



## AMENDED AGENDA

**Wednesday, September 13, 2023**

This City Council meeting is accessible to the public in person in the Council Chambers at 520 E. Cascade Avenue, Sisters, OR 97759

This meeting is open to the public and can be accessed and attended in person or remotely. Members of the public may view the meeting via Zoom at the link below:

<https://us02web.zoom.us/j/81774374928>

**Visitor Communication:** The public may comment on any topic that is not on the current agenda. Written communication can be provided by submitting an email to [kprosser@ci.sisters.or.us](mailto:kprosser@ci.sisters.or.us). When in-person comments from the public are allowed at the meeting, public comment will also be allowed via Zoom.

### **5:30 PM WORKSHOP**

1. Short Term Rental Code Policy Discussion
2. Other Business

### **6:30 PM CITY COUNCIL REGULAR MEETING**

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **VISITOR COMMUNICATION**
5. **CONSENT AGENDA**
  - A. Accept the public water and sewer improvements for Woodlands Phase II
6. **COUNCIL BUSINESS**
  - A. **Public Hearing and Consideration of Ordinance 533:** AN ORDINANCE OF CITY OF SISTERS AMENDING SISTERS DEVELOPMENT CODE CHAPTERS 1.2 – GENERAL ADMINISTRATION; CHAPTER 1.3 – DEFINITIONS; CHAPTER 2.4 – DOWNTOWN COMMERCIAL DISTRICT; CHAPTER 2.5 – HIGHWAY COMMERCIAL DISTRICT; CHAPTER 2.7 – PUBLIC FACILITY & INSTITUTIONAL DISTRICT; CHAPTER 2.11 – AIRPORT OVERLAY DISTRICT; CHAPTER 2.14 – NORTH SISTERS BUSINESS PARK DISTRICT; CHAPTER 2.15 – SPECIAL PROVISIONS; CHAPTER 3.0 – DESIGN

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

STANDARDS ADMINISTRATION; CHAPTER 3.1 – ACCESS AND CIRCULATION; CHAPTER 3.2 – LANDSCAPING AND SCREENING; CHAPTER 3.4 – SIGNS; CHAPTER 4.1 – TYPES OF APPLICATIONS AND REVIEW PROCEDURES; CHAPTER 4.4 – CONDITIONAL USE PERMITS; CHAPTER 4.5 – MASTER PLANNED DEVELOPMENTS; CHAPTER 4.6 – COTTAGE DEVELOPMENTS; CHAPTER 4.9 – DECLARATORY RULING; AND CHAPTER 5.2 – NON-CONFORMING USES AND STRUCTURES, TO CORRECT ERRORS AND PROVIDE CLARIFICATION TO EXISTING CODE PROVISIONS THAT ARE NEITHER INTENTIONALLY SUBSTANTIVE NOR A CHANGE TO REGULATION OR POLICY.

- B. **Discussion and Consideration of a Motion** to approve a 2023 State Transportation Improvement Fund reimbursement agreement with Central Oregon Intergovernmental Council in an amount not to exceed \$978,750.00 for the design and construction of the Phase I East Portal Mobility Hub Improvements and authorize the City Manager to execute the agreement.
- C. **Discussion and Consideration of a Motion** to adopt the 2023 Environmental Sustainability Plan.

7. **OTHER BUSINESS**

- A. Staff Comments

8. **MAYOR/COUNCILOR BUSINESS**

9. **ADJOURN**

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the above-referenced meeting; however, the agenda does not limit the ability of the Council to consider or discuss additional subjects. This meeting is subject to cancellation without notice.

This meeting is open to the public, and interested citizens are invited to attend. This is an open meeting under Oregon Revised Statutes, not a community forum; audience participation is at the discretion of the Council. The meeting may be recorded. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made to the City Recorder at least forty-eighty (48) hours in advance of the meeting.

Executive Sessions are not open to the public; however, members of the press are invited to attend.

The City of Sisters is an Equal Opportunity Provider



**Meeting Date:** September 13, 2023  
**Type:** Workshop  
**Subject:** Evaluation of Short-Term Rental Regulation

**Staff:** Martin  
**Dept:** Community Development

---

**Action Requested:** Work Session to discuss status of Short-Term Rental Program and direction on possible regulatory amendments.

---

**Summary Points:**

For the 2023-24 fiscal year, the City Council (Council) adopted several goals to accomplish in the coming year. One of those goals is to “*evaluate Short-Term Rental Code language to mitigate adverse impacts on the community.*” The Council identified this as a priority based on community input and Councilor concerns regarding the impacts of Short-Term Rentals (STRs). Specifically, the Council identified concerns with the availability of housing units for long-term occupancy and nuisances created by STRs.

The purpose of this work session is to provide an overview on the STR program and seek input and direction from the Council regarding evaluation of changes to the program. This staff report includes the following information:

**REGULATORY FRAMEWORK**

- What is a Short-Term Rental?
- Regulatory History
- Current Regulations

**REGULATORY IMPACT**

- Total Number of STR Units
- Code Compliance Complaints
- Revenue Generation

**NEXT STEPS**

- Regulatory Options to Consider

**REGULATORY FRAMEWORK**

**What is a Short-Term Rental?**

To begin, it is important to frame this discussion based on an understanding of what is an STR. Sisters Development Code defines “Short-term rental(s)” as:

*The use of a dwelling unit (or a habitable portion of a dwelling unit) by any person or group of persons entitled to occupy the dwelling unit for rent for a period of less than thirty (30) consecutive days. Short-term rental(s) also means a vacation home rental approved under the regulations in effect through December 27, 2018, and owner-occupied short-term*

*rentals. “Short-term rental(s)” does not mean bed and breakfast inns, hotels, and/or motels.*

The Sisters Development Code defines a “Dwelling Unit” as:

*Dwelling unit – A single unit, providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation and that is lawfully connected to the City’s municipal water and sewage disposal systems unless exempt as provided by SMC [Sisters Municipal Code] 13.40.*

Based on these complimentary definitions, an STR can be operated in a variety of dwelling types including, but not limited to, single-family dwellings, accessory dwelling units, duplex, triplex, and multi-family residential subject to the specific STR requirements discussed below.

### **Regulatory History**

The regulatory approach for STRs has evolved considerably since 2010. Prior to 2010, there were no regulations in the Sisters Development Code specific to STRs. In 2010, Vacation Rentals were added as a specific use subject to approval of a Minor Conditional Use permit. In 2013, the program expanded with specific use regulations for Vacation Rentals. Then in 2018, a fundamental change to the program was adopted and the foundation of the current regulatory framework for Vacation Rentals, now identified as STRs, were adopted. Staff notes amendments to the standards have been incorporated with the most recent being changes in 2020 that provided hardship exemptions primarily in response to impacts from the Covid-19 pandemic.

### **Current Regulations**

Sisters Development Code Section 2.15.2700<sup>1</sup> provides specific land use review process and criteria for new and existing STR. In summary, the regulations require:

- A one-time land use permit is required for all STR properties. Commercial units (i.e. hotels and motels) are not considered STRs.
- New STRs established on or after 12/31/18 cannot be located within 250 feet of an existing STR. This concentration setback is not applicable to condominiums and property located in the Commercial Districts.
- Land Use Permits for STRs established on or after 12/31/18 cannot be transferred to a new owner. Land Use Permits for existing STRs (STRs established prior to 12/28/18) are transferable to new property owners if the new property owner obtains an STR Operating License within 60 days of purchasing the property.
- Any short-term rental that was lawfully established prior to 2/1/13 may continue to operate as a legal non-conforming use as long as the use has not been abandoned and the owner obtains and maintains an operating license.

---

<sup>1</sup> SDC 2.15.2700: <https://www.codepublishing.com/OR/Sisters/#!/SistersDevCode02/SistersDevCode0215.html#2.15.2700>

In addition, Sisters Municipal Code Section 5.05<sup>2</sup> requires a general business license and Section 5.50<sup>3</sup> requires an STR specific operator license. Unlike the land use approval, business and operator licenses are subject to annual renewal.

## REGULATORY IMPACTS

### Total Number of STR Units

Table 1 outlines the number of active STRs based on the time period and type of approval to which it was subject.

**Table 1.**

<b>Established</b>	<b>Type</b>	<b># of Units</b>
Prior to 2/2013	Pre-Existing/Nonconforming Vacation Rental	20
2/2013-12/2018	Vacation Rental	57
1/2019-Present	Short Term Rental	34 (2 new in 2023)
<b>TOTAL</b>		<b>111</b>

For context, as of June 30, 2023, the City of Sisters contains a total of 2,005 dwelling units. This total is based on the Sisters 2021 Housing Needs Analysis that calculated 1689 dwellings as of December 31, 2020, and an additional 316 units added between January 1, 2021, and June 30, 2023. Based on this total, approximately 5.5% of the existing housing stock is actively engaged in operation of an STR.

The Community Development Department maintains an STR webpage<sup>4</sup> on the City website. Included is an interactive map (Figure 1) for the public to quickly determine where approved STRs are located and whether a prospective STR operator meets the 250-foot buffer requirement. For reference, Figure 1 identifies existing STRs in Blue, the 250-foot concentration setback in Yellow, and ineligible properties that are partially within the 250-foot concentration setback in Pink.

<sup>2</sup> SMC 5.05: <https://www.codepublishing.com/OR/Sisters/#!/Sisters05/Sisters0505.html#5.05>

<sup>3</sup> SMC 5.50: <https://www.codepublishing.com/OR/Sisters/#!/Sisters05/Sisters0550.html#5.50>

<sup>4</sup> City of Sisters STR Webpage: <https://www.ci.sisters.or.us/community-development/page/short-term-rental-program>

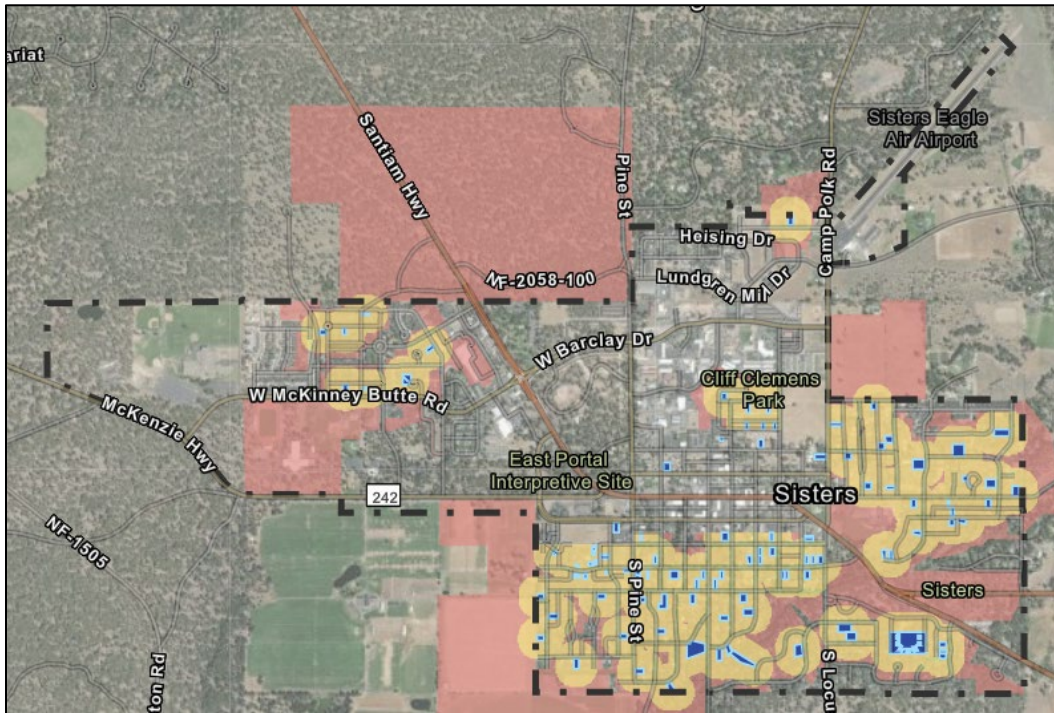


Figure 1. Map of STRs with 250-foot concentration setback  
(Source: City of Sisters GIS Data Portal)

### Code Compliance Complaints

Since 2020, Community Development Department staff has recorded a total of 10 complaints for 5 STR locations. Staff notes this figure does not include any STR related complaints to the Sheriff's Office. The nature of the identified complaints were generally directed at nuisances including noise, refuse, vehicle parking, and loose animals. None of these identified complaints are known to be a consistent, ongoing issue. This limited number of complaints can be attributed to educating the homeowners and property management companies on the rules when applying for and operating an STR. Also, the ordinance requires that the STR owners notify the neighbors within 250 feet of who to contact in case of issues or place a sign visible outside the home with the same information. This creates accountability.

### Revenue Generation

An STR in the City requires payment of fees and taxes associated with land use entitlement and ongoing operation of the business. City related fees and taxes associated with operation of an STRs include:

- **Land Use Application.** This is a one-time application fee for requests to establish a new STR.
- **STR Operator License.** This is an annual fee paid for each STR operated.
- **General Business License.** This is an annual fee paid by individuals or companies doing business in the city limits. Only one business license is required if multiple STRs are operated by an individual or company.

- **Transient Room Tax.** All STRs operators are required to remit a local Transient Room Tax (TRT) of 8.99% of their gross receipts to the City of Sisters monthly. Some STR operators utilize lodging intermediaries, such as Airbnb or VBRO, to reserve and collect their STR income. These intermediaries, by state law, remit TRT payments to the City on behalf of their STR operators. The operators in turn report the lodging intermediary remittance on their specific monthly TRT reporting form.

Table 2 identifies each of these costs and revenue sources based on the type, cost, and total collected.

**Table 2.**

Type	Fee/Tax	Total
Land Use Permit	\$500 (one time)	\$1,000 (2023 YTD)
STR Operator License	\$105/unit (annual)	\$12,600
General Business License	\$100 (annual)	\$8,980
Transient Room Tax	8.99% (monthly)	\$258,000 (FY 2022/23)

For context, the transient room tax remittance for STRs equates to approximately 23% of the total TRT collected by the City.

## NEXT STEPS

### Regulatory Options to Consider

Staff seeks Council input and direction on what aspects of the STR regulations should be evaluated and considered for amendment. Table 3 includes a preliminary list of options staff has compiled for consideration.

**Table 3.**

Options	Description
<b>Option 1:</b> Increase Concentration Setback Requirement	Expand the concentration setback from 250 feet to limit the proximity of STRs to one another and limiting the total number of STRs in the City.
<b>Option 2:</b> Change Concentration Setback Exceptions	Apply the concentration setback to dwelling units within a condominium and/or a Commercial Districts. Such properties are currently not subject to the concentration setback.
<b>Option 3:</b> Establish Maximum Number of STRs	There is currently no maximum number of STRs that can operate in the City. A maximum would explicitly limit the number of units regardless of proximity to other STRs.

<b>Option 4:</b> Prohibit in Specific Areas	A prohibition on STRs in particular areas of the City, such as future areas of annexation or particular zones, would limit impacts in those areas.
<b>Option 5:</b> Adjust Fees	Changes to land use application and license fees can serve as an incentive or disincentive to establishing an STR and have a corresponding impact of revenue generation.
<b>Option 6:</b> Other	Other changes may be identified or emerge that warrant evaluation.

With input and direction from Council, staff will conduct a comprehensive evaluation of the identified options. This evaluation is intended to consider examples from other communities, stakeholder input, and data analysis. Staff will return to the Council for a subsequent work session to report on the findings and seek additional direction.

**Financial Impact:** None at this time.

---

**Attachments:** None.





**Meeting Date:** September 13, 2023

**Type:** Regular Meeting

**Subject:** Public Improvement Acceptance – Woodlands Phase II

**Staff:** Bertagna

**Dept:** Public Works

---

**Action Requested:** Accept the Public Water and Sewer Improvements for Woodlands Phase II

---

### Summary Points

- As one of the final steps in the private development process the City Council formally accepts both the on-site and off-site public improvements that were required for the development.
- The Public Works Department will provide a full detailed subdivision checklist when staff brings the remainder of the public improvements to Council for acceptance.
- HB 2306, adopted by the Oregon Legislature effective January 1, 2020, requires the City to release building permits for development within residential subdivisions prior to full completion of required public improvements.
- For purposes of HB2306 the City defines “Substantially Complete” as follows:
  - Water system to be tested, inspected, and approved for operation.
  - Sewer system to be tested, inspected, and approved for operation.
  - Street subgrade and base rock to be installed, tested, inspected according to the approved street section, and compacted according to required density levels capable of supporting a 60,000 lb fire apparatus.
  - Installation of drainage facilities except for any landscaping requirements or facilities that the City Engineer determines should be installed concurrent with final paving of the street.
  - Curbs unless the City Engineer determines that curbs should be installed concurrent with the final paving of the street.
  - Turn arounds or thru streets constructed to enable proper fire apparatus movements.
  - Installation of temporary street and other safety signage as identified by City or Fire Marshal.
- Certificates of Occupancy will not be issued until all public improvements are fully completed and accepted by the City. Staff will bring the rest of the phase II public improvements to Council for final acceptance as soon as the developer has them completed.
- The public water and sewer improvements are ready to be accepted by the City of Sisters for perpetual operation and maintenance and start the one-year warranty period.



CITY COUNCIL  
**Staff Report**

---

**Financial Impact:**

Accepting these improvements means the city will perpetually own and maintain this infrastructure.

---

**Attachments:** N/A



## CITY COUNCIL Staff Report

**Meeting Date:** September 13, 2023

**Staff:** Emelia Shoup

**Type:** Regular/Public Hearing

**Dept:** CDD

**Subject:** Public Hearing for City File No. TA 23-01, “housekeeping” text amendments to the Sisters Development Code Chapters 1.2, 1.3, 2.4, 2.5, 2.7, 2.11, 2.14, 2.15, 3.0, 3.1, 3.4, 4.1, 4.4, 4.5, 4.6, 4.9, 5.2, to correct errors and provide clarification to existing code provisions that are intentionally not substantive nor a change to regulation or policy.

---

**Action Requested:** Hold a public hearing and consider adoption of Ordinance 533 - Development Code Housekeeping Amendments; City File No. TA 23-01.

---

**Summary Points:** The proposed package of “housekeeping” text amendments to the Sisters Development Code (“Development Code”; “SDC”) are changes to correct errors and provide clarification to existing code provisions that are intentionally not substantive or a change to regulation or policy. Staff has provided reasoning for each proposed text amendment as listed in the summary below.

The proposed text amendments include updating definitions, corrections of misspelled words, corrections for consistent language and accurate references, updating terminology for access and paving requirements, and updating procedural language.

The Sisters Planning Commission held a public hearing on August 17, 2023. The Commission voted in favor of recommending approval of the proposal to City Council.

**Financial Impact:** N/A

---

**Attachments:**

Draft Ordinance No. 533

**ORDINANCE NO. 533**

**AN ORDINANCE OF CITY OF SISTERS AMENDING SISTERS DEVELOPMENT CODE CHAPTERS 1.2 – GENERAL ADMINISTRATION; CHAPTER 1.3 – DEFINITIONS; CHAPTER 2.4 – DOWNTOWN COMMERCIAL DISTRICT; CHAPTER 2.5 – HIGHWAY COMMERCIAL DISTRICT; CHAPTER 2.7 – PUBLIC FACILITY & INSTITUTIONAL DISTRICT; CHAPTER 2.11 – AIRPORT OVERLAY DISTRICT; CHAPTER 2.14 – NORTH SISTERS BUSINESS PARK DISTRICT; CHAPTER 2.15 – SPECIAL PROVISIONS; CHAPTER 3.0 – DESIGN STANDARDS ADMINISTRATION; CHAPTER 3.1 – ACCESS AND CIRCULATION; CHAPTER 3.2 – LANDSCAPING AND SCREENING; CHAPTER 3.4 – SIGNS; CHAPTER 4.1 – TYPES OF APPLICATIONS AND REVIEW PROCEDURES; CHAPTER 4.4 – CONDITIONAL USE PERMITS; CHAPTER 4.5 – MASTER PLANNED DEVELOPMENTS; CHAPTER 4.6 – COTTAGE DEVELOPMENTS; CHAPTER 4.9 – DECLARATORY RULING; AND CHAPTER 5.2 – NON-CONFORMING USES AND STRUCTURES, TO CORRECT ERRORS AND PROVIDE CLARIFICATION TO EXISTING CODE PROVISIONS THAT ARE NEITHER INTENTIONALLY SUBSTANTIVE NOR A CHANGE TO REGULATION OR POLICY.**

WHEREAS, the City of Sisters (“Applicant”) sought approval of a legislative amendment to the text of the Sisters Development Code (the “Code”) under Planning File No. TA 23-01 (the “Application”);

WHEREAS, on August 17, 2023, a public hearing on the Application was held before the Sisters Planning Commission (“Planning Commission”), testimony was accepted, and the Planning Commission voted to close the hearing and deliberate the matter;

WHEREAS, the Planning Commission, after reviewing the record and fully deliberating the matter, voted to recommended that the Sisters City Council (“City Council”) approve the Application;

WHEREAS, the Code requires a second hearing before the City Council for legislative text amendments;

WHEREAS, after due notice, a public hearing was held before the City Council on September 13, 2023, with deliberations conducted on September 13, 2023; and

WHEREAS, the City Council, after reviewing the record and fully deliberating the matter, voted to approve the Application.

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

1. Findings. The findings contained in the recitals and those found in the staff report attached hereto as Exhibit A are hereby adopted in support of the land use decision made by this Ordinance No. 533 (this “Ordinance”).

2. Approval. The Application is hereby approved.

3. Text Amendments. The amendments to the Code contained in the attached hereto as Exhibit B-S are hereby adopted. Those provisions of the Code that are not amended or modified by this Ordinance remain unchanged and in full force and effect. This Ordinance does not relieve any person of any obligations that may have accrued prior to the effective date of this Ordinance. City may continue the enforcement, prosecution, conviction, and/or punishment of any person who has or will violate the Code prior to the effective date of this Ordinance.

4. Authorization. The City Manager, or designee, is authorized to execute any documents and to take such actions as are necessary to further the purposes and objectives of this Ordinance including, without limitation, integrating the adopted text amendments into the Code.

5. Miscellaneous. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word “or” is not exclusive. The words “include,” “includes,” and “including” are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the City Council to cure editorial and/or clerical errors.

This Ordinance was PASSED and ADOPTED by the Sisters City Council by a vote of \_\_\_ for and \_\_\_ against and APPROVED by the mayor on this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Michael Preedin, Mayor

ATTEST:

\_\_\_\_\_  
Kerry Prosser, City Recorder

Exhibit A

STAFF REPORT

[attached]



**File #:** TA 23-01  
**Applicant:** City of Sisters  
**Request:** Proposed amendments to the Sisters Development Code:  
A. Chapter 1.2 – General Administration  
B. Chapter 1.3 – Definitions  
C. Chapter 2.4 – Downtown Commercial District  
D. Chapter 2.5 – Highway Commercial District  
E. Chapter 2.7 – Public Facility and Institutional District  
F. Chapter 2.11 – Airport Overlay District  
G. Chapter 2.14 – North Sisters Business Park District  
H. Chapter 2.15 – Special Provisions  
I. Chapter 3.0 – Design Standards Administration  
J. Chapter 3.1 – Access and Circulation  
K. Chapter 3.2 – Landscaping and Screening  
L. Chapter 3.4 – Signs  
M. Chapter 4.1 – Types of Applications and Review Procedures  
N. Chapter 4.4 – Conditional Use Permits  
O. Chapter 4.5 – Master Planned Developments  
P. Chapter 4.6 – Cottage Developments  
Q. Chapter 4.9 – Declaratory Ruling  
R. Chapter 5.2 – Non-Conforming Uses and Structures

**Applicable Criteria, Standards, and Procedures:**

Sisters Development Code (“SDC”) Chapter 4.1 – Types of Applications and Review Procedures; Chapter 4.7 – Land Use District Map and Text Amendments; Oregon Statewide Land Use Goals; and City of Sisters Urban Area Comprehensive Plan.

**Planning Commission Hearing Date:** August 17, 2023  
**City Council Hearing Date:** September 13, 2023

**Staff:** Emelia Shoup, Associate Planner

---

**I. BACKGROUND**

The proposed package of “housekeeping” text amendments to the Sisters Development Code (“Development Code”; “SDC”) are changes to correct errors and provide clarification to existing code provisions that are intentionally not substantive or a change to regulation or policy. Staff has provided reasoning for each proposed text amendment as listed in the summary below.

Staff met with the Planning Commission for a work session to discuss the need for “housekeeping” text amendments to several Development Code chapters on June 1, 2023. The Planning Commission expressed general support to proceed with the text amendments. Staff prepared the staff report and exhibits for preliminary review and feedback at the Planning Commission work session on July 6, 2023.

DLCD notice of a post-acknowledgement plan amendment (PAPA) was sent on June 19<sup>th</sup> with a Planning Commission public hearing scheduled to be held on August 17, 2023.

## **II. PLANNING COMMISSION RECOMMENDATION**

The Sisters Planning Commission held a public hearing on August 17, 2023. No oral public testimony was provided at the hearing. The Commission voted in favor of recommending approval of the proposal to City Council. Five members voted in favor; Zero members voted in opposition; Two members were absent.

## **III. REQUEST AND AMENDMENT SUMMARY**

Staff requests the City Council review the proposed text amendments, conduct a public hearing, and vote on the proposed text amendments.

### **SUMMARY OF PROPOSED TEXT AMENDMENTS**

A summary of the proposed amendments is provided below with new text shown in underline and deleted text shown in ~~strikethrough~~.

### **DEVELOPMENT CODE AMENDMENTS** **CITY OF SISTERS DEVELOPMENT CODE**

#### **A. CHAPTER 1.2 – GENERAL ADMINISTRATION**

##### **1.2.500 Pre-Existing Approvals**

A Legality of pre-existing approvals. Developments, including subdivisions, projects requiring development review or ~~site design review~~ Site Plan Review approval, or other development applications for which approvals were granted prior to the effective date of this Code, may occur pursuant to such approvals.

**Staff Finding:** The proposed text amendment to SDC 1.2.500 is to change the incorrect reference of “site design review” to “Site Plan Review”. Staff finds that the language of “site design review” is used throughout the code with the same intent as Site Plan Review. Site design review is not defined in the Sisters Development Code, nor does it have any applicable procedures described in SDC 4.1. The Sisters Development Code does provide procedures for Site Plan Review approvals in sections SDC 4.1 and 4.2, and the code defines Site Plan Review in SDC 1.3.300 as “Site Plan Review – Site Plan Review ensures compliance with the basic development standards of the land use district, as well as the more detailed design standards and public improvement requirements in Chapters 2 and 3.” Staff finds that this proposed text amendment is not substantive and is effective in clarifying the code language for ongoing implementation.

#### **B. CHAPTER 1.3 – DEFINITIONS**

##### **1.3.300 Meaning of Specific Words and Terms**

As used in this Code, the following words and phrases mean:

...

Gross acre(s) - The calculation of a subject parcel or lot area that includes all buildable and unbuildable land such as streets, streams, slopes, open space, easements, other



rights-of-ways and land that will be dedicated as right-of-way through the development process. It does not include land previously dedicated as right-of-way.

**Staff Finding:** The proposed text amendment is to create a new definition that accommodates the new language in SDC 2.3 Multifamily Residential Districts, SDC 2.2 Residential Districts, and SDC 2.4 Downtown Commercial Districts that reference “gross acres” as part of the methodology for calculating housing density. The addition of this definition for “gross acre(s)” does not impose any changes to the above-mentioned code chapters as this language for “gross acre(s)” has already been adopted into the code by the City Council on December 14, 2022, via File No. TA 22-04 and ORD 526. The addition of this definition is intended to close a gap between the recently adopted code language and the existing code definitions chapter SDC 1.3.300. Though this definition for “gross acre(s)” may be duplicative with the definition of Density, staff finds this proposed text amendment adequate to effectively implement the housing density calculation methodology outlined in SDC 2.2, 2.3, and 2.4, without making substantive changes.

**Partition** – To divide ~~an area or tract of~~ land to create not more than into two or three parcels of land within a calendar year ~~when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year~~. See also ORS Chapter 92.

**Subdivision** – ~~The division of~~ To divide land to create four or more lots within a calendar year. See also ORS Chapter 92.

**Staff Finding:** The proposed text amendment to the land division definitions of a partition and subdivision is to update the City code definitions to match the ORS 92 code definitions for “partitioning land” and “subdividing land.” Staff finds these changes not substantive and effective to implement local and state standards for dividing land.

## C. CHAPTER 2.4 – DOWNTOWN COMMERCIAL (DC) DISTRICT

### 2.4.300 Development Standards

The following property development standards shall apply to all land, buildings and uses in the Downtown Commercial District. Setbacks and other development standards for stand-alone residential uses are found in Table 2.4.2.a

...

E. Design Standards. The design standards for buildings within the Downtown Commercial District are intended to promote pedestrian orientation rather than ~~auto-oriented~~ auto-dependent uses. Buildings in the Downtown Commercial zone, excluding standalone residential buildings, are subject to the following standards:

...

H. Outdoor Displays, Sales, and Dining. Outdoor display, sale of merchandise, and dining associated with the primary use is permitted and shall be limited to the private property of that primary use. Merchandise shall be limited to items such as cards, plants, floral products, food, books, newspapers, bicycles, and similar small items for sale or rental to pedestrians (i.e., ~~non-auto-oriented~~ non auto-dependent use). A minimum clearance of 4 feet shall be maintained at all times to allow pedestrians to pass by the displays, sales and dining areas. Display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, and similar vehicles and equipment is prohibited. This section does not include public art; see Special Provisions.

**Staff Finding:** The proposed text amendment to the development standards of the Downtown Commercial District zone is to provide consistent language between the code’s definition for “auto-dependent uses” and the zoning district references to “auto-oriented uses”.

There is no definition in the City code for “auto-oriented use”. Staff finds that these two terms used inconsistently throughout the Sisters Development Code chapters refer to the same concept and intent, as defined in SDC 1.3.300 that states:

*“Auto-dependent use - The use services motor vehicles and would not exist without them, such as vehicle repair, gas station, quick lube/service facilities, car wash, auto and truck sales.”*

Staff finds this proposed text amendment not a substantive change to the intent and application of the Downtown Commercial District development standards and is effective for future implementation of the code.

As identified below, this amendment is applicable to several other sections of the code.

#### **D. CHAPTER 2.5 – HIGHWAY COMMERCIAL (HC) DISTRICT**

##### **2.5.100 Purpose**

The purpose of the Highway Commercial (HC) District is to provide areas suitable for commercial uses and services. However, the HC District is also intended to achieve the following objectives:

...

- Provide opportunities for ~~automobile-oriented~~ auto-dependent development

**Staff Finding:** As previously discussed, the proposed text amendment to the purpose of the Highway Commercial District zone is to provide consistent language between the code’s definition for “auto-dependent uses” and the zoning district references to “auto-oriented uses.” Staff finds this proposed text amendment not a substantive change to the intent and application of the Highway Commercial District development standards and is effective for future implementation of the code.

#### **E. CHAPTER 2.11 – AIRPORT OVERLAY DISTRICT (AO)**

##### **Sections:**

[2.11.100 Purpose](#)

[2.11.200 Compliance](#)

[2.11.300 Definitions](#)

[2.11.400 Permitted Uses](#)

[2.11.500 Prohibited Uses](#)

[2.11.600 Use and Development Limitations](#)

[2.11.700 ~~Non-Conforming~~ Non-Conforming Uses](#)

[2.11.800 Procedures](#)

[2.11.900 Variances](#)

##### **2.11.700 ~~Non-Conforming~~ Non-Conforming Uses**

(See also Chapter 5.2)

...

2. Notwithstanding the preceding provision of this section, the owner of any existing structure that has an adverse effect on air navigation as determined by Oregon [Aeronautics Department of Aviation](#) is hereby required to permit the installation, operation, and maintenance of obstruction

markers as deemed necessary by the Oregon ~~Aeronautics~~ Department of Aviation. Certain objects and structures must be marked to make them more visible to pilots. The installation of any such markers will be based on the characteristics of the structure including location, size or height, shape, function and permanence in addition to effects on air navigation.

### **2.11.800 Procedures**

(See also Chapter 4.1 for Applications and Review Procedures that are also applicable to this Overlay District.)

...

2. All applications requiring site plan approval within the Airport Imaginary Surfaces and noise corridors shall be submitted to the ~~Aeronautics section of the Oregon Department of Transportation for review~~ Oregon Department of Aviation. The Oregon ~~Aeronautics Department of Aviation~~ has 10 days from date of receipt of an application to review and return comments to the Planning Department.

### **2.11.900 Variances**

(See also Chapter 5.1)

...

2. Application for Variance must be accompanied by a determination from ~~Oregon Aeronautics~~ Oregon Department of Aviation and the Federal Aviation Administration as to the effect of the proposal on the safe and efficient use of navigable airspace.

**Staff Finding:** The proposed text amendments to the Airport Overlay District is intended to address inconsistent spelling of non-conforming as used throughout the code, as well as correcting the outdated reference to “Oregon Aeronautics” that was previously a section of Oregon Department of Transportation (ODOT) but has since become a separate department by the name of the Oregon Department of Aviation (ODA). Staff finds this proposed text amendment not a substantive change to the intent and application of the development standards and is effective for future implementation of the code.

## **F. CHAPTER 2.7 – PUBLIC FACILITY AND INSTITUTIONAL (PFI) DISTRICT**

### **2.7.200 Uses**

A. Permitted uses. Uses permitted in the Public ~~Facilities-Facility~~ and Institutional District are listed in Table 2.7.1 with a “P.” These uses are allowed if they comply with the development standards and other regulations of this Code.

...

C. Conditional uses. Uses that are allowed in the Public ~~Facilities~~ Facility and Institutional District with approval of a conditional use permit are listed in Table 2.7.1 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.

...

### **2.7.300 Development Standards**

The following property development standards shall apply to all land, buildings and uses in the Public Facility ~~and Institutional~~ District:

A. Lot Area, lot frontage, setbacks, lot coverage and building height. See Table 2.7.2.

<b>Table 2.7.2 Development Standards in the Public Facility <u>and Institutional</u> District</b>		
<b>Development Standard</b>	<b>Public Facilities District</b>	<b>Comments/Other Requirements</b>
Building height	35 feet maximum	<p>Wireless communication facilities on T15 R10 S05 900, T15 R10 S06 103 and T15 R10 S09 1002 shall not exceed 120 feet height</p> <p>School facilities such as gymnasiums or auditoriums may exceed 35 foot height with <u>Site Design Site Plan Review</u> approval.</p>

**Staff Finding:** The proposed text amendments to the Public Facility and Institutional District are to update references to the old title “Public Facility” District to the recently adopted title “Public Facility and Institutional” District. In addition, the proposed text amendment to the Public Facility and Institutional District Table 2.7.2 is to change the incorrect reference of “Site Design” approval to “Site Plan Review” approval. Staff finds that the language of “site design approval” and “site design review” are used throughout the code with the same intent as Site Plan Review yet “site design review” is not defined in the Sisters Development Code, nor does it have any applicable procedures described in SDC 4.1. The Sisters Development Code does provide procedures for Site Plan Review approvals in sections SDC 4.1 and 4.2, and the code defines Site Plan Review in SDC 1.3.300 as:

*Site Plan Review – Site Plan Review ensures compliance with the basic development standards of the land use district, as well as the more detailed design standards and public improvement requirements in Chapters 2 and 3.*

Staff finds that this proposed text amendment is not substantive and is effective in clarifying the code language for ongoing implementation.

As identified below, these amendments are applicable to several other sections of the code.

B. Activities within enclosed building. All service, repair, processing or storage on property within the Public ~~Facilities Facility and Institutional~~ District that is abutting or across the street from a lot in a Residential District shall be conducted wholly within an enclosed building unless screened from the Residential District by a site-obscuring fence or wall.

C. Openings to buildings abutting a Residential District. Where buildings in the ~~PF PFI~~ District abut lots in the Residential Districts, openings to the buildings that face the Residential Districts shall be prohibited (e.g., doors and windows) if such openings would cause glare, excessive noise or similar conditions that would have an adverse affect on property in the Residential Districts.

D. Access points. Access points from a public road to a use or building in the ~~PF PFI~~ District shall be located to minimize traffic congestion and to avoid directing traffic onto streets of a primarily residential character.

...

F. Building mass. Where buildings in the ~~PF PFI~~ District are accessible and open to the public and oriented to the public street, architectural features such as windows, pedestrian entrances, building off-sets, projections, detailing, a change in materials or similar features, shall be used to break up and articulate large building surfaces and volumes.

G. Pedestrian entrances. Recessed entries, canopies, and/or similar features shall be used at the main entries to buildings in the ~~PF PFI~~ District that are accessible and open to the public.

H. Parking and loading areas. Where the parking and loading area for a use in the ~~PF PFI~~ District is abutting or directly across the street from a Residential District, a minimum 10 foot front yard setback to the parking area shall be required. The parking and loading setback area shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property and to shield vehicle headlights.

**Staff Finding:** As previously discussed, the proposed text amendments to the Public Facility and Institutional District are to update previous references to the old title “Public Facility” District to the recently adopted title “Public Facility and Institutional” District and related acronym “PFI.” Staff finds that these changes are not substantive and adequately provide the clarity needed for ongoing implementation of the code.

**G. CHAPTER 2.14 – NORTH SISTERS BUSINESS PARK (NSBP) DISTRICT**

**2.14.300 Uses**

All uses within the North Sisters Business Park District are subject to the requirements of the Airport Overlay District as outlined in Chapter 2.11 of the Sisters Development Code as applicable.

Land Use Category	Permitted/Special Provisions/Conditional Use
<b>Commercial (Retail Trade)</b>	
<del>Automobile-oriented</del> <u>Auto-dependent</u> uses excluding drive-up/in/through uses, body shops, and paint shops	P/See Section 2.14.1000
<b>Commercial (Personal Services)</b>	
<del>Automobile-oriented</del> <u>Auto-dependent</u> uses excluding drive-up/in/through uses, body shops, and paint shops	P/See Section 2.14.1000
<b>Light Industrial</b>	
<del>Automobile-oriented</del> <u>Auto-dependent</u> uses excluding drive-up/in/through uses	P/See Section 2.14.1000

**Staff Finding:** As previously discussed, the proposed text amendment to the development standards of the North Sisters Business Park District zone is to provide consistent language between the code’s definition for “auto-dependent uses” and the zoning district references to “auto-oriented uses.” Staff finds that this proposed text amendment is not substantive and is effective in clarifying the code language for ongoing implementation.

**2.14.1000 Special Standards for Certain Uses**

B. Light Industrial and Commercial Uses

1. Impacts disclosure for mixed-use loft apartment buildings. The following requirements apply to all new, remodeled, or enlarged uses occurring on lots or in structures containing loft apartments.

- ...
- d. Changes of use shall require ~~Site Design Review~~ Site Plan Review per Chapter 4.2, if applicable.

**Staff Finding:** The proposed text amendment is to remove the incorrect reference of “Site Design Review” to “Site Plan Review.” Staff finds that the language of “site design review” is used throughout the code with the same intent as Site Plan Review. Site design review is not defined in the Sisters Development Code, nor does it have any applicable procedures described in SDC 4.1. The Sisters Development Code does provide procedures for Site Plan Review approvals in sections SDC 4.1 and 4.2, and the code defines Site Plan Review in SDC 1.3.300 as “Site Plan Review – Site Plan Review ensures compliance with the basic development standards of the land use district, as well as the more detailed design standards and public improvement requirements in Chapters 2 and 3.” Staff finds that this proposed text amendment is not substantive and is effective in clarifying the code language for ongoing implementation.

...

2. Auto-oriented Auto-dependent uses. All auto-oriented auto-dependent uses shall meet the following guidelines:

**Staff Finding:** As previously discussed, the proposed text amendment to the development standards of the North Sisters Business Park District zone is to provide consistent language between the code’s definition for “auto-dependent uses” and the zoning district references to “auto-oriented uses.” Staff finds that this proposed text amendment is not substantive and is effective in clarifying the code language for ongoing implementation.

## H. CHAPTER 2.15 - SPECIAL PROVISIONS

### 2.15.1000 Manufactured Dwelling Parks

A manufactured dwelling park shall be developed to state standards in effect at the time of construction and the following special use standards:

...

- M. Traffic safety. In instances where a manufactured dwelling park is sited on a parcel larger than 10 acres, access via a collector street may be required, and additional requirements for traffic safety may be imposed. These elements will be addressed during ~~Site Design Review~~ Site Plan Review or Development Review.

### 2.15.1100 Residential Care Homes and Facilities

Residential care homes and facilities as defined shall comply with the following special use standards, consistent with ORS.

...

- B. ~~Site Design Plan Review~~. Site Design Review Site Plan Review shall be required for new structures or conversion of existing structures to be used for residential care facilities, to ensure compliance with the licensing, parking and other requirements of this Code. Residential care homes are exempt from this requirement.

### 2.15.1600 Drive-Through Facilities

It is the City of Sisters intent and policy to promote and encourage pedestrian use of the city. Many events are held within the City of Sisters that are predominately pedestrian based. It is the City’s intent to support these events, future events, the 1880’s theme, and resident use of the city by promoting pedestrian safety. To that end, the standards for drive-through facilities are intended to:

- C. Setbacks and landscaping. All drive-through facilities must provide the setbacks and landscaping stated below.

...

2. Service areas and stacking lanes must be set back a minimum of 10 feet from all lot lines which abut non-Residential Districts. The 10-foot setback area must be landscaped with 40 or more evergreen shrubs per 100 lineal feet, with the balance of the buffer area devoted to ground cover. A wall or fence may also be required as a condition of ~~site design review~~ [Site Plan Review](#) for screening or noise protection.

#### **2.15.1700 Recreational Vehicle (RV) Parks/Campgrounds**

A recreational vehicle (RV) park shall conform to state standards in effect at the time of construction and the following special use standards:

...

- H. Perimeter strip. The recreational vehicle park shall set aside along the perimeter of the park a minimum ten foot strip which shall be sight obscuring landscaping and used for no other purpose. Additional area for landscaping may be required through the ~~Site Design Review~~ [Site Plan Review](#) process.

**Staff Finding:** As previously discussed, the proposed text amendment is to remove the incorrect reference of “Site Design Review” to “Site Plan Review”. Staff finds that this proposed text amendment is not substantive and is effective in clarifying the code language for ongoing implementation.

#### **2.15.1900 Temporary Uses**

##### C. Permit Approval

##### 1. Approval Criteria

A temporary use permit (TUP) may be authorized by the Community Development Director or his/her designee; provided, that the applicant demonstrates that the proposed use:

...

- f. Temporary uses are prohibited from locating and/or operating:
  - i. In, on, about, and/or within 126 feet of Cascade Avenue (or any portion thereof) between Pine Street and Locust Street.

For purposes of this subsection, “within 126 feet” means a straight-line measurement in a radius extending for 126 feet or less in every direction as measured from any point on the boundaries of the portion of the East U.S. Highway 20/OR-126/Cascade Avenue right-of-way commencing at the centerline of South Locust Street (at the intersection with East U.S. Highway 20/OR-126) and continuing along East U.S. Highway 20/OR-126, East Cascade Avenue, and West Cascade Avenue and ending at the centerline of Pine Street; “within 15 feet” means a straight-line measurement in a radius extending for 15 feet or less in every direction as measured from any point of the stream bank of ~~Wychus~~ [Whychus](#) Creek in city.

**Staff Finding:** The proposed text amendment to the Special Provisions for Temporary Uses is intended to correct the spelling of Whychus Creek. Staff finds this is not a substantive change to the code and is adequate to resolve the error.

#### **2.15.2600 Western Frontier Architectural Design Theme**

...

- B. Applicability. The Western Frontier Architectural Design Theme applies to all new, reconstructed or remodeled uses in all Commercial Districts, except for the Sun Ranch Tourist Commercial District (see 2.12.110). Each proposed development is required to complete land use

review process subject to the following standards. All designs must comply with all applicable Building and Fire Codes.

**Staff Finding:** The proposed text amendment to the Special Provisions for Western Frontier Architectural Design Theme is intended to correct language that states its applicability to all Commercial Districts, which would technically include SDC 2.4 Downtown Commercial District, SDC 2.5 Highway Commercial District, and SDC 2.12 Sun Ranch Tourist Commercial District. The Western Frontier Architectural Design Theme is not applicable to all Commercial Districts because the Sun Ranch Tourist Commercial District has special design standards “to create a rural ranch setting separate from, but compatible with, the 1880s Western Frontier Architectural Design Theme,” which is further defined in SDC 2.12 as “early 1900’s Rural Farm/Ranch House” and provides its own architectural examples. Staff finds that the Western Frontier Architectural Design Theme is not applicable to SDC 2.12 Sun Ranch Tourist Commercial District and the proposed text amendment provides the needed clarity in order to effectively and efficiently implement of this code section without being a substantive change to the intent of the code.

### **2.15.2700 Short-Term Rentals**

A. Purpose; Applicability. The purpose of this section is to protect the character of the City’s residential neighborhoods by limiting and regulating short-term rental of dwelling units. The provisions contained in this Section 2.15.2700 apply to all lawfully established short-term rentals within the City. No person shall establish, maintain, advertise, offer, rent, occupy, use, operate or manage, nor offer or negotiate to use, lease, or rent, a dwelling unit for short-term rental occupancy without first applying for and obtaining a short-term rental permit in accordance with this Section 2.15.2700 or satisfying the legal ~~nonconforming~~ non-conforming use requirements under subsection (J) of this section. A separate land use approval is required for each dwelling unit proposed for use as a short-term rental.

...

E. Concentration Limits.

1. A short-term rental cannot be approved on a property within 250 feet of another property zoned R, MFR, SRR, UAR, and NSBP that has a valid short-term rental approval or is a legal ~~nonconforming~~ non-conforming use approved under subsection (J) of this section.

...

J. Prior Existing Use.

1. Existing Type I Permits. Any short-term rental approved and legally permitted under the former 2013 SDC 2.15.2700 may continue as a legal ~~nonconforming~~ non-conforming use provided:

- a. That the use is not abandoned under subsection (H) of this section; and
- b. That the owner obtains and maintains the operating license in accordance with SMC Chapter 5.50.
- c. The owner has the burden of establishing a valid prior approval and continuous operation when applying for an operating license or operating license renewal.

2. Legal ~~Nonconforming~~ Non-Conforming Uses. Any short-term rental that was lawfully established prior to February 1, 2013, when the initial short-term rental regulations were adopted, and has been lawfully and continually operating since that time, may continue as a legal ~~nonconforming~~ non-conforming use provided:

- a. The non-conforming use is verified through a declaratory ruling in accordance with SDC Chapter 4.9.
- b. That the use is not abandoned under subsection (H) of this section; and
- c. The owner obtains and maintains an operating license in accordance with SMC Chapter 5.50.



**Staff Finding:** The proposed text amendments to the Special Provisions for Short-Term Rentals is intended to address inconsistent spelling of “non-conforming” used throughout the SDC. Staff finds this proposed text amendment addresses the needed correction without being a substantive change to the intent of the code.

**I. CHAPTER 3.0 – DESIGN STANDARDS ADMINISTRATION**

**3.0.100 Applicability**

All developments within the City must comply with the provisions of Chapters [3.1](#) through [3.4](#). Some developments, such as major projects requiring land division and/or ~~site design review~~ [Site Plan Review](#) approval, may require detailed findings demonstrating compliance with each chapter of the code. For smaller, less complex projects, fewer code provisions may apply. Though some projects will not require land use or development permit approval, they are still required to comply with the provisions of this Chapter.

**Staff Finding:** As previously discussed, the proposed text amendment is to change the incorrect reference of “Site Design Review” to “Site Plan Review.” Staff finds that this proposed text amendment is not substantive and is effective in clarifying the code language for ongoing implementation.

**J. CHAPTER 3.1 – ACCESS AND CIRCULATION**

**3.1.300 Vehicular Access and Circulation**

...

F. Surface Options. ~~Required~~ [Provided](#) driveway, aprons, parking areas, aisles, and turn-arounds shall be paved with asphalt, concrete or comparable durable surfacing, subject to review and approval by the Community Development Director. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.

**Staff Finding:** The proposed text amendment is intended to clarify when surfacing standards apply. The existing code language can be interpreted that any improvements beyond the minimum required are not subject to the surfacing standards. For example, if a development project is required to provide a minimum of 20 paved parking spaces and has proposed a parking lot with 23 parking spaces, it can be interpreted that three of the parking spaces that exceed the minimum requirement are not subject to surfacing standards and can result in substandard improvements such as the use of gravel surfacing. There are specific portions of the City code that do provide explicit exceptions from surfacing standards, where applicable, such as the Light Industrial District (SDC 2.6.300(H)).

Staff finds that this change of language from “required” to “provided” remains consistent with the intent of how the surfacing standards apply and with other code standards and exceptions.

I. Access Standards

5. Shared Driveways on Arterial Streets. The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or ~~site design review~~ [Site Plan Review](#), as applicable, for traffic safety and access management purposes in accordance with the following standards...

6. Frontage Streets and Alleys. The ~~hearing body for a design review~~ decision maker for Site Plan Review or subdivision may require construction of a frontage street or alley to provide access to properties fronting an arterial or collector street.

**Staff Finding:** As previously discussed, the proposed text amendment is to change the incorrect reference of “Site Design Review” to “Site Plan Review.”

In addition, the existing code SDC 3.1.300(I)(6) is titled Frontage Street and Alleys, but only clearly states that the code may require construction of a frontage street. Staff finds the addition of “or alley” clarifies the applicability of alleys to the criterion. The function of this existing code language is to require that new developments allocate access with lower-classified streets, such as a frontage street which is defined in SDC 1.3.300 as a “designated local street that parallels an arterial street in order to provide access to abutting properties and minimize direct access onto the arterial”, and such as alleys which are defined in SDC 1.3.300 as a “narrow way providing a means of public or private access to the back or side of a property and not intended for general traffic circulation”.

Lastly, the other component of this proposed text amendment is to change the language of a “hearing body” to “decision maker” which more generally encompasses who has decision-making authority. The decision-making body for a Type II Review that is applicable to Site Plan Review is the Community Development Director or staff designee. The decision-making body for a Type III Review that is applicable to a subdivision is the Planning Commission. The terminology “hearing body” may encompass the Planning Commission that reviews Type III applications, however, this language is not applicable to when Type II Site Plan Review applications are reviewed administratively by staff.

Therefore, staff finds this proposed text amendment adequate to implement this code for Type II and Type III land use applications, as applicable to site plan reviews and subdivisions.

## **K. CHAPTER 3.2 – LANDSCAPING AND SCREENING**

### **Sections:**

[3.2.100 Purpose](#)

[3.2.200 Landscape Requirements](#)

[3.2.300 Screening, Fences, and Walls](#)

[3.2.400 ~~Nonconforming Non-Conforming~~](#)

[3.2.500 Existing Trees](#)

[3.2.600 Street Trees](#)

[3.2.700 Repealed](#)

### **3.2.200 Landscape Requirements**

A. Requirements by Zone. In the following designated districts, not less than the stipulated percent of gross site area shall be occupied by landscaping.

1. Residential (R), twenty (20%) percent.
2. Residential Multiple Family (RMF), twenty (20%) percent.
3. Downtown Commercial (DC), ten (10%) percent.
4. Highway Commercial (HC), ten (10%) percent.
5. Light Industrial (LI), five (5%) percent.
6. Public Facility and Institutional (PFI), ten (10%) percent
7. Open Space (OS), twenty-five (25%) percent

8. North Sisters Business Park Sub-district (NSBP), twenty (20%) percent
9. Sun Ranch Tourist Commercial (TC), ten (10%) percent
10. Sun Ranch Residential (SRR), twenty (20%) percent
- ~~11. Floodplain (FP), thirty (30%) percent~~

**Staff Finding:** The proposed text amendment is intended to remove redundant language for SDC 3.2.200(A)(11), in which the referenced Floodplain district no longer exists. The role of the Floodplain district is now regulated by SDC 2.10 Special Flood Hazard Area Overlay District which does not require a designated district landscaping requirement because the overlay district chapter works in conjunction with a property’s underlying land use district. For example, a property encumbered by the 100-year Flood Plain could have the underlying land use district of a Residential District (SDC 2.2) with a landscaping requirement of 20%, but additional regulations will apply by the SDC 2.10 Special Flood Hazard Area Overlay District. Staff finds this proposed text amendment is not a substantive change and removes redundant language in order to facilitate efficient and effective implementation of the development code.

#### **3.2.400 ~~Nonconforming Non-Conforming~~**

For sites that do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building or parking lot expands, e.g. if the building or parking lot area is to expand by twenty-five percent (25%), then twenty-five percent (25%) of the site must be brought up to the standards required by this ordinance.

**Staff Finding:** The proposed text amendment is intended to address inconsistent spelling of “non-conforming” throughout the code. Staff finds this proposed text amendment addresses the needed correction without being a substantive change to the intent of the code.

#### **3.2.600 Street Trees**

Street trees shall be planted for all developments that are subject to Land Division or ~~Site Design Review~~ Site Plan Review. Planting on unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

**Staff Finding:** As previously discussed, the proposed text amendment is to change the incorrect reference of “Site Design Review” to “Site Plan Review.” Staff finds that this proposed text amendment is not substantive and is effective in clarifying the code language for ongoing implementation.

### **L. CHAPTER 3.4 – SIGNS**

#### **3.4.1300 Non-Conforming, Illegal and Abandoned Signs**

- A. A ~~nonconforming non-conforming~~ sign shall not be replaced, altered, reconstructed, relocated or expanded in any manner unless it is made to conform with all the provisions of this article except as follow:
  1. Other ~~nonconforming non-conforming~~ signs on the same property need not be made to conform as a result; however, they are encouraged to comply.
  2. Change in copy shall be permitted if no structural changes in the sign are necessary except that no change in copy shall be permitted for ~~nonconforming non-conforming~~ painted wall signs.
  3. Ordinary maintenance and minor repairs which will not increase the normal life of the sign and which are required for safety purposes shall be permitted. Structural alterations to a

~~nonconforming non-conforming~~ sign are prohibited unless they are made to conform to all requirements of the Development Code.

- B. If the use identified by a ~~nonconforming non-conforming~~ sign is abandoned for a period of not less than ninety (90) days, the sign shall be removed unless it is made to conform to the provisions of this Section. If such sign is not made to conform or if it is not removed within one hundred twenty (120) days from the time the use is abandoned, it shall thereafter be unlawful. "Abandoned" shall mean cessation of operation or change of use. "Abandoned" shall not mean an ownership change or a name change as long as there is no cessation of the operation for longer than ninety (90) days and the use is not changed.

**Staff Finding:** The proposed text amendments are intended to address inconsistent spelling of non-conforming throughout the code. Staff finds this proposed text amendment addresses the needed correction without being a substantive change to the intent of the code.

**M. CHAPTER 4.1 – TYPES OF APPLICATIONS AND REVIEW PROCEDURES**

**4.1.200 Description of Permit/Decision-Making Procedures**

<b>Table 4.1.200 Summary of Development Decisions/Permit by Type of Decision-making Procedure</b>		
<b>Action</b>	<b>Decision Type</b>	<b>Applicable Regulations</b>
Appeals	Type II/III/IV	Chapter <a href="#">4.1</a> – Must be filed no later than <del>5 p.m.</del> <a href="#">4:30 p.m.</a> on the fourteenth calendar day following mailing of the decision
<a href="#">Eligible Facilities Request for a Modification of an Existing Tower or Base Station</a>	<a href="#">Type I</a>	<a href="#">Chapter 2.15</a>

**Staff Finding:** The proposed text amendments to Table 4.1.200 are intended to update the filing deadline to align with the City of Sisters City Hall hours of operation, in which the public hours have shifted from 8 a.m. – 5 p.m. to presently 7:30 a.m. – 4:30 p.m., as well as add a procedure line item in the table to reflect the code provision SDC 2.15.1800 Communication Facilities that has outlined a Type I procedure for review of "Eligible Facilities Request for a Modification of an Existing Tower or Base Station." Staff has proceeded with reviewing these requests for modifications when they fall under the Type I Review criteria, and wanted to collate this procedure in the Table 4.1.200. Staff finds that these proposed text amendments are not a substantive change given existing procedures, and provide clear and effective language for future implementation of the code.

**4.1.400 Type II Procedure (Administrative)**

...

D. Notice of Decision.

1. Within five days after the Community Development Director or designee signs the decision, a Notice of Decision shall be posted on the property and sent by mail unless stated otherwise to:

~~a.— Any person who submits a written request to receive notice, or provides comments during the application review period;~~

- ~~b.~~ a. The applicant and all owners or contract purchasers of record of the site which is the subject of the application;
- ~~c.~~ b. Any person who submits a written request to receive notice, or provides comments during the application review period;
- ~~d.~~ c. Any City recognized neighborhood group or association whose boundaries include the site;
- ~~e.~~ d. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies which were notified or provided comments during the application review period.
- ~~f.~~ e. Planning Commission shall be noticed by email.

**Staff Finding:** The proposed text amendment is intended to remove duplicative and redundant code language, in which the existing code language stated the same procedure twice as item a and item c. Staff finds this proposed text amendment is not a substantive change and provides clear and effective language for future implementation of the code.

**4.1.500 Type III Procedure (Quasi-Judicial)**

- A. Application requirements. See 4.1.700.
- B. Notice of Hearing.

Notice of a Type III hearing shall be given by the Community Development Director or designee in the following manner:

~~1. Mailed notice.~~ Notice of a Type III hearing shall be given by the Community Development Director or designee in the following manner:

- a. At least 14 calendar days before the hearing date, notice shall be mailed to:
  - 1. The applicant and all owners or contract purchasers of record of the property which is the subject of the application;
  - 2. All property owners of record within 250 feet of the property line of the site;
  - 3. Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175;
  - 4. Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;
  - 5. Any person who submits a written request to receive notice;
  - 6. For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
- b. The Community Development Director or designee shall have an affidavit of notice mailing be prepared and made a part of the file. The affidavit shall state the date that the notice was ~~posted on the property and~~ mailed to the persons who must receive notice;

2. Published notice.

At least 14 calendar days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record;

3. Posted notice.

At least 14 calendar days before the hearing, the applicant shall post notice of the hearing on the property. The applicant shall prepare and submit an affidavit of posting of the notice which shall be made part of the administrative record.

~~2-4.~~ Content of Notice. Notice of appeal of a Type II Administrative decision or a Type III hearing to be mailed, posted and published per ~~Subsection 1~~ Subsections 1, 2, and 3 above shall contain the following information:

**Staff Finding:** The proposed text amendment is intended to provide clarity to the required posting procedures for a Type III Quasi-Judicial Review. Staff identified this existing code section as needing better organization of procedures, without necessarily needing to change the content of the procedures. The changes include breaking out the Notice of Hearing procedures into four distinct items, in order to promote more effective and efficient implementation of the procedures for mailing, publishing, and posting notice of a public hearing. Staff finds this proposed text amendment is not a substantive change and provides clearer language for future implementation of the code.

**4.1.700 General Provisions**

A. Application Requirements.

Acceptance of any application is subject to Section ~~1-4-800~~ 1.4.700(E)(3)(a). All applications shall:

**Staff Finding:** The proposed text amendment is intended to provide proper reference location in the code. Staff finds this proposed text amendment is not a substantive change and provides language for efficient and effective implementation of the code.

E. Applications.

4. Changes or additions to the application during the review period. Once an application is deemed complete:

...

d. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the City shall take one of the following actions:

...

2. Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day rule (~~Section A~~ Section B, above) on the existing application. If the applicant does not consent, the City shall not select this option;

**Staff Finding:** The proposed text amendment is intended to provide proper reference location in the code. Staff finds this proposed text amendment is not a substantive change and provides language for efficient and effective implementation of the code.

H. Review by Planning Commission and City Council.

1. All Type II Decisions shall be emailed to Planning Commission members on the date the Decision is mailed to the applicant. Three or more members of the Planning Commission may initiate review of a Type II decision.

2. All Decisions (Type II and III) approved by the Planning Commission shall be emailed to City Council members on the date the Decision is mailed to the applicant. Two or more members of the City Council may initiate review of a Type III Decision.

3. The review shall be initiated in writing and delivered to the Community Development Department no later than ~~5 p.m.~~ 4:30 p.m. on the 14 calendar days following the date of the mailing of the final written decision to the applicant.

4. Review shall be conducted in the same manner provided for in appeals, except that an appeal fee shall not be required.

**Staff Finding:** As previously discussed, the proposed text amendment is intended to update the filing deadline to align with the City of Sisters City Hall hours of operation. Staff finds this proposed text

amendment is not a substantive change and provides language for efficient and effective implementation of the code.

**4.1.800 Appeals**

D. Initiation of Appeal

A decision of a review authority pursuant to Chapter 4 shall be appealed by a party with standing within the time limits prescribed. The filing of a Notice of Appeal shall be accompanied by the fee prescribed by Resolution of the City Council. Except as otherwise required, the notice of appeal and appeal fee must be received by the Community Development Department no later than ~~5 p.m.~~ 4:30 p.m. on the fourteenth calendar day following mailing of the decision. Notices of Appeals may not be filed by facsimile machine. The Notice of Appeal shall be submitted upon the form provided by the Community Development Department, shall include any such information as listed on the application submittal checklist and shall contain the following:

**Staff Finding:** As previously discussed, the proposed text amendment is intended to update the filing deadline to align with the City of Sisters City Hall hours of operation. Staff finds this proposed text amendment is not a substantive change and provides language for efficient and effective implementation of the code.

**N. CHAPTER 4.4 – CONDITIONAL USE PERMITS**

**4.4.400 Conditional Use Permit Approval Criteria**

Approval Criteria. The Planning Commission (Conditional Use Permit) or Community Development Director or designee (Minor Conditional Use Permit) shall determine whether or not the establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood or the general welfare of the City. The City shall approve, approve with conditions, or deny an application for a Minor Conditional Use Permit or Conditional Use Permit based on the following criteria:

...

D. The criteria for Site Design Plan Review approval (4.2.500) shall be met.

**Staff Finding:** As previously discussed, the proposed text amendment is to change the incorrect reference of “Site Design Review” to “Site Plan Review”. Staff finds that this proposed text amendment is not substantive and is effective in clarifying the code language for ongoing implementation.

**O. CHAPTER 4.5 – MASTER PLANNED DEVELOPMENTS**

**4.5.800 Approval Durations, Extensions and Amendments**

A. Master Plan Approval Duration. The Master Plan approved by the Planning Commission shall expire three (3) years from the date on which the decision is final if the approval has not been initiated. The Community Development Director shall determine whether the approval has been initiated based on whether significant infrastructure improvements have been completed as of the date the approval expires. Such a determination will be made through either a Type II decision or a Type III decision before the Planning Commission at the discretion of the Community Development Director. Significant infrastructure includes but is not limited to site grading, streets, water, sewer, power and communications services construction sufficient in terms of time, labor, and/or money to demonstrate a good faith effort to complete the development or as otherwise specified as a condition of approval.

**Staff Finding:** The proposed text amendment is intended to correct the existing code language in order to effectively establish standards for when a Master Plan approval has been initiated or is subject to expiration. The existing code language alludes to a project that has been initiated shall be subject to expiration, whereas the intent of the code is to state that a project that has been initiated shall no longer be subject to expiration. Staff finds this proposed text amendment is not a substantive change and provides language for efficient and effective implementation of the code.

## P. CHAPTER 4.6 – COTTAGE DEVELOPMENTS

### 4.6.100 Cottage Developments

#### B. Applicability and Permitted Uses.

4. On a lot to be used for a cottage housing development, existing detached single-family residential structures, which may be ~~nonconforming~~ non-conforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such ~~nonconforming~~ non-conforming dwelling units shall be included in the maximum permitted cottage density.

**Staff Finding:** As previously discussed, the proposed text amendments are intended to address inconsistent spelling of non-conforming throughout the code. Staff finds this proposed text amendment addresses the needed correction without being a substantive change to the intent of the code.

## Q. CHAPTER 4.9 – DECLARATORY RULING

### 4.9.100 Availability of Declaratory Ruling

- A. Subject to the other provisions of this section, there shall be available for the City's Comprehensive Plan and this code a process for:
  - ...
  5. Determining the validity and scope of a ~~nonconforming~~ non-conforming use; and

**Staff Finding:** As previously discussed, the proposed text amendment is intended to address inconsistent spelling of non-conforming throughout the code. Staff finds this proposed text amendment addresses the needed correction without being a substantive change to the intent of the code.

## R. CHAPTER 5.2 – NON-CONFORMING USES AND STRUCTURES

### Sections:

[5.2.100 Purpose](#)

[5.2.200 ~~Nonconforming Non-Conforming Use~~](#)

[5.2.300 ~~Nonconforming Non-Conforming Structure~~](#)

[5.2.400 Restoration – Damaged Buildings](#)

[5.2.500 Off-Street Parking and ~~Non-conforming Non-Conforming Structures~~](#)

[5.2.600 Change to Permitted Use](#)

### 5.2.200 ~~Nonconforming Non-Conforming Use~~

A use that was legally allowed when established, but which is no longer permitted in the zone in which it is located, or a use that was legally established in one zone and rezoned to another zone that permits that use conditionally, but hasn't received conditional use permit approval, may continue so long as it complies with all of the following requirements:



- A. Expansion. A ~~nonconforming non-conforming~~ use shall not be expanded or moved to occupy a different or greater area of land, building, or structures than the use occupied at the time it became ~~nonconforming non-conforming~~.
- B. A ~~nonconforming non-conforming~~ use may be replaced with another use even though the building or site does not meet the standards of this Code. However, such substitution is to occur only when the new use is designated as permitted or conditionally permitted for the zone in which the property is located.
- C. Discontinuance. If a ~~nonconforming non-conforming~~ use is discontinued for any reason for more than twelve (12) consecutive months, any subsequent use shall conform to all of the regulations of the subject zone. For purposes of calculating the twelve (12) month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:
1. On the date when the use of land is physically vacated;
  2. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
  3. On the date of termination of any lease or contract under which the ~~nonconforming non-conforming~~ use has occupied the land; or
  4. On the date a request for final reading of water and power meters is made to the applicable utility districts. [Ord. 528 § 4 (Exh. L), 2023].

#### **5.2.300 ~~Nonconforming Non-Conforming~~ Structure**

- A. Continuation. A ~~nonconforming non-conforming~~ structure that was allowed when established, but is no longer permitted in the subject zone because it does not conform to the existing height, setback, coverage, or other requirements, may continue so long as it complies with all of the following requirements:
1. The structure is not enlarged, moved, or altered in a way that increases its nonconformity; however, the structure may be altered to decrease in nonconformity.
  2. If a ~~nonconforming non-conforming~~ structure is moved, it must conform to the standards of the zone to which it is moved.
  3. Residential Dwelling Units in the Downtown Commercial (DC) District
    - a. Expansions
      - i. Single-family detached dwelling units may expand up to 50% of the existing habitable square footage.
      - ii. 2 to 4 units may expand up to 35% of the existing habitable square footage.
      - iii. 5 or more units may expand up to 25% of the existing ~~habitable-habitable~~ square footage.
    - b. Garages may be permitted and do not count towards the allowable square footage.
    - c. All expansions shall comply with one of the following options;
      - i. The setbacks in the Multi-Family Residential Table 2.3.1; or,
      - ii. The setbacks in the Downtown Commercial District and the Western Frontier Architectural Design Theme.
    - d. An expansion of no more than five hundred (500) square feet of gross floor area is permitted outright. An expansion greater than five hundred (500) square feet of gross floor area shall be processed with a Minor Conditional Use Permit and Site Plan Review.
- B. Maintenance and Repair. Ordinary maintenance and repair is permitted on any structure or portion of any ~~nonconforming non-conforming~~ structure when:

1. The proposed maintenance and repair is required to keep the building or structure in sound condition, provided however, that no structural alterations shall be made except those required by the Building Official.
2. The proposed maintenance or repair does not enlarge, move, or alter the structure in a way that increases its nonconformity.
3. The proposed maintenance or repair is not prohibited on the deed.

C. Flood Hazard Areas. The provisions of this Section shall not relieve owners of property within mapped special flood hazard areas from complying with the flood hazard zoning provisions of Chapter 2.10 Special Flood Hazard Area Overlay District of this Code.

#### **5.2.400 Restoration – Damaged Buildings**

If a ~~nonconforming non-conforming~~ structure is damaged by any means, the structure may only be reconstructed or replaced to its pre-damage ~~nonconforming non-conforming~~ state and the occupancy or use of such structure may be continued or resumed, provided such restoration is started within a period of one (1) year and is diligently pursued to completion. Otherwise, the structure shall be reconstructed in accordance with the provisions of this ordinance.

#### **5.2.500 Off-Street Parking and ~~Non-conforming Non-Conforming~~ Structures**

No building as it exists at the time of the effective date of this Development Code shall be deemed to be non-conforming solely by reason of the lack of off-street parking spaces, provided that any portion of the premises being used for off-street parking in connection with any such building shall not be reduced below the requirements of the parking chapter.

#### **5.2.600 Change to Permitted Use**

When a ~~nonconforming non-conforming~~ use is changed to a permitted use and additional parking is required, the additional parking spaces shall be provided in accordance with the provisions of Chapter 3.3. However, the number of additional spaces shall be computed only to the extent of the enlargement or additional requirement, regardless of whether or not the number of previously existing spaces satisfies the requirements of this chapter.

**Staff Finding:** As previously discussed, the proposed text amendments are intended to address inconsistent spelling of non-conforming throughout the code. In addition, the proposed text amendment corrects the spelling of “habitable”. Staff finds this proposed text amendment addresses the needed correction without being a substantive change to the intent of the code.

#### **IV. 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 criteria in SDC 4.1.600.E. Decision-Making Considerations. The following are staff’s conclusionary findings for each of the applicable criteria:

**CHAPTER 4.7 – LAND USE DISTRICT MAP AND TEXT AMENDMENTS**

---

**4.7.100 Purpose**

The purpose of this Chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the Land Use District map. These amendments will be referred to as “map and text amendments.” Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

**Staff Finding:** Staff finds that this provision is advisory.

**4.7.200 Legislative Amendments**

Legislative amendments are policy decisions made by City Council. They are reviewed using the Type IV procedure in Chapter 4.1, Section 600 and shall conform to Section 4.7.600, as applicable.

**Staff Finding:** The proposal is for legislative changes to the Development Code through a text amendment. Accordingly, it must be reviewed using the Type IV procedure in Chapter 4.1.600 and is required to conform to Section 4.7.600 (as applicable). Discussion regarding Chapter 4.1.600 is reviewed below.

**CHAPTER 4.1 – TYPES OF APPLICATION AND REVIEW PROCEDURES**

---

**4.1.100 Purpose**

The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way.

**Staff Finding:** Staff finds that this provision is advisory.

**4.1.200 Description of Permit/Decision-Making Procedures**

All land use and development permit applications, except building permits, shall be decided by using the procedures contained in this Chapter. General provisions for all permits are contained in Section 4.1.700. Specific procedures for certain types of permits are contained in Section 4.1.200 through 4.1.600. The procedure “type” assigned to each permit governs the decision-making process for that permit. There are four types of permit/decision-making procedures: Type I, II, III, and IV. These procedures are described in subsections A-D below. In addition, Table 4.1.200 lists all of the City’s land use and development applications and their required permit procedure(s).

...

- D. **Type IV Procedure (Legislative).** Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments which apply to entire districts). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council and appeals possible to the Oregon Land Use Board of Appeals.

**Staff Finding:** Staff is proposing an amendment to the Sisters Development Code pertaining to corrections of spelling errors, outdated code references, and creating consistency of language across chapters, without creating substantive change to the intent and application of the code. The amendments propose a revision to adopted land use regulations, thereby requiring compliance with Type IV procedure.

- E. Notice of all Type III and IV hearings will be sent to public agencies and local jurisdictions (including those providing transportation facilities and services) that may be affected by the proposed

action. Affected jurisdictions could include ODOT, the Department of Environmental Quality, the Oregon Department of Aviation, and neighboring jurisdictions.

**Staff Finding:** Staff did not identify any agencies or jurisdictions that may be affected by the proposed action. Therefore, no direct notice was sent.

**4.1.600 Type IV Procedure (Legislative)**

**A. Application requirements. See 4.1.700.**

**B. Notice of Hearing.**

**1. Required hearings.** A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications, except annexations where only a hearing by the City Council is required.

**2. Notification requirements.** Notice of public hearings for the request shall be given by the Community Development Director or designee in the following manner:

...

**Staff Finding:** Staff will provide notice in accordance with 4.1.600(B) at least 14 days prior to the public hearing before the Planning Commission hearing, scheduled for August 17, 2023 at 5:30pm. A second hearing is required and will be held by City Council. Notice will again be provided in compliance with this section.

...

**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;**

**Staff Finding:** Staff has outlined review of compliance with the Statewide Planning Goals below.

**Goal 1 – Citizen Involvement.**

**Staff Finding:** During the text amendment process, public notice of the proposal has been provided through published notice in the Nugget newspaper and posted on the City’s website. The City will hold public hearings before the Planning Commission and City Council. These opportunities for public involvement satisfy Goal 1.

**Goal 2 – Land Use Planning.**

**Staff Finding:** Staff is following the prescribed procedure for a text amendment to ensure adequate review of the proposed text amendment. The purpose of the text amendment is for the correction of spelling errors, outdated code references, and creating consistent language across code chapters without substantive alterations to the intent and application of the code. Staff finds Goal 2 is met.

**Goals 3 and 4, Agricultural and Forest Lands**

**Staff Finding:** These Goals are not applicable as the proposed text amendments will not have any known impact on either Agricultural or Forest Lands.

**Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces.**

**Staff Finding:** Staff acknowledges that the applicable text amendments under the following sections are relevant to the topic of Natural Resources, Scenic and Historic Areas, and Open Spaces: SDC 3.2 – Landscaping & Screening; SDC 2.15.1900 – Temporary Uses; SDC 2.15.2600 – Western Frontier Architectural Design Theme. However, staff finds Goal 5 is not applicable as the proposed housekeeping

text amendments are not a substantive change to the existing code, in which the amendments will not have any known impact on Natural Resources, Scenic and Historic Areas, and Open Spaces.

**Goal 6 – Air, Water and Land Resources Quality.**

**Staff Finding:** Staff acknowledges that the applicable text amendments under the following sections are relevant to the topic of Air, Water and Land Resources Quality: SDC 3.2 – Landscaping & Screening; SDC 2.15.1900 – Temporary Uses. However, staff finds Goal 6 is not applicable as the proposed housekeeping text amendments are not a substantive change to the existing code, in which the amendments will not have any known impact on Air, Water and Land Resources Quality.

**Goal 7 – Areas Subject to Natural Hazards.**

**Staff Finding:** This Goal is not applicable as the proposed housekeeping text amendments are not a substantive change to the existing code, in which the amendments will not have any known impact on Areas Subject to Natural Hazards.

**Goal 8 – Recreational Needs.**

**Staff Finding:** Staff acknowledges that the applicable text amendments under the following sections are relevant to the topic of Recreational Needs: SDC 4.5 – Master Planned Developments. Staff finds Goal 8 is applicable as the proposed text amendment to Section 4.5.800 Approval Durations, Extensions and Amendments aids to clarify the language that enforces conditions of approval associated with Master Planned Developments, including recreational amenities and how recreational needs are provided in the community. Staff finds Goal 8 is satisfied.

**Goal 9 – Economic Development.**

**Staff Finding:** Staff acknowledges that the applicable text amendments under the following sections are relevant to the topic of Economic Development: SDC 2.4 – Downtown Commercial District; SDC 2.5 – Highway Commercial District; SDC 2.14 – North Sisters Business Park District; SDC 2.15.2600 – Western Frontier Architectural Design Theme; SDC 3.4 – Signs. Staff finds Goal 9 is applicable as the proposed housekeeping text amendments aid to clarify the language around architectural design themes of underlying land use districts and auto-dependent uses, although they are not a substantive change to the existing code and are not anticipated to impact how the economic needs are met in the community. Staff finds Goal 9 is satisfied.

**Goal 10 – Housing.**

**Staff Finding:** Staff acknowledges that the applicable text amendments under the following sections are relevant to the topic of Housing: SDC 1.3 – Definitions; SDC 2.15 – Special Provisions; SDC 4.5 – Master Planned Developments; SDC 4.6 – Cottage Developments; SDC 5.2 – Non-Conforming Uses & Structures. Staff finds Goal 10 is applicable as the proposed text amendments aid to clarify the language around development standards and provisions that serve to address residential needs in the community. Staff finds Goal 10 is satisfied.

**Goal 11 – Public Facilities and Services**

**Staff Finding:** Staff acknowledges that the applicable text amendments under the following sections are relevant to the topic of Public Facilities and Services: SDC 1.2 – General Administration; SDC 3.0 – Design Standards Administration; SDC 3.1 – Access and Circulation; SDC 4.5 – Master Planned Developments. Staff finds Goal 11 is applicable as the proposed text amendments aid to clarify the language around standards and provisions that serve to address public facilities and services needs in the community. Staff finds Goal 11 is satisfied.

**Goal 12 – Transportation**

**Staff Finding:** Staff acknowledges that the applicable text amendments under the following sections are relevant to the topic of Transportation: SDC 1.2 – General Administration; SDC 3.0 – Design Standards Administration; SDC 3.1 – Access and Circulation; SDC 4.5 – Master Planned Developments. Staff finds Goal 12 is applicable as the proposed text amendments aid to clarify the language around standards and provisions that serve to address transportation needs in the community. Staff finds Goal 12 is satisfied.

**Goal 13 – Energy Conservation**

**Staff Finding:** This Goal is not applicable as the proposed housekeeping text amendments are not a substantive change to the existing code, in which the amendments will not have any known impact on Energy Conservation.

**Goal 14 – Urbanization**

**Staff Finding:** The proposed text amendments apply only to properties located with the current city limits. Staff does not foresee any impact to Goal 14.

**Goals 15 through 19.**

**Staff Finding:** Goals 15, 16, 17, 18 and 19 are not applicable because they only pertain to areas outside of Central Oregon.

**2. Approval of the request is consistent with the Comprehensive Plan; and**

**Staff Finding:** The Comprehensive Plan contains Goals and Policies for land use and development within the City. In turn, the Development Code implements the Goals and Policies of the Comprehensive Plan. Any amendments to the Development Code must be consistent with applicable Goals and Policies of the Comprehensive Plan. Findings specific to applicable Goals and Policies are provided below:

**Sisters Comprehensive Plan Section 1: Public Involvement**

**Goal 1**

***Offer a wide variety of traditional and contemporary tools and opportunities that enable and empower a diverse population of residents, business owners, private organizations, and partner agencies located inside and outside City limits to participate in all land use processes.***

**Objective 1.1**

***To maintain an effective Citizen Involvement Program and recognize an official body; a Committee for Citizen Involvement (CCI) will be responsible for overseeing and regularly reviewing the effectiveness of the program in order to grow public awareness and participation.***

**Policies:**

**1.1.1 The Citizen Involvement Program will be directed by the City’s Planning Commission, sitting as the Committee for Citizen Involvement. The Planning Commission shall seek multiple methods to support and cultivate additional, new, and ever-expanding citizen involvement opportunities including working directly with private organizations to amplify opportunities for involvement.**

**Staff Finding:** The proposed amendments will be reviewed through Planning Commission and City Council meetings, which are open to the public with opportunities for public involvement. The amendment proposal has followed the noticing requirements in Chapter 4.1, including publishing of notice in the Nugget newspaper. Staff finds the review process for the proposed text amendments complies with the policy.

**Objective 1.2**

*To recognize the need to use a variety of traditional and contemporary communication tools and channels in the Citizen Involvement Program, including communication methods that will reach diverse audiences and drive greater awareness and participation in all phases of planning processes.*

**Policies:**

...

**1.2.2 The City shall ensure that information about planning activities and notices of upcoming meetings are maintained on the City’s website and distributed via a variety of outlets and methods, including non-traditional methods that might be more successful at reaching underrepresented or less frequently involved members of the public such as greater use of social media pages, email list serves, or partnerships with local community organizations.**

**Staff Finding:** Notice of the public hearing was published in the Nugget newspaper, emailed to the subscriber list of the City’s Planning Commission listserv, and posted on the City’s webpage, in City Hall, and at the post office. Staff finds the review process for the proposed text amendments complies with this policy.

**1.2.3 The City shall provide information about planning activities and notices of upcoming meetings in clear, understandable language and will include information about relevant City processes and procedures. This will include brief descriptions of items that City Council and Planning Commission will be discussing.**

**Staff Finding:** Notice of the public hearing includes information about relevant City processes and procedures in clear, understandable language, with a listed contact person in the event an individual needs additional information. Staff finds the review process for the proposed text amendments complies with this policy.

...

**1.2.6. The City shall provide options for community members to view and participate in all official City meetings remotely in order to reduce barriers to participation.**

**Staff Finding:** The public meetings will include use of the Zoom online meeting app to provide opportunity for remote participation. A contact person is listed on the notice of public hearing for individuals that may need to request special accommodations prior to the hearing in order to reduce barriers to participation. Staff finds the review process for the proposed text amendments complies with this policy.

**Sisters Comprehensive Plan Section 2: Land Use**

**Goal 2**

*Continue to implement a Land Use Planning process and policy framework as a basis for all decisions and actions related to the use of land; ensure an adequate factual base for such decisions and actions are consistent with the policy framework, other Comprehensive Plan policies, and the implementing planning documents.*

**Policies:**

...

**2.1.2 The City of Sisters shall continue to maintain, enhance, and administer land use codes and ordinances that are based on an adequate factual basis, the goals and policies of this Comprehensive Plan, and applicable local, state, and federal regulations.**

**Staff Finding:** As outlined herein, the proposed amendments are based on factual information, the goals and policies of this Comprehensive Plan, and applicable local, state, and federal regulations. Staff finds the review process for the proposed text amendments complies with this policy.

...

**2.1.4 The City shall notify and engage partner organizations, residents, property owners, and businesses as part of processes to update and amend the City’s Comprehensive Plan and Development Code.**

**Staff Finding:** Notice of the public hearing was provided consistent with City Development Code and Oregon State Law. No property owners were identified to be affected by the proposed amendments, so Measure 56 was not applicable. Notice of the public hearing was posted in a variety of methods, as listed above. Staff finds the review process for the proposed text amendments complies with this policy.

...

#### **Sisters Comprehensive Plan Section 4: Livability**

##### **Goal 4**

***Maintain and enhance the livability of Sisters as a welcoming community with a high quality of life and a strong community identity.***

##### **Objective 4.1: Community Identity**

***To promote projects, programs, and initiatives that strengthen the community’s identity, including historic resources, scenic views, trees, artisanal activities, and inclusive attitude towards all community members.***

##### **Policies:**

**4.1.1 The City shall recognize and conserve the environment and natural resources that enhance the community’s identity, including open spaces, natural landscapes, outdoor recreation areas, historic structures, architectural styles, and public art.**

**Staff Finding:** The proposed amendments will continue to allow architectural styles that are consistent to the applicable underlying zoning district. Staff finds the proposed text amendments comply with this policy.

##### **Objective 4.2: Neighborhood Design**

***To facilitate development and redevelopment of neighborhoods to support community members’ economic, social, and cultural needs, and promote health, well-being, universal access, and innovative design.***

##### **Policies:**

...

**4.2.2 The City shall encourage the development of livable, cohesive, well-connected and accessible neighborhoods with convenient access to goods and services, such as neighborhood commercial uses and childcare, opportunities for recreation, and access to nature.**



**Staff Finding:** The proposed amendments will improve the language that enforces approval durations of Master Planned Developments, which encourage the development of livable, cohesive, well-connected and accessible neighborhoods with convenient access to goods and services, such as neighborhood commercial uses and childcare, opportunities for recreation, and access to nature. Staff finds the proposed text amendments comply with this policy.

## **Sisters Comprehensive Plan Section 5: Housing**

### **Goal 5**

***Meet the housing needs of current and future residents, as well as the region’s private and public sector employers, by creating opportunities for development of a wide range of housing for all ages and income levels, including housing that is safe and high quality and that includes design features and transitions that contribute to compatibility with existing neighborhoods.***

### **Objective 5.1**

***To accommodate residential growth within the City of Sisters Urban Growth Boundary.***

### **Policies:**

**5.1.2 The City shall maintain reasonable, clear, objective, and enforceable design standards for all housing types, including single-family detached homes, “plexes,” townhomes, apartments, cottage cluster housing, accessory dwelling units, and manufactured homes on individual lots and in manufactured home parks.**

**Staff Finding:** The proposed amendments will improve the language that supports reasonable clear, objective and enforceable design standards for all housing types through adding a definition of gross acres that coincides with the housing density calculation methodology outlined by the Development Code, and clarifies the language of when developments, such as Manufactured Dwelling Parks (SDC 2.15.1000), trigger Site Plan Review procedures. Staff finds the proposed text amendments comply with this policy.

...

## **Sisters Comprehensive Plan Section 7: Parks, Recreation and Open Space**

### **Goal 7.1**

***Plan, develop, maintain, and enhance recreation opportunities, scenic views, and open spaces to meet the needs of community members and visitors of all ages, abilities, cultures, and incomes and enhance their physical and mental health.***

### **Policies:**

**7.1.10 The City shall ensure that the Development Code contains provisions that require publicly accessible open space as a component of residential development and Master Plan developments.**

**Staff Finding:** The proposed text amendments will improve the language that enforces approval durations of Master Planned Developments, which are required to provide publicly accessible open space as a component of residential development. Staff finds the proposed text amendments comply with this policy.

## **Sisters Comprehensive Plan Section 8: Economy**

**Goal 8**

***Provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of the City's community.***

**Policies:**

**8.1 The City shall maintain and enhance the appearance and function of the Commercial Districts by providing a safe and aesthetically pleasing pedestrian environment, encouraging mixed use development and unique design using the City's Western Frontier Architectural Design Theme.**

***Staff Finding:*** The proposed text amendments will continue to allow architectural styles that are consistent to the applicable underlying zoning district. Staff finds the proposed text amendments comply with this policy.

...

**8.3 The City shall promote pedestrian scale developments in the commercial zones. Auto-oriented developments such as restaurants with drive-up windows will be discouraged, limited or prohibited in the Downtown area; in other areas, they shall be limited and managed to minimize their impacts.**

***Staff Finding:*** The proposed text amendments clarify the language of "auto-oriented uses" in the Downtown Commercial, Highway Commercial, and North Sisters Business Park Districts to align with the existing definition for "auto-dependent uses", which aids in the regulation of where auto-dependent uses are compatible and where pedestrian-oriented development remains a priority. Staff finds the proposed text amendments comply with this policy.

**Sisters Comprehensive Plan Section 9: Public Facilities**

**Goal 9**

***Plan and develop a timely, orderly, and efficient arrangement of water, wastewater, stormwater, transportation, and other public facilities to support the City's continued operation and future development.***

**Policies:**

**9.8 The City shall plan for all properties within the city limits to be able to be provided with water, sewer and transportation facilities; will support the provision of electrical, internet and phone utilities; and will plan for adequate public facilities to be provided to properties in the urban growth boundary.**

***Staff Finding:*** The proposed amendments will improve the language that enforces approval durations of Master Planned Developments, which are subject to ensuring developments are adequately served with water, sewer, transportation, power, and communication facilities and infrastructure. Staff finds the proposed text amendments comply with this policy.

**Sisters Comprehensive Plan Section 10: Transportation**

**Goal 10**

***To provide and encourage a safe, convenient, and economic transportation system.***

**Goal 4: Economic Vitality**

*Promote the development of the City, Region, and State economies through the efficient movement of people, goods, and services and through the distribution of information.*

**Policies:**

- C. Evaluate land development projects to determine possible adverse traffic impacts.**

**Staff Finding:** The proposed amendments will improve the language that enforces approval durations of Master Planned Developments, which are subject to traffic study assessments of new developments. Additionally, the proposed text amendment under Section 3.1 – Access and Circulation aids to clarify language of when additional transportation facilities are needed, such as a frontage street or alley. Staff finds the proposed text amendments comply with this policy.

**V. PUBLIC COMMENTS**

From the time of the formal initiation of this staff report to the time of publication of this staff report, no written public comments have been received. No oral testimony was received at the Planning Commission hearing held on August 17, 2023. The opportunity for oral testimony will be available at the public hearing before the City Council scheduled to be held on September 13, 2023.

Exhibit B

SISTERS DEVELOPMENT CODE TEXT AMENDMENTS

CHAPTER 1.2 – GENERAL ADMINISTRATION

[attached]

**DEVELOPMENT CODE AMENDMENTS  
CITY OF SISTERS DEVELOPMENT CODE  
CHAPTER 1.2 – GENERAL ADMINISTRATION**

New text shown in underline

Removed text shown in ~~strikethrough~~

**1.2.500 Pre-Existing Approvals**

A Legality of pre-existing approvals. Developments, including subdivisions, projects requiring development review or ~~site design review~~ Site Plan Review approval, or other development applications for which approvals were granted prior to the effective date of this Code, may occur pursuant to such approvals.

Exhibit C

SISTERS DEVELOPMENT CODE TEXT AMENDMENTS

CHAPTER 1.3 – DEFINITIONS

[attached]

**DEVELOPMENT CODE AMENDMENTS  
CITY OF SISTERS DEVELOPMENT CODE  
CHAPTER 1.3 – DEFINITIONS**

New text shown in underline

Removed text shown in ~~strikethrough~~

**1.3.300           Meaning of Specific Words and Terms**

As used in this Code, the following words and phrases mean:

**Gross acre(s)** - The calculation of a subject parcel or lot area that includes all buildable and unbuildable land such as streets, streams, slopes, open space, easements, other rights-of-ways and land that will be dedicated as right-of-way through the development process. It does not include land previously dedicated as right-of-way. (Similar definition: Density).

**Partition** – To divide ~~an area or tract of~~ land to create not more than into two or three parcels of land within a calendar year ~~when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year~~. See also ORS Chapter 92.

**Subdivision** – ~~The division of~~ To divide land to create four or more lots within a calendar year. See also ORS Chapter 92.

Exhibit D

SISTERS DEVELOPMENT CODE TEXT AMENDMENTS

CHAPTER 2.4 – DOWNTOWN COMMERCIAL DISTRICT

[attached]



**DEVELOPMENT CODE AMENDMENTS  
CITY OF SISTERS DEVELOPMENT CODE  
CHAPTER 2.4 – DOWNTOWN COMMERCIAL (DC) DISTRICT**

New text shown in underline

Removed text shown in ~~strikethrough~~

**2.4.300 Development Standards**

The following property development standards shall apply to all land, buildings and uses in the Downtown Commercial District. Setbacks and other development standards for stand-alone residential uses are found in Table 2.4.2.a

...

E. Design Standards. The design standards for buildings within the Downtown Commercial District are intended to promote pedestrian orientation rather than ~~auto-oriented~~ auto-dependent uses. Buildings in the Downtown Commercial zone, excluding standalone residential buildings, are subject to the following standards:

...

H. Outdoor Displays, Sales, and Dining. Outdoor display, sale of merchandise, and dining associated with the primary use is permitted and shall be limited to the private property of that primary use. Merchandise shall be limited to items such as cards, plants, floral products, food, books, newspapers, bicycles, and similar small items for sale or rental to pedestrians (i.e., ~~non-auto-oriented~~ non auto-dependent use). A minimum clearance of 4 feet shall be maintained at all times to allow pedestrians to pass by the displays, sales and dining areas. Display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, and similar vehicles and equipment is prohibited. This section does not include public art; see Special Provisions.

Exhibit E

SISTERS DEVELOPMENT CODE TEXT AMENDMENTS

CHAPTER 2.5 – HIGHWAY COMMERCIAL DISTRICT

[attached]

**DEVELOPMENT CODE AMENDMENTS  
CITY OF SISTERS DEVELOPMENT CODE  
CHAPTER 2.5 – HIGHWAY COMMERCIAL (HC) DISTRICT**

New text shown in underline

Removed text shown in ~~strikethrough~~

**2.5.100 Purpose**

The purpose of the Highway Commercial (HC) District is to provide areas suitable for commercial uses and services. However, the HC District is also intended to achieve the following objectives:

...

- Provide opportunities for ~~automobile-oriented~~ auto-dependent development

Exhibit F

SISTERS DEVELOPMENT CODE TEXT AMENDMENTS

CHAPTER 2.7 – PUBLIC FACILITY AND INSTITUTIONAL DISTRICT

[attached]

**DEVELOPMENT CODE AMENDMENTS  
CITY OF SISTERS DEVELOPMENT CODE  
CHAPTER 2.7 – PUBLIC FACILITY AND INSTITUTIONAL (PFI) DISTRICT**

New text shown in underline  
Removed text shown in ~~strikethrough~~

**2.7.200 Uses**

A. Permitted uses. Uses permitted in the Public ~~Facilities~~ Facility and Institutional District are listed in Table 2.7.1 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 Public Facility and Institutional District subject to special provisions for that particular use are listed in Table 2.7.1 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 Public ~~Facilities~~ Facility and Institutional District with approval of a conditional use permit are listed in Table 2.7.1 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.

**2.7.300 Development Standards**

The following property development standards shall apply to all land, buildings and uses in the Public Facility and Institutional District:

A. Lot Area, lot frontage, setbacks, lot coverage and building height. See Table 2.7.2.

<b>Table 2.7.2 Development Standards in the Public Facility <u>and Institutional</u> District</b>		
<b>Development Standard</b>	<b>Public Facilities District</b>	<b>Comments/Other Requirements</b>
Building height	35 feet maximum	Wireless communication facilities on T15 R10 S05 900, T15 R10 S06 103 and T15 R10 S09 1002 shall not exceed 120 feet height  School facilities such as gymnasiums or auditoriums may exceed 35 foot height with <del>Site Design</del> <u>Site Plan Review</u> approval.

B. Activities within enclosed building. All service, repair, processing or storage on property within the Public ~~Facilities~~ Facility and Institutional District that is abutting or across the street from a lot in a Residential District shall be conducted wholly within an enclosed building unless screened from the Residential District by a site-obscuring fence or wall.

C. Openings to buildings abutting a Residential District. Where buildings in the ~~PF~~ ~~PFI~~ District abut lots in the Residential Districts, openings to the buildings that face the Residential Districts shall be prohibited (e.g., doors and windows) if such openings would cause glare, excessive noise or similar conditions that would have an adverse affect on property in the Residential Districts.

D. Access points. Access points from a public road to a use or building in the ~~PF~~ ~~PFI~~ District shall be located to minimize traffic congestion and to avoid directing traffic onto streets of a primarily residential character.

E. Materials and grounds. All materials, including wastes, shall be stored and all grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents or create a health or fire hazard.

F. Building mass. Where buildings in the ~~PF~~ ~~PFI~~ District are accessible and open to the public and oriented to the public street, architectural features such as windows, pedestrian entrances, building off-sets, projections, detailing, a change in materials or similar features, shall be used to break up and articulate large building surfaces and volumes.

G. Pedestrian entrances. Recessed entries, canopies, and/or similar features shall be used at the main entries to buildings in the ~~PF~~ ~~PFI~~ District that are accessible and open to the public.

H. Parking and loading areas. Where the parking and loading area for a use in the ~~PF~~ ~~PFI~~ District is abutting or directly across the street from a Residential District, a minimum 10 foot front yard setback to the parking area shall be required. The parking and loading setback area shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property and to shield vehicle headlights.

Exhibit G

SISTERS DEVELOPMENT CODE TEXT AMENDMENTS

CHAPTER 2.11 – AIRPORT OVERLAY DISTRICT

[attached]

**DEVELOPMENT CODE AMENDMENTS  
CITY OF SISTERS DEVELOPMENT CODE  
CHAPTER 2.11 – AIRPORT OVERLAY DISTRICT (AO)**

New text shown in underline

Removed text shown in ~~strikethrough~~

**Sections:**

[2.11.100 Purpose](#)

[2.11.200 Compliance](#)

[2.11.300 Definitions](#)

[2.11.400 Permitted Uses](#)

[2.11.500 Prohibited Uses](#)

[2.11.600 Use and Development Limitations](#)

[2.11.700 ~~Non-Conforming~~ Non-Conforming Uses](#)

[2.11.800 Procedures](#)

[2.11.900 Variances](#)

**2.11.700 ~~Non-Conforming~~ Non-Conforming Uses**

(See also Chapter 5.2)

...

2. Notwithstanding the preceding provision of this section, the owner of any existing structure that has an adverse effect on air navigation as determined by Oregon ~~Aeronautics~~ Department of Aviation is hereby required to permit the installation, operation, and maintenance of obstruction markers as deemed necessary by the Oregon ~~Aeronautics~~ Department of Aviation. Certain objects and structures must be marked to make them more visible to pilots. The installation of any such markers will be based on the characteristics of the structure including location, size or height, shape, function and permanence in addition to effects on air navigation.

**2.11.800 Procedures**

(See also Chapter 4.1 for Applications and Review Procedures that are also applicable to this Overlay District.)

...

2. All applications requiring site plan approval within the Airport Imaginary Surfaces and noise corridors shall be submitted to the ~~Aeronautics section of the Oregon Department of Transportation for review~~ Oregon Department of Aviation. The Oregon ~~Aeronautics~~ Department of Aviation has 10 days from date of receipt of an application to review and return comments to the Planning Department.

**2.11.900 Variances**

(See also Chapter 5.1)

...

2. Application for Variance must be accompanied by a determination from ~~Oregon Aeronautics~~ Oregon Department of Aviation and the Federal Aviation Administration as to the effect of the proposal on the safe and efficient use of navigable airspace.



Exhibit H

SISTERS DEVELOPMENT CODE TEXT AMENDMENTS

CHAPTER 2.14 – NORTH SISTERS BUSINESS PARK DISTRICT

[attached]

**DEVELOPMENT CODE AMENDMENTS  
CITY OF SISTERS DEVELOPMENT CODE  
CHAPTER 2.14 – NORTH SISTERS BUSINESS PARK (NSBP) DISTRICT**

New text shown in underline  
Removed text shown in ~~strikethrough~~

**2.14.300 Uses**

All uses within the North Sisters Business Park District are subject to the requirements of the Airport Overlay District as outlined in Chapter 2.11 of the Sisters Development Code as applicable.

<b>Land Use Category</b>	<b>Permitted/Special Provisions/Conditional Use</b>
<b>Commercial (Retail Trade)</b>	
<del>Automobile-oriented</del> <u>Auto-dependent</u> uses excluding drive-up/in/through uses, body shops, and paint shops	P/See Section 2.14.1000
<b>Commercial (Personal Services)</b>	
<del>Automobile-oriented</del> <u>Auto-dependent</u> uses excluding drive-up/in/through uses, body shops, and paint shops	P/See Section 2.14.1000
<b>Light Industrial</b>	
<del>Automobile-oriented</del> <u>Auto-dependent</u> uses excluding drive-up/in/through uses	P/See Section 2.14.1000

**2.14.1000 Special Standards for Certain Uses**

B. Light Industrial and Commercial Uses

...

1. Impacts disclosure for mixed-use loft apartment buildings. The following requirements apply to all new, remodeled, or enlarged uses occurring on lots or in structures containing loft apartments.

...

d. Changes of use shall require ~~Site Design Review~~ Site Plan Review per Chapter 4.2, if applicable.

2. ~~Auto-oriented~~ Auto-dependent uses. All ~~auto-oriented~~ auto-dependent uses shall meet the following guidelines:

Exhibit I

SISTERS DEVELOPMENT CODE TEXT AMENDMENTS

CHAPTER 2.15 – SPECIAL PROVISIONS

[attached]

**DEVELOPMENT CODE AMENDMENTS  
CITY OF SISTERS DEVELOPMENT CODE  
CHAPTER 2.15 - SPECIAL PROVISIONS**

New text shown in underline

Removed text shown in ~~strikethrough~~

**2.15.1000 Manufactured Dwelling Parks**

A manufactured dwelling park shall be developed to state standards in effect at the time of construction and the following special use standards:

...

M. Traffic safety. In instances where a manufactured dwelling park is sited on a parcel larger than 10 acres, access via a collector street may be required, and additional requirements for traffic safety may be imposed. These elements will be addressed during ~~Site Design Review~~ Site Plan Review or Development Review.

**2.15.1100 Residential Care Homes and Facilities**

Residential care homes and facilities as defined shall comply with the following special use standards, consistent with ORS.

...

B. ~~Site Design Plan Review~~. ~~Site Design Review~~ Site Plan Review shall be required for new structures or conversion of existing structures to be used for residential care facilities, to ensure compliance with the licensing, parking and other requirements of this Code. Residential care homes are exempt from this requirement.

**2.15.1600 Drive-Through Facilities**

It is the City of Sisters intent and policy to promote and encourage pedestrian use of the city. Many events are held within the City of Sisters that are predominately pedestrian based. It is the City's intent to support these events, future events, the 1880's theme, and resident use of the city by promoting pedestrian safety. To that end, the standards for drive-through facilities are intended to:

C. Setbacks and landscaping. All drive-through facilities must provide the setbacks and landscaping stated below.

...

2. Service areas and stacking lanes must be set back a minimum of 10 feet from all lot lines which abut non-Residential Districts. The 10-foot setback area must be landscaped with 40 or more evergreen shrubs per 100 lineal feet, with the balance of the buffer area devoted to ground cover. A wall or fence may also be required as a condition of ~~site design review~~ Site Plan Review for screening or noise protection.

**2.15.1700 Recreational Vehicle (RV) Parks/Campgrounds**

A recreational vehicle (RV) park shall conform to state standards in effect at the time of construction and the following special use standards:

...

H. Perimeter strip. The recreational vehicle park shall set aside along the perimeter of the park a minimum ten foot strip which shall be sight obscuring landscaping and used for no other purpose. Additional area for landscaping may be required through the ~~Site Design Review~~ Site Plan Review process.

## **2.15.1900 Temporary Uses**

### **C. Permit Approval**

#### **1. Approval Criteria**

A temporary use permit (TUP) may be authorized by the Community Development Director or his/her designee; provided, that the applicant demonstrates that the proposed use:

...

- f. Temporary uses are prohibited from locating and/or operating:
  - i. In, on, about, and/or within 126 feet of Cascade Avenue (or any portion thereof) between Pine Street and Locust Street.

For purposes of this subsection, “within 126 feet” means a straight-line measurement in a radius extending for 126 feet or less in every direction as measured from any point on the boundaries of the portion of the East U.S. Highway 20/OR-126/Cascade Avenue right-of-way commencing at the centerline of South Locust Street (at the intersection with East U.S. Highway 20/OR-126) and continuing along East U.S. Highway 20/OR-126, East Cascade Avenue, and West Cascade Avenue and ending at the centerline of Pine Street; “within 15 feet” means a straight-line measurement in a radius extending for 15 feet or less in every direction as measured from any point of the stream bank of ~~Wychus~~ Whychus Creek in city.

## **2.15.2600 Western Frontier Architectural Design Theme**

...

B. Applicability. The Western Frontier Architectural Design Theme applies to all new, reconstructed or remodeled uses in all Commercial Districts, except for the Sun Ranch Tourist Commercial District (see 2.12.110). Each proposed development is required to complete land use review process subject to the following standards. All designs must comply with all applicable Building and Fire Codes.

## **2.15.2700 Short-Term Rentals**

A. Purpose; Applicability. The purpose of this section is to protect the character of the City’s residential neighborhoods by limiting and regulating short-term rental of dwelling units. The provisions contained in this Section 2.15.2700 apply to all lawfully established short-term rentals within the City. No person shall establish, maintain, advertise, offer, rent, occupy, use, operate or manage, nor offer or negotiate to use, lease, or rent, a dwelling unit for short-term rental occupancy without first applying for and obtaining a short-term rental permit in accordance with this Section 2.15.2700 or satisfying the legal ~~nonconforming~~ non-conforming use requirements under subsection (J) of this section. A separate land use approval is required for each dwelling unit proposed for use as a short-term rental.

...

E. Concentration Limits.

1. A short-term rental cannot be approved on a property within 250 feet of another property zoned R, MFR, SRR, UAR, and NSBP that has a valid short-term rental approval or is a legal ~~nonconforming~~ non-conforming use approved under subsection (J) of this section.

...

J. Prior Existing Use.

1. Existing Type I Permits. Any short-term rental approved and legally permitted under the former 2013 SDC 2.15.2700 may continue as a legal ~~nonconforming~~ non-conforming use provided:

- a. That the use is not abandoned under subsection (H) of this section; and
- b. That the owner obtains and maintains the operating license in accordance with SMC Chapter 5.50.
- c. The owner has the burden of establishing a valid prior approval and continuous operation when applying for an operating license or operating license renewal.

2. Legal ~~Nonconforming~~ Non-Conforming Uses. Any short-term rental that was lawfully established prior to February 1, 2013, when the initial short-term rental regulations were adopted, and has been lawfully and continually operating since that time, may continue as a legal ~~nonconforming~~ non-conforming use provided:

- a. The non-conforming use is verified through a declaratory ruling in accordance with SDC Chapter 4.9.
- b. That the use is not abandoned under subsection (H) of this section; and
- c. The owner obtains and maintains an operating license in accordance with SMC Chapter 5.50.

Exhibit J

SISTERS DEVELOPMENT CODE TEXT AMENDMENTS

CHAPTER 3.0 – DESIGN STANDARDS ADMINISTRATION

[attached]

**DEVELOPMENT CODE AMENDMENTS  
CITY OF SISTERS DEVELOPMENT CODE  
CHAPTER 3.0 – DESIGN STANDARDS ADMINISTRATION**

New text shown in underline

Removed text shown in ~~strikethrough~~

**3.0.100 Applicability**

All developments within the City must comply with the provisions of Chapters 3.1 through 3.4. Some developments, such as major projects requiring land division and/or ~~site design review~~ Site Plan Review approval, may require detailed findings demonstrating compliance with each chapter of the code. For smaller, less complex projects, fewer code provisions may apply. Though some projects will not require land use or development permit approval, they are still required to comply with the provisions of this Chapter.



Exhibit K

SISTERS DEVELOPMENT CODE TEXT AMENDMENTS

CHAPTER 3.1 – ACCESS AND CIRCULATION

[attached]

**DEVELOPMENT CODE AMENDMENTS  
CITY OF SISTERS DEVELOPMENT CODE  
CHAPTER 3.1 – ACCESS AND CIRCULATION**

New text shown in underline

Removed text shown in ~~strikethrough~~

**3.1.300 Vehicular Access and Circulation**

...

F. Surface Options. ~~Required~~ Provided driveway, aprons, parking areas, aisles, and turn-arounds shall be paved with asphalt, concrete or comparable durable surfacing, subject to review and approval by the Community Development Director. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.

...

I. Access Standards

5. Shared Driveways on Arterial Streets. The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or ~~site design review~~ Site Plan Review, as applicable, for traffic safety and access management purposes in accordance with the following standards...

6. Frontage Streets and Alleys. The ~~hearing body for a design review decision maker for Site Plan Review~~ or subdivision may require construction of a frontage street or alley to provide access to properties fronting an arterial or collector street.

Exhibit L

SISTERS DEVELOPMENT CODE TEXT AMENDMENTS

CHAPTER 3.2 – LANDSCAPING AND SCREENING

[attached]

**DEVELOPMENT CODE AMENDMENTS  
CITY OF SISTERS DEVELOPMENT CODE  
CHAPTER 3.2 – LANDSCAPING AND SCREENING**

New text shown in underline

Removed text shown in ~~strikethrough~~

**Sections:**

- [3.2.100 Purpose](#)
- [3.2.200 Landscape Requirements](#)
- [3.2.300 Screening, Fences, and Walls](#)
- [3.2.400 ~~Nonconforming~~ Non-Conforming](#)
- [3.2.500 Existing Trees](#)
- [3.2.600 Street Trees](#)
- [3.2.700 Repealed](#)

**3.2.200 Landscape Requirements**

A. Requirements by Zone. In the following designated districts, not less than the stipulated percent of gross site area shall be occupied by landscaping.

1. Residential (R), twenty (20%) percent.
2. Residential Multiple Family (RMF), twenty (20%) percent.
3. Downtown Commercial (DC), ten (10%) percent.
4. Highway Commercial (HC), ten (10%) percent.
5. Light Industrial (LI), five (5%) percent.
6. Public Facility and Institutional (PFI), ten (10%) percent
7. Open Space (OS), twenty-five (25%) percent
8. North Sisters Business Park Sub-district (NSBP), twenty (20%) percent
9. Sun Ranch Tourist Commercial (TC), ten (10%) percent
10. Sun Ranch Residential (SRR), twenty (20%) percent
- ~~11. Floodplain (FP), thirty (30%) percent~~

**3.2.400 ~~Nonconforming~~ Non-Conforming**

For sites that do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building or parking lot expands, e.g. if the building or parking lot area is to expand by twenty-five percent (25%), then twenty-five percent (25%) of the site must be brought up to the standards required by this ordinance.

### **3.2.600 Street Trees**

Street trees shall be planted for all developments that are subject to Land Division or ~~Site Design Review~~ Site Plan Review. Planting on unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

Exhibit M

SISTERS DEVELOPMENT CODE TEXT AMENDMENTS

CHAPTER 3.4 – SIGNS

[attached]

**DEVELOPMENT CODE AMENDMENTS  
CITY OF SISTERS DEVELOPMENT CODE  
CHAPTER 3.4 – SIGNS**

New text shown in underline

Removed text shown in ~~strikethrough~~

**3.4.1300 Non-Conforming, Illegal and Abandoned Signs**

- A. A ~~nonconforming~~ non-conforming sign shall not be replaced, altered, reconstructed, relocated or expanded in any manner unless it is made to conform with all the provisions of this article except as follow:
1. Other ~~nonconforming~~ non-conforming signs on the same property need not be made to conform as a result; however, they are encouraged to comply.
  2. Change in copy shall be permitted if no structural changes in the sign are necessary except that no change in copy shall be permitted for ~~nonconforming~~ non-conforming painted wall signs.
  3. Ordinary maintenance and minor repairs which will not increase the normal life of the sign and which are required for safety purposes shall be permitted. Structural alterations to a ~~nonconforming~~ non-conforming sign are prohibited unless they are made to conform to all requirements of the Development Code.
- B. If the use identified by a ~~nonconforming~~ non-conforming sign is abandoned for a period of not less than ninety (90) days, the sign shall be removed unless it is made to conform to the provisions of this Section. If such sign is not made to conform or if it is not removed within one hundred twenty (120) days from the time the use is abandoned, it shall thereafter be unlawful. "Abandoned" shall mean cessation of operation or change of use. "Abandoned" shall not mean an ownership change or a name change as long as there is no cessation of the operation for longer than ninety (90) days and the use is not changed.

Exhibit N

SISTERS DEVELOPMENT CODE TEXT AMENDMENTS

CHAPTER 4.1 – TYPES OF APPLICATIONS AND REVIEW PROCEDURES

[attached]



**DEVELOPMENT CODE AMENDMENTS  
CITY OF SISTERS DEVELOPMENT CODE  
CHAPTER 4.1 – TYPES OF APPLICATIONS AND REVIEW PROCEDURES**

New text shown in underline  
Removed text shown in ~~strikethrough~~

**4.1.200 Description of Permit/Decision-Making Procedures**

<b>Table 4.1.200 Summary of Development Decisions/Permit by Type of Decision-making Procedure</b>		
<b>Action</b>	<b>Decision Type</b>	<b>Applicable Regulations</b>
Appeals	Type II/III/IV	Chapter <u>4.1</u> – Must be filed no later than <del>5 p.m.</del> <u>4:30 p.m.</u> on the fourteenth calendar day following mailing of the decision
<u>Eligible Facilities Request for a Modification of an Existing Tower or Base Station</u>	<u>Type I</u>	<u>Chapter 2.15</u>

**4.1.400 Type II Procedure (Administrative)**

...

**D. Notice of Decision.**

1. Within five days after the Community Development Director or designee signs the decision, a Notice of Decision shall be posted on the property and sent by mail unless stated otherwise to:

- ~~a.~~ ~~Any person who submits a written request to receive notice, or provides comments during the application review period;~~
- ~~b.~~ a. The applicant and all owners or contract purchasers of record of the site which is the subject of the application;
- ~~c.~~ b. Any person who submits a written request to receive notice, or provides comments during the application review period;
- ~~d.~~ c. Any City recognized neighborhood group or association whose boundaries include the site;
- ~~e.~~ d. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies which were notified or provided comments during the application review period.
- ~~f.~~ e. Planning Commission shall be noticed by email.

#### 4.1.500 Type III Procedure (Quasi-Judicial)

A. Application requirements. See 4.1.700.

B. Notice of Hearing.

Notice of a Type III hearing shall be given by the Community Development Director or designee in the following manner:

1. Mailed notice. ~~Notice of a Type III hearing shall be given by the Community Development Director or designee in the following manner:~~

a. At least 14 calendar days before the hearing date, notice shall be mailed to:

1. The applicant and all owners or contract purchasers of record of the property which is the subject of the application;
2. All property owners of record within 250 feet of the property line of the site;
3. Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175;
4. Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;
5. Any person who submits a written request to receive notice;
6. For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

b. The Community Development Director or designee shall have an affidavit of notice mailing be prepared and made a part of the file. The affidavit shall state the date that the notice was ~~posted on the property and~~ mailed to the persons who must receive notice;

2. Published notice.

At least 14 calendar days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record;

3. Posted notice.

At least 14 calendar days before the hearing, the applicant shall post notice of the hearing on the property. The applicant shall prepare and submit an affidavit of posting of the notice which shall be made part of the administrative record.

~~2-4.~~ Content of Notice. Notice of appeal of a Type II Administrative decision or a Type III hearing to be mailed, posted and published per ~~Subsection 4~~ Subsections 1, 2, and 3 above shall contain the following information:

#### 4.1.700 General Provisions

A. Application Requirements.

Acceptance of any application is subject to Section ~~4.4.800~~ 1.4.700(E)(3)(a). All applications shall:

...

E. Applications.

4. Changes or additions to the application during the review period. Once an application is deemed complete:

...

d. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the City shall take one of the following actions:

...

2. Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day rule (~~Section A~~ Section B, above) on the existing application. If the applicant does not consent, the City shall not select this option;

...

H. Review by Planning Commission and City Council.

1. All Type II Decisions shall be emailed to Planning Commission members on the date the Decision is mailed to the applicant. Three or more members of the Planning Commission may initiate review of a Type II decision.

2. All Decisions (Type II and III) approved by the Planning Commission shall be emailed to City Council members on the date the Decision is mailed to the applicant. Two or more members of the City Council may initiate review of a Type III Decision.

3. The review shall be initiated in writing and delivered to the Community Development Department no later than ~~5 p.m.~~ 4:30 p.m. on the 14 calendar days following the date of the mailing of the final written decision to the applicant.

4. Review shall be conducted in the same manner provided for in appeals, except that an appeal fee shall not be required.

**4.1.800 Appeals**

D. Initiation of Appeal

A decision of a review authority pursuant to Chapter 4 shall be appealed by a party with standing within the time limits prescribed. The filing of a Notice of Appeal shall be accompanied by the fee prescribed by Resolution of the City Council. Except as otherwise required, the notice of appeal and appeal fee must be received by the Community Development Department no later than ~~5 p.m.~~ 4:30 p.m. on the fourteenth calendar day following mailing of the decision. Notices of Appeals may not be filed by facsimile machine. The Notice of Appeal shall be submitted upon the form provided by the Community Development Department, shall include any such information as listed on the application submittal checklist and shall contain the following:

Exhibit O

SISTERS DEVELOPMENT CODE TEXT AMENDMENTS

CHAPTER 4.4 – CONDITIONAL USE PERMITS

[attached]

**DEVELOPMENT CODE AMENDMENTS  
CITY OF SISTERS DEVELOPMENT CODE  
CHAPTER 4.4 – CONDITIONAL USE PERMITS**

New text shown in underline

Removed text shown in ~~strikethrough~~

**4.4.400 Conditional Use Permit Approval Criteria**

Approval Criteria. The Planning Commission (Conditional Use Permit) or Community Development Director or designee (Minor Conditional Use Permit) shall determine whether or not the establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood or the general welfare of the City. The City shall approve, approve with conditions, or deny an application for a Minor Conditional Use Permit or Conditional Use Permit based on the following criteria:

- ...
- D. The criteria for Site ~~Design~~ Plan Review approval (4.2.500) shall be met.

Exhibit P

SISTERS DEVELOPMENT CODE TEXT AMENDMENTS

CHAPTER 4.5 – MASTER PLANNED DEVELOPMENTS

[attached]

**DEVELOPMENT CODE AMENDMENTS  
CITY OF SISTERS DEVELOPMENT CODE  
CHAPTER 4.5 – MASTER PLANNED DEVELOPMENTS**

New text shown in underline

Removed text shown in ~~strikethrough~~

**4.5.800 Approval Durations, Extensions and Amendments**

A. Master Plan Approval Duration. The Master Plan approved by the Planning Commission shall expire three (3) years from the date on which the decision is final if the approval has not been initiated. The Community Development Director shall determine whether the approval has been initiated based on whether significant infrastructure improvements have been completed as of the date the approval expires. Such a determination will be made through either a Type II decision or a Type III decision before the Planning Commission at the discretion of the Community Development Director. Significant infrastructure includes but is not limited to site grading, streets, water, sewer, power and communications services construction sufficient in terms of time, labor, and/or money to demonstrate a good faith effort to complete the development or as otherwise specified as a condition of approval.

Exhibit Q

SISTERS DEVELOPMENT CODE TEXT AMENDMENTS

CHAPTER 4.6 – COTTAGE DEVELOPMENTS

[attached]



**DEVELOPMENT CODE AMENDMENTS  
CITY OF SISTERS DEVELOPMENT CODE  
CHAPTER 4.6 – COTTAGE DEVELOPMENTS**

New text shown in underline

Removed text shown in ~~strikethrough~~

**4.6.100 Cottage Developments**

...

**B. Applicability and Permitted Uses.**

4. On a lot to be used for a cottage housing development, existing detached single-family residential structures, which may be ~~nonconforming~~ non-conforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such ~~nonconforming~~ non-conforming dwelling units shall be included in the maximum permitted cottage density.

Exhibit R

SISTERS DEVELOPMENT CODE TEXT AMENDMENTS

CHAPTER 4.9 – DECLARATORY RULING

[attached]

**DEVELOPMENT CODE AMENDMENTS  
CITY OF SISTERS DEVELOPMENT CODE  
CHAPTER 4.9 – DECLARATORY RULING**

New text shown in underline

Removed text shown in ~~strikethrough~~

**4.9.100 Availability of Declaratory Ruling**

- A. Subject to the other provisions of this section, there shall be available for the City's Comprehensive Plan and this code a process for:
- ...
  - 5. Determining the validity and scope of a ~~nonconforming~~ non-conforming use;  
and

Exhibit S

SISTERS DEVELOPMENT CODE TEXT AMENDMENTS

CHAPTER 5.2 – NON-CONFORMING USES AND STRUCTURES

[attached]

**DEVELOPMENT CODE AMENDMENTS  
CITY OF SISTERS DEVELOPMENT CODE  
CHAPTER 5.2 – NON-CONFORMING USES AND STRUCTURES**

New text shown in underline

Removed text shown in ~~strikethrough~~

**Sections:**

[5.2.100 Purpose](#)

[5.2.200 ~~Nonconforming Non-Conforming Use~~](#)

[5.2.300 ~~Nonconforming Non-Conforming Structure~~](#)

[5.2.400 Restoration – Damaged Buildings](#)

[5.2.500 Off-Street Parking and ~~Non-conforming Non-Conforming Structures~~](#)

[5.2.600 Change to Permitted Use](#)

**5.2.200 ~~Nonconforming Non-Conforming Use~~**

A use that was legally allowed when established, but which is no longer permitted in the zone in which it is located, or a use that was legally established in one zone and rezoned to another zone that permits that use conditionally, but hasn't received conditional use permit approval, may continue so long as it complies with all of the following requirements:

A. Expansion. A ~~nonconforming non-conforming~~ use shall not be expanded or moved to occupy a different or greater area of land, building, or structures than the use occupied at the time it became ~~nonconforming non-conforming~~.

B. A ~~nonconforming non-conforming~~ use may be replaced with another use even though the building or site does not meet the standards of this Code. However, such substitution is to occur only when the new use is designated as permitted or conditionally permitted for the zone in which the property is located.

C. Discontinuance. If a ~~nonconforming non-conforming~~ use is discontinued for any reason for more than twelve (12) consecutive months, any subsequent use shall conform to all of the regulations of the subject zone. For purposes of calculating the twelve (12) month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:

1. On the date when the use of land is physically vacated;
2. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
3. On the date of termination of any lease or contract under which the ~~nonconforming non-conforming~~ use has occupied the land; or
4. On the date a request for final reading of water and power meters is made to the applicable utility districts. [Ord. 528 § 4 (Exh. L), 2023].

**5.2.300 ~~Nonconforming Non-Conforming Structure~~**

A. Continuation. A ~~nonconforming non-conforming~~ structure that was allowed when established, but is no longer permitted in the subject zone because it does not conform

to the existing height, setback, coverage, or other requirements, may continue so long as it complies with all of the following requirements:

1. The structure is not enlarged, moved, or altered in a way that increases its nonconformity; however, the structure may be altered to decrease in nonconformity.
2. If a ~~nonconforming~~ non-conforming structure is moved, it must conform to the standards of the zone to which it is moved.
3. Residential Dwelling Units in the Downtown Commercial (DC) District
  - a. Expansions
    - i. Single-family detached dwelling units may expand up to 50% of the existing habitable square footage.
    - ii. 2 to 4 units may expand up to 35% of the existing habitable square footage.
    - iii. 5 or more units may expand up to 25% of the existing ~~habitable~~ habitable square footage.
  - b. Garages may be permitted and do not count towards the allowable square footage.
  - c. All expansions shall comply with one of the following options;
    - i. The setbacks in the Multi-Family Residential Table 2.3.1; or,
    - ii. The setbacks in the Downtown Commercial District and the Western Frontier Architectural Design Theme.
  - d. An expansion of no more than five hundred (500) square feet of gross floor area is permitted outright. An expansion greater than five hundred (500) square feet of gross floor area shall be processed with a Minor Conditional Use Permit and Site Plan Review.

B. Maintenance and Repair. Ordinary maintenance and repair is permitted on any structure or portion of any ~~nonconforming~~ non-conforming structure when:

1. The proposed maintenance and repair is required to keep the building or structure in sound condition, provided however, that no structural alterations shall be made except those required by the Building Official.
2. The proposed maintenance or repair does not enlarge, move, or alter the structure in a way that increases its nonconformity.
3. The proposed maintenance or repair is not prohibited on the deed.

C. Flood Hazard Areas. The provisions of this Section shall not relieve owners of property within mapped special flood hazard areas from complying with the flood hazard zoning provisions of Chapter 2.10 Special Flood Hazard Area Overlay District of this Code.

#### **5.2.400 Restoration – Damaged Buildings**

If a ~~nonconforming~~ non-conforming structure is damaged by any means, the structure may only be reconstructed or replaced to its pre-damage ~~nonconforming~~ non-conforming state and the occupancy or use of such structure may be continued or resumed, provided such restoration is started within a period of one (1) year and is diligently pursued to completion. Otherwise, the structure shall be reconstructed in accordance with the provisions of this ordinance.

#### **5.2.500 Off-Street Parking and ~~Non-conforming~~ Non-Conforming Structures**

No building as it exists at the time of the effective date of this Development Code shall be deemed to be non-conforming solely by reason of the lack of off-street parking spaces, provided that any portion of the premises being used for off-street parking in connection with any such building shall not be reduced below the requirements of the parking chapter.

#### **5.2.600 Change to Permitted Use**

When a ~~nonconforming~~ non-conforming use is changed to a permitted use and additional parking is required, the additional parking spaces shall be provided in accordance with the provisions of Chapter 3.3. However, the number of additional spaces shall be computed only to the extent of the enlargement or additional requirement, regardless of whether or not the number of previously existing spaces satisfies the requirements of this chapter.



**Meeting Date:** September 13, 2023

**Type:** Regular Meeting

**Subject:** Central Oregon Intergovernmental Council (COIC) and City of Sisters State Transportation Improvement Fund (STIF) Reimbursement Agreement

**Staff:** Bertagna

**Dept:** Public Works

---

**Action Requested:** Discussion and consideration of a motion to approve a 2023 STIF reimbursement agreement between the City of Sisters and COIC in an amount not to exceed \$978,750.00 for the design and construction of the Phase I East Portal Mobility Hub Improvements and authorize the City Manager to execute the agreement.

---

**Summary Points:**

- The STIF program was established through House Bill 2017 to provide funding for maintaining and expanding public transportation for all users. The City applied for \$1,175,000 in STIF funding for the design and construction for Phase I of the East Portal Mobility Hub and was successfully awarded \$978,550 through the 2023-2025 funding cycle.
- Phase I improvements include constructing the new access to Hood Avenue, the large parking lot, loading island, bus route, exterior multi-use paths and EV ready parking on Cascade Ave. The cost estimate for this work is \$1,154,000 (w/o contingencies). We also applied for a Carbon Reduction grant to construct the EV electrical infrastructure in Phase I and to develop the covered EV charging stations. Depending on the grant request results, additional funding may be necessary to complete the Phase I improvements.
- This agreement defines the roles and responsibilities of the Parties regarding the reimbursement of qualified city expenses related to the design and construction of the Phase I East Portal Mobility Hub improvements using STIF dollars passed through COIC.
- COIC will reimburse the City on a quarterly basis upon approval of an invoice and supporting documentation. The reimbursement limits are \$225,000 for design and planning expenses and \$753,750 is available for the construction of the Phase I improvements.
- The maximum compensation under this agreement is \$978,750 and the work must be completed by June 30, 2025.
- **Financial Impact:** The \$978,750 in STIF funds do not require a local match but staff will need to provide a Supplemental Budget to Council for approval to authorize the expenses prior to reimbursement.

---

**Attachments:** Reimbursement Agreement



**COIC AND CITY OF SISTERS  
STIF REIMBURSEMENT AGREEMENT**

This STIF Reimbursement Agreement (“Agreement”) is between Central Oregon Intergovernmental Council, an entity organized under ORS Chapter 190 (“COIC”) and City of Sister’s (“City”). The parties agree as follows:

**Effective Date and Termination Date.** The effective date of this Agreement is July 1, 2023. Unless extended or terminated earlier in accordance with its terms, this Agreement shall terminate on the sooner to occur of the following: (i) COIC accepts City's completed performance of the work and has made all required reimbursements to City or (ii) June 30, 2025. Termination shall not extinguish or prejudice either party’s right to enforce this Agreement with respect to any uncured defaults or payment for amounts accrued prior to termination.

**Statement of Work.** City shall perform the work described in Exhibit A.

**Payment for Work.** COIC agrees to pay City in accordance with Exhibit A.

**STANDARD TERMS AND CONDITIONS**

1. **Time is of the Essence.** Time is of the essence in the performance of this Agreement.
2. **Compensation.** Payment for all work performed under this Agreement shall be made in the amounts and manner set forth in Exhibit A.
3. **Delegation, Subcontractors and Assignment.** City, at City’s discretion, may retain third party consultants and contractors to perform all or any portion of the work. Neither party may assign its rights under this Agreement without the consent of the other party.
4. **No Third Party Beneficiaries.**
  - a. COIC and City are the only parties to this Agreement and are the only parties entitled to enforce its terms.
  - b. Nothing in this Agreement gives or provides any benefit or right, whether directly, indirectly, or otherwise, to third persons unless such third persons are individually identified by name in this Agreement and expressly described as intended beneficiaries of this Agreement.
5. **Successors in Interest.** The provisions of this Agreement shall be binding upon and inure to the benefit of the parties and their successors and approved assigns, if any.
6. **Early Termination.** This Agreement may be terminated as follows:
  - a. Mutual Consent. COIC and City, by mutual written agreement, may terminate this Agreement at any time.
  - b. Party’s Convenience. COIC or City may terminate this Agreement for any reason upon 30 calendar days written notice to the other party.
  - c. For Cause. COIC may also terminate this Agreement effective upon delivery of written notice to the City, or at such later date as may be established by COIC, under any of the following conditions:
    - 1) If any license or certificate required by law or regulation to be held by the City to perform the work required by this Agreement is for any reason denied, revoked, suspended, not renewed or changed in such a way that City no longer meets requirements for such license or certificate.
  - d. City Default or Breach. COIC, by written notice to the City, may immediately terminate the whole or any part of this Agreement under any of the following conditions:
    - 1) If the City fails to complete the Work called for by this Agreement within the time specified or any extension thereof.

- 2) If the City fails to perform any of the other requirements of this Agreement or so fails to pursue the work so as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from COIC specifying such failure, the City fails to correct such failure within 10 calendar days or such other period as COIC may authorize.
- 3) City institutes or has instituted against it insolvency, receivership or bankruptcy proceedings, makes an assignment for the benefit of creditors, or ceases doing business on a regular basis.

e. COIC Default or Breach.

- 1) City may terminate this Agreement in the event of a breach of this Agreement by COIC. Prior to such termination, the City shall give COIC written notice of the breach and intent to terminate.
- 2) If COIC has not entirely cured the breach within 10 calendar days after the date of the notice, then City may terminate this Agreement at any time thereafter by giving notice of termination.

7. **Financial Considerations on Early Termination.** Upon termination pursuant to paragraph 6, payment shall be made as follows:

- a. If this Agreement is terminated or expires, COIC's obligations shall be limited to reimbursement for the portion of the work completed in accordance with this Agreement as of the date of termination or expiration, less or together with (as applicable) any damages suffered by any non-defaulting party.

8. **Remedies.** In the event of breach of this Agreement, the parties shall have the following remedies:

- a. Termination under subparagraphs 6a. through 6b. of this Agreement shall be without prejudice to any obligations or liabilities of either party already reasonably incurred prior to such termination.
  - 1) City may not incur obligations or liabilities after City receives written notice of termination except as necessary for protection of the partially completed work.
  - 2) Additionally, neither party shall be liable for any indirect, incidental, consequential or special damages under this Agreement or for any damages of any sort arising solely from the termination of this Agreement in accordance with its terms.
- b. If terminated under subparagraph 6c. or 6d. of this Agreement by COIC due to a breach by the City, COIC may pursue any remedies available at law or in equity. Such remedies may include, but are not limited to, termination of this Agreement, return of all or a portion of this Agreement amount.
- c. If terminated under subparagraph 6e. of this Agreement by City due to a breach by the COIC, City may pursue any remedies available at law or in equity.
- d. If amounts previously paid to City exceed the amount due to City under this Agreement, City shall repay any excess to COIC.
- e. Neither COIC nor City shall be held responsible for delay or default caused by fire, civil unrest, labor unrest, riot, unusual weather, acts of God, or war where such cause was beyond reasonable control of COIC or City, respectively; however, City shall make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon the cessation of the cause, diligently pursue performance of its obligations under this Agreement. For any delay in performance as a result of the events described in this subparagraph, City shall be entitled to additional reasonable time for performance that shall be set forth in an amendment to this Agreement.
- e. The passage of this Agreement's expiration date shall not extinguish or prejudice COIC's or City's right to enforce this Agreement with respect to any default or defect in performance that has not been cured.
- f. All remedies are cumulative to the extent the remedies are not inconsistent, and a party may pursue any remedy or remedies singly, collectively, successively or in any order whatsoever.

9. **City's Tender upon Termination.** Upon receiving a notice of termination of this Agreement, City shall immediately cease all activities under this Agreement except as necessary for the protection of the work then completed or unless COIC expressly directs otherwise in such notice of termination.

- a. Upon termination of this Agreement, City shall deliver to COIC all documents, information, works-in-

progress and other property that are or would be deliverables had this Agreement been completed.

- b. Upon COIC's request, City shall surrender to anyone COIC designates, all documents, research, objects or other tangible things needed to complete the work.

#### **10. Work Standard.**

- a. City shall be solely responsible for and shall have control over the means, methods, techniques, sequences and procedures of performing the work, subject to the requirements of this Agreement and shall be solely responsible for the errors and omissions of its employees, subcontractors and agents.
- b. For goods and services to be provided under this Agreement, City agrees to:
  - 1) perform the work in a good, workmanlike, and timely manner using the schedule, materials, plans and specifications approved by COIC;
  - 2) comply with all applicable legal requirements;
  - 3) comply with all programs, directives, and instructions of COIC relating to safety, storage of equipment or materials;
  - 4) take all reasonable precautions to protect the safety of all persons at or near COIC or City's facilities, including employees of City, COIC and any other consultants and subcontractors and to protect the work and all other property against damage.

**11. Insurance.** City shall obtain and maintain insurance in accordance with Exhibit B attached hereto and incorporated by reference herein.

#### **12. Expense Reimbursement.**

- a. COIC shall only reimburse City for expenses reasonably and necessarily incurred in the performance of this Agreement.
- b. Expenses reimbursed shall be at the actual cost incurred; including any taxes paid, and shall not include any mark-up unless the mark-up on expenses is specifically agreed to in this Agreement.
- c. The cost of any subcontractor work approved in this Agreement shall not be marked up.
- d. The limitations applicable to reimbursable expenses are set forth in Exhibit "A," attached hereto and by reference incorporated herein.

**13. Reports.** City shall provide COIC with periodic reports at the frequency and with the information prescribed by COIC. Further, at any time, COIC has the right to demand adequate assurances that the services provided by City shall be in accordance with the Agreement. Such assurances provided by City shall be supported by documentation in City's possession from third parties.

**14. Access to Records.** City shall maintain fiscal records and all other records pertinent to this Agreement.

- a. All fiscal records shall be maintained pursuant to generally accepted accounting standards, and other records shall be maintained to the extent necessary to clearly reflect actions taken.
  - 1) All records shall be retained and kept accessible for at least three years following payment made under this Agreement or all pending matters are closed, whichever is later.
  - 2) If an audit, litigation or other action involving this Agreement is started before the end of the three year period, the records shall be retained until all issues arising out of the action are resolved or until the end of the three year period, whichever is later.
- b. COIC and its authorized representatives shall have the right to direct access to all of City's books, documents, papers and records related to this Agreement for the purpose of conducting audits and examinations and making copies, excerpts and transcripts.
  - 1) These records also include licensed software and any records in electronic form, including but not limited to computer hard drives, tape backups and other such storage devices.
  - 2) At City's expense, COIC, the Secretary of State's Office of the State of Oregon, the Federal Government, and their duly authorized representatives, shall have license to enter upon City's

premises to access and inspect the books, documents, papers, computer software, electronic files and any other records of the City which are directly pertinent to this Agreement.

**15. Ownership of Work.** All work of City that results from this Agreement (the "Work Product") is and will be the exclusive property of City. COIC acknowledges that the work will be performed on City-owned property and that COIC is agreeing to provide reimbursement because the work supports COIC's mission and otherwise provides public benefit.

**16. Partnership.** COIC is not, by virtue of this Agreement, a partner or joint venturer with City in connection with activities carried out under this Agreement, and shall have no obligation with respect to City's debts or any other liabilities of each and every nature.

**17. Indemnity and Hold Harmless.**

- a. To the extent permitted by Article XI, Section 10, of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, City shall defend, save, hold harmless and indemnify COIC and its officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities costs and expenses of any nature resulting from or arising out of, or relating to the activities of City or its officers, employees, contractors, agents, under this Agreement, including without limitation any claims that the work, the work product or any other tangible or intangible items delivered to COIC by City that may be the subject of protection under any state or federal intellectual property law or doctrine, or COIC's use thereof, infringes any patent, copyright, trade secret, trademark, trade dress, mask work utility design or other proprietary right of any third party.
- b. City shall have control of the defense and settlement of any claim that is subject to subparagraph a. of this paragraph; however neither City nor any attorney engaged by City shall defend the claim in the name of COIC or any of its departments or agencies, nor purport to act as legal representative of COIC or any of its departments or agencies without first receiving from COIC's legal counsel, in a form and manner determined appropriate by COIC's legal counsel, authority to act as legal counsel for COIC, nor shall City settle any claim on behalf of COIC without the approval of COIC's legal counsel.
- c. To the extent permitted by Article XI, Section 10, of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, COIC shall defend, save, hold harmless and indemnify City and its officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities costs and expenses of any nature resulting from or arising out of, or relating to the activities of COIC or its officers, employees, contractors, or agents under this Agreement.
- d. COIC shall have control of the defense and settlement of any claim that is subject to subparagraph c. of this paragraph; however neither COIC nor any attorney engaged by COIC shall defend the claim in the name of City or any of its departments or agencies, nor purport to act as legal representative of City or any of its departments or agencies without first receiving from City's legal counsel, in a form and manner determined appropriate by City's legal counsel, authority to act as legal counsel for City, nor shall COIC settle any claim on behalf of City without the approval of City's legal counsel.

**18. Waiver.**

- a. A party's delay in exercising, or failure to exercise any right, power, or privilege under this Agreement shall not operate as a waiver thereof, nor shall any single or partial exercise or any right, power, or privilege under this Agreement preclude any other or further exercise thereof or the exercise of any other such right, power, or privilege.
- b. The remedies provided herein are cumulative and not exclusive of any remedies provided by law.

**19. Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law.

- a. Any claim, action, suit or proceeding (collectively, "Claim") between COIC and City that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Deschutes County for the State of Oregon; provided, however, if a Claim shall be brought in federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the State of Oregon.
- b. THE PARTIES, BY EXECUTION OF THIS AGREEMENT, HEREBY CONSENT TO THE IN PERSONAM JURISDICTION OF SAID COURTS. The parties agree that the UN Convention on International Sales of Goods shall not apply.

**20. Severability.** If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular term or provision held invalid.

**21. Counterparts.** This Agreement may be executed in several counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

**22. Notice.** Except as otherwise expressly provided in this Agreement, any communications between the parties hereto or notices to be given hereunder shall be given in writing, to City or COIC at the address or number set forth below or to such other addresses or numbers as either party may hereafter indicate in writing. Delivery may be by personal delivery, facsimile, or mailing the same, postage prepaid.

- a. Any communication or notice by personal delivery shall be deemed delivered when actually given to the designated person or representative.
- b. Any communication or notice sent by facsimile shall be deemed delivered when the transmitting machine generates receipt of the transmission.
- c. Any communication or notice mailed shall be deemed delivered five (5) days after mailing. Any notice under this Agreement shall be mailed by first class postage or delivered as follows:

To COIC:

Tammy Baney, Executive Director  
contracts@coic.org  
1250 NE Bear Creek Rd.  
Bend, Oregon 97701  
Fax No. 541-923-3416

To City of Sisters:

Jordan Wheeler, City Manager  
jwheeler@ci.sisters.or.us  
520 East Cascade PO Box 39  
Sisters, Oregon 97759  
541 323 5205

**23. Merger Clause.** This Agreement and the attached exhibits constitute the entire agreement between the parties.

- a. All understandings and agreements between the parties and representations by either party concerning this Agreement are contained in this Agreement.
- b. No waiver, consent, modification or change in the terms of this Agreement shall bind either party unless in writing signed by both parties.
- c. Any written waiver, consent, modification or change shall be effective only in the specific instance and for the specific purpose given.

**24. Identity Theft Protection.** City and City's contractors shall comply with the Oregon Consumer Identity Theft Protection Act (ORS 646A.600 et seq.).

**25. Survival.** All rights and obligations shall cease upon termination or expiration of this Agreement, except for the rights and obligations set forth in Sections 4, 5, 8, 9, 15, 17, 18, 20-27.

**26. Representations and Warranties.**

- a. **City's Representations and Warranties.** City represents and warrants to COIC that:
  - 1) City has the power and authority to enter into and perform this Agreement;
  - 2) This Agreement, when executed and delivered, shall be a valid and binding obligation of City enforceable in accordance with its terms;
  - 3) City has the skill and knowledge possessed by well-informed members of its industry, trade or profession and City will apply that skill and knowledge with care and diligence to perform the Work in a professional manner and in accordance with standards prevalent in City's industry, trade or profession;
  - 4) City shall, at all times during the term of this Agreement, be qualified, professionally competent, and duly licensed to perform the Work;
  - 5) City prepared its proposal related to this Agreement, if any, independently from all other proposers, and without collusion, fraud, or other dishonesty; and
  - 6) City's making and performance of this Agreement do not and will not violate any provision of any applicable law, rule or regulation or order of any court, regulatory commission, board or other administrative agency.
- b. **Warranties Cumulative.** The warranties set forth in this paragraph are in addition to, and not in lieu of, any other warranties provided.

**27. Representation and Covenant.**

- a. City represents and warrants that City has complied, to the extent applicable, with the tax laws of this state, and where applicable, the laws of Deschutes County, including but not limited to ORS 305.620 and ORS chapters 316, 317 and 318.
- b. City covenants to continue to comply with the tax laws of this state, and where applicable, the laws of Deschutes County, during the term of this Agreement.
- c. City acknowledges that failure by City to comply with the tax laws of this state, and where applicable, the laws of Deschutes County, at any time before City has executed the Agreement or during the term of the Agreement is and will be deemed a default for which COIC may terminate the Agreement and seek damages and/or other relief available under the terms of the Agreement or under applicable law.

[signatures on next page]

IN WITNESS WHEREOF, the parties hereto have executed Agreement the day and year herein above written.

COIC:

Central Oregon Intergovernmental Council,  
an entity organized under ORS Chapter 190

City:

City of Sisters,  
an Oregon municipal corporation

---

By: Tammy Baney  
Its: Executive Director

---

By: Jordan Wheeler  
Its: City Manager

**EXHIBIT A**  
**STATEMENT OF WORK, CONSIDERATION AND SCHEDULE**

**1. City shall perform the following work described below (located on Page 32/Project 5 of the Deschutes County Adopted STIF Plan):**

[https://www.oregon.gov/odot/RPTD/STIFPlanSubmissions/DeschutesCo STIF Plan v2 2023 02 09.pdf](https://www.oregon.gov/odot/RPTD/STIFPlanSubmissions/DeschutesCo_STIF_Plan_v2_2023_02_09.pdf)

- Procure a design consultant for the 100% design and bid specification for Phase I of the East Portal Multi-Modal Mobility Hub project (“Project”).
- Complete a 100% design for the Project and receive ODOT and COIC approval of such design
- Bid the project and procure qualified contractors for construction
- Conduct all Project close-out requirements

**2. Reimbursement:**

- Subject to the limitations below, COIC shall reimburse City on a quarterly basis with payment due 30 days after receipt from City, and approval from COIC, of an invoice specifying the work completed during the applicable period with supporting documentation.
- City shall be entitled to reimbursement up to the following limits:
  - For design and planning expenses, not to exceed \$225,000.00.
  - For construction of Sisters East Portal Mobility Hub expenses, not to exceed \$753,750.00.

**3. Maximum Compensation:**

- The maximum compensation under this contract, including allowable expenses, is \$978,750.00.
- City shall not submit invoices for, and COIC shall not pay for, any amount in excess of the maximum compensation amount set forth above.
  - If this maximum reimbursement amounts are increased by amendment of this Agreement, the amendment must be fully effective before City performs work subject to the amendment.

**4. Schedule of Performance or Delivery.**

- City will cause the work to be final completed by no later than June 30, 2025.
- City will submit a quarterly report outlining the planning, design, engineering, and construction milestones related to the Project.
- City shall notify COIC in writing of the impending expiration of this Agreement thirty (30) calendar days prior to the expiration date.



## EXHIBIT B

### CONTRACTOR INSURANCE REQUIREMENTS

#### GENERAL.

Contractor (including its subcontractors, agents, etc) shall i) obtain insurance specified under TYPES AND AMOUNTS and meeting the requirements under ADDITIONAL INSURED, "TAIL" COVERAGE, NOTICE OF CANCELLATION, and CERTIFICATES OF INSURANCE before performance under the contract commences, and ii) maintain the insurance in full force, through annually renewing policies, throughout the duration of the contract. The insurance must be provided by insurance companies or entities that are authorized to transact the business of insurance and issue coverage in the State of Oregon and that are reasonably acceptable to State. Contractor shall not start work described herein until the insurance is in full force.

#### TYPES AND AMOUNTS.

i. **WORKERS COMPENSATION.** Insurance in compliance with ORS 656.017, which requires all employers that employ subject workers, as defined in ORS 656.027, to provide workers' compensation coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). Employers liability insurance with coverage limits of not less than \$500,000 per accident, \$500,000 policy limit for bodily injury by disease and \$500,000 each employee for bodily injury by disease must be included.

ii. **COMMERCIAL GENERAL LIABILITY.** Commercial General Liability Insurance covering bodily injury, death, and property damage in a form and with coverages that are reasonably satisfactory to State. This insurance shall include personal injury liability, products, and completed operations. Coverage shall be written on an occurrence form basis, with not less than the following amounts as determined by State:

Bodily Injury, Death and Property Damage: \$2,000,000 per occurrence (for all claimants for claims arising out of a single accident or occurrence), \$4,000,000 General Aggregate and \$2,000,000 Products/Completed Operations Aggregate.

iii. **AUTOMOBILE Liability Insurance: Automobile Liability.** Automobile Liability Insurance covering all owned, non-owned, and hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits for "Commercial General Liability" and "Automobile Liability"). Automobile Liability Insurance must be in not less than the following amounts as determined by State: Bodily Injury, Death, and Property Damage:

\$2,000,000 per accident (for all claimants for claims arising out of a single accident or occurrence).

iv. **PROFESSIONAL LIABILITY INSURANCE.** Professional liability insurance with limits of not less than \$1,000,000 per claim, and \$2,000,000 in the aggregate.

**ADDITIONAL INSURED.** The Commercial General Liability Insurance, Automobile Liability and any Umbrella/Excess Liability insurance must include the Central Oregon Intergovernmental Council, its officers, employees, and agents as Additional Insureds but only with respect to the contractor's activities to be performed under this Agreement. Coverage must be primary and non-contributory with any other insurance and self-insurance.

**"TAIL" COVERAGE.** If any of the required insurance policies is on a "claims made" basis, such as professional liability insurance, the Contractor shall maintain either "tail" coverage or continuous "claims made" liability coverage, provided the effective date of the continuous "claims made" coverage is on or before the effective date of this Agreement, for a minimum of 24 months following the later of: (i) the Contractor's completion and COIC's acceptance of all Services required under this Agreement or, (ii) the expiration of all warranty periods provided under this Agreement. Notwithstanding the foregoing 24-month requirement, if the Contractor elects to maintain "tail" coverage and if the maximum time "tail" coverage reasonably available in the marketplace is less than the 24-month period described above, then the Contractor may request and COIC may grant approval of the maximum "tail" coverage period reasonably available in the marketplace. If COIC approval is granted, the Contractor shall maintain "tail" coverage for the maximum period that "tail" coverage is reasonably available in the marketplace.

**NOTICE OF CANCELLATION OR NON-RENEWAL.** Contractor or its insurer must provide 30 days' written notice to COIC before cancellation of or non-renewal of the required insurance coverage(s).

**CERTIFICATE(S) OF INSURANCE.** Contractor shall provide COIC a certificate(s) of insurance for all required insurance before the Contractor performs under the Contract. The certificate(s) or an attached endorsement must specify all entities and individuals who are endorsed on the policy as Additional Insured.

## EXHIBIT C

### OREGON PUBLIC CONTRACT PROVISIONS

**1. DELIVERY:** Deliveries will be F.O.B destination. Contractor shall pay all transportation and handling charges. Contractor is responsible and liable for loss or damage until final inspection and acceptance of the Goods. Contractor remains liable for latent defects, fraud, and warranties.

**2. INSPECTIONS:** Agency may inspect and test the Goods and related Services (collectively, Goods). Agency may reject non-conforming Goods and require Contractor to correct them without charge or deliver them at a reduced price, as negotiated. If Contractor does not cure any defects within a reasonable time, Agency may reject the Goods and cancel the PO in whole or in part. This paragraph does not affect or limit Agency's rights, including its rights under the Uniform Commercial Code, ORS chapter 72 (UCC).

**3. PAYMENT:** Agency shall pay Contractor within 30 days from (i) the date the Goods are delivered and accepted or (ii) the date the invoice is received, whichever is later. If Agency fails to pay within 45 days of such date, Contractor may assess overdue account charges up to a rate of 2/3% per month (8% APR) or the maximum rate allowed by law on the outstanding balance.

**4. STATE PAYMENT OF CONTRACTOR CLAIMS:** If Contractor does not pay promptly any claim that is due for Goods or Services furnished to the Contractor by any subcontractor in connection with this PO, the State may pay such claim and charge that payment against any payment due to the Contractor under this PO. The State's payment of a claim does not relieve the Contractor or its surety, if any, from their obligations for any unpaid claims.

**5. REPRESENTATIONS AND WARRANTIES:** Contractor represents and warrants that: (a) the Goods are new, current, and fully warranted by the manufacturer; (b) Delivered Goods will comply with specifications and be free from defects in labor, material and manufacture; (c) Contractor shall comply with the tax laws of this state and all political subdivisions; and (d) Contractor has no undisclosed liquidated and delinquent debt owed to the State or any department or agency of the State. All UCC implied and expressed warranties are incorporated in this PO. Contractor shall transfer all warranties to the State.

**6. TERMINATION:** (i) The Parties may terminate this PO by mutual agreement. (ii) Agency may terminate this PO at any time with written notice to Contractor. Upon receipt of the written notice, Contractor shall stop performance, and Agency shall pay Contractor for Goods delivered and accepted. (iii) Agency may terminate this PO at any time if Agency fails to receive funding, appropriations, or other expenditure authority. (iv) If Contractor breaches any PO provision, including the representations and warranties related to liquidated and delinquent debt, or is declared insolvent, Agency may terminate this PO for cause with written notice to Contractor, and Contractor shall be liable for all incidental and consequential damages resulting from its breach, including all damages as provided in the UCC.

Failure to comply with the tax laws of this state or any political subdivision or violation of Contractor's warranties related to compliance with the tax laws of this state and any political subdivision of this state also constitutes a material breach of this PO. Any violation entitles Agency to terminate this PO, to pursue and recover any and all damages that arise from the breach and the termination of this PO, and to pursue any or all of the remedies available under this PO, at law, or in equity, including but not limited to: termination of this PO in whole or in part; collection by administrative offset or garnishment, if applicable, or withholding amounts otherwise due and owing to Contractor without penalty.

**7. HOLD HARMLESS:** *Contractor shall indemnify, defend, and hold harmless the State and its agencies, their divisions, officers, employees, and agents, from all claims, suits or actions of any nature arising out of or related to the intentional misconduct, recklessness or negligent activities of Contractor, its officers, subcontractors, agents, or employees under this PO.*

**8. GOVERNING LAW, JURISDICTION, VENUE:** This PO is governed by Oregon law, without resort to any other jurisdiction's laws. Any claim, action, suit, or proceeding between the State and the Contractor that relates to this PO (Claim) must be heard exclusively in the Circuit Court of Marion County for the State of Oregon. If the Claim must be brought in a federal forum, then it must be heard exclusively in the US District Court for the District of Oregon. Contractor consents to the in personam jurisdiction of these courts. *Neither this Section nor any other provision of this PO is a waiver by the State of any form of defense, sovereign immunity, governmental immunity, immunity based on the Eleventh Amendment to the US Constitution, or other immunity, from any Claim or consent to the jurisdiction of any court.*

**9. FORCE MAJEURE:** Neither party is responsible for delay or default caused by an event beyond its reasonable control. Agency may terminate this PO without liability to Contractor upon written notice after determining the delay or default reasonably prevents performance of this PO.

**10. ASSIGNMENT/SUBCONTRACT/SUCCESSORS:** Contractor shall not assign, transfer, or subcontract rights (Subcontract) or delegate responsibilities under this PO in whole or in part, without the prior written approval of Agency. This PO's provisions are binding upon and inure to the benefit of the Parties to the PO and their respective successors and assigns.

**11. ACCESS TO RECORDS:** Contractor shall maintain all accounting records relating to this PO according to GAAP and any other records relating to Contractor's performance ("Records") for six (6) years from termination or as otherwise required. Contractor shall grant the State and its agencies, the Secretary of State Audits Division, the federal government, and their duly authorized representatives, access to the Records, including reviewing, auditing, copying, and making transcripts.

**12. COMPLIANCE WITH APPLICABLE LAWS:** Contractor shall comply with all applicable federal, state and local laws, regulations, executive orders, and ordinances, as amended (Rules), including: (i) Titles VI and VII of Civil Rights Act of 1964; (ii) Sections 503 and 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990; (iv) Executive Order 11246; (v) The Age Discrimination in Employment Act of 1967, and the Age Discrimination Act of 1975; (vi) The Vietnam Era Veterans' Readjustment Assistance Act of 1974; (vii) ORS Chapter 659; (viii) ORS 279B.020, , and 279B.270; (ix) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations; (x) all federal and state laws governing the handling, processing, packaging, storage, labeling, and delivery of food products; and (xi) all regulations and administrative rules established pursuant to the foregoing laws. Agency's performance is conditioned upon Contractor's compliance with, 279B.220, 279B.225, 279B.230, and 279B.235, as applicable. All applicable Rules are incorporated by reference in this PO.

**13. WORKERS' COMPENSATION:** Contractor shall comply with ORS 656.017 and provide the required workers' compensation coverage, unless exempt under ORS 656.126(2). Contractor shall ensure that its Subcontractors, if any, comply with these requirements.

**14. SAFETY AND HEALTH REQUIREMENTS:** Contractor represents and warrants that the Goods comply with all federal and Oregon safety and health requirements.

**15. MATERIAL SAFETY DATA SHEET:** Contractor shall provide Agency with a Material Safety Data Sheet for any Goods which may release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use (OAR 437- 002-0360 and 29 CFR 1910.1020). Contractor shall label, tag or mark such Goods.

**16. RECYCLABLE PRODUCTS:** Unless otherwise required, Contractor shall use recycled and recyclable products to the maximum extent economically feasible in the performance of the PO. These products shall include recycled paper, recycled PETE products, other recycled products (ORS 279A.010(1)(gg),(hh),(ii)), and other recycled plastic resin products.

**17. AMENDMENTS:** All amendments to this PO must be in writing, signed by Agency.

**18. SEVERABILITY:** If a court of competent jurisdiction declares any provision of this PO to be invalid, the other provisions and the rights and obligations of the Parties remain in effect.

**19. WAIVER:** Agency's failure to enforce any provision of this PO is not a waiver or relinquishment by Agency of its rights to such performance in the future or to enforce any other provisions.

**20. AWARD TO FOREIGN CONTRACTOR:** If Contractor is not registered to do business or has no office in the State of Oregon, Contractor shall promptly provide to the Oregon Department of Revenue and the Secretary of State Corporation Division all information required by those agencies relative to this PO. Agency may withhold final payment under this PO until Contractor has met this requirement.

**21. TAX CERTIFICATION:** Contractor hereby certifies under penalty of perjury: (a) the number shown on this form is the correct Federal Employer Identification Number; (b) it is not subject to backup withholding because (i) it is exempt from backup withholding, (ii) it has not been notified by the IRS that it is subject to backup withholding as a result of a failure to report all interest or dividends, or (iii) the IRS has notified Contractor that it is no longer subject to backup withholding; and (c) it is not in violation of any Oregon tax laws.



**Meeting Date:** September 13, 2023  
**Type:** Regular Meeting  
**Subject:** Environmental Sustainability Plan

**Staff:** Dumanch  
**Dept:** Public Works

---

**Action Requested:** Review and approve the Environmental Sustainability Plan

---

**Summary Points:**

- Staff reviewed Plans from other cities facing similar circumstances as a result of climate change as Sisters.
- The draft Plan's six focus areas provide a comprehensive approach to more sustainable practices and ways the City and its residents can adapt to changes in the environment and climate. The focus areas also highlight goals and actions that have already been taken.
- Drafts of the Plan have been reviewed by Council and staff. All provided valuable feedback to better refine the draft.
- Not included in the Plan are spreadsheets used for tracking fuel and energy consumption, emissions, and renewable energy production.
- Updates to the draft include:
  - Added suggested target date for carbon neutrality (2030) and net zero emissions (2050)
  - Incorporation of light pollution
  - Rain barrels as they relate to water conservation and storm water
  - Future water recycling at splash pad
  - Updated 2022 greenhouse gas emissions using new data from Department of Environmental Quality (DEQ)

**Financial Impact:**

Dependent on future agreed to and approved action items.

---

**Attachments:**

Environmental Sustainability Plan



# **Environmental Sustainability Plan**

**2023**

## Table of Contents

I.	Introduction-----	1
II.	Vision-----	4
III.	Focus Areas-----	7
	a. Energy & Buildings-----	8
	i. Energy Conservation/Clean Energy Transition-----	8
	ii. Solar Infrastructure-----	9
	b. Transportation-----	11
	i. Public-----	11
	ii. City Fleet-----	13
	iii. Other Actions-----	14
	c. Water Conservation-----	16
	d. Waste-----	19
	i. Solid Waste-----	20
	ii. Wastewater-----	20
	iii. Stormwater-----	21
	e. Wildfire Mitigation-----	22
	f. Parks, Open Space, and our Urban Forest-----	24
IV.	Next Steps-----	26
	a. Implementation Plan-----	26
	b. Accountability and Enforcement-----	27
	c. Funding-----	27
	d. Equity Considerations-----	27
V.	Sources-----	28
VI.	Acknowledgements-----	30

## Introduction



### **What is Environmental Sustainability?**

Environmental sustainability is the ability to achieve and maintain a balance with the natural world to create access to a safe and healthy life now and in the future. That includes clean air, potable and adequate water, healthy soils for growing food, and biodiversity capable of sustaining ecosystems. It is incumbent on the present generation to ensure these ecosystems are healthy and sustainable for future generations.

### **Purpose of the Environmental Sustainability Plan**

The City of Sisters' Environmental Sustainability Plan (ESP) serves as the foundation that the City will use to better adapt to an ever-changing environment and plan for a more sustainable future.

This plan identifies the goals and policies in existing City Plans that address needs relating to environmental sustainability, climate change, and conservation. Those referenced Plans include: Wastewater Capital Facilities Plan, Water Capital Facilities Plan, Urban Forest Management Plan, Transportation System Plan, Wildfire Risk Assessment and Mitigation Plan, Parks Master Plan, and Comprehensive Plan.

### **Climate Change Impacts on Sisters**

Climate change is affecting Sisters Country and Central Oregon and is projected to become more severe in the future. Many of those effects are visible to the community of Sisters – increased wildfires and wildfire intensity, decreased snowpack on the very mountains from which the city derives its name, and water level variability in the region's waterways and aquifers.

Increased temperatures impact snowpack in the Cascade Range. Since 1915, snowpack in the western US has decreased by 21% with anthropogenic changes to climate having been shown to contribute to around half of the reduction of snowpack in the Oregon Cascades.<sup>1,2</sup> Groundwater near the Cascade Range shows changes in water table level fluctuations that correlate to precipitation in the mountains. Though not expected to influence the local aquifer thanks to highly permeable bedrock, a decline in snowpack is predicted while general precipitation is predicted to stay the same or even increase slightly.<sup>4</sup> Fortunately, the Deschutes aquifer of the Upper Deschutes Basin is quite robust. At 1000 feet of saturation in a single geologic formation the aquifer receives over 4,000 cubic feet per second of recharge annually, about 50 times faster than groundwater currently being pumped out.<sup>4</sup>

Given the current trend, future changes to global climate will increase the risk and severity of wildfires as the result of drought, increased temperatures, and extreme thunderstorms.<sup>5,6</sup> As wildfire frequency increases so does the number of days in which air quality reaches unhealthy levels. Figure 1 shows an upward trend in the acreage burned by wildfires in the Pacific Northwest region and Figure 2 shows a dramatic increase in the number of days cities across Oregon have experienced air quality rated “unhealthy for sensitive groups” (USG) or worse because of wildfire smoke.<sup>6</sup> Between 2012 and 2021 Sisters alone had on average 8.7 days per year experiencing an air quality index of USG or worse.<sup>6</sup>

With Sisters’ identity and economy rooted in the surrounding natural resources— mountain views, trees, creeks, plants, wildlife, trails and recreation – drought, wildfire, and climatic changes pose a loss of ecosystem stability, habitat reduction, harm to the local economy by reducing tourism and outdoor recreation, and loss of local livability and quality of life.



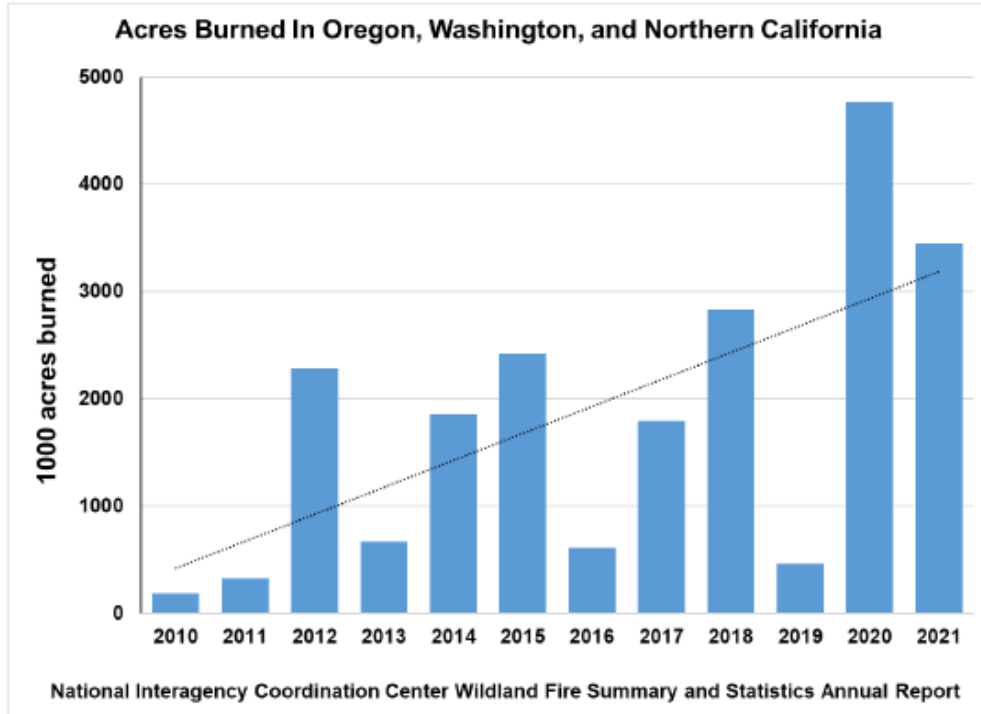


Figure 1: acreage burned by wildfire in the Pacific Northwest <sup>6</sup>

### AQI days $\geq$ USG caused by wildfire smoke

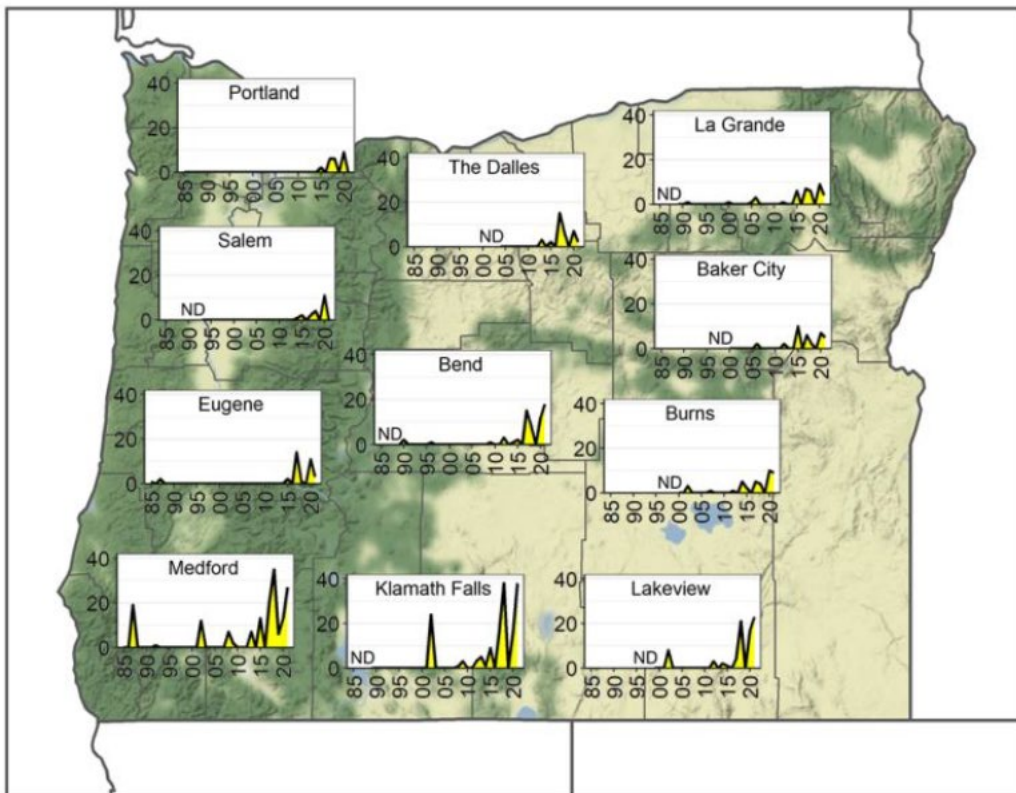


Figure 2: wildfire AQI trends in Oregon <sup>6</sup>



## Vision

### Reduce Sisters Contribution to Global Carbon Pollution by Reducing Greenhouse Gas Emissions

The City of Sisters receives its electricity from Central Electric Cooperative, which purchases electricity from the Bonneville Power Administration. The generation source results in relatively low carbon-emission electricity. Figure 3 shows an approximation of the different sources of electricity as sources can change from year to year. The largest source of electricity is hydroelectric accounting for 85%, followed by 10.6% from nuclear power from the Columbia Generating Station in south-central Washington, 2.74% from various sources which includes some emission-free renewable sources, and the remaining 1.57% comes from wind and other non-specified renewable sources.

Using tools provided by the Oregon Department of Environmental Quality and Central Electric Cooperative the City of Sisters recently began monitoring its energy use at its facilities, street lighting, as well as vehicle fuel use. Using this information as an approximate representation of its carbon footprint, the City can identify the amount of greenhouse gas emissions (GHG) associated with its operations and identify areas to reduce energy use.

In 2022, the City of Sisters was responsible for 110.30 metric tons of CO<sub>2</sub> equivalent (MT CO<sub>2</sub>e) emissions. As a reference the average American household is responsible for anywhere between 6 and 20 MT CO<sub>2</sub>e emissions per year.<sup>7,8</sup> Figure 4 shows the CO<sub>2</sub> equivalent emissions by source category using data from table 1. Fuel use from City fleet vehicles accounts for 56% of the total approximate CO<sub>2</sub> equivalent emissions during the year 2022.

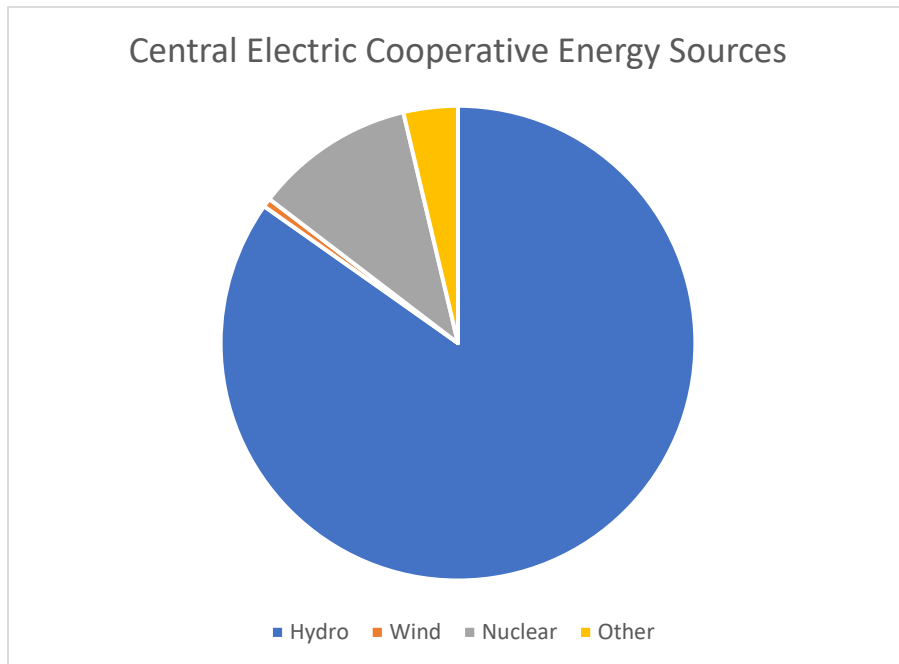


Figure 3

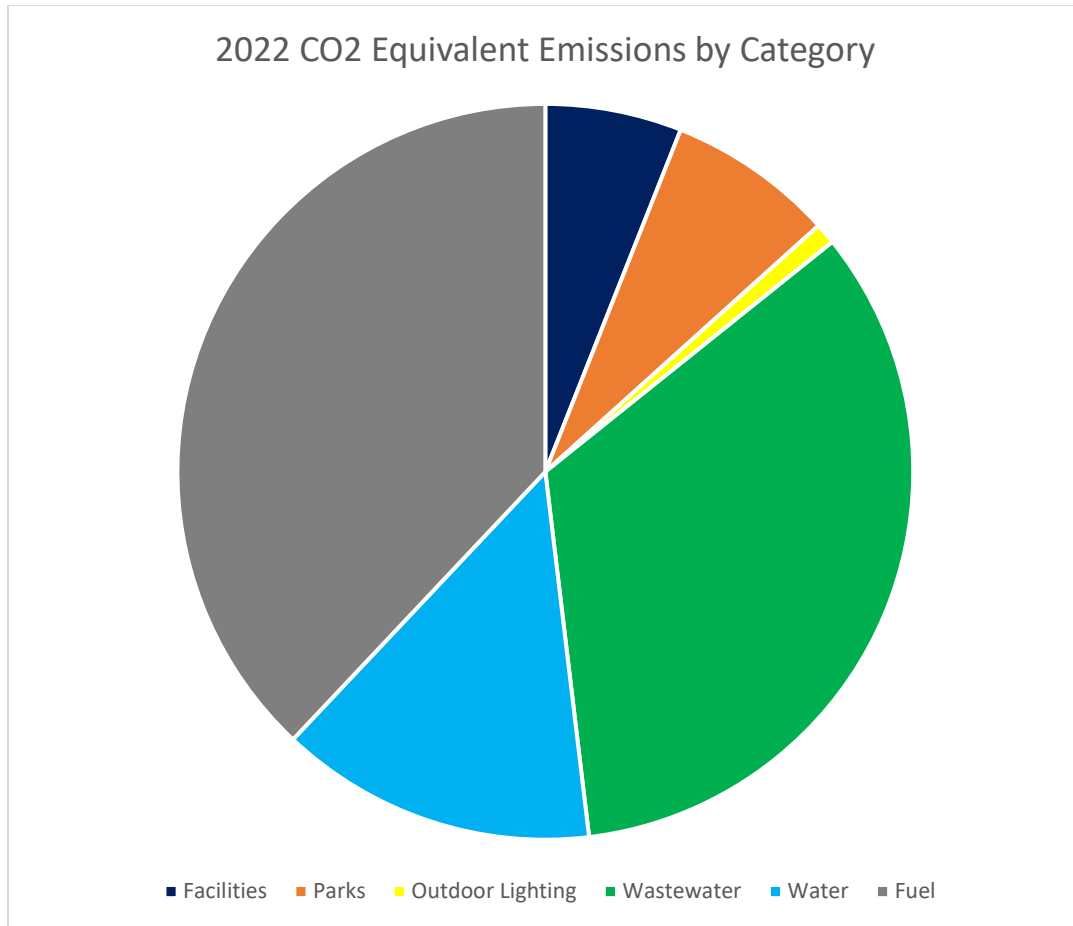


Figure 4

BY CATEGORY	Metric tons CO2 equivalent	Percentage
Facilities	9.67	6%
Parks	11.81	7%
Outdoor Lighting	1.50	1%
Wastewater	54.57	34%
Water	22.46	14%
Fuel	61.22	38%

Table 1

As more data and resources become available for tracking greenhouse gas emissions related to City operations, they will be incorporated into the analysis for use in progress reporting and future updates to the Plan.

**Carbon Neutrality by 2030, Net Zero Greenhouse Gas Emissions by 2050**

The United Nations states that in order to “keep global warming to no more than 1.5°C – as called for in the Paris Agreement – emissions need to be reduced by 45% by 2030 and reach net zero by 2050.”<sup>9</sup> By using the available data generated from the City’s greenhouse gas emissions analysis, the City of Sisters can track its progress towards achieving and maintaining carbon neutrality with aspects outlined in this plan as the groundwork.

## **Embrace Equity, Protect Healthy Ecosystems, and Create Opportunities for Future Generations**

*“Climate equity is the goal of recognizing and addressing the unequal burdens made worse by climate change, while ensuring that all people share the benefits of climate protection efforts.”*

*-United States Environmental Protection Agency<sup>10</sup>*

Climate change affects all people equally, however not all communities will be impacted in the same way. Elderly, low-income, disabled, and minority populations are more likely to face disproportionate impacts because of economic disparities, historical patterns of inequity, and/or systemic environmental injustice. Those communities are more vulnerable to conditions caused by a changing climate with the most common adverse exposure in the region being severe heat and wildfire smoke. Actions such as maintaining and growing a robust urban forest to reduce urban heat islands and diligent disaster preparedness will help ensure at-risk local populations are equitably considered.

The City of Sisters will engage with the community including those from diverse backgrounds, connect citizens with resources on how to better prepare for and adapt to climate impacts, foster priorities and practices for climate resiliency, and work with local agency partners and experts, and prepare to address ways the City can meet the needs of citizens during an emergency. Equity will be considered and incorporated throughout the development and implementation of this plan. Together we can ensure a safe and healthy future for all members of the Sisters community, and for the surrounding natural world we call home.



## Focus Areas

Outlined in each focus area are goals, existing conditions, progress on current projects, future actions that can be taken by the City of Sisters and strategies on how the community can help contribute to a more sustainable Sisters Country.

- **Energy & Buildings**
  - **Energy Conservation and the Clean Energy Transition**
  - **Solar Infrastructure**
  
- **Transportation**
  - **Public**
  - **City Fleet**
  
- **Water Conservation**
  
- **Waste**
  - **Solid Waste**
  - **Wastewater**
  - **Stormwater**
  
- **Wildfire Mitigation**
  
- **Parks, Open Space, and Our Urban Forest**



## Energy & Buildings

### Goals

- Minimize greenhouse gas emissions associated with City-owned facilities
- Improve energy efficiency in City-owned facilities
- Expand renewable energy production in City-owned facilities
- Promote energy efficiency and renewable energy production on private developments

### Energy Conservation/Clean Energy Transition

#### Existing Conditions

- **Current Facility Greenhouse Gas Emissions**

As mentioned in the introduction, the City of Sisters has begun monitoring its greenhouse gas emissions and compiling the data for continued analysis. This analysis includes facility electrical use and vehicle fuel consumption. The City measures emissions based on a commonly used metric, CO<sub>2</sub> equivalent (CO<sub>2</sub>e). The use of CO<sub>2</sub>e as a metric allows for simplification and use as a comparative tool for understanding the impact of operations through time.

- **Facility Energy Consumption/Equipment Status**

During the 2022 calendar year, electricity use at structures such as facilities, restrooms, and other buildings related to City operations accounted for about 40% of City GHG emissions which equated to around 47 MT CO<sub>2</sub>e emissions. Many rooms in major facilities currently use occupancy detectors that will turn lights on and off as staff enter and leave.

- **Complete Lighting and HVAC Audit**

Recently the City of Sisters completed an audit of its lighting and heating ventilation and air conditioning (HVAC) at three of the highest consumption facilities: City Hall, Wastewater Treatment Plant, and Public Works Headquarters. The audit allowed the City to identify less efficient lighting fixtures that could be replaced and explore more efficient alternatives such as LED fixtures. Completion of the lighting upgrades is expected by the end of 2023. Energy efficient HVAC upgrades are expected to be made to the Public Works Headquarters in fiscal year 23/24.

#### Future Actions

- **Internal Actions**

- **Reduce Consumption & Maximize Energy Efficiency**

In an effort to reduce electricity and fossil fuel consumption and maximize energy efficiency the City will explore strategies such as expanded use of occupancy detectors in major facilities, purchase of electric vehicles, implementing alternatives to motor vehicle use such as bicycles available for staff use, and more efficient electrical equipment. A staff educational campaign would be an easy way to communicate new ways City operations can become more sustainable with simple reminders like turning off lights and dressing appropriately for the weather to reduce

energy use associated with heating and cooling. Initial investments in these and other energy saving methods will result in long-term savings and responsible use of tax dollars.

- **Shift Grid Consumption to Renewable Energy Generation**

Evaluating potential sites where the installation of photovoltaic (PV) solar panels can be implemented will be important for the City to decrease reliance on the grid and less sustainable sources of electricity.

- **External Actions**

- **Transition Propane Gas Use to Electricity**

Most common household appliances are available that use electricity as opposed to propane gas. Propane, though often referred to as the “cleanest” of the fossil fuels, is, nonetheless, a fossil fuel and its use contributes GHG in the form of CO<sub>2</sub>. The average US household uses 600 gallons of propane during the winter months alone (October through March) which equates to almost 3.5 MT CO<sub>2</sub>e per household.<sup>11,12</sup> As a byproduct of petroleum and natural gas propane has an overall impact beyond consumer usage.

There have been discussions of gas appliance bans in many states including Oregon and at the federal level. The City will continue to monitor legislation at the state and federal level surrounding these appliances and will explore options to encourage the electrification of homes and businesses.

- **Establish Minimum Energy Efficiency Standards for New Development**

In terms of cost-effective and near-term methods, energy efficiency is an easy way for individuals to become more sustainable and reduce their carbon footprint. An initial investment in high-efficiency electronic equipment and appliances can save residents money over time. Energy-Star rated appliances will be encouraged.

## **Solar Infrastructure**

### **Existing Conditions**

- **Public Works HQ Solar System**

In June of 2022 the City of Sisters brought online its first photovoltaic (PV) solar system. Located on the rooftop of the Public Works Headquarters building, the system consists of 104 individual panels and three inverters creating a 50-kW system providing power to not only the building itself but the neighboring Wastewater Treatment Facility. As of March 2023, the system has generated nearly 50 megawatt hours (MWh) of electricity and avoided over 36 MT CO<sub>2</sub>e in emissions, the equivalent of planting roughly over 600 trees.

## Future Actions

- **Internal Actions**

- **Develop City Facility Solar Installations**

There are many structures owned by the City that have the potential to support small to medium sized PV systems to generate power for nearby amenities and facilities while reducing reliance on the grid and setting an example for the community.

- **Solar Battery Opportunities**

The existing PV solar system owned by the City, especially during the summer months, will often produce excess energy. Constructing a battery backup and storage system will help to fully take advantage of the energy generated by the solar panels and further reduce reliance on the grid, reduce GHG emissions, and reduce costs. The addition of an energy storage system would allow for City Public Works operations to continue with minimal interruptions in the event of a power outage keeping critical systems working such as the Wastewater Treatment Facility.

- **External Actions**

- **Facilitate and Encourage Solar Energy Production in New Development**

Some homeowners in Sisters already have installed solar panels on the roofs of their homes. Home and business owners and public facilities can benefit from installing PV systems to become more resilient to disruptions in service and reduce emissions associated with grid electricity. The City will make efforts to facilitate and encourage new developments to include solar panels on structures including working with CEC to promote incentives.



## Transportation

### Goals

- Improve availability and access to alternative transportation
- Improve vehicle efficiency of City fleet
- Promote public electric vehicle use

### Public

#### Existing Conditions

- **Current Multi-Modal Infrastructure**

The City's Comprehensive Plan and Transportation System Plan (TSP) identified goals to increase access and availability of alternative modes of transportation such as walking, biking, and public transit in addition to encouraging energy efficient transportation. The City is fortunate to currently have over 12 miles of multi-use paths within the city limits. With low speed limits throughout the majority of the city, marked bicycle lanes on busier streets, and a local geography that is relatively flat, people can easily get around town using alternatives to motor vehicles. Those conditions also increase accessibility for those experiencing reduced mobility.

- **Transit**

Cascade East Transit (CET), among other transit providers, operate in the city with CET having multiple marked transit stops throughout town at key locations that offer services or shopping opportunities.

- **Motor Vehicle System Performance**

Most vehicles on the road in Sisters today are internal combustion engine (ICE) vehicles. Though hybrid and electric vehicles are a popular option, they make up a small portion of those vehicles in use. Older vehicles especially experience poorer fuel economy than newer ICE vehicles and as those reach their end-of-life individuals frequently consider EV options. However, a lack of publicly accessible EV infrastructure is a major barrier to those considering an EV.

#### Future Actions

- **Internal Actions**

- **Energy Efficient Lighting**

Technological advancements may continue to allow for more efficient lighting on roads and paths. The City will continue to monitor new technologies and consider how and where they can be implemented as current technology in use reaches its end of life.

- **East Portal**

In mid-2023, the City of Sisters finished the master plan for a multi-modal transportation hub to be located at the former USFS East Portal property, which the City now owns. The site has the potential to support EV charging for passenger vehicles and transit vehicles. Additionally, the site



will support parking for visitors, park-and-ride, carpooling, and bicycle use encouraging reductions in single-occupancy vehicle trips.

- **Multi-Modal Infrastructure**

As of early 2023 nearly 2.5 miles of multi-use paths are planned with the aim of connecting existing paths as well as popular locations both within and outside of the city limits. Additionally, the City's Transportation System Plan identifies Washington Avenue as being a potential candidate for a bicycle boulevard. This would create a major east-west bike-friendly connection in the southern portion of the city.

- **E-Bike Charging**

As with electric vehicles, electric bicycles are becoming increasingly popular. Key sites such as the future multi-modal transportation hub would be ideal candidates for hosting e-bike infrastructure.

- **EV Charging Stations**

As the City, regional stakeholders, and individuals begin switching to more sustainable transportation there will be a need for infrastructure to be in place to support the transition from internal combustion engine vehicles to electric passenger and transit vehicles. City parks are excellent candidates for EV charging locations in addition to the future multi-modal transportation hub.

- **Develop Employee Incentive Program**

Encouraging City staff to use ridesharing, carpooling, alternative fuel vehicle use, as well as walking or biking will set an example for others in the city and show the commitment staff have towards sustainable lifestyles.

- **External Actions**

- **Require EV Charging Infrastructure in New Development**

A common barrier to EV use is a lack of charging infrastructure. By requiring EV charging infrastructure to be utilized in new developments, particularly multifamily and commercial developments, Sisters can make EV use more equitable and accessible.

- **Revise Development Code to Favor Walkable/Rideable Neighborhoods**

The electricity provided to residents in Sisters is low in GHG emitting sources so one of the easiest and most impactful ways for residents to decrease their GHG emission contributions is to utilize non-motorized modes of transportation. Sisters has an ample sidewalk and multi-use path network; better utilization and additional investments of the infrastructure would allow residents to access services more easily on foot or by bike.

## City Fleet

### Existing Conditions

- **Fleet Electrification Analysis Report**

The City of Sisters and Evergreen Consulting Group have completed a fleet electrification study to determine how City-owned internal combustion engine (ICE) vehicles can be phased out and replaced by electric vehicles. The passenger vehicles in the City fleet will be the easiest to switch to EV as alternatives currently exist on the market. However, the larger utility vehicles used by the Public Works Department will take the longest as they need to meet certain requirements for the staff to perform their duties and there are currently few viable alternatives on the market that meet those requirements. The City is able to easily calculate and track fuel consumption rates to better inform decisions regarding phasing out ICE vehicles for alternatives.

### Future Actions

- **Internal Actions**

- **Fleet Study Recommendations for Transitioning to More Efficient Vehicles**

The recently completed Fleet Electrification Analysis Report identified EV alternatives to ICE vehicles currently in the City fleet. The analysis considered each proposed alternative vehicle from both a cost-per-mile (CPM) and total cost of ownership (TCO) perspective. Though multiple options currently exist on the market as viable alternatives for passenger vehicles, there are few cost-effective alternatives for larger vehicles such as the utility vehicles used by the Public Works staff that require mounted utility boxes and snowplows. For example, the Ford Lightning is unable to swap out the bed for utility boxes and Ford has not yet confirmed whether a snowplow could be mounted on the vehicle. Also, though the Ford e-Transit has the potential to support various bed options, an appropriate snowplow is not able to be mounted. The City will continue to monitor EV models on the market as technology progresses to determine what can meet the needs of the department staff.

Electric Vehicle Type	ICE Equivalent	EV Average CPM
2022 Chevrolet Bolt EV BEV*	\$0.46	\$0.35
2022 Ford F-150 Lightning 4WD BEV	\$1.65	\$0.81
2022 Ford e-Transit – Cargo Van BEV	\$1.66	\$1.12
2022 Ford Mustang Mach-E AWD BEV	\$0.63	\$0.78
2022 Freightliner eM2 BEV	\$1.98	\$2.84
2022 Phoenix Motorcars Z500 – Work Truck BEV	\$1.25	\$2.27
2022 Freightliner e-Cascadia BEV	\$2.00	\$5.58
2022 Lion Electric Lion8 Refuse BEV	\$0.58	\$5.58

\*On April 25, Chevrolet announced that it will no longer produce the Chevy Bolt EV, or Bolt EUV, after the 2023 model year. It will be replaced by the Equinox EV beginning with the 2024 model year.

Table 2

- **Develop Charging Infrastructure**

There are several locations in the city that have the potential to support EV infrastructure for fleet use. However, a major barrier is the high cost of the chargers themselves and installation of upgraded electrical service. The City will explore EV charging locations at key facilities such as the Public Works Headquarters and City Hall to support fleet EVs while monitoring for funding opportunities.

### **Other Actions**

- **Develop Information on Electric/Hybrid Vehicles on City Website**

Information is readily available to the public regarding EVs. Providing information to residents about the benefits and other useful information about EVs will be important to further encourage those considering switching to EVs.

- **Implement Transportation Demand Management Strategies**

The City's TSP identifies multiple strategies for reducing single-occupancy vehicle trips including ridesharing, bike programs, and incentives to employees. Such strategies may require coordination between the City of Sisters and businesses.

- ❖ The future multi-modal transportation hub is being planned to support ride-sharing options and the city will be well-positioned for similar strategies to become a more viable option.
- ❖ Community multi-modal sharing has become a common and popular option in many cities across the country and should be explored locally.
- ❖ Concepts such as electric bike-sharing programs may be well suited for the future multi-modal transportation hub.
- ❖ Expand the availability of bike parking racks in high-traffic areas to promote bicycle use.

- **Electric Transit**

The future multi-modal transportation hub will be constructed in a way that allows for electric transit charging and the City will continue to coordinate with local transit providers to stay informed on their plans regarding fleet electrification to support the charging of transit vehicles.

- **Lighting Infrastructure**

All City-owned streetlights and path lighting within the city currently use energy-efficient light-emitting diodes (LED) and shrouded in such a way to be dark-sky compliant and lessen deleterious effects on wildlife.



## Water Conservation

### Goals

- Promote water efficient irrigation and landscaping
- Minimize water consumption
- Maintain sustainable water supply

### Existing conditions

#### • Conservation Plan

The City of Sisters' most recent Water Management and Conservation Plan (WMCP) from 2021 outlines current conservation measures and projections about future water demands. Water conservation will not only help better prepare the community in drought but will help maintain a healthy aquifer for the future. The City will encourage water-wise actions in the community through education, policy, and incentives for residents and businesses. The City currently has information for residents and businesses regarding water conservation both in the home and outside for irrigation. Conserving water has multiple benefits. Besides reducing water use it also reduces costs associated with pump operations and maintenance and reduces emissions related to energy use.

#### • Curtailment Plan

Since 2007, the City of Sisters has not experienced a lack of sufficient potable water supply. However, the City does have a plan should such a scenario occur (table 3). The Plan also outlines measures that should be taken at each stage including public outreach and restrictions on non-essential use.

Shortage Stage	Initiating Conditions
Stage 1: Water Shortage Alert	<ul style="list-style-type: none"> <li>▪ Demand reaches 80% of authorized production capacity for three or more consecutive days; or</li> <li>▪ Reservoir level drops below 17 feet (1.2 MG) with wells pumping at authorized production capacity.</li> </ul>
Stage 2: Serious Water Shortage	<ul style="list-style-type: none"> <li>▪ Well #3 failure during peak season with Wells #1 and #2 still operational;</li> <li>▪ Demand reaches 90% of authorized production capacity for three or more consecutive days;</li> <li>▪ Reservoir level drops below 11 feet (0.8 MG) with wells pumping at authorized production capacity; or</li> <li>▪ A major break in one of the two secondary transmission lines that would limit the City's ability to fill and use the reservoir to full capacity.</li> </ul>
Stage 3: Critical Water Shortage	<ul style="list-style-type: none"> <li>▪ Well #3 failure and either Well #1 or Well #2 also inoperable (only one city well operational);</li> <li>▪ Demand is 100% or more of authorized production capacity; or</li> <li>▪ A major break in the main transmission line from the reservoir to the secondary transmission lines that would take the reservoir off-line resulting in a potential loss of system pressure and fire-flow capacity.</li> </ul>
Stage 4: Emergency Water Shortage	<ul style="list-style-type: none"> <li>▪ Sabotage involving the loss of one or more wells, reservoir, transmission lines, or similar loss of water supply elements; or</li> <li>▪ Water supply or system contamination.</li> </ul>

Table 3: City of Sisters Curtailment Stages

## Future Actions

### • Internal Actions

#### ○ Implementation Phasing of WMCP

Actions to better conserve water were identified in the WMCP which include routine maintenance, repair, and checks such as annual audits and commercial meter testing. Actions that need to be implemented include:

- ❖ Develop and implement a schedule for testing residential meters.
- ❖ Strive for less than 10% non-revenue water.
- ❖ Provide detailed conservation messages in monthly billings during warmer months (May-September)
- ❖ Work with high-consumption users on improving water conservation.

#### ○ Curtailment Action During Drought Declaration

*“In drought conditions, we all need to make an effort to use our water wisely. Water conservation is key to reducing pressure on our groundwater sources, and our biggest opportunity for water savings is from more efficient irrigation practices.”*

*-Public Works Director Paul Bertagna*

During the most recent drought conditions the City of Sisters released information to the public on water-saving methods around their homes. The City will continue to monitor conditions and advise the public during drought conditions as declared by the governor.

#### ○ Water Efficient Technologies on City-Owned Irrigation Systems and Parks

Sisters is fortunate to have a network of parks throughout the City as well as beautifully landscaped streets in the downtown area and surrounding many businesses. Recently the City converted nearly all landscaped areas from above-ground sprinkler irrigation to underground drip lines. This has allowed drastic reductions in water use and avoided waste due to run-off or overspray. Grassed areas in parks are irrigated mindfully and are monitored so that more precise applications of water can be administered. Some grassed areas are not used by the public and are being evaluated for water-wise landscapes to keep Sisters a green and inviting place for all while conserving water. The City will also retrofit the splash pad at Fir Street Park to recycle the water after being disinfected.

### • External Actions

#### ○ Development Code and Landscaping Standards

Though many new developments implement water-wise landscaping and irrigation, the City can update development codes to require water efficient irrigation technologies and water-wise gardening techniques in new developments such as rain barrels and subsurface drip irrigation.

#### ○ Incentive Programs

Incentive programs have the potential to influence many residents to switch to more water-efficient irrigation practices and technologies outside of the home and inside the home with low-flow fixtures and faucet aerators which will allow residents to save money on their water bill.



## Waste

### Goals

- Expand means by which wastewater disposal can benefit environment and community
- Improve energy efficiency of wastewater facilities
- Promote stormwater collection via bioswales to facilitate groundwater recharge
- Reduce consumption of carbon intensive products and services
- Increase waste diversion from landfills

### Existing Conditions

- **Recycle Center**

Owned by the City but operated by Republic Services, the Recycle Center offers expanded recycling opportunities for anyone in Deschutes County. Oversized cardboard boxes, glass containers, and even used motor oil can be brought there to be disposed of appropriately or recycled.

- **Wastewater Treatment, Collection, and Disposal**

Wastewater in the City isn't as wasteful as some may think. After being treated at the City's Wastewater Treatment Facility, wastewater is disposed of during the warmer months as irrigation so that the water can infiltrate back into the earth and be used by the vegetation, primarily around 80 acres of forested land surrounding the Wastewater Treatment Facility. This supports sustaining a robust forest frequented by local wildlife including chipmunks, ground-squirrels, tree squirrels, mule deer, elk, coyotes, wild turkeys, and various birds of prey including bald eagles.

- **Lazy Z**

One unique way the City disposes of treated wastewater is on a City-owned portion of the Lazy Z Ranch. Here Public Works staff utilize agricultural irrigation techniques to grow hay. The site has been identified in the Wastewater Facilities Plan for expansion in the future for increased disposal of treated wastewater.

- **City Stormwater System**

The City uses several techniques for capturing stormwater from collectors in roadways with gutters, rock swales, and bioswales all of which allow stormwater to infiltrate back into the earth. Information about stormwater and how the community can help the City manage stormwater is available on the City's website.



## Future Actions

- **Solid Waste**

- **Internal Actions**

- **Prioritize Purchasing of Less Carbon-Intensive and More Sustainable Products and Services**

Many products on the market have alternatives made with sustainability in mind often at a comparable price. Products purchased by the City for operations will be evaluated and more sustainable alternatives can be used.

- **Increase Waste Diversion from Landfills**

Though City operations include a great deal of recycling, including paper, glass, plastic, and metal products, some City facilities require increased efforts to reduce sent to landfills. Waste audits will help in determining what types of waste are produced and better inform where the City can improve facility waste diversion efforts. The City will also explore the feasibility of implementing public recycling containers.

- **External Actions**

- **Implement Education and Outreach Concerning Waste Reduction and Recycling**

Consumption of goods and food is a large source of greenhouse gas emissions both in residential homes and at businesses. The City will explore public information that encourages reducing consumption and waste and educate the public on more sustainable practices.

- **Wastewater**

- **Internal Actions**

- **Wetland Construction Phasing**

A creative solution to wastewater disposal has been identified involving the creation of a 16-acre constructed wetlands, 4 wet acres of forested ponds, and 2 miles of streams on the City-owned Lazy Z property. Identified as part of phase 1 of the Lazy Z Ranch Master Plan this project would include amenities for the community such as vehicle parking, a viewpoint, connections to neighboring trail systems, and a trail system through the wetlands and forested area. As with other constructed wetlands in the state it is anticipated that there would be an increase in waterfowl and raptors as well as other regional wildlife offering a local and easily accessible location for bird watching, a popular hobby in the region.

- **Pumping Energy-Use Reduction**

Wastewater facilities are the second largest source of GHG emissions from City operations. The future Westside Pump Station offers an opportunity to employ energy-efficient pumps. Energy efficient pumps will be installed at existing locations when existing pumps reach the end of their useful life.

- **Stormwater**
  - **Internal Actions**
    - **Continue Implementing COSM Strategies for Treating Stormwater**

The Central Oregon Stormwater Manual (COSM) provides guidance on stormwater management system designs that meet state requirements to reduce pollutants entering bodies of surface water. Whychus Creek is a beautiful yet fragile aspect of life in Sisters and diverting stormwater away from entering the waterway will help to maintain the health of the creek and the wildlife that depend on it.

- **External Actions**
  - **Use Bioswales and Permeable Pavement for Stormwater Disposal and to Reduce Flood Risk**

Bioswales offer ways to dispose of stormwater while supporting vegetation. Bioswales are visually attractive when maintained properly and have many benefits from filtering out pollutants to creating habitats for pollinators.<sup>13</sup>

Permeable pavement is another clever way of capturing and disposing stormwater and often include open-pore surfaces of paver, concrete or asphalt allowing water to flow through the surface and storing it while allowing it to infiltrate into the earth.<sup>14</sup>

Rainbarrels on private developments for use in landscape irrigation can also help to reduce runoff entering City right of way, further reducing the amount of stormwater entering a swale in a storm event.



## Wildfire Mitigation

### Goals

- Create and maintain defensible spaces around critical infrastructure
- Promote mitigation and preparedness efforts

### Existing conditions

- **Wildfire Mitigation Plan**

Completed in 2022, the City of Sisters Wildfire Risk Assessment and Mitigation Plan (WRAMP) identified and prioritized City-owned and managed properties for treatment allowing the City to strategically manage sites. Additionally, there is the Greater Sisters Country Community Wildfire Protection Plan (CWPP), a joint effort between local fire districts, city, county, state organizations, and Project Wildfire, which outlines goals to protect lives, create and maintain fire-adapted communities, and better manage forests.

- **Hazardous Fuels Reduction Project**

The City of Sisters began work on its Hazardous Fuels Reduction Project which aims to administer treatments recommended in the WRAMP. The two sites included in the project are the “high priority” City-owned Edgington Road Parcel (future site of a municipal drinking water well) and the forested area surrounding the City’s Wastewater Treatment Facility.

### Future Actions

- **Internal Actions**

- **Implement Mitigation Action Items**

Regular and routine maintenance throughout the year by Public Works staff to address many of the concerns highlighted in the WRAMP such as clearing of pine needles and managing other ground-level fuels.

- **Continue Agency Coordination for Wildfire Preparedness**

Future emergencies that Sisters may face will likely be linked in some way to the changing climate. By continuing to coordinate with other governmental organizations and local and regional emergency responders the City can better protect the lives of residents and visitors. The City will also explore how best to connect residents with organizations and the resources and assistance they need to better prepare and harden their homes against wildfire.

- **External Actions**

- **Strengthen Code Language for Private Property Fire Resiliency**

Buildings could see an increase in the potential for wildfire exposure as frequency and intensity increases. Wildfire preparedness and resiliency should be considered in new developments regarding more resilient construction techniques and landscaping.



*“The forest ecosystems of the east Cascades of Central Oregon are complex. All of them are forests that are historically adapted to fire.”*

*-Deschutes Collaborative Forest Project <sup>15</sup>*

○ **Private Property Fuel Reduction and Preparedness**

Much of Sisters’ city limits are in a wildland-urban interface (WUI) zone, which are at high-risk of a fire hazard. Creating a defensible space is an easy and effective way to create a more fire-resilient property. Embers from a wildfire can travel several miles downwind where they may land on flammable material such as yard debris, uncleaned gutters, or wood piles and ignite the material. Embers can even enter a home through vents or other openings.<sup>16,17</sup> Proper management of defensible space can give a structure an 85% chance of surviving a wildfire situation! Republic Services, the waste management company that serves Sisters, offers two separate yard debris cleanups, one in the spring and another in autumn. This is a commonly utilized service by residents in Sisters.

A prepared Sisters is a sustainable Sisters. A single burning home and all the synthetic materials within can release large amounts of toxic substances into the air, soil and water impacting not only the most vulnerable citizens of Sisters but can even impact municipal water <sup>18,19</sup>. The City of Sisters will continue to make educational materials and other resources accessible to the public on how to create effective defensible spaces to be a more fire-adapted community.

○ **Manage Urban Forest for Wildfire Resilience**

The City of Sisters Urban Forest Management Plan (UFMP) helps guide the City in maintaining and growing the urban forest. This document outlines wildfire mitigation and fuel treatments as they relate to the urban forest and includes the following recommendations:

Issue	Recommendation	Expected outcome
Defensible Space	Update defensible space requirements in the Sisters Development/Municipal Code.	Fuel reduction adjacent to all structures in city limits.
Wildfire Zoning	Adopt a wildfire hazard zone using criteria established by Oregon Department of Forestry.	Allows city to apply wildfire mitigation building codes to lots.
Wildfire Resilient Building Codes	Adopt a WUI code with wildfire hazard mitigation provisions for residential structures.	Gives city a new tool for improving wildfire resiliency with new development.
Defensible Space	Update Defensible Space requirements to align with current science and best practices, expand the requirements to include the entire WUI area.	Helps address wildfire risk to developed land within and adjacent to the city.
Fuel Reduction	Work with private and public landowners to reduce fuels within the WUI.	Provides fuel breaks that will help protect the existing stand
Tree Selection	Develop a list of acceptable trees that are ecologically fire resistant.	Prevents the spread of wildfire within the city.

Table 4: Wildfire Mitigation

## Parks, Open Space, and our Urban Forest

### Goals

- Improve access to green spaces and parks by community
- Maintain urban forest
- Reduce heat island effects
- Protect local ecosystems

### Existing conditions

- **Tree City USA**

Tree preservation is important to the community in Sisters. The City of Sisters is proud to be an Arbor Day Foundation Tree City USA participant since 2007. Sisters is the only city in Oregon to have an Urban Forestry Board, Urban Forestry Management Plan, a contracted Urban Forester, and a Tree Ordinance!

- **Tree Inventory**

With the help of the City's Urban Forester an inventory of the trees in City right of way and on City property was created, allowing us to track existing tree species and health.

- **Whychus Creek Restoration**

Whychus Creek, a tributary of the Deschutes River, flows through the city and bisects Creekside Park. With a large open area to the north and the City's campground to the south, Whychus Creek at Creekside Park is a popular attraction to those seeking nature in the city. In 2023 Sisters completed a riparian restoration in the area where the creek flows through Creekside Park, mitigating bank degradation, planting native flora to improve habitat for native fauna, and increase accessibility to the creek.

### Future Actions

- **Internal Actions**

- **Green Space Acquisition**

The City's 2023 Parks Master Plan identified several areas for potential open and natural spaces primarily recommending that the City work with the Oregon State Parks and Recreation Department to acquire State property on the eastern border of the city. The property is adjacent to Whychus Creek and would provide open space and natural areas for creek access and passive recreation. Recommendations have also been made to acquire public access easements to undeveloped property adjacent to Whychus Creek for increased access in the city.

- **Park Development**

Other recommendations in the Parks Master Plan include additional playground equipment at existing playgrounds in City parks, constructing a "Future Northwest Park", new trails at the Lazy Z Ranch site, and other potential uses for undeveloped property.

- **Convert Gasoline-Powered Lawn Equipment to Electric**

Many alternatives to traditional gas-powered landscaping equipment are currently on the market including lawnmowers. The City will monitor the market for potential alternatives to gasoline-powered lawn and landscaping equipment.

- **Expansion of Tree Canopy in Urban Heat Islands**

The urban forest is an aspect of life in Sisters that is very important to members of the community. Currently, the City plants trees every year during our annual Arbor Day Celebration. A major barrier to planting trees in the region is the need to irrigate the trees for years until they are able to survive on their own. The City will continue to consider areas suited for tree planting in addition to the Arbor Day plantings.

- **Wastewater Wetlands Trail Development**

The Lazy Z Ranch Master Plan identified areas of the Lazy Z Ranch to be used as a 16-acre constructed wetlands including a forested area with 4 acres of ponds and 2 miles of streams. Throughout this area would be several trails allowing users to view wildlife, especially birds such as waterfowl and raptors.

- **Stream Restoration & Protection**

Whychus Creek is a key feature of life in Sisters for those who enjoy the natural environment of the City. It is paramount to monitor the Creek where it flows through the City to preserve its health and ability to sustain wildlife and not negatively impact life downstream.

## **Other Actions**

- **Reduce Light Pollution through Dark Skies Ordinance**

Light pollution has many impacts on wildlife from disrupting the migration patterns of birds and predation patterns of animals who rely on insects attracted to lights at night, causing delicate ecosystems to become unbalanced.<sup>20</sup> Though these effects are often unseen by people who spend nights sleeping, light pollution can also disrupt human sleeping patterns.<sup>21</sup> Central Oregon is fortunate to have access to amazing night-sky views of the stars and by following Dark Sky practices all can benefit; human, animal and plant. The City will work towards updating its Dark Skies Standards, achieving minimal light pollution, and explore certification in the International Dark-Sky Association.



## Next Steps

### Implementation Plan

#### Year 1 Implementation Summary

- Complete LED lighting retrofit for City Hall
- Complete energy efficient HVAC upgrades for Public Works Headquarters
- Update to City's Darks Skies Ordinance
- Design Phase I of East Portal Mobility Hub with EV infrastructure
- Begin work on Barclay Dr improvements
- Complete water conservation streetscape irrigation projects
- Continue park irrigation water conservation projects
- Complete splash pad water recycling retrofit
- Continue wildfire resiliency work on Public Buildings

#### 1-5 yr

- Begin initial stages of fleet electrification
- Install solar batteries at existing solar facilities
- Implement phases of WMCP
- Expand City Fleet to include alternative modes of transportation
- Expand recycling opportunities at campground and Public Works HQ
- Expand public recycling opportunities throughout the city.
- Construct Lazy Z Ranch Phase 1
- Implement Wildfire Mitigation Action Items
- Construct Future Northwest Park
- Convert gas powered lawn equipment to electric
- Develop East Portal site to serve as a multi-modal transportation hub

#### 5-10 yr

- Construct Lazy Z Ranch Phase 2

#### To Be Determined

- Transition propane gas to electrical appliances
- Code Updates
  - Private property fire resiliency
  - Minimum energy efficiency standards
  - EV charging at multifamily and commercial developments
  - Favoring walkable/rideable neighborhoods
  - Solar energy production in new development
- Back up batteries for City-owned solar systems
- Evaluate potential sites and install e-bike infrastructure
- Evaluate potential sites and install EV infrastructure

## Accountability and Enforcement

By adopting this plan, the City of Sisters will demonstrate a commitment to creating a more sustainable Sisters Country and mitigating climate change.

## Progress Reporting

Progress reporting will be done on an ongoing basis with reports provided to oversight boards and committees as well as the city council. Reports will largely consist of action progress, planned and completed projects, and regular updates to GHG emissions and renewable energy analyses. The goal will be for annual progress reporting and updates to boards/committees/council and for the plan to be updated at least every 5 years. During those update periods the plan will be reevaluated to determine if new actions must be made and if current actions are sufficient to meet the plan's goals.

## Oversight

Oversight for specific topics such as Focus Areas, actions or goals will be provided by the applicable Board or Committee: City Council, Parks Advisory Board, Planning Commission, Public Works Advisory Board, and Urban Forestry Board.

## Funding

Various funding sources in the City budget currently fund projects described in this plan and will continue into the future. State and Federal grants have also been instrumental in supplementing funding for some of the larger projects in Sisters. Both City budgeted funding and grants will be crucial sources of funding for implementing this plan.

## Equity Considerations

Actions outlined in this plan should be implemented in a manner that addresses equity concerns unique to Sisters. Ensuring that equity is considered and addressed will help to create a more sustainable future and livelihood for the community as a whole. When actions are implemented, it will be important to assess if historically disadvantaged groups are being equitably considered in the following topics:

<b>Disproportionate Impacts</b>	Are burdens generated to historically disadvantaged groups? Can the burdens be mitigated?
<b>Accessibility</b>	Is this action accessible to households and businesses throughout the community, particularly historically disadvantaged groups?
<b>Engagement</b>	Are historically disadvantaged groups engaged and empowered in a meaningful and appropriate manner?
<b>Alignment and Partnership</b>	Does the action support and align with historically disadvantaged groups in the community? Is there an opportunity for collaborative partnership?
<b>Relationship Building</b>	Does the action facilitate building effective relationships with diverse communities?
<b>Economic Opportunities and Staff Diversity</b>	Does the action create workforce development, contracting opportunities and increased diversity of city staff for historically disadvantaged groups?
<b>Accountability</b>	Are there appropriate accountability mechanisms to ensure historically disadvantaged groups will equitably benefit?

Table 5



## SOURCES

1. Mote PW, Li S, Lettenmaier DP, Xiao M, Engel R. Dramatic declines in snowpack in the western US. *npj Climate and Atmospheric Science* (1). 2018 [accessed 2023 May 23]. <https://doi.org/10.1038/s41612-018-0012-1>.
2. Gannett MW, Lite KE Jr. Analysis of 1997–2008 groundwater level changes in the upper Deschutes Basin. Central Oregon. U.S. Geological Survey Scientific Investigations Report 2013-5092. 2013 [accessed 2023 April 19]. <http://pubs.usgs.gov/sir/2013/5092/>.
3. Jia G, Shevliakova E, Artaxo P, De Noblet-Ducoudré N, Houghton R, House J, Kitajima K, Lennard C, Popp A, Sirin A, et al. Land–climate interactions. *Climate Change and Land: an IPCC special report on climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems*. 2019 [accessed 2023 May 26]. <https://doi.org/10.1017/9781009157988.004>.
4. Lite KE Jr, McMurtrey O, Sussman A. Understanding Upper Deschutes Basin Groundwater Levels. GSI Water Solutions, Inc. 2022 [accessed 2023 May 26]. [https://gsiwatersolutions.com/White%20Paper\\_Understanding%20Upper%20Deschutes%20Basin%20GW%20Levels\\_9\\_26\\_2022\\_reduced.pdf](https://gsiwatersolutions.com/White%20Paper_Understanding%20Upper%20Deschutes%20Basin%20GW%20Levels_9_26_2022_reduced.pdf).
5. Wildfires and Climate Change. C2ES. [accessed 2023 May 26]. <https://www.c2es.org/content/wildfires-and-climate-change/>.
6. Wildfire Smoke Trends and Air Quality Index. Oregon Department of Environmental Quality: Air Quality Monitoring. 2023 [accessed 2023 April 19]. <https://www.oregon.gov/deq/wildfires/Documents/WildfireSmokeTrendsReport.pdf>.
7. Assumptions and References for Household Carbon Footprint Calculator. United States Environmental Protection Agency. 2022 [accessed 2023 April 17]. <https://www.epa.gov/ghgemissions/assumptions-and-references-household-carbon-footprint-calculator#:~:text=%22Typical%22%20annual%20CO2%20emissions,approximately%20943%20kWh%20per%20month>.
8. What’s the United States Average Carbon Footprint Per Person? Inspire Clean Energy. [accessed 2023 March 17]. <https://www.inspirecleanenergy.com/blog/clean-energy-101/average-american-carbon-footprint>.
9. For a livable climate: Net-zero commitments must be backed by credible action. United Nations. [accessed 2023 April 19]. <https://www.un.org/en/climatechange/net-zero-coalition#:~:text=To%20keep%20global%20warming%20to,reach%20net%20zero%20by%202050>.
10. Climate Equity. United States Environmental Protection Agency. 2023 [accessed 2023 April 19]. <https://www.epa.gov/climateimpacts/climate-equity#:~:text=Climate%20equity%20is%20the%20goal,benefits%20of%20climate%20protection%20efforts>.
11. MacIntyre S. Household heating costs are expected to be lower than previous two winters. U.S. Energy Information Administration. 2015 [accessed 2023 April 24]. [https://www.eia.gov/todayinenergy/detail.php?id=23232#tabs\\_4](https://www.eia.gov/todayinenergy/detail.php?id=23232#tabs_4).
12. Carbon Dioxide Emissions Coefficients. U.S. Energy Information Administration. 2022 [accessed 2023 March 15]. [https://www.eia.gov/environment/emissions/co2\\_vol\\_mass.php](https://www.eia.gov/environment/emissions/co2_vol_mass.php).

13. Gibb T. Bioswales can improve water quality resources. Michigan State University Extension. 2015 [accessed 2023 April 28].  
[https://www.canr.msu.edu/news/bioswales\\_can\\_improve\\_water\\_quality\\_resources](https://www.canr.msu.edu/news/bioswales_can_improve_water_quality_resources).
14. Upper Midwest Water Science Center. Evaluating the potential benefits of permeable pavement on the quantity and quality of stormwater runoff. USGS. 2019 [accessed 2023 April 28]. <https://www.usgs.gov/centers/upper-midwest-water-science-center/science/evaluating-potential-benefits-permeable-pavement#:~:text=Permeable%20pavement%20is%20a%20porous%20urban%20surface%20composed%20of%20open,discharge%20via%20a%20drain%20tile>.
15. [accessed 2023 May 22]. <https://deschutescollaborativeforest.org/restoring-our-forests/>.
16. Protecting Structures from Wildfire Embers and Fire Exposures. U.S. Fire Administration. 2022 [accessed 2023 July 26]. <https://www.usfa.fema.gov/blog/ci-090122.html>.
17. Marshall Fire Mitigation Assessment Team: Homeowner’s Guide to Reducing Risk of Structure Ignition from Wildfire. FEMA. 2023 [accessed 2023 July 26].  
[https://www.fema.gov/sites/default/files/documents/fema\\_marshall-fire-mat-homeowners-guide-reducing-risk-structure-ignition.pdf](https://www.fema.gov/sites/default/files/documents/fema_marshall-fire-mat-homeowners-guide-reducing-risk-structure-ignition.pdf).
18. Study Shows Some Household Materials Burned in Wildfires Can be More Toxic Than Others. United States Environmental Protection Agency. 2022 [accessed 2023 July 26].  
<https://www.epa.gov/sciencematters/study-shows-some-household-materials-burned-wildfires-can-be-more-toxic-others>.
19. Post-wildfire VOC sampling guidance for public water systems. Oregon Health Authority. 2020 [accessed 2023 July 26].  
[https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/DRINKINGWATER/PREPARE/DNESS/Documents/post-wildfire-VOC-sampling-guidance.pdf?\\_ga=2.54973739.1030430831.1690408467-1942490108.1690408467](https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/DRINKINGWATER/PREPARE/DNESS/Documents/post-wildfire-VOC-sampling-guidance.pdf?_ga=2.54973739.1030430831.1690408467-1942490108.1690408467).
20. Light pollution harms wildlife and ecosystems. DarkSky. 2023 [accessed 2023 August 24].  
<https://darksky.org/resources/what-is-light-pollution/effects/wildlife-ecosystems/>.
21. Light Pollution. National Geographic. 2022 [accessed 2023 August 24].  
<https://education.nationalgeographic.org/resource/light-pollution/>.



**Acknowledgments**

**City Council**

- Mayor Michael Preedin
- Council President Andrea Blum
- Gary Ross
- Jennifer Letz
- Susan Cobb

**City Staff**

- Jackson Dumanch
- Paul Bertagna
- Jordan Wheeler
- Emelia Shoup