of “Housing with Services” meets the definition of the SDC and previous land use approvals.

Staff has determined the licensure requirements for the proposed use by requiring the applicant to submit the proposed client care model of “Housing with Services” to the Oregon Department of Human Services for a determination if a State license would be required. Oregon Department of Human Services (ORDHS) responded with a determination (letter dated May 27, 2015) that a license is required for Memory Care units but a license is not required for the Housing with Services model. None of the previously approved land use actions including the original or amended annexation agreements or subsequent land use applications mandate that the Assisted Living Facility **must** be a state-licensed facility with respect to its model of client care and that all clients in this facility **must** be covered under a regimen of care that is licensed by the State. In other words, staff’s determination is that the proposed use may allow a client care model that is not specifically licensed by the State. However, staff will also ensure that any client care models that require a State license will have an issued license prior to the City issuing a certificate of occupancy.

**SDC requirements for Residential Care Homes and Facilities:**

**2.15.1100 Residential Care Homes and Facilities**

Residential care homes and facilities as defined shall comply with the following special use standards, consistent with ORS.

- A. Licensing. All residential care homes and facilities shall be duly licensed by the State of Oregon.
- B. Site Design Review. Site Design Review shall be required for new structures or conversion of existing structures to be used for residential care facilities, to ensure compliance with the licensing, parking and other requirements of this Code. Residential care homes are exempt from this requirement.

Further, staff has determined Chapter 2.15.1100.A of the SDC does not dictate the timing of licensure to be tied to the site plan or modification to the master plan. Staff’s reliance on the State’s determination letter is satisfactory to meet the SDC criteria.

Staff responses to: I. FACTUAL BACKGROUND continued

**4th ¶: Is the proposed use of “Housing with Services” consistent with the SDC definition of Assisted Living Facility and does the proposed use of “Housing with Services” cause substantial adverse impacts on the previous approvals constituting major modifications. Additionally, does the proposed use require amendments to the Annexation Agreements, and subsequent land use decisions?**

Staff has determined MMV’s proposed use of “Housing with Services” meets the definition of Assisted Living Facility, meets the terms of the annexation agreements and subsequent land use decisions except decisions related to SP 11-05 and MOD 12-02 (modifying SP 11-05) of which both are no longer effective. The appellant fails to prove any “substantive adverse impacts” upon the annexation agreements and subsequent valid land use approvals. Staff determination is that no amendments are required to the annexation agreements, CP 10-02 or ZC 10-01. The modification of application MP 10-01 was all that was required in order to bring the applicant’s specific site plan design (SP 15-01) into conformance per the “25 foot rule” as specified in SDC 4.5.800.D below:

4.5.800.D. Modifications to Master Plan.

1. The following minor modification examples may be approved administratively by the Community Development Director;
  - a. An increase to the amount of open space or landscaping;
  - b. Changes to dimensional standards identified in Section 4.5.400.B as long as the minimum requirements are satisfied. Changes to dimensional standards approved as part of a land division shall be reviewed using Chapter 4.3 Land Divisions.
  - c. 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
2. Other modifications are major modifications. See Chapter 4.1

Furthermore, no “substantial adverse impacts” were identified by Staff per the following definition in the SDC:

**Adverse Impact** – Negative effect of development that can be measured, including but not limited to excessive traffic, noise, air pollution, vibration, light, odors, density, massing, and dust.

PAG has not demonstrated how the modifications requested as part of MOD 15-05 are substantially adverse. Staff has determined no additional traffic is anticipated as the facility has shown the majority of residents will not drive; no additional noise anticipated from the original design of the facility in the MP 10-02, SUB 10-01 design; no additional air pollution, vibration, light, odors anticipated; the density is well within the allowed range; the massing of the building is reduced; no anticipated additional dust as the site will be required to be landscaped.

Staff responses to: I. FACTUAL BACKGROUND continued

5th ¶: Did the Planning Commission act according to procedures set forth in the SDC pertaining to requesting that the hearing be continued? Additionally, does staff have evidence of a request for information from the appellant that relates to proof that various dates and deadlines by previous and is the applicant's previous land use applications still valid/unexpired.

Staff acknowledges that the appellant made a request for a continuance of the public hearing at the conclusion of his testimony and that the Planning Commission did not act upon his request and eventually closed the public hearing and rendered a decision for approval, thereby in essence denying the appellant's request for the requested continuance.

SDC Section 4.1.500.C.1.d and 4.1.500.C.2 and 3 states:

- d. 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.
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. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;
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. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Planning Commission shall reopen the record per subsection D of this section;

State of Oregon Revised Statutes:

**§ 227.178**

**Final action on certain applications required within 120 days**

*(1) Except as provided in subsections (3), (5) and (11) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 227.180 (Review of action on permit application), within 120 days after the application is deemed complete*

The application for MOD 15-05 and SP 15-01 were deemed complete on June 2, 2015 which would require final resolution of the application occur by no later than September 30, 2015. The City Council has the authority to remand the application to the Planning Commission for further consideration.

Staff does not have evidence of a specific request from the appellant for information related to the expiration of the applicant's prior land use decisions and staff would not have processed the current

application for MOD 15-05 and SP 15-01 if the prior land applications were in fact, expired. It is clear that the applicant's prior land use decisions (MP 10-01 and SUD 10-02) are not expired. On December 10, 2014, CDD staff issued the attached (**Attachment M**) extension request to the applicant which clarified that the application for MP 10-01 expires on November, 3 2015 and extended the application for SUB 10-02 until December 31, 2015.

**Staff responses to: II. Standard For Review**

**1st ¶: Is the City Council required to perform a "de novo" evidentiary review of the application under appeal? Does the proposed use of "Housing with Services" and "Memory Care" necessitate a Major Modification which would require amendments to the annexation agreement and subsequent land use decisions? Was the applicant required to perform studies related to a Type III application per SDC 4.1.700.A.7? Are the applications MOD 15-05 and SP 15-01 a Type II or Type III applications?**

The appellant has correctly cited the SDC regarding appeal procedure in that the City Council must perform a de novo review of the original application and additional evidence submitted by all participants. This information is included the staff report.

PAG has not demonstrated how the modifications requested as part of MOD 15-05 cause "substantial adverse impacts" on the previous land use applications, the surrounding community or the City overall. As previously stated, no "substantial adverse impacts" were identified by Staff per the following SDC definition:

**Adverse Impact** – Negative effect of development that can be measured, including but not limited to excessive traffic, noise, air pollution, vibration, light, odors, density, massing, and dust.

As previously stated, the proposed use of "Housing with Services" and Memory Care is in compliance with the annexation agreement, CP 10-02 and ZC 10-01. The modification of MP 10-01, SUB 10-02 was all that was required in order to bring the applicant's specific site plan design into conformance per the "25 foot rule" per SDC 4.5. None of the conditions from CP 10-02, ZC 10-01 have been compromised by the recently approved MOD 15-05, SP 15-01. SP 15-01 is a new standalone site plan and is not subject to the conditions of the now expired SP 11-05 and MOD 12-02.

As stated in the Staff Report, MOD 15-05 could not be approved administratively. The Major Modification was required to be heard by the Planning Commission as a Type III Procedure. Per SDC 4.2.300.B., which states "The Community Development Director shall have discretion to forward any site plan submitted for administrative approval to the Planning Commission for review", SP 15-01 was also heard by the Planning Commission.

The appellant contends that the applicant, when submitting a Type III application should have performed various impact studies such as transportation, drainage, parks and utility studies.

SDC Section 4.1.700.A.7 states:

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

Application MOD 15-05 was processed as a Type III application but staff determined that no additional studies were required since the shifting of building location, parking lots and entrance consolidation had no negative effect on the adjoining properties and did not compromise the approved master plan (MP 10-01 and subdivision SUB 10-02). Application SP 15-01 was processed as a Type II application but staff forwarded to the Planning Commission for review as permitted by 4.1.400.C and due to its relationship to the modification application (MOD 15-05).

When processing the application for MOD 15-05, staff made a determination that the shift in a portion of the building by approximately 34 feet toward the center of the property, the parking lot shifting slightly and the number of entrances shifting from 2 to 1 off of McKinney Butte Road did not necessitate the need for additional impact studies that were not part of the original master plan (MP 10-01). As evidenced in the staff report for MOD 15-05 and SP 15-01, CDD staff did not receive any comments from the City Public Works Department that indicated the MOD 15-05 application should have performed the aforementioned studies.

### **III. STATEMENTS OF REASONS FOR APPEAL**

#### **A. MMV's application and Burden of Proof do not Comply with SDC's Type III Application Requirements.**

**Staff response:**

**Is the Applicant's Burden of Proof based entirely on the premise that the application should be processed as a Type II application? Did staff correctly process the consolidated application as a Type III application and are the studies referenced in SDC 4.1.77.A.7 required to be performed by the applicant?**

The applicant's burden of proof contended that a major modification was not necessary due to the minor nature of the location shifts in the building footprint and parking and the entrance consolidation. The applicant never contended that the modification should not be processed as a Type III application. The appellant correctly contends that the SDC requires various studies to be performed for a Type III

applications. However, staff determined that due to minor nature of the modifications, no additional studies were required.

SDC 4.1.700.J.2 states that: Unless otherwise specified in this Code and is not considered a minor modification, the grounds for filing a modification shall be that a change of circumstances since the issuance of the approval makes it desirable to make changes to the proposal, as approved. A modification shall not be filed as a substitute for an appeal or to apply for a substantially new proposal or one that would have significant additional impacts on surrounding properties.

The application for modification (MOD 15-05) is not a new proposal and does not have significant additional impacts on surrounding properties. Requiring the applicant to perform new studies for impacts to transportation, utilities, drainage and parks is entirely unnecessary due to the minor adjustments in the location of a building and parking lots and consolidation of an entrance from 2 entrances to 1. It should be noted that there were no objections stated in the hearing from adjoining property owners that referenced adverse impacts arising from the modifications. It should also be noted that the appellant has failed to address any actual impacts the modification is causing on adjoining properties. Additionally, there were no concerns expressed by the Planning Commission members regarding the imposition of substantial adverse impacts regarding the modification application.

Instead the appellant inaccurately states that substantial adverse impacts arise from a terminology difference between the proposed use and the terms listed in the annexation agreement and subsequent land use decisions. The applicant submitted a complete and accurate Burden of Proof and CDD staff processed the application correctly and in accordance with the SDC requirements.

**Appellant's Footnote 1:** The application included in the staff report to the Planning Commission was unsigned, deficient and should have never been accepted.

Staff inadvertently placed the unsigned version of the application in the staff report. Staff received a properly signed application which is identical to the unsigned application (Attachment N).

**Appellant's footnote 2:** The applicant's Burden of Proof did not use SP 11-05. The filing of a Type II application instead of a Type III application amount to a de facto City of Sister sanctioned subsidy of the applicant's project to the disadvantage of other similarly situated thus violating the appellant's constitutional rights under the 5<sup>th</sup> and 14<sup>th</sup> amendments.

SP 11-05 is a now expired application and the current applicant is under no obligation to modify said expired plan. A new site was filed (SP 15-01) which in essence supersedes the now expired SP 11-05. Even if the SP 11-05 was not expired, as previously mentioned, it is entirely unreasonable to require an applicant to modify an application with whom the applicant is no longer associated with and with who the former associate is now an opponent of the application.

The application MOD 15-05 was processed as a Type III application with the exception of requiring needless studies for a minor adjustment in building location and parking and consolidation of entrances.

### III. Statement of Reasons for Appeal continued:

#### **B. MMV's Application is Per Se a Request for a Major Modification Requiring a New Master Plan and Related Approval Amendments.**

##### Staff response:

**1<sup>st</sup> ¶: Does the previously approved master plan (MP 10-01, and SUB 10-02) clearly state that that “a shift greater than 25-feet in the location of buildings, proposed streets, parking lot configurations and landscaping or other site improvements” constitute “substantial adverse impact” requiring a new Master Plan for the entire subject property?**

The appellant has provided an inaccurate analysis of the decision for MP 10-01 and SUB 10-02. Staff has reviewed the conditions of approval from the MP 10-01, SUB 10-02 file and this criteria was not included as a condition of approval. The language being cited by PAG references the SDC requirements for Section 4.5.800, adopted on May 13, 2010, not a condition of approval for the referenced applications. The SDC Section 4.5.800.D, adopted on May 13, 2010 states:

- D. Amendments to Master Plan. Once adopted, amendments that create substantial adverse impacts to an approved Master Plan shall be processed as a new Master Plan for the entire subject property, except as provided for in the original Master Plan approval.
1. Examples of substantial adverse impacts may include;
    - a. An increase to lot coverage by buildings or residential densities by more than 10 percent;
    - b. A reduction greater than permissible to the dimensional standards identified in Section 4.5.130.B;
    - c. A reduction to open space;
    - d. A significant change to circulation;
    - e. Any change that commits land to development which is environmentally sensitive or subject to a potential hazard; and
    - f. A shift greater than 25-feet in the location of buildings, proposed streets, parking lot configuration and landscaping or other site improvements.

Subsection Section D.1 states: “**Examples...may include:**”... The word “**may**” is used to express a possibility and is not mandatory requirement such as the words “**shall**” or “**must**”. Additionally, using the appellant’s argument in taking subsection D.1.f literally, a building that reduces its building footprint and parking lot configuration by more than 25-feet also creates a “substantial adverse impact”.

The SDC section has been updated (4.5.800.D) and was the criteria used for reviewing the modification request. The current SDC criteria states:

- D. Modifications to Master Plan.
2. The following minor modification examples may be approved administratively by the Community Development Director;
    - a. An increase to the amount of open space or landscaping;
    - c. Changes to dimensional standards identified in Section 4.5.400.B as long as the minimum requirements are satisfied. Changes to dimensional standards

approved as part of a land division shall be reviewed using Chapter 4.3 Land Divisions.

- d. 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
3. Other modifications are major modifications. See Chapter 4.1
4. The Community Development Director or the applicant shall have the right to refer a proposed amendment directly to the Planning Commission for their determination of whether or not the amendment creates a substantial adverse impact to the approved Master Plan.

The Planning Commission did not make reference to or determine that there was a substantial adverse impact on the approved master plan, the adjoining properties or the City's infrastructure nor were there any comments from adjoining property owners claiming adverse impacts as a result of this applicant's modification.

**Staff response:**

**2nd ¶: Is the applicant's proposed use of "Housing with Services" and "Memory Care" model of client care consistent with SDC definition of Assisted Living Facility and Residential Care Facility and if not, does it create a "substantial adverse impact on prior approvals? Is the applicant required to construct and operate a facility that is wholly licensed by the State of Oregon? Is it accurate to claim that the applicant must file for amendments to prior land use decisions to match the definitions of Assisted Living Facility and Residential Care Facility? Did the Planning Commission ignore the alleged impacts of proposing a Housing with Services and Memory Care model of client care?**

**SDC definitions:**

**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 facility** - A residential care facility, residential training facility, residential treatment facility, residential training home or residential treatment home.

**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.

**Relevant Annexation Agreement text:**

**Original Annexation Agreement (09/19/2010) - #4 Senior Assisted Living Center:** 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 Senior Living Center will provide senior (55 years old and older) assisted and independent living, and non-senior living assisted living options....

**Amended Annexation Agreement (09/19/14) - #4 Senior Assisted Living Center:** 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 Senior Living Center will provide senior (55 years old and older) assisted and independent living, and nonsenior living assisted living options....

As stated previously, the proposed use of memory care and housing with services client care model are consistent with the annexation agreement and relevant SDC definitions. The annexation agreement and all subsequent land use decisions do not require that the applicant's Assisted Living Facility provide a client care model that are specifically and only the types of care that the state licenses. Staff will ensure that prior to occupancy permit being issued, the OR DHS has issued the appropriate licenses and/or approvals.

The appellant contends that the Planning Commission ignored his pleas for consideration regarding the alleged impacts on prior land use decisions by proposing a use defined as "Housing with Services" and "Memory Care" client care model. This claim should be disregarded in that although the Planning Commission may not have responded directly to these assertions made by the appellant, the appellant has no direct evidence that the Planning Commission ignored his pleas for consideration.

The applicant should not be required to file for amendments to prior land use decisions as the current application's proposed use of Housing with Services and Memory Care is consistent with the SDC, annexation agreement and subsequent land use approval decisions.

### **III. Statement of Reasons for Appeal continued:**

#### **C. The Planning Commission's failure to Continue the Public Hearing is a Fatal Error.**

##### **Staff response:**

**Did CDD staff refuse to forward information requested by the appellant that determined whether or not the applicant's land use approvals are expired? Did the Planning Commission improperly disregard the request for a continuance?**

Prior to the Planning Commission hearing on June 18, 2015, staff does not recall a specific request from PAG for information regarding the status of whether the applicant's land use approval is expired or not. Staff would not have processed the current application if it were expired. The attached letter dated December 10, 2014 from previous CDD Director Eric Porter to the applicant indicates that the Master Plan for the subject property (MP #10-01) is valid until November 3, 2015 and the Subdivision (SUB #10-02) is valid until December 31, 2015. The extension granted in this letter was appropriately issued and the applicant's master plan and subdivision are still valid until the aforementioned dates.

Staff acknowledges that the appellant made a request for a continuance of the public hearing at the conclusion of his testimony and that the Planning Commission did not act upon his request and eventually closed the public hearing and rendered a decision for approval, thereby in essence denying the appellant's request for the requested continuance. However, the Planning Commission allowed for

additional opportunity for public comments or rebuttals and the appellant declined to offer additional testimony or remind the Planning Commission of his request for a continuance.

SDC Section 4.1.500.C.1.d and 4.1.500.C.2 and 3 states:

- d. 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.
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. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;
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. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Planning Commission shall reopen the record per subsection D of this section;

### **III. Statement of Reasons for Appeal continued:**

#### **D. The Conditions of Approval Contained within Planning Commission Resolution PC 2015-13 are Deficient:**

**Staff response:**

**Does the applicant fail to include important previous land use requirements contained in MP 10-01, MOD 12-01, MOD 12-02, SUB 10-02 and SP 11-05? Do the Conditions of Approval fail to include the below listed requirements?**

**Responses to appellant's example:**

**(1) The applicant complete a final subdivision plat of the portion of MMV's property upon which the Senior Assisted Living Facility is to be constructed before issuance of a building permit**

**Staff response:** This condition references MP 10-01 and SUB 10-02 as amended by MOD 12-01, affecting files no. MP10-01, SUB 10-02 Hearing Date: October 18, 2012 Page 13 of 17

Phase I. The final plat for Phase I of this development shall be recorded within two (2) years of the date of this approval. The Phase I area was amended administratively to include the lot containing the 'Grange Hall', and shall be considered as the approved preliminary plat for phase I. The Central Electric Cooperative (CEC) utility easement shall be vacated, and proof of vacation shall occur prior to recording the final plat for Phase I. Public improvements and dedications within Phase I shall include the following and shall be completed or bonded where permitted, inspected and accepted prior to

the final plat being recorded for phase I. No other building permits shall be issued for Phase I (exceptions are the Medical Clinic and the Assisted Living Facility) until the plat for Phase I is recorded, and all necessary public improvements are completed, inspected and accepted by the City of Sisters.

The appellant has misstated the actual condition of approval in the first example. This condition excepts the Medical Clinic and Assisted Living Facility from being issued a building permit prior to recordation of a final plat. Currently, a parcel has been subdivided to host the Medical Clinic site.

**(2) Negotiate and execute a Memorandum of Understanding with the City of Sisters concerning a whole variety of land use matters prior to recording the final subdivision plat of the portion of MMV's property upon which the Senior Assisted Living Facility is to be constructed before issuance of a building permit.**

**Staff response:** This condition references MP 10-01 and SUB 10-02 as amended by MOD 12-01 , affecting files no. MP10-01, SUB 10-02 Hearing Date: October 18, 2012. The text in the Conditions of Approval referred to in the appellant's example are provided below. There are three instances of references to a Memorandum of Understanding:

**5. Other Transportation Improvements.**

a. **Impact Fee.** The developer shall pay a pro-rata share of installing an EB left-hand turn lane at the western intersection of McKinney Butte Road at the time of receiving each building permit. The value of this improvement fee is a fixed fee based on Equivalent Dwelling Unit (EDU) p.m. peak hour trip count of 1.00 trips per EDU, which equals a full 'share' of the pro- rata fee for each EDU. The fee for the Assisted Living units, which are eligible for reduced EDU consideration based on anticipated impacts, shall be adjusted downward to a rate of 0.7 EDU per dwelling unit (up to 82 total units). *The value of the improvement, and the total number of contributing lots, shall be determined prior to recording the first-fifth phase as stated in 'e', next page.* The City and Developer may agree through the Memorandum of Understanding ('e' next page) to front load the pro-rata costs; the specific methodology will be determined prior to recording phase IV.

e. **Memorandum of Understanding.** Prior to recording the plat for phase I V, the City and Developer shall enter into a written agreement via Memorandum of Understanding (MOU) that identifies the interim intersection improvement project parameters, the total number of lots that will be subject to paying a 'pro rata fee' as they develop, the actual per-lot fee to be assessed to this developer based on the EDU rate established in 'a' herein, and the project cost in 2010 dollars. The City and Developer may agree that the MOU be crafted in a manner that allows the average pro-rata fee to be 'front loaded' such that most or all monies may be collected prior to platting phase IV V.

Alternatively, the City and Developer may agree to an alternative means of recapturing the monetary differential in improvement versus pro-rata share monies identified within 'a'; this however must be done by written agreement between City and Developer.

**5. Memorandum of Understanding.** Regarding a 'per EDU' payment for interim mitigation measures to the intersection of McKinney Butte / Highway 20; see condition no. 1.5, pages 40 and 41 of **within** this report.

The conditions of approval for MOD 15-05 and SP 15-01 specify that all previous conditions in MP 10-01, SUB 10-02, and MOD 12-01 not modified by the approval remain in effect. The conditions of approval of now expired application SP 11-05 and MOD 12-02 are not applicable to MOD 15-05 and SP 15-01.

**(3) ;prepare, obtain necessary City of Sisters approvals, and record a Declaration of Covenants, Conditions and restrictions for the entirety of applicant's property;**

**Staff response:** This condition references MP 10-01 and SUB 10-02 Condition #14. **Revised CC&Rs.**

- a. The CC&Rs shall be revised as follows, and shall be recorded prior to the final plat being recorded for any phase. A Home Owners Association (HOA) shall be established to serve this subdivision to maintain the private roads and alleys, pathways and landscaping. The developer shall provide all necessary documents and pay all costs associated with formation and incorporation of the HOA, and the CC&Rs shall be reviewed and approved by the City before any final plat is signed by the City. The CC&Rs shall be recorded concurrently with the County Recorder at the time that the final plat for Phase I is recorded. A recorded copy of the CC&Rs shall be provided to the City prior to issuance of a building permit.
- b. Disclosures through the CC&R's shall be made to all prospective buyers in the project and included in all property deeds shall state the following. Covenants, Conditions and

Restrictions (CC&R's) shall be reviewed and approved by the City before recordation of the final plat for Phase I.

- i. All dwelling units with the exception of the Assisted Living Facility are part of a Homeowners Association. The Affordable Senior Housing units may be exempted from HOA inclusion upon written agreement by the City, Developer of the Affordable Housing Facility and Developer of McKenzie Meadow Village.
- ii. Snow removal shall be the responsibility of the Homeowners Association
- iii. That the private roads and alleys, pathways and landscaping shall be maintained by the Homeowners Association
- iv. The Homeowners Association is responsible for the maintenance of all common areas other than the lots listed in 'i' above, and the portions of land dedicated to either the City or the School District.

c. City as a Party. The City shall be a signatory on the CC&Rs, so that any changes to this document will be evaluated for compliance with this decision, as well as with City regulations that apply to this development.

d. Maintenance of all common areas, including (but not limited to) private streets and pathways shall be clearly stated within the CC&Rs as being the exclusive obligation of the Homeowner's Association.

e. A statement indicating that this development shall be in compliance with the Annexation Agreement, the Master Plan, and all applicable Development Codes shall be added.

f. All architectural features shall be consistent with all applicable Fire and Building Codes.

The conditions of approval for MOD 15-05 and SP 15-01 specify that all previous conditions in MP 10-01, SUB 10-02, and MOD 12-01 not modified by the approval remain in effect.

**(4) complete final subdivision platting of the remainder of the applicant's property following approval of the master plan as modified.**

**Staff response:** The applicant is required to complete the final subdivision platting. References to final platting exist in the decision for MP 10-01 and SUB 10-02. Some of these terms were modified in MOD 12-01. The conditions associated with final platting can be found in the attachments. The conditions of approval for MOD 15-05 and SP 15-01 specify that all previous conditions in MP 10-01, SUB 10-02, and MOD 12-01 not modified by the approval remain in effect.

**(5) prepare and submit for the City of Sister's approval a revised detailed site plan showing multiple detailed components of the project plan prior to the issuance of any building permits**

**Staff response:** The applicant has submitted an application for City review (SP 15-01) and is under appeal by this appellant.

#### IV Conclusion

**Should the Planning Commission's decision be rejected, MOD 15-05 and SP 15-01 be denied and MMV be directed to file for a revised annexation agreement, comprehensive plan amendment, zone change, master plan, subdivision and site plan?**

**Staff response:** Staff recommends that the City Council not reject the Planning Commission's decision, and not require the applicant to file for new land use applications as requested by the appellant. The applicant's proposal as illustrated in MOD 15-05 and SP 15-01 is in compliance with the Sisters Development Code and prior land use decisions. With regards to the request for a continuance, the City Council has the authority to remand the application back to the Planning Commission to respect the continuance request set forth by the appellant. If the City Council remands the decision the Planning Commission or affirms, reverses or modifies the decision, SDC 4.1.800.H states that:

#### H. Appeal Authority Decision

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

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**END OF STAFF REPORT**



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## MEMORANDUM

**TO:** Patrick Davenport, Community Development Director

**FROM:** Damien R. Hall

**DATE:** July 15, 2015

**RE:** Appeal of Planning Commission Resolution 2015-13, Approving MOD 15-05 and SP 15-01

## INTRODUCTION

This memorandum responds to the July 2, 2015 appeal statement written by the Mr. Repucci, attorney for Pinnacle Alliance Group ("Pinnacle"). The following memorandum addresses and refutes the following three issues raised by the attorney for Pinnacle,

- Whether the proposed Senior Living Center is a prohibited use under the Sisters Development Code ("SDC");
- Whether the proposal is a modification of Master Plan 10-01 or the SDC requires a new Master Plan; and
- Whether the Planning Commission was required to grant a continuance.

For the below-state reasons, the Community Development Staff should find in the negative for each of these issues.

## THE PROPOSED USE

The entire proposed Senior Living Center is an Assisted Living Facility and Residential Care Facility, as those terms are defined in the SDC. The Senior Living Center is comprised of a 12-unit memory care facility and a 45-unit senior assisted living facility, both of which fall within these SDC use categories. SDC 1.3.300 defines Assisted Living Facility to mean,

"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 is defined to mean,

“A facility that provides, for six or more socially dependent individuals or individuals with physical disabilities, residential care in own or more buildings on contiguous properties.”

The proposed facilities all provide varying levels of care to socially dependent seniors, thus fall squarely within the scope of these use categories.

The attorney for Pinnacle argues that the senior assisted living facility will not be licensed, however, these argument are inaccurate. Both the memory care facility and senior assisted living facility will be licensed by the State of Oregon, consistent with SDC 2.15.1100.A.

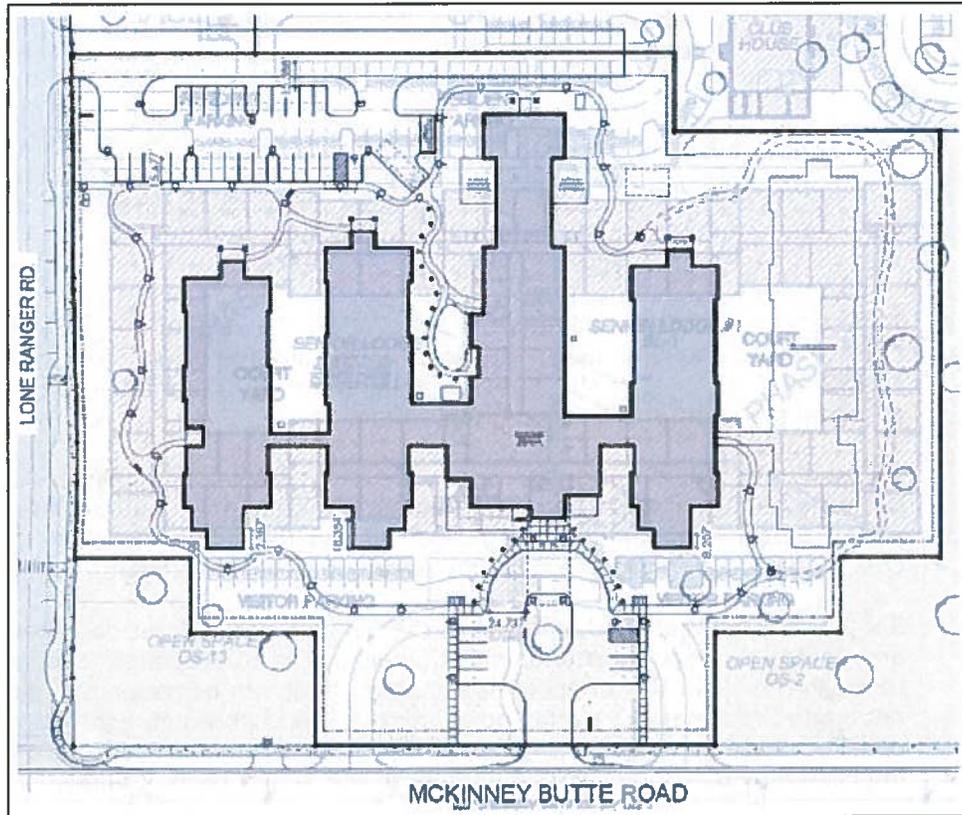
### **THE PROPOSED MODIFICATION**

The application satisfies all SDC standards applicable to modification of a Master Plan, including the standards applicable to both Minor Modifications and Major Modifications. There following two SDC standars are potentially applicable to the proposed modification of Master Plan 10-01.

- SDC 4.5.800.D applies to the modification of master plans and includes the standards for determination if a modification is a minor modification.
- SDC 4.1.700.J applies if the a master plan modification is found to be a major modification.

SDC 4.5.800.D establishes that Minor Modifications to a Master Plan can be approved administratively, and includes a list of examples that “may” be so approved. Pertinent to the proposal is SDC 4.5.800.D.c which includes the example of changes in the alignment and location of buildings “by 25 feet or less or other changes of similar magnitude.”

Here, the proposed realignment of the Senior Livings Center building results in a different building shape and footprint. The prior plan was for a building with two interior courtyards. The proposed realignment is for a building comprised of four connected wings, with no enclosed courtyards. As you can see from the below figure, the footprint of the new building falls within the area of the old footprint and enclosed courtyards, with the exception of a single extension to the north toward adjacent property within the Master Plan. The practical effect of the proposed realignment is that the exterior of the facility will be perceived as less massive, and the open space element of the Senior Living Facility will be shifted to the exterior of the facility, resulting in more visually accessible green space.



Because the size and location of the new footprint are generally within the footprint on the original Master Plan the City should find that the new building shape and footprint are of a similar magnitude of a modification to shift the entire building 25 feet in any direction, and therefore is a Minor Modification.

However, even if the City determines that the proposed realignment of the building constitutes a Major Modification, the applicant has demonstrated that it meets the SDC 4.1.700.J standards for a Major Modification. Staff concurs that the Major Modification standards are met, and supportive findings are found at pages 7-9 of the June 18, 2015 Staff Report. Thus, whether the proposal is found to constitute a Minor or Major Modification, the applicable SDC approval criteria are met.

The attorney for Pinnacle appears to argue that old SDC provisions that have since been revoked are applicable to this application because they are recited in the staff report for Master Plan 10-01. Specifically, the staff report for Master Plan 10-01 also includes the statement that,

“Amendments to an approved Master Plan are allowed once the plan is adopted, however if they are determined to create *substantial adverse impacts*, they must be processed as a new Master Plan for the entire subject property, except as approved in the original Master Plan



approval. Examples of substantial adverse impacts may include;

\*\*\*

- f. A shift greater than 25-feet in the location of buildings, proposed streets, parking lot configuration and landscaping or other site improvements."

This statement in the staff report is a recitation of a section of the SDC which has been revoked and is no longer applicable. The statement was not adopted as a condition of approval of MP 10-01, and therefore should not be applied as an approval standard in the current application.

To the extent that this is statement in the staff report is an applicable standard to the current application, it requires that the City determine whether the proposal will create a substantial adverse impact. If no substantial adverse impact is created, this statement does not impose any other requirement.

Simply put, the realigned footprint of the Senior Living Center does not create any adverse impact, substantial or otherwise. The SDC defines "adverse impact" to mean the "Negative effect of development that can be measured, including but not limited to excessive traffic, noise, air pollution, vibration, light, odors, density, massing, and dust." None of the impacts listed in this definition are implicated by the proposed realignment of the Senior Living Center.

Furthermore, the proposed realignment will increase the setback of the Senior Living Center from Sisters High School to the west and the Hayden Homes to the east, while approximating the current setbacks to the north and south. The realignment creates additional open space and buffering from adjacent uses, and all adjacent property owners have indicated their support for the current proposal. In contrast, there is no evidence in the record that the proposed realignment of the structure will create a substantial adverse impact.

The attorney for Pinnacle argues that realigning any structure more than 25 feet is automatically a substantial adverse impact. This argument misconstrues the old code mentioned in the MP 10-01 staff report. The old code lists examples that "may" create a substantial adverse impact. This list does include moving a building more than 25 feet, but as is made clear at SDC 1.3.200, use of the word "may" is permissive and not mandatory. Thus, moving a building more than 25 feet does not automatically result in a substantial adverse impact, and the City's determination of whether the proposed realignment actually will create any substantial adverse impacts must be based on an analysis of the context and the factors listed in the definition of adverse impact. As noted, when such an analysis is undertaken, it is clear that no actual adverse impact is created by the proposed realignment of the Senior Living Center.

Therefore, if the City determines that the Master Plan 10-01 staff report somehow makes the old code standards applicable to this review, those old code standards are satisfied and no new Master Plan approval is required. As stated above, the proposal also satisfies all modification standards in the current SDC.



## PLANNING COMMISSION PROCESS

The SDC does not require the Planning Commission to automatically grant a continuance. The attorney for Pinnacle states that he orally requested a continuance at the June 18, 2015 Planning Commission hearing. The Planning Commission did not grant the requested continuance, and instead closed the hearing.

The attorney for Pinnacle asserts that the Planning Commission was required to grant his requested continuance pursuant to SDC 4.1.500.C.1.d. This assertion is based on a misunderstanding of that SDC provision. SDC 4.1.500.C.1 does not grant hearings participants the right to an automatic continuance, but does provide that if at the first evidentiary hearing a request is made for the opportunity to submit additional evidence, that the Planning Commission will provide such an opportunity. As such, the Planning Commission made no procedural error by declining to continue the hearing, because SDC 4.1.500.C.1 does not mandate that a continuance be granted.

To the extent that Pinnacle needs additional time to present evidence, the City provides for such an opportunity through its appeal process. The City Council review of this appeal is *de novo*, meaning that Pinnacle can introduce new evidence into the record (see SDC 4.1.800.E "All appeals to the Planning Commission or City Council shall include a *de novo* evidentiary hearing.").

The July 2, 2015 letter appears to assert that Pinnacle believes that an unspecified "previous MMV land use approval" has expired, which Pinnacle wants to look into further. Had Pinnacle's request for a continuance been granted, SDC 4.1.500.C.2 and 3 only guaranteed seven (7) additional days in which additional evidence could have been submitted following the June 18, 2015 hearing. Instead, this appeal provides Pinnacle with at least until the initial City Council hearing on July 23, 2015 to submit any new evidence, a total of thirty-five (35) additional days.

Thus, if there has been any procedural error at the Planning Commission, Pinnacle's remedy is to utilize the City's appeal process which provides the opportunity to submit new evidence to the City Council. LUBA has held that a *de novo* appeal hearing with the opportunity to submit new evidence cures any procedural error, even if such error resulted in prejudice to substantial rights. *Crowley v. City of Bandon*, 41 Or LUBA 87, 104 (2001), citing *Murphey v. City of Ashland*, 19 Or LUBA 182, 189-90 (1990) ("council review of planning commission decision may cure procedural errors by planning commission."). Accordingly, even if the assertions of Pinnacle's attorney are correct, the asserted defect in procedure is cured by the corrective action of *de novo* appeal to the City Council, and the no remand back to the Planning Commission need follow.

SP 15-01, MOD 15-05 McKenzie Meadow Village  
PC Hearing Date: June 18, 2015

CITY OF SISTERS  
PLANNING COMMISSION



STAFF REPORT AND BURDEN OF PROOF STATEMENT  
MCKENZIE MEADOW VILLAGE

**File #:** SP 15-01, MOD 15-05

**Applicant:** McKenzie Meadow Village, LLC

**Property Owners:** McKenzie Meadow Village, LLC

**Request:** The Applicant is requesting Site Plan approval for a Senior Living Center consisting of 45 senior living units and 12 senior memory care units as part of the McKenzie Meadows Master Plan. The applicant is also requesting to modify the previously approved McKenzie Meadows Master Plan (File Nos. MP 10-01, SUB 10-02, MOD 12-01) to accommodate the Site Plan’s shifting of the location of buildings, parking and access by more than 25 feet from where they were originally approved to be located.

**Applicable Criteria:** Sisters Development Code (SDC) – Chapters 2.3 (Residential Multi-Family District); 2.15 (Special Provisions), Chapter 3 Design Standards; 4.1 (Types of Applications and Review Procedures); 4.2 (Site Plan Review), and 4.5 Master Plans.

**Hearing Date:** June 18, 2015, 5:30 pm, Sisters City Council Chambers, 520 E. Cascade Avenue, Sisters, Oregon

**Location:** Tax Lot 151005CB05500

**Planner:** Darcy Reed

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**I. Project Request**

**Request I:** The applicant is requesting review of a Modification to the McKenzie Meadow Village Master Plan to accommodate the final design of a Site Plan for a Senior Living Center. The items to be modified include the following:

- Access, parking and entryway to McKinney Butte Road
- Access location to north parking lot
- Exact building location

**Request II:** Supplemental to the Modification is Site Plan approval for a Senior Living Center consisting of 45 senior living units and 12 senior memory care units as part of the McKenzie Meadows Master Plan. The Site Plan consists of a 46,750 s.f. of Senior Living Center in which residents will receive assistance and/or services by a licensed care provider. The applicant proposes to operate the 12-unit memory care facility under a Residential Care Facility with Memory Care Community Endorsement licensure, and to operate the remaining 45 units as an Assisted Living Facility with licensure by the State of Oregon.

- II. **Location:** The site of the proposed improvements is situated on a portion of a 25-acre property. The parent property has multiple addresses, 68945 McKinney Ranch Road and 1680 W McKinney Butte Road and is identified as Tax lot 5500 on the Deschutes County Tax Assessor Map 151005CB. The location of the development site is in the Southwest quadrant of the property, a 5-acre area that has tentatively been approved as Lot 14 of the McKenzie Meadow Village subdivision (SUB10-02).
- III. **Site Description.** The development site is generally flat, undeveloped, and contains a number of Ponderosa Pine Trees, Juniper Trees, and native underbrush.
- IV. **Surrounding Uses and Zoning.** The properties to the west and south of McKenzie Meadow Village are zoned PF – Public Facility. These properties are developed with the Sisters High School and Junior High School. The properties to the east of McKenzie Meadow Village are zoned MFR – Multi-Family Residential. This area is the location of the ‘Village at Cold Springs’ subdivision. The property to the North of McKenzie Meadow Village is outside the Sisters Urban Growth Boundary and is zoned F2 – Forest.
- V. **Land Use History/Background.** The property was annexed into the Sisters City Limits as UAR 10 zoned property following a vote in 2006. As part of the annexation agreement (attached herein), the property owner was required to designate a minimum of 6.3 acres of the property for the construction and operation of a Senior Living Center. The Center (or a phase of it), was also required to be built in the first phase of construction.

Subsequent to annexation, in 2010 the City approved a Comprehensive Plan Map and Zoning Map Amendment for the property changing the Comprehensive Plan designation and Zoning of the property from UAR10 to Multi-Family Residential (MFR), Public Facilities (PF), and Landscape Management (LM); the development area of the current proposal is only MFR.

In 2010, the City approved a Master Plan (MP 10-01) and a Tentative Subdivision Plan (SUB 10-02) on the property, known as McKenzie Meadow Village. The Master Plan was modified in 2012 in association with MOD 12-01. Additionally, in 2011 the City approved a Site Plan for an 82 unit Assisted Living Facility and a maintenance building on the property (SP 11-05) and a modification to the Site Plan in 2012 (MOD12-02).

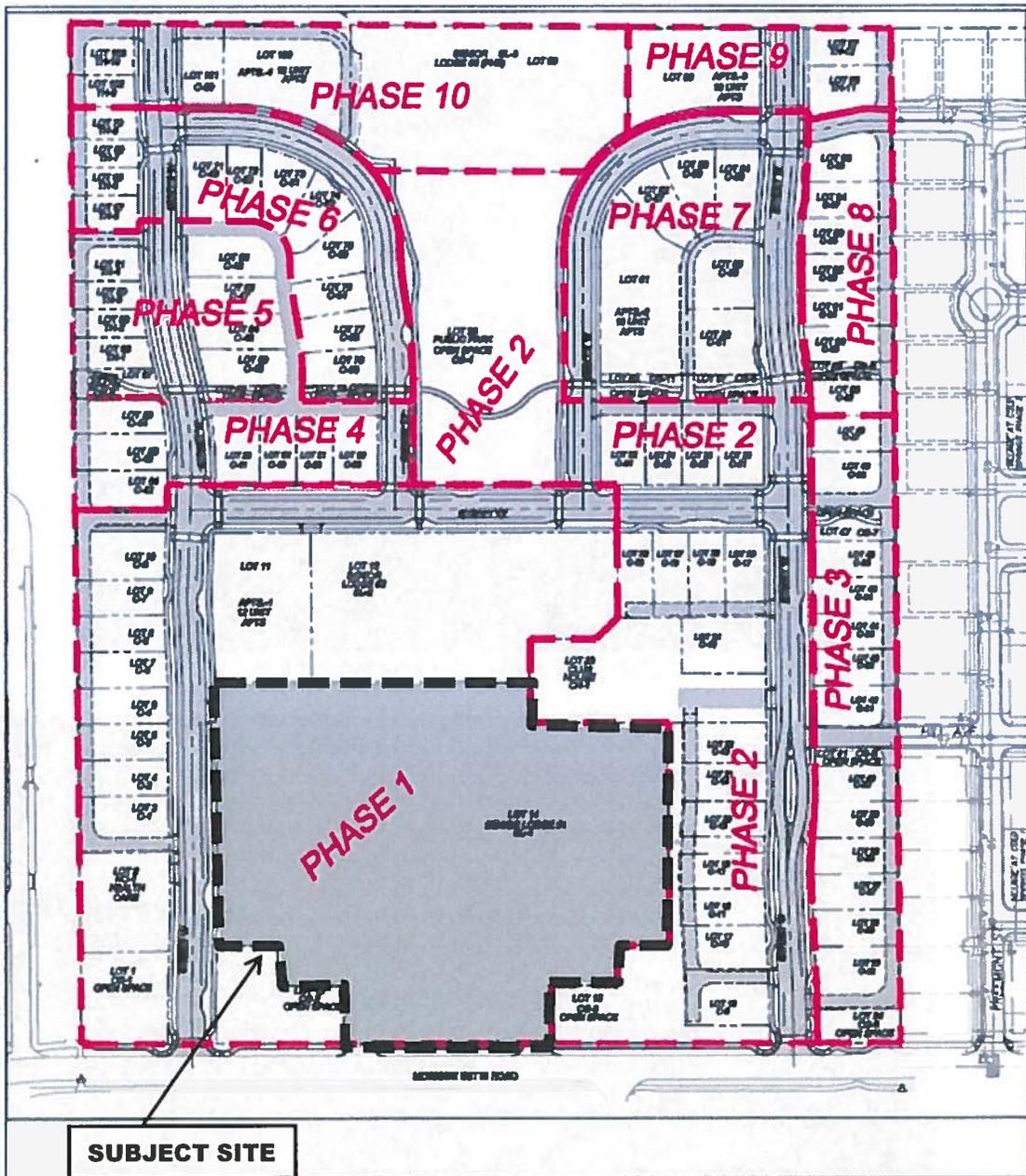
Since the approvals of SP 11-05 and MOD 12-02, the property has remained undeveloped. Both approvals were previously given extensions and have been adopted for land use decisions in the City of Sisters, however these decisions were applied for under a different project, by a different senior living center developer. The current applicant is proposing a similar, but different project from what was originally approved; thus rather than modifying the previous Site Plan Approval (SP11-05 / modified by MOD12-02) the applicant is proposing a new Site Plan in conjunction with the modification to the master plan.

#### VI. Review Procedures

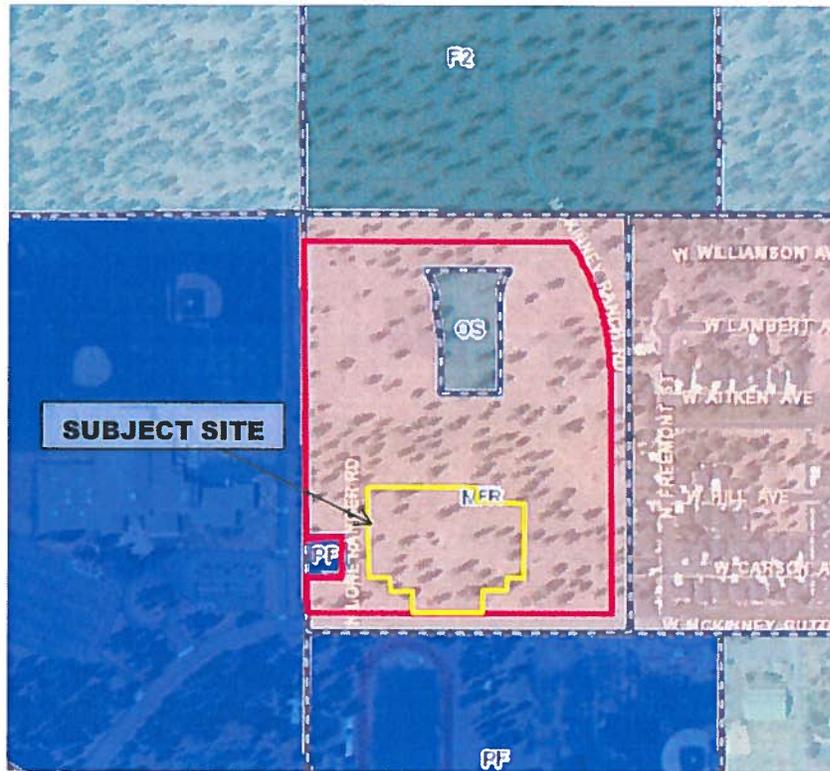
**Conclusionary Findings:** Pursuant to the applicable chapters found in the Sisters Development Code, these modification and site plan review requests can either be approved, approved with conditions, or denied on the basis of whether the applicable standards and criteria can be satisfied either as submitted, or as mitigated through conditions of approval. The applicant has provided a written narrative (Burden of Proof) for each request and both are attached to this staff report.

The following findings relate to compliance with applicable Sisters Development Code standards and criteria. Compliance with Oregon Revised Statute 92 is assumed if compliance with the City's

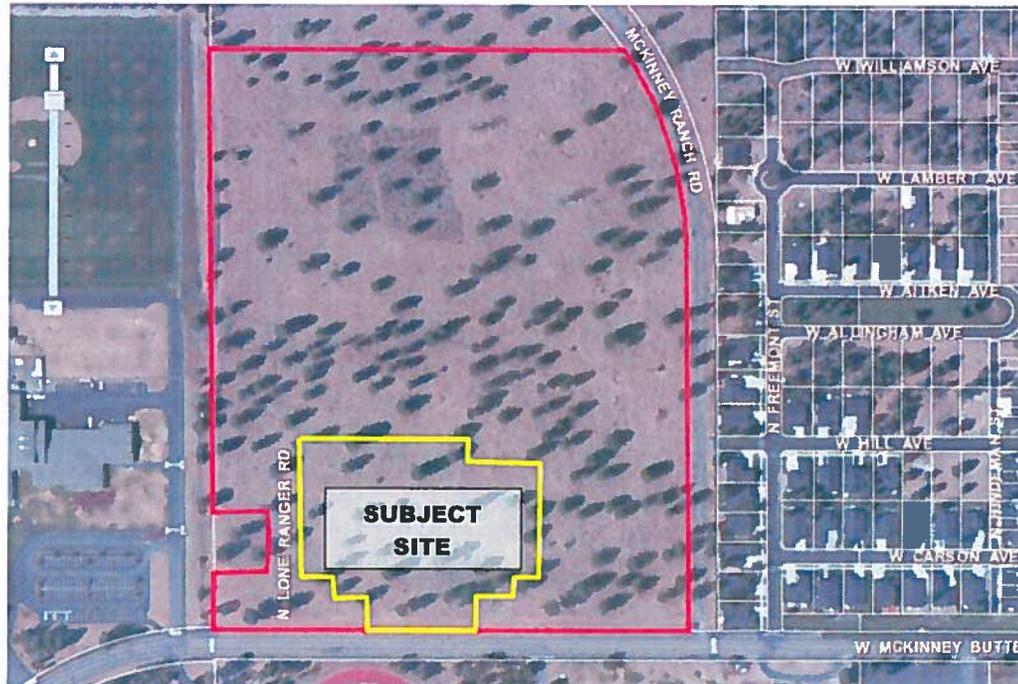
development code can be verified.



Original Phasing Map from McKenzie Meadows Master Planned Development,  
File No. MP 10-01, SUB 10-02 Showing Location of Subject Site



**Sisters Zoning Map showing Subject Site**



**GIS Aerial View of Tax Lot 151005CB05500**

➤ **REQUEST PART I: MODIFICATION TO THE MASTER PLAN**

Chapter 4.5.800, **Approval Durations, Extensions and Amendments**, discusses modifying approved developments and states:

D. Modifications to Master Plan.

1. The following minor modification examples may be approved administratively by the Community Development Director;

a. An increase to the amount of open space or landscaping;

**Applicant Response:** The proposed modifications to access, parking and building locations result in an increase to the amount of open space and landscaping. Thus, according to the provisions of this section, the modifications could be reviewed and approved administratively.

**Staff Response:** The applicant has identified that a portion of the application could be reviewed administratively. Additional factors, however, indicate the modifications being requested are major modifications. See finding to D.1.C.

b. Changes to dimensional standards identified in Section 4.5.400 B as long as the minimum requirements are satisfied. Changes to dimensional standards approved as part of a land division shall be reviewed using Chapter 4.3 Land Divisions.

**Applicant Response:** The modifications that are being requested will accommodate a specific site plan design, one that conforms to the standards of the underlying zone. The proposal does not modify any of the Master Plan dimensional standards established for the Master Plan under Section 4.5.400.B; therefore this section does not apply.

**Staff Response:** The applicant's request does not increase dimensional standards, but instead the location of buildings, parking, etc. The applicant is correct in noting this section of the code does not apply.

c. 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

**Applicant Response:** The proposal includes modifications to the building location, parking area, and access points that were depicted on the original Master Plan exhibit. Condition of approval #27 from the McKenzie Meadow Village Master Plan states the following: *“Master Plan / Site Plan. In accordance with SDC Section 4.2, all qualifying buildings shall undergo Site Plan review before a building permit is issued. The architectural design requirements found in SDC Section 4.5 (Master Plans) for buildings shall apply. Compliance with floor area ration, lot coverage, building heights and setbacks shall be verified, and a 20% deviation from these standards and criteria can be applied to all structures.”*

Based upon the processing of a past Site Plan on this property (SP11-05, which was different the approved Master Plan Exhibit and approved without a Master Plan Modification), the City has established that site details, including building, access and parking locations, heights and setbacks are reviewed for compliance to floor area ratio, lot coverage, building height, setbacks and other relevant standards at time of Site Plan Review. The past processing of SP11-05 did not require a Master Plan Modification for building location, parking, landscaping and other site improvements, setting a precedent that the Site Plan does not need to be exactly as conceptually identified on the Master Plan, so long as design elements are reviewed in association with a Site Plan application and conform to all underlying standards. Thus, as modified by Condition of Approval #27 wall locations and other design standards were not formalized through the Master Plan, and as such are do not need to be modified, so long as a Site Plan proposal complies with the underlying zoning standards, as allowed to be modified by the Master Plan. As detailed in the associated Site Plan burden of proof narrative and supporting documentation, the Site Plan proposal complies with all the standards of the underlying zoning district and the Master Plan.

Furthermore the proposed modification to building location, access and parking are insignificant, minor in magnitude, and better complies with the Sisters Development Code; the design provides more conformity to the underlying zoning standards than the original Master Plan Exhibit. Details are provided below.

**Building Location –**

The building location and design result in fewer large expanses of building walls, providing opportunities for more detailed design, additional articulation, and improved orientation, enhancing the conformity to SDC 2.3.300.H.

**Parking –**

As detailed in the associated Site Plan Application, the proposal provides adequate parking to meet the needs of the building and the requirements of the Sisters Development Code. Furthermore, the proposed design reduced the number of spaces that will be placed between the primary building façade and the abutting McKinney Butte Road; the original Master Plan exhibit identified spaces along the majority of the primary façade, whereas the modified plan reduces this area of impact to a small area immediately in front of the primary building. The proposal therefore provides enhanced conformance with 2.3.300.H.2.b

**Access –**

As detailed in the Site Plan Application, the proposal provides access in conformance with all development code standards, including block length, perimeter and access spacing. Reducing the number of access points onto McKinney Butte Road and relocating the access on to Lone Ranger Road, provides better access spacing, reduces the need for a cross access easement, and provides additional options for future development.

Ultimately all of the proposed changes, reduce or lessen code conflicts, thus are not significant and are minor in magnitude.

**Staff Response:** The request is a major modification since the requested changes include shifting buildings, parking, etc. by more than 25 feet.

2. Other modifications are major modifications. See Chapter 4.1

**Staff Response:** See Staff Response in previous finding.

3. The Community Development Director or the applicant shall have the right to refer a proposed amendment directly to the Planning Commission for their determination of whether or not the amendment creates a substantial adverse impact to the approved Master Plan.

**Applicant Response:** This submittal accompanies a Site Plan Application that is being reviewed by the Planning Commission, thus it is anticipated that, in association with the consolidated review, the Planning Commission will determine whether or not the amendment creates a substantial adverse impact.

**Staff Response:** The applicant is correct is anticipating a concurrent review of both the Modification and the Site Plan by the Planning Commission. However, since the changes sought to the Master Plan are determined by Staff to shift features by more than 25 feet, the Modification request must be reviewed and decided by the Sisters Planning Commission in accordance with Chapter 4.1.

Chapter 4.1.700, **Types of Applications and Review Procedures**, discusses the general provisions for submitting a Major Modification application and states:

#### 4.1.700 General Provisions

##### J. Major Modification.

**Applicant Response:** The applicant does not believe that the proposal constitutes a Major Modification, thus finds this section to not be applicable. However, the applicant is addressing each of these sections, should a hearings body determine that they do apply.

**Staff Response:** Staff has determined the proposal is a Major Modification according to section 4.5.800.D.2, specifically noting that the shifting of the location of buildings, parking, etc. as part of this application exceeds the threshold of 25 feet.

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

**Applicant Response:** 60 days have elapsed since the McKenzie Meadows Village Master Plan was approved, thus the proposal complies with this provision.

**Staff Response:** The applicant's response is accurate.

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

**Applicant Response:** It is believed that the modification is minor, if at all applicable. The changes are proposed to accommodate a specific design, after review and analysis of project feasibility. The design will accommodate the needs of the site and intended users. The modification is not being filed as a substitute to an appeal, and the changes are minor, thus do not constitute a substantially new proposal or one that will have significant additional impacts on surrounding properties.

**Staff Response:** Staff notes that the modification is a major modification. The modification is not a substitute for appeal or substantially new proposal. The modification is the result of accommodating a specific site plan design.

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

**Applicant Response:** The modification is directed specifically at building location, parking areas and access points that were depicted on the original Master Plan Exhibit. The changes are minor, they conform to the applicable development code standards, and they will not have significant additional impacts on surrounding properties. Furthermore, the modifications will not allow a greater scope or impact, thus should not be treated as an application for a new Master Plan.

**Staff Response:** The applicant is accurate in identifying the modification will not amount to a substantially new proposal or have significant additional impacts since the request is directed specifically at accommodating a site plan design in which the building location, parking areas and access points shift.

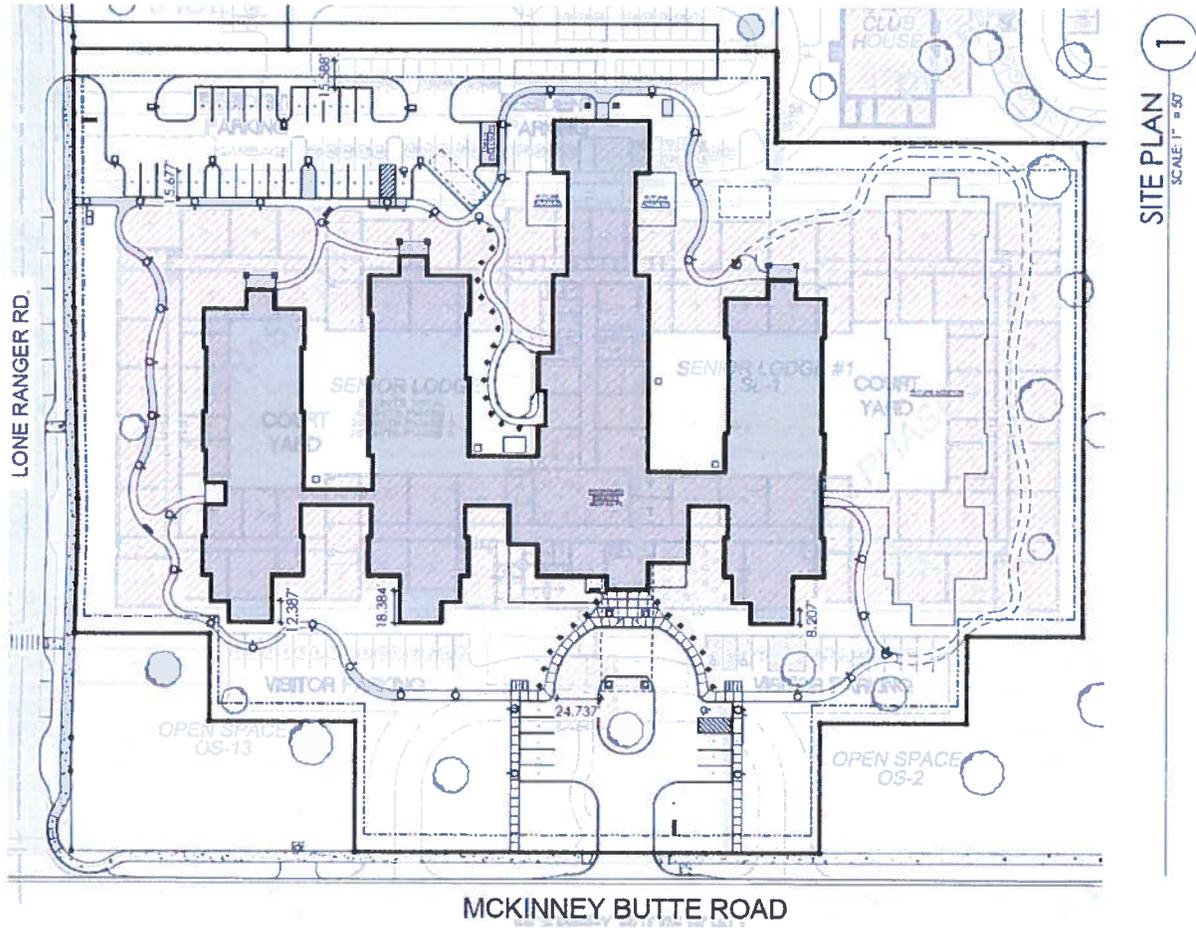
4. An application for a modification of a Type I approval shall be processed as a Type I application. An application for a modification of a Type II approval shall be processed as a Type II application. An application for a Type III approval shall be processed as a Type III application. The Communication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

**Applicant response:** It is anticipated that this modification, in addition to the associated Site Plan, will be reviewed by the Planning Commission, the same review body and same process as the original Master Plan review. Thus the proposal complies with this provision.

**Staff Response:** The application is a major modification which cannot be approved administratively. The Major Modification shall be heard by the Planning Commission as a Type III Procedure.

5. The effect, if any, of a modification upon the original approval time limitation shall be established in the modification decision.

**Staff Response:** The changes sought are long-term changes affecting the original Conditions of Approval.



Proposed Master Plan Overlay Showing Changes to Previous Approved Master Plan

➤ **REQUEST PART 2: SITE PLAN REVIEW**

**Chapter 4.1 – Types of Applications and Review Procedures.** The proposed project would typically represent a Type II Procedure (Site Plan review), which is an administrative decision made by staff. However, since the applicant has applied for more than one type of land use approval, the proceedings have been consolidated for review and decision by the Planning Commission as a Type III Procedure as consistent with section 4.1.700.E.2.

**Chapter 4.2 – Site Plan Review** is intended to ensure that structures and necessary utilities, and site improvements such as parking areas, walkways, refuse containers, landscaped areas, lighting, vehicle ways and any necessary public improvements are properly related to their sites and to surrounding sites and structures; to protect natural features; and to encourage originality in site design and development in a manner which will enhance the physical appearance and attractiveness of the community.

**4.2.200 Applicability**

A. Any new development, structure, building, or substantial alteration of an existing structure or use shall require Site Plan Review in accordance with Chapter 4.1 and 4.2 ....

**Applicant Response:** The proposal is for a new building; therefore this section applies.

**Staff Response:** The applicant's response is accurate.

**4.2.300 Application Procedure**

A. **Application Review.** Site Plan Review shall be conducted as a Type II procedure using the procedures in Chapter 4.1, and using the approval criteria contained in Section 4.2.500.

B. The Community Development Director shall have discretion to forward any site plan submitted for administrative approval to the Planning Commission for review.

**Applicant Response:** The proposal is for a Site Plan review, and thus is reviewed in accordance with the Type II procedures. An analysis of the Procedures of Chapter 4.1 was addressed above and a complete review of the Approval Criteria of Section 4.2.500 is included below. Thus the proposal has been properly processed. The applicant further understands that the Community Development Director has the discretion to forward the application to the Planning Commission to make the Type II decision.

**Staff Response:** At the discretion of the Community Development Director, the Site Plan has been forwarded to the Planning Commission for review. Additionally, the Site Plan Review has been consolidated with the request for a Modification to the Master Plan per section 4.1.700.E.2. of the SDC.

**Chapter 4.2.400, Submittal Requirements** lists what needs to be submitted to adequately review a Site Plan review request.

**Applicant Response:** The proposal, including the exhibits attached hereto, contains all of the items referenced in this section. The complete plan set contains the items needed for a complete review for determining compliance with the applicable development standards and approval criteria. The proposal therefore complies with these requirements.

**Staff Response:** The applicant's response is accurate. Plan sets attached herein.

#### 4.2.500 Approval Criteria

Prior to issuance of building permits, the Community Development Director or designee shall approve, approve with conditions or disapprove the proposed site plan. In approving the plan, the Community Development Director or designee shall find that all provisions of the Development Code are met. The following criteria shall be considered:

A. Conformance with applicable Design Standards in Chapter 3.

**Applicant Response:** Conformance with the applicable Chapter 3 Design Standards is detailed below [in this statement]. The proposal complies with all of the applicable design standards; therefore the proposal complies with this approval criterion.

**Staff Response:** The applicant understands the intent of the code. Additional discussion to follow in the Staff Report.

B. Adequacy of public and private facilities.

**Applicant Response:** Adequacy of public and private facilities refers to the adequacy of water, sewer, streets and power. Utility improvements and connections are shown on Drawing Sheet C301. McKinney Butte Road to the South is a paved road. The shared driveway / access road (future Lone Ranger Road) will be extended to this project's North parking lot and fire access lane. The public improvement details have been studied extensively and planned in accordance with the McKenzie Meadow Village Master Plan. Phased improvements will be needed for development of the site, however through the Master Plan approval and the subsequent Modification thereto (MOD12-01), it has been established that additional improvements are not required for the Senior Living Center. Compliance with the Conditions of Approval for the McKenzie Meadows Master Plan will therefore ensure the adequacy of public and private facilities.

**Staff Response:** Conditions of Approval from underlying land use approvals not affected by this Site Plan and Modification to the Master Plan remain in effect. Any public or private facilities originally required shall be met prior to issuance of building permits.

C. Traffic safety, internal circulation and parking, including pedestrian and bicycle safety;

**Applicant Response:** Traffic impacts for the site have been studied in association with the McKenzie Meadows Master Plan (MP10-01). Pursuant to the MP10-01 decision and subsequent modification (MOD12-01), project is generally consistent with the circulation plan and anticipated traffic impacts. Thus, it will not meet the threshold for triggering an updated traffic study. On-site vehicle circulation includes a 9-stall parking lot off McKinney Butte Road and a 25-stall lot, plus a loading berth located on the north side of the property. The internal plan is generally consistent with the approved Master Plan layout and meets this approval criterion.

**Staff Response:** See previous finding regarding prior conditions of approval.

D. Provision for adequate noise and/or visual buffering from non-compatible uses.

**Applicant Response:** The proposed use will primarily be conducted indoors. Outdoor activities are similar to those of the surrounding housing uses: sitting outdoors and walking around the grounds and garden areas. Given the compatibility of uses, the applicant believes that no noise or visual buffering will be needed or warranted from neighboring uses.

**Staff Response:** The proposed use is part of a master planned development. Further, there are no obvious reasons to provide for noise and/or visual buffering from neighboring uses. The assisted living facility exhibits many of the same traits that a residential neighborhood would offer. It seems unlikely that noise or glare from the facility would adversely affect the residents to the east, and this facility must meet the 'dark skies' lighting ordinance found within the Development Code.

E. Conformance with applicable public works, building and fire code standards.

**Applicant Response:** The plans have been developed by qualified professionals who are familiar with Code requirements, after consultation with City Staff. The development team includes a licensed architectural firm, a civil engineering firm, and a landscape design firm, all based in Bend, Oregon. The civil engineer has reviewed the proposal for compliance with public works and fire codes requirements and the architect has performed a code analysis to determine that the building meets these standards.

Additionally, through the land use process the Planning Department will route all land use applications to the Public Works, Building and Fire Departments of the City of Sisters. These departments will have the opportunity to review this request, and their comments will be incorporated into the public record of this land use file. Thus, the City's review procedures will further ensure conformance with this approval criterion.

**Staff Response:** Public Works, Building and Fire Departments have reviewed this request; their comments are public record within this land use file.

F. Conformance with development requirements of the underlying zone.

**Applicant Response:** Conformance with the underlying zone (MFR) is detailed below in [this statement]. As detailed therein the proposal complies with all applicable development requirements. Thus the proposal complies with this approval criterion.

**Staff Response:** The purpose of this document is to evaluate this request against these standards and criteria. Ultimately the decision made is based on the ability (or inability) of the applicant to comply with the applicable standards and criteria through reasonable conditions of approval. In this case, the site is undeveloped, and can meet the criteria for Site Plan review approval through conditions of approval.

Chapter 4.2.700, **Approval Period, Expiration and Extension** discusses the approval time period for a Site Plan Review approval. The project is submitted as a single phase development and the approval is effective for a period of two years from the date of approval. The applicant has indicated in the burden of proof that 57 units are proposed at this time, with sufficient space on the site for an additional 25 units. However, the applicant is not proposing multiple phases at this time, and any future addition would be subject to undergoing a separate Site Plan Review subject to separate approval periods.

Chapter 2.3 – **Multi-Family Residential District (MFR)** is intended to accommodate a range of housing types and lot sizes and to make efficient use of land and public facilities by establishing minimum and maximum density standards for housing. Multi-Family Residential District design standards ensure compatible building and site design at an appropriate neighborhood scale.

**Section 2.3.200 - Uses**

**Permitted uses.** Uses permitted in the Multi-Family Residential District are listed in Table 2.3.1 with a "P". These are allowed if they comply with the development standards and other regulations of this Code.

**Special Provisions.** Uses that are either permitted or conditionally permitted in the Multi-family Residential District subject to special provisions for that particular use are listed in Table 2.3.1 with an "SP". Uses subject to an SP shall comply with the applicable special use standards included in Chapter 2.15.

**Table 2.3.1 Use Table for the Multi-Family Residential District**

| Residential                             |        |
|-----------------------------------------|--------|
| Residential Home / Residential Facility | P / SP |

**Applicant Response:** The applicant is proposing a Senior Living Center that consists of 12 Memory Care units and 45 units for seniors, all of whom will receive regular service and/or assistance. A detailed description of the use is included in a letter from Ageia Health Services President Kevin Cox, dated May 5, 2015 and included as an attachment to this submittal. As detailed in the letter a portion of the use is a "housing with services" model of care, and all residents will receive services. The use identified and approved in the McKenzie Meadows Village Master Plan findings, was a "Residential Facility" and the Master Plan itself, the Burden of Proof, and the City findings refer to the building by a number of different names including a Senior Lodge (Master Plan Exhibit), a Senior Assisted and Independent Living Facility (Page 1 of the Findings), an Assisted Living Facility (throughout the findings), a Senior Residential Development (Annexation Agreement) and a Senior Living Center (Annexation Agreement). The use planned with this application is a Senior Living Residential Facility, which is permitted by this section of the code and which is consistent with the Master Plan Approval.

**Staff Response:** The proposed use identified in various letters received by the applicant (attached herein) is consistent with the allowed uses within the MFR District. A "Residential Facility" is defined within the SDC to be:

*A residential care facility, residential training facility, residential treatment facility, residential training home or residential treatment home. Further, a residential care facility is defined as 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 applicant has sufficiently indicated that more than 6 individuals whom exhibit some form of disability will be receiving residential care services provided by At Home Care Group, a licensed homecare provider.

On June 4, 2015, the applicant provided a letter from the State of Oregon Office of Licensing and Regulatory Oversight indicating the 45 units for Seniors were approved to be licensed by the State of Oregon. On June 8, 2015, the applicant submitted a letter clarifying the "housing with services" model of care is nearly identical to the Assisted Living Facility care the State would license, and that the additional licensure is an added credential to the facility. Staff notes the change in licensure however the use is still consistent with the Code.

**Section 2.3.300** Development Standards.

The following property development standards shall apply to all land, buildings and uses in the Multi-Family Residential District:

- A. Lot Area, lot width, lot depth, setbacks, floor area ratio, lot coverage and building height. See Table 2.3.2

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

| Development Standard                                    | MFR District | Comments/Other Requirements |
|---------------------------------------------------------|--------------|-----------------------------|
| Minimum lot area:<br>Residential Facility               | None         |                             |
| Lot width at front of property:<br>Residential Facility | None         |                             |
| Lot Depth                                               |              |                             |

| Development Standard                             | MFR District                                                                                                                 | Comments/Other Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                  | No maximum lot depth for Residential Facility                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Floor Area Ratio                                 | Building construction may not exceed .60 FAR (60%) of the total lot area.                                                    | <p>The areas of building subject to this development standard shall include the following:</p> <ul style="list-style-type: none"> <li>A. Areas within the building footprint considered to be habitable space.</li> <li>B. Individual garages exceeding 500 sf in size.</li> </ul> <p>Exceptions to FAR:<br/>           Accessory structures less than 10-ft in height and 200 sf in area; Residential Facility, public and institutional uses and childcare centers.</p> |
| Lot Coverage                                     | Maximum of 60-percent, except Child Care Center, Public and Institutional uses and Residential Facility shall be 80-percent. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Building Height                                  | 30- for all residential uses<br>35' for all non-residential uses.                                                            | Compliance with other sections of the Code (landscaping, parking, pedestrian circulation, etc.) may preclude 100 percent lot coverage for certain uses -                                                                                                                                                                                                                                                                                                                  |
| Front Setbacks:<br>Primary Building              | 10-ft minimum                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Interior Side Yard Setbacks:<br>Primary Building | 5-ft. minimum                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Rear Yard Setback:<br>Primary Building           | 15-ft. minimum                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

**Applicant Response:** As detailed in Table 2.3.2, minimum lot area, lot width at front of property, lot depth and FAR do not apply to Residential Facilities within the MFR zone. As detail on the plan set and referred to below, the proposed structure conforms to all other standards of this section.

Proposed Lot Coverage: 22% (80% max)  
46,750 bldg sf / 217,855 site sf

Including Future Lot Coverage (anticipated): 60,909 bldg sf / 217,855 site sf = 28%

Proposed Maximum Building Height: 25'-0"

Proposed Setbacks: As detailed on the Site Plan, all building setbacks exceed minimums required.

**Staff Response:** The applicant has demonstrated compliance with the Development Standards. Maintaining compliance with these standards will be assured prior to issuance of building permits.

- B. **General Exceptions to Setbacks and Building Height....** (Not applicable)
- C. **Fences and walls.** Fences and walls may be placed on property lines, subject to the standards in Chapter 3.2 (None proposed- not applicable)
- D. **Special Yards. Distance Between Buildings on the Same Lot** Distance between buildings on the same lot. To provide usable yard area and allow air circulation and light, the distance between buildings on the same lot shall be a minimum of six feet. (Single building proposed- not applicable)
- E. **Garage Requirements-** (for single-family detached dwelling, manufactured dwelling on individual lot, zero lot line dwelling, town home, duplex and triplex dwelling, and multi-family dwellings.

**Applicant Response:** The proposal is for a Residential Facility within the McKenzie Meadow Village Master Planned Area. The planned use and proposal is consistent with the Master Plan Approval; the Master Plan Approval explicitly noted that "the Assisted Living Facility is technically not a multi-family dwelling – staff regards it as a commercial building in terms of the application of garages / carports. As such, the assisted living facility is exempt from garage and carport standards" (Pg. 23 Exhibit A of the Planning Commission Decision / September 21, 2010). Condition of Approval #22 further noted "...Affordable multi-family dwelling units and the Assisted Living Facility are exempt from the garage and carport requirements." Because the proposal is not a single family home and it is not a multi-family development, garages are not required, and the standards of this section do not apply; this interpretation is supported by past findings for the subject property (MP10-01).

**Staff Response:** The applicant's response is accurate.

- F. **Gated Communities.** Gated communities are prohibited except as may be permitted by Chapter 4.5 Master Plans.

**Applicant Response:** The proposal does not include a gated community; therefore it complies with this standard.

**Staff Response:** The applicant's response is accurate.

- G. Residential Density Standards.** The following residential density standards apply to all land divisions in the Multi-Family Residential District and to multi-family housing on individual lots.
1. The density range for the Multi-Family Residential District shall be 9 units per gross acre minimum and 20 units per gross acre maximum.
  2. Minimum and maximum residential densities are calculated by multiplying the gross acres by the applicable density standard. For example, if the parcel size is 5 acres, the minimum density is 45 units and the maximum is 100 units. When calculating minimum and maximum densities, figures are rounded down to the closest whole number.
  3. Accessory dwelling units are exempt from the minimum density standards.

**Applicant Response:** The development is within the McKenzie Meadow Village Master Planned area. Density for the development was established in MP 10-01. Findings for that decision note,

*The applicant is proposing a total of 257 dwelling units. The gross acreage under consideration equals the parent lot (30 acres), minus the park (1.8 acres) and minus the Medical Clinic (.32 acres). The total density required is 251 units (27.88 times 9 units per acre). The total density proposed is 257 units, which meets the density requirement for the MFR zone.*

The total 257-unit count was based upon 82 units on the subject property. The applicant is proposing 57 of the units at this time, and there is sufficient space on the site where the remaining 25 units could be placed. There is nothing in the Master Plan approval that requires the Facility be constructed in one phase, and the annexation agreement explicitly states that the "...Senior Living Center (or a phase of it) shall be built in the first phase..." Given the proposed location and size of the site, there is adequate space for the remaining units to be placed in the future.

Based upon the plan, the proposal complies with the applicable density standards of the approved Master Plan. The application complies with this section to the extent applicable at this time.

**Staff Response:** The applicant's response is accurate. The current Site Plan Review for 57 units to be located on 5 acres equals 11.4 units per gross acre. This is consistent with the density requirements of the MFR District.

**H. Design Standards. (not applicable according to the applicability criteria)**

**Applicant Response:** The proposal is for a Senior Living Facility. It is not a single family detached unit, a duplex, a triplex, a multi-family dwelling, a public or institutional building or a manufactured dwelling. Therefore this section does not apply. Although this section does not apply, the applicant has designed a site plan that conforms to these standards to the greatest extent practical. The proposal places the primary building entrance oriented toward McKinney Butte Road, in conformance with this standard. Also, the proposal limits the amount of parking area between the primary building entrance to balance the need of the residence and the intent of this section. Furthermore, all elevations contain a mix of doors and windows, and the design includes dormers, gables, recessed entries, eaves, offsets, and decorative finishes, in compliance with the Detailed Design standards of this section. Thus, although this section does not apply, the design complies with these standards to the greatest extent possible.

**Staff Response:** The applicant's response is accurate.

- I. **Garbage and Recycling Collection Areas.** An exterior garbage and recycling collection area is required and shall be oriented away from the street.
- J. **Mechanical Equipment.** Mechanical equipment located on the ground, such as heating or cooling equipment, pumps or generators, must be screened from the street by walls, fences, or vegetation. Landscaping and screening shall be tall enough to screen the equipment. Mechanical equipment is not permitted to be placed on roofs. Screening shall be compliant with all applicable fire codes.

**Applicant Response:** As detailed on the Site Plan, the proposed garbage location is at the north side of the building, east of the parking area. This area oriented away from all nearby streets and thus conforms to this standard. All mechanical equipment is proposed to be screened and will not be placed on any rooftop; therefore the proposal complies with this section.

**Staff Response:** The applicant's response is accurate.

**K. Additional Design Standards for Multi-Family Housing. (not applicable)**

**Applicant Response:** The proposal is for a Residential Facility, as approved in the McKenzie Meadow Village Master Plan, which is not Multifamily housing; therefore the standards of this section do not apply.

**Staff Response:** The applicant's response is accurate.

**Chapter 2.15 Special Provisions**

**Section 2.15.1100 Residential Care Homes and Facilities:** Residential care homes and facilities as defined shall comply with the following special use standards, consistent with ORS.

- B. **Licensing.** All residential care homes and facilities shall be duly licensed by the State of Oregon.
- B. **Site Design Review.** Site Design Review shall be required for new structures or conversions of existing structures to be used for residential care facilities, to ensure compliance with the licensing, parking and other requirements of this Code. Residential care homes are exempt from this requirement.

**Applicant Response:** The proposal is for Senior Living Center as conceptualized and approved in MP 10-01. In MP 10-01, the use was approved as a Residential Facility, and the findings explicitly determined that the planned use was not a multi-family dwelling. That decision did not make a reference to Section 2.15.1100 and did not specifically require any state licensing for the use to be approved on the site. The past Site Plan decision on this property (SP11-05) determined that "Since the City does not regulate state licensing, reference to 'A' above is advisory. Given that the applicant has applied for a Site Plan, the procedure of Item B has also been addressed".

With the current plan, the applicant proposes to operate the 12-unit memory care facility under a Residential Care Facility with Memory Care Community Endorsement license, and to operate the remaining 45 units under a "Housing with Services" model of care. The applicant is in the process of obtaining any and all necessary licensing requirements to operate the facility as proposed, receiving initial authorization for the Memory of Care units (attached). Regarding the "Housing with Services" units, emails dated May 1 and May 4, 2015 from Becky Mapes and Mike McCormick (attached), confirm that the Office of Licensing and Regulatory Oversight does not review or require licensing for the proposed facility type. Any other required state license is proposed to be obtained prior to occupancy. For additional background on the use, the "Housing with Services" model is detailed in a letter from Ageia Health Services President, Kevin Cox dated May 5, 2015. As shown on the architectural plans and the referenced letter, this housing option include small units without full kitchens, along with nurses' stations, facilities, an office, and supportive services in the building. Caregiver services will be available 24 hours a day and the majority of the residents will need extensive assistance with activities of daily living. All services will be provided by a state licensed agency. Because the applicant has applied for a Site Plan review and because the applicant will obtain all necessary state licenses to operate the facility prior to occupying the building, the proposal complies with the provisions of this section as applicable and enforceable by the City of Sisters.

**Staff Response:** The applicant has provided licensure verification for both the 12 units of memory care and the 45 units of Assisted Living/"Housing with Services". The applicant has also complied with the requirement to obtain Site Design Review as the applicant has submitted a Site Plan for review and approval. Staff notes the number of beds is technically different than the number of units for which the applicant has achieved licensure for. Prior to occupancy, the applicant shall provide the City verification from the State of Oregon that the proposed uses, included number of beds, are duly licensed.

**Chapter 3.1, Access and Circulation.** The purpose of this Chapter is to ensure that developments provide safe and efficient access and circulation for pedestrians, bicycles (including ADA and transit accessibility) and motorized vehicles including emergency vehicles and to preserve the transportation system in terms of safety, capacity, and function.

**Section 3.1.300, 'Vehicular Access and Circulation'.** The standards and criteria found in this subsection apply when properties are subject to Site Plan Review.

**A. Traffic Study and Control Requirements.**

1. The City or other agency with access jurisdiction may require a traffic study prepared at applicant/developers expense by a qualified professional to determine access, circulation and other transportation requirements. A Traffic Impact Study shall be required for all development applications that will result in a traffic impact or increase in traffic impact of 200 or more average daily trips (ADT).

**Applicant Response:** The subject property is located within the McKenzie Meadow Village Master Planned area. In association with the Master Plan (MP10-01) and the subsequent Modification (MOD12-01), the property owner conducted a traffic study for the site which identified needed improvements and timing for the improvements. Conditions of Approval established required improvements and timelines. The current development is consistent with the approved plan, and will not increase traffic impacts above what was previously anticipated. Thus additional analysis is not warranted. The Master Plan includes conditions of approval for infrastructure, and the applicant expects that the conditions that have previously been established will be carried out, to the extent applicable to this proposal.

**Staff Response:** The applicant's response is accurate.

2. Traffic control devices, subject to the approval of the Hearings Body, shall be required with development when traffic signal warrants are met, in conformance with the Oregon State Highway Capacity Manual, and Manual of Uniform Traffic Control Devices. The location of traffic control devices shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal or other traffic control device, a device meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval.

**Applicant Response:** The traffic impacts of the Master Planned area were addressed in MP10-01. As detailed in that decision, traffic control devices are not warranted at this stage of development of the Master Plan. Thus this section does not apply.

**Staff Response:** The applicant's response is accurate.

3. Traffic-calming features, such as curb extensions, narrow residential streets, and special paving shall be required where appropriate and in accordance with the Transportation System Plan and Public Works' Standards and Specifications, latest edition, in order to slow traffic in neighborhoods and areas with high pedestrian traffic and to maximize a pedestrian friendly environment.

**Applicant Response:** The transportation network is included in the approved Master Plan. The current proposal is for a site-specific development; all public infrastructure including any traffic calming features will be installed as detailed on the Master Plan, in association with infrastructure development. No traffic-calming features have been identified as necessary on the subject property with this stage of development; therefore this section is not applicable to the current proposal.

**Staff Response:** The applicant's response is accurate.

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

**Applicant Response:** McKinney Butte Road is located to the south of to the subject site, and there are two access points to this street. The applicant is proposing to consolidate these access points into one centrally-located access point, consistent with a prior Site Plan Approval (SP11-05) that was found to sufficiently meet this standard and conform to the approved Master Plan. Also, a shared driveway / access road (future Lone Ranger Road) is proposed to be extended to this project's north parking lot and fire access lane. This access too, is consistent with a prior Site Plan Approval (SP11-05) that was found to sufficiently meet this standard and conform to the approved Master Plan. No additional rights of way are proposed or needed at this time; the applicant understands that this shared driveway/ access road will be converted to Lone Ranger Road with future phases of the McKenzie Meadow Village development. The closing or consolidating of additional existing curb cuts, other vehicle access points, a frontage street, traffic control devices, and/or other mitigation therefore is neither needed nor warranted at this time.

**Staff Response:** The applicant's response is sufficient.

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

**Applicant Response:** After consultation with the Fire Department, the applicant has proposed 2 fire access areas: one at the South parking lot and one at the North parking lot. Both of the proposed fire access aisles are located in close proximity to the building and meet the 150' spacing maximum requirements of the Fire District for fire suppression and mitigation. Thus the design detailed on the proposed plan conforms to these standards.

**Staff Response:** The applicant's response is sufficient. The Fire Department will review the final design when Construction Plans are submitted for Building Permits.

- D. **Vertical Clearances:** Vertical Clearances of 13'-6" shall be maintained for all driveways, private streets, aisles, turn-around areas and ramps for their entire length and width.

**Applicant Response:** No obstructions into the vertical clearance areas have been proposed; therefore the proposal complies with this standard.

**Staff Response:** The applicant's response is sufficient.

- E. **Vision Clearance:** Vision clearance areas that are free of obstructions between heights of three (3) feet and eight (8) feet shall be maintained, particularly at intersections between driveways and streets, and at any other points of potential vehicle / bicycle / pedestrian conflict. Any future signs shall comply with the vision clearance regulations set forth in this Code.

**Applicant Response:** No obstructions have been proposed within the required vision clearance areas, and vision clearances are proposed to be maintained free from obstructions. Thus the proposal complies with this standard.

**Staff Response:** The applicant's response is sufficient.

- F. **Surface Options:** Required driveways, aprons, parking areas, aisles and turn-arounds shall be paved with asphalt, concrete or comparable durable surfacing, subject to review and approval by the Community Development Director.

**Applicant Response:** The project proposes the use of asphalt for all driveways, aprons, parking areas, aisles and turn-arounds. The application thus conforms to this development standard.

**Staff Response:** The applicant's response is sufficient.

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

**Applicant Response:** The project proposes using drywells to manage surface water. As detailed on Drawing Sheet C301 the drywell capacity is sufficient to accommodate surface water from the proposed improvements to the site including parking areas, roofs, walkways and other impervious areas. As detailed on the plans, the proposed surface water management system will eliminate sheet flow of waters onto public ROW and/or neighboring properties. As proposed, the design complies with this standard.

**Staff Response:** The applicant’s response is sufficient.

**H. Private Streets and Alleys:** Private streets and alleys shall conform to the standards in the City of Sisters Public Works Construction Standards, latest edition. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 20 feet.

**Applicant Response:** The proposal does not include any private streets or alleys; therefore this section does not apply.

**Staff Response:** The applicant’s response is accurate.

**I. Access Standards**

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

**Figure 3.1.300.A. Access Spacing Standards**

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

**Notes:** \*Measured centerline to centerline  
 TSP January 2010

**Applicant Response:** Street infrastructure and access points were conceptually approved in the McKenzie Meadow Village Master Plan (MP10-01). The proposed access points comply with these standards and are consistent with a prior Site Plan approval on this property (SP11-05), which was determined to sufficiently conform to the approved Master Plan. Additionally, McKinney Butte Road abutting the property is a local street. Lone Ranger Road is also planned to become a local road with future phases of the McKenzie Meadow Village Master Plan. Access to McKinney Butte Road from the Lone Ranger intersection and planned roadway to the east conform to these standards and the site access off Lone Ranger from the McKinney Butte Road intersection also conforms to these standards. Thus, in addition to general compliance with the Master Plan (as established by the prior site approval), the proposed spacing conforms to these standards of this section.

**Staff Response:** The applicant's response is accurate.

- 2. Properties with Multiple Frontages.** Where a property has frontage on more than one street, access shall be limited to the street with lesser classification.

**Applicant Response:** The property currently has frontage along McKinney Butte Road and the planned Lone Ranger Road. Access is proposed off of both of these streets (existing or planned) and given the property size, it is not possible to meet both the access spacing and multiple street frontage requirements. When considering the purpose of this chapter, "The purpose of this Chapter is to ensure that developments provide safe and efficient access and circulation for pedestrians, bicycles (including ADA and transit accessibility) and motorized vehicles including emergency vehicles and to preserve the transportation system in terms of safety, capacity, and function." It can be found that the proposed 2 access points provide better safety (fire access), access, and circulation than only one. Furthermore, given that the planned access points are consistent with the approved conceptual Master Plan (as established in the prior Site Plan approval), the proposed access points and the access spacing, have been studied and approved as providing an allowable transportation network that meets the intent of this chapter. Exceptions to this standards are allowed pursuant to subsection 7 below, and as noted therein, an exception to this standard has been and is permitted.

Thus, although 2 access points do not conform to this standard, they do conform to the Master Plan and the other standards of this section that have been established to ensure a complete and safe transportation system.

**Staff Response:** The applicant's response is accurate.

- 3. Alley Access.** If a property has access to an alley or lane, direct access to a public street is not permitted.

**Applicant Response:** The site does not include alley access and alley access was not planned with the Master Plan or approved subdivision; therefore this standard does not apply.

**Staff Response:** The applicant's response is accurate.

4. **Closure of Existing Accesses.** Existing accesses that are not used as part of development or redevelopment of a property shall be closed and replaced with curbing, sidewalks/pathways, and landscaping, as appropriate.

**Applicant Response:** As indicated above, the existing access points on McKinny Butte Road are being consolidated into one centrally-located access in accordance with the approved Masster Plan. The existing accesses are proposed to be closed in accordance with this standard.

**Staff Response:** The applicant's response is accurate.

5. **Shared Driveways on Arterial Streets....**

**Applicant Response:** The proposal includes sharing an access to Lone Ranger Road, with the future property to the north (Tentatively Approved Lots 11 and 12). However, Lone Ranger Road is not an arterial street; therefore the standards of this section do not apply.

**Staff Response:** The applicant's response is accurate. A shared access easement as described on Sheet no. A101 benefiting Lots 11 and 12 shall be recorded prior to a future land division being approved (see Conditions of Approval).

6. **Frontage Streets and Alleys.** The hearing body for a design review or subdivision may require construction of a frontage street to provide access to properties fronting an arterial or collector street.

**Applicant Response:** The property does not front an arterial or collector street, and the street layout has been approved with the McKenzie Meadow Village Master Plan MP10-01; therefore the proposal is consistent with the applicable land use decision and this section does not apply.

**Staff Response:** The applicant's response is accurate.

7. **Exceptions**

- a. The Community Development Director or designee may allow exceptions to the access standards above in any of the following circumstances:
1. Where existing and planned future development patterns or physical constraints, such as topography, parcel configuration, and similar conditions, prevent access in accordance with the above standards.
  3. Where the proposed access results in safer access, less congestion, a better level of service, and more functional circulation, both on-street and on-site, than access otherwise allowed under these standards.

- b. Where an exception is approved, the access shall be as safe and functional as practical in the particular circumstance. The City may allow construction of an access connection at a distance less than required from an intersection, provided the access is as far away from the intersection as possible. In such cases, the City may impose turning restrictions (i.e., right in/out, right in only, or right out only) and may also require that the applicant submit a traffic study by a registered engineer to show the proposed access meets these criteria.

**Applicant Response:** As detailed above, an exception to the multiple frontage standards of section is planned for the Master Plan and for this development site, allowing access to both McKinney Butte Road and Lone Ranger Road. An exception was granted in association with the approved Master Plan MP 10-01. In that decision the City found that “the parcel configuration limits access options and approval of the exception will occur by the approval of the development proposal” (MP 10-01 pp. 29). Thus the proposed multiple street access and exception conform to the applicable standards.

**Staff Response:** The applicant’s response is accurate.

- 8. Access Management Plan.** In addition, all requests for an access spacing exception shall be required to complete an access management plan for review and approval by the Public Works Director or City Engineer, which should include at a minimum the following items:...

**Applicant Response:** The proposal does not request an exception to access spacing; therefore this section does not apply. Furthermore, the McKenzie Meadow Village Master Plan (MP10-01) included a comprehensive traffic study and an access management plan. This proposal is generally consistent with the conceptual plan approved therein and additional access management and planning is not needed or warranted at this time.

**Staff Response:** The applicant’s response is accurate.

**J. Driveways, Access Connections and Driveway Design**

- 1. **Driveway Openings.** Driveway openings (or curb cuts) shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet minimum width for each travel lane). The following standards are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians (as measured where the front property line meets the sidewalk or right-of-way):
  - c. **Other Uses.** Access widths for all other uses shall be based on 10 feet of width for every travel lane. These dimensions may be increased subject to the City Engineer approval. Driveways providing direct access to parking spaces shall conform to the parking area standards in Chapter 3.3, Vehicle and Bicycle Parking. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.
- 2. **Driveway Approaches.** Driveway approaches shall be designed and located to provide exiting vehicles with an unobstructed view of other vehicles and pedestrians, and to prevent vehicles from backing into the flow of traffic on the public street or causing conflicts with on-site circulation. Construction of driveway accesses along acceleration or

deceleration lanes or tapers should be avoided due to the potential for vehicular conflicts. Driveways should be located to allow for safe maneuvering in and around loading areas.

3. **Driveway Construction.** Driveway aprons (when required) shall be installed between the street right-of-way and the private drive, as shown in Figure 3.1.300.B. Driveway aprons shall conform to ADA requirements for sidewalks and pathways,

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

**Applicant Response:** The applicant has proposed driveways that are 30 feet wide. The proposed driveway widths exceeds 10 feet per travels lane, but have been proposed at this width to provide sufficient space for the types of vehicles that are anticipated to utilize the site. According to these standards, the City can approve the proposed widths. Furthermore, as detailed on the submitted plans, the driveways have been designed to provide an unobstructed view of vehicles and pedestrians, and they are proposed to be constructed of City required materials and to ADA standards. Based upon the submitted plans, the proposal conforms to these standards.

**Staff Response:** The proposed driveways exceed the maximum allowed by ordinance; however the access width may be increased subject to the City Engineer approval. Prior to issuance of Building Permits, the City Engineer shall work with applicant to determine an appropriate width for the anticipated vehicles utilizing the driveways.

### 3.1.400 Pedestrian/Bicyclist Access and Circulation

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

- b. Pathways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent feasible. Topographic or existing development constraints may be cause for not making certain pathway connections, as generally shown in Figure 3.1.400A; and

**Applicant Response:** As detailed on the submitted plans, the proposal includes a pathway system that extends throughout the site, to courtyards, to open areas, to a planned future phases and to both the McKinney Butte and the Lone Ranger rights of way. The plan is consistent with the MP10-01 Master Plan, which by approval, was found to conform to these standards. The paths have been proposed as meandering paths; they are safe, reasonably direct, and connect all entrances and rights of way to one another. Furthermore the pathways connect to parking areas and recreation areas, and they conform to the standards of this section. As detailed on the plans, the pathways conform to the standards of these sections.

**Staff Response:** The applicant's response is accurate.

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

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

**Applicant Response:** As detailed on the plan set, the planned walkways do not abut any driveway or street. Furthermore the design does not contain any crosswalks. The surface has been proposed to be a mix of concrete and asphalt, and the widths have been proposed to be 5 feet at the primary entrance and 4 feet in the surrounding areas.

**Staff Response:** The planned walkways shall conform to the minimum width of 6-feet. This shall be a condition of approval.

### Chapter 3.2 - Landscaping and Screening

#### 3.2.100 Purpose

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

#### Section 3.2.200 Landscape Requirements:

- A. Requirements by Zone.** In the following designated districts, not less than the stipulated percent of gross site area shall be occupied by landscaping.
2. Residential Multiple Family (RMF), twenty (20%) percent.
- B. Determination of Landscaped Area.** In determining landscaped area setbacks, private patios and all other areas not occupied by buildings, parking lots, vehicle storage areas, or driveways may be included.

**Applicant Response:** The proposed Landscape equates to over 70% of site area (and 64% of the planned future site), as calculated below. See Drawing Sheets L-1 and L-2.

Current proposal 70% landscape = (46,750 bldg sf + 16,973 sf parking lot sf)

Future Facility Landscape (anticipated): 64% landscape (60,909 bldg sf + 16,973 sf parking)

The proposed landscaping exceeds 20% if the site, thus conforming to the standards of these sections.

**Staff Response:** The applicant has exceeded the 20% landscaping requirement exceeding the standard.

#### C. Development Standards

1. All landscaping within the City shall comply with the requirements of the Oregon Forestland-Urban Interface Fire Protection Act, also known as Senate Bill 360.
2. Areas occupied by clubhouses, recreation buildings, pools, saunas, interior walkways and similar amenities may be also included as landscaped areas, up to fifty (50) percent of the required landscape area.
3. A hard surface pedestrian plaza or combined hard surface and soft surface pedestrian plaza, if proposed shall be counted towards meeting the minimum landscaping requirement, provided that the hard-surface portion of the plaza shall not exceed twenty-five (25) percent of the minimum landscaping requirement, and shall be comprised of the following:
  - a. Any permeable surface such as brick pavers, or stone, scored, or colored concrete; and,
  - b. One (1) tree having a minimum mature height of at least twenty (20) feet for every three hundred (300) square feet of plaza square footage; and,

- c. Street furniture including but not limited to benches, tables, and chairs; and,
  - d. Pedestrian scale lighting consistent with the City's Dark Skies Standards; and,
  - e. Public trash receptacles.
4. Bark dust, chips, aggregate and other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped.
  5. Street trees shall be planted in accordance with the provisions of Street Tree Section 3.2.600 of this Code.
  6. Any landscaping area provided in front of building(s) in the Downtown Commercial or Light Industrial zoning district shall be counted as double toward meeting the total landscape requirements.
  7. A landscape strip, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, or similar screen shall screen parking lots from adjacent streets to a height of three (3') feet. The required wall or screening shall provide breaks, as necessary, to allow for access to the site and sidewalk by pedestrians via pathways. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other ground cover.
  8. All mechanical equipment, refuse area, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and Residential districts.
  9. Landscaping shall also be provided where practical in areas within a parking lot not used for the parking of vehicles, drives or turning area.
  10. Parking Areas. All parking areas containing more than 10 spaces and all parking areas in conjunction with an off-street loading facility shall provide landscaping and screening in accordance with the following standard;
  11. Buffering is required for parking areas containing four or more spaces, loading areas, and vehicle maneuvering areas. Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. A minimum five (5) foot - wide perimeter landscaping buffer shall be provided around parking areas; and a minimum ten (10) foot-wide perimeter landscaping buffer shall be provided around trees. Additionally, where parking abuts this perimeter landscape buffer, either parking stops shall be used or landscape buffers shall be increased in width by three (3) feet.
  12. When a commercial or industrial site adjoins a Residential District, where fences are required, such fencing shall be landscaped as appropriate.
  13. All required building setbacks shall be incorporated in the landscape design, unless these areas are utilized in driveways, etc.
  14. A combination of trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, drought-tolerance, water availability, and drainage conditions; ground covers alone are not acceptable. As necessary, soils shall be amended to allow for healthy plant growth. The Community Development

Director or designee may require the substitution of any plant material which they have reason to believe will not survive successfully under the particular conditions of the site in question.

15. Planted trees shall have a minimum caliper size of two (2) inches and shall conform to the standards described by the ANSI A300 standards for nursery stock, latest edition.
16. Detention facilities, such as ponds, shall be graded so that the sides of the facilities are no steeper than 3:1. Additionally, the facilities shall be landscaped with plant materials that provide erosion control and bio filtration.
17. Plans for the development of required landscaping shall be submitted to the Community Development Department for review and approval prior to the issuance of any building permit. When special conditions of design warrant, changes may be submitted for consideration.
18. All required landscaping shall be installed by the developer and approved by Community Development Department, prior to occupancy of any building, unless other arrangements are agreed to by the Community Development Director.
19. The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available. If the plantings fail to survive, the property owner shall replace them in kind or in consultation with the Community Development Director or designee. All other landscape features required by this Code shall be maintained in good condition, or otherwise replaced by the owner. Irrigation systems connected to the City water system shall have a back-flow prevention device installed as required by Public Works' Standards and Specifications, latest edition.

**Applicant Response:** Landscaping Plans are included as Drawing Sheets L-1 and L-2. As detailed on the submitted plans, the landscaping plan conforms to all of the Development Standards of this section.

**Staff Response:** The applicant has satisfied the requirements of this section.

#### **D. Landscaping in Right-of-Way**

1. **Landscaping in Right-of-Way** -- Any landscaped area within the public right-of-way shall not be used when determining required percentage of landscaping provided on-site.
2. **Design** -- The design of the landscaping of the public right-of-way shall be included in the Landscape Plan and meet the requirements as specified in this section. Adequate space shall be provided in the landscape area to allow free, unrestricted growth and development of the landscaping and street trees.

**Applicant Response:** The proposal includes street trees and landscaping within the right-of-way. The right-of-way areas are not included in the landscaping calculations, and the design has been developed in accordance with the requirements of this section.

**Staff Response:** The applicant has satisfied the requirements of this section.

- E. All planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Whenever necessary, planting shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements.

**Applicant Response:** The applicant plans to have all landscaping professionally maintained, and will assure the maintenance of all plantings in accordance with this section.

**Staff Response:** This applicant understands the criteria of this section.

### Section 3.2.300 Screening

Screening refers to a wall, fence, hedge, informal planting, or berm, provided for the purpose of buffering a building or activity from neighboring areas or from the street. When required, screening may be provided by one or more of the following means:

- H. **Height and Location of Screening.** Unless otherwise specified, screening required by this Section shall be a minimum six (6) feet in height. In the front yard or street-side yards in R or C Zoning District such screening shall not be more than four (4) feet in height, unless otherwise specified. All screening shall follow the lot line of the lot to be screened, or the inside edge of the sidewalks, or shall be so arranged within the boundaries of the lot as to substantially hide from adjoining properties the building, facility or activity required to be screened.
- I. Heights of plant screens or hedges specified herein indicate the height which may be expected within three (3) years of planting. The height at the time of planting shall be such that in accordance with good landscape practice the fully required height may be achieved within a three (3) year period.

**Applicant Response:** The applicant has proposed to screen the trash enclosure with a landscape buffer. As detailed on the Landscape Plans, the buffer is proposed to surround the enclosure on all sides except at the gates. The proposal thus conforms to the standards of this section.

**Staff Response:** The applicant's response is accurate.

### 3.2.400 Nonconforming

For sites that do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building or parking lot expands, e.g. if the building or parking lot area is to expand by twenty-five percent (25%), then twenty-five percent (25%) of the site must be brought up to the standards required by this ordinance.

**Applicant Response:** The proposal conforms to all of the landscaping requirements; therefore this section is not applicable.

**Staff Response:** The applicant's response is accurate.

### Section 3.2.500 Existing Trees

- A. **Applicability.** All development sites containing Significant Trees, shall comply with the standards of this Section. The purpose of this Section is to preserve significant trees within the city limits. The preservation of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature trees reduce air and water pollution, provides summer shade and wind breaks, and require less water than new landscaping plants having established root systems.
- B. **Significant Trees -** Individual trees with a trunk diameter of eight (8) inches or greater as measured 4.5 feet above the ground (DBH), shall be identified as significant. Other trees may be deemed significant, when nominated by the property owner and designated by the City Council as "Heritage Trees" (i.e., by virtue of site, rarity, historical significance, etc.).
- C. **Mapping Required** Existing significant trees shall be identified on all site plans, partitions and subdivisions and shall be retained whenever possible. Trees to be retained must be identified prior to the commencement of any construction activity and shall be protected during construction pursuant to D below.

**Applicant Response:** The subject property contains a number of significant trees, making this section applicable. The plan set includes an existing conditions map that identifies all significant trees on the subject site. The landscape plan identifies which of these trees will be retained in accordance with these provisions.

**Staff Response:** The applicant's response is accurate.

- D. **Protection Standards.** All of the following protection standards shall apply to significant vegetation areas:
  - 1. Significant trees shall be retained whenever practical. Preservation may become impractical when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district.

2. Significant trees removed shall be replaced at a 3:1 ratio of trees removed to trees planted. Replacement trees of an appropriate species shall have a minimum two (2) inch caliper size and shall be planted in a suitable location as substitutes for removed trees, at the sole expense of the applicant. Ponderosa pines may be planted as replacement trees where appropriate.
  - a. The Community Development Director or designee shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced onsite and within the same general area as trees removed.
  - B. When it is not feasible or desirable to relocate or replace trees on-site, relocation or replacement may be made at another location approved by the Community Development Director or designee.
  - C. Where it is not feasible to relocate or replace trees on site or at another approved location in the City, the applicant shall pay into the City Tree Fund, which fund is hereby created, an amount, to be set by the City Council and incorporated into the City of Sisters Master Fee Schedule, for each of the replacement trees that would otherwise be required by this section. This amount shall reflect both the cost of purchasing and the cost of installing a replacement tree. The City shall use the City Tree Fund for the purpose of producing, maintaining and preserving wooded areas and heritage trees, and for planting trees within the City. In addition, and as funds allow, the City Tree Fund may provide educational materials to assist with tree planting, mitigation, and relocation.
3. Significant trees that are identified to be retained prior to any construction activity, as required by C, above, shall be removed only with the prior approval of the Community Development Director or designee.
4. Significant trees that are identified to be retained shall be protected before and during all construction and site preparation activity. Protection measures shall include, but not be limited to, installation of a high visibility tree protection fence [minimum three (3) foot high fence with metal stakes/posts at eight (8) to ten (10) foot intervals] around the dripline(s) of a tree or trees to be preserved.
5. Grading, operation of vehicles and heavy equipment, and storage of construction materials are prohibited within the dripline of significant trees to be preserved, except as approved by the City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area.
6. When proposed developments encroach into the dripline area of significant trees, special construction techniques to allow the roots to breathe and obtain water may be required by the Director with respect to any application for a building, grading or development permit.
7. The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.

8. Conservation Easements and Dedications. When necessary to implement the Comprehensive Plan, the City may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees and natural rock outcroppings.

**Applicant Response:** As detailed on the Landscaping Plans, significant trees that have been identified for removal will be replaced at least a 3:1 ratio of trees removed to trees planted. The applicant proposes the tree protection measures detailed in this section to protect and preserve significant trees that will be retained. The planned improvements, in addition to the implementation of the planned protection standards, will ensure compliance with these provisions.

**Staff Response:** The applicant has demonstrated through the site plan review which significant trees are proposed to be protected during construction and site preparation activity. The applicant has also demonstrated that removal of significant trees will be replaced by the 3:1 ratio.

Chapter 3.2.600 **Street Trees**, discusses the guidelines and standards for street trees, including but not limited to placement, recommended tree species, prohibited tree species, caliper size, maintenance and assurances.

**Applicant Response:** The Applicant's property has 261' of street frontage on McKinney Butte Road. Based on the City standard of 1 tree per 35 feet of frontage, a total of 7 street trees will be planted along this street. Furthermore, along the Lone Ranger Road access (which is planned as a future street) the property contains approximately 300 feet of frontage. The applicant has proposed street trees along this area. The plan for street tree installation is detailed on the landscaping plan. Maintenance will be enforced after installation of the street trees. It does not apply to the current proposal. The applicant intends that all landscaping will be installed prior to occupancy of any structure on the site. In the event landscaping is delayed all requisite assurances will be provided.

**Staff Response:** In order to meet the minimum requirements of this section, a total of 9 street trees shall be planted along Lone Ranger Street to be spaced approximately 1 tree per 35 feet of frontage.

### Chapter 3.3 Vehicle and Bicycle Parking

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

#### **3.3.200 Applicability**

**A. New Structures.** When a structure is constructed, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with this chapter.

**Applicant Response:** The standards of this section apply to site development, which the proposal is; therefore this section applies to the current proposal.

**Staff Response:** The applicant’s response is accurate.

**Section 3.3.300 General Provisions**

- A. The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway or landscape area.
  
- E. **Maximum Parking.** The number of parking spaces provided by any particular use in ground-level surface parking lots shall not exceed the following;
  - 1. 1 to 10 required parking spaces shall not exceed 20% or a maximum of 3 parking spaces
  - 2. 11 to 100 required parking spaces shall not exceed 20% maximum
  - 3. More than 100 required parking spaces shall not exceed 10% maximum

Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, may not apply towards the maximum number of allowable spaces. Parking spaces provided through “shared parking” also do not apply toward the maximum number.
  
- F. **More Than One Use On a Site.** If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly.
  
- H. **Unspecified Uses.** Where a use is not specifically listed in this table, parking requirements shall be determined by finding that a use is similar to those listed in terms of parking needs. Similar uses shall be determined by the Community Development Director or designee.

**Table 3.3.300.A Minimum Required Parking by Use**

| <b>Residential</b>                                                      |                                                                                                                                 |
|-------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Residential Home / Residential Facility, and other types of group homes | 1 space per three persons for which sleeping facilities are provided, based on the maximum number of people to be accommodated. |
| Offices                                                                 | 1 space per 400 sf of floor area                                                                                                |
| Professional & Personal Services                                        | 1 space per 400 sf of floor area                                                                                                |

**Applicant Response:** The proposal includes a Senior Living Facility, consistent with the approved McKenzie Meadow Village Master Plan. In terms of parking needs, the use is considered Residential Facility or other type of group home<sup>1</sup>. As detailed on the floor plan, the proposal is for a Residential Facility that includes a small amount of ancillary office space and professional/personal service space. Details of compliance to this section are included below:

Project proposes 34 parking stalls, including 2 accessible stalls.

Minimum Required Stalls = 29 stalls. Maximum cannot exceed 20% = 35 stalls.

- Residential Facility: 48 ALF beds + 20 MC beds = 68 persons / 3 = 22.6 vehicle stalls
- Office (Nurse, Manager, Admin, Sales, Activity Office, Reception): 965 sf / 400sf = 2.4 stalls
- Professional/Personal Services (Salon, Kitchen): 1,343 sf / 400 sf = 3.3 stalls

Future Facility (includes current project plus area shown as 'Future Addition' on drawings):

Residential Facility (maximum total anticipated occupants):

68 ALF beds + 28 MC Beds = 96 persons / 3 = 32 vehicle stalls

(future expansion adds 28 persons)

No additional office or professional/personal service areas are anticipated to be added with the future expansion area; just residential facility sleeping areas.

In addition to the basic calculations the applicant has included a letter from the Ageia Health Services President detailing the proposed use, the needs of residents, and the parking demands at existing facilities that they operate. As documented the 34 proposed stall are more than adequate to meet the needs of the proposed development.

Based upon the submitted plans and supporting documentation, the proposal complies with the parking standards of this section.

**Staff Response:** The applicant has provided sufficient parking to meet the number of anticipated beds for this facility. Staff notes the number of beds is technically different than the number of units for which the applicant has achieved licensure for. As required by Chapter 2.15.1100, all residential care homes and facilities shall be duly licensed by the State of Oregon. Prior to occupancy, the applicant shall provide the City verification from the State of Oregon that the proposed uses, included number of beds, are duly licensed as appropriate.

<sup>1</sup> In the event there is any dispute over the use, for determining parking needs, SDC 3.3.300.H allows the CDD Director to determine a use that is similar to defined uses, in terms of parking needs. In the event SDC 3.3.300.H is necessary, the applicant has provided the documentation (May 5, 2015 letter from Ageia Health Services President), detailing how the proposed use is similar to a Residential Facility or group home in terms of parking needs.

**Section 3.3.400 Standards of Off-Street Parking.**

- B. Pavement.** The parking area, aisles, and access drives shall be paved with asphalt, concrete or comparable surfacing so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water on-site. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.

**Applicant Response:** As detailed on the plan set, all parking areas, drive and access aisles are proposed to be paved with asphalt, this in conformance with this standard.

**Staff Response:** The applicant's response is accurate.

- C. Backing or Maneuvering of Vehicles.** Except for residential developments requiring less than four parking spaces, vehicular backing or maneuvering movements shall not occur across public sidewalks or within any public street other than an alley, except as approved by the Community Development Director. Evaluations of requests for exceptions shall consider constraints due to lot patterns and effects on the safety and capacity of the adjacent public street and on bicycle and pedestrian facilities.

**Applicant Response:** As detailed on the plan set, the parking areas include drive aisle that are 24 feet in width. This eliminates the need to back across a public sidewalk or street; thus the application conforms to this standard.

**Staff Response:** The applicant's response is accurate.

- D. Parking Maneuvering Areas and Driveways Adjacent to Buildings.** Except for the Light Industrial District, where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a raised pathway, plaza, or landscaped buffer no less than 6 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles. When parking areas are located adjacent to residential ground-floor living space, a landscape buffer is required to fulfill this requirement.

**Applicant Response:** As detailed on the plan set, the building will be separated from all parking, maneuvering areas or driveways by at least 6 feet; therefore the proposal complies with this standard.

**Staff Response:** The applicant's response is accurate.

**E. Maximum Parking Lot Size. (not applicable)**

**Applicant Response:** The proposal does not include a parking lot with more than 120 parking spaces; therefore the standards of this section are not applicable.

**Staff Response:** The applicant's response is accurate.

**F. Lighting.** A parking facility serving an establishment which remains open during hours of darkness shall be provided with adequate illumination. Any lights provided to illuminate a parking facility shall be arranged so as to reflect the light away from any adjacent properties, streets, or highways consistent with the Dark Skies standards in Special Provisions.

**Applicant Response:** Parking lot lights have been proposed at the northwest parking lot. Cut sheet / specifications for these lights are included in the submittal materials. As documented therein, the lights are arranged to reflect light away from adjacent properties, streets and highways and in conformance with the Dark Sky standards. Thus the lighting complies with this section.

**Staff Response:** The applicant's response is accurate.

**G. Off-site parking. (not applicable)**

**H. Shared parking. (not applicable)**

**Applicant Response:** Off-site and shared parking are not proposed; therefore these sections do not apply.

**Staff Response:** The above parking criteria are not proposed.

**J. Availability of Parking Spaces.** Required vehicle and bicycle parking spaces shall be unobstructed, and available for parking of vehicles and bicycles of residents, customers, patrons, and employees only. Required spaces shall not be used for storage or sale of vehicles or materials, or for parking of vehicles or bicycles used in conducting the business or conducting the use, and shall not be used for sale, repair or servicing of any vehicle or bicycle. No repair work or servicing of vehicles shall be conducted on a public parking area, other than emergency service such as changing a tire or starting a motor.

**K. Maintenance.** The provision and maintenance of off-street parking and loading spaces are the continuing obligation of the property owner.

**Applicant Response:** All proposed parking spaces are planned to remain available for Parking and will not be used for other uses such as the storage of vehicles, repair or servicing. Furthermore, the applicant plans to maintain parking and loading areas as proposed. Thus the proposal complies with these standards to the extent applicable at this time.

**Staff Response:** The applicant's response is accurate.

- L. **Parking Stall Standard Dimensions and Compact Car Parking.** All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management and striping, and provide dimensions in accordance with the following figure. Accessible parking spaces shall be provided in conformance with Section 3.3.400.M. The number of designated Compact Car Parking spaces shall not exceed 30% of the required off street parking spaces.

| Minimum Parking Space and Aisle Dimensions |          |           |                 |                       |                       |                 |
|--------------------------------------------|----------|-----------|-----------------|-----------------------|-----------------------|-----------------|
| Angle (A)                                  | Type     | Width (B) | Curb Length (C) | 1 Way Aisle Width (D) | 2 Way Aisle Width (D) | Stall Depth (E) |
| 0° (Parallel)                              | Standard | 8 ft      | 22 ft 6 in      | 12 ft                 | 24 ft                 | 8 ft            |
|                                            | Compact  | 7 ft 6 in | 19 ft 6 in      | 12 ft                 | 24 ft                 | 7 ft 6 in       |
| 30°                                        | Standard | 9 ft      | 18 ft           | 12 ft                 | 24 ft                 | 17 ft           |
|                                            | Compact  | 8ft       | 15 ft           | 12 ft                 | 24 ft                 | 14 ft           |
| 45°                                        | Standard | 9 ft      | 12 ft 6 in      | 12 ft                 | 24 ft                 | 19 ft           |
|                                            | Compact  | 8ft       | 10 ft 6 in      | 12 ft                 | 24 ft                 | 16 ft           |
| 60°                                        | Standard | 9 ft      | 10 ft 6 in      | 18 ft                 | 24 ft                 | 18 ft           |
|                                            | Compact  | 8ft       | 8 ft 6 in       | 15 ft                 | 24 ft                 | 16 ft 6 in      |
| 90°                                        | Standard | 9 ft      | 9 ft            | 24 ft                 | 24 ft                 | 19 ft           |
|                                            | Compact  | 8ft       | 8ft             | 22 ft                 | 24 ft                 | 15 ft           |

**Applicant Response:** The parking stalls have been proposed to be 90-degree stalls with dimensions of 9'-0" x 19'-0", and which are accessed via two-way drive aisles (a width of 24'-0" wide). The proposed design conforms to the referenced table, and thus meets the standards of this section. Furthermore, as detailed on the Engineering Plans, the proposal includes a plan for managing all surface water, thereby further complying with the standards of this section.

**Staff Response:** The applicant's response is accurate.

- M. Accessible Parking Spaces.** Where parking is provided accessory to an affected building, accessible parking shall be provided, constructed, striped, signed and maintained as required by the Americans with Disabilities Act and Oregon State Statutes. Accessible parking is included in the minimum number of required parking spaces (Note: State Law may change this Federal table.). The access aisle shall include "no parking".

**Applicant Response:** The proposed plan includes 2 accessible parking spaces, one near the primary (south) entrance and one near the rear (north) entrance. The applicant (Ascent Architecture) has reviewed the applicable standards and found that the proposed spaces conform to the applicable Building Code requirements, to ADA requirements, and to Figure 3.3.400.C. Thus the proposal conforms to the accessible standards of this section.

**Staff Response:** The applicant's response is accurate. Both accessible spaces are van accessible, meeting the minimum ADA requirements.

- N. See Chapter 3.2 Landscaping and Screening for additional standards.**

**Applicant Response:** A complete review of Chapter 3.2 was included above. As noted therein the proposal complies with that chapter.

**Staff Response:** The applicant's response is accurate.

**3.3.500 Off-Street Loading Facility Requirements.**

- B.** Any building intended to be used for a hotel, eating or drinking establishments, community center, convention hall, medical clinics and other similar use shall be provided with off-street loading berths according to this schedule:
1. One berth for each building containing 20,000 to 50,000 square feet of floor area.
  2. Two berths for each building containing 50,000+ square feet of floor area.
- C.** Off-street loading facilities shall conform to the following standards:
1. Each loading berth shall be at least 35 feet by 10 feet and shall have a minimum height clearance of 14".

2. Such space may occupy all or any part of any required setback or court space, except front and exterior setbacks, and shall not be located closer than fifty (50) feet to any lot in any R District, unless enclosed on all sides by a masonry wall not less than eight (8) feet in height. In no case shall it be located in a required buffer area.
3. Sufficient room for turning and maneuvering vehicles shall be provided on the site.
4. The loading area, aisles, and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained so as to dispose of surface water without damage to private or public properties. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.
5. No repair work or servicing of vehicles shall be conducted in a loading area.
6. Landscaping and screening are required in accordance with the standards of Chapter 3.2 Landscaping and Screening. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.
7. No on-site loading facilities shall be required where buildings abut an alley, provided that loading operations can be conducted from the alley in accordance with applicable access and parking ordinances, unless specified elsewhere.
8. Space allocated to required off-street loading berths may be used to satisfy the requirements of off-street parking spaces provided the timing of their use is such as to create no conflict, as determined by the Community Development Director or designee.

**Applicant Response:** The project is a 46,750 sf building. One loading berth has been proposed in the North parking lot. As detailed on the plan set, the berth meets the dimensional, spacing, maneuvering, surface, and screening requirements of these sections. Furthermore, the applicant plans to maintain this area for the intended use; thus the proposal conforms to these standards to the extent reviewable at this time.

**Staff Response:** The applicant's response is accurate.

### 3.3.600 Bicycle Parking Requirements

All bicycle parking facilities required in conjunction with development shall conform to the standards in this Section.

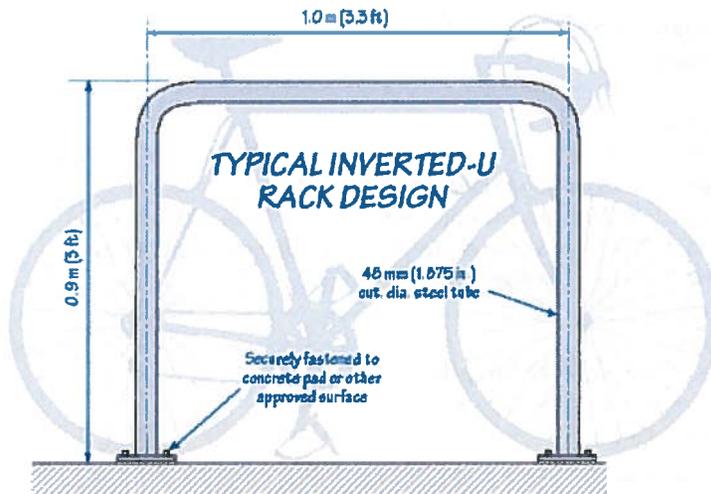
**A. Number of Bicycle Parking Spaces.** The following additional standards apply to specific types of development:

5. **All Other Uses.** All uses which require off street parking, except as specifically noted, shall provide one bicycle parking space for every 10 required vehicle parking spaces.

**Applicant Response:** As detailed above, the development requires 29 vehicular parking spaces. Thus according to the standards of this section, a minimum of 3 bicycle parking space are required to be provided. Eight bicycle parking spaces have been proposed near the front meeting the standards of this section.

**Staff Response:** The applicant's response is accurate.

- C. Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as not to conflict with vision clearance standards (Chapter 2.15 – Special Provisions).
- D. Location.** Racks shall be conveniently located to the street and the building entrance (no farther away than the closest vehicle parking space), visible from sidewalks and entrances for security, as well lit as parking spaces, and clearly marked.
- E. Dimensions**
1. Bicycle parking spaces shall each be a minimum of six feet by two feet.
  2. Overhead clearance in covered areas shall be at least seven feet.
  3. A minimum five foot-wide aisle shall be provided beside or between each row of bicycle parking. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least five feet between bicycles and other existing and potential obstructions, or impede with the clear vision standards in Chapter 2.15 Special Provisions.
- F. Enclosure and Racks**
1. Bicycle parking facilities shall include lockable enclosures (lockers) in which the bicycle is stored, or stationary objects (racks) to which bicycles may be locked.
  2. Lockers and racks shall be securely anchored to the pavement or a structure.
  3. All bike racks shall have following design features:
    - a. Inverted "U" style racks or similar design as illustrated below.
    - b. Each rack shall provide each bicycle parking space with at least two points of contact for a standard bicycle frame and shall be sized to accommodate a standard U-lock.
    - c. The bike rack shall have rounded surfaces and corners;
    - d. The bike rack shall be coated in a material that will not damage the bicycle's painted surfaces
    - e. Bike racks shall be securely mounted to a hard surface, such as asphalt or concrete.
- G. Lighting.** For security and convenience, lighting shall be provided in bicycle parking areas such that the facilities are thoroughly illuminated and visible from adjacent sidewalks and/or vehicle parking areas during all hours of use. Lighting shall be consistent with the Dark Skies standards in Chapter 2.15 Special Provisions.



**Applicant Response:** As detailed on the Site Plan. The required bicycle parking spaces are proposed to be located near the South parking lot / Main Entry off McKinney Butte Road. Bike racks will be inverted U-style racks and conform to all of the standards of this section.

**Staff Response:** The applicant's response is accurate.

**VII. Summary and Conclusion**

The preceding sections document that the Modification to the Master Planned Development the Site Plan conform to the applicable approval criteria of Chapters 4.1, 4.2, and 4.5, along with the development standards included in Chapters 2 and 3 and special provisions of Chapter 2.15. Because the proposal conforms to all applicable approval criteria and development standards and/or is conditioned herein, the applicant respectfully requests that the City approve the applications as proposed.

**Staff Recommendation of Approval:** Staff recommends approval of this application, subject to the Conditions of Approval attached hereto.

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

**Public Notices/Public Comments.** On June 2, 2015, the City mailed a notice to properties located within 250 feet of the project and also posted the site with a notice of land use action. No written comments have been received. The City also published a notice in the Nugget newspaper on June 3, 2015.

**Exhibits.** The following exhibits make up the record in this matter (these are contained in file SP 15-01, MOD 15-05 and are available for review at the City of Sisters City Hall):

- A- Applications
- B- Combined Staff Report and Burdens of Proof

SP 15-01, MOD 15-05 McKenzie Meadow Village

PC Hearing Date: June 18, 2015

- C- Letter of Authorization dated January 11, 2015
  - D- Master Plan Overlay
  - E- Site Plan Set
  - F- Exterior Lighting Cutsheets
  - G- McKenzie Meadow ALF Roadway Improvement Exhibit dated April 13, 2015
  - H- Letter dated May 5, 2015 from Ageia Health Services
  - I- Letter dated May 27, 2015 from Oregon Department of Human Services
  - J- Letter dated June 4, 2015 from Oregon Department of Human Services
  - K- Letter dated June 8, 2015 from Ageia Health Services
  - L- Agency Letters From:
    - a. City Engineer
  - M- Draft Conditions of Approval for MOD 15-05
  - N- Draft Conditions of Approval for SP 15-01
  - O- Draft Resolution PC 15-13
-

**DRAFT CONDITIONS OF APPROVAL FOR MOD 15-05**

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

1. Permit the following features of the McKenzie Meadow Village Master Plan, Phase 1, to shift as illustrated in the Master Plan Overlay dated May 22, 2015:
  - a. Access, parking and entryway to McKinney Butte Road
  - b. Access location to north parking lot
  - c. Building location as illustrated

**General conditions:**

2. All conditions of approval specified in previously approved applications (MP 10-01, SUB 10-02, MOD 12-01), not modified by this application, remain in effect.

**DRAFT CONDITIONS OF APPROVAL FOR SP 15-01**

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

1. Recordation of the final plat for Phase I of this development, in which the Assisted Living Facility (ALF) is being built, has been extended by prior land use decisions and extensions. The Final Plat for Phase I shall be recorded by December 10, 2016 (two years from the date of Extension No. EX 14-02).
  - A. The Central Electric Cooperative (CEC) utility easement shall be vacated, and proof of vacation shall occur prior to recording the final plat for Phase I.
  
2. Public improvements and dedications within Phase I shall include the following and shall be completed or bonded where permitted, inspected and accepted prior to the final plat being recorded for phase I or prior to issuance of a certificate of occupancy for the ALF, whichever occurs first. All public improvements must be constructed, inspected and accepted by the City as stated in the following conditions of approval. Construction drawings for Phase I public improvements shall be submitted to the City for review and acceptance, and shall be the basis for any cost-estimates associated with bonding that might occur within Phase I. If the City allows bonding, the bond shall be in the amount of 120% of the value of the improvements that will be bonded. If bonded, all street improvements established in this decision shall be completed prior to occupancy of the assisted living facility.
  - A. **Streets.** Improvements to Lone Ranger Road and McKinney Butte Road to the local street and local collector standards, respectively for each street, as shown on the McKenzie Meadow ALF Roadway Improvement Exhibit dated 4/13/15.
    - McKinney Butte Road** is currently 32 feet wide. Collector standard is 34 foot wide pavement. Although the overall width is less than City standards, widening of McKinney Butte is not required.
    - Lone Ranger Road** is unimproved with the exception of aggregate surfacing. Local street standards require a 36' wide street. Lone Ranger shall be improved to full street standards including 36 foot wide pavement, landscaped swales, street trees, and sidewalks. Lone Ranger Road improvements shall extend to the northern side of the private roadway shown on the proposed site plan. Public right of way, 60 feet wide, shall be dedicated to the City over Lone Ranger Road to the northernmost point of the on-site improvements or the point of proposed partition shown on the site plan, whichever is further north. The right of way dedication shall be completed prior to occupancy.
  - B. **Street trees, sidewalks, and private alleys.** Prior to recording the final plat for Phase I or prior to issuance of a certificate of occupancy for the ALF, all street trees, sidewalks and private alleys shall be constructed, inspected and accepted by the City or may be bonded to 120% of their value. Sidewalks and alleys shall be completed prior to issuance of any occupancy permit within Phase I. Street trees may be installed up to 6 months following occupancy based solely on inclement weather, and shall be bonded as stated herein.
    - i. A total of 7 street trees are required along McKinney Butte Road, and a total of 9 street trees are required along Lone Ranger Road. Trees shall be consistent (size and species) with section 3.2.
    - ii. A total of 8 replacement trees shall be planted on site. Trees shall be consisted (size and species) with section 3.2.
  - C. **Sewer.**
    - McKinney Butte Road.** A 12" sanitary sewer exists in McKinney Butte Road. No modifications to the existing sewer main in McKinney Butte Road are proposed or required.

**-Lone Ranger Road.** An existing 8" sewer main terminates in Lone Ranger Road. The 8" sewer main shall be extended north on Lone Ranger Road to the northernmost point of road improvements. The 8" sewer main shall terminate at a manhole.

- D. **Water.** All public water and improvements that the city will own and maintain shall be located within public utility easements or in the public right of way. Public utility easements must be recorded prior to occupancy. Public utility easement shall be a minimum width of 20 feet wide.

Backflow devices shall be required at all points of connection to proposed water mains including all domestic, fire sprinklers, irrigation, and any private hydrant lines. Engineered construction drawings for all water lines within Phase I shall be submitted to, reviewed and accepted by the City prior to commencing any public utility construction.

**-McKinney Butte Road.** A 12" water main exists in McKinney Butte Road adjacent to the property and a 12" water main runs northwesterly within an easement from McKinney Butte Road to Lone Ranger Road. No additional water main infrastructure is necessary on McKinney Butte Road.

**-Lone Ranger Road.** A 12" water main terminates in Lone Ranger Road. The 12" water main shall be extended north on Lone Ranger Road to the northernmost point of road improvements. A fire hydrant or blow off shall be located at the northerly extension of the water main.

E. **Grading and Drainage.**

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

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

- G. **Memorandum of Understanding – Intersection Impact Fee.** Note: this condition is waived for the Assisted Living Facility per the finding under section 3.1, Access and Circulation.

- H. **Final Plat for Phase I.** Phase I final plat shall be recorded before any other Phase. Further conditions for Phase I are found in the land use decision MP 10-01.

3. System Development Charges (SDCs) and separate impact fees shall be paid to the city with building permit issuance:

- A. **Transportation:** The facility generates 0.22 pm peak hour trips for each bed. The total transportation SDC fee is \$223.52 per bed.
- B. **Sewer:** All plumbing fixtures shall be charged the 'per fixture' rate for sewer SDCs based on the

- value for each fixture at the time a building permit is sought.
- C. **Water:** All plumbing fixtures shall be charged the 'per fixture' rate for water SDCs based on the value for each fixture at the time a building permit is sought.
  - D. **Parks:** Each habitable unit shall be assessed a one-time fee of \$613 at the time the building permit is sought for each participating unit.
  - E. **Water Mitigation Fee:** The Owner shall pay a fee of \$670 times 0.7 per unit for water mitigation. This fee is in addition to any sewer or water SDC or other SDC that may be required as a condition of development of the property. If the City amends its water SDC to include a water mitigation component within its water SDC within 5 years of the revised Annexation Agreement, the Owner shall pay to the City or the City shall reimburse or provide SDC credit based on the difference between the \$670 EDU fee assessed and the actual SDC water mitigation component.
4. Unless otherwise stated, the following conditions shall be met prior to occupancy;:
- A. This decision is valid for a period of two (2) years beginning on the first day following the end of the appeal period for this decision. If no building permit is applied for within this two-year time frame, or if a time extension is not filed with the City in a timely manner, then this decision becomes void.
  - B. All exterior mechanical equipment shall be screened from view from public roads and neighboring residences through the use of a screening mechanism. The screening shall blend in with the parent structure, and is subject to review and approval by the Sisters Planning Department and shall be installed prior to occupancy of this building.
  - C. Any exterior lighting shall be Dark Skies compliant.
5. **Advisory Conditions.** The following conditions shall be met at all times or as otherwise stated within the condition;
- A. This decision is subject to the terms and conditions of the Annexation Agreement for McKenzie Meadow Village. The applicable Agreement is the most current recorded version available at the time that occupancy is sought.
  - B. The applicant shall be responsible for maintaining the site, including adherence to the dark skies ordinance, in a manner consistent with the Development Code.
  - C. All buildings on site shall maintain a minimum separation of six feet.
  - D. Any additional buildings sought for this site in the future shall require Site Plan review if they require building permits. On-site storage buildings may be exempt from this requirement upon a finding that the architectural style is consistent with the parent building, and a finding by the Community Development Director that approving the building does not constitute a 'significant change' to the approved site plan.
6. A shared access easement as described on Sheet no. A101 benefiting Lots 11 and 12 shall be required on subsequent land division plats.
7. Prior to issuance of Building Permits, the City Engineer shall work with applicant to determine an appropriate driveway access width for the anticipated vehicles utilizing the Assisted Living Facility.
8. Pedestrian pathways shall be minimum 6.0 feet in width.
9. Prior to occupancy, the applicant shall provide the City verification from the State of Oregon that the proposed uses, including number of beds, are duly licensed.

**APPLICATION FORM**

**Community Development Department  
P.O. Box 39, 520 E. Cascade Avenue  
Sisters, OR 97759**

**Ph: 541-323-5207 Fax: 541-549-0561**



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

APPLICANT: McKenzie Meadows Village LLC PHONE: 541-815-4462

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

PROPERTY OWNER: Same PHONE: Same

ADDRESS OF PROPERTY OWNER: Same

PROPERTY ADDRESS: 68945 McKinney Ranch Rd. / 1680 McKinney Butte Rd.

TAX LOT NUMBER: T15 R10 Section 05CB Tax lot(s) 5500

PROPERTY SIZE (ACRES OR SQUARE FEET): 5 Acres of parent Property

EXISTING ZONING OF PROPERTY: MFR

COMPREHENSIVE PLAN DESIGNATION OF PROPERTY: MFR

DESCRIBE PROJECT OR REASON FOR THIS REQUEST: Master Plan Modification To Accommodate a specific site plan

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

Signature of Applicant \_\_\_\_\_ Printed Name \_\_\_\_\_ Date \_\_\_\_\_

Signature of Property Owner \_\_\_\_\_ Printed Name \_\_\_\_\_ Date \_\_\_\_\_

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

DATE RECEIVED \_\_\_\_\_ FILE NO. \_\_\_\_\_ CHECK NO. \_\_\_\_\_

CASH \_\_\_\_\_ AMOUNT PAID \_\_\_\_\_ RECEIPT NO. \_\_\_\_\_

CHECKED BY: \_\_\_\_\_

**MASTER PLANNING  
APPLICATION FORM**

**CITY OF SISTERS**  
Community Development Department  
P.O. Box 39, 520 E. Cascade Avenue  
Sisters, OR 97769  
Ph: 541-323-5207 Fax: 541-549-0681



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

APPLICANT: Ascant Architecture Interiors: Attn. Krista Appleby PHONE: 541-647-5676  
on behalf of Ageia Health Services

ADDRESS OF APPLICANT: 920 NW Bond St., Suite 204 Bend, OR 97701

PROPERTY OWNER: Bill Wilhite, Partner McKenzie Meadow Village PHONE: 541-549-5900

ADDRESS OF PROPERTY OWNER: 1021 Desperado Trail Sisters, OR 97759

PROPERTY ADDRESS: McKinney BUC Road

TAX LOT NUMBER: T15 R10 Section 05 Tax lot(s) Future lot 14

PROPERTY SIZE (ACRES OR SQUARE FEET): 217,855 sf / 5 acres

EXISTING ZONING OF PROPERTY: MFR: Multi Family Residential

COMPREHENSIVE PLAN DESIGNATION OF PROPERTY: MFR: Multifamily Residential

DESCRIBE PROJECT OR REASON FOR THIS REQUEST: New construction of a 45-unit assisted living and 20-unit memory care facility.

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

|                                                    |                                        |                             |
|----------------------------------------------------|----------------------------------------|-----------------------------|
| <u>Krista Appleby</u><br>Signature of Applicant    | <u>Krista Appleby</u><br>Printed Name  | <u>Jan. 8, 2015</u><br>Date |
| <u>Bill Wilhite</u><br>Signature of Property Owner | <u>WILLIAM WILHITE</u><br>Printed Name | <u>1-11-2015</u><br>Date    |

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

DATE RECEIVED \_\_\_\_\_ FILE NO \_\_\_\_\_ CHECK NO \_\_\_\_\_  
 CASH \_\_\_\_\_ AMOUNT PAID \_\_\_\_\_ RECEIPT NO \_\_\_\_\_  
 CHECKED BY \_\_\_\_\_

**Application Requirements Matrix**

| <p>Use this table to determine the documents/maps needed to complete your application package. Incomplete application packets will delay the processing of your application.</p> <p>X – Information is required<br/>O – Other Information may be required.<br/>SEE PLANNING STAFF</p> | Application & Filing Fee | Burden of Proof / Needs Analysis | Other Studies | Existing Site Conditions | Proposed Site Plan | Elevations | Floor Plans | Preliminary Title Report | Tentative Plat | Landscape Plan | Drainage / Grading Plan | Letter of Authorization | Legal Description | PDF's of each drawing | Refer to Code section? |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|----------------------------------|---------------|--------------------------|--------------------|------------|-------------|--------------------------|----------------|----------------|-------------------------|-------------------------|-------------------|-----------------------|------------------------|
|                                                                                                                                                                                                                                                                                       | Annexation               | X                                | X             | O                        |                    |            |             |                          | X              |                |                         |                         | X                 | X                     |                        |
| Appeal                                                                                                                                                                                                                                                                                | X                        | X                                | X             |                          |                    |            |             |                          |                |                |                         |                         |                   |                       | X                      |
| Code Interpretation                                                                                                                                                                                                                                                                   | X                        | X                                |               |                          |                    |            |             |                          |                |                |                         |                         |                   |                       |                        |
| Code Text Amendment                                                                                                                                                                                                                                                                   | X                        | X                                | O             |                          |                    |            |             |                          |                |                |                         |                         |                   |                       |                        |
| Comp. Plan Amend.                                                                                                                                                                                                                                                                     | X                        | X                                | O             |                          |                    |            |             |                          |                |                |                         |                         |                   |                       |                        |
| Conditional Use Permit                                                                                                                                                                                                                                                                | X                        | X                                | O             | X                        | X                  | X          | X           | X                        |                | X              | X                       | X                       | O                 | X                     |                        |
| Development Review                                                                                                                                                                                                                                                                    | X                        | X                                |               | X                        | X                  | O          | O           | X                        |                |                |                         | X                       |                   | O                     |                        |
| Flood Plain Review                                                                                                                                                                                                                                                                    | X                        | X                                |               | X                        | X                  |            |             | X                        |                |                |                         | X                       |                   | X                     | X                      |
| Home Occupation Permit                                                                                                                                                                                                                                                                | X                        |                                  |               | X                        | X                  | X          | X           | X                        |                |                | O                       | X                       |                   | X                     |                        |
| Lot Line Adjustment                                                                                                                                                                                                                                                                   | X                        | X                                |               |                          |                    |            |             | X                        | X              |                |                         | X                       | X                 | X                     |                        |
| Lot Consolidation                                                                                                                                                                                                                                                                     | X                        | X                                |               |                          |                    |            |             | X                        | X              |                |                         | X                       | X                 | X                     |                        |
| Master Plan Development                                                                                                                                                                                                                                                               | X                        | X                                | O             | X                        | X                  | O          | O           | X                        | X              | X              | X                       | X                       | X                 | X                     | X                      |
| Partition                                                                                                                                                                                                                                                                             | X                        | X                                | O             | X                        | X                  |            |             | X                        | X              |                |                         | X                       |                   | X                     |                        |
| Replat                                                                                                                                                                                                                                                                                | X                        | X                                | O             | X                        | X                  |            |             | X                        | X              |                |                         | X                       |                   | X                     |                        |
| Site Plan Review                                                                                                                                                                                                                                                                      | X                        | X                                | O             | X                        | X                  | X          | X           | X                        |                | X              | X                       | X                       | X                 | X                     |                        |
| Subdivision                                                                                                                                                                                                                                                                           | X                        | X                                | O             | X                        | X                  |            |             | X                        | X              |                |                         | X                       |                   | X                     |                        |
| Temporary Use Permit                                                                                                                                                                                                                                                                  | X                        | X                                | O             | X                        | X                  | O          | O           | X                        |                |                |                         | X                       |                   | X                     |                        |
| Time Extension                                                                                                                                                                                                                                                                        | X                        |                                  |               |                          |                    |            |             |                          |                |                |                         | O                       |                   |                       | X                      |
| Variance                                                                                                                                                                                                                                                                              | X                        | X                                | O             | X                        | X                  | O          | O           | X                        | O              | O              | O                       | X                       |                   | X                     | X                      |
| Zone Change                                                                                                                                                                                                                                                                           | X                        | X                                | O             |                          |                    |            |             | X                        |                |                |                         | X                       |                   |                       | X                      |

## Application Requirements

Application requirements identified on Page 2 shall be submitted as follows, unless indicated otherwise. **NOTE: APPLICATION WILL NOT BE ACCEPTED UNLESS PLANS ARE FOLDED.**

1. APPLICATION (one copy) with FEE. Note: Please refer to fee schedule adopted January 24, 2008 for current fee schedules.
2. BURDEN OF PROOF or NEEDS ANALYSIS (3 copies). Scope of this document will vary according to the complexity of the Code Standards and Criteria that are used to review each application.
3. OTHER STUDIES (3 copies). Other studies, such as a Traffic Study, Impact Study or Soils Study may be required by the Community Development Director or designee according to the applicant's request. If required, the specific requirements needed by the City will be identified clearly / in writing, and within 30 days from the date the application is submitted to the City.
4. SITE PLAN (Existing Conditions). Ten (10) 18 x 24-inch minimum site plans and one (1) 11 x 17 reduction of the site plan. Additional copies will be needed if a public hearing is required.
5. SITE PLAN (Proposed Project). Ten (10) 18 x 24-inch minimum site plans and one (1) 11 x 17 reduction of the site plan. Additional copies will be needed if a public hearing is required.
6. ELEVATIONS. Ten (10) 18 x 24 inch minimum elevation drawings, and one (1) 11 x 17 reduction of the elevation drawings. Additional copies will be needed if a public hearing is required.
7. FLOOR PLANS. Ten (10) 18 x 24 inch minimum elevation drawings, and one (1) 11 x 17 reduction of the elevation drawings. Additional copies will be needed if a public hearing is required.
8. PRELIMINARY TITLE REPORT. A preliminary title report, subdivision guarantee, deed or equivalent documentation not older than six (6) months which shows any and all easements affecting the project site. Note: this document must disclose easements recorded on the subject property, or it will not be accepted as meeting the submittal criteria.
9. TENTATIVE PLAT. Ten (10) copies of a tentative subdivision or parcel plat; 18 x 24 inches minimum. One (1) 11 x 17 reduced copy of the subdivision or partition plat shall also be provided.
10. LANDSCAPE PLAN. Ten (10) 18 x 24-inch minimum landscape plans and one (1) 11 x 17 reduction of the landscape plan. Additional copies will be needed if a public hearing is required. Plan shall show tree / plant specie(s), coverage and sizes at time of planting, and approximate / type of irrigation system(s) to be used.
11. GRADING AND DRAINAGE PLAN. Ten (10) 18 x 24-inch minimum grading / drainage plans and one (1) 11 x 17 reduced version. Additional copies will be needed if a public hearing is required. Plan shall show on-site water retention, and shall be engineered to a 10 year / 24 hour event.
12. LETTER OF AUTHORIZATION. A letter signed by the property owner and containing the original signature which authorizes an agent or representative to act in the behalf of the owner during the planning review process.
13. LEGAL DESCRIPTION. A legal description of the entire project site (metes and bounds; subdivision or comparable acceptable legal description).
14. PDF's OF EACH DRAWING. A disc containing pdf copies of each submitted drawing, burdens of proof, title information, et cetera shall accompany each application requiring such pdfs.
15. REFER TO CODE SECTION. Many application review processes require multiple applications or have references to other code sections that are not readily apparent when making the application. The 'refer to code section' reference alerts applicants that there are likely other code sections that apply to their request, and that questions should be asked of City staff to clarify the extent of the review required.

**Building and Land Use Fee Schedule  
Updated August 9, 2013**

| <b>COMMUNITY DEVELOPMENT</b> |                                                         |                                                 |                     |
|------------------------------|---------------------------------------------------------|-------------------------------------------------|---------------------|
| <b>Planning Fees</b>         |                                                         |                                                 |                     |
| 1                            | Accessory Dwelling (Type I)                             |                                                 | 500.00              |
| 2                            | Agreement Recording (not tied to Land Use Decision)     |                                                 | 600.00              |
| 3                            | Annexation                                              |                                                 | 3,500.00            |
|                              | Appeal                                                  |                                                 |                     |
| 4                            |                                                         | First Appeal                                    | 250.00              |
| 5                            |                                                         | Subsequent Appeals                              | 1,500.00            |
| 6                            | Code Interpretation (Type II)                           |                                                 | 300.00              |
| 7                            | Comprehensive Plan / Ordinance Amendment                |                                                 | 4,000.00            |
| 8                            | Minor Conditional Use *                                 |                                                 | 1,200.00            |
| 9                            | Minor Conditional Use - Vacation Rentals                |                                                 | 500.00              |
| 10                           | Conditional Use *                                       |                                                 | 2,400.00            |
| 11                           | Extension Fee (First)                                   |                                                 | 150.00              |
| 12                           | Extension (Second)                                      |                                                 | 250.00              |
| 13                           | Final Plat Review/Condominium Plat Review               |                                                 | 500.00              |
| 14                           | Historic Landmark Commission Review                     |                                                 | 500.00              |
| 15                           | Home Occupation                                         |                                                 | 100.00              |
| 16                           | Lot Line Adjustment                                     |                                                 | 500.00              |
|                              | Master Planned Development                              |                                                 |                     |
| 17                           |                                                         | 0 to 4.99 acres                                 | 4,000.00            |
| 18                           |                                                         | 5 to 10 acres                                   | 5,000.00            |
| 19                           |                                                         | More than 10 acres                              | 6,000.00            |
| 20                           | Partition/Replat                                        |                                                 | 1,600.00            |
| 21                           | Pre-application/Design Review (initial meeting)         |                                                 | 300.00              |
| 22                           | Pre-application/Design Review (additional meeting)      |                                                 | 75.00               |
| 23                           | Sign, Permit                                            |                                                 | 100.00              |
| 24                           |                                                         | Additional sign, same application               | 40.00               |
| 25                           |                                                         | Temporary Sign Permit                           | 10.00               |
| 26                           |                                                         | Portable Sign                                   | 40.00               |
|                              | Site Plan Review*                                       |                                                 |                     |
| 27                           |                                                         | Less Than 1,000 sq. ft.                         | 2,000.00            |
| 28                           |                                                         | 1,001 to 5,000 sq. ft.                          | 2,500.00            |
| 29                           |                                                         | 5,001 to 10,000 sq. ft.                         | 3,500.00            |
| 30                           |                                                         | More than 10,000 sq. ft.                        | 4,000.00            |
|                              |                                                         | Accessory structure (not including residential) |                     |
| 31                           |                                                         | 201 sq. ft. to 1,000 sq. ft.                    | 500.00              |
|                              | Site Suitability Check / Land Use Review                |                                                 |                     |
| 32                           |                                                         | Residential                                     | 250.00              |
| 33                           |                                                         | Commercial / Industrial / Other                 | 500.00              |
| 34                           | Subdivision/Replat                                      |                                                 | 4,000.00            |
| 35                           | Temporary Use Permit, seasonal sales (Type I)           |                                                 | 150.00              |
| 36                           | Temporary Use Permits, temporary sales offices (Type I) |                                                 | 150.00              |
| 37                           | Minor Variance                                          |                                                 | 1,200.00            |
| 38                           | Major Variance                                          |                                                 | 2,400.00            |
| 39                           | Zone Change                                             |                                                 | 6,000.00            |
| 40                           | Hearing Fee                                             |                                                 | 500.00              |
| 41                           | Rebuild/LUCS                                            |                                                 | 50.00               |
| 42                           | Lot of Record Verification                              |                                                 | 500.00              |
| 43                           | Modification to Approved Decision                       |                                                 | 25% of Original Fee |
|                              | <b>Miscellaneous Planning Fees</b>                      |                                                 |                     |
| 44                           | Research                                                |                                                 | 100.00              |
|                              | Maps                                                    |                                                 |                     |
| 45                           |                                                         | Small (8 1/2 x 11)                              | 5.00                |
| 46                           |                                                         | Medium ( 11 x 17)                               | 15.00               |
| 47                           |                                                         | Large (24 x 36 or larger)                       | 30.00               |
| 48                           | Comprehensive Plan Copy                                 |                                                 | 20.00               |
| 49                           | Development Code Copy                                   |                                                 | 50.00               |
| 50                           | Other Documents                                         |                                                 | 25.00               |
| 51                           | Tree Replacement Fee                                    |                                                 | 175.00              |
| 52                           | Parking 'In-Lieu' of Development Fee                    |                                                 | 2,314.00            |

Plus election cost

Plus cost of transcripts

/per hour

Annually

Plus \$20/lot

/per hour

Per Space



FIVE PINE

HEALTH \* BALANCE \* ADVENTURE

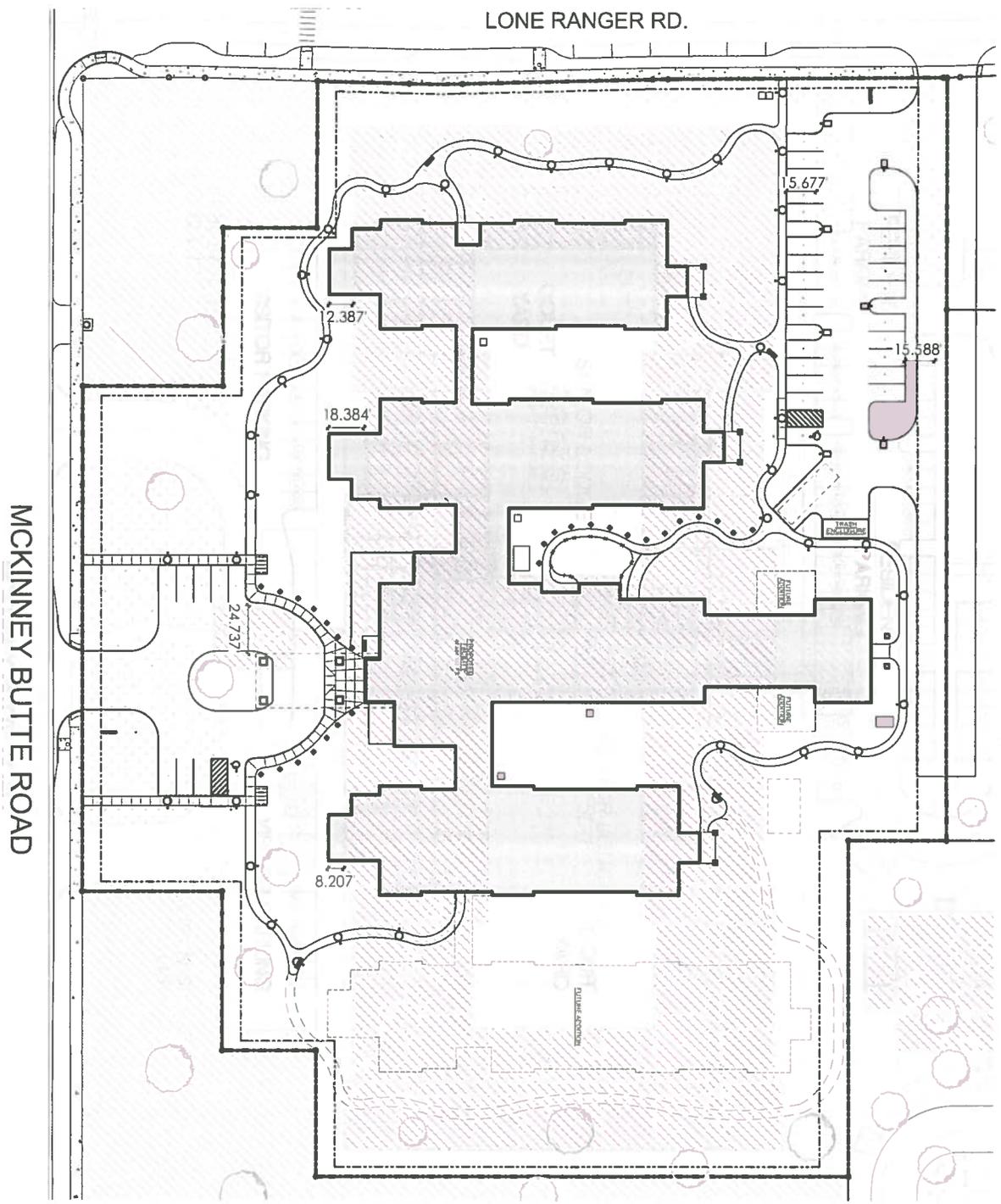
To Whom It May Concern

January 11, 2015

This letter authorizes Ascent Architecture & Interiors and Ageia Health Services to submit the McKenzie Meadow project for review and act on behalf of the property owners during the planning and review process.

William Willitts

Partner MMV



SITE PLAN

SCALE: 1" = 50'

1

MASTERPLAN OVERLAY  
 MCKENZIE MEADOW  
 SENIOR LIVING

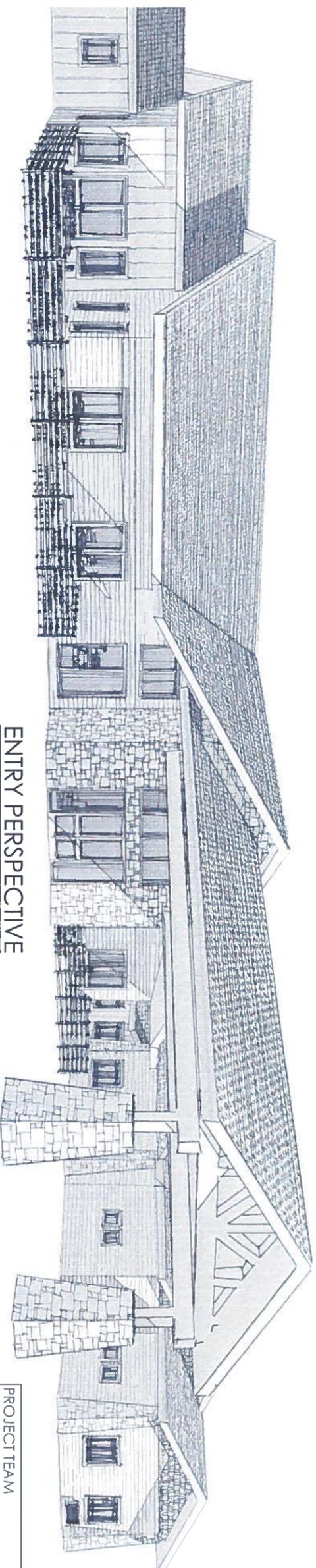
Date: 5/22/15  
 Project: 14042

**ASCENT**  
**ARCHITECTURE**  
 and interiors

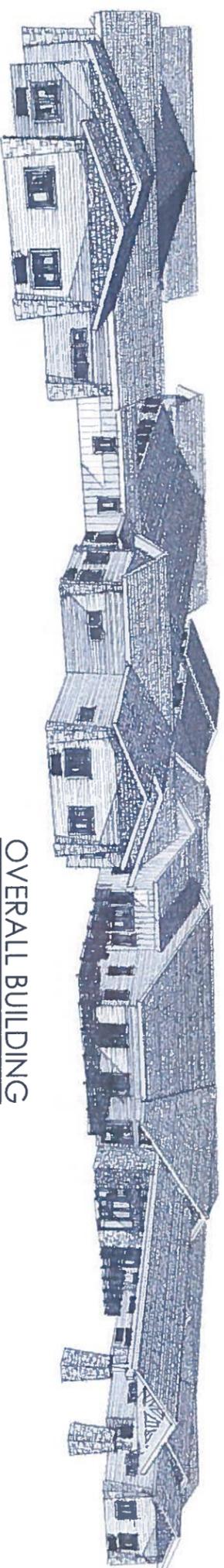
920 NW Bond St. Suite 204  
 Bend, Oregon 97701  
 | 541-647-5675  
 | info@ascentarch.com  
 © 2015 ASCENT ARCHITECTURE & INTERIORS

# MCKENZIE MEADOW ALF/MC

MCKINNEY BUTTE ROAD  
SISTERS, OREGON 97759



ENTRY PERSPECTIVE



OVERALL BUILDING

## PROJECT TEAM

### DEVELOPER:

AGORA HEALTH SERVICES  
205 SE WILSON  
BEND, OR 97702  
P | 541-330-2529  
Contact: KENNEDY

### GENERAL CONTRACTOR:

WILSON CONTRACTORS  
2642 SW 4TH STREET  
PENDOLFO, OR 97756  
P | 541-558-7341  
Contact: PICK STURSON

### ARCHITECT:

ASCENT ARCHITECTURE & INTERIORS  
920 HWY BOND STREET #304  
BEND, OR 97701  
P | 541-647-5675  
Contact: BETH WILBERSON

### CIVIL ENGINEER:

HICHTMAN, WILKINS & ASSOCIATES, INC.  
6250 OREGON METEOR ROAD, SUITE 100  
BEND, OR 97701  
P | 541-330-0951  
Contact: CPAIT HILLOCK

### STRUCTURAL ENGINEER:

VAITEKIS STRUCTURAL ENGINEERING  
2863 HWY CROSSING DR, SUITE 201  
BEND, OR 97701  
P | 541-330-6869  
Contact: JOHN WALKER

### MECHANICAL ENGINEER:

1506 HWY 151 STREET #3  
BEND, OR 97701  
P | 541-318-0404  
Contact: BOB JAMES

### PLUMBING ENGINEER:

GERMANY MECHANICAL, INC.  
PO BOX 6882  
BEND, OR 97708  
P | 541-420-2939  
Contact: ED GERAGHTY

### ELECTRICAL:

EURE ELECTRICAL  
42897 PLATEAU DRIVE, SUITE #3  
BEND, OR 97701  
P | 541-330-9750  
Contact: CHA D BETHENS

### LANDSCAPE:

LAND EFFICIE  
1725 HE LITTLE ST  
BEND, OR 97701  
P | 541-815-6679  
Contact: IVA SCHMIDT

### KITCHEN DESIGN:

BAROREN BILGUSON  
1000 NW 10TH AVE  
BEND, OR 97701  
P | 541-617-9400  
Contact: DON VEVICH

TITLE SHEET / GENERAL  
INFO

SITE PLAN SUBMITTAL SET

PRELIMINARY  
NOT FOR CONSTRUCTION

ASCENT ARCHITECTURE and interiors  
920 HWY Bond Street  
Suite 204  
Bend, Oregon 97701  
P | 541-647-5675

MCKENZIE MEADOW  
ALF/MC  
MCKINNEY BUTTE ROAD  
SISTERS, OREGON 97759

Project: 1487  
Date: 11/21/15  
General Revision:

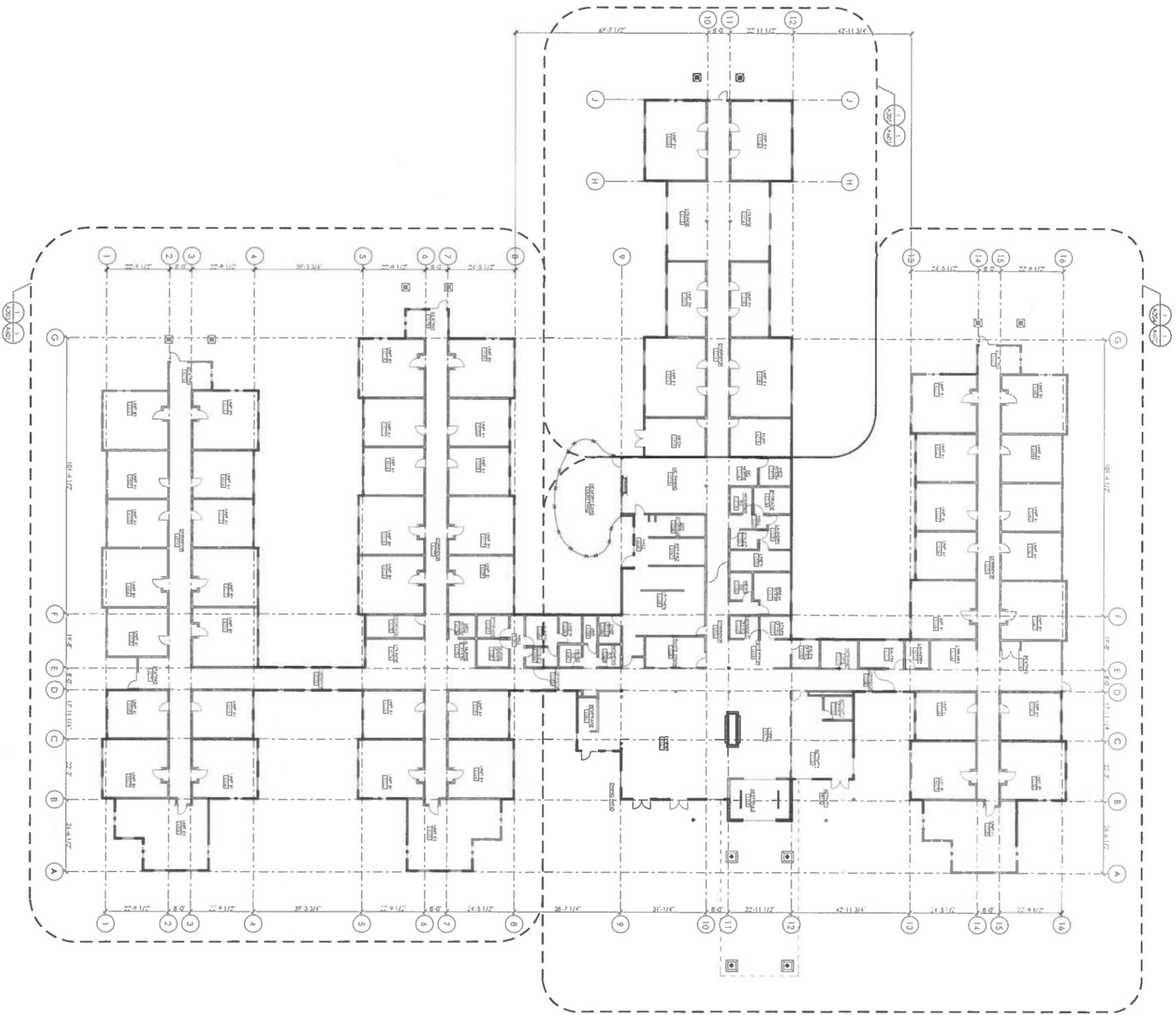
A001

1 of 2 sheets  
SCALE: 1/8" = 1'-0" (PLAN)  
SCALE: 1/4" = 1'-0" (SECTION)  
DATE: 11/21/15  
DRAWN: BETH WILBERSON  
CHECKED: DON VEVICH  
6250 OREGON METEOR ROAD, SUITE 100  
BEND, OREGON 97701



**PLAN GENERAL NOTES**

- A DRAWINGS PRESENTED TO SCALE AS NOTED. AS NOTED, UNLESS OTHERWISE SPECIFIED, ALL DIMENSIONS SHALL BE UNLESS OTHERWISE SPECIFIED. DIMENSIONS SHALL BE UNLESS OTHERWISE SPECIFIED. DIMENSIONS SHALL BE UNLESS OTHERWISE SPECIFIED.
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- E FINISH FLOOR FINISH SHALL BE UNLESS OTHERWISE SPECIFIED.
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- H FINISH FLOOR FINISH SHALL BE UNLESS OTHERWISE SPECIFIED.
- I FINISH FLOOR FINISH SHALL BE UNLESS OTHERWISE SPECIFIED.
- J FINISH FLOOR FINISH SHALL BE UNLESS OTHERWISE SPECIFIED.
- K FINISH FLOOR FINISH SHALL BE UNLESS OTHERWISE SPECIFIED.
- L FINISH FLOOR FINISH SHALL BE UNLESS OTHERWISE SPECIFIED.
- M FINISH FLOOR FINISH SHALL BE UNLESS OTHERWISE SPECIFIED.
- N FINISH FLOOR FINISH SHALL BE UNLESS OTHERWISE SPECIFIED.
- O FINISH FLOOR FINISH SHALL BE UNLESS OTHERWISE SPECIFIED.
- P FINISH FLOOR FINISH SHALL BE UNLESS OTHERWISE SPECIFIED.
- Q FINISH FLOOR FINISH SHALL BE UNLESS OTHERWISE SPECIFIED.
- R FINISH FLOOR FINISH SHALL BE UNLESS OTHERWISE SPECIFIED.
- S FINISH FLOOR FINISH SHALL BE UNLESS OTHERWISE SPECIFIED.
- T FINISH FLOOR FINISH SHALL BE UNLESS OTHERWISE SPECIFIED.
- U FINISH FLOOR FINISH SHALL BE UNLESS OTHERWISE SPECIFIED.
- V FINISH FLOOR FINISH SHALL BE UNLESS OTHERWISE SPECIFIED.
- W FINISH FLOOR FINISH SHALL BE UNLESS OTHERWISE SPECIFIED.
- X FINISH FLOOR FINISH SHALL BE UNLESS OTHERWISE SPECIFIED.
- Y FINISH FLOOR FINISH SHALL BE UNLESS OTHERWISE SPECIFIED.
- Z FINISH FLOOR FINISH SHALL BE UNLESS OTHERWISE SPECIFIED.



FIRST FLOOR OVERALL  
SCALE 1/8" = 1'-0"

**FIRST LEVEL OVERALL PLAN**  
CONSTRUCTION DOCUMENT SET

**MCKENZIE MEADOW**  
**ALF/MC**  
MCKINNEY BUTTE ROAD  
SISTERS, OREGON 97759

Project: 18027  
Date: 3/16/15  
Client: Revision

**A201**

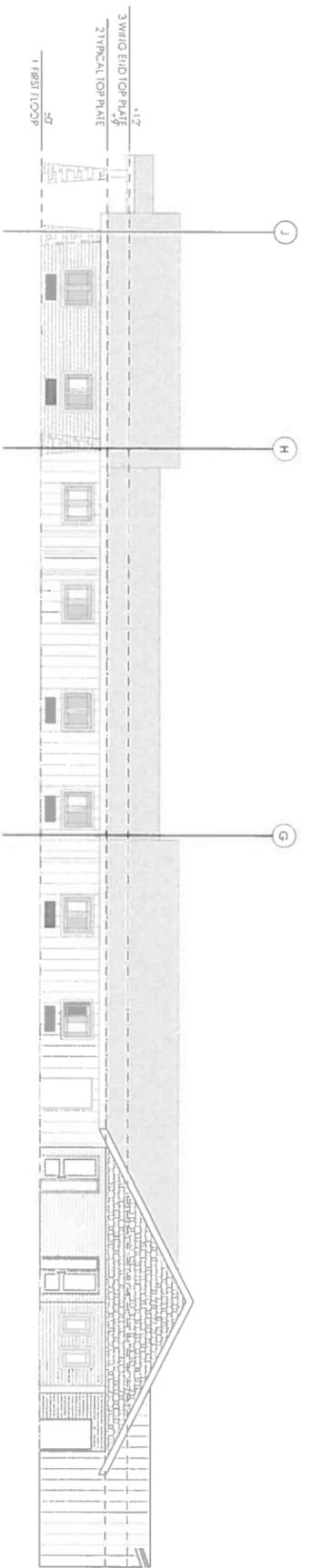
REGISTERED ARCHITECT  
PRELIMINARY  
NOT FOR CONSTRUCTION

**ASCENT ARCHITECTURE**  
and interiors

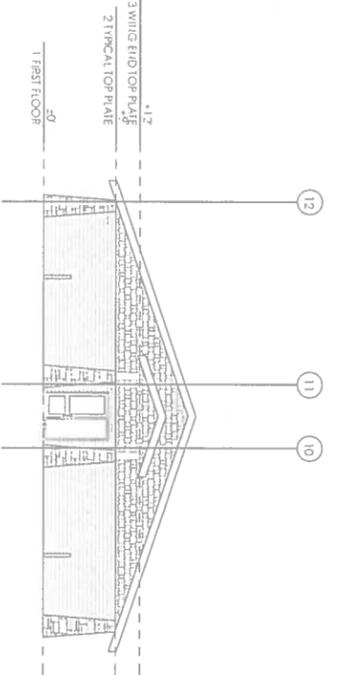
920 NW Bond Street  
Suite 204  
Bend, Oregon 97701  
503.541.4475



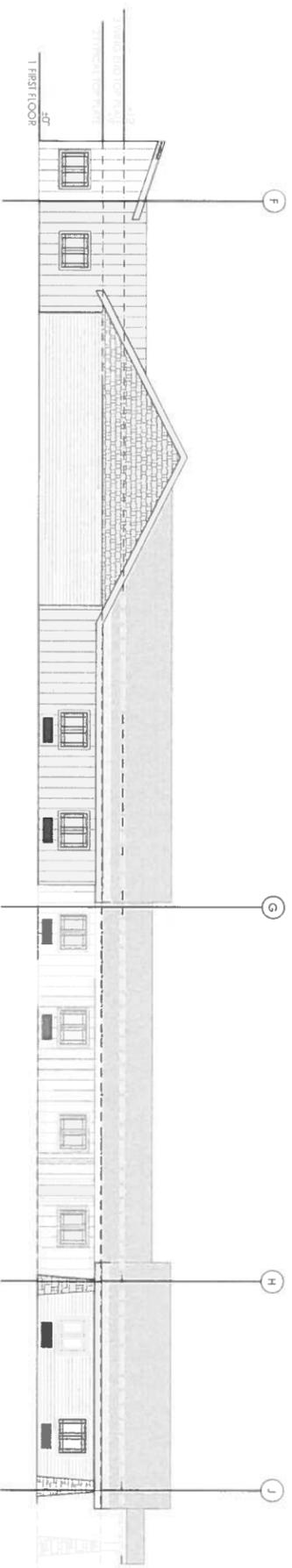




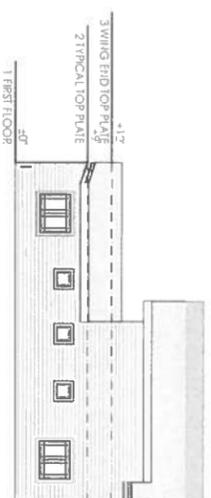
MEMORY CARE WEST ELEVATION 1  
SCALE 1/8" = 1'-0"



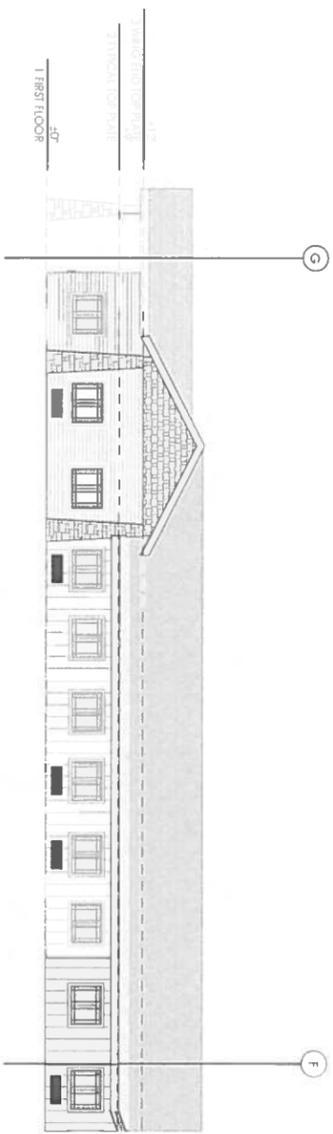
MEMORY CARE NORTH ELEVATION 2  
SCALE 1/8" = 1'-0"



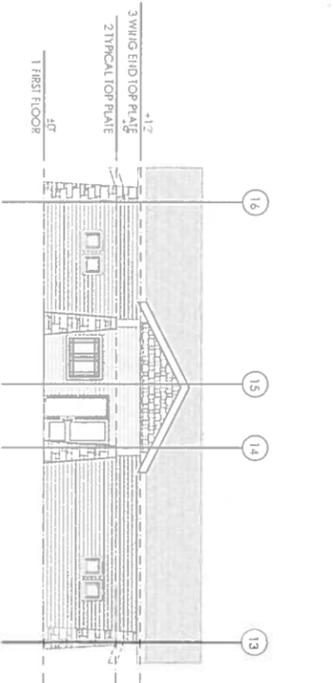
MEMORY CARE EAST ELEVATION 3  
SCALE 1/8" = 1'-0"



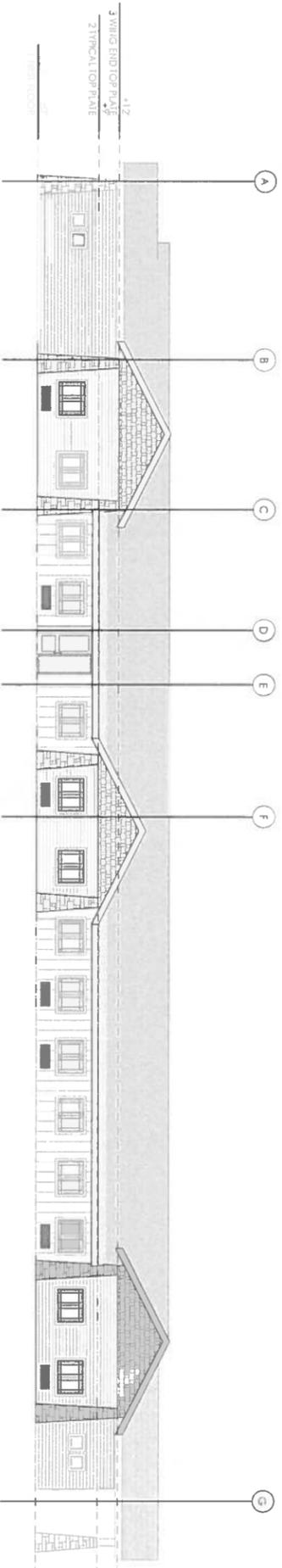
EAST CORRIDOR NORTH ELEVATION 4  
SCALE 1/8" = 1'-0"



WING 3 NORTHWEST ELEVATION 5  
SCALE 1/8" = 1'-0"



WING 3 NORTH ELEVATION 6  
SCALE 1/8" = 1'-0"

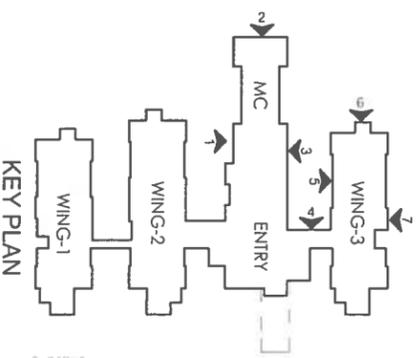


WING 3 EAST ELEVATION 7  
SCALE 1/8" = 1'-0"

| EXTERIOR ELEVATION      |                                          |   |   |   |
|-------------------------|------------------------------------------|---|---|---|
| GENERAL NOTES           |                                          |   |   |   |
| 1                       | EXTERIOR DOWNER FLASHING IS SHOWN        |   |   |   |
| 2                       | WING, FAIR FLASHING PAIR BOOT.           |   |   |   |
| 3                       | SPONGE PAD CORNER FLASHING IS SHOWN      |   |   |   |
| 4                       | TO MATCH ADJACENT SPACES OF THE BUILDING |   |   |   |
| EXTERIOR ELEV. KEYNOTES |                                          |   |   |   |
| 1                       | 2                                        | 3 | 4 | 5 |

**BUILDING ELEVATIONS**  
SITE PLAN SUBMITTAL SET

**PRELIMINARY**  
NOT FOR CONSTRUCTION

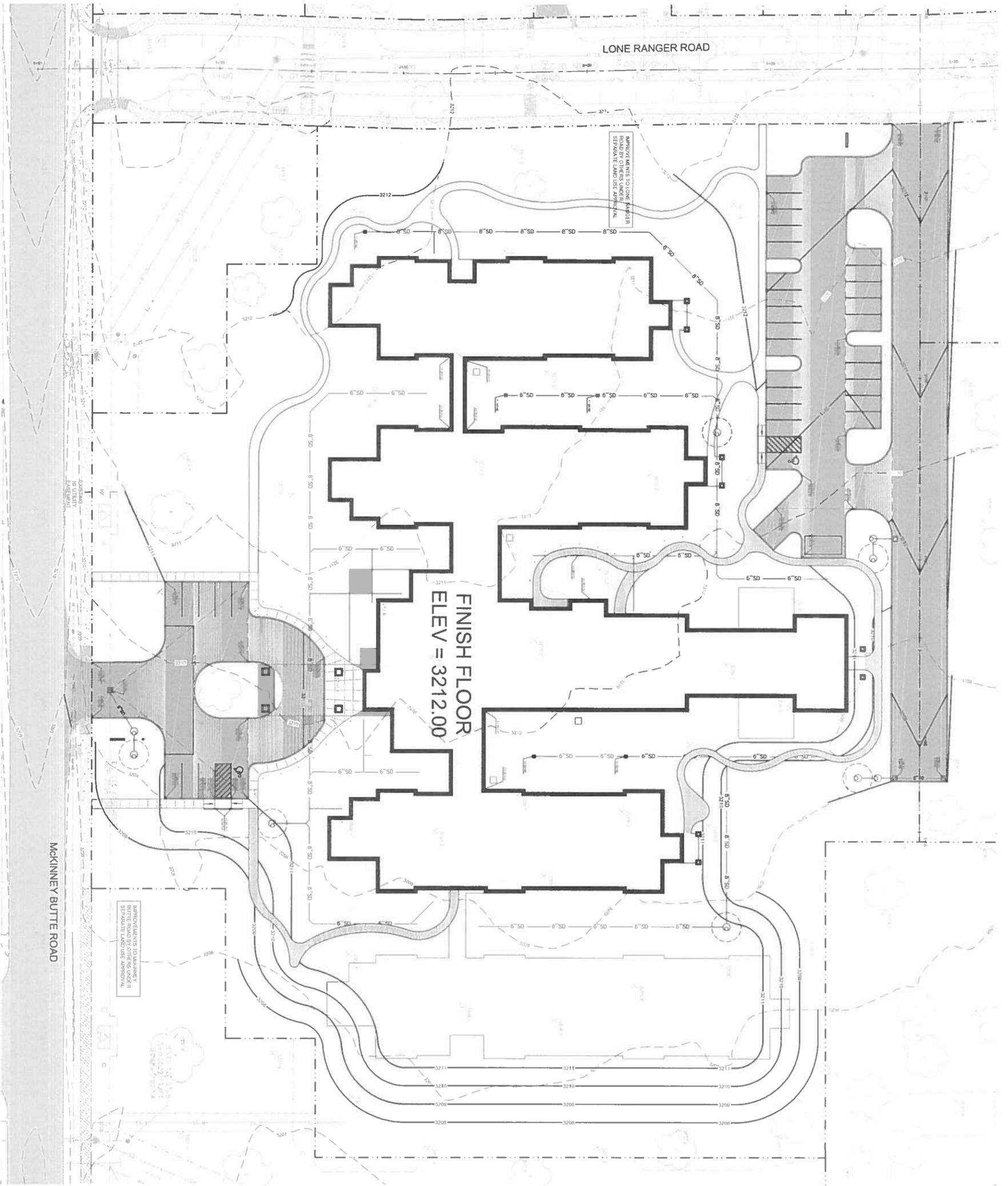


**MCKENZIE MEADOW**  
ALF/MC  
MCKINNEY BUTTE ROAD  
SISTERS, OREGON 97759

Project: 14823  
Date: 1/13/15  
General Elevation

**A303**





FINISH FLOOR  
ELEV = 3212.00

LONE RANGER ROAD

MCKINNEY BUTTE ROAD



GRADING PLAN

95% CONSTRUCTION DRAWINGS

**HWA** ENGINEERS, SURVEYORS  
& PLANNERS  
HICKMAN, WILLIAMS & ASSOCIATES, INC.  
4390 D & BERT ROAD, SUITE 100  
BEND, OREGON 97701  
PHONE: 503.325.1911 FAX: 503.325.6414  
WWW.HWA-INC.ORG



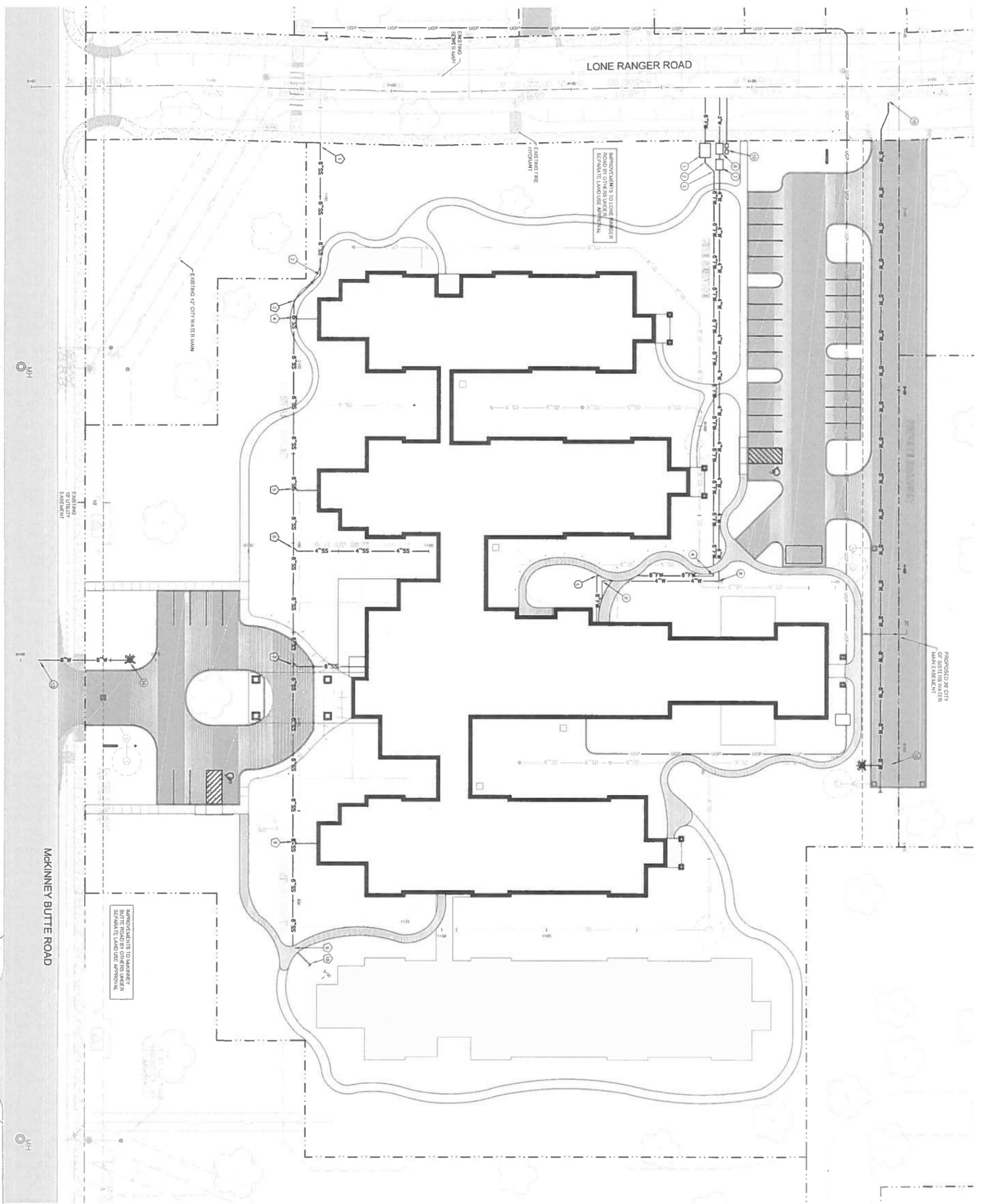
**ASCENT** ARCHITECTURE  
and interiors  
920 NW Bond Street  
Suite 204  
Bend, Oregon 97701  
541-647-5675

**C201**

MCKENZIE MEADOW ALF/MC  
MCKINNEY BUTTE ROAD  
SISTERS, OREGON 97759

Project: 14042  
Date: 11/10/15  
Current Revision:

DATE PLOTTED: 11/10/15 10:00 AM  
PLOTTER: HP DesignJet T1100PS  
SCALE: 1/8" = 1'-0"

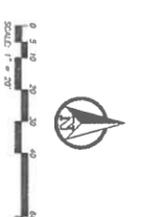


ADJACENTS TO LONE RANGER ROAD AND MCKINNEY BUTTE ROAD MUST OBTAIN SEPARATE LAND USE APPROVAL

ADJACENTS TO MCKINNEY BUTTE ROAD BY OTHERS UNDER SEPARATE LAND USE APPROVAL

- WATER CONSTRUCTION NOTES
- 1 3/4" R40 7 RE SERVICE
  - 2 1/2" DIA VALVE PER DETAIL XCSOX
  - 3 1/4" R40 7 RE SERVICE
  - 4 1/2" DIA ELBOW (RE STRAIGHT)
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- SEWER CONSTRUCTION NOTES
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  - 100 1/2" DIA ELBOW (RE STRAIGHT)



# WATER AND SEWER UTILITY PLAN

95% CONSTRUCTION DRAWINGS

**HWA** ENGINEERS SURVEYORS & PLANNERS  
 HICKMAN WILLIAMS & ASSOCIATES, INC.  
 42150 NE PEET ROAD, SUITE 100  
 BEND, OREGON 97701  
 PHONE: 541-388-2321 FAX: 541-388-2414  
 WWW.HWA-INC.COM

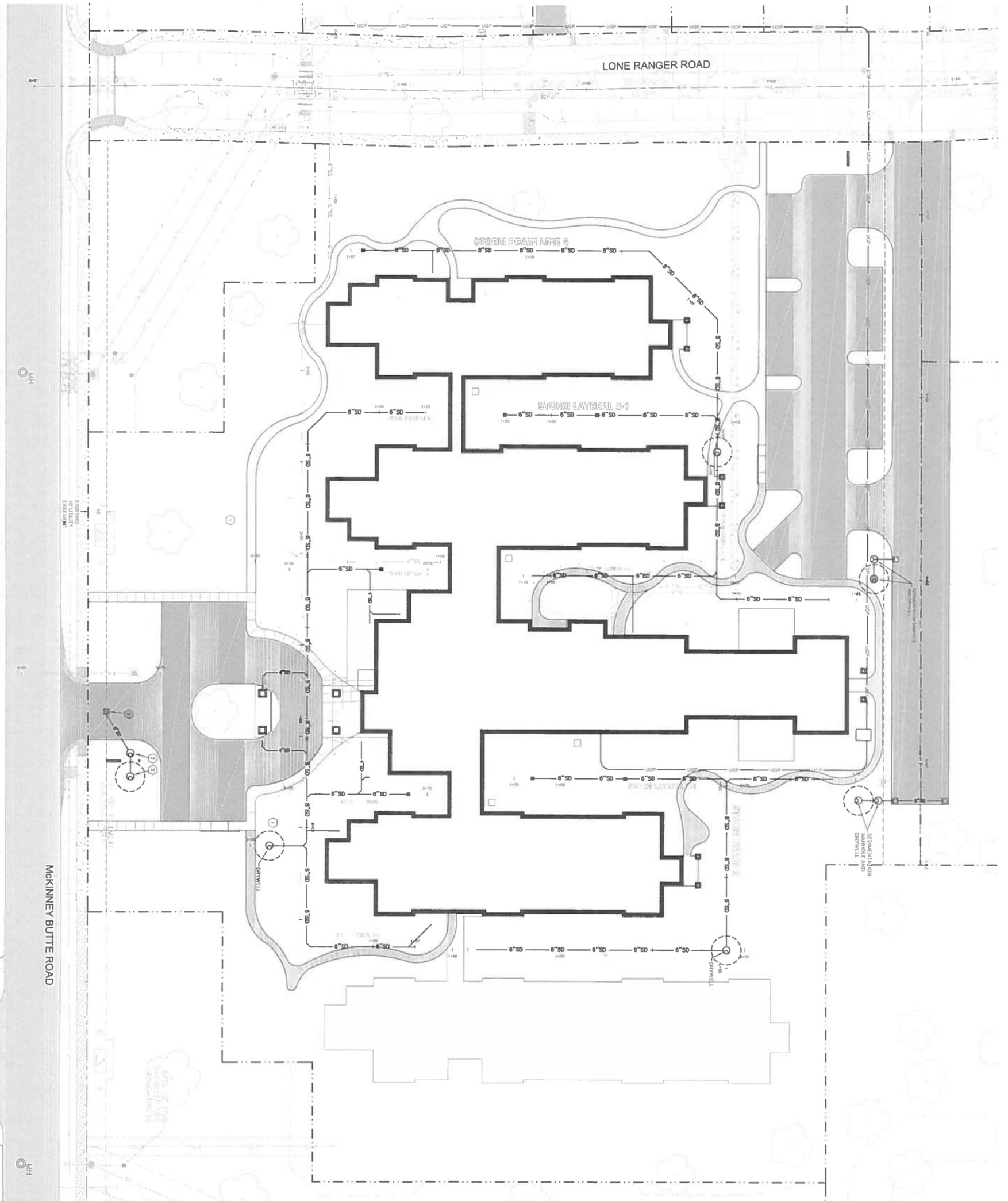


**ASCENT ARCHITECTURE and interiors**  
 920 NW Bond Street  
 Suite 204  
 Bend, Oregon 97701  
 541-647-5675

**C301**

Project: 14512  
 Date: 3/10/13  
 Current Revision

MCKENZIE MEADOW ALF/MC  
 MCKINNEY BUTTE ROAD  
 SISTERS, OREGON 97759



- STANDARD NOTES
1. INITIAL PRECAST CONCRETE CATCH BASIN INV OUT-1-2007.25
  2. CONSTRUCT SEWERNATION MANHOLE PER DETAIL 25C02 INV OUT-1-2008.50
  3. CONSTRUCT URWELL ASSEMBLY PER DETAIL AC02 INV IN-2008.25

NOTE: APPLICANT TO SECURE RATE AUTHORIZATION OF ALL PROPOSED URWELLS FROM OREGON REG. PRIOR TO OCCUPANCY.



**STORM DRAIN  
UTILITY PLAN**  
95% CONSTRUCTION DRAWINGS

**HWA** ENGINEERS SURVEYORS & PLANNERS  
HICKMAH, WILLIAMS & ASSOCIATES, INC.  
12700 N. 82ND ROAD, SUITE 100  
BEND, OREGON 97701  
PHONE: 541.309.7181 FAX: 541.309.5415  
WWW.HWA-INC.COM



**ASCENT ARCHITECTURE and interiors**  
920 NW Bond Street  
Suite 204  
Bend, Oregon 97701  
541-647-5675

MCKENZIE MEADOW ALF/MC  
MCKINNEY BUTTE ROAD  
SISTERS, OREGON 97759  
Project: 14042  
Date: 3/10/13  
Current Revision

**C302**





# Sisters ALF / MC

## Landscape Concept

LAND EFFECTS, INC.

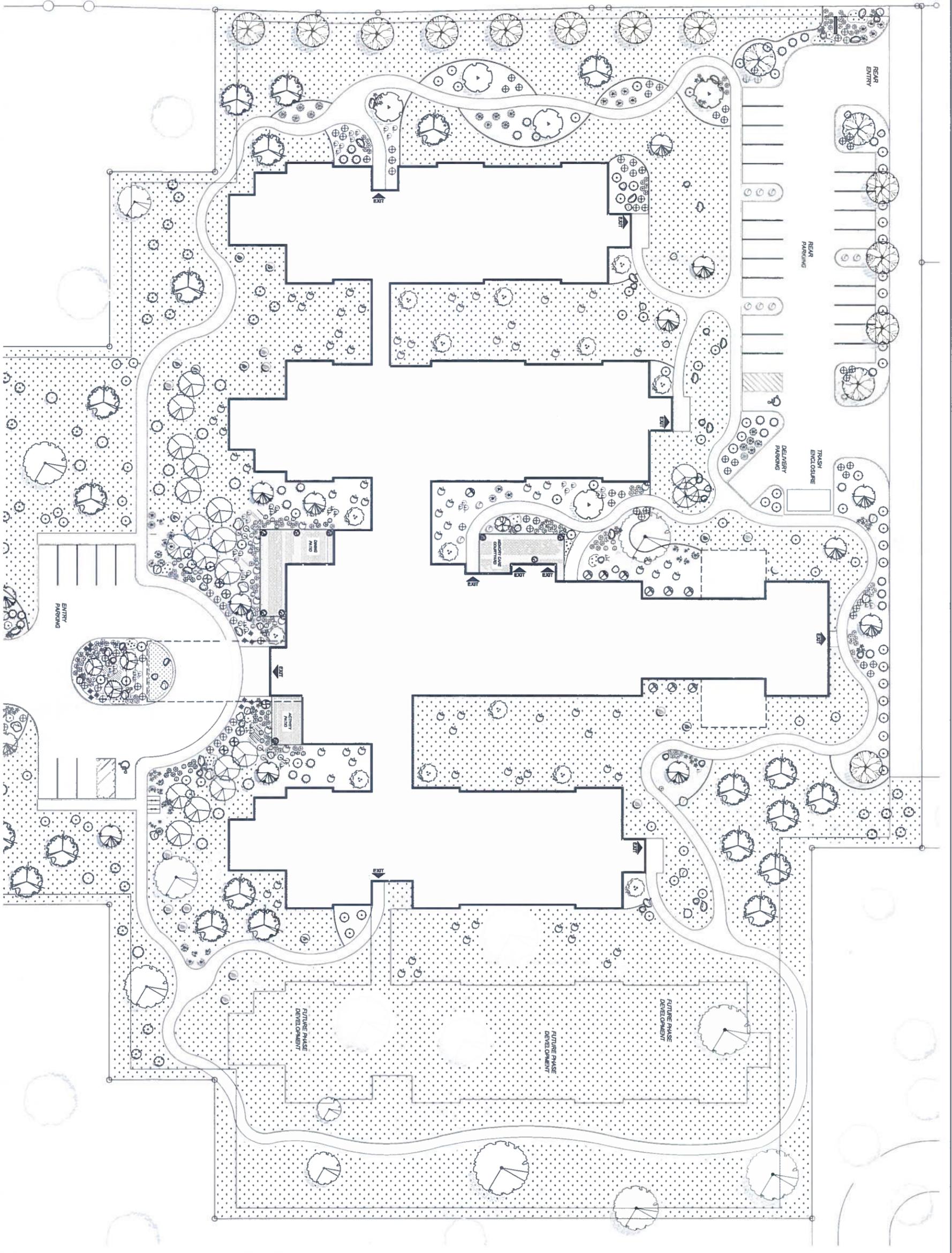
Designed by: AB

Scale: 1" = 20'-0"

Date: 01/09/2015

Sheet: L2

North



**4.1.700 General Provisions**

**A. Application Requirements.**

1. Include the information requested on the application form;
2. Include electronic copies of all materials submitted (acceptable file types to be determined by the Community Development Director or designee);
3. Include a preliminary title report or equivalent printed within 90 days of the date of the application submittal;
4. Be filed with a minimum of one (1) copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. The Community Development Director or designee may require additional copies to be provided;
5. Be filed with the required fee;
6. Land Divisions. Include an impact study for all land division applications. The impact study shall quantify and assess the effect of the development on public facilities and services. The study shall address, at a minimum the following:
  - a. Drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development;
  - b. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users.
  - c. In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval.
7. Type III. Include an impact study for all Type III applications. The impact study shall quantify/assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval; and,
8. Type IV - A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);

**4.5.500 Master Plan Submittal Requirements**

**A. Submittal requirements.** The applicant shall submit an application containing all of the general information required for a Type III procedure, as governed by Chapter 4.1. In addition, the applicant shall submit the following:

1. A detailed project description by the applicant;-This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
2. Burden of Proof documenting compliance with all applicable approval criteria;
3. Complete application form with fee;
4. Electronic copies of all materials submitted (acceptable file types to be determined by the Community Development Director or designee); and,
5. Preliminary title report or equivalent printed within 90 days of the date of the application submittal.
6. Existing Conditions Site Plan
7. Topographic Map at appropriate contour intervals to be determined by the Community Development Director
8. Access and Circulation Map
9. Site Plan - proposed
10. Landscape/Open Space Plan
11. Utility Plan
12. Conceptual Drainage Plan (to include benchmarks and elevations at staffs discretion)
13. Elevations and floor plans of all proposed buildings, unless reviewed during subsequent Site Plan Review applications.
14. Sign Plan if applicable
15. Tentative Plat if applicable
16. Development Schedule
17. Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).
18. Special studies prepared by qualified professionals may be required by the Community Development Director, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.

**Findings and Decision**  
**Site Plan Review**  
**The Lodge at McKenzie Meadow Village**

**FILE NO:** SP 11-05

**DECISION DATE:** September 8, 2011

**REQUEST:** Site Plan review request to allow an 82 room assisted living facility and a small maintenance building to be constructed on a 5.0 acre portion of a 30 acre site known as McKenzie Meadow Village. The site is located in the Residential Multi Family District. The tax lot no. is T15 R10 section 05 tax lot 1204.

City of Sisters – Files No. ~~CP 10-02, ZC 10-01~~ (MMV)

**EXHIBIT E – CONDITIONS OF APPROVAL**

The following conditions of approval are associated with the zone change and Comprehensive Plan amendment known as city file no. CP 10-02 and ZC 10-01, and shall occur in the time frames specified within each condition:

1. The Owner shall pay a fee of \$670 per EDU for water mitigation. This fee is in addition to any water SDC or other SDC that may be required as a condition of development of the property. If the City amends its water SDC to include a water mitigation component within its water SDC within 5 years of the revised Annexation Agreement (May 27, 2015), the Owner shall pay to the City or the City shall reimburse or provide SDC credit based on the difference between the \$670 EDU fee assessed and the actual SDC water mitigation component.
2. The water mitigation fee shall be equal to one 'equivalent dwelling unit' (EDU) for each dwelling unit seeking a building permit within the boundary of the McKenzie Meadow Village development, with the exception of the ~~Senior Assisted Living facility~~, where each dwelling unit shall use a multiplier of 0.7 for each dwelling unit (EDU) to determine the 'per unit' water mitigation fee owed up to a total of ~~82 dwelling units~~.
3. All future uses of the property shall comply with the revised Annexation Agreement for McKenzie Meadow Village property dated May 27, 2010.
4. The sewer and water capacity analyses provided by the applicant demonstrate that sewer and water capacity exists to accommodate a total of 240 equivalent dwelling units' (EDU's) worth of capacity. The city may at its sole discretion require additional capacity studies prior to the construction of any units that are in excess of the 240 EDU's worth of capacity that was accounted for in the capacity studies provided by the applicant, in order to assure the city that the existing system can accommodate up to a total of 240 equivalent dwelling units' worth of impact to the system.
5. In the event that the city requires supplemental analysis of water capacity, and if the supplemental analysis provided to the city indicates that any system upgrades are needed to provide additional capacity to the additional units that are not identified in the originally-submitted sewer capacity analysis, the developer shall pay a pro-rata share of system upgrade fee for each unit based on the cost of the total upgrade divided by the total number of unbuilt units city-wide that would benefit from the system upgrade. If imposed, this fee would be paid at the time a building permit is sought.

- d. A significant change to circulation;
- e. Any change that commits land to development which is environmentally sensitive or subject to a potential hazard; and
- f. A shift greater than 25-feet in the location of buildings, proposed streets, parking lot configuration and landscaping or other site improvements.

CITY OF SISTERS  
STAFF REPORT  
Exhibit A  
PC Decision - Sept 21, 2010

|                           |                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>File #:</b>            | MP10-01, SUB 10-02                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Owner / Applicant:</b> | McKenzie Meadow Village, LLC<br>Attn: Bill Willitts, Managing Partner<br>1021 Desperado Trail<br>Sisters, OR 97759                                                                                                                                                                                                                                                                               |
| <b>Consultant:</b>        | Sage Land Use, Inc.<br>19865 Robinwood Place<br>Bend, OR 97702                                                                                                                                                                                                                                                                                                                                   |
| <b>Civil Engineer:</b>    | West Ridge Development LLC<br>1180 SW Lake Road, Suite 204<br>Redmond, OR 97756                                                                                                                                                                                                                                                                                                                  |
| <b>Request:</b>           | Master Plan and Subdivision approval for a mixed use facility that would include two 26-unit senior affordable housing buildings, an 82 unit senior assisted and independent living facility, a school-based medical clinic, a 1.8 acre park, three 10-plex apartment buildings and one 12-plex apartment buildings, a community center, and single family attached and detached dwelling units. |

**4.5.800 Approval Durations, Extensions and Amendments.** This section sets the time frames for approval durations at three years from the date the Master Plan decision becomes final, during which time some construction and/or significant infrastructure improvements of the planned unit development must be started. This section allows for an extension, in writing, for (up to) two 1-year extensions.

Extensions may be considered if no changes have been made on the original Master Plan as approved, if there have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based, and the extension is requested before expiration of the original approval.

Amendments to an approved Master Plan are allowed once the plan is adopted, however if they are determined to create substantial adverse impacts, they must be processed as a new Master Plan for the entire subject property, except as provided for in the original Master Plan approval. Examples of substantial adverse impacts may include;

- a. An increase to lot coverage by buildings or residential densities by more than 10 percent;
- b. A reduction greater than permissible to the dimensional standards identified in Section 4.5.130.B;
- c. A reduction to open space;

**CITY OF SISTERS  
AMENDED ANNEXATION AGREEMENT**

This AMENDED ANNEXATION AGREEMENT ("Agreement") is entered into this 2<sup>nd</sup> day of May, 2011, by and between THE CITY OF SISTERS, an Oregon municipal corporation ("City") and MCKENZIE MEADOWS VILLAGE, LLC, an Oregon limited liability company ("Owner").

**2. Affordable Housing:**

A. Owner shall provide affordable housing units at a ratio of not less than one affordable housing unit for every ten residential units, except the Senior Assisted Living Center shall be exempt from the affordable requirements 2A through 2F.

**4. Senior Living Center:** 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 Center will provide senior (55 years old and older) assisted and independent living, and nonsenior assisted living options. The Senior Living Center (or a phase of it) shall be built in the first phase of construction. Except for the senior apartment complex and the medical facility, no other occupancy permits will be issued for any other development on the Owner Property until the Senior Assisted Living Center (or phase of it) has received its occupancy permit.

Land Use Approval and Code Section Excerpts

**CITY OF SISTERS ANNEXATION AGREEMENT**

This ANNEXATION AGREEMENT ("Agreement") is entered into this 3rd day of December, 2009, by and between THE CITY OF SISTERS, an Oregon municipal corporation ("City") and MCKENZIE MEADOWS VILLAGE, LLC, an Oregon limited liability company ("Owner").

4. **Senior Assisted Living Center:** 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 Center will provide senior (55 years old and older) assisted and independent living, and non-senior assisted living options. The Senior Living Center (or a phase of it) shall be built in the first phase of construction. No occupancy permits will be issued for any other development on the Owner Property until the Senior Living Center has received its occupancy permit.

CITY OF SISTERS  
AMENDED ANNEXATION AGREEMENT  
JUN 09 2010  
CITY OF SISTERS

This AMENDED ANNEXATION AGREEMENT ("Agreement") is entered into this 27<sup>th</sup> day of May, 2010, by and between THE CITY OF SISTERS, an Oregon municipal corporation ("City") and MCKENZIE MEADOWS VILLAGE, LLC, an Oregon limited liability company ("Owner").

4. **Senior Assisted Living Center:** 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 Center will provide senior (55 years old and older) assisted and independent living, and non-senior assisted living options. The Senior Living Center (or a phase of it) shall be built in the first phase of construction. Except for the senior apartment complex and the medical facility, no other occupancy permits will be issued for any other development on the Owner Property until the Senior Living Center has received its occupancy permit.

**City of Sisters**  
**Planning Commission**  
June 18, 2015  
Page 4

others similarly situated will have a cause of action against the City of Sisters to redress the deprivation under the color of statute, ordinance, regulation, policy, custom, practice or usage of a right, privilege, and immunity secured to them by the Fifth and Fourteenth Amendments to the Constitution of the United States (42 U.S.C. § 1983), by an award of monetary damages, including an award of attorneys' fees pursuant to 42 U.S.C. § 1988.

My clients urge the Planning Commission to properly apply the Sisters Development Code to the McKenzie Meadow Village application and Burden of Proof, and require the applicant to apply for the necessary amendments to all of the applicable McKenzie Meadow Village land use approvals in order to allow the new uses proposed, and to submit a new Master Plan with all required impact studies completed. Since the current consolidated application satisfies none of these requirements, my clients respectfully submit that the pending application should be denied.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael J. Repucci". The signature is written in a cursive style with a large, prominent initial "M".

Michael J. Repucci

Attachments

Furthermore, the Master Plan clearly states that any change in the location of proposed buildings, parking lot configuration, landscaping, or other site improvements noted in the Master Plan by more than 25 feet is deemed to result in a “substantial adverse impact” mandating that a new Master Plan be processed. This fact, coupled with the expiration of multiple dates and deadlines imbedded within the McKenzie Meadow Village current land use approvals and not extended as part of the City of Sisters’ previous approval extensions, requires the applicant to process a new Master Plan application with production of all related and current impact analyses.

At the very core of my client’s objection to the McKenzie Meadow Village application is the applicant’s Burden of Proof. The Burden of Proof is required to demonstrate a land use application’s compliance with all applicable provisions of the Sisters Development Code. The McKenzie Meadow Village Burden of Proof, however, is based entirely on the premise that the application should be processed as a Type II application. Sisters Community Development Department Staff correctly points out that the applicant’s consolidated land use application is required to be processed as a Type III application under Sisters Development Code Section 4.5.500.A.2 (*see attached excerpt*). However, for unexplained reasons, Staff has accepted the McKenzie Meadow Village application and Burden of Proof without requiring the applicant to demonstrate compliance with any of the additional Type III application requirements, including, without limitation, the requirement of Sisters Development Code Section 4.1.700.A.7 for the applicant to produce multiple current impact studies in support of the application (*see attached excerpt*). The failure of the applicant to submit a proper Burden of Proof taints the entire application and requires the Planning Commission to deny the application outright.

The McKenzie Meadow Village land use approvals are each written instruments, documenting legislative enactments by the City of Sisters, and bind and encumber title to the McKenzie Meadow Village property. Under applicable law, these land use approvals reflect an intention to change the law which must be given full effect by the City of Sisters Planning Commission and City Council. The Sisters Community Development Department Staff is acting in violation of the Sisters Development Code by substituting its own judgment in place of the legislative intent of the Sisters City Council as expressed in the McKenzie Meadow Village land use approvals.

In connection with its review of the McKenzie Meadow Village application as part of a Type III proceeding, the Planning Commission will be exercising a quasi-judicial function when reviewing the Community Development Department Staff’s interpretation of the Sisters Development Code as applied to the McKenzie Meadow Village application and Burden of Proof. The Planning Commission will exceed its jurisdiction, abuse its discretion and act in an arbitrary and capricious manner if it approves an application that is facially deficient for the reasons stated above. Further, since any approval of the application will be devoid of evidentiary support and based on a misinterpretation and misapplication of applicable law, my client and

application in many important respects. As a result, the entire application is deficient and should be denied.

Development within McKenzie Meadow Village must comply with not only the Sisters Development Code, but also with the terms of the December 3, 2009 Annexation Agreement pursuant to which McKenzie Meadow Village was annexed to the City of Sisters, as amended, with the terms of the approved McKenzie Meadow Village Master Plan MP 10-01, as amended by MP 12-01 and 12-02, with the terms of the approved Comprehensive Plan Amendment CP 10-02 and Zoning Change ZC 10-01 documents, with the terms of the Subdivision Plan SUB 10-02, and with the previous City of Sisters Site Plan SP 11-05 approvals.

The McKenzie Meadow Village Annexation Agreement and amendments, the Master Planned Development (MP 10-01, MP 12-01 and MP 12-02), and the Comprehensive Plan Amendment (CP 10-02), Zoning Change (ZC 10-01), Subdivision Plan (SUB 10-02) and Site Plan (SP 11-05) approvals, each clearly require that a "Senior Assisted Living Center" be constructed and thereafter operated on not less than 6.3 acres of the McKenzie Meadow Village property. In addition, the Master Plan, the Comprehensive Plan Amendment, the Zoning Change, the Subdivision Plan and the previous Site Plan approvals all require that 82 units of Senior Assisted Living Facilities be constructed on the subject property. Excerpts from these approvals are attached for your convenience.

The words chosen for these particular land use approval conditions were not thoughtlessly selected, in that the same requirement for construction and operation of a Senior Assisted Living facility appear in the Annexation Agreement, in two amendments to the Annexation Agreement, in the Master Plan approval, in the conditions of approval of the Comprehensive Plan Amendment, in the conditions of approval of the Zoning Change, in the Subdivision Plan, and in the previous Site Plan approvals. The term "Assisted Living Facility" is clearly defined in the Sisters Development Code.

Yet despite this abundance of clarity, McKenzie Meadow Village, LLC's Burden of Proof seeks approval of memory care and a "Housing with Services" model of use that clearly are not contemplated within the Sisters Development Code's Assisted Living Facility definition. These proposed changes go to the very heart of the land use approval conditions imposed upon the McKenzie Meadow Village project and consequently constitute "Major Modifications" resulting in "substantial adverse impacts" on the previous approvals which clearly require the processing of a new Master Plan, and not simply a modification of the existing Master Plan as proposed by the applicant (*see* excerpt from MP 10-01 attached). In addition, the applicant's attempt to change uses within the Senior Assisted Living Center also requires an Annexation Agreement amendment, a Comprehensive Plan amendment, a further Zoning Change amendment, a Subdivision Plan amendment, and a Site Plan amendment to allow those uses if approved by the City of Sisters.



Michael J. Repucci  
mjrepucci@j-rlaw.com

June 18, 2015

**HAND DELIVERED**

City of Sisters  
Sisters Planning Commission  
P.O. Box 39  
520 E. Cascade Avenue  
Sisters, Oregon 97759

***Re: McKenzie Meadow Village, LLC Master Plan Modification (MOD 15-05) and Site Plan Review (SP 15-01)***

Dear Planning Commissioner Members:

This firm represents Pinnacle Alliance Group, LLC with respect to matters associated with the Master Plan Modification application created in May 2015 but as of yet still unsigned, and the Site Plan Review application submitted January 16, 2015, both of which were submitted on behalf of McKenzie Meadow Village, LLC.

My client has actively followed the various submittals made on behalf of McKenzie Meadow Village, LLC leading up to the current consolidated Type III Master Plan Modification and Site Plan Review application and has repeatedly alerted members of the Sisters Community Development Department that the proposed changes to the McKenzie Meadow Village's Senior Assisted Living Facility requirements needed to be processed in accordance with the clear requirements of the Sisters Development Code. My client has maintained from the start that it wants fair and equal treatment for all, government transparency, no favoritism, and consistency in following established procedures and due process.

In response to its stated concerns, my client was assured that any proposed changes to the McKenzie Meadow Village entitlements would be processed in strict accordance with the Sisters Development Code, and that under no circumstances would favoritism be extended in this regard to the McKenzie Meadow Village owners, developers or other related entities, including McKenzie Meadow Village, LLC, McKenzie Meadow Village Holding Co., LLC, Ageia Health Services, Kevin Cox, and Ascent Architecture & Interiors.

Unfortunately, based on our review of the Staff Report and Burden of Proof Statement prepared by the Sisters Community Development Department Staff, it is abundantly clear that the Community Development Department Staff has not properly applied the applicable provisions of the Sisters Development Code to the McKenzie Meadow Village consolidated



[Chris@MayesArchitecture.com](mailto:Chris@MayesArchitecture.com)

541-549-8330

Mayes Architecture & Planning, Inc.

473 W. Hood Ave., Suite 100

P.O. Box 3500-155

Sisters, OR 97759

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

**From:** [Chris Mayes](#)  
**To:** [Patrick Davenport](#)  
**Cc:** [Darcy Reed](#)  
**Subject:** MOD 15-05 & SP15-01- McKenzie Meadow Village  
**Date:** Thursday, June 18, 2015 2:05:55 PM

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Sisters Planning Commission  
c/o Patrick Davenport  
City of Sisters- Community Development Director

I'm writing about the above referenced projects to voice concern for the process and ask that this email be entered into the record . If time is limited at this evenings hearing, I also would acquiesce any allotted time of mine to Mr. Adolf or his designee.

I have two primary concerns, the first that the application is for a modification to the 2010 master plan. The building location and proposed parking modifications are of greater than 25 feet in nature and specifically noted in the PC decision for file # MP10-01,SUB 10-02 on September 21,2010 to be examples of adverse impacts. I fail to see how the proposed site plan does not require a new master plan.

My second concern is with the alternating use of "assisted living" and "housing with services". The applicant's burden of proof appears to alternate between the use of these terms as means to avoid compliance with portions of the development code depending on what best suites their needs. On page 21 of the burden of proof the applicant's response notes " the Master Plan Approval explicitly noted that "the Assisted Living Facility is technically not a multi-family dwelling – staff regards it as a commercial building in terms of the application of garages/ carports. As such, the assisted living facility is exempt from garage and carport standards" (Pg. 23 Exhibit A of the Planning Commission Decision / September 21,2010) Page 45 of the burden of proof also uses the term "ALF" (Assisted Living Facility) to determine the number of parking spaces.

Page 1 of the staff report notes that the request is for licensed Assisted living in the remaining 45 rooms, yet the May 27<sup>th</sup> letter from Rebecca Mapes of the Oregon Department of Human Services specifically notes that the applicant is "proposing a model they assert will not require licensing" and goes on to state that "she is comfortable stating that the remaining units *do not require* licensure from the State of Oregon". The subsequent June 4<sup>th</sup> letter from Ms. Mapes appears to me, to only accept the market analysis designating a need for Assisted Living housing in Sisters.

It seems the applicant is proposing a "Housing with services" use to avoid licensing with the state all the while using "assisted living" to comply with the original master plan and annexation agreement and associated files. The requirement of an assisted living component is noted in the following files: (MP 10-01, SUB 10-02, CP10-02 and ZC 10-01, & SP-11-05. This requirement should not be ignored.

I respectfully ask the Planning commission to follow proper procedure and development code requirements.

Thank you for your consideration.

Chris Mayes



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

Respectfully,

Eric Porter  
Planner, City of Sisters

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

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



## Community Development Department

December 10, 2014

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

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

Dear Bill,

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

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

### 1. Approval Durations.

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

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

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

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

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

**From:** [Tom Pryor](#)  
**To:** [Darcy Reed](#); [Patrick Davenport](#)  
**Subject:** re: MOD 15-05 and SP 15-01 McKenzie Meadow Village  
**Date:** Thursday, June 18, 2015 11:53:02 AM

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Hello,

I'm writing in reference to the file MOD 15-05 and SP 15-01 McKenzie Meadow Village.

I would like to request that the Planning Commission follow process and code regarding the file "MOD 15-05 and SP 15-01 McKenzie Meadow Village". While I'm a strong supporter of private property rights, and as Sisters area resident am fully supportive of development and economic growth for our area, I also strongly believe in due process, rule of law, no sign of favoritism by public officials or entities to any individual or group. My understanding is that changes to the Master Plan of the subject property are acknowledged by the applicant and by the Community Development Department as "Major Modifications". The Master Plan clearly identifies that at least one, and probably more than one, of the changes acknowledged by the applicant and by the Community Development Department, has "substantial adverse impacts". The Master Plan clearly states if changes "are determined to create substantial adverse impacts, they must be processed as a new Master Plan for the entire subject property". A modification to the Master Plan does not meet this requirement. "A new Master Plan for the entire subject property" needs to be completed, including all the requirements and studies.

In addition an "Assisted Living Facility" was a critical component of the Annexation agreement. Assisted living is a clearly defined term by the State of Oregon and the definition by which the City of Sisters conforms to. The applicant's proposed "Housing with Services model" does not meet the definition or requirements of Assisted Living Facility. If the applicant wants to change that, they need to follow due process for such a change. In addition, "82 Unit" of Assisted Living is also included in the agreement regarding the Assisted Living Facility, and that requirement must be met as well.

I'd also ask that this be read to the Planning Commission during the meeting on June 18<sup>th</sup>, and for it to be entered into the record.

Thank you,

Tom Pryor  
(541) 549-1791

approved on December 30, 2014 noted it applied to “approvals that were unexpired on December 31, 2014.”

How can an expired approval on a number of MMV documents be granted an extension?

Please make sure you are equally and accurately applying the existing code. Disparate application of the code certainly has, at minimum, a chilling effect on my interest in bringing forth or being involved in future projects in Sisters Country. I submit that others feel the same chill.

Thank you for your consideration. I look forward to the continuation of our dialogue.

Peter Hoover  
31402 Lovegren Ln  
Sisters OR

**From:** [4runners@bendbroadband.com](mailto:4runners@bendbroadband.com)  
**To:** [Patrick Davenport](#); [Darcy Reed](#)  
**Subject:** McKenzie Meadow Village MOD 15-05 and SP 15-01  
**Date:** Thursday, June 18, 2015 9:41:53 AM

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Good morning,

Due to travel, I am not able to present my thoughts in person at tonight's meeting. However, I request that my commentary be read during the Commission's meeting and entered into the record.

As I have disclosed in prior appearances before the Commission, I am one of more than a dozen Sisters Country residents who are involved in bringing a much needed senior care project to the parcel near the post office. Let me be emphatically clear. I am not asking for exemptions or favors or waivers for that project.

I have voiced my concerns regarding the processes and decisions associated with the McKenzie Meadow Village project at prior meetings. My concerns still remain.

My understanding is that agreements have been completed with the City of Sisters for the McKenzie Meadows project, including an Annexation Agreement, Master Plan, Subdivision Plan, Site Plan, Comprehensive Plan and so forth. It appears to me that the current application does not fully comply with these agreements as presented in the applicant's Burdon of Proof. Fairness mandates the code be followed so that ALL development proposals that come before you and the Planning Department are reviewed under the same equally adhered to code requirements.

My examination of the public records leaves my scratching my head regarding the McKenzie Meadows project. Let me cite some examples:

To me, the plan modifications submitted by McKenzie Meadows appear to fall under the classification of a major modification per the stipulations of Development Code Section 4.5.800 because of code definitions involving

- a) building shifts more than 25 feet
- b) parking lot shifting more than 25 feet
- c) landscaping shifting more than 25 feet
- d) changes to the original master plan

The code specifies procedures that are to be followed in these circumstances. I'm not able to see that the MMV project was required to follow these specified procedures.

The records show that the MMV Master Plan MP 10-01 presents "substantial adverse impacts" and "must be processed as a new Master Plan for the entire subject property." Given these findings, I trust this commission will ensure the code specified procedures are adhered to in this regard as well. Unless I have missed it, I am not seeing this happen.

And a big scratch of the head surrounds extensions and expiration dates involving the MMV project.

Sisters Development Code 4.5.800 states that in regards to Master Plans, "Extension may be considered if no changes have been made on the ORIGINAL Master Plan as approved"

Public records show that significant changes were indeed made to the original Master Plan. Since changes were made to Master Plan, extensions could not be considered and are not available to be granted. But yet, extensions appears to have been granted.

It is even more curious how, if my understanding of the public records is correct, that the Blanket Extension you



May 22, 2015  
Page 2

First, the facility will be licensed to the extent required by applicable Oregon law. As noted in the burden of proof, the applicant will obtain a license to operate the twelve-unit memory care portion of the facility under a "Residential Care Facility with Memory Care Community Endorsement" license. In fact, the applicant has already received preliminary approval for that license. A copy of that preliminary approval is attached to the burden of proof. The remaining 45 units will operate under a "housing with services" model of care. As confirmed by the May 1, 2015, email correspondence from Becky Mapes (of the state's Office of Licensing and Regulatory Oversight), these 45 units "do not require licensure from the State of Oregon."

Second, to the extent the City is concerned about licensing, it could impose a condition of approval requiring that prior to operating, the applicant obtain any licensed required by applicable Oregon law.

Accordingly, the applicant *respectfully* requests approval of the Application. Please let me know if you have any questions or would like to discuss this further.

Sincerely,

A handwritten signature in black ink that reads "Laura Craska Cooper". The signature is written in a cursive, flowing style.

Laura Craska Cooper

LCC:ljk

cc: Client

Greg Blackmore



15 SW Colorado Avenue, Suite 3  
Bend, Oregon 97702

balljanik.com

t 541.617.1309  
f 541.617.8824

May 22, 2015

Laura Craska Cooper  
Also Admitted in California  
lcooper@balljanik.com

Planning Department  
Community Development Department  
City of Sisters  
520 East Cascade  
Sisters, Oregon 97759

Re: McKenzie Meadow Village Site Plan

Dear Planner:

This firm represents McKenzie Meadow Village, LLC, the applicant seeking site plan review of a senior living center, a residential facility, in accordance with the approved McKenzie Meadow Master Plan (MP10—1) (the "Master Plan").

This letter is provided in support of such site plan application (the "Application"), and to address the applicability of Chapter 2.15 of the City's land use code.

Subsection 2.15.1100 of that section requires residential care homes and facilities to comply with certain special use standards consistent with Oregon law. Subsection 2.15.1100.A. states that "[a]ll residential care homes and facilities shall be duly licensed by the State of Oregon. Subsection 2.15.1100.B requires site plan review for such facilities to assure compliance with the requirements of the Code.

The Application is for a senior living center, as contemplated and approved pursuant to MP10-01. The Master Plan approval explicitly determined that the facility was a "Residential Facility" and not a multi-family dwelling. That decision made no specific reference to Section 2.15.1100 and did not require any state licensing. Subsequently, the City approved a site plan for the property (SP11-05), which was never developed. In that decision, however, the City determined that "[s]ince the City does not regulate state licensing, reference to 'A' above is advisory. Given that the applicant has applied for a Site Plan, the procedure of Item B has also been addressed."

Certainly the applicant agrees with the City that subsection A of 2.15.1100 should be viewed as advisory because the City does not have authority over state licensing. Thus, there is no need for the City to require a specific license as a condition of approval of this Application. However, there are two other reasons why this subsection should not create an impediment to approval of the Application.

#1010060\1

A 12" water main exists in McKinney Butte Road adjacent to the property and a 12" water main runs northwesterly within an easement from McKinney Butte Road to Lone Ranger Road. No additional water main infrastructure is necessary on McKinney Butte Road.

#### **Lone Ranger Road**

A 12" water main terminates in Lone Ranger Road. The 12" water main shall be extended north on Lone Ranger Road to the northernmost point of road improvements. A fire hydrant or blow off shall be located at the northerly extension of the water main.

#### **Sewer:**

##### **McKinney Butte Road**

A 12" sanitary sewer exists in McKinney Butte Road. No modifications to the existing sewer main in McKinney Butte Road are proposed or required.

##### **Lone Ranger Road**

An existing 8" sewer main terminates in Lone Ranger Road. The 8" sewer main shall be extended north on Lone Ranger Road to the northernmost point of road improvements. The 8" sewer main shall terminate at a manhole.

#### **Grading and Drainage:**

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

#### **Construction Plans:**

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



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

**CITY OF SISTERS**  
Public Works Department

(541) 323-5212  
Fax: (541)549-0561  
[www.sisters.or.us](http://www.sisters.or.us)

TO: Darcy Reed, Associate Planner  
FROM: Erik Huffman, City Engineer  
DATE: May 15, 2015  
SUBJECT: SP 15-01 McKenzie Meadows Site Plan

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**Proposal:** Site plan for portion of McKenzie Meadows Village

**Transportation:**

**McKinney Butte Road - Collector per TSP**

McKinney Butte Road is currently 32 feet wide. Collector standard is 34 foot wide pavement. Although the overall width is less than City standards, widening of McKinney Butte is not required.

**Lone Ranger Road - Local Street per TSP**

Lone Ranger Road is unimproved with the exception of aggregate surfacing. Local street standards require a 36' wide street. Lone Ranger shall be improved to full street standards including 36 foot wide pavement, landscaped swales, street trees, and sidewalks. Lone Ranger Road improvements shall extend to the northern side of the private roadway shown on the proposed site plan. Public right of way, 60 feet wide, shall be dedicated to the City over Lone Ranger Road to the northernmost point of the on-site improvements or the point of proposed partition shown on the site plan, whichever is further north. The right of way dedication shall be completed prior to occupancy.

**Water:**

**General**

All public water and improvements that the city will own and maintain shall be located within public utility easements or in the public right of way. Public utility easements must be recorded prior to occupancy. Public utility easement shall be a minimum width of 20 feet wide.

Backflow devices shall be required at all points of connection to proposed water mains including all domestic, fire sprinklers, irrigation, and any private hydrant lines.

**McKinney Butte Road**

**AGEIA**  
HEALTH SERVICES

June 8, 2015

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 approval letter that Ageia Health Services received from Rebecca Mapes with DHS to build a 45 unit Assisted Living Facility in Sisters, Oregon.

In our recently submitted Burden Of Proof Narrative, file no. SP 15-01 we described and proposed a model of care referred to as "Housing with Services" for 45 of the units. At the time of submittal, we were simultaneously working on obtaining a license from DHS for an Assisted Living Facility. As documented in the submitted materials, the "Housing with Services" model of care closely resembles an Assisted Living Facility; both of these models are consistent with the McKenzie Meadow Village Master Plan described Senior Facility.

In light of the recent approval letter we intend to move forward with the process to license the 45 units as an Assisted Living Facility and would like to maintain the "Housing with Services" model as a viable alternative. As indicated in the Burden of Proof narrative, all necessary and required state licenses will be obtained prior to occupying and operating the facility.

I hope this gives you clearer picture of the type of care that will be offered at our facility.

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



# Oregon

Kate Brown, Governor

## Department of Human Services

Office of Licensing & Regulatory Oversight

PO Box 14530, Salem, OR 97309

3406 Cherry Ave NE, Salem, OR 97303

Phone: (503) 373-2227

Fax (503) 378-8966



June 4, 2015

Kevin Cox, Member  
McKenzie Meadow Holding Company, LLC  
68945 McKinney Butte Road  
Sisters, OR 97759

RE: Market Study delivered via email to: [pres@ageia.net](mailto:pres@ageia.net)

Mr. Cox:

The Department has reviewed the market study for you to build a 45 unit Assisted Living with a capacity of 48, located at 68945 McKinney Butte Road, Sisters, OR. This market study has been approved based on the information submitted by Sierra West Realty Advisors, Inc., that demonstrates there is a need for assisted living care in Sisters.

Please refer to the following web page for information on changes to Home and Community Based Services per the Centers for Medicare and Medicaid Services:

<http://www.oregon.gov/dhs/dhsnews/Pages/hcbs-transitionplan.aspx>

You may proceed with the licensing process as described in OAR 411-054-0012 and 411-054-0013. When building designs are completed, please submit them to Facilities Planning and Safety for review. They may be contacted at [mailbox.fps@state.dhsoha.or.us](mailto:mailbox.fps@state.dhsoha.or.us)

If you should have any questions, please contact me at 503-373-2076, or email [Rebecca.Mapes@state.or.us](mailto:Rebecca.Mapes@state.or.us)

Sincerely,

Rebecca Mapes  
Operations and Policy Analyst  
Office of Licensing & Regulatory Oversight

Cc: Facilities, Planning and Safety

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An Equal Opportunity Employer

Therefore, I am comfortable stating that the remaining units do not require licensure from the State of Oregon.

Please contact me if you have any questions at, [Rebecca.Mapes@state.or.us](mailto:Rebecca.Mapes@state.or.us) or (503) 373-2076.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Mapes".

Rebecca Mapes  
Operations and Policy Analyst  
Office of Licensing and Regulatory Oversight



# Oregon

Kate Brown, Governor

**Department of Human Services**  
*Office of Licensing & Regulatory Oversight*  
PO Box 14530, Salem, OR 97309  
3406 Cherry Ave NE, Salem, OR 97303  
Phone: (503) 373-2227  
Fax (503) 378-8966



May 27, 2015

Patrick Davenport  
Community Development Director  
520 E. Cascade Ave  
Sisters, OR 97759

RE: Definition in the OAR's for Assisted Living  
Delivered via email: [pdavenport@ci.sisters.or.us](mailto:pdavenport@ci.sisters.or.us)

Mr. Davenport:

I have reviewed your proposal as presented in the Burden of Proof per City of Sisters Site Plan application SP 15-01. At least 12 of the Residential Care Facilities/ Memory Care units will require licensing. The agency has approved a potential license for these services. For the remaining units, Ageia is proposing a model they assert will not require licensing. There is not a legal definition of the model being proposed. Similar developments use terms including, but not limited to, Independent Living for Seniors, Retirement Villages, Retirement Communities, Senior Communities. Whether a facility will ultimately require licensing is a function of the services it provides and sometimes a thin line is involved. However, a facility cannot bypass market analysis requirements by:

- 1- Building independent living
- 2- Offering services that require licensure and then
- 3- Obtaining a license for those services.

In the situation illustrated above, the remedy would be for the provider to cease providing services that require licensure.

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An Equal Opportunity Employer

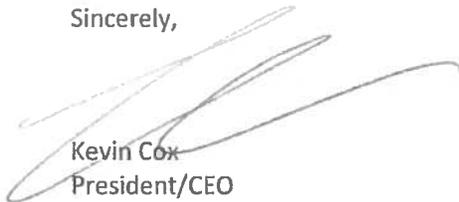
# AGEIA

HEALTH SERVICES

Residents who choose to live in this facility will do so because they need assistance with activities of daily living that they may not be able to get elsewhere in Sisters. Programs and services offered by our facility and At Home Care Group will be geared towards the resident that requires assistance rather than residents that are considered "active seniors". Active seniors typically are looking for community living situations where there are more amenities and larger apartments that have washers, dryers, dishwashers and cooking stoves in each unit. Our community amenities and living units do not have these options thus are not geared toward the active senior.

I hope this gives you clearer picture of the type of care that will be offered at our facility.

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



May 5, 2015

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

RE: File no. SP 15-01

Dear M. Davenport,

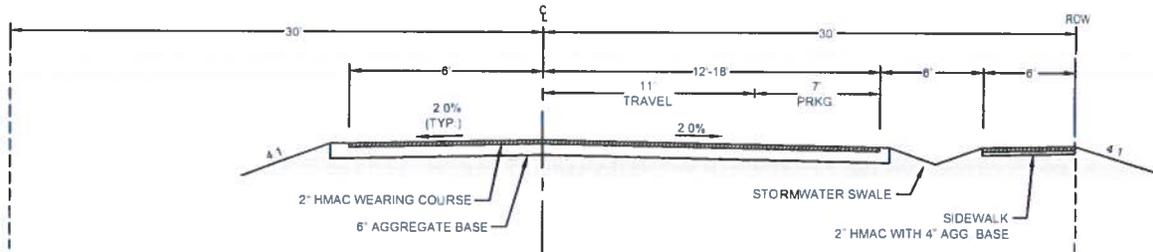
The purpose of this letter is to provide additional details regarding the "Housing with Services" model of care that we are proposing for our Sister's Senior Living Facility. All residents who choose to live in our facility will have the following services available through direct contract with At Home Care Group, which is licensed to provide homecare:

- Caregiving staff available 24 hours per day
- Assistance with Activities of daily living such as grooming, dressing/undressing, eating, bathing & mobility assistance
- Assistance with incontinence care
- Medication management & monitoring
- Registered Nursing assessments
- Medical apt scheduling
- Transportation scheduling
- Escort to appointments
- Shopping assistance
- Assistance with clothing selection
- Monitor diet and eating

All residents that are admitted to the Senior Living Facility will need help with one or more activities of daily living, which include but is not limited to: grooming, dressing/undressing, eating, bathing & mobility assistance. We anticipate that 50% or more of those residents admitted will need extensive assistance with their activities of daily living including incontinence care, while 90% or more will need assistance with medication management & monitoring. Other facilities that Ageia Health Services either currently manages or at one time managed that offer similar levels of care have less than 5% of their resident population who drive. These facilities include: (Moran Vista Senior Living, Woodway Senior Living, The Amber Assisted Living, Valley View, Assisted Living, The Summit Assisted Living, Ochoco Village Assisted Living and The Heights Assisted Living). We do not anticipate that residents living in this facility will drive any more than the facilities listed above that offer similar levels of care.

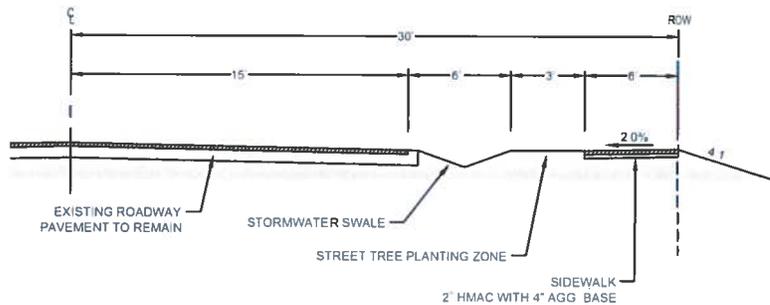
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[www.ageia.net](http://www.ageia.net)

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



**LONE RANGER ROAD - 3/4 SECTION**

SCALE: NOT TO SCALE



**McKINNEY BUTTE ROAD IMPROVEMENTS**

SCALE: NOT TO SCALE

**HWA** SURVEYORS, ENGINEERS & PLANNERS  
 HICKMAN, WILLIAMS & ASSOCIATES, INC.  
 42930 O & BILEY ROAD, SUITE 100  
 BEND, OREGON 97701  
 PHONE: 541 389 9251 FAX: 541 388 5414

McKENZIE MEADOW ALF  
 ROADWAY IMPROVEMENT EXHIBIT

SHEET  
 1/1

SCALE: NONE

DRAWN BY: GMH

DATE: 4/13/15

BLEDR24N - continued

**Warranty:**

RAB warrants that our LED products will be free from defects in materials and workmanship for a period of five (5) years from the date of delivery to the end user, including coverage of light output, color stability, driver performance and fixture finish.

**Country of Origin:**

Designed by RAB in New Jersey and assembled in the USA by RAB's IBEW Local 3 workers.

**Buy American Act Compliant:**

This product is a COTS item manufactured in the United States, and is compliant with the Buy American Act.

**Recovery Act (ARRA) Compliant:**

This product complies with the 52.225-21 "Required Use of American Iron, Steel, and Manufactured Goods-- Buy American Act-- Construction Materials (October 2010).

**Trade Agreements Act Compliant:**

This product is a COTS item manufactured in the United States, and is compliant with the Trade Agreements Act.

**GSA Schedule:**

Suitable in accordance with FAR Subpart 25.4.

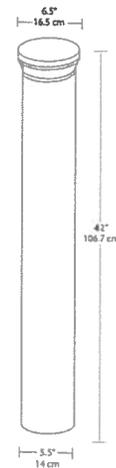


# BLEDR24N

LED bollard with architectural quality and strength at an affordable price point. Cylindrical post with round head. Available in 12, 18 and 24 Watt versions that provide 90, 180, 270 and 360 degree lighting patterns.

Color: Bronze

Weight: 18.6 lbs



## LED Info

Watts: 24W  
 Color Temp: 4000K (Neutral)  
 Color Accuracy: 86  
 L70 Lifespan: 100000  
 LM79 Lumens: 1203  
 Efficacy: 39 LPW

## Driver Info

Type: Constant Current  
 120V: 0.26A  
 208V: 0.18A  
 240V: 0.15A  
 277V: 0.14A  
 Input Watts: 31W  
 Efficiency: 78%

## Technical Specifications

### UL Listing:

Suitable for wet locations.

### LEDs:

6W multi-chip, long-life LEDs

### Lifespan:

100,000-hour LED lifespan based on IES LM-80 results and TM-21 calculations

### Driver:

Two Drivers, Constant Current, Class 2, 100-277V, 50/60 Hz, 4kV Surge Protection, 100-240VAC 0.3 - 0.15 A, 277VAC 0.03 A.

### THD:

10.9% at 120V

### Ambient Temperature:

Suitable for use in 40°C (104°F) ambient temperatures

### Cold Weather Starting:

Minimum starting temperature is -40°F/-40°C

### Thermal Management:

Cast aluminum Thermal Management system for optimal heat sinking. The BLED is designed for cool operation, maximum efficiency and long life by minimizing LED junction temperature.

### Housing:

Die-cast aluminum with extruded aluminum bollard shaft

### Lens:

Clear, vandal-resistant polycarbonate

### Mounting:

Four (4) anchor bolts provided for concrete pad mounting. Internal base support has leveling screws.

### Reflector:

Specular polycarbonate

### Gaskets:

High-temperature silicone gaskets seal out moisture

### Color Consistency:

3-step MacAdam Ellipse binning to achieve consistent fixture-to-fixture color.

### Color Stability:

LED color temperature is warranted to shift no more than 200K in CCT over a 5 year period.

### Color Uniformity:

RAB's range of CCT (Correlated Color Temperature) follows the guidelines of the American National Standard for Specifications for the Chromaticity of Solid State Lighting (SSL) Products, ANSI C78.377-2011

### Finish:

Our environmentally friendly polyester powder coatings are formulated for high-durability and long-lasting color, and contain no VOC or toxic heavy metals.

### Green Technology:

Mercury and UV free, and RoHS compliant. Polyester powder coat finish formulated without the use of VOC or toxic heavy metals.

### IESNA LM-79 & IESNA LM-80 Testing:

RAB LED fixtures have been tested by an independent laboratory in accordance with IESNA LM-79 and 80, and have received the Department of Energy "Lighting Facts" label.

### Patents:

The design of BLED is protected by patents pending in US, Canada, China, Taiwan and Mexico.

**RAB**  
LIGHTING

Tech Help Line: 888 RAB-1000

Email: [sales@rabweb.com](mailto:sales@rabweb.com)

On the web at: [www.rabweb.com](http://www.rabweb.com)

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Note: Specifications are subject to change without notice

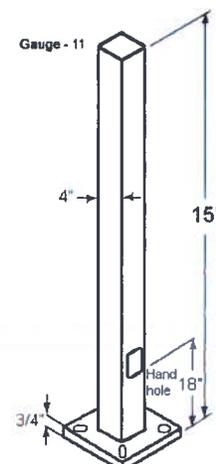
Page 1 of 2

# PS4-11-15D2

Square steel poles drilled for 2 Area Lights at 180deg. Designed for ground mounting. Poles are stocked nationwide for quick shipment. Protective packaging ensures poles arrive at the job site good as new.

Color: Bronze

Weight: 106.0 lbs



## Lamp Info

Type: N/A  
Watts: N/A  
Shape/Size: N/A  
Base: N/A  
ANSI: N/A  
Hours: N/A  
Lamp Lumens: N/A  
Efficacy: N/A

## Ballast Info

Type: N/A  
120V: N/A  
208V: N/A  
240V: N/A  
277V: N/A  
Input Watts: N/A  
Efficiency: N/A

## Technical Specifications

### CSA Listed:

Suitable for wet locations.

### Shaft:

46,000 p.s.i. minimum yield.

### Hand Holes:

Reinforced with grounding lug and removable cover.

### Base Plates:

Slotted base plates 36,000 p.s.i.

### Shipping Protection:

All poles are shipped in individual corrugated cartons to prevent finish damage.

### Color:

Bronze powder coating.

### Terms of Sale:

Pole Terms of Sale is available .

### Height:

15 FT.

### Weight:

106 lbs.

### Gauge:

11

### Wall Thickness:

1/8".

### Shaft Size:

4".

### Hand Hole Dimensions:

3" x 5".

### Bolt Circle:

8 1/2".

### Base Dimension:

8".

### Anchor Bolt:

Galvanized anchor bolts and galvanized hardware and anchor bolt template. All bolts have a 3" hook.

### Anchor Bolt Templates:

WARNING Template must be printed on 11" x 17" sheet for actual size. CHECK SCALE BEFORE USING. Templates shipped with anchor bolts and available .

### Pre-Shipped Anchor Bolts:

Bolts can be pre-shipped upon request for additional freight charge.

### MaxEPA's/Max Weights:

70MPH 14.0 ft\_/400 lb  
80MPH 10.2 ft\_/295 lb  
90MPH 7.6 ft\_/220 lb  
100MPH 5.6 ft\_/165 lb  
110MPH 4.2 ft\_/125 lb  
120MPH 3.0 ft\_/95 lb  
130MPH 2.1 ft\_/70 lb  
140MPH 1.4 ft\_/50 lb  
150MPH 0.8 ft\_/35 lb.



ALED2T50N - continued

**Finish:**

Our environmentally friendly polyester powder coatings are formulated for high-durability and long-lasting color, and contains no VOC or toxic heavy metals.

**Equivalency:**

ALED™ 50W replaces 200W metal halide

**Green Technology:**

Mercury and UV free, and RoHS compliant. Polyester powder coat finish formulated without the use of VOC or toxic heavy metals.

**DLC Listed:**

This product is on Design Lights Consortium (DLC) Qualified Products List and is eligible for rebates from DLC Member Utilities.

**IESNA LM-79 & IESNA LM-80 Testing:**

RAB LED fixtures have been tested by an independent laboratory in accordance with IESNA LM-79 and 80, and have received the Department of Energy "Lighting Facts" label.

**California Title 24:**

See ALED2T50/PC, ALED2T50/PCS or ALED2T50/PCT for a 2013 California Title 24 compliant model.

**Dark Sky Approved:**

The International Dark Sky Association has approved this product as a full cutoff, fully shielded luminaire.

**Patents:**

The ALED™ design is protected by patents pending in the U.S., Canada, China, Taiwan and Mexico.

**Warranty:**

RAB warrants that our LED products will be free from defects in materials and workmanship for a period of five (5) years from the date of delivery to the end user, including coverage of light output, color stability, driver performance and fixture finish.

**Country of Origin:**

Designed by RAB in New Jersey and assembled in the USA by RAB's IBEW Local 3 workers.

**Buy American Act Compliant:**

This product is a COTS item manufactured in the United States, and is compliant with the Buy American Act.

**Recovery Act (ARRA) Compliant:**

This product complies with the 52.225-21 "Required Use of American Iron, Steel, and Manufactured Goods-- Buy American Act-- Construction Materials (October 2010).

**Trade Agreements Act Compliant:**

This product is a COTS item manufactured in the United States, and is compliant with the Trade Agreements Act.

**GSA Schedule:**

Suitable in accordance with FAR Subpart 25.4.

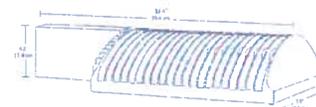


# ALED2T50N

Specification grade area lights available in IES Type II distributions. For use in parking lots, roadways, pathways and general area lighting. Mounts to 4" square steel poles at 20-35'. 5 Year Warranty.

Color: Bronze

Weight: 32.0 lbs



## LED Info

Watts: 50W  
 Color Temp: 4000K (Neutral)  
 Color Accuracy: 82  
 L70 Lifespan: 100000  
 LM79 Lumens: 4386  
 Efficacy: 85 LPW

## Driver Info

Type: Constant Current  
 120V: 0.46A  
 208V: 0.27A  
 240V: 0.23A  
 277V: 0.20A  
 Input Watts: 52W  
 Efficiency: 97%

## Technical Specifications

### UL Listing:

Suitable for wet locations as a downlight.

### Lifespan:

100,000-hour LED lifespan based on IES LM-80 results and TM-21 calculations.

### IES Classification:

The Type II distribution is ideal for wide walkways, on ramps and entrance roadways, bike paths and other long and narrow lighting applications. This type is meant for lighting larger areas and usually is located near the roadside. This type of lighting is commonly found on smaller side streets or jogging paths.

### Effective Projected Area:

EPA = 0.75

### LEDs:

Multi-chip, high-output, long-life LEDs

### IP Rating:

Ingress Protection rating of IP66 for dust and water.

### Driver:

Constant Current, Class 2, 1400mA, 100-277V, 50-60Hz, 0.8A, Power Factor 99%

### THD:

7.0% at 120V, 7.8% at 277V

### Surge Protection:

6kV surge suppression protection tested in accordance with IEEE/ANSI C62.41.2.

### Ambient Temperature:

Suitable for use in 40°C ambient temperatures.

### Cold Weather Starting:

The minimum starting temperature is -40°F/-40°C.

### Thermal Management:

Superior patent pending thermal management design with external Air-Flow fins provides maximum operational life, even in high ambient temperature environments.

### Housing:

Die cast aluminum housing, lens frame and mounting arm.

### Mounting:

Heavy-duty mounting arm with "O" ring seal & stainless steel screws.

### Color Consistency:

3-step MacAdam Ellipse binning to achieve consistent fixture-to-fixture color.

### Color Stability:

LED color temperature is warranted to shift no more than 200K in CCT over a 5 year period.

### Color Uniformity:

RAB's range of CCT (Correlated Color Temperature) follows the guidelines of the American National Standard for Specifications for the Chromaticity of Solid State Lighting (SSL) Products, ANSI C78.377-2011.

### Reflector:

Specular vacuum-metallized polycarbonate

### Gaskets:

High temperature silicone gaskets

# RAB

LIGHTING

Tech Help Line: 888 RAB-1000

Email: [sales@rabweb.com](mailto:sales@rabweb.com)

On the web at: [www.rabweb.com](http://www.rabweb.com)

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Note: Specifications are subject to change without notice

Page 1 of 2

ALED3T50N - continued

**Finish:**

Our environmentally friendly polyester powder coatings are formulated for high-durability and long-lasting color, and contains no VOC or toxic heavy metals.

**Equivalency:**

ALED™ 50W replaces 200W metal halide

**Green Technology:**

Mercury and UV free, and RoHS compliant. Polyester powder coat finish formulated without the use of VOC or toxic heavy metals.

**DLC Listed:**

This product is on Design Lights Consortium (DLC) Qualified Products List and is eligible for rebates from DLC Member Utilities.

**IESNA LM-79 & IESNA LM-80 Testing:**

RAB LED fixtures have been tested by an independent laboratory in accordance with IESNA LM-79 and 80, and have received the Department of Energy "Lighting Facts" label.

**California Title 24:**

See ALED3T50/PC, ALED3T50/PCS or ALED3T50/PCT for a 2013 California Title 24 compliant model.

**Dark Sky Approved:**

The International Dark Sky Association has approved this product as a full cutoff, fully shielded luminaire.

**Patents:**

The ALED™ design is protected by patents pending in the U.S., Canada, China, Taiwan and Mexico.

**Warranty:**

RAB warrants that our LED products will be free from defects in materials and workmanship for a period of five (5) years from the date of delivery to the end user, including coverage of light output, color stability, driver performance and fixture finish.

**Country of Origin:**

Designed by RAB in New Jersey and assembled in the USA by RAB's IBEW Local 3 workers.

**Buy American Act Compliant:**

This product is a COTS item manufactured in the United States, and is compliant with the Buy American Act.

**Recovery Act (ARRA) Compliant:**

This product complies with the 52.225-21 "Required Use of American Iron, Steel, and Manufactured Goods-- Buy American Act-- Construction Materials (October 2010).

**Trade Agreements Act Compliant:**

This product is a COTS item manufactured in the United States, and is compliant with the Trade Agreements Act.

**GSA Schedule:**

Suitable in accordance with FAR Subpart 25.4.

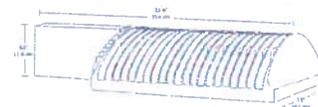


# ALED3T50N

Specification grade area lights available in IES Type III distributions. For use for roadway, general parking and other area lighting applications where a larger pool of lighting is required. Mounts to 4" square steel poles at 20-35'. Patent pending thermal management system. 5 Year Warranty.

Color: Bronze

Weight: 32.0 lbs



## LED Info

Watts: 50W  
 Color Temp: 4000K (Neutral)  
 Color Accuracy: 81  
 L70 Lifespan: 100000  
 LM79 Lumens: 4134  
 Efficacy: 80 LPW

## Driver Info

Type: Constant Current  
 120V: 0.46A  
 208V: 0.27A  
 240V: 0.23A  
 277V: 0.20A  
 Input Watts: 52W  
 Efficiency: 97%

## Technical Specifications

### UL Listing:

Suitable for wet locations as a downlight.

### Lifespan:

100,000-hour LED lifespan based on IES LM-80 results and TM-21 calculations.

### IES Classification:

The Type III distribution is ideal for roadway, general parking and other area lighting applications where a larger pool of lighting is required. It is intended to be located near the side of the area, allowing the light to project outward and fill the area.

### LEDs:

Multi-chip, high-output, long-life LEDs

### IP Rating:

Ingress Protection rating of IP66 for dust and water.

### Driver:

Constant Current, Class 2, 1400mA, 100-277V, 50-60Hz, 0.8A, Power Factor 99%

### THD:

6.9% at 120V, 7.5% at 277V

### Surge Protection:

6kV surge suppression protection tested in accordance with IEEE/ANSI C62.41.2.

### Ambient Temperature:

Suitable for use in 40°C ambient temperatures.

### Cold Weather Starting:

The minimum starting temperature is -40°F/-40°C.

### Thermal Management:

Superior patent pending thermal management design with external Air-Flow fins provides maximum operational life, even in high ambient temperature environments.

### Effective Projected Area:

EPA = 0.75

### Housing:

Die cast aluminum housing, lens frame and mounting arm.

### Mounting:

Heavy-duty mounting arm with "O" ring seal & stainless steel screws.

### Color Consistency:

3-step MacAdam Ellipse binning to achieve consistent fixture-to-fixture color.

### Color Stability:

LED color temperature is warranted to shift no more than 200K in CCT over a 5 year period.

### Color Uniformity:

RAB's range of CCT (Correlated Color Temperature) follows the guidelines of the American National Standard for Specifications for the Chromaticity of Solid State Lighting (SSL) Products, ANSI C78.377-2011.

### Reflector:

Specular vacuum-metallized polycarbonate

### Gaskets:

High temperature silicone gaskets

**RAB**  
LIGHTING

Tech Help Line: 888 RAB-1000

Email: [sales@rabweb.com](mailto:sales@rabweb.com)

On the web at: [www.rabweb.com](http://www.rabweb.com)

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Page 1 of 2



**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF SISTERS  
STATE OF OREGON  
PLANNING COMMISSION RESOLUTION PC 2015-13**

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

**WHEREAS**, the applicant, Ageia Health Services requests approval of a Modification to an existing Master Plan and a new Site Plan for an approximately 5.0 acre portion of a 25.51 acre parent tract to enable the construction of an assisted living facility; and,

**WHEREAS**, this proposed development provides a needed facility to provide residential care for seniors and is not detrimental to the general welfare, health or safety of the City of Sisters; and,

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

**WHEREAS**, after due notice, a public hearing on the proposed application (MOD 15-05 and SP 15-01) was held by the Sisters Planning Commission on June 18, 2015 at which time findings were reviewed, witnesses were heard, and evidence and written testimony was received.

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

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

**NOW THEREFORE, BE IT FURTHER RESOLVED THAT BASED ON THE FINDINGS, THE PLANNING COMMISSION HEREBY APPROVES THE PROPOSAL (MOD 15-05 AND SP 15-01) SUBJECT TO THE FOLLOWING EXHIBITS:**

- A- Applications
- B- Combined Staff Report and Burdens of Proof
- C- Letter of Authorization dated January 11, 2015
- D- Master Plan Overlay
- E- Site Plan Set
- F- Exterior Lighting Exhibit
- G- McKenzie Meadow ALF Roadway Improvement Exhibit dated April 13, 2015
- H- Letter dated May 5, 2015 from Ageia Health Services
- I- Letter dated May 27, 2015 from Oregon Department of Human Services
- J- Letter dated June 4, 2015 from Oregon Department of Human Services
- K- Letter dated June 8, 2015 from Ageia Health Services
- L- Agency Letters From:
  - a. City Engineer
- M- Final Conditions of Approval for MOD 15-05
- N- Final Conditions of Approval for SP 15-01

**O- Resolution PC 15-13**

**THE FOREGOING RESOLUTION PC 2015-13 IS HEREBY ADOPTED THIS 18<sup>TH</sup> DAY OF JUNE, 2015.**

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

AYES: Gentry, Nagel, Tewalt, Wright

NOES: Dean

ABSENT:

ABSTAIN: Seymour

(4)

(1)

(0)

(1)

 6/19/2015

Signed:

David Gentry, Chairman

**FINAL Conditions of Approval  
MOD 15-05**

1. Permit the following features of the McKenzie Meadow Village Master Plan, Phase 1, to shift as illustrated in the Master Plan Overlay dated May 22, 2015:
  - a. Access, parking and entryway to McKinney Butte Road
  - b. Access location to north parking lot
  - c. Building location as illustrated

General conditions:

2. All conditions of approval specified in previously approved applications (MP 10-01, SUB 10-02, MOD 12-01), not modified by this application, remain in effect.

  
\_\_\_\_\_  
Approved: Darcy Reed, Associate Planner

  
\_\_\_\_\_  
Date

**FINAL Conditions of Approval  
SP 15-01**

1. Recordation of the final plat for Phase I of this development, in which the Assisted Living Facility (ALF) is being built, has been extended by prior land use decisions and extensions. The Final Plat for Phase I shall be recorded by December 10, 2016 (two years from the date of Extension No. EX 14-02).
  - A. The Central Electric Cooperative (CEC) utility easement shall be vacated, and proof of vacation shall occur prior to recording the final plat for Phase I.
  
2. Public improvements and dedications within Phase I shall include the following and shall be completed or bonded where permitted, inspected and accepted prior to the final plat being recorded for phase I or prior to issuance of a certificate of occupancy for the ALF, whichever occurs first. All public improvements must be constructed, inspected and accepted by the City as stated in the following conditions of approval. Construction drawings for Phase I public improvements shall be submitted to the City for review and acceptance, and shall be the basis for any cost-estimates associated with bonding that might occur within Phase I. If the City allows bonding, the bond shall be in the amount of 120% of the value of the improvements that will be bonded. If bonded, all street improvements established in this decision shall be completed prior to occupancy of the assisted living facility.
  - A. **Streets.** Improvements to Lone Ranger Road and McKinney Butte Road to the local street and local collector standards, respectively for each street, as shown on the McKenzie Meadow ALF Roadway Improvement Exhibit dated 4/13/15.
    - McKinney Butte Road** is currently 32 feet wide. Collector standard is 34 foot wide pavement. Although the overall width is less than City standards, widening of McKinney Butte is not required.
    - Lone Ranger Road** is unimproved with the exception of aggregate surfacing. Local street standards require a 36' wide street. Lone Ranger shall be improved to full street standards including 36 foot wide pavement, landscaped swales, street trees, and sidewalks. Lone Ranger Road improvements shall extend to the northern side of the private roadway shown on the proposed site plan. Public right of way, 60 feet wide, shall be dedicated to the City over Lone Ranger Road to the northernmost point of the on-site improvements or the point of proposed partition shown on the site plan, whichever is further north. The right of way dedication shall be completed prior to occupancy.
  - B. **Street trees, sidewalks, and private alleys.** Prior to recording the final plat for Phase I or prior to issuance of a certificate of occupancy for the ALF, all street trees, sidewalks and private alleys shall be constructed, inspected and accepted by the City or may be bonded to 120% of their value. Sidewalks and alleys shall be completed prior to issuance of any occupancy permit within Phase I. Street trees may be installed up to 6 months following occupancy based solely on inclement weather, and shall be bonded as stated herein.
    - i. A total of 7 street trees are required along McKinney Butte Road, and a total of 9 street trees are required along Lone Ranger Road. Trees shall be consistent (size and species) with section 3.2.
    - ii. A total of 8 replacement trees shall be planted on site. Trees shall be consisted (size and species) with section 3.2.

**C. Sewer.**

**-McKinney Butte Road.** A 12" sanitary sewer exists in McKinney Butte Road. No modifications to the existing sewer main in McKinney Butte Road are proposed or required.

**-Lone Ranger Road.** An existing 8" sewer main terminates in Lone Ranger Road. The 8" sewer main shall be extended north on Lone Ranger Road to the northernmost point of road improvements. The 8" sewer main shall terminate at a manhole.

**D. Water.** All public water and improvements that the city will own and maintain shall be located within public utility easements or in the public right of way. Public utility easements must be recorded prior to occupancy. Public utility easement shall be a minimum width of 20 feet wide.

Backflow devices shall be required at all points of connection to proposed water mains including all domestic, fire sprinklers, irrigation, and any private hydrant lines. Engineered construction drawings for all water lines within Phase I shall be submitted to, reviewed and accepted by the City prior to commencing any public utility construction.

**-McKinney Butte Road.** A 12" water main exists in McKinney Butte Road adjacent to the property and a 12" water main runs northwesterly within an easement from McKinney Butte Road to Lone Ranger Road. No additional water main infrastructure is necessary on McKinney Butte Road.

**-Lone Ranger Road.** A 12" water main terminates in Lone Ranger Road. The 12" water main shall be extended north on Lone Ranger Road to the northernmost point of road improvements. A fire hydrant or blow off shall be located at the northerly extension of the water main.

**E. Grading and Drainage.**

1. All site drainage shall be maintained on site and shall not drain onto public streets or neighboring properties. Storm water runoff from private property shall not impact public right-of-way or easements unless otherwise approved by the Public Works Director or City Engineer.

2. Site grading and drainage plans shall be submitted for Engineering review and shall be subject to City and Central Oregon Stormwater Manual (COSM) design, construction, and testing standards.

3. Proposed site drainage facilities and stormwater systems shall be designed for a 25 year/24 hour storm event (2.8 inches) and have appropriate pretreatment per City standards. Infiltration rates must be supported by a Geotech report or other verifiable documentation.

4. New on-site private drywells and other underground injection control (UIC) systems not part of the public drainage system must be registered and approved by the Oregon Department of Environmental Quality (DEQ) prior to construction.

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

**G. Memorandum of Understanding – Intersection Impact Fee.** Note: this condition is waived for the Assisted Living Facility per the finding under section 3.1, Access and Circulation.

**H. Final Plat for Phase I.** Phase I final plat shall be recorded before any other Phase. Further conditions for Phase I are found in the land use decision MP 10-01.

3. **System Development Charges (SDCs) and separate impact fees shall be paid to the city with building permit issuance:**
  - A. **Transportation:** The facility generates 0.22 pm peak hour trips for each bed. The total transportation SDC fee is \$223.52 per bed.
  - B. **Sewer:** All plumbing fixtures shall be charged the 'per fixture' rate for sewer SDCs based on the value for each fixture at the time a building permit is sought.
  - C. **Water:** All plumbing fixtures shall be charged the 'per fixture' rate for water SDCs based on the value for each fixture at the time a building permit is sought.
  - D. **Parks:** Each habitable unit shall be assessed a one-time fee of \$613 at the time the building permit is sought for each participating unit.
  - E. **Water Mitigation Fee:** The Owner shall pay a fee of \$670 times 0.7 per unit for water mitigation. This fee is in addition to any sewer or water SDC or other SDC that may be required as a condition of development of the property. If the City amends its water SDC to include a water mitigation component within its water SDC within 5 years of the revised Annexation Agreement, the Owner shall pay to the City or the City shall reimburse or provide SDC credit based on the difference between the \$670 EDU fee assessed and the actual SDC water mitigation component.
  
4. **Unless otherwise stated, the following conditions shall be met prior to occupancy:**
  - A. This decision is valid for a period of two (2) years beginning on the first day following the end of the appeal period for this decision. If no building permit is applied for within this two-year time frame, or if a time extension is not filed with the City in a timely manner, then this decision becomes void.
  - B. All exterior mechanical equipment shall be screened from view from public roads and neighboring residences through the use of a screening mechanism. The screening shall blend in with the parent structure, and is subject to review and approval by the Sisters Planning Department and shall be installed prior to occupancy of this building.
  - C. Any exterior lighting shall be Dark Skies compliant.
  
5. **Advisory Conditions.** The following conditions shall be met at all times or as otherwise stated within the condition;
  - A. This decision is subject to the terms and conditions of the Annexation Agreement for McKenzie Meadow Village. The applicable Agreement is the most current recorded version available at the time that occupancy is sought.
  - B. The applicant shall be responsible for maintaining the site, including adherence to the dark skies ordinance, in a manner consistent with the Development Code.
  - C. All buildings on site shall maintain a minimum separation of six feet.
  - D. Any additional buildings sought for this site in the future shall require Site Plan review if they require building permits. On-site storage buildings may be exempt from this requirement upon a finding that the architectural style is consistent with the parent building, and a finding by the Community Development Director that approving the building does not constitute a 'significant change' to the approved site plan.
  
6. A shared access easement as described on Sheet no. A101 benefiting Lots 11 and 12 shall be required on subsequent land division plats.

7. Prior to issuance of Building Permits, the City Engineer shall work with applicant to determine an appropriate driveway access width for the anticipated vehicles utilizing the Assisted Living Facility.
8. Pedestrian pathways shall be minimum 6.0 feet in width.
9. Prior to occupancy, the applicant shall provide the City verification from the State of Oregon that the proposed uses, including number of beds, are duly licensed.

  
Approved: Darcy Reed, Associate Planner

  
Date

ATTACHMENT F

# CITY OF SISTERS PLANNING COMMISSION MEETING

June 18, 2015



I. CALL TO ORDER

II. VISITOR COMMUNICATION

III. PUBLIC HEARINGS

- A. File No: SUB 15-02 Skygate Subdivision – request for a 7 lot subdivision to enable the construction of 7 single family dwellings in Sun Ranch Residential zoning district.
- B. File No: MOD 15-05 and SP 15-01 McKenzie Meadow Village – request for Site Plan approval for a Senior Living Center consisting of 45 senior living units and 12 senior memory care units as part of the McKenzie Meadows Master Plan; request to modify the previously approved McKenzie Meadows Master Plan (File Nos. MP 10-01, SUB 10-02, MOD 12-01) to accommodate the Site Plan's shifting of the location of buildings, access, parking, etc. by more than 25 feet.

IV. OTHER COMMISSION BUSINESS

- A. July 2015 Agenda

V. ADJOURN

MOD 15-05 and SP 15-01  
McKenzie Meadow Village

Site Map



**Timeline of Prior Approvals on Subject Property:**

- In 2006, the property was annexed into the City limits.
- 2009 Annexation Agreement
  - Land designated for a *Senior Living Center/Assisted Living Facility*.
- In 2010, Master Plan for McKenzie Meadows approved (MP 10-01, SUB 10-02).
- In 2011, a Site Plan was approved (SP 11-05) under previous applicant.
- In October 2012, Master Plan (MP 10-02, SUB 10-02) modified by MOD 12-01 and Site Plan (SP 11-05) modified by MOD 12-02.

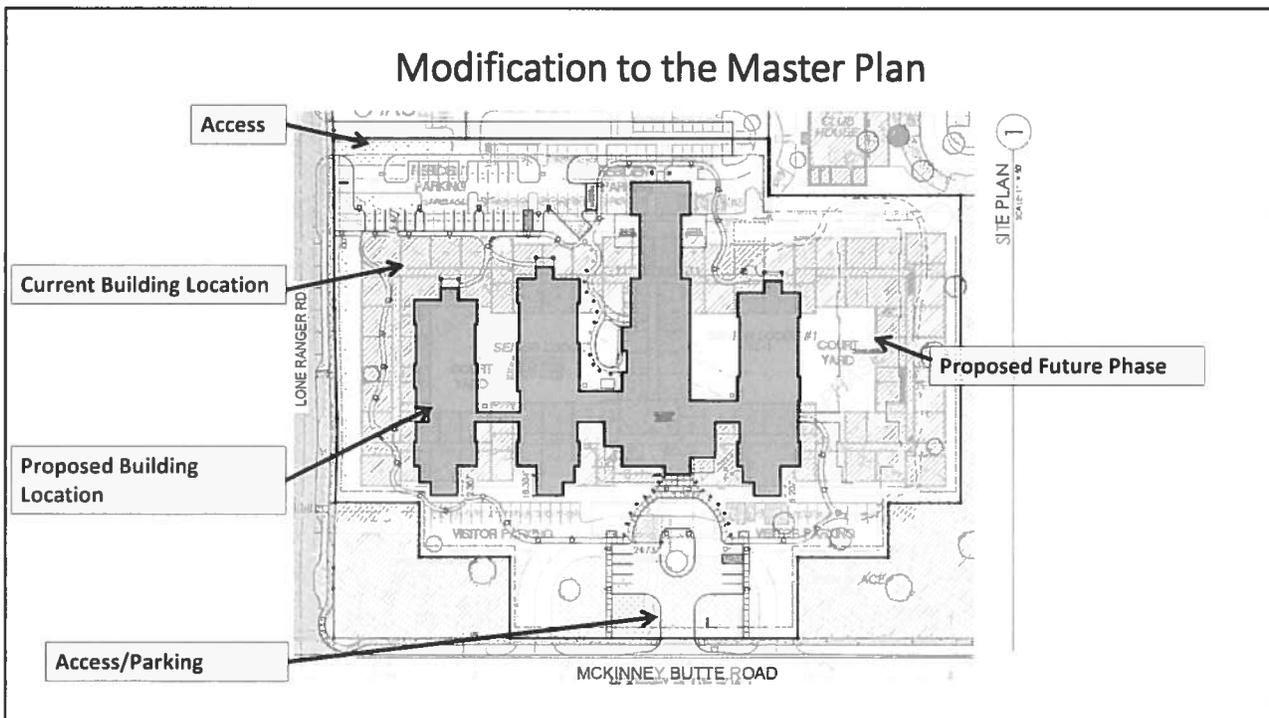
**Definitions from Sisters Development Code**

- **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 facility** - A residential care facility, residential training facility, residential treatment facility, residential training home or residential treatment home.
- **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.



## Modification to the Master Plan

- Chapter **4.5.800** of the Development Code states:
  - D.1.c:** "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.
  - D.2:** "Other modifications are major modifications. See Chapter 4.1."
- Applicant's request is a Major Modification since the requested changes include shifting buildings, parking, etc. by more than 25 feet.



## Modification to the Master Plan

- Chapter **4.1.700** of the Development Code states:
  - “The grounds for filing a modification shall be that a **change of circumstances** since the issuance of the approval makes it desirable to make changes to the proposal, as approved....”
- The original Master Plan was prepared in 2010. The modification being requested is the result of accommodating a specific site plan design by a specific senior living center developer.

## Staff Recommendation MOD 15-05

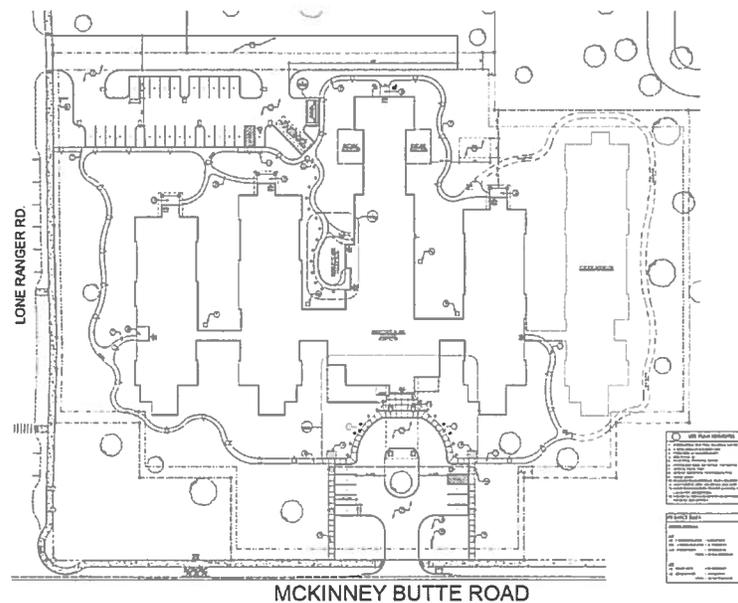
- The Modification conforms to the applicable approval criteria of the Sisters Development Code.
- Staff recommends the Planning Commission approve the following for MOD 15-05:
  - Permit the following features of the McKenzie Meadow Village Master Plan, Phase 1, to shift as illustrated in the Master Plan Overlay dated May 22, 2015:
    - Access, parking and entryway to McKinney Butte Road
    - Access location to north parking lot
    - Building location as illustrated

## Site Plan Review for McKenzie Meadow Village



## Site Plan Review

- 46,750 sf Senior Living Center
  - 20 units Memory Care
  - 45 units Assisted Living/ "Housing with Services"
- Residents of all of the units will receive **assistance and/or services** by a licensed care provider
- Improvements:
  - 34 parking stalls
  - 8 bicycle parking spaces
  - trash/recycling enclosure
  - loading area



### Site Plan Review

- Chapter **4.2.300** of the Development Code states:
  - "Site Plan Review shall be conducted as a **Type II procedure**... The Community Development Director shall have discretion to forward any site plan submitted for administrative approval to the Planning Commission for review."
- The Site Plan has been forward to the Planning Commission. Staff has reviewed the Site Plan for conformity with the applicable criteria of the Sisters Development Code and finds that it meets criteria of the code. Several conditions have been added as part of the approval.

### Staff Recommendation SP 15-01

- The Site Plan conforms to the applicable approval criteria, development standards and special provisions of the Sisters Development Code.
- Staff recommends the Planning Commission approve SP 15-01 subject to the Draft Conditions of Approval attached within the Staff Report.



City Planning Commission Minutes  
Thursday, June 18, 2015 – 5:30 P.M.  
City Hall Council Chambers  
520 E. Cascade Ave., Sisters, OR 97759

Chairman: David Gentry  
Commissioners: Jeff Seymour, Roy Dean, Jack Nagel, Daryl Tewalt, Bob Wright  
Staff: Patrick Davenport, CDD Director; Darcy Reed, Associate Planner  
Carol Jenkins, Recording Secretary

I. CALL TO ORDER

*Chairman Gentry* called the meeting to order at 5:30 p.m.

II. VISITOR COMMUNICATION

No Visitor Communication.

III. APPROVAL OF MINUTES

*Chairman Gentry* asked the Commission if they would like to make a motion to approve the April 30, 2015 minutes as presented.

*Commissioner Wright* made a motion to approve the April 30, 2015 minutes as presented.

*Commissioner Seymour* seconded.

Motion carries unanimously.

IV. PUBLIC HEARINGS

File No: SUB15-02 – Skygate Subdivision

Request: The applicant is requesting a 7-lot subdivision to enable the construction of 7-single family dwellings in the Run Ranch Residential zoning district.

File No: MOD15-05 and SP15-01 – McKenzie Meadow Village

Request: A Site Plan approval for a Senior Living Center consisting of 45-senior living units and 12-senior memory care units as part of the McKenzie Meadows Master Plan. The Applicant is also requesting to modify the previously approved McKenzie Meadows Master Plan (File No. MP10-01, SUB10-02, MOD12-01) to accommodate the Site Plan shifting of the location of buildings by more than 25-feet from where the buildings were originally approved to be located.

*Chairman Gentry* read aloud a statement summarizing the issue and hearing procedures at this time. No commissioner disclosed pre-hearing contacts, ex-parte contacts, or conflicts of interest. No one in the audience challenged any commissioner for bias, prejudgment, or personal interest.

*Chairman Gentry* asked for Director Davenport to come forward and present his staff report.

File No: SUB15-02 Skygate Subdivision

Request: Request for a 7-lot subdivision to enable the construction of 7-single family dwellings in the Sun Ranch Residential zoning district.

*Director Davenport* came forward and gave the background of the Skygate Subdivision at this time. He stated that the owner is Dutch Pacific Properties, LLC and the applicant is Housing Works (Central Oregon Regional Housing Authority). The property was annexed in 1999, there was a Comprehensive Land Use Plan (CLUP) and Zoning done in 2006; the Development Agreement was approved in 2007 and Amended in 2014. The proposal is to develop seven (7) – single family residential detached lots, and the Affordable Housing Program proposed on all of the seven (7) lots – A Partnership has been established with Housing Works to develop those parcels under the requirements per the Agreements and Amended Agreement.

*Director Davenport* continued addressing the Site with a previously approved Master Plan, the zoning map where the property is zoned Sun Ranch Residential on the north end of the City. The previous subdivision plat with the subject parcel known as Tract C, and the proposed subdivision plat. All of the lots except for one (1) will take access off of Jantzen Lane and the one (1) lot will take access off of Heising Dr.

*Director Davenport* stated that this application meets the City's standards in the Development Code and it meets the criteria that is outlined in the Code and is fulfilling an obligation of providing the seven (7) lots for the Affordable Housing Program. In the packet are the Conditions of Approval and for the record. He stated that he wanted to bring to the Commissions attention that were in the previous Development Agreements – the Affordable Housing Requirement is being satisfied with this application. There was a proposal to develop approximately ½ acre park and gave a visual at this time. He stated that the Public Works Director is not ready to accept a dedication at this point. The City is going to decline to exercise that option for the ½ acre park, but when it gets fully master planned and subdivided, the City is going to exercise that option at a later date.

*Director Davenport* stated that on the dedication of a future well-site of about 10,000 square feet and a payment of 1-acre of water rights, the well site is currently under easement and hasn't been formally dedicated yet. There is a condition that prior to issuance of the 7<sup>th</sup> building permit, the property owner on record or successor must submit a proposal to the City that satisfies this condition. The City Engineer and the Fire Marshall reviewed comments and are applicable and brought into this Condition of Approval. He covered the dwelling heights, airport overlay requirements, the building permit applications and submittal requirements, landscaping, requirements, and the Development Code in effect at the time of this approval should this be approved will remain in effect.

*Director Davenport stated that staff is requesting that after hearing further testimony, staff is recommending approval of this application subject to the Conditions of Approval and any other terms the Commission see fit to apply to this application.*

*Commissioner Wright asked about the 25-foot height and if it satisfies the FAA requirements for allowing this to move forward.*

*Director Davenport stated that they are not concerned with that specifically, but it was a condition that was part of the approvals back in the earlier Conditions of Approvals for those prior land use actions. He stated that Jeff Caines with the Department of Aviation has reviewed this and the comment about his form satisfies their concern.*

*Director Davenport stated that a letter from Ed Protas was submitted and put into the record at this time. He asked the Commission if they had time to read it and if there were any comments they wanted to make. He explained that in the letter it states that the City Manager signed the Agreement – and the Ordinance itself that amended the Agreement was signed by the Mayor hence the City Manager signed the Agreement itself.*

*Chairman Gentry asked for the applicant to come forward at this time.*

Shane Lundgren  
26266 SW Metolius Meadows Dr.  
Camp Sherman, OR 97756

*Mr. Lundgren came forward and stated that he is the Dutch Pacific side of the equation. He said that they have been chugging along on this for 11 years now, and proportionally donated and agreed to give seven (7) lots in a proposed 45-unit subdivision. This was well beyond the proposed ten percent in an effort to help with some of the issues of affordable housing in the community. This ability to work with Housing Works and very pleased to have that opportunity and very impressed by their product and professionalism has been a great process. What they bring the table, the quality and management skills has been very positive. He stated that he looks forward to getting this into the community, they are very excited and know that this will be a great addition. He stated that he hopes to have the next piece of the residential development moving forward as well.*

Tom Kemper – Executive Director with Housing Works  
405 SW 6<sup>th</sup> Street  
Redmond, OR 97756

*Mr. Kemper came forward and stated that they are working with Dutch Pacific - Mr. Lundgren to satisfy what is an affordable housing requirement that was put on the original subdivision application long ago. He stated that they have done a fair amount of 'for sale' housing in a number of neighborhoods including Northwest Crossing in Bend, OR. He stated that they have done four (4) houses in Northwest Crossing and the developers there have donated another two (2) lots for them to build homes.*

*Mr. Kemper continued stating that the structure of those transactions are where they donate the land and put a restriction of 80 percent area median income on the purchasers of those homes – we own the dirt and lease the dirt for a nominal fee, and it basically allows those home buyers at*

an 80 percent AMI income be able to afford a home in that neighborhood. He stated that they are taking that concept and bringing it to Sisters and the architect and builder that they are using at Northwest Crossing is working with us on that subdivision and the quality will be very high. He stated that they are very excited to be able to provide this type of housing in Sisters.

*Commissioner Wright* mentioned that when they were looking at the Annexation of the Airport there was some discussion about the flight path or window, etc. that comes into the end of the runway, and does part of that run across any of these seven (7) lots.

*Mr. Kemper* said no and that it actually is to the south. He said that he had questions about that too when he read the exceptions on the title policy, and Hayes McCoy assured him that after some research that it is outside the flight path.

*Director Davenport* gave a visual of the Airport and Runway Protection Zone at this time.

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

Ed Protas  
575 S. Oak St.  
Sisters, OR 97759

*Mr. Protas* stated that he wanted to make it clear that he supports the approval of this application because it represents the most significant step other than the work that Habitat for Humanity has been doing to deal with the Affordable Housing crisis in our community. This is really a process issue and he wanted to address the questions that have been raised. He stated that he submitted the written testimony to the Commission and the issue he is raising is that there is a 2007 Agreement between the City of Sisters signed by the Mayor and the applicant. It includes a requirement that there be an Affordable Housing Agreement that has been approved by the City of Sisters prior to approval. There is a 2014 Amendment to that 2007 Agreement and signed only by the City Manager. The original Conditions of Approval state that any changes to it between the Agreement and between the parties has to be a part of a public hearing.

*Mr. Protas* stated that the point he is trying to make is that there should be an approved Affordable Housing Agreement as part of this, and it should be approved by the City of Sisters which normally represents the Mayor signing on behalf of the City Council. Until that Affordable Housing Agreement is part of the packet, signed and approved, then, this should not go forward. It is something that is simple, it can be done, but it needs to be done. He stated that both the 2007 and 2014 Agreements are in the packet and it pertains to item #8 in both the 2007 Agreement and the Amendment. It is particularly troubling and suppose it requires an attorney to look at it, but the 2014 Amendment says that if there is any disparity between the 2007 Agreement and the 2014 Amendment – that the 2014 Amendment rules. It is essentially the City Manager serving the authority of the City Council.

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

David Marlow  
70110 Running Horse Ct.

Sisters, OR 97759

*Mr. Marlow* stated that he does not live in the Sisters UGB, but he does own property in the Downtown Sisters area. He stated that as some of you know, he has served on this Commission for several years. Agenda item SUB15-02 Housing Works, he said that he urges the Commission to turn down this request. It proposes to convert one (1) lot identified as Tract C of .07 acres and convert this into seven (7) single family detached homes. This is seven (7) lots of about 7,000 square feet or less with the deduction for the cul-de-sac that page 6 shows as part of the proposal. He continued to say that on page 9 part D says they are not building a cul-de-sac – it can be called a private drive or anything else, but it sure looks like a substandard cul-de-sac. Some of the lots seem to be surrounded on three (3) sides by pavement. Furthermore and most importantly, the Oregon Department of Transportation says that this proposal is an incompatible use with the proximity to the Airport. He asked why the members of the Planning Commission are considering creating a future noise problem when you do not have to. He stated that what he finds puzzling is that applicant, Housing Works, the Central Regional Housing Authority which he presumes is a Government Agency would deliberately create a potential problem for the City of Sisters, Deschutes County, and the Oregon Department of Aviation – three (3) other Government Agencies. Once again, he stated that he urges the Commission to turn this proposal down while there still is a choice.

*Commissioner Dean* asked Mr. Marlow what is his most pressing concern.

*Mr. Marlow* stated that the obvious thing is the incompatible use because of getting noise complaints about that eventually and the City will have to deal with that issue. He stated that he is not against the Affordable Housing, but this is the wrong proposal at the wrong site.

*Commissioner Nagel* asked Mr. Marlow if he is talking about the noise at the Airport or from the Industrial area.

*Mr. Marlow* stated both actually, but mainly from the Airport.

*Commissioner Nagel* stated that he lives right in town and everyone has to deal with the noise at the Airport.

*Mr. Marlow* stated that he spent 30 years in the Engineering Department at the Port of Portland and they fight that noise issue with the Airport all the time. It was there long before any of the housing and they are still dealing with noise complaints on a daily basis and the City will too.

*Mr. Lundgren*, the applicant came forward and stated that he finds it ironic that when Mr. Marlow was on the Planning Commission he approved it, and now is against it. It was a proposed use that they went through in the Land Use process and it was all approved and well outside the RPZ, etc.

*Commissioner Dean* asked Director Davenport for clarification saying that in the paperwork, it looks like the applicant has satisfied the requirements for the provisions of the Affordable Housing units as required by the Conditions of Approval attached to prior land use decisions. It sounds like they have met all of the requirements.

*Director Davenport* stated yes, they have met all of the requirements.

*Chairman Gentry* asked the applicant if they would like to leave the record open for seven (7) days to provide additional written testimony.

The applicant stated he does not wish to leave the record open for the additional seven (7) days.

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

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

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

*Commissioner Nagel* made a motion to approve the application with the conditions noted.  
*Commissioner Dean* seconded. *Motion carries unanimously.*

File No: MOD15-05 and SP15-01 – McKenzie Meadow Village  
Request: Request for a Site Plan approval for a Senior Living Center consisting of 45-senior living units and 12-senior memory care units as part of the McKenzie Meadows Master Plan. The applicant is also requesting to modify the previously approved McKenzie Meadows Master Plan (File No. MP10-01, SUB10-02, and MOD12-01) to accommodate the Site Plan shifting of the location of buildings by more than 25-feet from where the buildings were originally approved to be located.

*Chairman Gentry* read aloud a statement summarizing the issue and hearing procedures at this time. No commissioner disclosed pre-hearing contacts, ex-parte contacts, or conflicts of interest. No one in the audience challenged any commissioner for bias, prejudice, or personal interest.

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

*Planner Reed* came forward and stated that this is a request by the applicant McKenzie Meadow Village located at 1680 W. McKinney Butte Rd. on the west end of town. She provided a map showing the project location. The red outline is the location for all of the McKenzie Meadow Village Master Planned Development and the yellow is the subject site for which is being discussed this evening.

*Planner Reed* continued with the “Timeline of Prior Approvals on the Subject Property” stating that:

In 2006, the property was annexed into the City limits;  
In 2009, the Annexation Agreement – Land designated for a Senior Living Center/Assisted Living Facility;  
In 2010, a Master Plan for McKenzie Meadows was approved (MP10-01 and SUB10-02);  
In 2011, a Site Plan was approved (SP11-05) under a previous applicant.  
In October of 2012, a Master Plan (MP10-02 and SUB10-02) was modified by (MOD12-01) and Site Plan (SP11-05) modified by MOD12-02.

*Planner Reed* stated that some of the definitions staff has reviewed to ensure the proposed use is allowed according to the current Development Code Standards. The proposed use will be discussed later in this presentation. The Definitions from the Sisters Development Code 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 the 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 Facility* – A residential care facility, residential training facility, residential treatment facility, residential training home or residential treatment home.

*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 applicant has submitted two (2) separate applications requesting the following:

Request 1 – MOD15-05

Modification to McKenzie Meadow Village Master Plan to accommodate the final design of a Site Plan for a Senior Living Center. The items to be modified include the following:

- Access, parking and entryway to McKinney Butte Road
- Access location to north parking lot
- Exact building location

Request 2 – SP15-01

Site Plan approval for a Senior Living Center consisting of 45-senior living units and 12-senior memory care units.

*Planner Reed* stated that in order to provide clarity on what was approved in 2010 as part of the McKenzie Meadow Village Master Plan, attached is a master development plan (visual) for which the applicant is seeking approvals for tonight.

The specific location is the bottom-center where the pink buildings are located (visual) adjacent to McKinney Butte Road.

The applicant is seeking approval of a Modification to the Master Plan, Chapter 4.5.800 of the Code it states:

D.1.c: – 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.

D.2: - “Other modifications are major modifications. See Chapter 4.1.”

The applicants request is a Major Modification since the requested changes include shifting buildings, parking, etc. by more than 25-feet.

*Planner Reed* stated that staff has determined the request is a major modification since the location of the buildings, parking, etc. are shifting by more than 25-feet.

*Planner Reed* gave a visual of the Modification to the Master Plan and stated that additionally, the Development Code states that:

Chapter 4.1.700 of the Development Code it states:

- The grounds for filing a modification shall be that a change in circumstances since the issuance of the approval makes it desirable to make changes to the proposal, as approved.
- The original Master Plan was prepared in 2010. The modification being requested is the result of accommodating a specific site plan designed by a specific senior living center developer.

*Planner Reed* stated that staff has reviewed the requested changes concurrently with the request for site plan approval. Staff has determined the changes are the result of accommodating a specific senior living center design and altogether, the use design conforms to the criteria used in the Code. The location of the buildings, access points, and parking are not moving closer to an incompatible use.

*Planner Reed* stated that staff's recommendation for MOD15-05 takes into account:

- The Modification conforms to the applicable approval criteria of the Sisters Development Code.
- *Staff recommends that the Planning Commission approve the following for MOD15-05:*
  - Permit the following features of the McKenzie Meadow Village Master Plan, Phase 1, to shift as illustrated in the Master Plan Overlay dated May 22, 2015:
    - Access, parking and entryway to McKinney Butte Road
    - Access location to north parking lot
    - Building location as illustrated

*Planner Reed* continued to discuss the Site Plan Review (SP15-01) for McKenzie Meadow Village at this time. She continued with some perspective views of the facility based on the Site Plan's building layout. The applicant Site Plan includes:

46.750 sf of Senior Living Center

- 12 units Memory Care, 45 units Assisted Living / "Housing with Services"
- Residents of all of the units will receive assistance and/or services by a licensed care provider
- Improvements include 34 parking stalls, 8 bicycle parking spaces, trash/recycling enclosure, and loading area.

*Planner Reed* stated that the applicant has received licensing by the State of Oregon for the 20 units of memory care and has received confirmation that the 45 units may proceed in the State licensing process. However, the 45 units are not required to be State licensed if services which do not need licensing are not offered. Regardless of the licensing, the proposed uses are consistent with the uses allowed in this zone.

*Planner Reed* continued to state that:

Chapter 4.2.300 of the Development Code states:

- "Site Plan Review shall be conducted as a Type II procedure. The Community Development Director shall have discretion to forward any Site Plan submitted for administrative approval to the Planning Commission for review".
- The Site Plan has been forwarded to the Planning Commission. Staff has reviewed the Site Plan for conformity with the applicable criteria of the Sisters Development Code and finds that it meets criteria of the Code. Several conditions have been added as part of the approval.

**Staff Recommendation for SP15-01:**

- The Site Plan conforms to the applicable approval criteria, development standards and special provisions of the Sisters Development Code.
- Staff recommends the Planning Commission approve SP15-01 subject to the Draft Conditions of Approval attached within the Staff Report.

*Planner Reed* stated that staff received several emails that were provided to the Planning Commission for this particular request of the two (2) applications. There are four (4) sheets of paper in front of each of you to review, and she stated that she will be happy to answer any questions the Commission may have.

*Commissioner Nagel* wanted to hear *Planner Reed's* response to the statement that this should require a new Site Plan because of the changes.

*Planner Reed* stated that the Code does state that if staff or the Planning Commission feels that there are substantial adverse impacts that it would require a Master Plan, but that is at the Commission's discretion to make that decision. In reviewing the Site Plan and Modification request and a long with correspondence with the applicant, they noted that parking was reduced, however, parking still does meet the number of beds and office space for the workers. There is reduced parking, the access has been reduced from two (2) points of access on McKinney Butte Road to one (1), the building footprint has changed and has not shifted any closer to the existing residences to the east, there is no development north, and it does have the Health Care Clinic nearby, but that was all part of the Master Plan. It does shift just slightly down here (visual) but there is the Junior High School near the track field. It is not getting any closer to any existing uses so staff did not feel it was an adverse impact with the location of the building moving.

*Planner Reed* stated that there is more open space in the modified Master Plan which provides additional buffering for any activity that would be going on, however it is a Residential Care Facility so it is typical of activities that one would find in a residential neighborhood. *Overall, staff did not find any adverse impacts therefore staff has determined that this Master Plan was able to be modified through this process rather than having them submit a new Master Plan.*

*Commissioner Nagel* asked for clarification that it is only if there are adverse impacts that a new Site Plan Review is required under the Code. *Planner Reed* stated that is correct. *Chairman Gentry* asked if the applicant would like to come forward at this time.

Curt Kallberg  
P.O. Box 3500  
Sisters, OR 97759

*Mr. Kallberg* came forward and stated that this property belongs to three (3) families. This property is owned by the Kallberg family, the Reed family, and the Willitts family. These families have been having this dream of providing senior housing in this town for almost 15 years. Shane Lundgren's project has been 11 years. Go back 15 years and see where you were at – that is when these families started this thing and coming into these rooms. He stated they have been working on this thing for 15 years and in that time, they lost one of their partners, Bill Reed, in a plane crash and his wife – 10 years ago in July. He stated they are not giving up, they are going to get it, and going to do it for Sisters. They promised they would and they will. They worked on this project quite a bit to get it into the City limits and ready to be developed. In the early years, they met Mr. Mark Adolf and worked with him for a little over three (3) years. In the meantime, Mr. Adolf collected some money privately for this project and then was going to give the balance of the money needed to complete the project through a financial lending company.

*Mr. Kallberg* continued to say that they gave multiple extension, after extension, after extension, after extension, to make this work – over three (3) years of extensions. Finally, we said and Mr. Adolf agreed on the last extension, "If I don't get it this time – I'll just get out of the way". Mr. Kallberg stated that we went through one of the worst depressions we've ever had in Central Oregon after that. He stated that they were lucky enough to have another interested investor, Kevin Cox come to us and be willing to build senior housing for Sisters. He said they started and that is where we are at today. He said they are going to do it, it was promised to a friend, and it hasn't been easy. A lot of road blocks were put up, but he said they have always tried to follow the rules, do what we said we were going to do – is it 25-foot out-of-bounds, it's five (5) acres, it is not an 80x80 lot. He stated this is unbelievable and letting seniors leave this town because we can't build a facility that is ready to be built, money ready, and they don't have to raise the money – the money is ready to go.

*Mr. Kallberg* stated that they wanted to start this spring, but have hit every road block there has been. This town deserves senior housing, the money is sitting there to build senior housing – if there are two (2) senior housings built that is super and great and even better for our seniors – let's have a choice, but don't be afraid of competition and throw up every road block - every letter, 25-foot, etc., landscaping is 25-foot out-of-bounds – give me a break because our seniors deserve better – they shouldn't have to move and leave from this community, but that is what is being forced on us.

Greg Blackmore  
19454 Sunshine Way  
Bend, OR 97702

*Mr. Blackmore* came forward and thanked the Commission for their consideration and Planner Reed for her thorough presentation. He stated that Planner Reed did a great job of explaining history since there is a long history here. Essentially, the proposal before the Commission is a Senior Living Center. The Senior Living Facility is consistent with what was planned from the get go. In working with the City, they understood that, first of all, it only required a Site Plan, and then, realized that it required a modification to the Master Plan also. He stated that he wanted to clarify one thing with the history – there was a prior Site Plan that was approved and he wanted to note this was a separate application. Given the long history, the applicant wanted to have their own proposal reviewed and studied on its own merits. It is arguable that if modifying the prior Site Plan, they wouldn't have had to modify the Master Plan as it wasn't required the last time around. They wanted to proceed and have this application reviewed on its own merits which requires a modification to the Master Plan. He stated that submitted documentation which they feel justifies the request.

*Mr. Blackmore* continued to say that there are four (4) particular items requested to be modified under the Master Plan – Building Location – a revised design that has more architectural features, more variations, and provides more opportunities for detail design, improved orientation, and ultimately enhances conformity with the MFR intent of design. Parking – it provides adequate parking to meet the needs of the Code and lessens the amount of parking along the frontage although not applicable to these senior living facilities. There is less parking in front of the building and less parking between the building and the adjacent right-of-way. That is the goal and the intent of the MFR zone and lessens that prior impact. Access – reducing the access on McKinney Butte Road from two (2) points to one (1) point brings it more into conformance with access spacing standards within the Code, and access on the northwest corner (visual) at this time.

*Mr. Blackmore* continued to say that ultimately the modification brings the proposal more into conformance with the current Development Code standards. He stated that they believe it does not create any substantial adverse impacts on any neighboring properties. This Site Plan is similar to the prior approved Site Plan did not require a modification of the Master Plan and was determined to not have significant adverse impacts. He stated that they understand it cannot be reviewed administratively and it is in the Planning Commissions hands now to determine whether or not those impacts of those four (4) discrete changes are substantial adverse impacts.

*Mr. Blackmore* stated that under the Site Plan itself, he gave a visual of what is proposed, the structure, the look and the feel of the architectural design, the detail of the staff report, the lot coverage, color images and renderings (visual), etc. On the site itself, there is only a 22 percent lot coverage with an allowable 80 percent maximum even with the planned or potential future phase there is only 28 percent lot coverage – well less than the allowable maximum lot coverage. The building height is only 25-feet and all setbacks exceed the minimum requirements. The density is 11.4 units per acre and the desire is to have more required dwelling units within the community is consistent with the desire in the community. The design components conform to any required architectural design elements and all of those details are identified in the staff report.

*Mr. Blackmore* continued to discuss licensing which is something that has been raised and talked about with different letters in the burden, different letters in the record, and comments in opposition about the licensing. Ultimately, the applicant's intent is to be licensed as an Assisted Living Facility. At the time of the original submittal, they did not have authorization to do so, but they had begun that process and working through the process to get any necessary State licenses. The license is not issued until the Certificate of Occupancy can be issued. There are processes and incremental steps to get to that license. With the initial submittal, they had begun that process, but had not yet obtained the necessary authorization for this particular phase. In lieu of that, and with some of those initial discussions with the City suggested, they thought, providing additional licensing at this time would not be necessary, and it could be deferred until a Certificate of Occupancy passed decisions on this property and processed in that manner. Proceeding along those lines, began the process to get the application in, begin the approval process and ultimately with the plan of getting any necessary license. In the meantime, they spoke with their legal team and determined that this 'housing with services' model as proposed, meets all of the requirements of the McKenzie Meadow Village and meets the requirements of the Sisters Development Code. He stated they can do a 'housing with services' model and legally it looks like it is allowable, and legally it looks like it is acceptable. In the meantime, they have since received authorization to proceed with the additional 45 units under the Assisted Living Facility licensing authorization. That information is included in the record. He stated that there is a letter from the State Department of Human Services and from Kevin Cox with what is intended with licensing requirements.

*Mr. Blackmore* continued addressing the Site Plan – on-site access for vehicles meets the Development Code requirements, pedestrian access all around the site that connects to the adjacent right-of-way (visual), connects to and around the parking areas, and connects all the way around the facility. A Condition of Approval by staff recommends that those walkways be 6-feet instead of 4-feet and they were anticipating that requirement. Landscaping is 70 percent of the site landscaped and in the future with the future phase would be at 64 percent. There is a significant amount of landscaping and there are plans for which significant trees will be preserved and as many as possible, street trees are proposed, and with staff recommendation there will be nine (9) street trees along Lone Ranger, parking and bike parking requirements all exceed the minimum Development Code standards.

*Mr. Blackmore* stated that they did have the opportunity to review some comments that came in at the last minute, and prior to responding to those, he stated that he would like to hear them and then have the opportunity to respond to them.

*Commissioner Wright* asked Mr. Blackmore what functions in that portion of the design necessitates exceeding the 25-foot and how much did it actually move.

*Mr. Blackmore* stated that this is for the modification (visual) is the pink area where the original Master Plan was, and where the original Master Plan showed where the structure would be – the exterior wall would be and the additional (visual). There are only five (5) above and beyond the 25-feet. The past Site Plan approval that was allowed on the site there was not a requirement to go through a Master Plan. Even a minor Master Plan modification would have been review administratively, but was not something that was required and because of that it was relatively insignificant.

*Planner Reed* came forward and stated that she wanted to make a quick clarification. There is a typo and where it shows 20 units of Memory Care is actually 12 units and that is reflected correctly in the staff report – just for the record it is 12 units of Memory Care and not 20.

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

Kevin Cox  
3450 NW Greenleaf Way  
Bend, OR 97701

*Mr. Cox* came forward and stated that his company, Ageia Health Services is the developer on this project and working with the Kallberg, Reed, and Willitts families. He said that he grew up in Central Oregon and have lived in Bend for the last 18 years. Their company, Aegia Health Services, has been providing quality services to seniors in Central Oregon for over a decade. He said that he is intimately familiar with the Sisters community in Central Oregon health care community and knows how badly this facility is needed. As *Mr. Kallberg* alluded to – they just want to build the project, they are ready to go, and as soon as they get the green light – they are going.

Frankly, *Mr. Cox* said that he doesn't really care what *Mr. Adolf* does and he can build two. While he was getting his land ready over next to the Post Office, no one saw us in here waving the flags and trying to stop him. What is going on here has nothing to do with concern over 25-feet or not. *Mr. Adolf* just doesn't want competition in this town. He wants to be the only one, he has been counting for the last three (3) years that he is the only one with an Assisted Living license, or the ability to get one.

*Mr. Cox* continued to say that was true up until recently and the State did initially deny his market study. The State requires that a market study be submitted (he thinks they got confused with their own rules to be frank) the rules never said they can deny it - a potential application on the basis of a market study, but that is what they did. The State said that they already approved one potential license for an Assisted Living Facility and according to the market study, they don't think two (2) Assisted Living facilities is viable. *Mr. Cox* stated that since that period of time and through lots of battles, legislatively they got that changed – House Bill 2413A passed the senate, the governor signed the bill, and that bill came as a result of what is going on here in Sisters. It is not right that somebody who isn't able to get it done can sit and squat and take four (4) years and not get anything done. It is certainly not right to the families and it is not right to Sisters. Now, the State, and the letter the Commission has, approved their market study and what that basically says is the market study has been approved and they can proceed.

*Mr. Cox* stated that in going through the other phase – Facilities Planning and Safety, they are required to submit the plans to Facilities Planning and Safety with the State and those plans have been approved. *Mr. Cox* stated that the building is approved and ready to be built as an Assisted Living and a Residential Care Memory Facility.

David Marlow  
70110 Running Horse Ct.  
Sisters, OR 97759

*Mr. Marlow* came forward and stated that he wanted to speak in favor of the application. He stated that he strongly urges the Commission to approve this proposal as submitted and requested by the applicant. This proposal has been in the planning and development stages for several years, it is well thought out, designed, and very well planned. It will be a great asset to our community. Furthermore, this proposal not only creates a lot of short term construction jobs, but also creates several long term jobs and services this community desperately needs.

David Douthit  
915 Creekview Dr.  
Sisters, OR 97759

Mr. Douthit came forward and stated that there is one word that has been mentioned tonight among the many that he thinks (well the Commission knows what their duty is to focus on) and that word is 'adverse'. He said that the only thing that he has heard addressing the word 'adverse' is the professional staff and very competent people, saying that there is no material adverse change in these modifications to the Master Plan. That is all he has to say.

Diane Goble  
555 N. Larch St.  
Sisters, OR 97759

*Ms. Goble* came forward and stated that she doesn't care about the politics and doesn't care about whose got an ego problem. She stated that she is an older person and starting to look at Assisted Living and doesn't want to move out of Sisters. She would like to see this proposal go forward.

*Chairman Gentry* asked if anyone would like to speak against the application at this time.

Michael Repucci  
2521 Broadway  
Boulder, CO

*Mr. Repucci* came forward and wanted to give a letter to the Commission at this time. He stated that he will be using that for his agenda and taking pauses where appropriate to respond to some of the comments that have been made by staff. He stated that he thinks the Commission will find this interesting and informative. He stated that his firm represents Pinnacle Alliance Group with respect to matters associated with this Master Plan modification that was created in May of 2015, but has of yet, still is not signed apparently. And, with respect to the Site Plan review application that was submitted in January of 2015.

*Mr. Repucci* stated that his client has actively filed this procedure, the various submittals that have been made on behalf of McKenzie Meadow Village leading up to the current consolidated Type III Master Plan modification and Site Plan Review application and has repeatedly alerted members of the Sisters Community Development Department that the proposed changes to the Senior Assisted Living Facility requirements needed to be processed in accordance with the clear requirements of the Sisters Development Code. Mr. Repucci stated that this is not about ego, this is about following the Code. This isn't about 25-feet, it is about following the Code.

*Mr. Repucci* stated that his client has maintained from the start that it wants fair and equal treatment for all, government transparency, no favoritism, and consistency in following established procedures and due process following the Code. In response to its stated concerns, my client was assured that any proposed changes to the McKenzie Meadow Village entitlements would be processed in strict accordance with the Sisters Development Code, and that under no circumstances would there be any favoritism be extended in this regard to the McKenzie Meadow Village owners, developers or other related entities, including McKenzie Meadow Village, LLC, McKenzie Meadow Village Holdings Co., LLC, Ageia Health Services, Kevin Cox, and Ascent Architecture & Interiors. Unfortunately, based on our review of the application materials, Staff Report and Burden of Proof statement prepared by the Sisters Community Development Department Staff, it is abundantly clear that the Community Development Department staff has not properly applied the applicable provisions of the Sisters Development Code to the McKenzie Meadow Village consolidated application in many important respects. As a result, the entire application is deficient and should be denied.

*Mr. Repucci* continued to say that they have heard from Darcy Reed that this application is focused upon the Master Plan and the Site Plan, but there has been no discussion about all the other land use entitlement documents that affect McKenzie Meadow Village. They are all implicated by the changes that are proposed with this Modification and Site Plan approval application. Development within McKenzie Meadow Village must comply with not only the Sisters Development Code, but also with the terms of the December 3, 2009 Annexation Agreement pursuant to which McKenzie Meadow Village project was annexed to the City of Sisters which was amended twice, it must comply with the terms of the approved McKenzie Meadow Village Master Plan (MP10-01), as amended by (MP12-01 and 12-02) with the terms of the approved Comprehensive Plan Amendment (CP10-02 and Zoning Change ZC10-01) documents, with the terms of the Subdivision Plan (SUB10-02), and with the previous City of Sisters Site Plan approvals (SP11-05) approvals.

*Mr. Repucci* continued to say that the McKenzie Meadow Village Annexation Agreement and amendments, the Master Planned Development (MP10-01, MP12-01, and MP12-02), and the Comprehensive Plan Amendment (CP10-02), Zoning Change (ZC10-01), Subdivision Plan (SUB10-02) and Site Plan (SP11-05) approvals, each clearly require that a "Senior Assisted Living Center" be constructed and thereafter operated on not less than 6.3 acres of the McKenzie Meadow Village property. In addition, the Master Plan, the Comprehensive Plan Amendment, the Zoning Change, the Subdivision Plan and the previous Site Plan approvals all require that 82 units of Senior Assisted Living Facilities be constructed on the subject property. He stated that he has attached excerpts from each of these documents approvals to his letter to read these requirements.

*Mr. Repucci* stated that the words chosen for these particular land use approvals were not thoughtlessly selected, in that the same requirement for construction and operation of a Senior Assisted Living Facilities appear in the Annexation Agreement, in two amendments to the Annexation Agreement, in the Master Plan approvals, in the Conditions of Approval of the Comprehensive Plan Amendment, in the Conditions of Approval of the Zoning Change, in the Subdivision Plan, and in the previous Site Plan approvals. The term "Assisted Living Facility" is clearly defined in the Sisters Development Code. Why is this important?

*Mr. Repucci* stated that Ageia Health Services, McKenzie Meadow Village, the developers and owners – what they are proposing is not Assisted Living as defined by the Sisters Development Code. The Sisters Development Code under Section 2.15.1100A requires that Assisted Living Facilities be licensed under the Oregon Revised Statutes. What has been proposed is something called “Housing with Services” and they just heard that “Housing with Services” doesn’t need to be licensed. There is a disconnect between the definition in the Code that requires licensing and what is before the Commission tonight. The proposed use for a Memory Care Facility is not Assisted Living. He submits that the reason why Sisters selected the term Assisted Living was to support seniors who wanted to stay in place in Sisters. Memory Care is a higher level of care than Assisted Living. It is a difference licensure – it is not Assisted Living, it is Memory Care which is completely different. This proposal is at odds with all of those documents presented to from the Annexation Agreement to the Comprehensive Plan through the Subdivision, through the Site Plan, etc., everything that is before this application tonight required clearly an Assisted Living Facility.

*Mr. Repucci* continued to say that despite this clarity in the Code and all of the approval requirements, McKenzie Meadow Village is seeking approval of Memory Care and the Housing with Services model (unlicensed he adds) that are not even contemplated by the City of Sisters Development Code, or its definition of Assisted Living Facilities. These proposed changes go to the very heart of the land use approval conditions imposed upon the McKenzie Meadow Village project from the very, very beginning of time, and these changes constitute Major Modifications. They do result in substantial adverse impacts because we are not talking about Assisted Living, we are talking about something else. Under the Code, something that is a Major Modification that results in a substantial adverse impact to the clear unequivocal language of prior approvals requires a new Master Plan for the entire property. This is not discretionary, in fact, the 25-foot issue, and heard staff say that is discretionary, and they didn’t think it was really that big of a deal, that that is not what the Master Plan says.

*Mr. Repucci* stated that he has attached to this letter, the Staff Report from the September 21, 2010 Master Plan (MP10-01 and SUB10-02) approval and pasted Section 4.5.800 and will ask the Commission to read down to the bottom of the page.....*Mr. Repucci* read that it says, Amendments to an approved Master Plan are allowed once the plan is adopted, however, if they are determined to create substantial adverse impacts, they must be processed as a new Master Plan for the entire subject property. Examples of substantial adverse impacts may include subsection F. A shift greater than 25-feet in the location of buildings, proposed streets, parking lot configuration and landscaping or other site improvements. This is not even a close question – the approvals that are in place today mandate a new Master Plan for the entire property. No discretion and for staff to suggest that this is discretionary or sort of the same thing – flies in the face of the carefully chosen words and concepts that punctuated all of these approvals since the beginning of this process back in 2009.

*Mr. Repucci* continued to say that back to these changed uses, he mentioned in the beginning it is not just the Master Plan, it is not just the Site Plan – everywhere in the Annexation Agreement, the Comprehensive Plan Amendment, the Zoning Change Amendment, the Subdivision Plan Amendment, the Site Plan Amendment and they all talk about Assisted Living Facilities. If there are going to be different uses – Memory Care, Housing with Services, where is the application to amend all those documents. He stated that you can’t just pick a couple because this whole thing is intertwined and made to stand as an integrated whole. It was clear what the City wanted and

if changing it – let's call it what it is and go back and amend everything. But that requires a public process that hasn't been brought forward yet.

*Mr. Repucci* stated that in addition to these changes in use, changes in location, their review of the approvals have disclosed that it certainly appears that there were a number of dates and deadlines that are in these documents that have passed and may have never been extended. He said that they have done open records requests, they have asked for documents and have not seen signed request for extensions of dates and deadlines. He said they saw a Blanket Extension that happened in December of 2014, but before that date, there were dates and deadlines for filing plats that went by. He asked how come no one is talking about that. At the very core of my client's objections, the McKenzie Meadow Village application is the applicant's Burden of Proof. The Burden of Proof by Code is required to demonstrate a land use applicant's compliance with all applicable provisions of the Sisters Development Code which means not only the Code but all the other previous approvals that have gone before it.

*Mr. Repucci* stated that the McKenzie Meadow Village Burden of Proof is based entirely on the premise that the application should be processed as a Type II application which as it was heard, is an approval that can be made administratively, but correctly so, staff said no this is a consolidated application for Master Plan Amendment and Site Plan Amendment which requires a Type III application, and why we are here tonight for the Planning Commission to make a determination as to whether this application complies with the Sisters Development Code requirements. Even though this is supposed to be a Type III proceeding however, for some unexplained reason staff never required the applicant to submit a Type III application. There are things in the Type III application that are not in a Type II application. In particular, the Development Code Section 4.1.700.A.7, requires substantial and numerous impact studies to be completed. This is not something that can be waived off. If it's in the Code and it is required to be part of the application, why isn't it part of the application? Is this application just whatever you want to put on a piece of paper?

*Mr. Repucci* stated that the McKenzie Meadow Village land use approvals are each written instruments documenting legislative enactments by the City of Sisters, and bind and encumber title to the McKenzie Meadow Village property. Under applicable law, these land use approvals reflect an intention by the City of Sisters to change the law. These changes in the law must be given full legal effect by the Planning Commission and the City Council. These are not things that can be just looked away from. The Sisters Community Development Department staff is acting in violation of the Sisters Development Code by substituting its own judgement in place of the legislative intent of the Sisters City Council as expressed in the McKenzie Meadow Village land use approvals.

*Mr. Repucci* stated that in connection with its review of the McKenzie Meadow Village application as part of a Type III proceeding, the Planning Commission will be exercising a quasi-judicial function. The Planning Commission is required to interpret the application and its compliance with the Development Code. The Planning Commission will exceed its jurisdiction, abuse its discretion and act in an arbitrary and capricious manner if it approves an application that is facially deficient for the reasons stated above. Further, since any approval of the application will be devoid of evidentiary support for any decision that approves this application. The application is faulty to its core and cannot form the basis for a land use approval. Based on a misinterpretation and misapplication of applicable law, my client and others similarly situated if this is approved,

will have cause of action against the City of Sisters to redress the deprivation under the color of statute, ordinance, regulation, policy, custom, practice or usage of a right, privilege, and immunity secured to them by the Fifth and Fourteenth Amendment to the Constitution of the United States (42 U.S.C. 1983), by an award of monetary damages, including an award of attorneys' fees pursuant to 42 U.S.C. 1988.

*Mr. Repucci* stated that his clients urge the Planning Commission to properly apply the Sisters Development Code. The application and Burden of Proof are deficient, and under the Code, a new Master Plan is required and not just a Modification of a Master Plan, Site Plan, and impact studies are required to be completed. He stated that he submits to the Commission that this applicant has a path forward, but the path needs to follow the rules. He stated that he requests that this application be denied. He stated that he would also like to formally request that this hearing be continued under Sisters Development Code Section 4.1.500.C.1.D to a date that will allow the client to gather additional information to submit in rebuttal or further clarification of comments that were made tonight. He stated that they need to find whether approvals previously granted that have dates and deadlines that have expired. He said that they have not been able to get documents from the City staff on this point.

*Commissioner Nagel* asked Mr. Repucci how his client has been damaged by this whole thing or if this were approved – what is the damage done to your client.

*Mr. Repucci* stated that the damage done is the damage of not following Code requirements. My client was required to follow Code requirements through his process – he asked the same be applied to others simply.

*Commissioner Dean* asked Mr. Repucci if his client is here tonight.

*Mr. Repucci* stated yes.

*Chairman Gentry* asked if anyone else would like to speak against the application.

Mike Morgan  
15925 Pilot Dr.  
Sisters, OR 97759

*Mr. Morgan* came forward and said that he didn't plan to speak tonight, but he feels the need to clarify some history. He said he was in this room in 2009 when McKenzie Meadows was annexed into the City. The reason he was here is because he argued against that annexation for probably six months to a year prior to that event. The reason he argued against it is because that was at the peak of the recession and no houses were being built in Sisters. He said that as he recalls, there were something like 360-370 lots within the City of Sisters where the infrastructure was in place. Roads were in place, power was in place, and builders could not build, carpenters could not work, and he saw no reason whatsoever to add more competition to the developers that had gone through the process to that point, spent all that money, and all of the sudden there are more lots on the market. He stated that he was against. At first, one of the sweetener's that was put in the pot to try to get the City of Sisters to do this was a daycare center. Evidentially, that didn't go and they came up with the Assisted Living.

*Mr. Morgan* continued to say that on the evening that the annexation occurred, he argued against that form of Assisted Living. His brother at that time had been in an Assisted Living in Bend for probably five (5) years. He didn't like that business model and didn't think it would work in Sisters because Sisters is too far away from a Medical Center and the doctors that are specialists. He said he argued against it, but there is no doubt in his mind, that that they were talking about Assisted Living, and not whatever those terms were that were being used on the wall there (visual). It wasn't Senior Living, it wasn't some other form of assistance for seniors maybe somebody cooking their meals or things like that.

It was Assisted Living and he knows what that is. He said that there is a license required by the State of Oregon, a nurse on staff, and very specific requirements for that. Architecturally as well as staffing requirements – it is different. It is not the same as just Senior Housing. He stated that he is against it because he feels there is a little bit of a shell game going on here and that is wrong.

Paula Lovegren-Hoover  
31402 Lovegren Lane  
Sisters, OR 97759

*Ms. Lovegren-Hoover* came forward and stated that before she made a couple of comments, her husband, regrettably was unable to be here tonight. His name is Peter Hoover and he sent an email this morning to the City of Sisters and requested that his email specifically be read. She said that she supposes that someone is still going to do that during this part and does somebody have that? She stated that she believes in the first paragraph he requested that it be read out loud – would the Commission like to read that before or after she speaks. Chairman Gentry stated that this will be in the record.

*Ms. Loveren-Hoover* continued to say that she is concerned about the apparent irregularity and non-compliance of the McKenzie Meadow Village project with the Sisters Building Code and can't phantom how the Planning Commission could consider granting approval to the project in its present form. She said that she doesn't pretend to be a Code expert, but unless she is missing something major, she fails to see how the McKenzie Meadow Village project Master Plan has conformed with the required planning process, or how the Code justified exemptions could be granted. She stated that she encourages each member of the Planning Commission to thoroughly examine McKenzie Meadow Village project and independently conclude whether the processes and requirements of the Code have been met. She asked that the Planning Commission please carefully consider the concerns that have been raised at this meeting tonight. She stated that she would especially like go on record as being in total support of what Mr. Mike Repucci has stated here this evening. Thank you Planning Commissioners for your service to the City of Sisters.

Chad Lovegren  
413 W. Hood Ave.  
Sisters, OR 97759

*Mr. Lovegren* came forward and stated that he is not interested in his tax dollars going to fight yet another legal battle in the City of Sisters. It appears the way that this is being handled will leave the City of Sisters vulnerable again. He asked to please seriously consider the decisions before the Planning Commission this evening. He stated that he would also like to express his complete support for what attorney Mr. Mike Repucci has covered so well tonight.

Ruth Lovegren  
31401 Lovegren Lane  
Sisters, OR 97759

*Ms. Lovegren* came forward and stated that she has owned property here since 1960 and has lived here for over 40 years. She said that words are very important in the various agreements between the City of Sisters and McKenzie Meadow Village. She said that she believes that agreements should be fulfilled with integrity. As a concerned citizen, she said that she expects McKenzie Meadow Village to follow the same regulations everyone else has to follow. She said that she stands here in agreement with what Mr. Mike Repucci has stated in his presentation.

*Sylvia Henderson*  
67170 Harrington Loop  
Bend, OR 97701

*Ms. Henderson* came forward and stated that she is a professional counselor and words are important and City Codes are written for a reason. Applying laws need to be done with integrity and fairness. Favoritism should not have a place in the running of Sisters. Mr. Mike Repucci has eloquently stated her concerns and she is in complete agreement. She wanted to thank the Planning Commission for all they do in representing the people here.

Paula Lovegren  
31351 Lovegren Estate  
Sisters, OR 97759

*Ms. Lovegren* came forward and stated that the McKenzie Meadow Village project appears to be taking words out of context and cherry picking between various documents for the best of all worlds for themselves while ignoring critical components of agreements and Code. This should be a red flag for the Planning Commission. She stated that she would like for it to be recorded that she is in full support of what Mr. Mike Repucci has just stated.

*Chairman Gentry* asked if anyone would like to come forward and give neutral testimony at this time.

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

*Ms. Weed* came forward and stated that she was on the City Council when they approved the Annexation on McKenzie Meadows. She said that she was very involved in helping draft the Annexation Agreement that was approved by Council. She said that it looks to her like this, although it might be a very good project, is significantly different than what was envisioned at the time of the Annexation Agreement. She said that as with the previous project for Peter Hall, where there was an Annexation Agreement being discussed before the Commission as well as a Master Plan approval, the Commission does not have authority to change an Annexation Agreement – only the City Council does. She said that it appears to her that that Annexation Agreement will need to be modified before even considering this project as it is significantly different than what was envisioned. She said that at a minimum, the Commission should continue this process into a future date.

Seth Anderson  
22840 Long Horn Ct.  
Bend, OR 97701

*Mr. Anderson* came forward and stated that for full disclosure, he is the architect for the project, but wanted to read the Section from the OAR's that describes what Memory Care Facilities are. This is from the Department of Human Services, Senior and People with Disabilities Division Oregon Administrative Rules – Section 411-057-0120. It states that in the requirement for the endorsement for Memory Care, it states that any Residential Care, Assisted Living, or Nursing Facility that offers or provides care to residents with dementia in a Memory Care community must obtain an endorsement for its facility license. He said that a Memory Care is Assisted Living.

Mike Morgan  
15925 Pilot Dr.  
Sisters, OR 97759

*Mr. Morgan* came forward and stated that he would strongly encourage the Planning Commission and both parties to go back to the archives in the Nugget and pull up the articles at the time of the Annexation because he feels that you can't rewrite history – history needs to stay the way it really happened. He said that there are numerous articles because it was very contentious at the time, and you will understand that clearly it was talking about an Assisted Living Facility and nothing other than that.

Greg Blackmore  
Blackmore Planning Services

*Mr. Blackmore* came forward and stated that he is reviewing the comments for the first time as the Planning Commission is doing, and there is definitely some information to decipher and get through and will not be able to respond to all of those at this particular time. There were some other comments that were included in the record, and having the opportunity to review and the opportunity to comment. He stated that there were some comments that came in from Mr. Pryor and Mr. Pryor suggested that there is favoritism that has been at play. If that has occurred, the applicant has not seen it or experienced it. The only point of reference is that the opponent or one of the opponents was able to get approval of the Site Plan on this property without any of these processes. He stated that they would appreciate it to be a fair and honest process.

*Mr. Blackmore* stated that there is not anything in the record and there are these comments of favoritism, but there is no real evidence of any favoritism that they have seen in the record. In regards to substantial adverse impacts, there is really a two part test there. Part one – is a Modification, major or minor. If it is minor can staff review it administratively and if not, it is major. At that time, it goes to the Planning Commission for review. The determination is – has a substantial adverse impact happened or occurred, and in this case, they have documented through the application that these four (4) particular points do not impact the neighboring property. They bring the proposal into greater conformance with the Development Code. There

were some issues raised regarding differing uses – the applicant proposing an Assisted Living Facility – that is what is being proposed. There are some processes to go through with the State before ultimately gaining that approval. They are taking on each and every one of those.

*Mr. Blackmore* continued to say that the Development Code says that in Section 2.15.1100 that an Assisted Living Facility must be dually licensed by the State of Oregon. The applicant proposes to obtain all the necessary State licenses prior to occupancy as they will be required to do before they can occupy and operate the building. Mr. Mayes spoke about two primary concerns – one, he noted the Master Plan and Subdivision approved on September 21<sup>st</sup> to be examples of adverse impacts. On page 18 from that Decision, it states that substantial adverse impacts must be processed as a new Master Plan for the entire property – the whole 30 acre property if it is determined that these four (4) minor discrete modifications are significant. Examples of substantial adverse impacts ‘may’ (an intentional term) and if it was required it would say ‘shall’. There are series of items that ‘may’ be substantial impacts – it doesn’t suggest that they are one of which is the 25-feet. It simply being 25-feet above and beyond what was originally approved doesn’t make it a substantial adverse impact. Substantial adverse impact is actually defined in the Development Code as a negative effect of development that can be measured. Including but not limited to excessive traffic, noise, air pollution, vibration, light, odor, density, massing and dust. The Burden of Proof indicates that there is not a substantial adverse impact and staff has found that there is not a substantial impact. Opponents have not identified how anyone of those defined terms are substantially impacted in an adverse manner.

*Mr. Blackmore* continued to say that the other comment by Mr. Mayes is that alternating the use of an ‘Assisted Living’ with ‘Housing with Services’ model. This is one as indicated that the applicant intends on providing an Assisted Living Facility going through the State processes and intend on getting all necessary requirements prior to Certificate of Occupancy being issued. They are willing, interested, and able to provide all necessary documentation of that. It is a process that they have gained every approval they can, and any developer whose is at this point would be able to obtain that authorization that Mr. Cox indicated that he has obtained that and it is included into the record.

*Mr. Blackmore* continued with the comments from Mr. Hoover about process. He stated that they believe that the process that has been followed is entirely consistent with the Development Code. It is spelled out in the Burden of Proof and spelled out in the Staff Report. In regards to extensions – on December 10, 2014, there was a City extension, a Type I review and there was an extension that was processed. Ultimately, a Subdivision was extended and specific language about when the Master Plan is approved until - so both the reference to whether or not the Subdivision approval or the Master Plan approval is thought out in this decision and this decision is appealable and actually it was appealable and the appeal period has since come and gone. Those discussions about extension, there is a land use decision that addresses that and it is in the record.

*Mr. Blackmore* continued with the last letter which he said that he would have liked to have some more time to review and address beforehand. He said that he wanted to address a few things now and consider what to do into the future with those as he consults with the ownership group and the development group in how they want to proceed. Ultimately, fair and equal treatment – these statements have been inserted into the record where there is some unfair and unequal treatment. Exactly how that is or has been subjected has not been provided. He said that they

believe they have been treated fairly and a lot of time consideration, due diligence, conversations with the State, conversations with City staff and doing everything to put together a plan that meets the Code.

*Mr. Blackmore* continued to address references to the Annexation Agreement and other past land use decisions. Exactly how they apply in broad terms, there are no specific terms, but they reviewed those and no specific items that were identified as being applicable to this particular land use application. If there are specific items, or if there has been specific items, he said that they would appreciate the opportunity to address them. But through conversations with City staff through review of the application, review of the Development Code and those were not identified, and through conversations with their legal team also.

*Mr. Blackmore* stated that some of the items about the Annexation Agreement as reading through it quickly, the Master Plan was reviewed thoroughly, the Annexation Agreement was reviewed thoroughly, and as identified in the Burden of Proof statement, as identified in the Staff Report, there are a lot of differing terms that are used. The position that there was very precise intentional terms that were used, if that is the case, it shows up in a lot of differing terms throughout each of those documents. Those references are included in the Staff Report and included in the Burden of Proof statement. Within those documents there is not an indication that specifically an Assisted Living Facility as defined by the current Development Code was what was anticipated and planned for at that time. Granted that is what is being proposed at this time. The suggestion that they were specific is not shown through those documents themselves.

*Mr. Blackmore* stated that as Seth indicated, the Memory Care is a type of an Assisted Living Facility. The 'Housing with Services' model, the developer, Kevin Cox, indicated and provided a detailed description of what that model is, how it functions, how it operates, and who will be using it which is included in the record. At the original submittal time, there was that 'Housing with Services' model being proposed. An Assisted Living Facility is what is currently being proposed and comments about the Memory Care and the Housing with Services model are not relevant. He said they spoke about substantial adverse impacts and pursuant to the Development Code definition – this term has been used and no indication of which of those four (4) proposed changes are substantial adverse impacts.

*Commissioner Dean* stated that the 25-feet is what they asserted was the adverse one.

*Mr. Blackmore* stated that is correct. Back to the definition and how does that impact the neighboring properties, etc.

*Commissioner Dean* stated that in order to speed this process along a little bit – a lot, for substantial adverse impacts he thinks that it does say 'may' include – Mr. Blackmore does have a point there, but it spells out six (6) examples and unfortunately, that 25-feet is one of them. He stated that this is the formidable obstacle that Mr. Blackmore needs to address. He stated that a shift great than 25-feet in a location of buildings, proposed streets, parking lot configuration, and landscaping or other site improvements.

He stated that he thinks the other definitions fail in terms of priority of what needs to be addressed versus that one especially this was a Staff Report, September 21, 2010, specifically spelling it out and giving it as an example of must be processed as a new Master Plan for the entire

subject property except as provided in the original Master Plan approval. He said that if Mr. Blackmore can spend some time on that, he feels that is the primary obstacle that needs to be addressed versus the rest of the definitions that we need to get to.

*Mr. Blackmore* stated that the main point there is the 'may' and it is not a 'shall'. These are things that could be considered a substantial adverse impact. Taking that into consideration, what is a substantial adverse impact? Because of that and one of these items, does that negatively affect development that can be measured, but is not limited, does it impact access traffic, does it impact excessive noise, air pollution, vibration, light, odors, density, massing, and dust. To establish that a substantial adverse impact is established or created, needing to find that 25-foot difference and does one of those particular thing

*Commissioner Dean* stated that in writing this so that the Planning Commission back in 2010 (he was not here when this happened), but if they had said write the word 'may', but they have defined that as 'may' include that as in 'may' include other additional, for example, impacts as well. He stated that he trusts that staff also decided that the proposal is a Major Modification. Unfortunately, and in looking at the obstacles to address, that is where he feels Mr. Blackmore should be spending his time.

*Mr. Blackmore* stated that as he said before, a Major Modification versus Minor Modification is a procedural change and something that requires review by the Planning Commission as opposed to staff.

*Mr. Dean* stated that the example given was also the specific Major Modification example – as far as the application exceeds the threshold of 25-feet - 4.1.700.J in the Staff Report.

*Director Davenport* came forward with a point of clarification in this term F as it is brought up, it says that a shift greater than 25-feet in the location of the buildings. It says that and think about this in context. What is being shown could also include, if reading this by its strictest terms, if the entire footprint was shrunken by more than 25-feet is that a substantial adverse impact, if you shrink the building footprint by more than 25-feet. It doesn't say that in here – it says a shift greater than 25-feet. Also, if the building footprint is also shrinking on the west side (graphic) that is moved by 25-feet but is shrinking. He stated that it is the Planning Commissions prerogative to look at this in its strictest terms. Staff would ask the Planning Commission to look at the intent of this, a shift of 25-feet in its totality. If a building is shrunk – is this a substantial adverse impact?

*Director Davenport* stated that this was brought in from a previous Development Code and the Code now is different, but these are the Conditions of Approval that are attached to it.

*Commissioner Wright* stated that he would like a little more understanding of this market study and his understanding that a market study indicates that the City of Sisters can have more than one (1) licensed facility. Is that correct? Where as in the past, it was considered that Sisters was only able to have one (1) licensed facility. Because it went through the legislature and had a legislative reading saying that there could be any number of Assisted Living Facilities in the City of Sisters.

*Mr. Cox* came forward and stated that the State of Oregon has different criteria and different things to do before you propose to build an Assisted Living Facility, or Residential Care Facility.

One of those is to fill out a letter of intent and provide a market study. The State will decide whether or not someone can have a proposed license based on those things as well as a lot of other criteria. The applicants experience with running Assisted Living Facilities, etc. It never said that the State and the rules never specifically said that the State could deny a potential application solely on the basis of a market study. He stated that his thing when denied his potential application based on a market study because Mr. Adolf, three years ago was approved for something, still doesn't have it done, and now still doesn't have it done. They are proposed beds, but they are not beds now. That new House Bill 2413A said, "The State cannot deny a potential application based on any results of a market study whether or not they said one could be built or ten".

*Commissioner Wright* said that his next question is, and they have heard a lot about different living facilities, etc. but is it the intent to get an Assisted Living Facility license prior to, or at the time of Certificate of Occupancy. Is there any guarantee that would happen?

*Mr. Cox* stated yes that is correct - about the Certificate of Occupancy.

*Mr. Cox* stated yes that is correct – that there is a guarantee that it will happen.

*Commissioner Wright* said secondly, related to that there is a substantial difference in the design concept that used to be there that was approved during the original Annexation, and the concept for Assisted Living – does the new design meet the requirements of the State of Oregon to be an Assisted Living Facility.

*Mr. Cox* stated yes and that is what he was talking about earlier – they also took all of their drawings and all of the plans went to a department at the State called Facilities Planning and Safety, the Health Care, Hospitals, and everything that it has to go through and those plans are all approved.

*Commissioner Wright* asked Mr. Cox what is currently holding this up in stead of waiting until the Certificate of Occupancy in getting the Assisted Living Facility license.

*Mr. Cox* stated that this right here – the only thing holding us up from construction is getting through Planning.

*Commissioner Wright* stated that he's not talking about that, but wants to know about getting the actual permit the license.

*Mr. Cox* stated that the license comes after the facility is built and then it is submitted.

*Commissioner Wright* asked if on the other project – he currently has a license, but it is not built. What is preventing this one from currently having a license?

*Mr. Cox* stated that it is not possible. A license is not issued to air. Mr. Adolf does not have a license – he has a potential license, he has no license.

*Commissioner Wright* asked if Mr. Cox has provided something that says that this facility will be licensed as an Assisted Living Facility and not something else.

*Mr. Cox* stated that nobody can provide that. The State of Oregon wouldn't provide it because they won't issue until after they do their survey and go through the building after it is built, and say that everything has passed and all the physical requirements according to the plans. Then, they issue a license.

*Commissioner Wright* said that he had another question on the design and why can't the design be modified to eliminate this 25-foot issue. It seems to be a contentious issue.

*Mr. Cox* stated that it possibly could, but didn't think it was something that provided, or made a big difference – the 25-feet is on the back side of the parking lot.

*Mr. Wright* stated that he understands that, but he's not so certain that the way the Code says – in access of 25-feet is a Type III, or whatever the Code says. Then, it becomes subject to interpretation. If it can get down below 25-feet – the building shift, etc.

*Mr. Cox* stated that if that was all it was – they would be happy to do that. As discussed earlier, there is a long laundry list that the opposition intends to keep us here as long as possible.

*Commissioner Wright* stated that he is trying to clarify that the City could have two (2) facilities and technically meet Assisted Living Facilities. Some of the concern might be that if the facility could be built and comes times for a Certificate of Occupancy, and the State says that it doesn't meet the requirements of the Assisted Living Facility to get a State license.

*Mr. Cox* stated that could happen to any Assisted Living developer that is developing because the rules are the same for everybody. There is always a potential that somebody wouldn't get a license, but if they've been approved and from that point forward, the only reason they would deny an applicant or a license is maybe an operator's history.

*Commissioner Wright* asked for clarification because there have been some comments made that this facility is not the facility that was looked at in the Annexation, etc. He said that he wanted to make sure that it is clarified that it does, in fact, meet with the initial intent was.

*Mr. Cox* stated yes, it absolutely is, and yes, it absolutely does.

*Commissioner Nagel* stated that he had a question for Mark Adolf and would it be an appropriate time. He said that he would let it go for now.

Curt Kallberg  
P.O. 3500  
Sisters, OR 97759

*Mr. Kallberg* came forward and wanted to answer Commissioner Wright question – this is about a 13 million dollar building. They cannot get their license until the City approves it safety wise, smoke detectors and everything. At that time, these folks who have built six (6) of these and running right now are not going to build a building for 13 million dollars and not have it pass. It is going to pass. He stated that he is old enough to know – he remembers riding his bicycle and back then did call these things Assisted Living. He said they called it an Old Folks Home, a Nursing

Home, the Retirement Home. There are all of these terms that we are so hung up on and it's so ridiculous. He said they don't have definitions for a Nursing Home, a definition for a Rest Home, but now, they are called Assisted Living and Housing with Services which is the great new topic. The seniors in this town are being penalized over a name – give me a break boys. This thing at the time it was passed that was the best name to come up with was an Assisted Living Facility. Now, we have Memory Care, Housing with Services, there are different things, but it is really what the Council, the Planning Commissions that came before us, and the community wanted was something for seniors so that they didn't have to leave. He stated that he thinks everyone is hung up on the names.

*Commissioner Wright* stated that he personally is not hung up, but just thought it was brought out in the testimony to have a facility with services doesn't require an Oregon State license, and an Assisted Care Facility does.

*Mr. Kallberg* stated that as they said they are going to build an Assisted Living Facility as the Master Plan says they would do, they are going to get an Assisted Living license and away they go. Before the legislature had the State of Oregon pass that bill, it was like a franchise and if I can't build it – nobody else can build it. They saw the wrongness in that and said let's let the market decide. Why not have two (2). These folks don't know and probably shouldn't say anything, somebody came to me recently and said that they want to build a third one. He said they will go right back through this same thing because they want a high end Senior Center. Are we going to fight this thing again, and what is the matter with competition, and what is the matter with variety.

*Mr. Kallberg* continued to say that there is not only one gas station, there is not only one subdivision, let the people decide it and let the market decide it, these folks want to build it and hope that Mr. Adolf builds one. It would be fantastic and they would both be great additions to this town, but don't get into this that we don't want you to build one because we're afraid of competition. That's what this whole thing is about. He stated that they don't have an attorney out of Colorado, we are here, we are little people and when he starts bashing our little town that we might not do it exactly right – we do it pretty dog gone well, and I'm pretty proud of this town. He stated that he hates to have him rip Council members that have tried, Planning Commissioner's that are trying and we are trying and doing the best we can. Come with us and be a part of us, but don't just bash us.

*Commissioner Wright* stated that whether it is fact and/or fiction take the emotion out of this thing and make a decision based on the facts.

*Mr. Kallberg* stated that the facts are that Mr. Cox has land and Mr. Adolf owns land. Both can get licenses, both want to build nice facilities, they are both good looking buildings and why not 'let's get it on'. If you say to Mr. Cox that you are out, go back and get 14 other pieces of paper while trying to get this going and beat in this race to house Sisters – he stated that he doesn't think this is real fair. He said let's let the market decide it. Mr. Cox has a track record – he has six (6) of them and is going to build a nice facility, he is going to get his license, he has the money to do it. Let's not run 15 of our seniors out of town again because of not having a place for them. He stated that they started this thing when Cliff Clemens who a park is named after, wanted to build a retirement home. It has taken this long and still don't have one. Let's get it done and let's build both of them.

*Commissioner Wright* asked Director Davenport about the 25-foot issue and that he talked about the building shrinking more than 25-feet, or moving more than 25-feet. He asked if that could still be a contentious issue if they resolve the issue of the 25-feet at the upper end, and made it within the 25-feet so it didn't encroach out on the parking area by say 5-feet.

*Director Davenport* stated that that is a tough question and a good one. Again, strictly using this one in Section f. on the last page that the attorney has submitted, shrinking this for instance on the west side that could be strictly determined to be an adverse impact. A reasonable person could probably determine that shrinking a building footprint is not an adverse impact. Of course, changing the building type - absolutely, changing the scale, intensity, yes, the center piece (visual) is shifting more than 25-feet in the mid 30-foot range. He said that looking at it logically, it is shifting towards the center of a larger parcel – 'adverse' and strictly speaking by this term.

*Commissioner Dean* stated that if they shrink it by 25-feet, it is still going to be a shift greater than 25-feet and he still presumes that the investors that spoke earlier are going to be fighting it legally. They are going to fight it no matter what and there is no vail that this is people not wanting competition. For the people that brought this forward, he thinks nobody on this Commission is trying to stop competition from coming in.

*Commissioner Tewalt* stated that they should continue with the public comment at this time and that they can ask Director Davenport questions afterwards.

*Chairman Gentry* asked if there were further questions for staff at this time.

*Chairman Seymour* asked Director Davenport to put back up the slide that focuses exactly on what is being considered tonight.

*Commissioner Tewalt* stated that they can ask questions about what are in the documents, but that's it.

*Director Davenport* stated that this is the Modification MOD15-05 request (visual) and the Commissioners have seen the illustration and the Site Plan. It is the Modification and the Site Plan and the Site Plan is tied to the Modification as submitted.

*Chairman Gentry* asked if the applicant would like to leave the record open for seven (7) days to provide final written testimony.

*Mr. Kallberg* stated that he would not like to leave the record open, but would like the Commission to follow staff's recommendation.

*Chairman Gentry* stated that if there are no further questions, he will close the public testimony portion of this hearing.

*Chairman Gentry* asked what the pleasure of the Planning Commission is at this time.

*Commissioner Nagel* stated that the opposition called for a continuance and he's not sure whether or not to go by that procedure.

*Chairman Gentry* stated that the Commission goes by what they want to go by and do what they want to do.

*Commissioner Tewalt* stated that on the Annexation, if the Commission would look at the entire Subdivision (visual) this is one little lot on the whole Subdivision. If the Commission make a couple of changes in Phase I, it doesn't change the entire picture of what was really approved in the original Annexation. He stated that he doesn't see any merit in that. He addressed the letter from Mr. Repucci and in it they talked about that it had to be 82-units (highlighted) and Mr. Repucci even highlighted it himself, it says that up to a total of 82-units and Commissioner Tewalt said he doesn't see anything there either. He said that he really appreciates what Mr. Repucci presented, he put a lot of work into this, and there is no question about it. He stated that he understood about three (3) minutes of it, so his point being is that, for himself, without spending about two (2) days on this – it all sounds good, but can it be approved, or is it something he just made up – probably not, but can it be documented and go through the whole thing.

*Commissioner Tewalt* stated that he just doesn't see it, he's not there and is ready to approve it with conditions.

*Commissioner Nagel* stated that he has a relevant question in that he believes when Mr. Adolf's project was approved, he said that he's pretty sure it was approved very easily and wondered whether he had any problems with feeling he was treated unfairly when the Commission approved his project. He stated that he's not so sure why there lies so much opposition now.

*Commissioner Tewalt* stated that Mr. Adolf was ready to go on this piece of property right here (visual) with probably some of these same issues that his attorney went through. He stated that he was ready to go, take the 25-feet out, and he was ready to go.

*Commissioner Nagel* stated that they still have to deal with if there is lawsuit against the City.

*Commissioner Wright* stated that from his perspective, the important aspect was the fact that both facilities could be licensed as Care Facilities according to the definition of extended care, so there wouldn't be any variation in the Development Code. Again, the market study and the actions in the Legislature saying that the market studies can't dictate the number of units there are, but those are the key things that both projects could have the go. There is one project ready to go and could certainly have a second project to go. Let competition rein.

*Commissioner Dean* stated that he feels, unfortunately, (he said he shouldn't say unfortunately – that's a general call) but feels that the file MP10-01 of which they are putting their standing on, was not well written, and that gives them a leg to stand on to bring forward their opposition to McKenzie Meadow Village coming through. He stated that the 25-feet is spelled out. He said his fear is that it opens up the opportunity for interpretation of whether, and they have heard the term favoritism thrown out, he disagrees wholeheartedly with that, but it does sort of not go through due process and it is not in the writing of how it's been done. It makes sense to approve this and would love to, but don't feel comfortable because of the risk that it puts. He feels that if they come back and change the Master Plan and come back – he would be wholeheartedly in support of that as long as it is, obviously up to City Code. He stated that he wants the competition, he doesn't like how it was approached by the Pinnacle Group, but that is their choice on how they brought this forward and will keep his comments there. He stated that he would support

McKenzie Meadow Village coming back again with a new Master Plan with all the changes in place so that it is completely clean and they don't put themselves or the City at risk.

*Commissioner Tewalt* stated that he would like to make a motion to approve.

*Chairman Seymour* stated that he is 100 percent for the project. What we are dealing with right now is being in the crossroads with respect to the process. There have been numerous situations in the last 18 months where process has failed and has created a major division in our community. It is one that is just now starting to heal from. There is a Code that acts as the framework and platform by which decisions are made and continue to change that Code based on what the community wants. He stated that he is nervous because of what the Code says and that if they proceed in approving it as it is in its current proposal that it would be contributing to the challenges of the last 18 months. That is something that as a community, we need to move past and do a better job of making those decisions. He just wanted to throw that out to the Commission because this is something as a Commission, we actually do have the ability to make a difference. He said it is just something we need to think about because there is something bigger at work than just tonight. Based on what he's seeing here and what he's read, the Code is open to interpretation and that is a dangerous thing at times.

*Commissioner Tewalt* stated that if the Code wasn't open to interpretation, then, we don't need to be here. We just read the Code and if it's in there – it's in there and if it's not – it's not. There is not point to a Planning Commission.

*Chairman Seymour* stated that with respect to tonight and had the plan that came to our desk been within the Code there would be no question.

*Commissioner Tewalt* stated that he has never had one – there are always Conditions of Approval.

*Commissioner Wright* stated that is why he asked about the Modification to the Site Plan and some of those things, and take those contentious issues out and make the plan consistent with the Code. And, to come up with something that is close to what is being proposed.

*Director Davenport* came forward and stated that whatever is being decided tonight, to please state some findings of whatever the decision was for the record. It is important to state your findings that support that.

*Commissioner Dean* stated that he proposes a new Master Plan be submitted. He stated that he agrees with Vice Chairman Seymour wholeheartedly, and thinks there are bigger issues at stake than just an Assisted Living Facility, or whatever you want to call it. The Commission need to contribute to where the City needs to move forward in, and would proposed a new Master Plan be submitted for the entire subject property.

*Commissioner Nagel* stated that he has to agree and that they do need to go by the Code. He said that he thinks that they are nitpicking, and thinks it is really a shame that the competition was putting down this project that is really needed in this town here, but we need to go strictly by the Code.

*Chairman Seymour* asked if they could discuss quickly if there are some conditions that need to be in here and any changes that can be recommended.

*Commissioner Tewalt* stated that he doesn't have any problems with it and if this was a Master Plan in front of us right now for approval, it would almost have to be approved if it was just a Master Plan. They will have to go through the whole process and submit the exact same thing that we just had, and that is his point. The Commission will see the same exact paperwork in five (5) months and will approve it. He said that that is his take on it and doesn't think that it is necessary to go through that process.

*Commissioner Wright* asked if there is any indication of time that it would take to basically eliminate the Code issues, etc.

*Commissioner Tewalt* stated that they took that plan to the State for that State licensing – so there you go - they had to do it and that's been a long time.

*Chairman Gentry* stated that he would vote for it because he thinks we are just spinning our wheels, and they are going to come back with the same thing and we would approve it.

*Commissioner Nagel* stated that he would vote for it too because we need to get it done.

*Commissioner Tewalt* stated that if it was any different and if there was some huge condition that we are just allowing and blatantly walking away from, etc.

*Chairman Gentry* asked what the pleasure of the Commission is at this time.

*Commissioner Tewalt* made the motion to approve with the Conditions of Approval in the packet. *Commissioner Nagel* seconded. *Motion passes.*

|          |                                                    |     |
|----------|----------------------------------------------------|-----|
| AYES:    | David Gentry, Jack Nagel, Daryl Tewalt, Bob Wright | (4) |
| NOES:    | Roy Dean                                           | (1) |
| ABSTAIN: | Jeff Seymour                                       | (1) |
| ABSENT:  |                                                    | (0) |
| VACANCY: |                                                    | (1) |

#### V. OTHER COMMISSION BUSINESS

*Director Davenport* came forward and gave a preview on next month's agenda. It is tentative at this point, but the Hayden team has asked for us to tentatively schedule a public workshop for them to come in and talk about revising their Master Plan for the eastside of their development – the Village of Cold Springs Phase III, V, VI, and VII. They want to come in and explore some option with the Commission. He stated that he is not going to get into the back history of all this, but many of you may be familiar with this, and if not, staff can help answer some questions.

He gave a brief shot of what is currently on the books for Hayden Homes. There are single family attached homes which are called townhomes in the dark yellow (visual), apartment buildings, and on the west side is the already built out part of the Village of Cold Springs. Some quick stats on

the housing unit types – 109 attached townhouses, 164 apartments units – a total of 273 dwelling units in that area. Hayden would like to come back and do a workshop on adjusting the Master Plan. There are many different options to go with of how it gets revised from zone changes, to Master Plan changes, Code Text Amendments, all sorts of options and will be explored next month once it is finalized. Staff will notify the Homeowner Associations of the existing west side and let them know what is going on as well. Hopefully, the Nugget will get out an article too.

*Director Davenport* stated that with the new fiscal year – a reminder that there is a vacancy on the Planning Commission and that closes tomorrow. There is one application for the “in-city” and 2 or 3 for the “out-of-city” which closes tomorrow as well. On the email communications – staff has been advised that the Commission need to use their City email accounts. Staff will make sure that the Commission know what those emails are.

*Chairman Gentry* stated that as he mentioned last month that there needs to be a Vice Chairman nominated. *Commissioner Seymour* volunteered for the Vice Chairman position.

*Commissioner Dean* made the motion to nominate *Commissioner Seymour* as Vice Chairman. *Commissioner Nagel* seconded. Motion carries.

## VI. ADJOURNMENT

*Chairman Gentry* adjourned the meeting at 8:30 p.m.

Respectfully submitted,



Carol Jenkins, Recording Secretary

ATTACHMENT H

DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK

2009-51015

After Recording Return To:  
Steven D. Bryant  
Bryant, Emerson, Fitch, LLP  
PO Box 457  
Redmond, OR 97756



\$73.00

12/04/2009 09:41:05 AM

D-ANXCON Cnt=1 SIn=4 SRB  
\$30.00 \$11.00 \$16.00 \$10.00 \$5.00

CITY OF SISTERS ANNEXATION AGREEMENT

This ANNEXATION AGREEMENT ("Agreement") is entered into this 3rd day of Decemr, 2009, by and between THE CITY OF SISTERS, an Oregon municipal corporation ("City") and MCKENZIE MEADOWS VILLAGE, LLC, an Oregon limited liability company ("Owner").

RECITALS

1. Owner owns that certain real property more particularly described on Exhibit A hereto (the "Owner Property").
2. The Owner Property is currently located within the Urban Growth Boundary of the City, but is not within the territorial boundary of the City.
3. Owner desires that the City annex the Owner Property to the territorial boundary of the City and has filed an application seeking such annexation with the City.
4. Consistent with City charter, on May 16, 2006 the voters of the City approved the annexation of the Owner Property to the City pursuant to Ballot Title 9-38, by a vote of 65.71% in favor, and 34.29% opposed.
5. Owner plans a senior residential and commercial development on the Owner Property and, prior to such development, will be required to rezone the Owner Property and obtain development approval from the City (the "Land Use Approvals").
6. The City is agreeable to annexing the Owner Property to the City on the conditions set forth below.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

AGREEMENT

1. **City Approval of Annexation:** The City will seek approval of the annexation of Owner Property to the City within 60 days of the date of this Agreement. If the annexation is not completed, this Agreement shall be void.
2. **Affordable Housing:**
  - A. Owner shall provide affordable housing units at a ratio of one affordable housing

unit for every ten residential units. This requirement shall apply to all residential units developed on the Owner Property. The location and type of affordable housing units shall be proportional to all other residential units. The present estimate of affordable housing units is 16 (based on 163 housing units). The affordable housing units shall not be clustered, but shall be evenly distributed throughout the residential development.

B. One half of the affordable housing units will be affordable (based on City's calculation) for individuals or families earning 80% of the Deschutes County AMI. One half of the affordable housing units will be affordable (based on City's calculation) for individuals or families earning 50% of the Deschutes County AMI.

C. The size of the affordable housing units shall be, at a minimum:

- |     |                     |          |
|-----|---------------------|----------|
| (1) | 1 bedroom home:     | 1,000 sf |
| (2) | 2 bedroom home:     | 1,200 sf |
| (3) | 3 bedroom home:     | 1,400 sf |
| (4) | studio apartment:   | 450 sf   |
| (5) | 1 bedroom apartment | 700 sf   |
| (6) | 2 bedroom apartment | 900 sf   |

All affordable housing units shall have a similar exterior appearance to surrounding non-affordable units and shall comply with the CCRs applicable to the development.

D. Owner is required to maintain the affordability of the affordable housing units for a period of 20 years. If owner fails to maintain the affordability of the housing units, Owner shall pay to City the estimated cost, as determined by the City, for purchase of alternate property and construction of a comparable home. The funds received from Owner shall be used by the City to facilitate additional affordable housing.

3. **Water Rights:** Owner shall pay an estimated fee of \$670 per EDU for water mitigation. This fee is in addition to any water or other SDC that may be required as a condition of development of the property. Once the City has amended its water SDC and included a water mitigation component within its water SDC, Owner shall pay to the City or City shall reimburse or provide SDC Credit based on the difference between the \$670 EDU fee assessed and the actual SDC water mitigation component.

4. **Senior Assisted Living Center:** 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 Center will provide senior (55 years old and older) assisted and independent living, and non-senior assisted living options. The Senior Living Center (or a phase of it) shall be built in the first phase of construction. No occupancy permits will be issued for any other development on the Owner Property until the Senior Living Center has received its occupancy permit.

5. **Infrastructure:** Owner may develop the property in a manner that uses no more than 131 EDUs. If the development requires more than 131 EDUs, the City may require, at the time of the zone change or at the application for Master Plan, Owner to provide an additional capacity analysis acceptable to the City. The City may (and Owner agrees) to further require Owner to

construct at Owner's expense any necessary mitigation measures (including payment of mitigation fees) or infrastructure improvements necessary to provide the additional capacity requested by Owner.

6. **Master Plan:** Owner shall not submit any development application or seek to divide or subdivide the Owner Property in any manner until Owner has an approved Master Plan from the City of Sisters.

7. **Public Park:** Owner shall designate at least 1.8 acres of contiguous property, at a location acceptable to the City, as a public park. Owner shall develop the park in a manner that when completed it will be comparable to and resemble, in concept and amenities, the City's Village Green Park. The park will include the following improvements:

- A. six-foot wide paved pathways constructed to city standards;
- B. a 200 square foot covered, open sided picnic shelter constructed with wood timbers, rock base columns and a 30 to 50 year composite roof with a barbeque area and at least three picnic tables;
- C. new or custom built playground equipment,
- D. irrigated lawn and landscaping that incorporates and preserves the existing ponderosa trees on the site to the maximum extent possible.

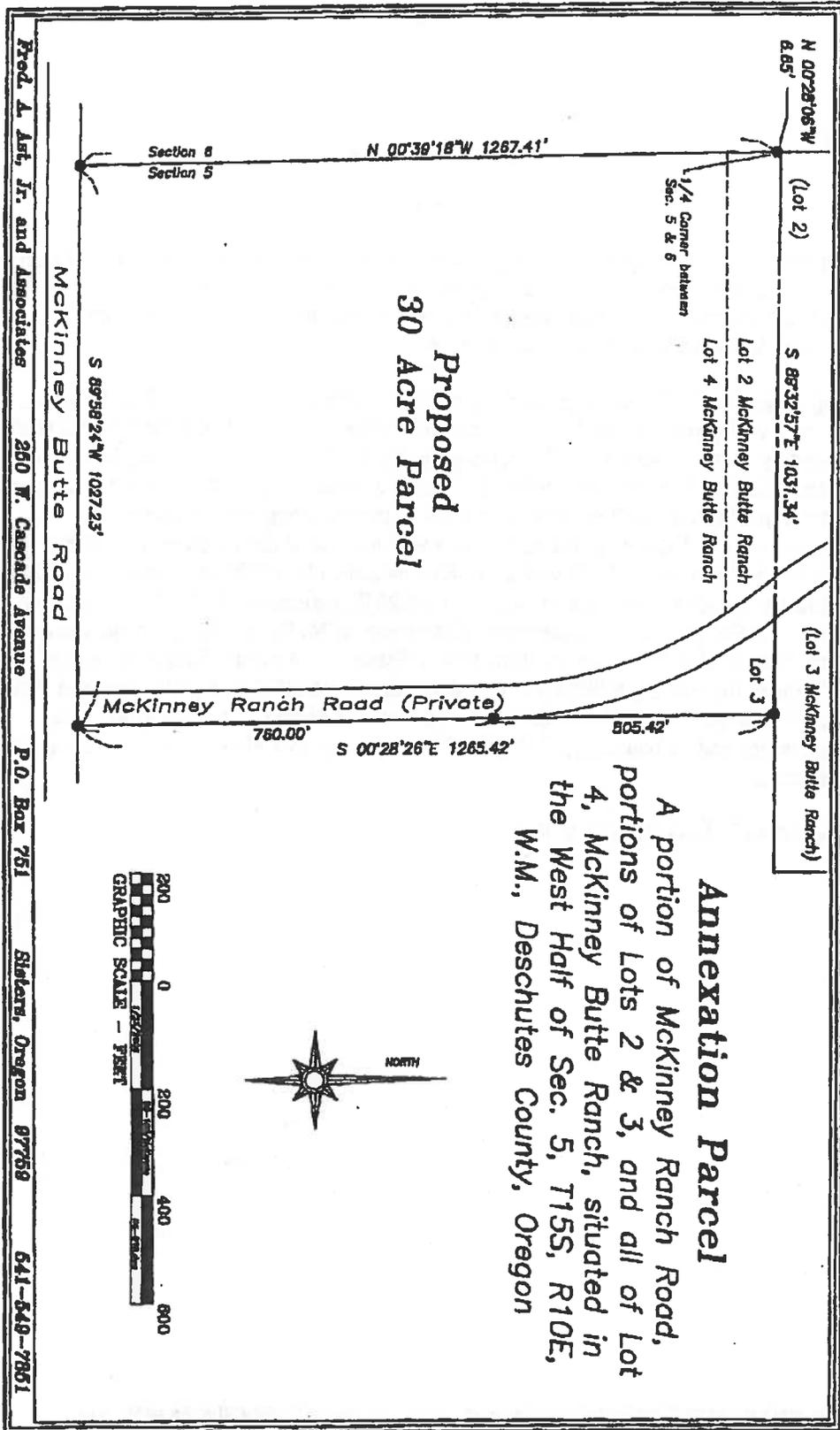
In addition, Owner agrees to stub water, sewer and electricity to an acceptable location by the Public Works Director for a future restroom facility to be developed by the City. Owner agrees to dedicate the park and full improvements to the City, at no cost to the City, as a public park prior to the issuance of the 25th residential building permit. City and Owner agrees that the park may be used to satisfy open space requirements applicable to the development of a Master Plan.

8. **Mediation.** In the event the parties have a dispute as to any of the terms or applicability of this Agreement, the parties agree to use their best efforts to resolve the dispute through a mutually acceptable mediation process prior to any party filing a lawsuit. Each party participating in mediation shall pay its own costs of mediation, including their proportionate share of the compensation of the mediator selected by the parties. If a mediator has not been selected by the parties within thirty (30) days after one of the parties has requested that a dispute arising under this Agreement be mediated, then any of the parties may commence a lawsuit or commence such other method of pursuing such remedies as may be available to any of the parties.

9. **Defaults.** A failure to comply with the terms of this Agreement shall constitute a default hereunder. The party in default shall have thirty (30) days, after receiving written notice from the other party of the event of default, to cure that default. If the default is not cured within that time period, the non-defaulting party may sue the defaulting party for specific performance under this Agreement or for damages or both; or may pursue such other remedies as may be available. The prevailing party in any such action shall be entitled to recover its costs and attorney fees from the other party.

10. **Beneficiaries.** This Agreement shall inure to the benefit of and shall be binding upon the





**Annexation Parcel**  
 A portion of McKinney Ranch Road, portions of Lots 2 & 3, and all of Lot 4, McKinney Butte Ranch, situated in the West Half of Sec. 5, T15S, R10E, W.M., Deschutes County, Oregon

Prod. A. Art, Jr. and Associates 280 W. Cascade Avenue P.O. Box 751 Sisters, Oregon 97759 641-649-7851

Legal Description

Annexation Parcel

A portion of McKinney Ranch Road, a private way, portions of Lots 2 and 3, and all of Lot 4, McKinney Butte Ranch, a subdivision of record situated in the West Half of Section 5, Township 15 South, Range 10 East, Willamette Meridian, Deschutes County, Oregon, being more particularly described as:

Beginning at a 2 ½" brass-capped iron pipe at the West Quarter Corner of said Section 5 on the west boundary of said Lot 2; thence, along the west line of said Section and said boundary of Lot 2, N00°28'06"W, a distance of 6.65 feet to a point; thence, leaving said Section Line and lot boundary, S89°32'57"E, a distance of 1031.34 feet to a 5/8" iron rod at an angle point on the boundary of said Lot 3; thence, along said boundary, S00°28'26"E, a distance of 505.42 feet to a 5/8" iron rod at the southernmost corner of said Lot 3 on the east right-of-way of McKinney Ranch Road; thence, leaving said lot boundary and along said right-of-way, S00°28'26"E, a distance of 760.00 feet to a 5/8" iron rod at the intersection of said east right-of-way of McKinney Ranch Road and the north right-of-way of McKinney Butte Road; thence, along the north right-of-way of McKinney Butte Road, S89°58'24"W, a distance of 1027.23 feet to a 5/8" iron rod at the southwest corner of said Lot 4 on the west line of said Section 5; thence, along said Section line and lot boundary, N00°39'18"W, a distance of 1267.41 feet to the point of beginning.

Containing 30.0 acres, more or less.

ATTACHMENT I

DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK

2011-31635

After Recording Return to:  
City of Sisters  
PO Box 39  
Sisters, OR 97759



\$58.00

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09/09/2011 09:25:37 AM

D-ANXCON Cnt=1 Stn=1 BN

\$25.00 \$11.00 \$16.00 \$10.00 \$6.00

CITY OF SISTERS  
AMENDED ANNEXATION AGREEMENT

This AMENDED ANNEXATION AGREEMENT ("Agreement") is entered into this 2nd day of May, 2011, by and between THE CITY OF SISTERS, an Oregon municipal corporation ("City") and MCKENZIE MEADOWS VILLAGE, LLC, an Oregon limited liability company ("Owner").

RECITALS

1. Owner is the sole owner of that certain real property more particularly described on Exhibit A hereto (the "Owner Property").
2. Owner and City previously entered into an Annexation Agreement for the Owner Property as a condition of annexation of the Owner Property into the City of Sisters.
3. Owner desires to amend the Annexation Agreement on the terms and conditions set forth below, and City is agreeable to the proposed amendments set forth in this Amended Annexation Agreement.
4. Owner plans a senior residential and commercial development on the Owner Property and, prior to such development, Owner will be required to rezone the Owner Property and obtain development approval from the City (the "Land Use Approvals").
5. Except as amended, all terms of the Annexation Agreement shall remain in effect.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties agree to amend the Annexation Agreement as follows:

AGREEMENT

1. **City Approval of Annexation:** The City has approved the annexation of the Owner Property.
2. **Affordable Housing:**
  - A. Owner shall provide affordable housing units at a ratio of not less than one affordable housing unit for every ten residential units, except the Senior Assisted Living Center shall be exempt from the affordable requirements 2A through 2F.

RECEIVED

SEP 13 2011

CITY OF SISTERS

B. Owner may transfer 1.5 acres of land to a third party for the construction of a senior apartment complex that will include a minimum of 20 units of affordable senior housing.

In the event this apartment complex is constructed, all of the affordable senior housing units shall be applied to Owner's affordable housing obligation.

C. In the event the senior apartment complex is not constructed at the time other residential construction begins or the senior apartment complex does not fully meet the affordable housing unit requirements, the affordable housing requirement shall apply to all residential units developed on the Owner Property. The location and type of affordable housing units shall be proportional to all other residential units. The present estimate of affordable housing units is 16 (based on 163 housing units). The affordable housing units shall not be clustered, but shall be evenly distributed throughout the residential development.

D. One half of the affordable housing units provided will be affordable (based on City's calculation) for individuals or families earning 80% of the Deschutes County AMI. One half of the affordable housing units will be affordable (based on City's calculation) for individuals or families earning 50% of the Deschutes County AMI.

E. The size of the affordable housing units shall be, at a minimum:

|     |                     |          |
|-----|---------------------|----------|
| (1) | 1 bedroom home:     | 1,000 sf |
| (2) | 2 bedroom home:     | 1,200 sf |
| (3) | 3 bedroom home:     | 1,400 sf |
| (4) | studio apartment:   | 450 sf   |
| (5) | 1 bedroom apartment | 675 sf   |
| (6) | 2 bedroom apartment | 875 sf   |

All affordable housing units shall have a similar exterior appearance to surrounding non-affordable units and shall comply with the CCRs applicable to the development.

F. Owner is required to maintain the affordability of the affordable housing units for a period of 20 years. If owner fails to maintain the affordability of the housing units, Owner shall pay to City the estimated cost, as determined by the City, for purchase of alternate property and construction of a comparable home. The funds received from Owner shall be used by the City to facilitate additional affordable housing.

3. **Water Rights:** Owner shall pay a fee of \$670 per EDU for water mitigation. This fee is in addition to any water SDC or other SDC that may be required as a condition of development of the property. If the City amends its water SDC to include a water mitigation component within its water SDC within 5 years of this agreement, Owner shall pay to the City or City shall reimburse or provide SDC Credit based on the difference between the \$670 EDU fee assessed and the actual SDC water mitigation component.

4. **Senior Living Center:** 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 Center will provide senior (55 years old and older) assisted and independent living, and nonsenior assisted living options. The Senior Living Center (or a phase of it) shall be built in the first phase of construction. Except for the senior apartment complex and the medical facility, no other occupancy permits will be issued for any other development on the Owner Property until the Senior Assisted Living Center (or phase of it) has received its occupancy permit.

5. **Infrastructure:** Owner may develop the property in a manner that uses no more than 131 EDUs. If the development requires more than 131 EDUs, the City may require, at the time of the zone change or at the application for Master Plan, Owner to provide an additional capacity analysis acceptable to the City. The City may (and Owner agrees) to further require Owner to construct at Owner's expense any necessary mitigation measures (including payment of mitigation fees) or infrastructure improvements necessary to provide the additional capacity requested by Owner.

6. **Master Plan:** Owner shall not submit any development application or seek to divide or subdivide the Owner Property in any manner until Owner has an approved Master Plan from the City of Sisters.

7. **Public Park:** Owner shall designate at least 1.8 acres of contiguous property, at a location acceptable to the City, as a public park. Owner shall develop the park in a manner that when completed it will be comparable to and resemble, in concept and amenities, the City's Village Green Park. The park will include the following improvements:

- A. six-foot wide paved pathways constructed to city standards;
- B. a 200 square foot covered, open sided picnic shelter constructed with wood timbers, rock base columns and a 30 to 50 year composite roof with a barbeque area and at least three picnic tables;
- C. new or custom built playground equipment,
- D. irrigated lawn and landscaping that incorporates and preserves the existing ponderosa trees on the site to the maximum extent possible.

In addition, Owner agrees to stub water, sewer and electricity to an acceptable location by the Public Works Director for a future restroom facility to be developed by the City. Owner agrees to dedicate the park and full improvements to the City, at no cost to the City, as a public park prior to the issuance of the 25<sup>th</sup> residential building permit. City and Owner agrees that the park may be used to satisfy open space requirements applicable to the development of a Master Plan.

8. **Mediation.** In the event the parties have a dispute as to any of the terms or applicability of this Agreement, the parties agree to use their best efforts to resolve the dispute through a mutually acceptable mediation process prior to any party filing a lawsuit. Each party participating in mediation shall pay its own costs of mediation, including their proportionate share of the compensation of the mediator selected by the parties. If a mediator has not been

selected by the parties within thirty (30) days after one of the parties has requested that a dispute arising under this Agreement be mediated, then any of the parties may commence a lawsuit or commence such other method of pursuing such remedies as may be available to any of the parties.

**9. Defaults.** A failure to comply with the terms of this Agreement shall constitute a default hereunder. The party in default shall have thirty (30) days, after receiving written notice from the other party of the event of default, to cure that default. If the default is not cured within that time period, the non-defaulting party may sue the defaulting party for specific performance under this Agreement or for damages or both; or may pursue such other remedies as may be available. The prevailing party in any such action shall be entitled to recover its costs and attorney fees from the other party.

**10. Beneficiaries.** This Agreement shall inure to the benefit of and shall be binding upon the Owner and City, and their respective successors and assigns (and any liability shall be joint and several). This Agreement is intended to and shall run with the Owner Property. Owner will provide proof of recording this agreement against the Owner Property within 10 days of the approval of this Agreement.

**11. Other Development.** Owner may use not more than 1.22 acres of the Owner Property for a medical facility. The remainder of the Owner Property (exclusive of the public park and Senior Living Center and Senior Apartments) shall be used for residential purposes with no age restrictions.



**EXHIBIT E – CONDITIONS OF APPROVAL**

The following conditions of approval are associated with the zone change and Comprehensive Plan amendment known as city file no. CP 10-02 and ZC 10-01, and shall occur in the time frames specified within each condition.

1. The Owner shall pay a fee of \$670 per EDU for water mitigation. This fee is in addition to any water SDC or other SDC that may be required as a condition of development of the property. If the City amends its water SDC to include a water mitigation component within its water SDC within 5 years of the revised Annexation Agreement (May 27, 2015), the Owner shall pay to the City or the City shall reimburse or provide SDC credit based on the difference between the \$670 EDU fee assessed and the actual SDC water mitigation component.
2. The water mitigation fee shall be equal to one 'equivalent dwelling unit' (EDU) for each dwelling unit seeking a building permit within the boundary of the McKenzie Meadow Village development, with the exception of the Senior Assisted Living facility, where each dwelling unit shall use a multiplier of 0.7 for each dwelling unit (EDU) to determine the 'per unit' water mitigation fee owed up to a total of 82 dwelling units..
3. All future uses of the property shall comply with the revised Annexation Agreement for McKenzie Meadow Village property dated May 27, 2010.
4. The sewer and water capacity analyses provided by the applicant demonstrate that sewer and water capacity exists to accommodate a total of 240 equivalent dwelling units' (EDUs) worth of capacity. The city may at its sole discretion require additional capacity study(s) prior to the construction of any units that are in excess of the 240 EDU's worth of capacity that was accounted for in the capacity studies provided by the applicant, in order to assure the city that the existing system can accommodate up to a total of 240 equivalent dwelling units' worth of impact to the system.
5. In the event that the city requires supplemental analysis of water capacity, and if the supplemental analysis provided to the city indicates that any system upgrades are needed to provide additional capacity to the additional units that are not identified in the originally-submitted sewer capacity analysis, the developer shall pay a pro-rata share of system upgrade fee for each unit based on the cost of the total upgrade divided by the total number of unbuilt units city-wide that would benefit from the system upgrade. If imposed, this fee would be paid at the time a building permit is sought.

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

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

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

**EXHIBIT E – CONDITIONS OF APPROVAL**

The following conditions of approval are associated with the Master Plan and Subdivision decisions known as city files no. MP 10-01 and SUB 10-02. The timing of each condition is found within each condition of approval.

**I. General Conditions of Approval.**

1. **Zone Change and Comprehensive Plan Amendment approval required.** These approvals are contingent on the approval of files no. ZC 10-01 and CP 10-02; if either of these two files are not approved, then the decisions affecting files no. MP 10-01 and SUB 10-02 become void.
2. **Approval Durations.**
  - a. **Master Plan.** Construction and/or significant infrastructure improvements shall commence within three years from the date the Master Plan decision becomes final. This project is eligible for two 1-year extensions, but the applicant must apply for these extensions before this decision becomes void, including any fees and justifications required for these extensions.
  - b. **Subdivision.** The final plat for Phase I shall be submitted to the City of Sisters within two (2) years of the date of this decision. The total approval durations for submitting a final plat for any phase may not exceed six years from the date of this decision (including extensions).
3. **Bonding Public Improvements.** All public improvements shall be either bonded to 120% of their value as stated in the applicable conditions of approval, or shall be built to city standards as described in Public Works Standards and Specifications, latest edition.
4. **Public Improvements.** All public improvements, including private streets and alleys, shall be designed according to the construction standards established within the City of Sisters Standards and Specifications, latest edition. These improvements shall require construction drawings, prepared by a Professional Engineer, and are subject to review and acceptance by the City prior to commencing any construction on said improvements. All improvements within each phase shall be completed, inspected and accepted by the city or bonded before each phase is platted, and before occupancy permits are issued for all buildings within each respective phase.
5. **Other Transportation Improvements.**
  - a. **Impact Fee.** The developer shall pay a pro-rata share of installing an EB left-hand turn lane at the western intersection of McKinney Butte Road at the time of receiving each building permit. The value of this improvement fee is a fixed fee based on Equivalent Dwelling Unit (EDU) p.m. peak hour trip count of 1.00 trips per EDU, which equals a full 'share' of the pro-rata fee for each EDU. The fee for the Assisted Living units, which are eligible for reduced EDU consideration based on anticipated impacts, shall be adjusted downward to a rate of 0.7 EDU per dwelling unit (up to 82 total units). The value of the improvement, and the total number of contributing lots, shall be determined prior to recording the first phase as stated in 'e', next page. The City and Developer may agree through the Memorandum of

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

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

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

Understanding ('e' next page) to front load the pro-rata costs; the specific methodology will be determined prior to recording phase I.

- b. **Intersection Evaluation.** Prior to recording the final plat for Phase IV, unless the interim improvement is either completed by others or is determined no longer needed by the city and/or ODOT, the applicant / developer shall provide to the City an evaluation of the intersection of McKinney Butte Road / Barclay Drive and Highway 20 for the purpose of determining the adequacy of the intersection. The evaluation shall be prepared by a registered professional Traffic Engineer.
- c. **Intersection Improvement.** If the City determines that an interim EB turn lane onto NB Highway 20 improvement is necessary as the result of the intersection operating at an unacceptable level based on the City's mobility standards, the monies collected as the pro-rata share referenced in 'a' above shall be used toward design and improvement of this intersection, and the improvements shall be completed, inspected and accepted prior to recording the final plat for Phase IV.
- d. **Developer Reimbursement.** The developer shall pay the balance of the money needed to complete this improvement, but may petition the City to establish a Reimbursement District to recapture the difference in cost between the pro-rata share and the monies collected to date from the fee established within 'a' above.
- e. **Memorandum of Understanding.** Prior to recording the plat for phase I, the City and Developer shall enter into a written agreement via Memorandum of Understanding (MOU) that identifies the interim intersection improvement project parameters, the total number of lots that will be subject to paying a 'pro rata fee' as they develop, the actual per-lot fee to be assessed to this developer based on the EDU rate established in 'a' herein, and the project cost in 2010 dollars. The City and Developer may agree that the MOU be crafted in a manner that allows the average pro-rata fee to be 'front loaded' such that most or all monies may be collected prior to platting phase IV.

Alternatively, the City and Developer may agree to an alternative means of recapturing the monetary differential in improvement versus pro-rata share monies identified within 'a'; this however must be done by written agreement between City and Developer.

- f. **Termination of Payment and Evaluation:** In the event that improvements occur by the City, ODOT or by private developers in a manner that causes the interim improvement to be no longer needed, this payment obligation and intersection evaluation obligation as defined in condition no. 5b shall immediately become void. All monies collected by the city for purposes of this interim improvement, if any, may be used in the general Street fund or may be otherwise used as allowed by law.
6. **Streets and Alleys.**
- a. Alley intersections and sharp changes in alignment shall be avoided. Where necessary, the corners of necessary alley intersections shall have a radius of not less than 20 feet.

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- b. Prior to any phase being recorded, all streets (public and private) shall be named, and the names shall meet the acceptance of the City of Sisters.
  - c. Where two alleys intersect, a 20' corner cut-off shall be provided and shown on the final plat as public access easement. Cut-offs shall be kept clear of obstructions at all times.
7. **Water Lines.** All water lines and future line extensions shall be terminated into a fire hydrant or blow-off.
8. **Storm-water Retention.** All driveways, parking areas, aisles and turn-arounds shall have on-site collection and infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with the latest City and DEQ standards in place at the time of construction. All stormwater retention serving public and private rights of way shall be accommodated by swales. The use of dry-wells is prohibited on public rights of way and public property.
9. **Underground Utilities.** All utilities shall be installed underground.
10. **Water Mitigation Fee.** The Owner shall pay a fee of \$670 per EDU for water mitigation. This fee is in addition to any water SDC or other SDC that may be required as a condition of development of the property. If the City amends its water SDC to include a water mitigation component within its water SDC within 5 years of the revised Annexation Agreement (May 27, 2015), the Owner shall pay to the City or the City shall reimburse or provide SDC credit based on the difference between the \$670 EDU fee assessed and the actual SDC water mitigation component.
11. **Consistency with Annexation Agreement.** The following capacity credit and future infrastructure improvement conditions of approval are based on the Water Capacity Analysis (West Ridge Development, June 8, 2010) and the Sewer Capacity Analysis (West Ridge Development, June 15, 2010) that were submitted by the applicant and subsequently reviewed and accepted by the City of Sisters;
- a. **Sewer and Water Capacity Credit.** The sewer and water capacity analyses provided by the applicant demonstrate that sewer and water capacity exists to accommodate a total of 240 equivalent dwelling units' (EDUs) worth of capacity. The city may at its discretion require additional capacity study(s) prior to the construction of any units that are in excess of the 240 EDU's worth of capacity.
  - b. **Future System Analysis and Upgrades.** In the event that the city requires supplemental analysis of sewer and/or water capacity, and if the supplemental analysis provided to the city indicates that any system upgrades are needed to provide additional capacity to serve the additional units that are not identified in the originally-submitted sewer capacity analysis, the developer shall pay a pro-rata share of system upgrade fee for each unit based on the cost of the total upgrade divided by the total number of unbuilt units city-wide that would benefit from the system upgrade. If imposed, this fee would be paid at the time a building permit is sought.
  - c. **Age Restriction Prohibited.** Two notes on Sheet C5.0 indicate that some of the cottages are limited to those over age 50; this is inconsistent with the Annexation Agreement, which prohibits age restrictions on all units. This sheet, and any other reference to age restrictions, shall be amended to be consistent with the Annexation Agreement.

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12. **Park Dedication, Construction and Park SDC credits.** In the event that the 1.8 acre park is dedicated to and accepted by the City as publicly dedicated park, then the applicant shall be eligible for park SDC credits for each dwelling unit that would otherwise have to pay a park SDC. This credit may only be used in lieu of paying Park SDCs, and the total credit shall be based on a reasonable value of the park portion of the subject property according to OS Open Space zoning land value. SDC credits will only be applied at or after the time that the park is constructed and accepted by the City of Sisters. No 'back credits' shall be applied to any permits issued before this park is dedicated to the City.

The park shall be constructed either at the time of or prior to the issuance of the 25<sup>th</sup> building permit in the manner prescribed within the Annexation Agreement as follows;

7. **Public Park:** Owner shall designate at least 1.8 acres of contiguous property, at a location acceptable to the City, as a public park. Owner shall develop the park in a manner that when completed it will be comparable to and resemble, in concept and amenities, the City's Village Green Park. The park will include the following improvements:

- A. six-foot wide paved pathways constructed to city standards;
- B. a 200 square foot covered, open sided picnic shelter constructed with wood timbers, rock base columns and a 30 to 50 year composite roof with a barbeque area and at least three picnic tables;
- C. new or custom built playground equipment,
- D. irrigated lawn and landscaping that incorporates and preserves the existing ponderosa trees on the site to the maximum extent possible.

In addition, Owner agrees to stub water, sewer and electricity to an acceptable location by the Public Works Director for a future restroom facility to be developed by the City. Owner agrees to dedicate the park and full improvements to the City, at no cost to the City, as a public park prior to the issuance of the 25<sup>th</sup> residential building permit. City and Owner agrees that the park may be used to satisfy open space requirements applicable to the development of a Master Plan.

13. **Rough Proportionality.** In the event that this decision is appealed to City Council based on a future disagreement on any fairness issues related to public improvements or right-of-way dedications, the city reserves the right to provide 'Nollan / Dolan' exaction arguments at a later date that would accompany the appeal documentation that would be presented to the City Council, LUBA or other appellate bodies as is appropriate.
14. **Revised CC&Rs.**
- a. The CC&Rs shall be revised as follows, and shall be recorded prior to the final plat being recorded for any phase. A Home Owners Association (HOA) shall be established to serve this subdivision to maintain the private roads and alleys, pathways and landscaping. The developer shall provide all necessary documents and pay all costs associated with formation and incorporation of the HOA, and the CC&Rs shall be reviewed and approved by the City before any final plat is signed by the City. The CC&Rs shall be recorded concurrently with the County Recorder at the time that the final plat for Phase I is recorded. A recorded copy of the CC&Rs shall be provided to the City prior to issuance of a building permit.
  - b. Disclosures through the CC&R's shall be made to all prospective buyers in the project and included in all property deeds shall state the following. Covenants, Conditions and

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Restrictions (CC&R's) shall be reviewed and approved by the City before recordation of the final plat for Phase I.

- i. All dwelling units with the exception of the Assisted Living Facility are part of a Homeowners Association. The Affordable Senior Housing units may be exempted from HOA inclusion upon written agreement by the City, Developer of the Affordable Housing Facility and Developer of McKenzie Meadow Village.
  - ii. Snow removal shall be the responsibility of the Homeowners Association
  - iii. That the private roads and alleys, pathways and landscaping shall be maintained by the Homeowners Association
  - iv. The Homeowners Association is responsible for the maintenance of all common areas other than the lots listed in 'i' above, and the portions of land dedicated to either the City or the School District.
  - c. City as a Party. The City shall be a signatory on the CC&Rs, so that any changes to this document will be evaluated for compliance with this decision, as well as with City regulations that apply to this development.
  - d. Maintenance of all common areas, including (but not limited to) private streets and pathways shall be clearly stated within the CC&Rs as being the exclusive obligation of the Homeowner's Association.
  - e. A statement indicating that this development shall be in compliance with the Annexation Agreement, the Master Plan, and all applicable Development Codes shall be added.
  - f. All architectural features shall be consistent with all applicable Fire and Building Codes.
15. **Revised Site Plan.** Prior to any building permit being issued, a revised site plan shall be submitted to and reviewed by the City.
- a. Several additional **cross-walks** are needed where the pedestrian paths cross the streets.
  - b. **Trash enclosure locations.** See Condition no. 21 for specific required information.
16. **Final Plat Requirements.**
- a. **Each Phase.** The final plat for each phase shall identify all open space areas as 'tract'. Each shall be numbered for identification purposes, and shall follow all requirements established in ORS 92 and by the Deschutes County Surveyor.
  - b. **Phases III, VIII and IX.** The final plat shall show a restriction for all lots that abut the easternmost property line. The restriction shall indicate 'all structures shall be limited to single story'. In the event that the plat cannot be recorded with this note included, then the applicant shall place this requirement within the Covenants, Codes and Restrictions (CC&Rs) for McKenzie Meadow Village, which shall then be recorded as stated herein.
17. **Park Development Plan.** Prior to recording phase II, the applicant shall submit a Development Plan to the city for the 1.8 acre park. To be included within this Plan are utility location(s) and size(s), parking compliance, lighting, methods and locations of irrigation to be used, and details

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of all elements within the park (such as the play structure and the shelter required in the Annexation Agreement).

The Development Plan for the park shall be reviewed by city staff prior to acceptance of the plan. The Development Plan review group responsible for reviewing park improvements shall consist of the Park Commission and city staff. Staff shall solicit formal comment from the Park Commission, and where feasible, shall incorporate the Commission's suggestions into the park design. The Developer shall be responsible for providing all amenities listed within the Annexation Agreement, plus the required parking and utility stubouts. The park design shall be consistent with the design requirements set forth within the Annexation Agreement.

18. **Landscape Plan.** Prior to any building permit being issued, a landscape plan shall be submitted to and reviewed by the City. Acceptance of the plan by the city is required prior to a building permit being issued. The Plan shall show the following and shall be consistent with Sisters Development Code section 3.2, 'Landscaping';
- a. **Parking Lot Landscaping and Screening** shall include a landscape strip, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, or similar screen shall screen parking lots from adjacent streets to a height of three (3') feet. Parking lot landscaping shall comply with section 3.2 of the Development Code.
  - b. **Street Tree plan.** Locations, species and tree sizes shall be shown, along with the method of irrigation.
  - c. **Tree Protection and Preservation.** A tree protection and preservation plan shall be submitted. Method of protection shall be identified in text on the plan. Significant trees removed shall be replaced at a 3:1 ratio of trees removed to trees planted. Significant trees that are identified to be retained shall be protected before and during all construction and site preparation activity. Protection measures shall include, but not be limited to, installation of a high visibility tree protection fence [minimum three (3) foot high fence with metal stakes/posts at eight (8) to ten (10) foot intervals] around the dripline(s) of a tree or trees to be preserved.
  - d. **Irrigation System and approximate line locations.**
  - e. **Lighting Plan.** A lighting plan for the entire site shall be provided, and shall show locations and types of exterior lighting fixtures to be used. Maintenance and cost for all non-public exterior lighting including street lighting that is not required by the City shall be the responsibility of the McKenzie Meadow Village Homeowner's Association.
  - f. **Screening Fence / Wall Details.** The applicant shall make a good faith effort to offer to install at the developer's cost a 6' tall screening fence between the privately-owned eastern adjacent lots that do not already contain a screening fence and the easternmost lots on the subject site. The fencing shall be decorative and continuous. The developer shall make the written offer to each of the affected neighboring property owners; shall allow 30 days for a response by the neighbors, and shall provide a copy of each written offer to the City for the public record. In the event that the neighbors do not respond, or respond beyond the 30 day window required herein, then the developer has the option of installing the fence at each candidate location.

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If any other fences or walls are proposed, a detail or details for the construction materials, height and method of anchoring shall be shown.

- g. **Common Open Space.** The applicant is advised that each multi-family dwelling unit shall provide 15% of each lot as common open space per SDC 2.3.300.

**19. Parking.**

- a. **Vehicle Parking.** All vehicle parking on site shall be consistent with SDC Chapter 3.3 unless otherwise modified by this decision.
- b. **Bicycle Parking facilities.** Approximate locations of all exterior bicycle parking facility locations shall be shown. Multi-family dwelling units shall have one bicycle parking space per unit. The Assisted Living Facility is exempted from this requirement.
- c. **Park Parking.** The Development Plan for the park (Condition No. 17) shall show compliance with the parking standards established within the Development Code.

**20. Vertical Clearances.** All driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width

**21. Garages – single family dwellings.** A garage is required for each single family dwelling including town homes. All garages are accessed from alleys. Side loaded street accessed garages shall have windows and landscaping on the elevation facing the street, and shall be provided between the dwelling unit and the driveway, and between the street facing elevation of the garage and front property line.

**22. Garages - Multi Family Dwellings.** A minimum one car garage or carport shall be required for 50% of all multi-family dwelling units. Garage and carport design shall use the same architectural features as the multi-family dwelling units. Affordable multi-family dwelling units and the Assisted Living Facility are exempt from the garage and carport requirements

**23. Driveways – Single Family Dwellings.** For all single family dwellings, each driveway shall have a minimum width of 10 feet, and a maximum width of 24 feet (except that one recreational vehicle pad driveway not to exceed 12 feet in width may be provided in addition to the standard driveway for each lot). Driveway aprons shall not exceed 20 feet in width. The throat of each driveway serving a single family dwelling shall be a maximum of 12 feet in width.

**24. Trash Enclosure Details.** Prior to any building permit being issued, details for trash enclosures shall be provided, including locations of each enclosure, screening heights, size of enclosures and gate sizes. One enclosure is required for each multi-family structure (shared enclosures containing multiple dumpsters are permissible). Trash enclosures shall:

- a. Be oriented away from adjacent residences and shall be screened.
- b. Be accessible to trash pick-up trucks.

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- c. Be constructed of solid, durable and attractive walls with solid screen doors and shall be visually consistent with project architecture.
- d. Have at a minimum two (2) foot irrigated and landscaped perimeter shall be provided around the enclosure (excepting door entries).
- e. Contain sufficient space to accommodate both waste disposal and recycling containers.

25. **Exception to Street Spacing Standard.** This decision grants an exception to the street spacing standard for 'Street B' as shown on the originally-submitted and revised Sheet No. C1.0.

26. **Deed Restriction.** The applicant shall record a deed restriction on all developable lots which indicates the inclusion of each property in the approved Master Planned Development.

27. **Master Plan / Site Plan.** In accordance with SDC Section 4.2, all qualifying buildings shall undergo Site Plan review before a building permit is issued. The architectural design requirements found in SDC Section 4.5 (Master Plans) for buildings shall apply. Compliance with floor area ratio, lot coverage, building heights and setbacks shall be verified, and a 20% deviation from these standards and criteria can be applied to all structures.

II. **Conditions of Approval by Phase.** All land and improvements referenced herein are found on the revised sheet entitled 'Phases' unless otherwise stated. All streets shall be named, and the names shall be reviewed and accepted by the City prior to any phase being recorded. On-site turn-arounds will be evaluated at the time of Site Plan review for all structures that must undergo this review. All public improvements must be constructed, inspected and accepted by the City as stated in the following conditions of approval. Temporary sewer, water and road easements for all water, sewer and street improvements that will be dedicated to the City shall be recorded prior to commencing any construction.

**Phase I.** The final plat for Phase I of this development shall be recorded within two (2) years of the date of this approval. The Central Electric Cooperative (CEC) utility easement shall be vacated, and proof of vacation shall occur prior to recording the final plat for Phase I. Public improvements and dedications within Phase I shall include the following and shall be completed or bonded where permitted, inspected and accepted prior to the final plat being recorded for phase I.

**1. Streets.**

- a. **Street A.** Improvements to Street A to full local street standards beginning at its intersection with McKinney Butte Road and proceeding northward for a distance of approximately 660 feet, about 30 feet north of the northern end of the western alley that is located immediately north of the lot identified as 'Lot 10'.
- b. **Street C.** Improvements to Street C to  $\frac{3}{4}$  local street standards beginning at its intersection with Street A, and proceeding eastward approximately 330 feet to the eastern termination of the phase line for Phase I.



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

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

**1. Streets.**

- a. **Street B.** Improvements to 3/4 local street standards with sidewalk, street trees and bioswales for drainage along the western portion of Street B, beginning at the intersection of McKinney Butte Road and proceeding northward for a distance of approximately 760 feet, terminating at the northern end of the alley that serves the lots identified as Lots 29 through 32.
  - b. **Street C.** Improvements to full local street standards with sidewalk, street trees and drainage swales beginning at the intersection of Street B and proceeding in a westerly direction for approximately 500 feet, terminating immediately west of the intersection of Street D, and connecting with the pavement provided in Phase I.
  - c. **Street D.** Improvements to the east side of Street D to ¾ local street standards beginning at the intersection of Street C and proceeding in a northerly direction approximately 100 feet, terminating immediately north of the pathway through the park shown on the sheet 'Phases'.
  - d. **Street E.** Improvements to the west side of Street E to full local street standards beginning at the intersection of Street C and proceeding in a northerly direction approximately 100 feet, terminating immediately north of the pathway through the park.
  - e. **Pathway through the Park.** Prior to the final plat for Phase II being recorded, this pathway shall be constructed to city standards for a multi-use pathway.
- 2. Sidewalks, street trees and private alleys.** Prior to recording the final plat for Phase II, all sidewalks, street trees and private alleys within Phase II shall be constructed, inspected and accepted by the City, or may be bonded to 120% of their value, and shall be completed prior to issuance of any occupancy within Phase II.
- 3. Sewer.** All lots in each phase shall be served by sanitary sewer. Engineered construction drawings for all sanitary sewer lines within each phase shall be submitted to, reviewed and accepted by the City prior to commencing any public utility construction.
- 4. Water.** The existing water line installed in Phase I shall be extended northward in the Street B right of way for a distance of approximately 100 feet to the northern

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

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

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

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

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

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

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

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

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3. **Sewer.** All lots in each phase shall be served by sanitary sewer. Engineered construction drawings for all sanitary sewer lines within each phase shall be submitted to, reviewed and accepted by the City prior to commencing any public utility construction.
  
4. **Water.**
  - a. The water line located in Street C shall be extended northward along Street D adjacent to Lot 50 and shall terminate into a fire hydrant unless determined otherwise by the Public Works Director or Fire Marshal.
  - b. The water line located in Street A shall be extended northward along Street A adjacent to Lots 54, 55 and 56 and shall terminate into a fire hydrant unless determined otherwise by the Public Works Director or Fire Marshal.
  
5. **Final Plat for Phase IV.** The following shall be shown on the final plat for Phase IV. All right of way shall be dedicated without reservation as described herein.
  - a. Right of way dedication for Phase IV shall include at a minimum the portion of Street A that begins at the intersection of Street C and terminates at the northern portion of Lot 56.
  - b. Right of way dedication for Phase IV shall include at a minimum the portion of Street D that begins at the intersection of Street C and terminates at the northern portion of Lot 50.
  - c. The final plat shall show all alleys located within Phase IV as 'public access easements'.

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

1. **Streets.**
  - a. **Street A.** Improvements shall include completion of Street A to full local street standards with sidewalk, street trees and bioswales for drainage along the portion of Street A that begins at the Phase IV terminus of Street A, then proceeds northward for approximately 205 feet, and terminates at the private alley that is on the immediate north side of lots 61 and 66.
  
2. **Sidewalks, street trees and private alleys.** Prior to recording the final plat for Phase V, the street trees, sidewalks and private alleys shall be constructed, inspected and accepted by the City or may be bonded to 120% of their value, but shall be completed, inspected and accepted by the City prior to issuance of any occupancy permit within Phase V.

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

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

**1. Streets.**

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

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

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

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

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

- b. **Street B.** Improvements shall include construction of Street B to ¾ local street standards beginning at its southern termination and proceeding northward approximately 300 feet to its termination immediately north of the intersection with Street E. Sidewalks, street trees and bioswales shall be installed on the west side of Street B located within Phase VII.
2. **Sidewalks, street trees and private alleys.** Prior to the final plat being recorded, the street trees, sidewalks and private alleys shall be constructed, inspected and accepted by the City, or may be bonded to 120% of their value, but shall be completed prior to issuance of any occupancy permit within Phase VII.
3. **Sewer.** All lots in each phase shall be served by sanitary sewer. Engineered construction drawings for all sanitary sewer lines within each phase shall be submitted to, reviewed and accepted by the City prior to commencing any public utility construction.
4. **Water.** The water line located in the Street B right of way which terminates at the northern end of Phase II shall be extended northward in the Street B right of way for approximately 300 feet to the northern end of Phase VII. A second line shall be installed in the Street E right of way, connecting with the Street B line to the north, and the Street C line to the south, thus creating a looped system.
5. **Final Plat for Phase VII.** The final plat for Phase VII shall show the following. All right of way shall be dedicated without reservation as described herein.
  - a. **Street E.** Right of way dedication for the portion of Street E beginning at the northern terminus of Phase II, and proceeding in a north-northeasterly direction to its termination into Street B.
  - b. **Street B.** Right of way dedication shall be shown for the entirety of Street B beginning at the northern terminus of Phase II and proceeding in a northerly direction approximately 250 feet to the northern terminus of Phase VII.
  - c. The open space areas shown as "OS 6" and "OS 11" shall be re-identified as Tract 6 / Open Space Easement and Tract 11 / Open Space Easement (or comparable) on the final plat and shall be recorded onto the plat.
  - d. All private alleys shall be identified on the final plat for Phase VII as 'public access easements'.

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

1. **Streets.**
  - a. **Street B.** Improvements shall include completion of Street B to full local street standards with sidewalk, street trees and bioswales for drainage along the east side of Street B beginning at its southern terminus, and proceeding in a northerly direction for approximately 250 feet to its terminus located immediately north of the northeasternmost private street that intersects with Street B.
  - b. **Private Road (northwest).** The private road located between lots 95 and 96 shall be built to public street standards. The road shall be inspected by the City prior to occupancy of structures within Phase VI.
2. **Sidewalks, street trees and private alleys.** Prior to recording the final plat, the street trees, sidewalks and private alleys shall be constructed, inspected and accepted by the City, or they may be bonded to 120% of their value, but shall be completed, inspected and accepted by the City prior to issuance of any occupancy permit within Phase VIII.
3. **Sewer.** All lots in each phase shall be served by sanitary sewer. Engineered construction drawings for all sanitary sewer lines within each phase shall be submitted to, reviewed and accepted by the City prior to commencing any public utility construction.
4. **Water.** The water line installed in Phase VII is sufficient for Phase VIII.
5. **Pathway.** The pathway located between lots 88 and 90 shall be constructed during this phase. The pathway may be bonded prior to the final plat being recorded for 120% of the cost of path construction, but shall be completed prior to any occupancy permits being issued for Phase VIII.
6. **Final Plat for Phase VIII.** Prior to recording Phase VIII, the following shall be provided. All right of way shall be dedicated without reservation as described herein.
  - a. The open space areas shown as "OS 5" shall be re-identified as Tract 5 / Open Space Easement (or comparable) on the final plat and shall be recorded onto the plat.
  - b. The private road connecting with the adjacent property to the east shall be named to match the road to the east, which shall be shown on the final plat as 'private road'.
  - c. All private alleys shall be identified on the final plat as 'public access easements'.

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

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**1. Streets.**

a. **Street B.** Improvements shall include construction of Street B to full local street standards with sidewalk, street trees and bioswales for drainage along the remaining northern duration of Street B beginning at its southern terminus, and proceeding in a northerly direction to its terminus at the northern property line.

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

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

**4. Water.** The water line in Street B which was installed during Phase VII shall be extended northward to the northern terminus of Street B, and shall terminate into a fire hydrant unless the Fire Marshal and/or Public Works Director indicate otherwise.

**5. Final Plat for Phase IX.** Prior to recording the final plat for Phase IX, the following shall be provided.

a. The remaining undedicated right of way for Street B shall be dedicated without reservation.

b. All private alleys shall be identified as 'public access easements' on the final plat.

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

**1. Streets.**

a. **Street A.** Improvements shall include construction of Street A to full local street standards with sidewalk, street trees and bioswales for drainage along the remaining northern duration of Street A beginning at its southern terminus, and proceeding in a northerly direction to its terminus at the northern property line.

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

**3. Sewer.** All lots in each phase shall be served by sanitary sewer. Engineered construction drawings for all sanitary sewer lines within each phase shall be submitted

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

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

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**Exhibit B – Conditions of Approval.** The following conditions of approval are proposed to be changed, and are taken from the Master Plan and Subdivision decisions MP 10-01 and SUB 10-02. The changes proposed to specific conditions are reflected in **highlighted / bolded** text, and ~~strike through text~~ where applicable. Only the affected conditions are shown; the entire list of conditions is found in the original land use decisions referenced herein.

- I. **General Conditions of Approval.** Note: due to the extensive conditions within MP 10-01 and SUB 10-02, only the conditions that are proposed to be amended are repeated in their entirety.
  2. **Approval Durations.**
    - a. **Master Plan.** Construction and/or significant infrastructure improvements shall commence ~~within three years from the date the Master Plan decision becomes final~~ **by December 31, 2013 within three years of the date of this modification decision as is allowed by Sisters Development Code, Chapter 4.1, subsection J.** This project is eligible for two 1-year extensions, but the applicant must apply for these extensions before this decision becomes void, including any fees and justifications required for these extensions.
    - b. **Subdivision.** The final plat for Phase I shall be submitted to the City of Sisters ~~within two (2) years of the date of this decision~~ **by December 31, 2013 within two years of the date of this modification decision as is allowed by Sisters Development Code, Chapter 4.1, subsection J.** The total approval durations for submitting a final plat for any phase may not exceed six years from the date of this decision (including extensions).
  5. **Other Transportation Improvements.**
    - a. **Impact Fee.** The developer shall pay a pro-rata share of installing an EB left-hand turn lane at the western intersection of McKinney Butte Road at the time of receiving each building permit. The value of this improvement fee is a fixed fee based on Equivalent Dwelling Unit (EDU) p.m. peak hour trip count of 1.00 trips per EDU, which equals a full 'share' of the pro-rata fee for each EDU. The fee for the Assisted Living units, which are eligible for reduced EDU consideration based on anticipated impacts, shall be adjusted downward to a rate of 0.7 EDU per dwelling unit (up to 82 total units). The value of the improvement, and the total number of contributing lots, shall be determined prior to recording the first fifth phase as stated in 'e', next page. The City and Developer may agree through the Memorandum of Understanding ('e' next page) to front load the pro-rata costs; the specific methodology will be determined prior to recording phase ~~IV~~ **V**.
    - b. **Intersection Evaluation.** Prior to recording the final plat for Phase ~~IV~~ **V**, unless the interim improvement is either completed by others or is determined no longer needed by the city and/or ODOT, the applicant / developer shall provide to the City an evaluation of the intersection of McKinney Butte Road / Barclay Drive and Highway 20 for the purpose of determining the adequacy of the intersection. The evaluation shall be prepared by a registered professional Traffic Engineer.
    - c. **Intersection Improvement.** If the City determines that an interim EB turn lane onto NB Highway 20 improvement is necessary as the result of the intersection operating at an unacceptable level based on the City's mobility standards, the monies collected as the pro-

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rata share referenced in 'a' above shall be used toward design and improvement of this intersection, and the improvements shall be completed, inspected and accepted prior to recording the final plat for Phase ~~IV~~ V.

- d. **Developer Reimbursement.** The developer shall pay the balance of the money needed to complete this improvement, but may petition the City to establish a Reimbursement District to recapture the difference in cost between the pro-rata share and the monies collected to date from the fee established within 'a' above.
- e. **Memorandum of Understanding.** Prior to recording the plat for phase ~~IV~~ V, the City and Developer shall enter into a written agreement via Memorandum of Understanding (MOU) that identifies the interim intersection improvement project parameters, the total number of lots that will be subject to paying a 'pro rata fee' as they develop, the actual per-lot fee to be assessed to this developer based on the EDU rate established in 'a' herein, and the project cost in 2010 dollars. The City and Developer may agree that the MOU be crafted in a manner that allows the average pro-rata fee to be 'front loaded' such that most or all monies may be collected prior to platting phase ~~IV~~ V.

Alternatively, the City and Developer may agree to an alternative means of recapturing the monetary differential in improvement versus pro-rata share monies identified within 'a'; this however must be done by written agreement between City and Developer.

- f. **Termination of Payment and Evaluation:** In the event that improvements occur by the City, ODOT or by private developers in a manner that causes the interim improvement to be no longer needed, this payment obligation and intersection evaluation obligation as defined in condition no. 5b shall immediately become void. All monies collected by the city for purposes of this interim improvement, if any, may be used in the general Street fund or may be otherwise used as allowed by law.

15. **Revised Site Plan.** Prior to any building permit being issued, a revised site plan shall be submitted to and reviewed by the City.

- b. **Trash enclosure locations.** See Condition no. ~~21~~ 24 for specific required information.

- II. **Conditions of Approval by Phase.** All land and improvements referenced herein are found on the revised sheet entitled 'Phases' unless otherwise stated. All streets shall be named, and the names shall be reviewed and accepted by the City prior to any phase being recorded. On-site turn-arounds will be evaluated at the time of Site Plan review for all structures that must undergo this review. All public improvements must be constructed, inspected and accepted by the City as stated in the following conditions of approval. Temporary sewer, water and road easements for all water, sewer and street improvements that will be dedicated to the City shall be recorded prior to commencing any construction. **For any bonding of public improvements that is contemplated, a Performance Agreement shall accompany each Performance Bond. The agreement shall include the specific improvements to be bonded, and a cost estimate for each type of public improvement subject to bonding. The bond is limited to one year in duration (unless extended as authorized by the City of Sisters), and all bonding shall be to 120% of the value of each improvement as agreed to in the Performance Agreement between the developer and the City of Sisters.**

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**Phase I.** The final plat for Phase I of this development shall be recorded within two (2) years of the date of this approval. **The Phase I area was amended administratively to include the lot containing the 'Grange Hall', and shall be considered as the approved preliminary plat for phase I.** The Central Electric Cooperative (CEC) utility easement shall be vacated, and proof of vacation shall occur prior to recording the final plat for Phase I. Public improvements and dedications within Phase I shall include the following and shall be completed or bonded where permitted, inspected and accepted prior to the final plat being recorded for phase I. **No other building permits shall be issued for Phase I (exceptions are the Medical Clinic and the Assisted Living Facility) until the plat for Phase I is recorded, and all necessary public improvements are completed, inspected and accepted by the City of Sisters.** Construction drawings for Phase I public improvements shall be submitted to the City Engineer for review and acceptance prior to recording the final plat for Phase I, and shall be the basis for any cost-estimates associated with bonding that might occur within Phase I. If the City allows bonding, the bond shall be in the amount of 120% of the value of the improvements that will be bonded.

### 1. Streets.

- a. ~~Street A~~ **Lone Ranger Road.** Improvements to ~~Street A~~ **Lone Ranger Road** to full local street standards beginning at its intersection with McKinney Butte Road and proceeding northward for a distance of approximately 660 feet, about 30 feet north of the northern end of the western alley that is located immediately north of the lot identified as 'Lot 10'.
- b. ~~Street C~~ **Wagon Train Avenue.** Improvements to ~~Street C~~ **Wagon Train Avenue** to  $\frac{3}{4}$  local street standards beginning at its intersection with ~~Street A~~ **Lone Ranger Road**, and proceeding eastward approximately 330 feet to the eastern termination of the phase line for Phase I.
- c. **McKinney Butte Road.** Improvements to McKinney Butte Road to  $\frac{3}{4}$  local collector street standards with bike lane, sidewalk, street trees and bioswales adjacent to the **Phase I portion of** the subject site. The Public Works Director may at his discretion allow the street to be built to match the existing construction to the immediate east and west along McKinney Butte Road.

4. **Water.** ~~The water line serving Phases I through IV shall be installed within the right of way for Streets C, B and A in a manner that loops the system. Further, the looped main line shall be connected to a connector line that is stubbed out at the western terminus of 'Hill Avenue' to the subject site.~~ **All public water line and system improvements required and shall be installed, tested and accepted by the City prior to occupancy of the Assisted Living Facility** recording the Phase I final plat unless bonded. If bonded, the bonding shall be limited to a one year duration at 120% of the value of the improvements, after which time the water line improvements for Phase I shall be completed. The following shall occur in the time frames specified:

- a. Prior to recording the Phase I final plat, a **water line** as shown on the approved construction drawings for Phase I public improvements **shall be installed across lot 13 to Lone Ranger Drive; proceed northward along Lone Ranger Drive to the**

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- intersection of Wagon Train Avenue, and shall continue eastward along Wagon Train Avenue for the duration of the phase I boundary. The line shall terminate into a fire-hydrant or 'blow-off' at the discretion of the Public Works Director or designate. The entire line shall be ~~12" in diameter~~ as shown on the Construction Plans for Phase I public improvements. Bonding this line may be allowed at the discretion of the Public Works Director and/or City Engineer.
- c. ~~Further, the proposed hydrant located adjacent to McKinney Butte Road shall be installed, tested and accepted prior to combustible construction occurring of the Assisted Living Facility~~ recording the final plat for Phase I. Bonding this hydrant and associated water line may be allowed at the discretion of the Public Works Director and/or City Engineer.
  - d. ~~Likewise, the hydrant located adjacent to the Clinic on Lone Ranger Road shall be installed, inspected and accepted by the City prior to combustible construction occurring on the Assisted Living Facility~~ recording the final plat for Phase I. Bonding this hydrant and associated water line may be allowed at the discretion of the Public Works Director and/or City Engineer. ~~The Clinic however may use the hydrant located on the adjacent High School property during combustible construction, however the adjacent hydrant on Lone Ranger must be operational prior to occupancy of the Clinic.~~
  - e. Adequacy of fire flow prior to commencement of any combustible construction shall be provided to the satisfaction of the Sisters – Camp Sherman Fire District and to the City of Sisters.
  - f. ~~Lastly, the hydrant adjacent to the Clinic on Lone Ranger Road shall be shifted southward by approximately 100 feet in order to meet the requirements of the Deputy Fire Chief. All hydrants shall be constructed according to City / Fire District standards.~~
  - g. ~~The fire hydrant locations shown on Sheet no. C7.0 appear to be acceptable, however the Fire Marshal and/or Public Works Director reserve the right to require additional or relocated fire hydrants during Site Plan review for the Senior Assisted and/or Senior Affordable Housing units and/or the Medical Clinic.~~
5. **Memorandum of Understanding.** Regarding a 'per EDU' payment for interim mitigation measures to the intersection of McKinney Butte / Highway 20; see condition no. I.5, ~~pages 40 and 41 of~~ within this report.
  6. **Final Plat for Phase I.** Phase I final plat shall be recorded before any other Phase. The following information shall be shown on the final plat. All right of way shall be dedicated without reservation as described herein.
    - a. ~~Street A~~ Lone Ranger Road. Right of way dedication for ~~Street A~~ Lone Ranger Road beginning at its intersection with McKinney Butte Road, then proceeding northward for a distance of approximately 660 feet, about 30 feet north of the northern end of the western alley that is located immediately north of the lot identified as 'Lot 10'.

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- b. **Street-C Wagon Train Avenue.** Right of way dedication for **Street-C Wagon Train Avenue** shall at a minimum include the span beginning at its intersection with **Street A Lone Ranger Road**, and proceeding eastward approximately 330 feet to the eastern termination of the phase line for Phase I.
- d. The final plat shall identify all alleys located within Phase I as 'public access easements'.
- e. **Public Utility Easement.** A public utility easement shall be recorded and shown on the recorded final plat for Phase I. The easement shall be generally as shown on the preliminary public utility plans. This easement shall be as shown on construction drawing sheet no. C1.0 regarding width and placement, and shall include the water and sewer lines that cross lot 13 up to Lone Ranger Drive. Proof of recordation of this easement shall be required prior to platting Phase I, or may be recorded on the final plat for Phase I.

**Phase II.** The final plat for Phase II of this development shall be recorded within four (4) years of the date of this approval. The final plat for Phase II may not be recorded until the public improvements associated with Phase I are completed, inspected and accepted by the City and the final plat for Phase I is recorded. **Construction drawings for Phase II public improvements shall be submitted to the City Engineer for review and acceptance prior to recording the final plat for Phase II, and shall be the basis for any cost-estimates associated with bonding that might occur within Phase II. If the City allows bonding, the bond shall be in the amount of 120% of the value of the improvements that will be bonded.** Public improvements for Phase II shall include the following;

### 1. Streets.

- a. **Street-B Hopalong Cassidy Road.** Improvements to 3/4 local street standards with sidewalk, street trees and bioswales for drainage along the western portion of **Street-B Hopalong Cassidy Road**, beginning at the intersection of McKinney Butte Road and proceeding northward for a distance of approximately 760 feet, terminating at the northern end of the alley that serves the lots identified as Lots 29 through 32.
- b. **Street-C Wagon Train.** Improvements to full local street standards with sidewalk, street trees and drainage swales beginning at the intersection of **Street-B Hopalong Cassidy Road** and proceeding in a westerly direction for approximately 500 feet, terminating immediately west of the intersection of **Street-D Buffalo Bill**, and connecting with the pavement provided in Phase I.
- c. **Street-D Buffalo Bill.** Improvements to the east side of **Street-D Buffalo Bill** to ¾ local street standards beginning at the intersection of **Street-C Wagon Train** and proceeding in a northerly direction approximately 100 feet, terminating immediately north of the pathway through the park shown on the sheet 'Phases'.
- d. **Street-E High Chaparral.** Improvements to the west side of Street E to full local street standards beginning at the intersection of **Street-C Wagon Train** and

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proceeding in a northerly direction approximately 100 feet, terminating immediately north of the pathway through the park.

4. **Water.** The existing water line installed in **Wagon Train** for Phase I shall be extended **eastward to the eastern terminus of Phase I, and shall continue southward and connect with the existing water line located in McKinney Butte Road to create a looped system. Further, the line shall be extended** northward in the **Street-B Hopalong Cassidy Road** right of way for a distance of approximately 100 feet to the northern termination of Phase II. The **northern** line shall terminate into a fire hydrant, unless an exception is granted by the Fire Marshal and/or Public Works Director for the City of Sisters. **All lines may be bonded at the discretion of the City of Sisters, however, if bonded, the bonding shall be limited to one year duration and in the amount of 120% of the cost of the improvement as is City policy for bonding. Adequacy of fire flow prior to any combustible construction shall be provided to the satisfaction of the Sisters – Camp Sherman Fire District and to the City of Sisters.**
5. **Final Plat for Phase II.** The following shall be shown on the final plat for Phase II. All right of way shall be dedicated without reservation as described herein.
  - a. **Street-B Hopalong Cassidy Road.** Existing dedicated right of way for **Street-B Hopalong Cassidy Road** **'McKinney Ranch Road'** shall be vacated **and the proposed alignment for Hopalong Cassidy Road shown in Phase II shall be dedicated** prior to or concurrently with recording Phase II within the defined **Phase II** project boundary area.
  - b. Right of way dedication for Phase II shall include the right of way for **Street-B Hopalong Cassidy Road** and for **Street-C Wagon Train** as described in Phase II Section 1. Further, the portion of rights of way for **Street-D Buffalo Bill** and **Street-E High Chaparral** adjacent to the land identified as Lot 33 / Public Park shall be dedicated beginning at the intersection of **Street-C Wagon Train** and ending at the termination of both streets into **Streets-B and A Hopalong Cassidy Road** and **Lone Ranger Road** respectively.

**Phase III.** The final plat for Phase III shall be recorded within four (4) years of the date of this approval and following the completion and City acceptance of Phase I public improvements and recording the final plat for Phase I. **Construction drawings for Phase III public improvements shall be submitted to the City Engineer for review and acceptance prior to recording the final plat for Phase III, and shall be the basis for any cost-estimates associated with bonding that might occur within Phase III. If the City allows bonding, the bond shall be in the amount of 120% of the value of the improvements that will be bonded.** Public improvements and the final plat for Phase III shall include the following;

### 1. Streets.

- a. **Street-B Hopalong Cassidy Road.** Improvements shall include completion of **Street B Hopalong Cassidy Road** to full local street standards with sidewalk, street trees and bioswales for drainage along both sides of **Street-B Hopalong Cassidy Road**, beginning at the intersection of McKinney Butte Road and proceeding northward for

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- a distance of approximately 750 feet, to the northern end of the phase line for Phase III.
- b. **Hill Avenue (private).** Private road built to minimum city standards. Hill Avenue shall be completed, inspected and accepted by the City. Pavement shall begin at ~~Street-B~~ Hopalong Cassidy Road, and proceed in an easterly direction for approximately 80 feet to its termination at the eastern property line.
4. **Water.** The water line installed in **Phases I and II shall connect with the stub-out line located at the eastern end of Hill Avenue to the east. Also, the line installed in the** ~~the~~ ~~Street-C~~ Wagon Train right of way shall be extended northward adjacent to Lot no. 32 and terminate at the northern end of the pavement for ~~Street-E~~ High Chaparral. The terminus of the line shall end in a fire hydrant unless determined otherwise by the Public Works Director or Fire Marshal. **The water line may be bonded for a period of up to one year at the discretion of the City of Sisters. If bonded, the bond shall be in the amount of 120% of the improvement. Adequacy of fire flow prior to any combustible construction shall be provided to the satisfaction of the Sisters – Camp Sherman Fire District and to the City of Sisters.**

//////////////////////////////////// END OF REVISED CONDITIONS //////////////////////////////////////



## Community Development Department

December 10, 2014

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

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

Dear Bill,

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

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

### 1. Approval Durations.

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

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

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

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

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



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

Respectfully,

Eric Porter  
Planner, City of Sisters

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

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

RECEIVED

MAY 26 2015

P.O. Box 39, 520 E. Cascade Avenue  
Sisters, OR 97759  
Ph: 541-323-5207 Fax: 541- 549-0561



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

APPLICANT: McKenzie Moodas Village LLC PHONE: 541-815-4462

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

PROPERTY OWNER: Same PHONE: Same

ADDRESS OF PROPERTY OWNER: Same

PROPERTY ADDRESS: 68945 McKinney Ranch Rd. / 1680 McKinney Butte Rd.

TAX LOT NUMBER: T15 R10 Section 05CB Tax lot(s) 5500

PROPERTY SIZE (ACRES OR SQUARE FEET): 5 Acres of parent Property

EXISTING ZONING OF PROPERTY: MFR

COMPREHENSIVE PLAN DESIGNATION OF PROPERTY: MFR

DESCRIBE PROJECT OR REASON FOR THIS REQUEST: Master Plan Modification To Accommodate a specific site plan

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

Signature of Applicant: [Signature] Printed Name: WILLIAM WILLIAMS Date: 5-26-2015

Signature of Property Owner: \_\_\_\_\_ Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

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

DATE RECEIVED: 5/26/15 FILE NO: MOD 15-05 CHECK NO: 1302  
CASH: - AMOUNT PAID: 2000.00 RECEIPT NO: 122322/182323

CHECKED BY: \_\_\_\_\_

Planning - 1500.00  
P.W. 500.00  
Page 1 of 3

APPLICATION FORM

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



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

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|                                   |                    |            |
|-----------------------------------|--------------------|------------|
| Signature of Applicant _____      | Printed Name _____ | Date _____ |
| Signature of Property Owner _____ | Printed Name _____ | Date _____ |

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DATE RECEIVED \_\_\_\_\_ FILE NO. \_\_\_\_\_ CHECK NO. \_\_\_\_\_

CASH \_\_\_\_\_ AMOUNT PAID \_\_\_\_\_ RECEIPT NO. \_\_\_\_\_

CHECKED BY: \_\_\_\_\_

**Patrick Davenport**

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**From:** Doug Wills <dtwills@bendbroadband.com>  
**Sent:** Tuesday, July 14, 2015 3:02 PM  
**To:** Patrick Davenport  
**Subject:** Fw: McKenize Meadows

Mr. Davenport

My name is Doug Wills and we live in the Village of Cold Springs adjacent to the proposed McKenize Meadows Village development.

We have no objection to the development and feel that Mr. Adolf is just concerned about competition to his project and is creating additional work for the city.

We received your letter and map and have a couple questions/concerns:

1. On the map you show McKenize Ranch Road running behind the houses in our development. Will this road be a paved major access to the development?
2. There are 2 roads in our development, Hill Ave and Williamson Ave, that show butting up to McKenize Ranch Road. Will those be connected to McKenize Ranch Road? If so, this could mean considerable additional traffic through our development. These streets are not built for heavy additional traffic and there are several families with children and this could be a dangerous situation.

Thank you for your reply.

Doug Wills



www.HAYDEN-HOMES.COM  
Building Life Stories and Family Memories

July 14, 2015

**Re: McKenzie Meadows Village Site Plan**

To Whom it May Concern:

I'm writing to express my support of McKenzie Meadow Village, LLC and their proposed Senior Care Facility to be built within the previously approved McKenzie Meadows Village Master Plan in Sisters, Oregon.

As a fellow member of the Sisters business community and neighbor to the site (Village at Cold Springs) I believe the project will be a valuable asset for Sisters by fulfilling a needed service within the community. The proposed design is aesthetically consistent with the design elements found within Sisters and will fit in harmoniously with its surroundings.

Warm Regards,

HAYDEN HOMES, LLC

A handwritten signature in blue ink, appearing to read 'HW', located below the typed name.

Hayden Watson,  
Chairman of the Board

HW:dk