

# Housekeeping Text Amendments

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CITY COUNCIL PUBLIC HEARING

SEPTEMBER 13, 2023

EMELIA SHOUP, ASSOCIATE PLANNER



# TEXT AMENDMENT

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**File No.:** TA 23-01

**Applicant:** City of Sisters

**PROPOSAL:** A package of text amendments to the Sisters Development Code (SDC) that correct errors, update references, and provide clarification of existing criteria and standards.

**WHY:** The process of code clean up, or “housekeeping”, allows for less substantive code changes to continue efficient City operations and administration of the code.

**BACKGROUND:** Planning Commission held a hearing on August 17, 2023, to deliberate the proposed text amendments and voted to recommend the text amendments for adoption by City Council.



# A “HOUSEKEEPING” TEXT AMENDMENT SHOULD NOT...

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- Result in a substantive change to the intent of the code;
- Create new or remove requirements or design standards;
- Nor create or remove review procedures.



# A “HOUSEKEEPING” TEXT AMENDMENT SHOULD NOT...

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## Examples:

- Housekeeping Text Amendment

“Temporary uses are prohibited from locating and/or operating within 15 feet from any point of the stream bank of ~~Wychus~~ Whychus Creek in city.”

**Reasoning:** Corrects the spelling of Whychus Creek.

- Beyond the scope of a Housekeeping Text Amendment

“Temporary uses are prohibited from locating and/or operating within ~~15~~ 100 feet from any point of the stream bank of Wychus Creek in city.”

**Reasoning:** Imposes a change to how the code standard applies.



# TEXT AMENDMENT OVERVIEW

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## Themes:

- Updating Definitions
- Corrections of Misspelled Words
- Corrections for Consistent Language and Accurate References
- Updating Terminology for Access and Paving Requirements
- Updating Procedural Language



# UPDATING DEFINITIONS

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Applicable Code Sections: SDC 1.3.300

## Gross acre(s)

- **Reasoning:** new definition per housing density calculation methodology.

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.



# UPDATING DEFINITIONS

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Applicable Code Sections: SDC 1.3.300

## Partitions and Subdivisions

- **Reasoning:** consistency with Oregon Statute definitions for subdividing and partitioning land.

**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.



# UPDATING DEFINITIONS

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Applicable Code Sections: SDC 1.3.300

## Partitions

### **Current Definition:**

Partition – To divide an area or tract of land into two or three parcels 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.

### **Proposed Definition:**

Partition – To divide land to create not more than three parcels of land within a calendar year. See also ORS Chapter 92.





# SPELLING CORRECTIONS

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**Applicable Code Sections:** SDC 2.11, SDC 2.15.1900, SDC 2.25.2700, SDC 5.2, SDC 3.2.400, SDC 3.4.1300, SDC 4.6.100, SDC 4.9.100.

**Reasoning:** To address minor spelling errors and inconsistent spellings.

1. Correct “Wychus” → “Whychus”
2. Correct “habitable” → “habitable”
3. Correct “Nonconforming” → “Non-Conforming”

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.



# AUTO-DEPENDENT USES

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**Applicable Code Sections:** SDC 2.4, SDC 2.5, SDC 2.14

**Reasoning:** 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”.

*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.*

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



# “OREGON AERONAUTICS”

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Applicable Code Sections: SDC 2.11

**Reasoning:** Correct outdated references to “Oregon Aeronautics”, 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).

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.



# “SITE DESIGN REVIEW”

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**Applicable Code Sections:** SDC 1.2, SDC 2.7, SDC 2.14, SDC 2.15, SDC 3.0, SDC 3.1, SDC 3.2, SDC 4.4.

**Reasoning:** Change the incorrect reference of “Site Design” approval to “Site Plan Review” approval. Both terms are used throughout the code with the same intent, but only the terminology for “Site Plan Review” has applicable procedures and definition:

*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.*

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



# “PUBLIC FACILITY & INSTITUTIONAL” (PFI) DISTRICT

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Applicable Code Sections: SDC 2.7

**Reasoning:** Clean up naming in the “Public Facility and Institutional” District.

**Proposed Language:**

- “Public Facility & Institutional District”
- PF → PFI



# WESTERN DESIGN THEME APPLICABILITY

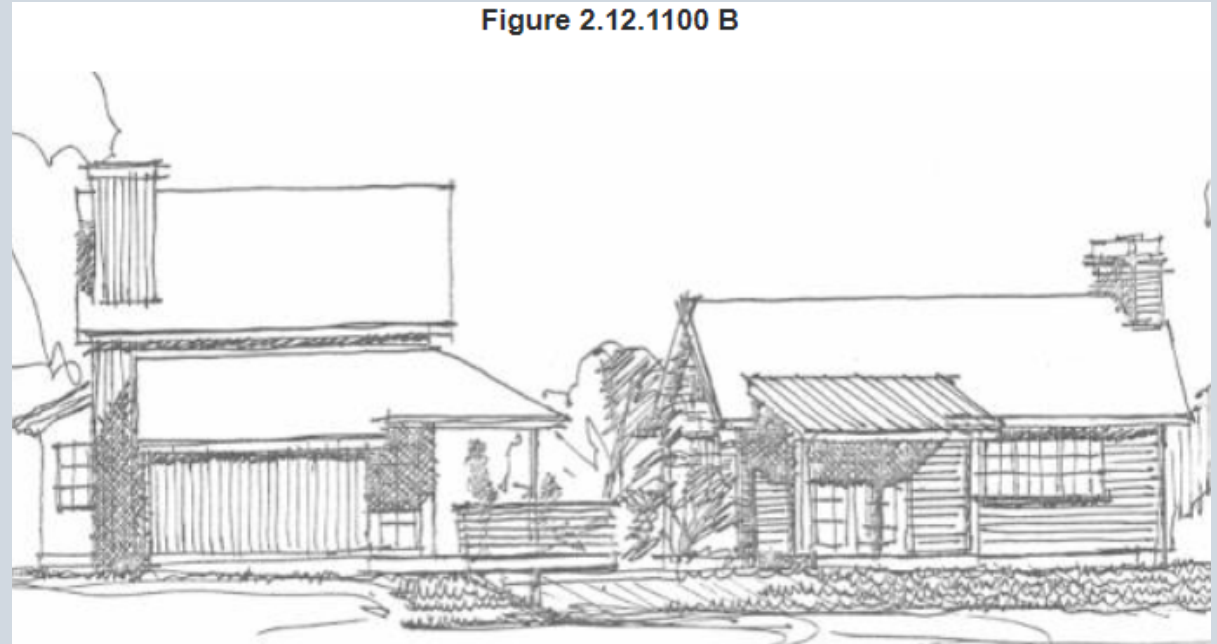
**Applicable Code Sections:** SDC 2.15.2600

**Reasoning:** Correct language to accurately reflect the exception for the Sun Ranch Tourist Commercial District (SDC 2.12), which has its own design standards defined as “early 1900’s Rural Farm/Ranch House”.

## Proposed Language:

“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.” ...

Figure 2.12.1100 B



# ACCESS & PAVING REQUIREMENTS

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Applicable Code Sections: SDC 3.1.300

Surface Options: “Required” → “Provided”

- **Reasoning:** Paving standards apply to any provided vehicular access, circulation and parking facilities. (Except where exemptions apply).

## 3.1.300 Vehicular Access and Circulation

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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.



# ACCESS & PAVING REQUIREMENTS

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Applicable Code Sections: SDC 3.1.300

**Frontage Streets and Alleys:** Add “or alleys” to the criterion, to match the existing title. Change “Hearing Body” to “Decision maker”.

- **Reasoning:** Frontage Streets and alleys are a way to implement the code requirement for new developments to allocate access with lower classified streets. The term of “decision maker” better applies to any decision type.

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.





# PROCEDURAL LANGUAGE

Applicable Code Sections: SDC 4.1.

**Reasoning:** Update to match City Hall's office hours ending at 4:30 p.m.; add a Type I Review category.

## 4.1.200 Description of Permit/Decision-Making Procedures

Table 4.1.200

Summary of Development Decisions/Permit by  
Type of Decision-making Procedure

Action	Decision Type	Applicable Regulations
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>

# PROCEDURAL LANGUAGE

Applicable Code Sections: SDC 4.1.

**Reasoning:** Update to match City Hall's office hours ending at 4:30 p.m.; add a Type I Review category. *Consider to specify Chapter 2.15.1800 for Communication Facilities.*

## 4.1.200 Description of Permit/Decision-Making Procedures

Table 4.1.200

Summary of Development Decisions/Permit by  
Type of Decision-making Procedure

Action	Decision Type	Applicable Regulations
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# PROCEDURAL LANGUAGE

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Applicable Code Sections: SDC 4.1.

**Reasoning:** Remove redundant language.

## 4.1.400 Type II Procedure (Administrative)

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### 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;



# PROCEDURAL LANGUAGE

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**Applicable Code Sections:** SDC 4.1.500

**Reasoning:** Give each type of notice procedure its own “category”, no change to language.

**Proposed Change:** Changes have been paraphrased below.

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.*

*2. Published notice.*

*3. Posted notice.*

*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:*



# CODE MISREFERENCES

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Applicable Code Section: SDC 4.1

Reasoning: Correct code references to other criteria.

## 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:

...

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;



# CODE MISREFERENCES

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**Applicable Code Section:** SDC 3.2.200.

**Reasoning:** The Floodplain district was removed in 2018 and replaced with the SDC 2.10 Special Flood Hazard Area Overlay District which provides specific standards to limit the building footprint and preserve the function of the floodplain.

## 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.

~~11. Floodplain (FP), thirty (30%) percent~~



# SCRIVENER'S ERRORS

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For the Council's Consideration:

**Page 4 & 5:** Correct the location of Chapter 2.7 & Chapter 2.11 to be in sequential order under items E and F in the staff report for file no. TA 23-01.

**Page 15:** Under section "4.1.500 Type III Procedure (Quasi-Judicial)", add "hearing date" for items #2 and #3 to remain consistent with item a.

**Page 20:** Correct for consistent capitalization of "Section" in the second to last paragraph, under the Conclusionary Findings section of the staff report for file no. TA 23-01.



# OTHER SUGGESTED EDITS

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## For the Council's Consideration:

**Page 5-7:** Consider updating the proposed code amendments for SDC 2.7 Public Facility & Institutional District to use the PFI acronym more consistently throughout the code chapter.

**Page 12:** Under code criterion 3.1.300(I)(6) for “Frontage Streets and Alleys”, consider correcting the proposed amendment to state “a frontage street or an alley”.

**Page 14:** Under table 4.1.200, specify the “Applicable Regulations” to state “Chapter 2.15.1800” for Communication Facilities Type I reviews

**Page 16:** Under sections 4.1.200, 4.1.700(H)(3), 4.1.800(D), consider language to further clarify the new City Hall hours of operations.





# NEXT STEPS

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- (1) Approval and adoption of the application as submitted; or
- (2) Approval and adoption of the application, as amended; or
- (3) Deny the application.



# QUESTIONS

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541-323-5216



# APPENDIX

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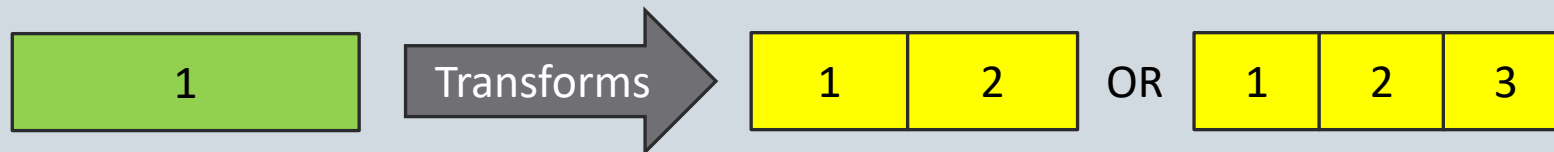


# UPDATING DEFINITIONS

Applicable Code Sections: SDC 1.3.300

## “Partition” (continued)

- **Current Definition:** Partition – To divide an area or tract of land into two or three parcels 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.
- **Proposed Definition:** Partition – To divide land to create not more than three parcels of land within a calendar year. See also ORS Chapter 92.



- Not ...

