



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

OCTOBER 29, 2015

8:00 A.M. CITY COUNCIL SPECIAL MEETING

I. CALL TO ORDER

II. COUNCIL BUSINESS

- A. Continued Public Hearing and Consideration of Ordinance No. 462: AN ORDINANCE AMENDING THE CITY OF SISTERS DEVELOPMENT CODE CHAPTER 2.2 RESIDENTIAL (R) DISTRICT AND ZONING MAP TO ESTABLISH A NEW ZONING SUB-DISTRICT TITLED PINE MEADOW VILLAGE RESIDENTIAL SINGLE FAMILY SUB-DISTRICT (R-PMV) - *D. Reed***

III. OTHER BUSINESS

IV. ADJOURN

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

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



Meeting Date: October 29, 2015
Type: Regular Meeting / Public Hearing
Subject: R-PMV Sub District, City File No. TA 15-02, ZC 15-02

Staff: Darcy Reed
Dept: CDD

Action Requested: Discussion and consideration to adopt Ordinance No. 462, AN ORDINANCE AMENDING THE CITY OF SISTERS DEVELOPMENT CODE CHAPTER 2.2 RESIDENTIAL (R) DISTRICT AND ZONING MAP TO ESTABLISH A NEW ZONING SUB-DISTRICT TITLED PINE MEADOW VILLAGE RESIDENTIAL SINGLE FAMILY SUB-DISTRICT (R-PMV).

Report in Brief:

- The application for the Pine Meadow Village Planned Unit Development was filed on May 18, 1998 with Deschutes County under File # TP98-896, CU98-64. Pine Meadow Village Planned Development was annexed into the City limits on June 24, 1999 by Ordinance No. 294. Since the development was entitled through Deschutes County prior to annexation, the entitlements carried over as the development was annexed into the City.
- A development agreement for Phase II, approved by the City of Sisters on November 8, 2001, stated any subsequent construction on the subject property would be reviewed under the law in effect at the time of filing the application (May 18, 1998) and would be effective for a period of ten years. At the end of the ten year period the development standards were supposed to revert to the City's development standards.
- During the time since the development standards from the original land use application expired on May 18, 2008 City CDD staff continued to approve building permits using the development standards provided in the original entitlements. Recently, it was brought to the CDD staff's attention that the development standards should revert to the City's current standards.
- Staff requested and received a legal opinion from the City attorney confirming the original development standards had expired and new development should be reviewed under the standards in the current City's development code. Staff was further advised to go through a process in order to allow the standards to revert back to the original entitlements. One option was to record a new Development Agreement, which would require signatures of all property owners in Pine Meadow Village. A second option was to amend the Development Code and establish a new sub-district and zoning map. After conferring with representatives from Pine Meadow Village and receiving support from the majority of the Planning Commissioners during the August 20, 2015 workshop, staff determined the second option was more appropriate.

- At the September 17, 2015 Planning Commission meeting, staff held a public hearing to present the text amendment and zoning map amendment under consideration. The Planning Commission voted 4 to 1 in favor of approving the resolution, which reinstated the original dimensional standards for Pine Meadow Village.

Attachments:

A. Ordinance No. 462, AN ORDINANCE AMENDING THE CITY OF SISTERS DEVELOPMENT CODE CHAPTER 2.2 RESIDENTIAL (R) DISTRICT AND ZONING MAP TO ESTABLISH A NEW ZONING SUB-DISTRICT TITLED PINE MEADOW VILLAGE RESIDENTIAL SINGLE FAMILY SUB-DISTRICT (R-PMV), including the following Exhibits:

Exhibit A – Proposed Code Text

Exhibit B – Map of Affected Area

Exhibit C – Planning Commission Resolution 2015-14 with Findings

Concurrence: CM: _____ A&F: YR PW: GB CDD: PD

ORDINANCE NO. 462

AN ORDINANCE AMENDING THE CITY OF SISTERS DEVELOPMENT CODE CHAPTER 2.2 RESIDENTIAL (R) DISTRICT AND ZONING MAP TO ESTABLISH A NEW ZONING SUB-DISTRICT TITLED PINE MEADOW VILLAGE RESIDENTIAL SINGLE FAMILY SUB-DISTRICT (R-PMV) UNDER NEW SECTION 2.2.400

WHEREAS, development in Pine Meadow Village - Phase II was previously being reviewed using certain dimensional standards that were originally approved in 1998 prior to Pine Meadow Village being annexed into the City limits; and,

WHEREAS, the dimensional standards have since expired and new development is reviewed using the current Development Code of the City of Sisters; and,

WHEREAS, the current City Development Code is not compatible with the original entitlements or the desired development patterns of Pine Meadow Village; and,

WHEREAS, the City of Sisters finds that certain amendments to the City of Sisters Development Code and Zoning Map are necessary to facilitate orderly and beneficial development within the City of Sisters; and,

WHEREAS, the City of Sisters seeks to amend the Sisters Development Code to create a sub-district that would allow development in Pine Meadow Village - Phase II to continue to develop using certain dimensional standards that were originally approved; and

WHEREAS, the City of Sisters seeks to amend the Sisters Zoning Map to establish the exact location of the sub-district; and,

WHEREAS, after due notice, the Planning Commission held a public hearing on September 17, 2015 on the proposed Development Code and Zoning Map amendments, received public testimony and determined the amendments meets all applicable approval criteria, including all notice requirements, and the proposed Development Code text amendment and Zoning Map amendment would benefit the City of Sisters by passing PC Resolution 2015-14 and recommending approval by the City Council; and,

WHEREAS, the City Council held public hearings on October 22, 2015 and October 29, 2015 on the proposed Development Code and Zoning Map amendments and determined the amendments met all applicable approval criteria, including all notice requirements, and the proposed Development Code text amendment and Zoning Map amendment will benefit the City of Sisters; and,

WHEREAS, official notice of this public hearing was published in the Nugget Newspaper on October 7, 2015 in the manner prescribed within Section 4.1.700 of the Development Code.

NOW, THEREFORE, the City Council of the City of Sisters ordains as follows:

SECTION 1. The Sisters Development Code and Zoning Map are amended as provided in the attached Exhibits A and B, which is incorporated into this Ordinance by reference.

SECTION 2. In support of the Development Code and Zoning Map Amendments, the City Council hereby adopts the findings attached hereto as Exhibit C to this Ordinance, which demonstrates compliance with the Sisters Development Code, the City's Comprehensive Plan, and the applicable statewide planning goals, statutes and administrative rules.

PASSED by the Common Council of the City of Sisters this 29th day of October, 2015 and APPROVED by the Mayor of the City of Sisters.

Chris Frye, Mayor

ATTEST:

Kathy Nelson, City Recorder

Exhibit A
Sisters Development Code – Amended Text

New proposed text is double-underlined / red font. Stricken text is in ~~strikethrough font~~.

Chapter 2.2 – Residential District (R)

Sections:

2.2.100 Purpose

2.2.200 Uses

2.2.300 Development Standards

2.2.400 Pine Meadow Village Residential Single Family Sub-District (R-PMV)

2.2.100 Purpose

The Residential District is intended to promote the livability, stability and improvement of neighborhoods in the City of Sisters. This chapter provides standards for the orderly development and improvement of neighborhoods based on the following principles:

- Make efficient use of land and public services, accommodate a range of housing types consistent with the Comprehensive Plan, and provide minimum and maximum density standards for land divisions.
- Provide for compatible building and site design at an appropriate neighborhood scale which includes public security and fire protection.
- Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling. Provide direct and convenient access to schools, parks and neighborhood services.
- Maintain and enhance the City's historic and natural characteristics.

2.2.200 Uses

A. Permitted uses. Uses permitted in the Residential District are listed in Table 2.2.1 with a "P". These uses are allowed if they comply with the development standards and other regulations of this Code.

B. Special Provisions. Uses that are either permitted or conditionally permitted in the Residential District subject to special provisions for that particular use are listed in Table 2.2.1 with an "SP". Uses subject to an SP shall comply with the applicable special use standards included in Chapter 2.15.

C. Conditional uses. Uses that are allowed in the Residential District with approval of a conditional use permit are listed in Table 2.2-1 with either a Minor Conditional Use "MCU" or a Conditional Use "CU". These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.

D. Similar uses. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 – Interpretations.

Table 2.2.1 Use Table for the Residential District

Land Use Category	Permitted/Special Provisions/Conditional Use
Residential	
Single family detached dwelling	P
Manufactured dwelling on individual lot	P/SP
Manufactured Dwelling Park	P/SP
Accessory dwelling on a single family or manufactured dwelling lot	P/SP
Zero lot line dwelling	P/SP
Attached dwelling (townhome)	SP/ MCU
Duplex dwelling	MCU
Residential Home	P/SP
Cottage Development	P / Ch. 4.6
Manufactured dwelling parks	P/SP
Child care home (Care for no more than 16 children)	P
Home occupation	P/SP
Commercial	
Childcare center (17 or more children)	CU
Public and Institutional	
Churches and places of worship	CU
Clubs, lodges	CU
Libraries, museums, community centers	CU
Utility Facility	CU
Parks	P
Recreational facilities	CU
Schools	CU
Miscellaneous	
Accessory uses and structures.	P/SP
Bed and breakfast inn	SP /MCU
Vacation Rentals	P/SP

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

2.2.300 Development Standards

A. The following property development standards shall apply to all land, buildings and uses in the Residential District:

A. Lot Area, lot width, lot depth, setbacks, floor area ratio, lot coverage and building height. See Table 2.2.2.

Table 2.2.2 Development Standards in the Residential District

Development Standard	Residential District	Comments/Other Requirements
Minimum lot area		
Single family detached dwelling, manufactured dwelling on individual lot, zero lot line dwelling	6,000 square feet	
Duplex dwelling	11,000 square feet	
Attached dwelling	5,500 square feet	

(townhome)		
Child Care Center, Public and Institutional uses	None	
Lot width at front property line		
Single Family and manufactured dwelling	Minimum 45	Except for Flag Lots and Driveway Courts: See Land Divisions and Lot Line Adjustments; or as required by this Code to protect sensitive lands, significant trees, etc
Duplex	Minimum 65 feet	
Attached Dwelling	Minimum 45 feet	
Cul-de-sacs, all uses	Minimum 30 feet	
Child Care Center, Public and Institutional uses	No minimum lot sizes	
Lot depth		
All housing types	No maximum lot depth for child care center, public and institutional uses, For all other uses, maximum lot depth of three times the lot width	Except as required by this Code to protect sensitive lands, significant trees, etc.
Floor Area Ratio		
	Building construction may not exceed 50% of the total lot area for lots 10,000 square feet or larger.	The areas of a building subject to this development standard shall include the following: a. Areas within the building footprint considered to be habitable space. b. Garages exceeding 500 sq ft in size. Exceptions to FAR: - Accessory structures less than 10 ft in height and 200 sq ft in area, child care center and public and institutional uses.
Lot Coverage		
	Maximum of 60 percent; except child care center and public and institutional uses shall be 80 percent	
Building Height		
	Maximum 30-feet for all residential uses; 35-feet maximum for all non-residential uses, also refer to exceptions.	
Pre-existing lots. A single family, town home or manufactured dwelling may be developed on an existing lot or parcel that is smaller than the requirements listed above provided all other applicable development standards can be met.		

Continued - Table 2.2.2 Development Standards in the Residential District

Front Yard Setbacks	
Porch	10 ft. min.
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min.
Garage (front-loaded street accessed)	20 ft. min.
Garage (side-loaded street accessed)	10 ft. min.
Interior Side Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	5 ft. min.
Exterior Side Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min.
Garage (front-loaded street accessed)	20 ft. min.
Garage (side-loaded street accessed)	10 ft. min.
Rear Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Attached garage (street accessed)	15 ft. min.
Accessory Building	5 ft. per story min.
Detached Garage (street accessed)	5 ft. per story min.
Garage setbacks when accessed from an alley	20 ft. min.
Side loaded garages when accessed from alley	3 ft. min.
See also garage requirements 2.2.300.E	
Accessory dwelling units shall comply with living space setbacks	

B. General Exceptions to Setbacks and Building Height

1. Front and Rear Deck. An uncovered deck not exceeding 30 inches in height above grade may encroach into the front yard setback by no more than 6 feet and rear yard setback by no more than 8 feet, as long as it does not encroach into a public utility easement.
2. Acceptable Encroachments into Setbacks.
 - a. The following features are allowed to encroach into the required side setbacks by no more than two (2) feet: eaves, chimneys, overhangs, canopies, fire escapes, landing places, outside stairways, and similar architectural features.
 - b. The following features are allowed to encroach into the required rear setbacks by no more than two (2) feet: bay windows, chimneys, overhangs, canopies, fire escapes, balconies, landing places, outside stairways and similar architectural features.
 - c. The following feature is allowed to encroach into the front and rear setbacks no more than three (3) feet: eaves.
3. General Exceptions to Building Height. Exceptions to the building height standard are available for certain types of affordable housing as set forth in Special Provisions. Chimneys, bell towers, steeples, roof equipment, flagpoles, and

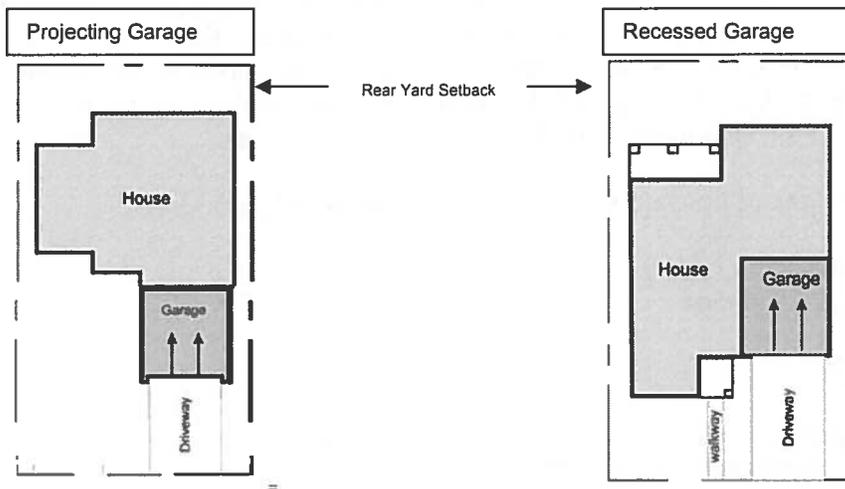
similar features that are not intended for human occupancy and which do not exceed 40 feet in height are not subject to building height limits.

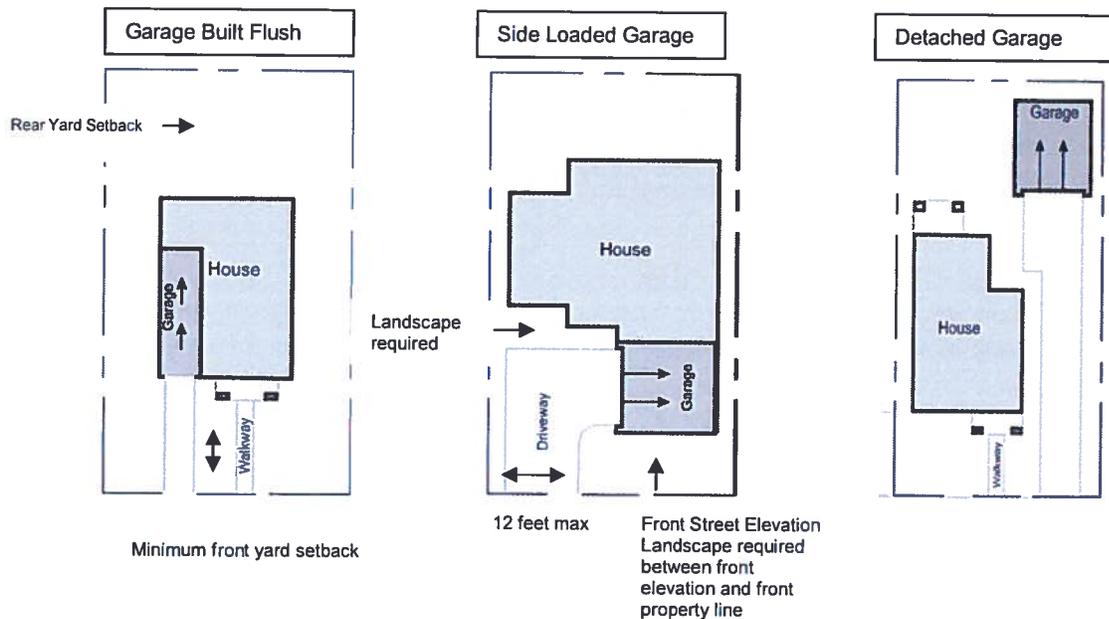
C. Walls and Fences. Walls and fences may be placed on property lines, subject to the standards in Chapter 3.2 – Landscaping and Fences and Walls. Walls and fences within front yards shall also comply with the vision clearance standards in Special Provisions, Chapter 2.15.

D. Special Yards. 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.

E. Garage Requirements. In addition to Table 2.2.2, the following standards shall apply;

1. Minimum one car garage shall be required per unit for single-family detached dwelling, manufactured dwelling on individual lot, zero lot line dwelling, townhome and duplex dwelling
2. Garages and carports shall be accessed from alleys where available.
3. Side loaded street accessed garages. The street facing elevation of the garage shall include windows and landscaping shall be provided between the dwelling unit and the driveway and between the street facing elevation of the garage and front property line. The throat of the driveway shall be a maximum of 12 feet in width.





F. Residential Density Standards. The following residential density standards apply to all land divisions in the Residential District.

1. The density range for the Residential District shall be 3 units per gross acre minimum and 8 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 15 units and the maximum density is 40 units. When calculating minimum and maximum densities, figures are rounded down to the closest whole number.
3. The following types of housing are exempt from the density standards:
 - a. Accessory dwelling units
 - b. Bed and breakfast inns

G. Design Standards

1. Applicability. The design standards are applicable to the following types of uses and buildings in the Residential District:
 - a. Single-Family Detached Dwelling Units
 - b. Duplexes and triplex dwellings
 - c. Attached dwelling (townhome)
 - d. Public and institutional buildings
 - e. Manufactured dwellings
2. Base Standards. This section is intended to show examples of how to comply with the design standards. Other building styles and designs can be used to comply, so long as they are consistent with the text of the standard. An architectural feature may be used to comply with more than one standard.

- a. Building Orientation. All buildings shall have their primary entrance oriented to the street or a common area (private street, courtyard, or open space). If oriented to a common area, the development shall provide a pedestrian sidewalk or pathway connecting the building entrance to the street.
 - b. Eyes on the Street. All building elevations visible from a street right-of-way shall provide doors, porches, balconies, and/or windows. The standard applies to each full and partial building story.
 - c. Detailed Design. All buildings included in the applicability section shall provide detailed design along all elevations (e.g., front, rear and sides). Detailed design requires use of at least five of the following architectural features on all front and exterior side (corner lot) elevations and at least three of the following architectural features on all interior and rear yard elevations, as appropriate for the building type and style. Architectural features shall be varied on the different building elevations.
 - 1. Dormers
 - 2. Gables
 - 3. Recessed entries
 - 4. Covered porch entries
 - 5. Cupolas or towers
 - 6. Pillars or posts
 - 7. Eaves (minimum 6-inch projection)
 - 8. Off-sets in building face or roof (minimum 16 inches)
 - 9. Window trim
 - 10. Bay or oriel windows
 - 11. Balconies
 - 12. Decorative patterns on exterior finishes (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
 - 13. Decorative cornices and roof lines (e.g., for flat roofs)
 - 14. An alternative feature providing visual relief and detail, similar to options 1-13 above.
- 3. Garbage and Recycling Collection Areas. An exterior garbage and recycling collection area is required and shall be oriented away from the street.
 - 4. 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.
 - 4. Gated Communities. Gated communities are prohibited except as may be permitted by Chapter 4.5 Master Plans.

2.2.400 Pine Meadow Village Residential Single Family Sub-District (R-PMV)

A. Purpose. This section provides specific development standards for the Pine Meadow Village (PMV) Subdivision, a residential sub-district, by adopting certain development standards originally approved in 1998 prior to PMV being annexed into the City limits. This sub-district is separated from the Residential (R) District due to differences in building setbacks, building height, maximum lot coverage and other development standards.

B. Development Standards. The following property development standards shall apply to all land, buildings and uses in the R-PMV Sub District:

Table 2.2.3 Development Standards in the Pine Meadow Village Sub-District

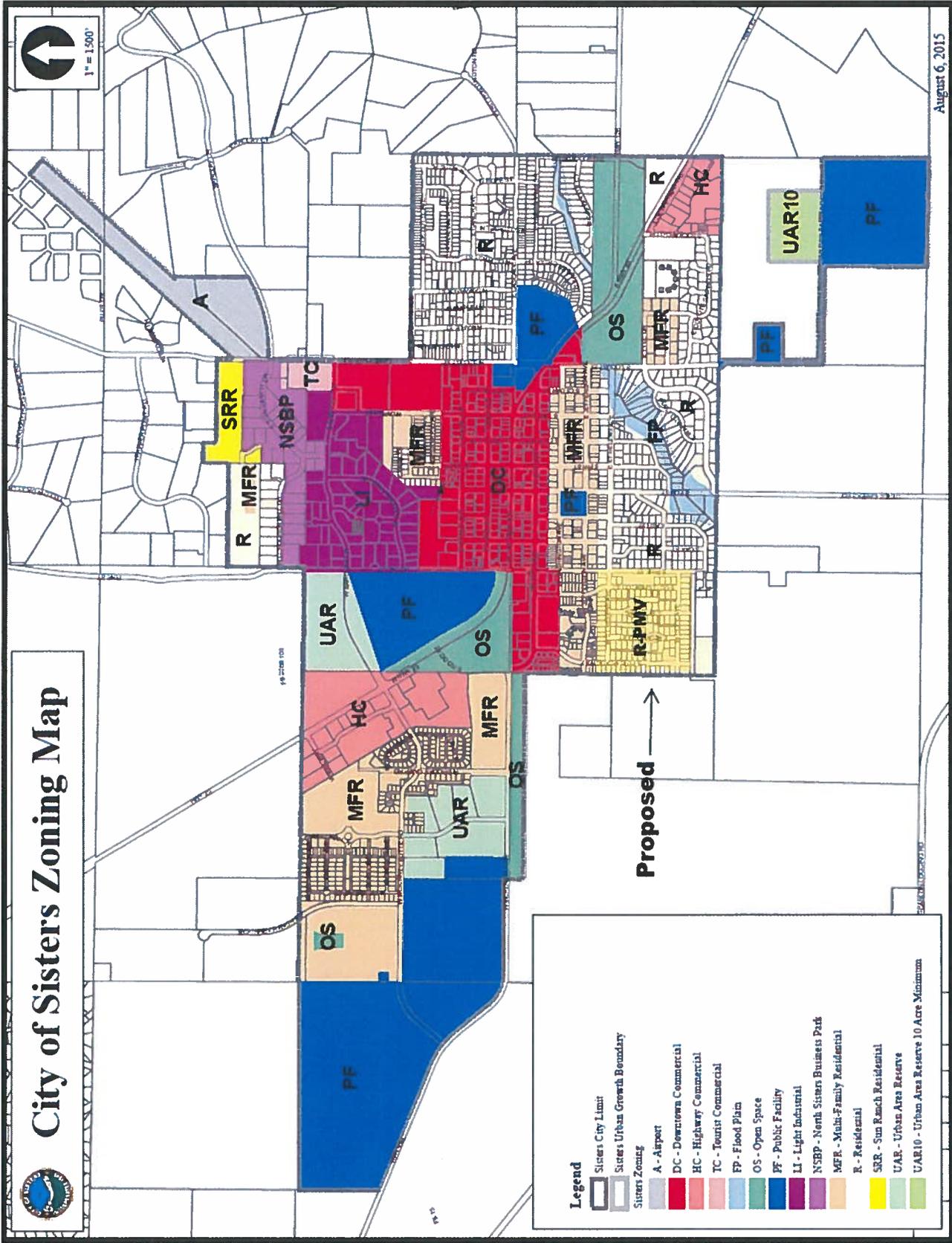
R-PMV Single Family Development	
Front Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)	15 ft. min. to 20 ft. max.
Side Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)	6 ft. min.
Accessory Buildings	0 ft. or 6 ft. for detached garage/other permitted accessory structures; 6 ft. for attached garage/other permitted accessory structures
Rear Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)	15 ft. for Lots 30-60; 4 ft. min. for all other Lots
Accessory Buildings	4 ft. required for alley access garage; 4 ft. min for street access parking
Detached Garage Setbacks	
Garage setback from main dwelling	15 ft. min. setback between main dwelling and garage
Garage setback from neighboring garage	6 ft. separation between detached garages unless zero lot line attached garage.

<u>Development Standard</u>	<u>R-PMV District</u>	<u>Comments/Other Requirements</u>
<u>Minimum lot area</u>	<u>6,000 square feet</u>	
<u>Lot width at front property line</u>	<u>50 feet</u>	
<u>Lot Coverage</u>	<u>Maximum of 50 percent with A.R.C. approval for alley accessed garage; Maximum of 45 percent for street access parking.</u>	<u>Lot coverage includes that portion of a lot which, when viewed directly from above, would be covered by a building or structure, or any part thereof. All building footprints subject to maximum lot restrictions.</u>
<u>Building Height</u>	<u>Single story lots: 20' max. Two story lots: 30' max (main building); 20' max (garage); 25' max (bonus)</u>	<u>Height measured to midpoint of sloping roof.</u>
<u>Accessory Building Size Limits</u>	<u>600 square foot max.</u>	<u>Dimensions: 22 ft. x 25 ft. max. except as approved by A.R.C.</u>

Other Development Standards. Development standards not specifically addressed under Section 2.2.400 will be reviewed per the development standards in the base district, which are listed under Section 2.2.

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Exhibit B – Map of Affected Area



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Exhibit C - Planning Commission Resolution 2015-14 with Findings



**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF SISTERS
STATE OF OREGON
PLANNING COMMISSION RESOLUTION PC 2015- 14**

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

WHEREAS, Pine Meadow Village development received its original development entitlements through the Deschutes County development review process, prior to its annexation by the City of Sisters; and,

WHEREAS, a development agreement for Phase II was approved by the City of Sisters on November 8, 2001 stating that any subsequent construction on the subject property would be reviewed under the law in effect at the time of filing the application (May 18, 1998) and had a life span of ten years in which at the end of the ten year period the development standards were supposed to revert to the City's development standards; and,

WHEREAS, the original development entitlements have reverted to the current development code of the City of Sisters;

WHEREAS, the current City Development Code are not compatible with the original entitlements and the desired development patterns of Pine Meadow Village; and,

WHEREAS, the City of Sisters proposes to amend the Sisters Development Code by revising Chapter 2.2 Residential District to add a new zoning sub district entitled Residential Pine Meadow Village (R-PMV) to enable a permanent approval of the development entitlements originally received as it was annexed into the City limits on June 24, 1999; and,

WHEREAS, in accordance to the provisions found in the Sisters Development Code Table 4.1.200 and Section 4.1.600, the proposed adoption of the Comprehensive Plan amendments are processed as a Type IV application; and,

WHEREAS, the findings presented within City file number TA 15-02 and ZC 15-01 have determined that the changes proposed to the Development Code will not adversely impact the City's sewer, water and/or road infrastructure; and,

WHEREAS, staff has made findings that this request is consistent with the applicable Statewide Planning Goals, the City's adopted Comprehensive Plan, Transportation System Plan, and the City's adopted Development Code; and,

WHEREAS, the Department of Land Conservation and Development (DLCD) received the Notice of Proposed Amendment on August 8, 2015 at least 35 days prior to the first evidentiary hearing; and,

WHEREAS, after due notice was published in the Nugget newspaper on September 3, 2015, a public hearing on the proposed text amendment was held before the Sisters Planning Commission on September 17, 2015, at which time findings were reviewed, witnesses were heard and evidence was received; and,

WHEREAS, adopting the changes proposed to the Development Code are in the best interest of the City of Sisters.

**CITY OF SISTERS
Planning Commission Resolution**

(CONSIDERED BY THE PLANNING COMMISSION SEPTEMBER 17, 2015)

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF SISTERS PLANNING COMMISSION HEREBY FINDS AND RECOMMENDS THAT THE CITY COUNCIL ADOPT THE COMPREHENSIVE PLAN AMENDMENT, FILE NO. TA 15-02 AND ZC 15-01 SUBJECT TO THE FOLLOWING EXHIBIT:

Exhibit A – Staff Report with attachments as noted and proposed Development Code text

THE FOREGOING RESOLUTION IS HEREBY ADOPTED THIS 17th DAY OF SEPTEMBER, 2015.

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

AYES: Dean, Gentry, Nagel, Wright	(4)
NOES: Detweiler	(1)
ABSENT: Tewalt, Seymour	(2)
ABSTAIN:	(0)

 9/22/2015
Signed: David Gentry, Chairman



**CITY OF SISTERS
PLANNING COMMISSION**

STAFF REPORT

Exhibit A

File #: Text Amendment #15-02 and Zone Change #15-02

Applicant: City of Sisters

Request: The proposal includes a Development Code amendment to the Residential (R) District by establishing a new zoning sub district titled Pine Meadow Village Residential Single Family Sub district (R-PMV).

Hearing Date: September 17, 2015, 5:30 pm, Sisters City Council Chambers, 520 E. Cascade Avenue, Sisters, Oregon

Location: Pine Meadow Village Planned Development, Phase II

Planner: Darcy Reed

Date: September 17, 2015

I. Background

The application for the Pine Meadow Village Planned Unit Development was filed on May 18, 1998 with Deschutes County under File # TP98-896, CU98-64. Pine Meadow Village Planned Development was annexed into the City limits on June 24, 1999 by Ordinance No. 294. Since the development was entitled through Deschutes County prior to annexation, the entitlements carried over as the development was annexed in the City.

A development agreement for Phase II which was approved by the City of Sisters on November 8, 2001 states that any subsequent construction on the subject property would be reviewed under the law in effect at the time of filing the application (May 18, 1998) and had a life span of ten years in which at the end of the ten year period the development standards were supposed to revert to the City's development standards.

During the time since the development standards from the original land use application expired on May 18, 2008 City CDD staff continued to approve building permits using the development standards provided in the original entitlements. Recently, it was brought to the CDD staff's attention that the development standards should revert to the City's current standards.

Staff requested and received a legal opinion from the City attorney that the original development standards expired and new development should be reviewed using the standards in the current City's development code. Staff was further advised that there are

CITY OF SISTERS
Planning Commission

Title: TA #15-02, ZC # 15-02
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two processes to enable the standards to revert back to the original entitlements which are execute a new development agreement or process a text amendment to the Development Code. After conferring with representatives from Pine Meadow Village and receiving direction from the Planning Commission during the August 20, 2015 workshop, the Development Code text amendment process was agreed upon as being the most appropriate process.

II. Request

This proposal includes a Development Code amendment to the Residential (R) District by establishing a new zoning sub-district titled Pine Meadow Village Residential Single Family Sub district (R-PMV). The creation of the sub-district will be within Chapter 2.2 (Residential) and adopts certain development standards such as building setbacks and building height. In addition to the changes to the Development Code, the sub-district will be recognized on the City's Zoning Map.

The following section contains the proposed amendments to the City of Sisters Development Code:

Chapter 2.2 – Residential District (R)

Sections:

- 2.2.100 Purpose**
- 2.2.200 Uses**
- 2.2.300 Development Standards**
- 2.2.400 Pine Meadow Village Residential Single Family Sub-District (R-PMV)**

2.2.100 Purpose

The Residential District is intended to promote the livability, stability and improvement of neighborhoods in the City of Sisters. This chapter provides standards for the orderly development and improvement of neighborhoods based on the following principles:

- Make efficient use of land and public services, accommodate a range of housing types consistent with the Comprehensive Plan, and provide minimum and maximum density standards for land divisions.
- Provide for compatible building and site design at an appropriate neighborhood scale which includes public security and fire protection.
- Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling. Provide direct and convenient access to schools, parks and neighborhood services.

**CITY OF SISTERS
Planning Commission**

Title: TA #15-02, ZC # 15-02
Hearing Date: September 17, 2015

- Maintain and enhance the City's historic and natural characteristics.

2.2.200 Uses

- A. Permitted uses. Uses permitted in the Residential District are listed in Table 2.2.1 with a "P". These uses are allowed if they comply with the development standards and other regulations of this Code.
- B. Special Provisions. Uses that are either permitted or conditionally permitted in the Residential District subject to special provisions for that particular use are listed in Table 2.2.1 with an "SP". Uses subject to an SP shall comply with the applicable special use standards included in Chapter 2.15.
- C. Conditional uses. Uses that are allowed in the Residential District with approval of a conditional use permit are listed in Table 2.2-1 with either a Minor Conditional Use "MCU" or a Conditional Use "CU". These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.
- D. Similar uses. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 – Interpretations.

Table 2.2.1 Use Table for the Residential District

Land Use Category	Permitted/Special Provisions/Conditional Use
Residential	
Single family detached dwelling	P
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Zero lot line dwelling	P/SP
Attached dwelling (townhome)	SP/ MCU
Duplex dwelling	MCU
Residential Home	P/SP
Cottage Development	P / Ch. 4.6
Manufactured dwelling parks	P/SP
Child care home (Care for no more than 16 children)	P
Home occupation	P/SP
Commercial	
Childcare center (17 or more children)	CU
Public and Institutional	
Churches and places of worship	CU
Clubs, lodges	CU
Libraries, museums, community centers	CU
Utility Facility	CU

**CITY OF SISTERS
Planning Commission**

Title: TA #15-02, ZC # 15-02
Hearing Date: September 17, 2015

Parks	P
Recreational facilities	CU
Schools	CU
Miscellaneous	
Accessory uses and structures.	P/SP
Bed and breakfast inn	SP /MCU
Vacation Rentals	P/SP

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

2.2.300 Development Standards

A. The following property development standards shall apply to all land, buildings and uses in the Residential District:

A. Lot Area, lot width, lot depth, setbacks, floor area ratio, lot coverage and building height. See Table 2.2.2.

Table 2.2.2 Development Standards in the Residential District

Development Standard	Residential District	Comments/Other Requirements
Minimum lot area		
Single family detached dwelling, manufactured dwelling on individual lot, zero lot line dwelling	6,000 square feet	
Duplex dwelling	11,000 square feet	
Attached dwelling (townhome)	5,500 square feet	
Child Care Center, Public and Institutional uses	None	
Lot width at front property line		
Single Family and manufactured dwelling	Minimum 45	Except for Flag Lots and Driveway Courts: See Land Divisions and Lot Line Adjustments; or as required by this Code to protect sensitive lands, significant trees, etc
Duplex	Minimum 65 feet	
Attached Dwelling	Minimum 45 feet	
Cul-de-sacs, all uses	Minimum 30 feet	
Child Care Center, Public and Institutional uses	No minimum lot sizes	
Lot depth		
All housing types	No maximum lot depth for child care center, public and institutional uses, For all other uses, maximum lot	Except as required by this Code to protect sensitive lands, significant trees, etc.

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	depth of three times the lot width	
Floor Area Ratio		
	Building construction may not exceed 50% of the total lot area for lots 10,000 square feet or larger.	The areas of a building subject to this development standard shall include the following: a. Areas within the building footprint considered to be habitable space. b. Garages exceeding 500 sq ft in size. Exceptions to FAR: - Accessory structures less than 10 ft in height and 200 sq ft in area, child care center and public and institutional uses.
Lot Coverage		
	Maximum of 60 percent; except child care center and public and institutional uses shall be 80 percent	
Building Height		
	Maximum 30-feet for all residential uses; 35-feet maximum for all non-residential uses, also refer to exceptions.	
Pre-existing lots. A single family, town home or manufactured dwelling may be developed on an existing lot or parcel that is smaller than the requirements listed above provided all other applicable development standards can be met.		

Continued - Table 2.2.2 Development Standards in the Residential District

Front Yard Setbacks	
Porch	10 ft. min.
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min.
Garage (front-loaded street accessed)	20 ft. min.
Garage (side-loaded street accessed)	10 ft. min.
Interior Side Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	5 ft. min.
Exterior Side Yard Setbacks	

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

B. General Exceptions to Setbacks and Building Height

1. Front and Rear Deck. An uncovered deck not exceeding 30 inches in height above grade may encroach into the front yard setback by no more than 6 feet and rear yard setback by no more than 8 feet, as long as it does not encroach into a public utility easement.
2. Acceptable Encroachments into Setbacks.
 - a. The following features are allowed to encroach into the required side setbacks by no more than two (2) feet: eaves, chimneys, overhangs, canopies, fire escapes, landing places, outside stairways, and similar architectural features.
 - b. The following features are allowed to encroach into the required rear setbacks by no more than two (2) feet: bay windows, chimneys, overhangs, canopies, fire escapes, balconies, landing places, outside stairways and similar architectural features.
 - c. The following feature is allowed to encroach into the front and rear setbacks no more than three (3) feet: eaves.
3. General Exceptions to Building Height. Exceptions to the building height standard are available for certain types of affordable housing as set forth in Special Provisions. Chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features that are not intended for human occupancy and which do not exceed 40 feet in height are not subject to building height limits.

C. Walls and Fences. Walls and fences may be placed on property lines, subject to the standards in Chapter 3.2 – Landscaping and Fences and Walls. Walls and fences within front yards shall also comply with the vision clearance standards in Special Provisions, Chapter 2.15.

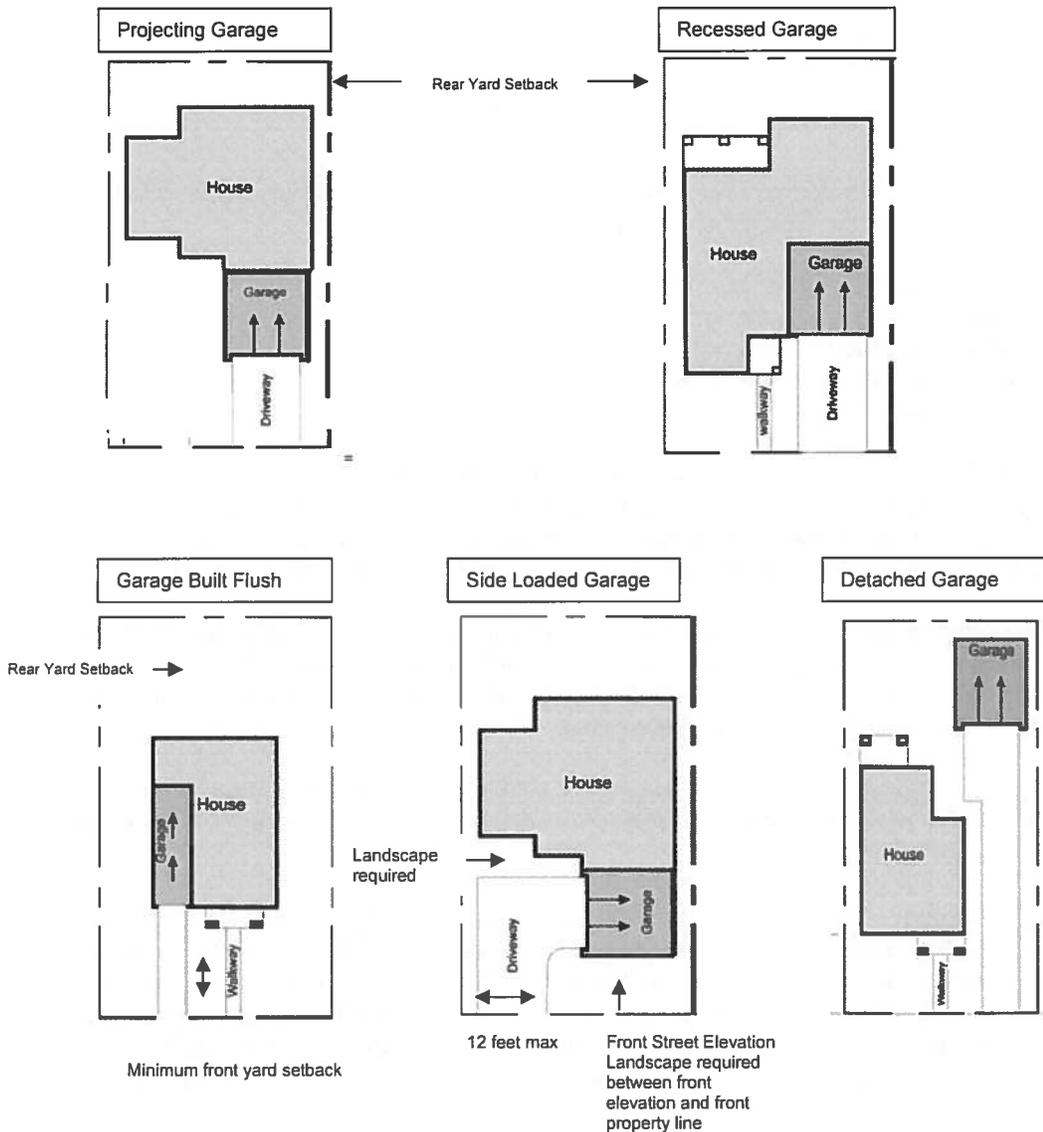
D. Special Yards. Distance between buildings on the same lot. To provide usable yard area and allow air circulation and light, the distance between buildings on the same lot shall be a minimum of six feet.

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E. Garage Requirements. In addition to Table 2.2.2, the following standards shall apply;

1. Minimum one car garage shall be required per unit for single-family detached dwelling, manufactured dwelling on individual lot, zero lot line dwelling, townhome and duplex dwelling
2. Garages and carports shall be accessed from alleys where available.
3. Side loaded street accessed garages. The street facing elevation of the garage shall include windows and landscaping shall be provided between the dwelling unit and the driveway and between the street facing elevation of the garage and front property line. The throat of the driveway shall be a maximum of 12 feet in width.



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F. Residential Density Standards. The following residential density standards apply to all land divisions in the Residential District.

1. The density range for the Residential District shall be 3 units per gross acre minimum and 8 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 15 units and the maximum density is 40 units. When calculating minimum and maximum densities, figures are rounded down to the closest whole number.
3. The following types of housing are exempt from the density standards:
 - a. Accessory dwelling units
 - b. Bed and breakfast inns

G. Design Standards

1. **Applicability.** The design standards are applicable to the following types of uses and buildings in the Residential District:
 - a. Single-Family Detached Dwelling Units
 - b. Duplexes and triplex dwellings
 - c. Attached dwelling (townhome)
 - d. Public and institutional buildings
 - e. Manufactured dwellings
2. **Base Standards.** This section is intended to show examples of how to comply with the design standards. Other building styles and designs can be used to comply, so long as they are consistent with the text of the standard. An architectural feature may be used to comply with more than one standard.
 - a. **Building Orientation.** All buildings shall have their primary entrance oriented to the street or a common area (private street, courtyard, or open space). If oriented to a common area, the development shall provide a pedestrian sidewalk or pathway connecting the building entrance to the street.
 - b. **Eyes on the Street.** All building elevations visible from a street right-of-way shall provide doors, porches, balconies, and/or windows. The standard applies to each full and partial building story.
 - c. **Detailed Design.** All buildings included in the applicability section shall provide detailed design along all elevations (e.g., front, rear and sides). Detailed design requires use of at least five of the following architectural features on all front and exterior side (corner lot) elevations and at least three of the following architectural features on all interior and rear yard elevations, as appropriate for the building type and style. Architectural features shall be varied on the different building elevations.

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1. Dormers
 2. Gables
 3. Recessed entries
 4. Covered porch entries
 5. Cupolas or towers
 6. Pillars or posts
 7. Eaves (minimum 6-inch projection)
 8. Off-sets in building face or roof (minimum 16 inches)
 9. Window trim
 10. Bay or oriel windows
 11. Balconies
 12. Decorative patterns on exterior finishes (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
 13. Decorative cornices and roof lines (e.g., for flat roofs)
 14. An alternative feature providing visual relief and detail, similar to options 1-13 above.
3. Garbage and Recycling Collection Areas. An exterior garbage and recycling collection area is required and shall be oriented away from the street.
 4. 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.
 5. Gated Communities. Gated communities are prohibited except as may be permitted by Chapter 4.5 Master Plans.

-----Beginning of proposed text amendment-----

2.2.400 Pine Meadow Village Residential Single Family Sub-District (R-PMV)

A. Purpose. This section provides specific development standards for the Pine Meadow Village (PMV) Subdivision, a residential sub-district, by adopting certain development standards originally approved in 1998 prior to PMV being annexed into the City limits. This sub-district is separated from the Residential (R) District due to differences in building setbacks, building height, maximum lot coverage and other development standards.

B. Development Standards. The following property development standards shall apply to all land, buildings and uses in the R-PMV Sub District:

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Table 2.2.3 Development Standards in the Pine Meadow Village Sub-District

R-PMV Single Family Development	
Front Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)	15 ft. min. to 20 ft. max.
Side Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)	6 ft. min.
Accessory Buildings	0 ft. or 6 ft. for detached garage/other permitted accessory structures; 6 ft. for attached garage/other permitted accessory structures
Rear Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)	15 ft. for Lots 30-60; 4 ft. min. for all other Lots
Accessory Buildings	4 ft. required for alley access garage; 4 ft. min for street access parking
Detached Garage Setbacks	
Garage setback from main dwelling	15 ft. min. setback between main dwelling and garage
Garage setback from neighboring garage	6 ft. separation between detached garages unless zero lot line attached garage.

Development Standard	R-PMV District	Comments/Other Requirements
Minimum lot area		
	6,000 square feet	
Lot width at front property line		
	50 feet	
Lot Coverage		
	Maximum of 50 percent with A.R.C. approval for alley accessed garage; Maximum of 45 percent for street access parking.	Lot coverage includes that portion of a lot which, when viewed directly from above, would be covered by a building or structure, or any part thereof. All building footprints subject to maximum lot restrictions.
Building Height		
	Single story lots: 20' max. Two story lots: 30' max	Height measured to midpoint of sloping roof.

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	(main building); 20' max (garage); 25' max (bonus)	
Accessory Building Size Limits		
	600 square foot max.	Dimensions: 22 ft. x 25 ft. max. except as approved by A.R.C.

C. **Other Development Standards.** Development standards not specifically addressed under Section 2.2.400 will be reviewed per the development standards in the base district, which are listed under Section 2.2.

-----End of proposed text amendment-----

III. Conclusionary Findings

Sisters Development Code (SDC) Chapter 4, Table 4.1.200 lists a code amendment as a Type IV decision, regulated by Chapter 4.7 (Land Use District Map and Text Amendments). Section 4.7.200 states that legislative amendments are policy decisions made by the City Council and shall be reviewed using the Type IV procedure found in SDC Section 4.1.600 and shall conform to SDC section 4.7.600 Transportation Planning Rule compliance (if applicable).

Pursuant to the SDC Section 4.1.600, the City may approve, approve with modifications, approve with conditions, deny the proposed change or recommend an alternative to the code text amendment based on the following four criteria and standards.

Section 4.1.600 of the SDC states:

- E. **Decision-Making Considerations.** The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:
1. Approval of the request is consistent with the Statewide Planning Goals;
 2. Approval of the request is consistent with the Comprehensive Plan; and
 3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property. The applicant must demonstrate that the property and affected area shall be served with adequate public facilities, services and transportation networks to support maximum anticipated levels and densities of use allowed by the District without adversely impacting current levels of service provided to existing users; or applicant's proposal to provide concurrently with the development of the property such facilities, services and transportation networks needed to support maximum anticipated level and density of use allowed by the District without adversely impacting current levels of service provided to existing

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users.

4. SDC 4.7.600, Transportation Planning Rule (TPR) Compliance

- 1. Approval of the request is consistent with applicable Statewide Planning Goals.** The Sisters Development Code requires all text amendments to comply with the requirements of the Statewide Planning Goals. Compliance with the relevant goals is as follows.

Goal 1 - Citizen Involvement. To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Response: On August 20, 2015, a Planning Commission workshop was held to gather feedback regarding these changes. Two public hearings are required by the Development Code; the first requires a recommendation to City Council by the Planning Commission, the second hearing requires a public hearing on the part of the City Council to decide whether to amend the Development Code. The Text Amendment and Zone Change (TA #15-02, ZC #15-02) was noticed in the Nugget Newspaper on September 2, 2015 and the City's website, two weeks prior to the September 17, 2015 Planning Commission hearing.

Staff finds the Text Amendment and Zone Change (TA #15-02, ZC #15-02) complies with Goal 1.

Goal 2 - Land Use Planning. To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Response: As previously stated, the proposal includes a Development Code amendment to the Residential (R) District by establishing a new zoning sub district titled Pine Meadow Village Residential Single Family Sub district (R-PMV). This builds upon the planning process and ensures that the Planning Commission and City Council are aware of these Decisions.

Staff finds the Text Amendment and Zone Change (TA #15-02, ZC #15-02) complies with Goal 2.

Goal 9 – Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Response: This proposal will enable the development to continue using the development standards that were originally entitled and be constructed in a harmonious fashion with the rest of the existing development.

Staff finds that the proposed Text Amendment complies with Goal 1, 2 and 9 of the Statewide Planning Goals.

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2. **Approval of the request is consistent with the Comprehensive Plan.** The City of Sisters Comprehensive Plan is organized in a manner that follows the format of the statewide planning goals. The evaluation for consistency with the Comprehensive Plan text relies on whether the proposal aligns with specific tasks, policies and objectives within the relevant portions of the Plan, which are as follows.

Goal 1: Citizen Involvement

1.4 POLICIES

1. The City of Sisters shall seek out and encourage public participation in all aspects of the City planning process.

Tasks –

- a. Planning Commission and City Council meetings shall be held on a regularly scheduled basis.
- b. Planning Commission and City Council meeting agendas shall be publicized in a manner that makes this information widely available.
- d. The City shall use a variety of methods to achieve citizen involvement.

Response: The Planning Commission held a workshop on August 20, 2015 to discuss these text amendments. The Text Amendment and Zone Change (TA #15-02, ZC #15-02) was noticed in the Nugget Newspaper and the City's website on September 2, 2015, at least two weeks prior to the September 17, 2015 Planning Commission hearing.

Staff finds that the proposed Text Amendment and Zone Change comply with all relevant policies provided within Goal 1 of the Comprehensive Plan.

Goal 2: Land Use Planning

2.4 POLICIES

3. As economic and social conditions change, it may be appropriate for the City to create new zoning designations that will work to assist the City in meeting the goals and policies of the Comprehensive Plan, the requirements of state law, and state land use goals.

Tasks -

- a. The City shall periodically review the Sisters Development Code to determine whether the districts set forth therein are adequate to address the goals, policies and objectives of the Comprehensive Plan and whether economic and social conditions warrant revision of the district codes, or creation of new districts. Any application for a code amendment shall address the policies and facts supporting the proposed code amendments.

Response: The City of Sisters has developed a unique community character in its commercial districts, and the City desires to maintain this unique character. The

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proposed amendments continue to protect the community's character, culture and economic vitality by ensuring a residential developments are developed in a harmonious and consistent manner.

Staff finds that the proposed Text Amendment and Zone Change comply with all relevant policies provided within Goal 2 of the Comprehensive Plan.

Goal 9: Economic Development

A. 9.4 POLICIES

1. The City shall guide growth in a manner that will result in a balance between economic and environmental interests.

Tasks -

a. The City shall maintain and enhance the appearance and function of the Commercial Districts by providing a safe and aesthetically pleasing pedestrian environment, mixed use development, and requiring adherence to the Sisters Western Frontier Architectural Design for all types of development and signage. The Sisters Western Frontier Architectural Design Theme does not apply to the Sun Ranch Tourist Commercial District. In its place, a more historically accurate 1900s Rural Farm/Ranch House design standard applies. The City shall establish standards for this design theme in the Development Code.

Response: The proposed text amendments include an amendment to the Residential (R) District by establishing a new zoning sub district titled Pine Meadow Village Residential Single Family Sub district (R-PMV). New residential construction in Pine Meadow Village will be able to continue as originally entitled and will have no negative effects on economic development and environmental interests.

Staff finds that the proposed Text Amendment complies with all relevant policies provided within Goal 1, 2, and 9 of the Comprehensive Plan.

3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property. The applicant shall update City of Sisters Masters Plans for Water, Sewer, Parks and Transportation Systems subject to City Council approval, to reflect impacts of the rezoning on those facilities and long-range plans. The applicant must demonstrate that the property and affected area shall be served with adequate public facilities, services and transportation networks to support maximum anticipated levels and densities of use allowed by the District without adversely impacting current levels of service provided to existing users; or applicant's proposal to provide concurrently with the development of the property such facilities, services and transportation networks needed to support maximum anticipated level and density of use allowed by the District without adversely impacting current levels of service provided to existing users.

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Response: The amendments do not negatively affect public facilities, services and transportation networks.

4. Transportation Planning Rule (TPR) Compliance.

Legislative changes are reviewed to verify compliance with the TPR, which is found in Oregon Administrative Rules, Division 12, Section 660-012-0060.

SDC Section 4.7.600 Transportation Planning Rule Compliance

A. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed by the City to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060. Significant means the proposal would:

1. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal is projected to cause future traffic to exceed the capacity of "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Transportation System Plan; or
2. Change the standards implementing a functional classification system; or
3. Allow types or levels of land use that would result in levels of travel or access what are inconsistent with the functional classification of a transportation facility;
4. The effect of the proposal would reduce the performance standards of a public utility or facility below the minimum acceptable level identified in the Transportation System Plan.

B. Amendments to the Comprehensive Plan and land use standards which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

1. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or
2. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.

Response: This change has no significant effect on either the Comprehensive Plan or any of the land use districts. Residential Densities will not be increased if this text amendment and zone change is approved. Additionally, the functional classifications of the streets will remain as shown on the 2010 Transportation System Plan (TSP).

IV. Public Comments

During the workshop on August 20, 2015, the Planning commission discussed these amendments to the Development Code and received public comment. Two speakers spoke in opposition to the proposed text amendment and several representatives from Pine

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Meadow Village spoke either in support or contended that the text amendments were not necessary – the original entitlement should still be effective.

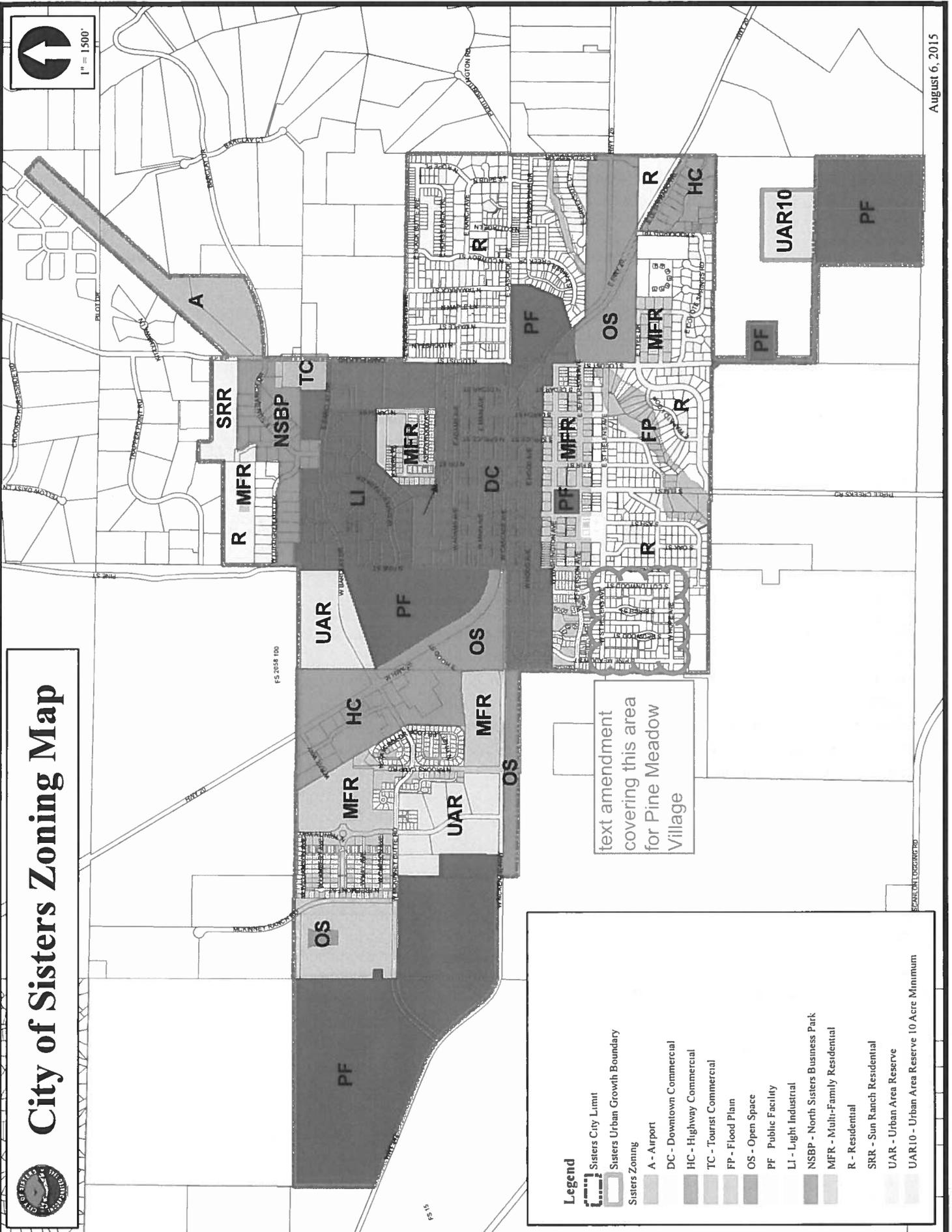
I. Composition of the Record

The following make up the record in this matter, and are contained in file TA #15-02, ZC #15-02 and are available for review at the City of Sisters City Hall:

1. Staff Report and Resolution
2. Map of Proposed zoning sub district
3. DLCD Notice
4. Ordinance No. 294
5. PMV, Phase II Plat Map
6. Development Agreement for PMV, Phase II
7. PC Resolution 2015-14



City of Sisters Zoning Map



Legend

- Sisters City Limit
- Sisters Urban Growth Boundary
- Sisters Zoning**
- A - Airport
- DC - Downtown Commercial
- HC - Highway Commercial
- TC - Tourist Commercial
- FP - Flood Plain
- OS - Open Space
- PF - Public Facility
- LI - Light Industrial
- NSBP - North Sisters Business Park
- MFR - Multi-Family Residential
- R - Residential
- SRR - Sun Ranch Residential
- UAR - Urban Area Reserve
- UAR10 - Urban Area Reserve 10 Acre Minimum



NOTICE OF A PROPOSED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.:

Received:

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation **at least 35 days before the first evidentiary hearing.** (See [OAR 660-018-0020](#) for a post-acknowledgment plan amendment and [OAR 660-025-0080](#) for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction: **City of Sisters**

Local file no.: **TA 15-02 and ZC 15-01**

Please check the type of change that best describes the proposal:

- Urban growth boundary (UGB) amendment** including more than 50 acres, by a city with a population greater than 2,500 within the UGB
- UGB amendment** over 100 acres by a metropolitan service district
- Urban reserve designation**, or amendment including over 50 acres, by a city with a population greater than 2,500 within the UGB
- Periodic review task** – Task no.:
- Any other change** to a comp plan or land use regulation (*e.g.*, a post-acknowledgement plan amendment)

Local contact person (name and title): **Patrick T. Davenport Community Development Director**

Phone: **541-323-5219** E-mail: **pdavenport@ci.sisters.or.us**

Street address: **520 E. Cascades Avenue City: Sisters Zip: 97759-**

Briefly summarize the proposal in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

This is a Development Code TA to adopt PUD standards for Pine Meadow Village. The PUD standards were established in 1998 when the development received entitlements through Deschutes County, prior to annexing into the City. The TA will support establish of a subdistrict within the City's existing Residential District. The sub district will adopt the PUD Standards as shown in the "RS" district from the 198 County entitlements. The zoning map change will illustrate the new sub district.

Date of first evidentiary hearing: **09/17/2015**

Date of final hearing: **10/17/2015**

This is a revision to a previously submitted notice. Date of previous submittal:

Check all that apply:

- Comprehensive Plan text amendment(s)
- Comprehensive Plan map amendment(s) – Change from _____ to _____
Change from _____ to _____
- New or amended land use regulation
- Zoning map amendment(s) – Change from R to R-PMV subdistrict
Change from _____ to _____
- An exception to a statewide planning goal is proposed – goal(s) subject to exception:
- Acres affected by map amendment: **35**

Location of property, if applicable (site address and T, R, Sec., TL): T15 R10 S 08-AA and T15 R10 S08-AD

List affected state or federal agencies, local governments and special districts: City of Sisters

NOTICE OF A PROPOSED CHANGE – SUBMITTAL INSTRUCTIONS

1. Except under certain circumstances,¹ proposed amendments must be submitted to DLCD's Salem office at least 35 days before the first evidentiary hearing on the proposal. The 35 days begins the day of the postmark if mailed, or, if submitted by means other than US Postal Service, on the day DLCD receives the proposal in its Salem office. **DLCD will not confirm receipt of a Notice of a Proposed Change unless requested.**

2. A Notice of a Proposed Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of a Proposed Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of a Proposed Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 1 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line "Notice of Proposed Amendment."

Submittals may also be uploaded to DLCD's FTP site at

http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

¹ 660-018-0022 provides:

(1) When a local government determines that no goals, commission rules, or land use statutes apply to a particular proposed change, the notice of a proposed change is not required [a notice of adoption is still required, however]; and
(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review such that the local government cannot submit the proposed change consistent with the 35-day deadline, the local government may submit the proposed change to the department as soon as practicable. The submittal must include a description of the emergency circumstances.

<http://www.oregon.gov/LCD/Pages/forms.aspx>

Include this Form 1 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of a Proposed Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Text:** Submittal of a Notice of a Proposed Change for a comprehensive plan or land use regulation text amendment must include the text of the amendment and any other information necessary to advise DLCD of the effect of the proposal. "Text" means the specific language proposed to be amended, added to, or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. The notice may be deemed incomplete without this documentation.

7. **Staff report:** Attach any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

8. **Local hearing notice:** Attach the notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable.

9. **Maps:** Submittal of a proposed map amendment must include a map of the affected area showing existing and proposed plan and zone designations. A paper map must be legible if printed on 8½" x 11" paper. Include text regarding background, justification for the change, and the application if there was one accepted by the local government. A map by itself is not a complete notice.

10. **Goal exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- Completed Form 1
- The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
- Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
- A map of the affected area showing existing and proposed plan and zone designations
- A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
- Any other information necessary to advise DLCD of the effect of the proposal

ORDINANCE NO. 294

AN ORDINANCE DECLARING ALL LANDS WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF SISTERS AS BEING ANNEXED TO AND INCORPORATED WITHIN THE CITY OF SISTERS, SETTING THE ZONE THEREFOR, AND DECLARING AN EMERGENCY.

WHEREAS: The City of Sisters received written consents to annex from more than half of the owners of property in the urban growth boundary (UGB) who own more than half the property in the UGB to be annexed, representing more than half the assessed value of all real property in the UGB; and

WHEREAS: The City of Sisters also received written consents to annex from a majority of registered electors in the UGB; and

WHEREAS: A public hearing on the question of annexation of the UGB was held on March 25, 1999 before the Sisters City Council and all consents were received prior to the public hearing; and

WHEREAS: The City of Sisters submitted the question of annexation of the UGB to the registered voters of the city, which was approved by a vote of 202 YES, 31 NO; and

WHEREAS: The City Council finds this annexation is necessary for the immediate health, peace and safety of the city, so that city code provisions concerning health, peace and safety become immediately effective.

NOW, THEREFORE, THE CITY OF SISTERS ORDAINS AS FOLLOWS:

Section 1. Annexation Area: The following described territory is hereby proclaimed to be annexed to the city of Sisters, Oregon:

See Exhibit "A"

Section 2. Record: The City Administrator shall submit to the Secretary of State of the state of Oregon, 1) a copy of this Ordinance, 2) a copy of the statement of consent; and 3) a copy of the election results for ballot measure 9-72.

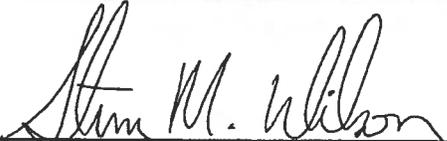
Section 3. Zoning: The parcels being annexed to the city shall be zoned as shown in Exhibit "B".

*RETURN TO:
CITY OF SISTERS
PO. BOX 59
SISTERS, OR 97759*

99-44632-2

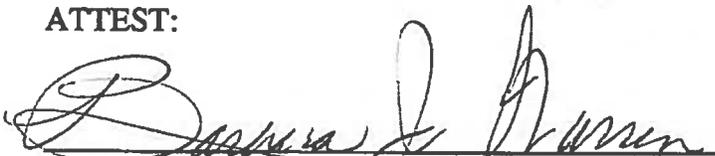
Section 4. Emergency: The City Council finds that this annexation of this property is necessary for the immediate health, peace and safety of the city and, therefore, this Ordinance shall be effective upon the date of passage by the City of Sisters.

PASSED by the City Council and signed by the Mayor this 24th day of June, 1999.



Steven M. Wilson, Mayor

ATTEST:



Barbara J. Warren, City Administrator

EXHIBIT A

LEGAL DESCRIPTION

CITY OF SISTERS ANNEXATION

SITUATED IN THE SOUTH HALF OF SECTION 4, THE SOUTH HALF OF SECTION 5, THE NORTH HALF OF SECTION 8 AND THE NORTH HALF OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER COMMON TO SECTIONS 3, 4, 9 AND 10, TOWNSHIP 15 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON

THENCE SOUTHERLY ON THE EAST LINE OF SAID SECTION 9 TO THE QUARTER CORNER COMMON TO SAID SECTIONS 9 AND 10;

THENCE WESTERLY, ON THE EAST-WEST CENTERLINE OF SAID SECTION 9, TO THE QUARTER CORNER COMMON TO SAID SECTIONS 8 AND 9;

THENCE WESTERLY, ON THE EAST-WEST CENTERLINE OF SAID SECTION 8, TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 8;

THENCE NORTHERLY ON WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 8 TO A POINT 200.00 FEET SOUTHERLY OF THE NORTH LINE OF SAID SECTION 8;

THENCE WESTERLY, ON A LINE 200.00 FEET SOUTHERLY OF WHEN MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID SECTION 8, TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 8;

THENCE NORTHERLY, 200.00 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 8;

THENCE WESTERLY, ON THE LINE COMMON TO SAID SECTIONS 5 AND 8, TO THE CORNER COMMON TO SECTIONS 5, 6, 7 AND 8;

THENCE NORTHERLY, ON THE LINE COMMON TO SAID SECTIONS 5 AND 6, TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 5;

THENCE EASTERLY, ON THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, TO A POINT 288.7 FEET WESTERLY OF THE NORTHEAST CORNER THEREOF;

THENCE NORTHERLY, ON A LINE PARALLEL TO AND 288.7 FEET WESTERLY OF WHEN MEASURED AT RIGHT ANGLES TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 5, TO A POINT ON THE EAST-WEST CENTERLINE OF SAID SECTION;

THENCE EASTERLY, ON SAID EAST-WEST CENTERLINE, TO THE QUARTER CORNER COMMON TO SAID SECTIONS 4 AND 5;

99-44632-4

THENCE EASTERLY, ON THE EAST-WEST CENTERLINE OF SAID SECTION 4, TO THE NORTHEAST CORNER OF LOT 6, BLOCK 3, SISTERS INDUSTRIAL PARK - FIRST ADDITION, A SUBDIVISION OF RECORD;

THENCE SOUTHERLY, ON THE EAST LINE OF SAID LOT 6, TO THE SOUTHEAST CORNER THEREOF ON THE NORTH RIGHT-OF-WAY LINE OF "BARCLAY DRIVE";

THENCE EASTERLY, ON THE NORTH RIGHT-OF-WAY LINE OF "BARCLAY DRIVE" AND THE EASTERLY EXTENSION THEREFROM TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 4;

THENCE SOUTHERLY, ON SAID NORTH-SOUTH CENTERLINE, TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 4;

THENCE EASTERLY, ON THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER, TO THE NORTHEAST CORNER THEREOF ON THE LINE COMMON TO SAID SECTIONS 3 AND 4;

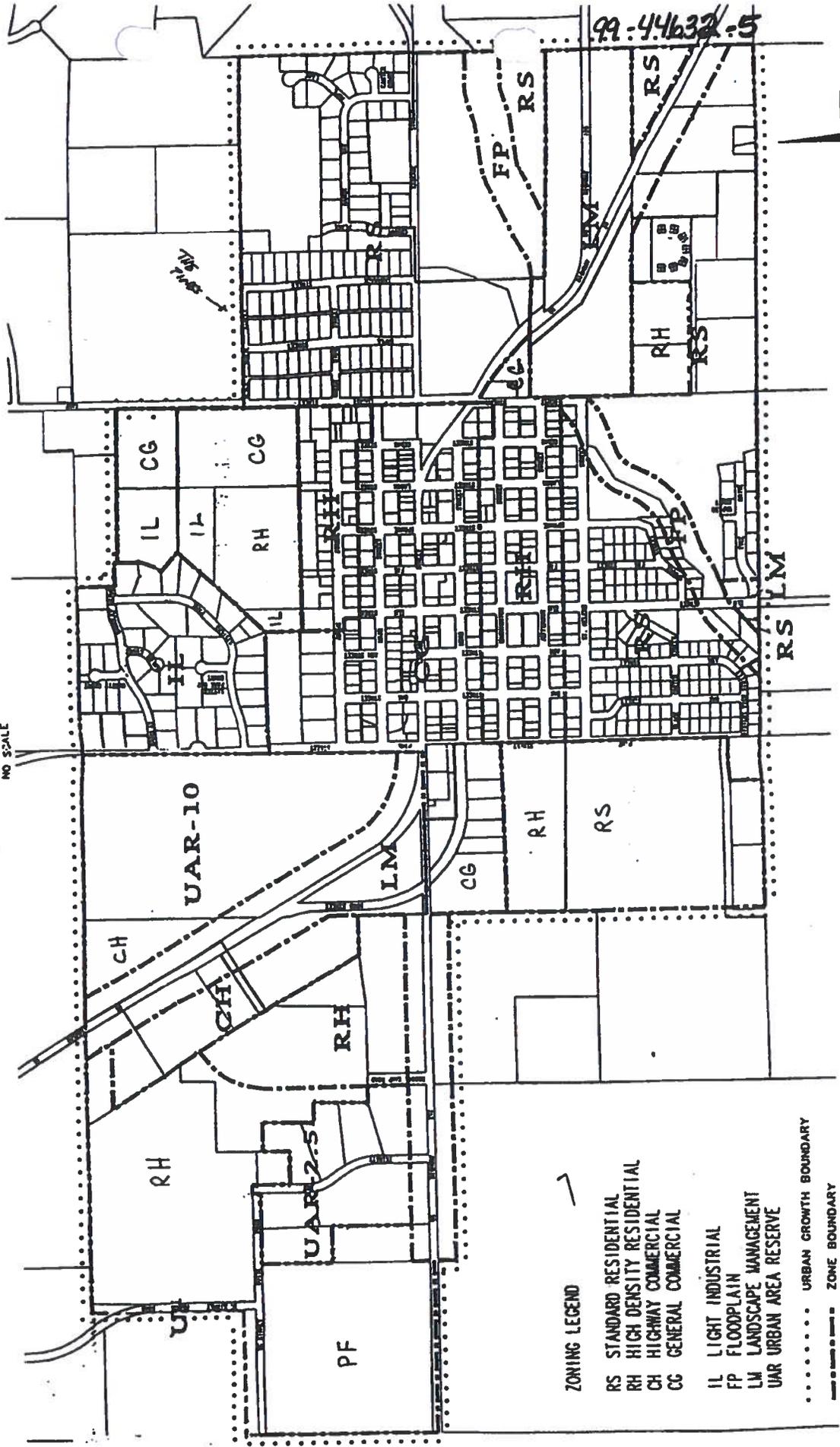
THENCE SOUTHERLY, ON SAID SECTION LINE, TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE BOUNDARIES OF THE CITY OF SISTERS, AS IT EXISTED ON MAY 1, 1999.

EXHIBIT B

SISTERS URBAN AREA
ZONING MAP

NO SCALE

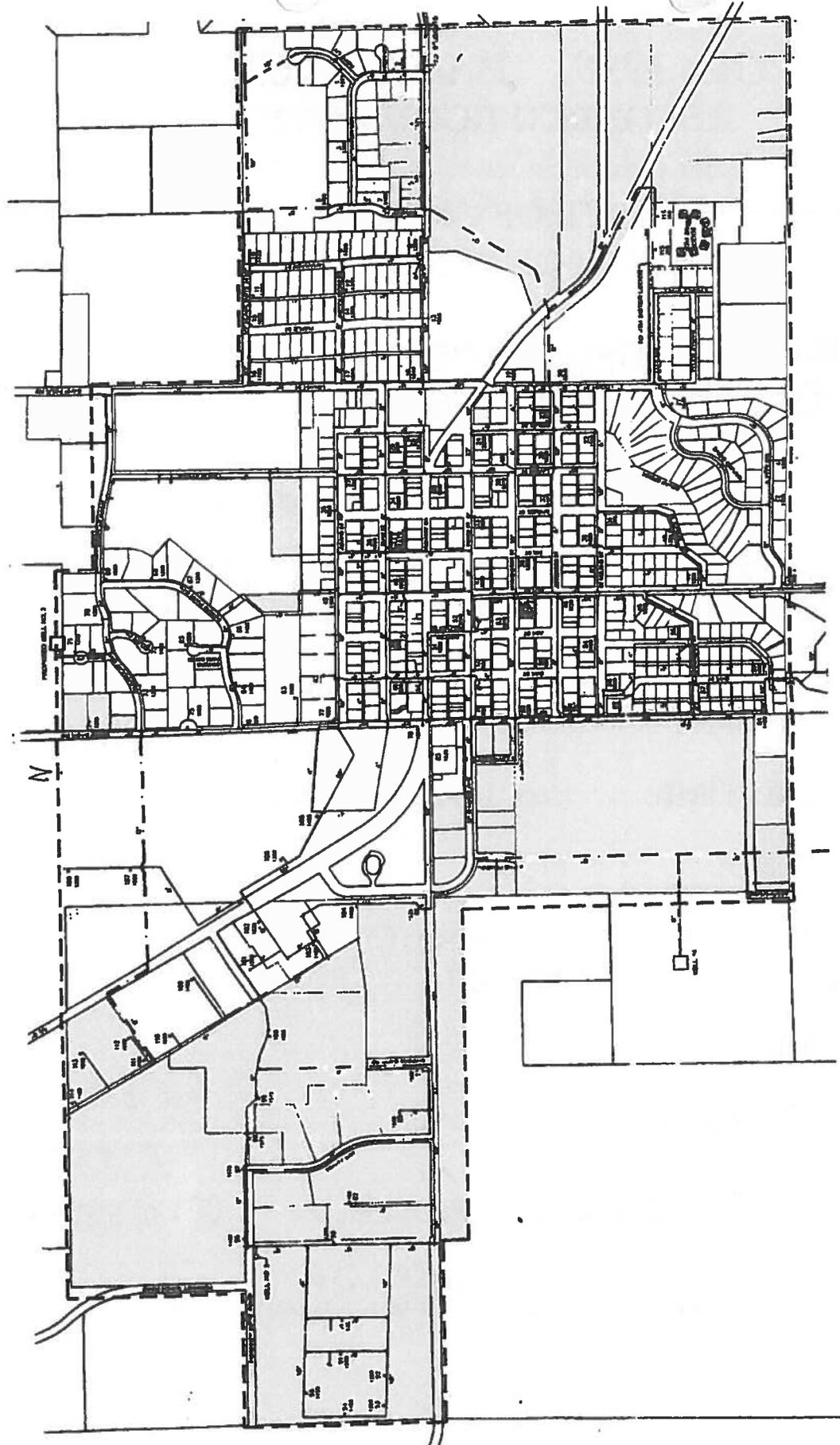


ZONING LEGEND

- RS STANDARD RESIDENTIAL
- RH HIGH DENSITY RESIDENTIAL
- CH HIGHWAY COMMERCIAL
- CG GENERAL COMMERCIAL
- IL LIGHT INDUSTRIAL
- FP FLOODPLAIN
- LM LANDSCAPE MANAGEMENT
- UAR URBAN AREA RESERVE

- URBAN GROWTH BOUNDARY
- ZONE BOUNDARY
- CITY LIMITS

99-44632-6



VOL: 1999 PAGE: 44632
RECORDED DOCUMENT

STATE OF OREGON
COUNTY OF DESCHUTES



*1999-44632 * Vol-Page

Printed: 09/14/1999 16:01:56

DO NOT REMOVE THIS CERTIFICATE

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

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

DATE AND TIME: Sep. 14, 1999; 4:00 p.m.

RECEIPT NO: 11247

DOCUMENT TYPE: Ordinance (County or City)

FEE PAID: \$35.00

NUMBER OF PAGES: 6

R E C E I V E D

SEP 17 1999

CITY of SISTERS

A handwritten signature in cursive script that reads "Mary Sue Penhollow".

MARY SUE PENHOLLOW
DESCHUTES COUNTY CLERK

DESCHUTES COUNTY OFFICIAL RECORDS
MARY SUE PENHOLLOW, COUNTY CLERK

2002-01844



\$101.00

88848381288208818448188182

01/11/2002 11:59:56 AM

IPPS-IPPS Cnt=1 Stn=2 TRACY
\$75.00 \$11.00 \$10.00 \$5.00

RECEIVED

JAN 16 2002
CITY OF SISTERS

DESCHUTES COUNTY CLERK

CERTIFICATE PAGE



**This page must be included
if document is re-recorded.
Do Not remove from original document.**

15

**Pine Meadow Village, Phase II
Development Agreement**

**Between: PMR Dev Co LLC, Developer
Pine Meadow Ranch, Inc., Owner**

and

City of Sisters, City

This agreement is a development agreement that is governed by ORS 94.504 to ORS 94.528 with persons having legal and equitable interests in the following real property, located within the City of Sisters, Deschutes County, Oregon (hereinafter the "subject property"):

Phase 2, Pine Meadow Village, Sisters, Deschutes County, Oregon.

The agreement relates to a planned development of seven or more lots. The duration of the agreement is seven years from the date the agreement is signed by both parties, the maximum duration allowed by law.

Developer obtained final approval of a planned unit development of the subject property from Deschutes County in 1999. The land use application for this development was filed with Deschutes County on May 18, 1998. The application was incomplete when filed but the applicant completed the application within 180 days of filing. As a result, the law in effect at the time of filing the application governs the review of the application and subsequent construction on the subject property for a period of ten years, unless the property owner agrees to proceed under subsequently adopted laws. ORS 92.040(2); ORS 215.427.

The PUD plans that were approved were filed with Deschutes County on November 6, 1998. Approval of the PUD was granted by Deschutes County, prior to the annexation of the subject property into the City of Sisters. The uses approved by Deschutes County and allowed on the subject property in the PUD are as follows:

- single-family residence, including living space above garages (e.g., home office, guest bedroom, bonus room, enclosed storage, shop)
- home occupation
- accessory uses, including garages, play structures
- parks (privately owned and maintained, open to public)
- park and recreation facilities, including parking areas, athletic fields and tennis courts
- water features (ponds, creek and irrigation system)
- streets, sidewalks and paths
- common area/open space
- utility facilities and lines (sewer, water, electric, etc.)
- sewer system pump station (underground)

RETURN TO
CITY OF SISTERS
P.O. BOX 39
SISTERS, OR
97159

This listing of uses does not preclude PMR DevCo, L.L.C. or others from seeking approval for other uses in the future.

The maximum density of development of the land in Phase 2 of PMV is 7.26 dwelling units per acre. Additionally, the maximum density of development of Phases 1 and 2 of the entire PMV development, including land in the RH and RS zones, may not exceed 275 dwelling units. It is expected, however, that development will occur well below the maximum density.

There is no maximum size for structures although all structures are subject to setback and building restrictions outlined in the PUD approval that effectively limit structure size. The maximum lot coverage is 50 percent.

The maximum height and size of proposed structures in Phase 2 is 30 feet. The maximum height of buildings is further limited by the CC&Rs of the subdivision by the imposition of a one-story limit on some of the building lots. The measurement of the height of structures is governed by DCC 21.04.350.

The proposed development shall be developed and constructed in substantial compliance with the PUD development plans approved by Deschutes County as part of its approval of Pine Meadow Village PUD applications (as modified by the City of Sisters), the terms of this agreement, the terms of the 2001 Agreement re Pine Meadow Village and New Sisters Village and the final plat of Phase 2, Pine Meadow Village.

This agreement makes the following provisions for the reservation or dedication of land for public purposes:

All roads within Pine Meadow Village are dedicated to the public and will be maintained by the City of Sisters, except for snow removal.

A minimum of eight percent of the land area of the subject property will be privately owned but open for park use by the public on the same terms and conditions applied to members of the subdivision homeowners' association.

The fees and charges for development permits and systems development charges will be governed by the lawfully established fee schedules in effect at the time of development. Notwithstanding the foregoing, the City agrees it will not collect park systems development charges as PMR has made 8% of the land area in PMV available for public park use. It has also committed itself and the PMV owners, by means of deed covenants, to maintain and operate these parks for public and development use.

The City may initiate a compliance review of this development following the signing of agreement after a minimum of one year has elapsed since signing of the agreement or completion

of the prior compliance review. The City Planning Director is authorized to seek and review information regarding compliance on behalf of the City.

The Developer is responsible for providing the following infrastructure improvements and services:

1. Installation of water lines within the public right-of-way and easements within the boundaries of the subject property, as necessary to enable each lot in the subdivision to be served by the City's public water service. Individual service lines shall be the responsibility of the lot owner who develops the lot.
2. Installation of sewage gravity system main and collector lines within the subdivision, as proposed on the tentative plan and City approved construction drawings for Phase 2. These facilities are to be accepted by the City upon completion by the Developer.
3. Installation of roadways, bikeways and pathways within the subject property as shown on the tentative plan.
4. Snow plowing roadways and alleys. This duty may be delegated to the PMV owners' association.

The Developer shall make the above-referenced improvements in the manner shown on the City-approved construction drawings for Phase 2 of PMV.

The City of Sisters is responsible for providing the following services:

1. Municipal water service to each residence within the development.
2. Water meters, at rates established by the City and generally applicable to other developments within the City.
3. Police service (currently provided via contract with Deschutes County), public works and general governmental services.
4. Maintenance of public infrastructure installed in the subdivision, excluding snow plowing.
5. Municipal sewer service.

All City services will be provided to future residents of the subject property upon the same terms and conditions as provided to other City residents.

Street lighting is not required by the PUD approval granted by Deschutes County. PMR will not install streetlights in PMV, Phase 2 without the approval of the City of Sisters. Maintenance of and power costs for streetlights, if installed, shall be the responsibility of the City of Sisters, unless agreed otherwise at the time of approval.

The City of Sisters is responsible for providing planning services for the subject property as follows:

1. Processing all land use and permit applications filed with the city, under the applicable laws identified in this development agreement.
 - A. Until May 18, 2008, the applicable laws that govern subsequent construction in PMV are the local government laws in effect and applicable to the property on May 18, 1998, unless the applicant agrees otherwise, to the extent allowed by ORS 92.040(2). These laws are:
 - Title 21 of the Deschutes County Code, the Sisters Urban Area Zoning Ordinance
 - Title 17 of the Deschutes County Code, the County's Subdivision Ordinance
 - Deschutes County Building CodesThe applicant may, elect to have such applications processed according to the law in effect at the time of application.
 - B. Land use approvals not covered by ORS 92.040(2) shall be reviewed for compliance with the law in effect at the time of application.
 - C. On and after May 18, 2008, the law in effect at the time of application shall apply to the review of land use applications.

When changes in regional policy or federal or state law or rules render compliance with the agreement impossible, unlawful or inconsistent with such laws, rules or policy, the parties agree as follows:

1. The party bound to do an illegal or impossible act will be forgiven from compliance with the provision of the contract which causes the illegality or impossibility, as to the act in question; and
2. The party bound to perform a duty that is merely inconsistent with subsequent law shall be bound to perform the duty unless it can be demonstrated by the party that performance of the duty would be illegal.

The remedy of specific performance shall be available to the parties upon a material breach of the agreement.

This agreement is assignable by the developer.

All of the subject property is now located within the City of Sisters. The impact of the annexation that has occurred is that the City of Sisters is now responsible for administering and reviewing land use, limited land use and expedited land division application involving the subject property.

The following are the future discretionary approvals required for the development specified in the agreement:

Conditional use approvals for home occupation.

The conditions, terms, restrictions and requirements for those discretionary approvals are as follows:

The conditional use must comply with the requirements of Title 21 or, at the election of the property owner, the applicable provisions of the City's RS zoning district.

The City has granted final plat approval concurrent with execution of this agreement. The Developer is responsible for recording the final plat with the Deschutes County Clerk and for paying all recording fees.

The Developer agrees to do the following in return for City's approval of the final plat:

1. Construct the following public improvements according to the City approved public improvement plans that are included as a part of **Exhibit A** (City approved construction plans) or as required by subsequently revised plans approved by the City:
 - A. All public streets and sidewalks platted within public rights-of-way within Phase II of the subdivision.
 - B. Install public utilities, private irrigation water lines and water features in areas planned for public right-of-ways according to the specifications of **Exhibit A**.

Construction of improvements for Phase II shall be commenced no later than July 1, 2002 provided that any government approval of such construction or the land use authorization needed to proceed with such construction is not appealed. The developer's obligations for development of the second phase of the project shall be completed by November 30, 2004.

All city obligations to expend moneys under this development agreement are contingent upon future appropriations as part of the local budget process. Nothing in this development agreement obligates the city to appropriate money to fund the obligations undertaken in this agreement.

The following are the assumptions underlying the agreement that relate to the ability of the city to serve the development:

The City has recently obtained funding to construct a municipal sewer system. The City has also adopted an SDC ordinance that assesses almost \$3,000 per dwelling unit per EDU to fund sewer system expansion. The City has also adopted an SDC fee for water that will fund the construction of two new wells to provide water for the City. The City has over \$350,000 in collected SDC revenues to fund water system improvements. The City has recently annexed all property within its urban growth boundary and some pieces of property located outside the urban growth boundary, dramatically increasing the tax revenue received by the City.

In the event a change in circumstances affects the ability of either party to comply with the agreement, the parties may negotiate a new development agreement to modify or supercede the agreement.

The governing bodies of the city hereby finds that this agreement is consistent with local regulations that govern the development of the subject property.

This agreement shall be effective upon the date that it has been adopted by ordinance by the City of Sisters and has been recorded in the official records of the City of Sisters (Recorder's Office).

The development allowed by this particular development agreement is authorized by the planned unit development and subdivision provisions of Titles 21 and 17 of the Deschutes County Codes in existence on May 18, 1998, the date of filing of the PUD application and the applicable land use approvals.

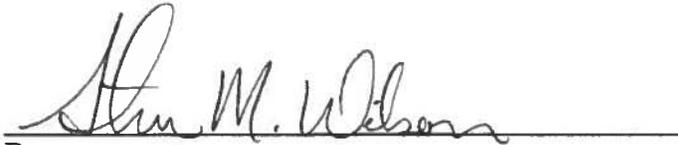
This development agreement may be amended or canceled by mutual consent of the parties to the agreement or their successors in interest. The governing body of a city or county shall amend or cancel a development agreement by adoption of an ordinance declaring cancellation of the agreement or setting forth the amendments to the agreement. Until the development agreement is canceled, the terms of the development agreement are enforceable by any party to the agreement.

In the event that provisions of this agreement are in direct conflict with the provisions of the City's 2001 New Sisters Village and Pine Meadow Village Agreement, the provisions of this statutory development agreement shall control development in Phase 2. This agreement shall, in no way, alter the provisions of the 2001 NSV/PMV Agreement as they relate to Phase 1 of PMV or to NSV.

Not later than 10 days after the execution of this development agreement, the governing body of the City of Sisters shall cause the development agreement to be recorded in the office of the Deschutes County Clerk.

DATED this 8TH day of Nov., 2001.

CITY OF SISTERS



By:

Its:

DATED this 8th day of Nov., 2001.

DEVELOPER

PMR DEVCO, LLC


By: Doug Sokol
Its: Managing Member

State of Oregon

County of Deschutes

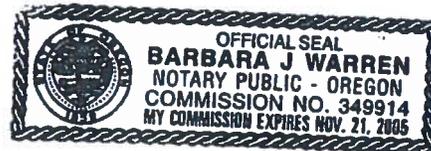
Signed before me on November 8, 2001 by Steven M. Wilson, Mayor of City of Sisters and Douglas Sokol, Managing Member of PMR DEVCO, LLC.


Notary

City Administrator

Title

My commission expires 11/21/05



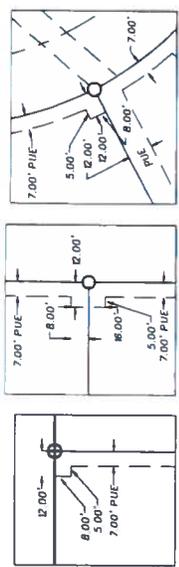
E-795

CS14775

PINE MEADOW VILLAGE - PHASE 2

A SUBDIVISION SITUATED IN THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M., CITY OF SISTERS, DESCHUTES COUNTY, OREGON

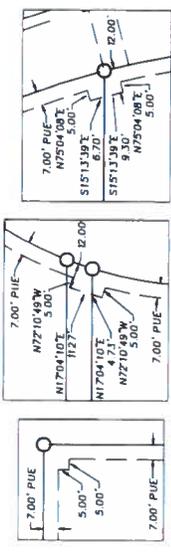
1. FRED A. AST, JR. DOCUMENT NUMBER 1988-001 IS THE ORIGINAL PLAN AND THIS IS A TRUE AND FAITHFUL COPY OF THE ORIGINAL PLAN.



LEGEND

- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "FRED AST JR - PLS 1938" UNLESS OTHERWISE DESCRIBED
- SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "FRED AST JR - PLS 1938"
- CORNER TO BE SET AFTER ROAD CONSTRUCTION IS COMPLETE
- (---) RECORD DATA AS PER REFERENCE MATERIAL

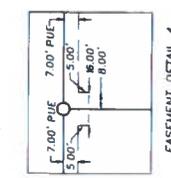
REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
FREDERICK A. AST, JR.
 JUL 13, 1981
 EXPIRES 12/31/01



EASEMENT DETAIL 4, 5, 6

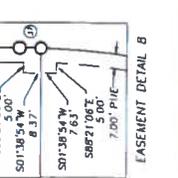
CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD	CH BEARING
1	160.00	27.43	9°49'16"	27.39	N 04°49'16"W
2	160.00	50.00	17°54'18"	49.80	N 18°41'25"W
3	160.00	50.00	17°54'18"	49.80	N 56°07'17"W
4	160.00	69.30	24°49'01"	68.76	N 77°28'56"W
5	130.00	130.00	90°11'37"	184.17	N 45°00'50"W
6	100.00	19.86	21°31'41"	19.86	N 10°40'42"W
7	100.00	19.86	40°06'18"	19.86	N 20°08'09"W
8	100.00	19.86	11°32'13"	19.86	N 44°39'02"W
9	100.00	19.86	85°46'03"	19.86	N 80°39'05"W
10	100.00	19.86	85°46'03"	19.86	N 80°39'05"W
11	100.00	19.86	85°46'03"	19.86	N 80°39'05"W
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52	100.00	19.86	85°46'03"	19.86	N 80°39'05"W
53	100.00	19.86	85°46'03"	19.86	N 80°39'05"W
54	100.00	19.86	85°46'03"	19.86	N 80°39'05"W
55	100.00	19.86	85°46'03"	19.86	N 80°39'05"W
56	100.00	19.86	85°46'03"	19.86	N 80°39'05"W
57	100.00	19.86	85°46'03"	19.86	N 80°39'05"W
58	100.00	19.86	85°46'03"	19.86	N 80°39'05"W
59	100.00	19.86	85°46'03"	19.86	N 80°39'05"W
60	100.00	19.86	85°46'03"	19.86	N 80°39'05"W
61	100.00	19.86	85°46'03"	19.86	N 80°39'05"W
62	100.00	19.86	85°46'03"	19.86	N 80°39'05"W

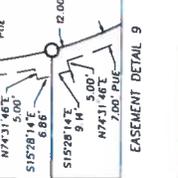


EASEMENT DETAIL 7

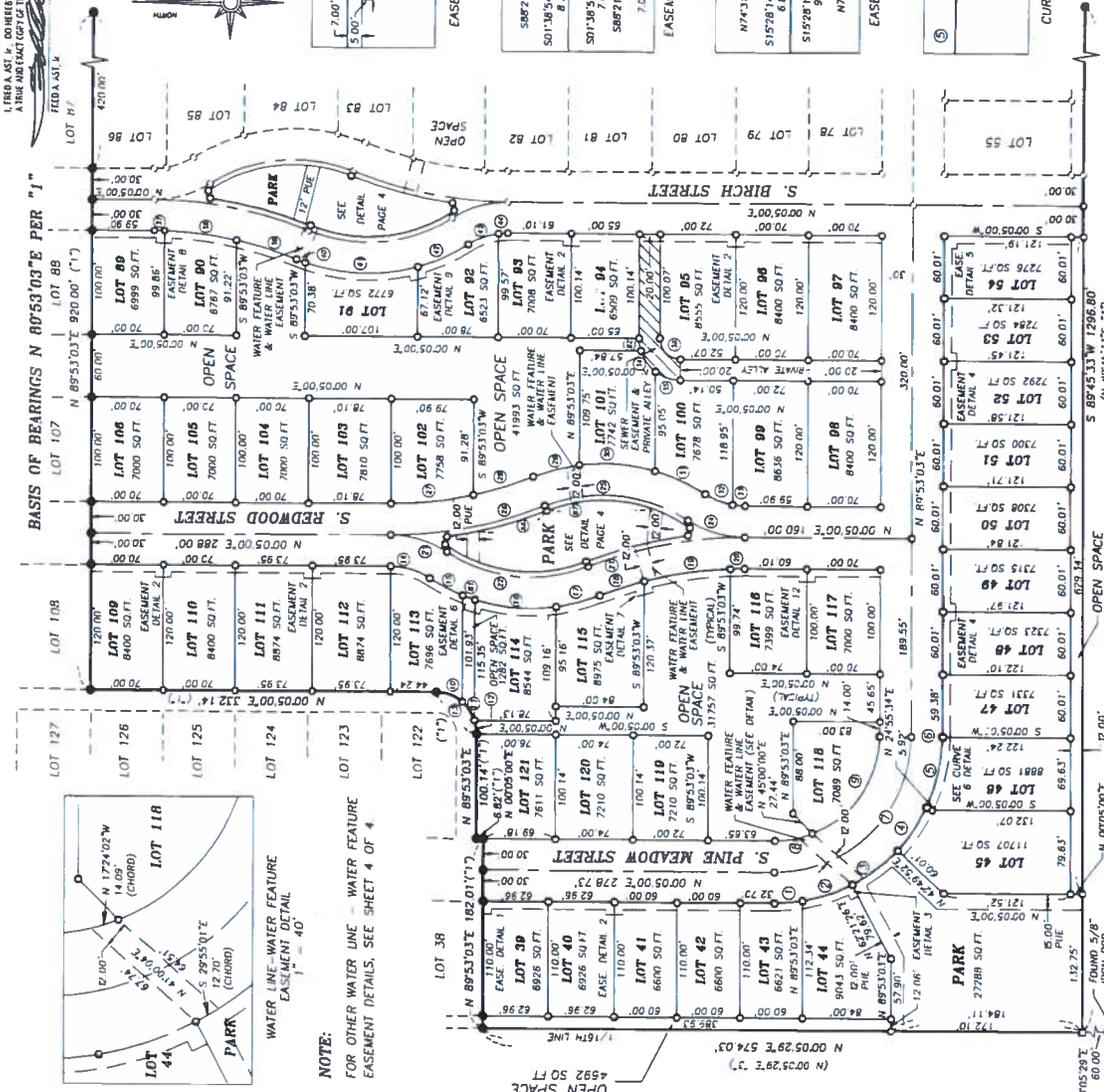
EASEMENT DETAIL 8



EASEMENT DETAIL 9



CURVE 6 DETAIL



E-796

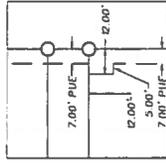
CS14775

PINE MEADOW VILLAGE - PHASE 2

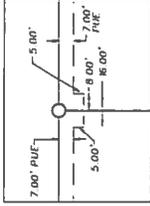
A SUBDIVISION SITUATED IN THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M., CITY OF SISTERS, DESCHUTES COUNTY, OREGON

FRED A. AST, JR. DO HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL MAP.
Fred A. Ast, Jr.
FRED A. AST, JR.

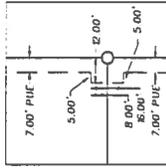
FILED 01/23/2002 BY [Signature]



EASEMENT DETAIL 1



EASEMENT DETAIL 5



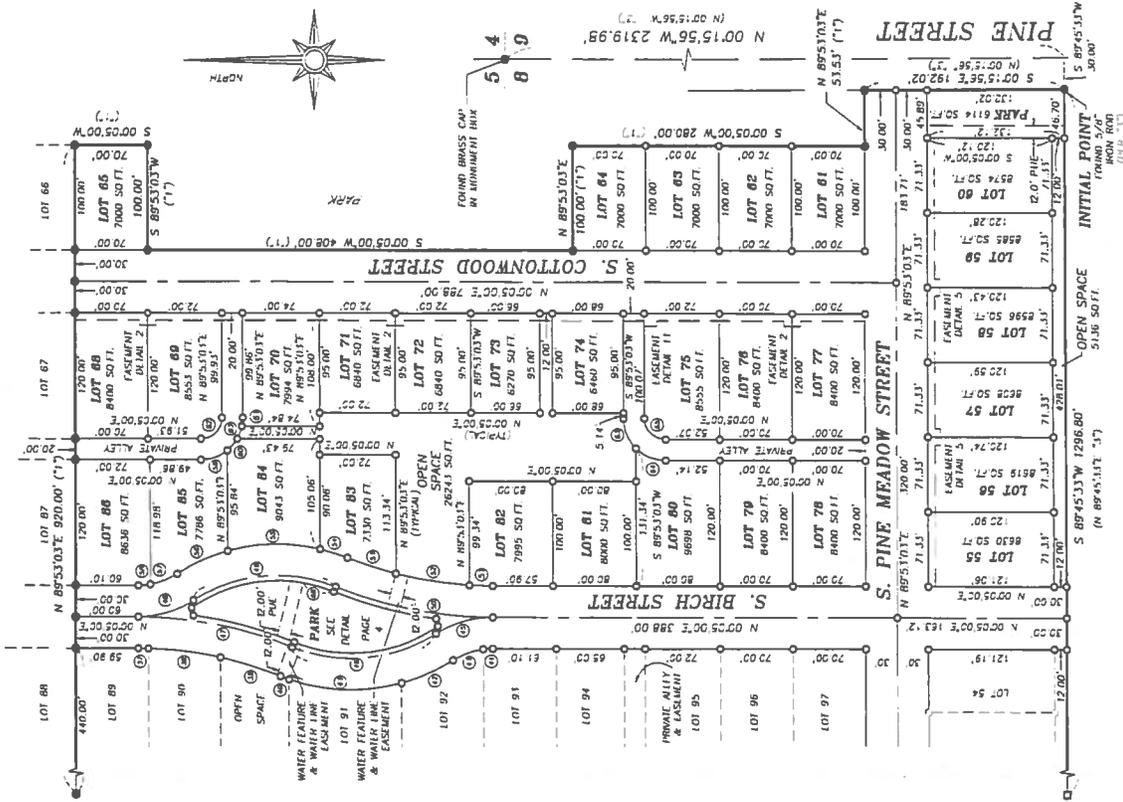
EASEMENT DETAIL 2

NOTE:
SEE SHEET 4 OF 4 FOR WATER FEATURE & WATER LINE EASEMENT DETAILS.

REFERENCE MATERIAL

1. CS13754 PLAT OF PINE MEADOW VILLAGE - PHASE 1 BY PLS 1938 FILED 8/26/1998.
2. CS13219 PLAT OF NEW SISTERS VILLAGE BY PLS 1938 FILED 4/14/1998.
3. CS00509 MP-87-24 BY PLS 1938 FILED 7/22/1988.

12-04-01
REGISTERED PROFESSIONAL LAND SURVEYOR
FRED A. AST, JR.
OREGON
RENEWAL DATE 12/31/01



LEGEND
● FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "TRED AST, JR. - PLS 1938", UNLESS OTHERWISE DESCRIBED
□ SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "TRED AST, JR. - PLS 1938".
○ CORNER TO BE SET AFTER ROAD CONSTRUCTION IS COMPLETE
(....) RECORD DATA AS PER REFERENCE MATERIAL

CURVE	RADIUS	LENGTH	DELTA	CHORD	CH BEARING
37	370.00'	10.11'	133.54°	10.11'	S 00°51'57"W
38	370.00'	60.94'	125.25°	60.94'	S 07°16'17"W
40	180.00'	8.89'	7.19°	8.89'	S 20°12'48"W
41	180.00'	15.85'	13.03°	15.85'	S 24°42'20"W
42	70.00'	25.23°	31.03°	30.78'	S 19°51'52"E
43	70.00'	31.03°	32°41'27"	36.29'	N 05°19'37"W
44	150.00'	149.00'	54°34'30"	137.54'	N 05°19'37"W
45	150.00'	150.00'	54°34'30"	137.54'	N 05°19'37"W
46	100.00'	57.07'	32°41'27"	56.29'	S 16°15'53"E
47	100.00'	57.07'	32°41'27"	56.29'	S 16°15'53"E
48	400.00'	25.12'	21°34'00"	22.12'	N 01°47'45"E
49	400.00'	25.12'	21°34'00"	22.12'	N 01°47'45"E
50	370.00'	152.11'	72°51'31"	148.13'	N 05°19'37"W
51	370.00'	152.11'	72°51'31"	148.13'	N 05°19'37"W
52	180.00'	48.16'	17°27'28"	48.13'	N 05°19'37"W
53	180.00'	27.65'	8°40'02"	27.62'	N 17°33'41"E
54	180.00'	27.65'	8°40'02"	27.62'	N 17°33'41"E
55	180.00'	53.86'	17°08'34"	53.85'	N 24°02'30"W
56	180.00'	26.54'	7°14'00"	26.51'	N 04°19'09"W
57	180.00'	26.54'	7°14'00"	26.51'	N 04°19'09"W
58	40.00'	38.52°	38°52'56"	26.63'	S 19°21'26"E
59	40.00'	38.52°	38°52'56"	26.63'	S 19°21'26"E
60	40.00'	8.19'	11°44'00"	8.19'	S 84°14'34"E
61	40.00'	8.19'	11°44'00"	8.19'	S 84°14'34"E
62	20.00'	30.71°	30°71'51"	28.33'	N 45°00'59"W
63	20.00'	30.71°	30°71'51"	28.33'	N 45°00'59"W
64	40.00'	30.86'	44°11'40"	30.12'	S 27°11'50"W
65	40.00'	30.86'	44°11'40"	30.12'	S 27°11'50"W
66	145.00'	89.48°	89°48'03"	29.24'	N 44°59'02"E
67	145.00'	89.48°	89°48'03"	29.24'	N 44°59'02"E
68	145.00'	100.91'	35°52'51"	58.90'	S 01°51'17"E
69	145.00'	100.91'	35°52'51"	58.90'	S 01°51'17"E
70	40.00'	12.78°	12°71'46"	12.81'	N 89°58'57"W

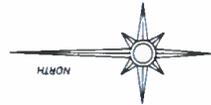
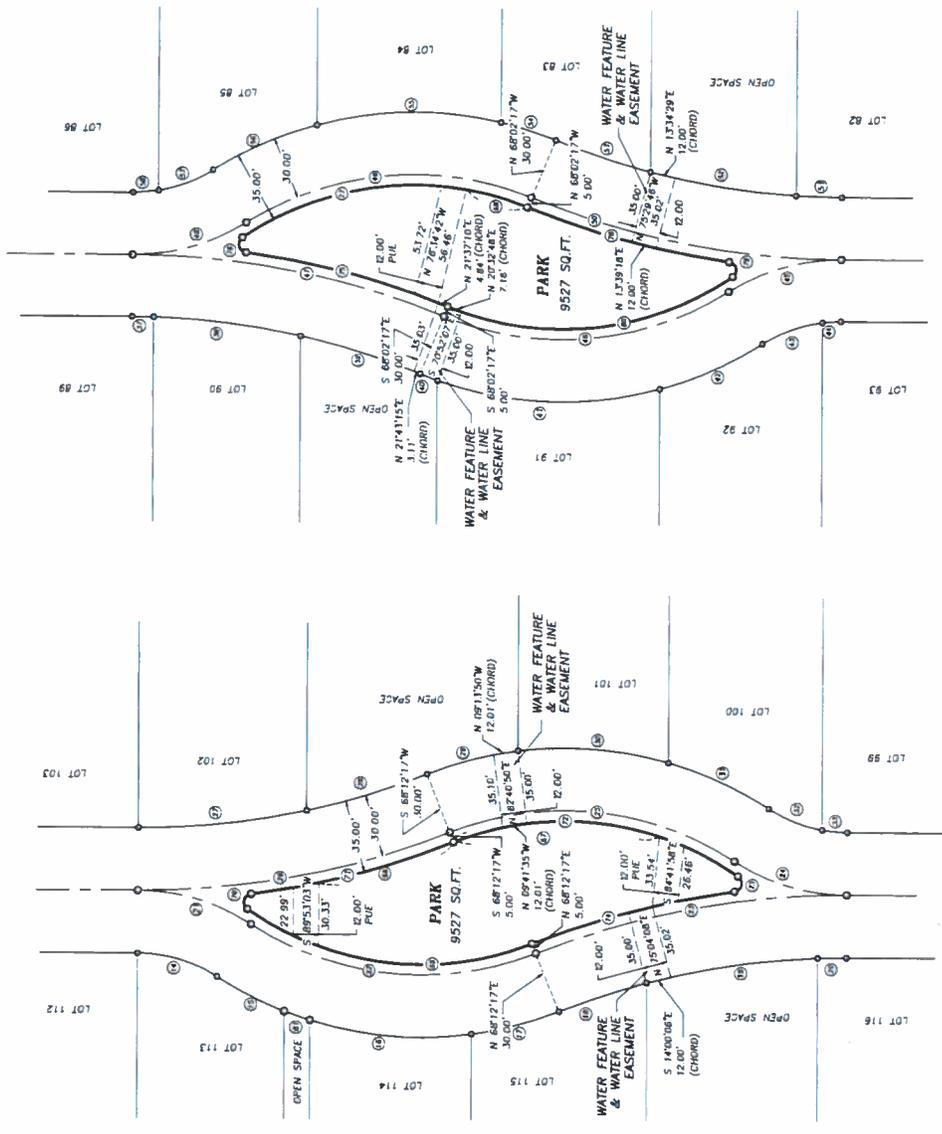


PINE MEADOW VILLAGE - PHASE 2

A SUBDIVISION SITUATED IN THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M., CITY OF SISTERS, DESCHUTES COUNTY, OREGON

I, FRED A. AST, JR. DO HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL MAP.
Fred A. Ast, Jr.
FRED A. AST, JR.

PARK AND EASEMENT DETAILS
S. REDWOOD AND S. BIRCH STREETS



CURVE TABLE

CURVE	POINTS	LENGTH	DELTA	CHORD	CH BEARING
14	70.00'	38.95'	124.147°	38.41'	S 16°25'31"W
15	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
16	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
17	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
18	370.00'	173.98'	515.300°	173.62'	S 08°53'00"E
19	370.00'	173.98'	515.300°	173.62'	S 08°53'00"E
20	100.00'	52.20'	156.600°	51.84'	S 00°59'34"E
21	100.00'	52.20'	156.600°	51.84'	S 00°59'34"E
22	150.00'	77.30'	229.900°	76.94'	S 05°29'32"W
23	150.00'	77.30'	229.900°	76.94'	S 05°29'32"W
24	100.00'	52.20'	156.600°	51.84'	S 00°59'34"E
25	100.00'	52.20'	156.600°	51.84'	S 00°59'34"E
26	370.00'	173.98'	515.300°	173.62'	S 08°53'00"E
27	370.00'	173.98'	515.300°	173.62'	S 08°53'00"E
28	370.00'	173.98'	515.300°	173.62'	S 08°53'00"E
29	370.00'	173.98'	515.300°	173.62'	S 08°53'00"E
30	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
31	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
32	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
33	370.00'	173.98'	515.300°	173.62'	S 08°53'00"E
34	370.00'	173.98'	515.300°	173.62'	S 08°53'00"E
35	370.00'	173.98'	515.300°	173.62'	S 08°53'00"E
36	370.00'	173.98'	515.300°	173.62'	S 08°53'00"E
37	370.00'	173.98'	515.300°	173.62'	S 08°53'00"E
38	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
39	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
40	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
41	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
42	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
43	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
44	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
45	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
46	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
47	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
48	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
49	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
50	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
51	370.00'	173.98'	515.300°	173.62'	S 08°53'00"E
52	370.00'	173.98'	515.300°	173.62'	S 08°53'00"E
53	370.00'	173.98'	515.300°	173.62'	S 08°53'00"E
54	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
55	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
56	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
57	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
58	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
59	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
60	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W
61	180.00'	86.99'	257.650°	86.31'	S 04°35'54"W



SOUTH BIRCH STREET

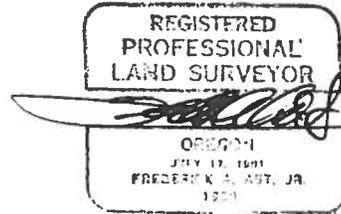
SOUTH REDWOOD STREET

Pine Meadow Village Phase 2
CS14775 15-10-08A

INTERIOR CORNER MONUMENTATION

I, Fred A. Ast, Jr., being duly sworn say that in accordance with ORS 92.070, have correctly surveyed and marked with proper monuments the interior corners as indicated on the attached plat of Pine Meadow Village-Phase 2, as originally recorded on December 27, 2001, in Document No. 2001-63979, Cabinet No. E-792, 793, 794 and 795 of the Deschutes County Plat Records. Corners were monumented with a 5/8" x 30" iron rod with yellow plastic cap marked "Fred Ast Jr. - PLS 1938", except for the following, which were monumented with a magnetic nail and a brass washer marked "PLS 1938":

1. Southwest curve point of Park on South Redwood Street
2. All curve points of Park on South Birch Street (6 corners)
3. Southeast corner of Lot 69 at alley
4. Northeast corner of Lot 70 at alley
5. Southeast corner of Lot 74 at alley
6. Northeast corner of Lot 75 at alley
7. Southwest corner of Lot 77 at alley
8. Southeast corner of Lot 78 at alley
9. Northeast corner of Lot 80 at alley
10. Southeast corner of Lot 94 at alley
11. Northeast corner of Lot 95 at alley
12. Southwest corner of Lot 97 at alley
13. Southeast corner of Lot 98 at alley
14. Northwest corner of Lot 121 at alley

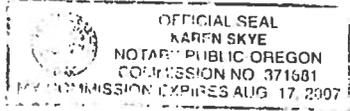


Frederick A. Ast, Jr. PLS 1938 12 13 2004
Date

This instrument was subscribed and sworn before me on December 13, 2004, by Frederick A. Ast, Jr.

By: Karen Skye
Notary Public

State of Oregon }
County of Deschutes }



APPROVAL

Approved this 21ST day of DECEMBER, 2004, pursuant to ORS 92.070 (4) Deschutes County Surveyor.

By: Jeff Kern by Ken Beantler Deputy

After recording, return to:
Deschutes County Surveyor

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK 2004-75140

 \$31.00
00327030200400761400018010

D-AFFIM Cnt=1 Stn=23 SHIRLEY 12/21/2004 02:09:31 PM
\$5.00 \$11.00 \$10.00 \$5.00