

# Threewind

## Burden of Proof Statement

Proposed Master Planned Commercial & Multifamily Development

**REQUEST / LOCATION:** Proposed Masterplan of Parcel 1 of Partition Plat 2014-26 that allows development of 7.48 acres to create commercial and multifamily development conforming with current Highway Commercial zoning. The subject property includes Tax Lot 7200 Tax Map 151005DC.

**APPLICANT:** Threewind Partners, LLC

**PROPERTY OWNER:** Threewind Partners, LLC

**APPLICABLE CRITERIA:** Chapter 2.3 (Multi-Family Residential); Chapter 2.5 (Highway Commercial) Chapter 3.1 (Access and Circulation Chapter 3.2 (Landscaping and Screening); Chapter 3.3 (Vehicle and Bicycle Parking); Chapter 4.1. (Types of Applications and Review Procedures); Chapter 4.5 (Master Plans);

**ZONING CODE DESIGNATION:** Highway Commercial District (HC)

**COMPREHENSIVE PLAN DESIGNATION:** HC - Highway Commercial

**Aerial Map of Subject Site**



Figure 1: Aerial Vicinity Map

1. **Lot of Record:** The original property was platted as Parcel 1 of Partition Plat 2014-24. It is situated in the west half of Section 5, Township 15 South, Range 10 East, Willamette Meridian, 1680 W McKinney Butte Rd, City of Sisters, Deschutes County, Oregon 97759. The property is also known as Tax Lot 7200 of Tax Map 151005CB.



Figure 2: Tax Map

2. **Site Description:** The property is undeveloped, 7.48 acres. The property is mostly flat with trees scattered throughout.
3. **Surrounding Land Use:** To the west of the property is The Pines at Sisters PUD, to the east is BiMart, to the south is undeveloped land and to the north Sisters Inn & Suites.

4. **Conclusionary Findings:** The following findings relate to compliance with applicable Sisters Development Code standards and criteria. Compliance with Oregon Revised Statute 92 is assumed if compliance with this development code can be verified.
5. The terms “subject property” or “site” within this document refer to the subject site under consideration.

**Application Summary:**

Threewind is proposed to have commercial and multifamily areas conforming to the Highway Commercial Zoning district. Commercial development is proposed along McKinney Butte Road and Hood Avenue. Multifamily development is proposed behind the commercial development, adjacent to The Pines at Sisters PUD. A separate partition application was submitted as MNR 19-01. Development will take place incrementally.

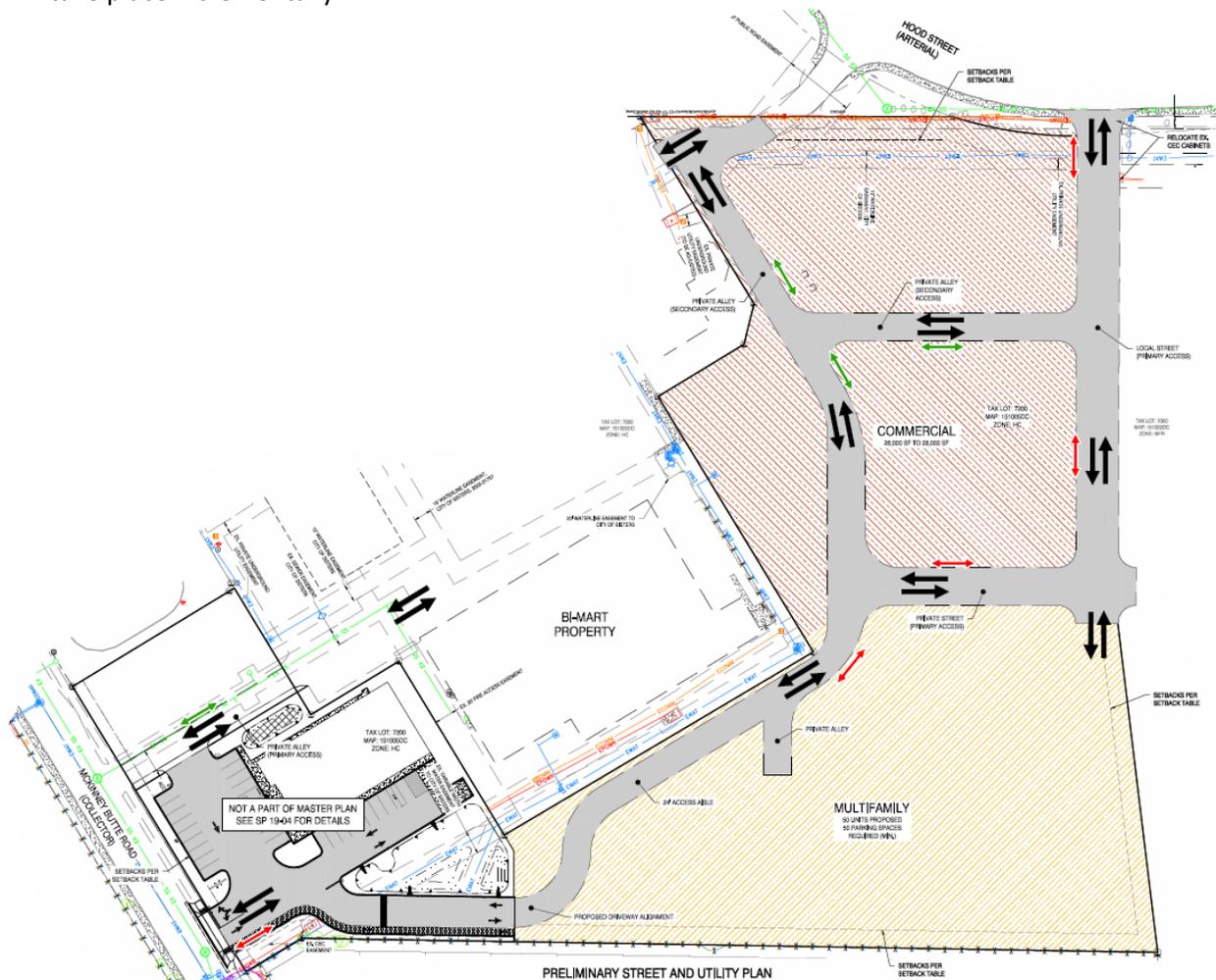


Figure 3: Concept Master Plan

This application proposes a Master Planned Subdivision development of the subject property according to current Highway Commercial Code.

Proposed development includes up to 28,000 SF of commercial building area, up to 28,000 SF of ground floor Multifamily building area, a public street, and associated site improvements. Development layouts shown within the attached plan set are intended as proof that the property could develop as intended. However, final layout of buildings, access aisles and landscaping will be decided through individual site and design review applications as the property develops, with this masterplan application serving as a general framework of the intent upon completion.

Utilities shall be provided by City of Sisters sewer and water, Central Electric Cooperative and various franchise utility companies. Storm drainage may be mitigated using drainage swales, trenches and drywells. Open spaces with trails and sidewalk will be constructed throughout the development. To satisfy requirements of the MFR zoning code 4.5.400.I, four amenities will be provided within the development.

## Chapter 2.5 – Highway Commercial District (HC) Sections:

### 2.5.200 Uses

- A. Permitted uses. Uses allowed in the Highway Commercial District are listed in Table 2.5.1 with a “P”. These uses are allowed if they comply with the development standards and other regulations of this Code.

**RESPONSE: The development proposes only uses that are allowed outright within the highway commercial district.**

- B. Special Provisions. Uses that are either permitted or conditionally permitted in the Highway Commercial District subject to special provisions for that particular use are listed in Table 2.5.1 with an “SP”. Uses subject to an SP shall comply with the applicable special use standards included in Chapter 2.15.

**RESPONSE: The development proposes only uses that are allowed outright within the highway commercial district at this time. However, due to the preliminary nature of this masterplan, individual site developments will be applied for via site and design review. If a use with special provisions is sought, it will be applied for at the time of site and design review.**

- C. Conditional uses. Uses that are allowed in the Highway Commercial District with approval of a conditional use permit are listed in Table 2.5.1 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.

**RESPONSE: The development proposes only uses that are allowed outright within the highway commercial district at this time. However, due to the preliminary nature of this masterplan, individual site developments will be applied for via site and design review. If a conditional use is sought, it will be applied for at the time of site and design review.**

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

**RESPONSE: All proposed uses are permitted in the Highway Commercial District at this time; therefore, this section is not applicable.**

*Table 2.3.1 Use Table for the Multi-Family Residential District*

<b>Land Use Category</b>	<b>Permitted/Special Provisions/Conditional Uses</b>
<b>Residential</b>	
Dwelling(s) located above, within, or attached to a commercial building not including single family dwellings.	P/SP
Child care home (Care for no more than 16 children)	P
Residential facility	P/SP
<b>Commercial</b>	
Amusement Uses	P
Artist studio	P
Assembly, Club	P
Concert Hall	P
Electric Car Charging Station	P
Gallery	P
Car Wash	CU/SP
Hotel or motel	P
Brewery and Distillery	MCU/See Section 2.5.300.L
Eating and drinking establishments	P/See Section 2.5.300.L
Retail Sales Establishment	P
Professional and personal services (dry cleaners, barber shops/salons, and similar uses)	P
Offices (medical, dental, professional)	P
Grocery stores, convenience store or neighborhood market	P
Health club	P
Ambulance service	P
Service stations	P/SP
Vehicle repair and servicing	MCU
Animal veterinary clinic	P
Light manufacture (e.g., small-scale crafts, electronic equipment, furniture, similar goods) when in conjunction with retail	CU
Permitted Uses with a drive-through	CU/SP
Recreation Uses (indoor)	P
Recreation Uses (outdoor)	CU
Theater	P
<b>Public and Institutional</b>	
Museums	P
Community centers and similar uses	P
Public parking lots and garages	P
Public parks and recreational facilities	P

Schools (including child care centers)	CU
Utility Facility	CU
Churches and religious institutions	CU

Miscellaneous	
Accessory Uses	P/SP
Adult business	P/SP
RV parks, including caretaker's residence	CU/SP
Bed and breakfast inn	P
Vacation Rental	P
Communication facility	CU/SP
Home Occupation	P/SP
Hostel	P; accessory use to primary permitted use; 25 guest occupancy limit plus staff, and 14 day stay limit for each 30 day period.
Permitted Uses with a drive-through require a Conditional Use Permit (except for Electric Vehicle Charging Stations), see also Special Provisions	

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

### 2.5.300 Development Standards

The following property development standards shall apply to all land, buildings and uses in the Highway Commercial District:

- A.** Lot Area, lot width, lot depth, setbacks, floor area ratio, lot coverage and building height. See Table 2.5.2

**RESPONSE:** The attached master plan includes a tentative site plan that conforms to the requirements of table 2.5.2. This standard is met.

*Table 2.5.2 Development Standards in the Multi-Family Residential District*

Development Standard	Highway Commercial District	Comments/Other Requirements
Minimum lot size	No minimum lot size	
Lot frontage	No minimum lot frontage	-

<p>Front yard setback</p> <p>a. Abutting local street</p> <p>b. Abutting state highway</p> <p>c. Abutting Arterial</p> <p>d. Abutting Collector street</p>	<p>10 foot minimum</p> <p>50 foot minimum; 30 foot buffer setback which shall not include parking or vehicular circulation (See Buffering)</p> <p>20 foot minimum</p> <p>10 foot minimum</p>	<p>Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks shall apply.</p> <p>The following features are allowed to encroach into the required setback by no more than five (5) feet: eaves, chimneys, overhangs, canopies, fire escapes, landing places, outside stairways, and similar architectural features.</p>
<p>Interior side yard setback</p> <p>a. Abutting non-residential district</p> <p>b. Abutting residential district</p>	<p>No minimum</p> <p>15 foot minimum</p>	<p>-</p> <p>See Buffering</p>
<p>Exterior side yard setback</p> <p>a. Abutting local street</p> <p>b. Abutting state highway</p> <p>c. Abutting Arterial</p> <p>d. Abutting Collector street</p>	<p>10 foot minimum</p> <p>50 foot minimum building setback; 30 foot buffer setback which shall not include parking or vehicular circulation (See Buffering)</p> <p>20 foot minimum</p> <p>10 foot minimum</p>	<p>The following features are allowed to encroach into the required setback by no more than five (5) feet: eaves, chimneys, overhangs, canopies, fire escapes, landing places, outside stairways, and similar architectural features.</p>
<p>Rear yard setback</p> <p>a. Abutting non-residential district</p> <p>b. Abutting residential district</p>	<p>No minimum</p> <p>15 foot minimum</p>	<p>-</p> <p>See Buffering</p>
<p>Lot coverage</p>	<p>No maximum lot coverage</p>	<p>Compliance with other sections of the Code (landscaping, parking, pedestrian circulation, etc.) may preclude 100 percent lot coverage for certain uses</p>
<p>Building height</p>	<p>35-feet</p>	<p>See exceptions to building height in Section 2.5.300.B</p>

**B. General Exceptions to Setbacks and Building Height**

1. The building height increase allowed for housing shall apply only to vertical mixed use

buildings, and shall only apply to that portion of the building that contains housing.

2. Not included in the maximum height limit are bell towers, steeples, flagpoles, and similar features that are not intended for human occupancy and by their vertical orientation do not block views.
3. Not included in the maximum height limit are western design theme facades (false front facades), which may extend to 40 feet for a maximum 25 percent of the street-facing building length.

**RESPONSE: The applicant understands these requirements and shall comply.**

- C.** All uses shall be conducted wholly within a completely enclosed building, except for service stations, off-street parking and loading facilities and outdoor displays, sales and dining. The Planning Commission may permit the outdoor operation of other permitted use by approving a conditional use permit including display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, and similar vehicles and equipment.

**RESPONSE: The applicant understands these requirements and shall comply.**

- D. 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. A minimum clearance of 4 feet shall be maintained at all times to allow pedestrians to pass by the displays, sales and dining areas. This section does not include public art; see Special Provisions.

**RESPONSE: The applicant understands these requirements and shall comply.**

- E. Buffering.** When abutting residential districts or a state highway, the setback area shall include landscaping to screen parking, services and delivery areas, and building walls without windows or entries, as applicable. The buffer may contain pedestrian seating but shall not contain any trash receptacles, parking or vehicular circulation, loading facilities or storage of equipment, materials, vehicles, etc. The landscaping standards in Chapter 3.2 may require buffering of other activities, as well.

**RESPONSE: The applicant understands these requirements and shall comply.**

- F. Building Orientation Standards.** The following standards shall apply to all development within the Highway Commercial District in order to reinforce streets as public spaces and encourage alternative modes of transportation such as walking and bicycling.

1. Building entrances. Buildings shall have their primary entrance(s) oriented to (facing) the street. On corner lots, buildings shall have at least one entrance oriented to the street. All other street facing elevations shall comply with the Design Standards including ground floor windows. Building entrances may include entrances to individual units, lobby entrances,

entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces).

2. Arterial street orientation and pedestrian connections. When the only street abutting the development is an arterial street, the building entrance may be oriented to an internal drive. The internal drive shall ensure a direct pedestrian connection between the street and buildings on the site, and between buildings and other activities within the site. In addition, options should be provided for extension of the pedestrian connection to adjacent sites, where feasible. The pedestrian connections must be hard-surfaced and be at least 6 feet wide. Where the system crosses driveways, parking areas, and loading areas, the pedestrian system must be identifiable, through the use of elevation changes, speed bumps, different paving materials, or other similar methods and shall be in compliance with American Disability Act (ADA) Standards.

**RESPONSE: The applicant understands these conditions and shall comply. All development within the masterplan will undergo individual site and design review and will demonstrate compliance with these standards at this time.**

**G. Design Standards.** The design standards in this section apply to all uses and buildings in the Highway Commercial District.

1. Ground floor windows shall be provided along all street facing facades for viewing the activity inside the building and blank walls are prohibited.
2. Architectural features include, but are not limited to the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections or other features that complement the design of the structure.
3. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the Western Frontier Architectural Design theme. Architectural methods shall be used to conceal flat roof tops. Overhanging eaves, sloped roofs, articulated parapet walls and multiple roof elements are highly encouraged. Mansard style roofs are prohibited.
4. Clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls, and/or integral planters are required.

**RESPONSE: Individual developments will further demonstrate compliance during site and design review of their specific proposals.**

**H. Major Retail Development, as defined, shall refer to Chapter 2.15, Special Provisions.**

**RESPONSE: This section is address further in the document.**

- I. **Pedestrian Amenity Standards.** Development in the Highway Commercial District shall provide at least two (2) of the pedestrian amenities listed below. Pedestrian amenities may be provided within a public right-of-way (i.e., on the sidewalk, curb, or street pavement) when approved by

the City (for city street), Deschutes County (for county roads) or ODOT (for state highways).

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 8 feet).
2. Sitting space (i.e., benches or ledges between the building entrance and sidewalk, with a minimum of 16 inches in height and 30 inches in width).
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a privately owned sidewalk or pedestrian space).
4. Public Art
5. Water Feature

**RESPONSE: This application only proposes a concept master plan, with individual site design to occur through separate site and design review applications once the master plan has been approved. Compliance with this standard will be demonstrated at this time.**

**J. Screening.** The screening standards address specific unsightly features which detract from the appearance of commercial areas.

1. Garbage and recycling collection areas. Garbage and recycling collection enclosures are required and shall be orientated away from the street and adjacent properties. Enclosures shall be constructed of solid, durable and attractive walls/fences, a minimum of six (6) feet in height, with solid doors, and shall be visually consistent with project architecture. Trash receptacles for pedestrian use are exempt. Enclosures shall be compliant with all applicable fire codes
2. Mechanical equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps or generators, must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Landscaping and screening shall be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened by a parapet around the façade or the equipment that is as tall as the tallest part of the equipment. Screening shall be compliant with all applicable fire codes and height requirements

**RESPONSE: The applicant understands this requirement and will comply. Compliance will be demonstrated at the time of site and design review for each building within the final development.**

**K. Western Frontier Architectural Design Theme.** See Special Provisions, Chapter 2.15.

**RESPONSE: This section is address further in the document.**

**L. Formula Food Establishments.** The city of Sisters has developed a unique community character in its commercial districts. The city desires to maintain this unique character and protect the community's economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs. To meet these objectives, the city limits Formula Food Establishments to a maximum of six within this zone.

**RESPONSE: The applicant requests that one of the six allotments is reserved for use as part of this**

masterplan.

## 2.15.2000 Major Retail Development Standards.

- A. A Major Retail Development shall require a Master Plan.

**RESPONSE: This is an application for a Master Plan.**

**B. Major Retail Development Standards.** The following development standards apply to all Major Retail Development. The goal of these development standards is to affirm the City's objective that Major Retail Development create or impart a sense of place and/or streetscape at a scale appropriate to the character of Sisters with its small town atmosphere, its exceptional unique architectural characteristics and rural western community heritage, as well as preserving the diversity and vitality of Sisters' commercial districts and the quality of life of Sisters residents. It is generally noted that the typical or classic "big box" type of commercial building and development pattern does not meet these community development objectives. In addition to the development standards prescribed elsewhere in this Chapter and the Development Code, all Major Retail Development shall comply with the following development standards:

1. All development shall comply with the 1880's Western Frontier Design Theme.
2. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; 1880s theme wall lighting; and similar features.
3. The design of service areas, including outdoor storage, trash collection, loading, etc., shall be incorporated into the primary building design and shall be of materials of comparable quality and appearance as that of the primary building.
4. When the service areas (loading docks, refuse storage and enclosures, etc.) are adjacent to or across the street from residential neighborhoods, all delivery trucks, garbage trucks, and other large vehicles servicing the commercial development shall access the service areas via internal driveways and not from the residential street.
5. Any equipment, whether on the roof, side of building, or ground, shall be screened. The method of screening should be architecturally integrated with the building design in terms of materials, color, shape and size. Screening shall be applicable to all fire codes and height requirements
6. Parking and security lights shall not be taller than the buildings within the development, or a maximum of twenty (20) feet above grade, whichever is less and shall comply with the Dark Skies Standards in Special Provisions.

7. All ground mounted and monuments signs permitted by the Sign Ordinance for the applicable zoning district shall be located in a landscaped area that is equal in size or larger than the total sign area for that freestanding sign.
8. Maximum size of interior shall not exceed 50,000 square feet

**RESPONSE: The conceptual master plan included with this application conforms to items 2 & 4 in the table above. Compliance with the other criteria will be detailed during individual site and design review for each portion of the development.**

- C. Major Retail Development - Abandoned Building Surety Bond. As may be required by the City, all Major Retail Development as defined herein, shall obtain, provide evidence to the City, and carry in full force and effect throughout the duration of the life of the building, or time period as may be stipulated by a development agreement, a performance/surety bond providing for demolition of the primary building or buildings as identified by the City. Said performance/surety bond shall be an amount 120 % of an estimate of the funds to cover the cost of complete building demolition and maintenance of the vacant building site if the primary building is ever vacated or abandoned, and remains vacant or abandoned for a period of more than 24 consecutive months following primary business closure. The cost estimate must be submitted to and accepted by the City prior to bonding.

**RESPONSE: The applicant understands the requirement and shall comply.**

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

- A. Purpose. The purpose of the 1880's Western Frontier architectural design theme is to improve the City's image and visual appearance. It has also been developed with the desire to establish City identity and interest and to attract visitors and tourists in support of a significant community economy.
- B. Applicability. The Western Frontier Architectural Design Theme applies to all new, reconstructed or remodeled uses in all Commercial Districts. 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.
  1. Architectural Compatibility. Architectural styles may vary from building to building, or from block to block. This variety helps to generate architectural interest in the commercial districts. At the same time it is important to recognize that the existing architectural styles are an influence to new designs.

Applications for development subject to the Western Design Theme shall indicate how the proposed building will relate to existing architecture on the block or within the area if no buildings are present on the block.

Rhythm of spacing of buildings on streets. Moving past a series of buildings generates a rhythm of recurrent building masses. An irregular and disjointed spacing can detract from the streetscape. Spacing within a block or a building group shall be organized to create a vertically harmonious transition of building facades; this may be achieved by 'stepping up' the heights of the horizontal center portions of taller buildings that abut shorter / single storied buildings.

Proportion of buildings' front facades. The relationship between the width to height of the front elevation of a building must be in proportion to those of the immediately adjacent neighboring buildings where feasible.

2. **Architectural Design Themes.** The 1880's were a lively and diverse architectural period. The Comprehensive Plan lists 4 buildings that are on the Inventory of Historic Sites. These buildings include:

- Leithauser Store, Commercial, 120 E. Cascade ("The Sisters Bakery")
- Aitken Drugstore, Commercial, 158 W. Cascade ("The Palace")
- Hotel Sisters, Commercial, 105 W. Cascade ("Bronco Billy's Ranch Grill & Saloon")
- Hardy Allen House, Commercial, 310 E. Main ("Nettie's")

In addition to the four buildings listed on the Inventory of Historic Sites, there are other examples of architectural themes for structures that are consistent with the 1880's Western Design Theme. At the discretion of the City, architectural themes of buildings seen in photos constructed east of the Cascades within the Pacific Northwest may be mimicked.

3. **Guidelines for building designs.** The following construction materials are recommended for use in the 1880's Western Design Theme construction. Durable synthetic or manufactured building materials that simulate wood, stone or masonry are permitted. Certain siding is prohibited as stated below.

- a. **Roofs.** Coverings shall be non-reflective metal, tile, asphalt, and other appropriate materials. All roofing shall meet all applicable Fire and Building Codes.
- b. **Exterior Finishes.** Typical materials are varieties of actual or simulated horizontal wood siding, vertical board and batten (rough sawn or surfaced four sides) and cedar shingles, with the latter particularly applicable to ornamental patterns on residential structures. Brick or stone masonry provides additional choices of material. Any T-111 (grooved) plywood siding is prohibited. Smooth plywood shall not be used as an exterior finish material. Logs or rough-sawn plywood may be used as exterior finish material. Board and batten applications with battens shall have no less than nominal 1 x 2 dimension, placed on centers not exceeding 12 inches when plywood is used, and all vertical plywood joints and seams shall be covered by battens, and no plywood edges shall be left exposed.

During the period, there was a lack of high gloss finishes, therefore color applications were generally flat in nature. To duplicate this character, flat or low gloss products currently on the market should be utilized. Where the exterior is not painted the exterior is to be oiled and/or stained to protect the surface materials. This is practical with the use of cedar or redwood which both contain natural oils that protect the wood. As a practical matter for extended protection of any board and batten surface, the use of sealer or oil base of solid color stain is warranted. The same is true of vertical surfaces finished with cedar shingles.

Horizontal wood drop siding was normally finished with paint, however, in many instances no finish was applied. Here a sealer or stain would be appropriate in lieu of a painted surface.

- c. Windows. Wood sash windows are typical, to include double hung, casement, horizontal sliding and fixed sash. Simulated wood is acceptable in commercial construction provided that it replicates the appearance of wood. This is particularly true for large expanses of glass which are permitted in commercial storefronts and will undoubtedly require special foundation.
- d. Doors. Combination glass and wood panel doors are typical and are available in certain standard types, in single and divided glass lights. Synthetic or simulated wood is acceptable as it provides durability, but must have the appearance of authentic 1880's western design.
- e. Colors. Rough sawn or milled boards and batten, particularly cedar and redwood, may be left unfinished and which may ultimately weather to silver gray in color.

Applied surface colors were predominately flat white for most buildings. Large area surface colors other than white were primarily flat earthy ochres, yellows, browns and reds. Trim was found at the cornices, vertical corner trim of a building, windows and doors, porch and balustrade. Color samples are available at the Sisters City Hall.

- C. Benches.** Benches should be provided in both buildable and private pedestrian areas and walkways.
- D. Trash Enclosures.** Trash enclosures shall be carefully located and treated to integrate with the appearance of the site/building design. Trash enclosures shall incorporate construction materials which are consistent with the western frontier theme and the style of the adjacent buildings. All trash enclosures shall meet all applicable Fire and Building codes for placement and materials used. Placement of the enclosures shall be combined with neighboring properties where reasonably possible.
- E. Lighting.** Lighting shall be low intensity, shaded or shielded and subject to review and shall be compatible with the western frontier theme. Exterior lighting shall comply with Section 3.4.200 m., Dark Skies Standards.
- F. Building Entrances.** Entrances to the building shall be recessed from the sidewalk to provide for an entryway not in conflict with the pedestrian circulation on the sidewalk.
- G. Roof, mechanical equipment and satellite dishes.** Such equipment shall be screened in a method consistent and integral with the overall architectural appearance of the structure.
- H. Architectural details.** Attention to detail is of significant importance. Lighting fixtures, gates, exterior window treatments, use of material and color must be considered relative to the western frontier period for authenticity and detail.
- I. Awnings, canopies, porches.** Awnings, porches, canopies or other additions to a structure shall be reviewed and approved by the city, and shall be compatible with the western frontier theme. Such additions on corner buildings shall be continuous around the corner.

- J. Fences and Gates.** Fences and gates shall be constructed of wood and may contain ornamental iron details. Fence designs shall be consistent with the overall architectural style of the development, and shall meet all applicable clear vision, Fire and Building Code requirements.

**RESPONSE: Individual developments will further demonstrate compliance during site and design review of their specific proposals.**

## **Chapter 3.1 – Access and Circulation Sections:**

### **3.1.300 Vehicular Access and Circulation**

**A. Traffic Study and Control Requirements**

1. The City or other agency with access jurisdiction may require a traffic study prepared at applicant/developer's expense by a qualified professional to determine access, circulation and other transportation requirements. A Traffic Impact Study shall be required for all development applications that will result in a traffic impact or increase in traffic impact of 200 or more average daily trips (ADT).

**RESPONSE: Included with this application is a traffic study prepared by Lancaster Engineering.**

2. Traffic control devices, subject to the approval of the Hearings Body, shall be required with development when traffic signal warrants are met, in conformance with the Oregon State Highway Capacity Manual, and Manual of Uniform Traffic Control Devices. The location of traffic control devices shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal or other traffic control device, a device meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval.

**RESPONSE: The enclosed traffic study provides conclusions that do not warrant a traffic signal.**

3. Traffic-calming features, such as curb extensions, narrow residential streets, and special paving shall be required where appropriate and in accordance with the Transportation System Plan and Public Works' Standards and Specifications, latest edition, in order to slow traffic in neighborhoods and areas with high pedestrian traffic and to maximize a pedestrian friendly environment.

**RESPONSE: No traffic calming features are recommended in the traffic study. Traffic is distributed equally to McKinney Butte and Hood - both improved streets that can accommodate the increased traffic without calming features.**

- B. Access Management.** The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system

**RESPONSE: A public street is proposed along the south boundary of the property and will intersect**

**Hood Street. All access from the site is proposed for this street. See traffic study for further information regarding site access.**

- C. Fire Access and Turnarounds.** When required under the Oregon Fire Code, fire access lanes with turnarounds shall be provided. Except as waived in writing by the Fire Marshal, a fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. The drive shall contain unobstructed adequate aisle width (20 feet) and turn-around area for emergency vehicles. The Fire Marshal may require that fire lanes be marked as "No Stopping/No Parking."

**RESPONSE: Conceptual fire access lanes are proposed for all proposed buildings as shown on the preliminary plans. Fire Access shall be provided within 150 feet of all buildings. Fire turnarounds are provided where fire access lanes exceed 150 feet.**

- D. Vertical Clearances.** Except for drive-through windows, all driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13'6" for their entire length and width.

**RESPONSE: No vertical obstructions are proposed for access.**

- E. Vision Clearance.** Visual obstructions between three (3) feet and eight (8) feet in height are subject to Special Provisions, Vision Clearance.

**RESPONSE: The applicant understands these requirements and shall comply.**

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

**RESPONSE: All proposed streets, driveways, parking areas, and aisles are intended to be paved as required by the City of Sisters.**

- G. Surface Water Management.** All driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with City standards. Swales may be considered to control surface water.

**RESPONSE: Streets shall be developed with swales and rock trenches for collection and infiltration of stormwater.**

- H. Private Streets and Alleys.** Public and private streets and alleys shall conform to the standards in the City of Sisters Public Works Construction Standards, latest edition. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 20 feet.

**RESPONSE:** A public street is proposed along the south side of the development. Access to proposed commercial and multifamily buildings are provided by driveway aisles. No private streets or alleys are proposed.

**I. Access Standards**

1. Access spacing standards. Street intersection and driveway spacing shall comply with the table below (Figure 3.1.300.A):

*Figure 3.1.300.A. Access Spacing Standards*

Street Facility	Maximum Spacing of Roadways	Minimum Spacing of Roadways	Minimum Spacing* of Roadway to Driveway	Minimum Spacing of Driveway to Driveway
Arterial	1,000 feet	660 feet	330 feet	330 feet or combine
Collector	600 feet	330 feet	100 feet	100 feet or combine
Neighborhood/Local	600 feet	150 feet	50 feet	10 feet

**Notes:** \*Measured centerline to centerline

**RESPONSE:** A public local street is proposed along the southern property line that intersects Hood Street ~520 feet from its intersection with Highway 242. This portion of Hood Street is classified as an arterial, however the section between Highway 20 and Highway 242 is short enough that the minimum roadway spacing standard would be impossible to comply with, as a street connection would always be too close to one of the two highway intersections.

The traffic study performed by Lancaster Engineering analyzed the proposed intersection location at Hood Street based on full build out of the subject property and the residentially zoned property to the south and found that all intersections within the study area continue to operate within acceptable levels even once the area is completely built out.

2. Properties with Multiple Frontages. Where a property has frontage on more than one street, access shall be limited to the street with lesser classification.

**RESPONSE:** Commercial properties along McKinney Butte Road (a collector) share a single access onto the street. A public local street is proposed along the southern property line that all other portions of the development will access from.

3. Alley Access. If a property has access to an alley or lane, direct access to a public street is not permitted.

**RESPONSE:** No alleys are proposed; therefore, this section is not applicable.

4. Closure of Existing Accesses. Existing accesses that are not used as part of development or redevelopment of a property shall be closed and replaced with curbing, sidewalks/pathways, and landscaping, as appropriate.

**RESPONSE: No existing accesses are proposed to be abandoned; therefore, this section is not applicable.**

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, as applicable, for traffic safety and access management purposes in accordance with the following standards:
  - a. Where there is an abutting developable property, a shared driveway shall be provided. When shared driveways are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway temporarily ends at the property line, but may be accessed or extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
  - b. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
  - c. No more than two lots may access one shared driveway.

**RESPONSE: A public street has been proposed on the southern property line that will provide access to the majority of the development and limit the access to Hood Street, an arterial.**

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

**RESPONSE: An internal circulator street that allows for two way vehicular traffic along with a single pedestrian path is proposed through the development in an attempt to ease congestion through this portion of the city.**

7. Exceptions
  - d. The Community Development Director or designee may allow exceptions to the access standards above in any of the following circumstances:
    1. Where existing and planned future development patterns or physical constraints, such as topography, parcel configuration, and similar conditions, prevent access in accordance with the above standards.
    2. Where the proposal is to relocate an existing access for existing development, where the relocated access is closer to conformance with the standards above and does not increase the type or volume of access.
    3. Where the proposed access results in safer access, less congestion, a better level of service, and more functional circulation, both on-street and on-site, than access otherwise allowed under these standards.
    4. When access requirements are divided by one or more multi-use pathway(s), in conformance with the provisions of Section 3.1.400. Multi-use pathways shall be located to minimize out-of-direction travel by pedestrians and bicycles and shall be 10-feet wide and located within an easement whose width is specified by the Fire

Marshal.

- e. Where an exception is approved, the access shall be as safe and functional as practical in the particular circumstance. The City may allow construction of an access connection at a distance less than required from an intersection, provided the access is as far away from the intersection as possible. In such cases, the City may impose turning restrictions (i.e., right in/out, right in only, or right out only) and may also require that the applicant submit a traffic study by a registered engineer to show the proposed access meets these criteria.

**RESPONSE: An exception to the minimum access spacing standards for streets along an arterial is requested. The proposed street location is approximately 420' from the intersection of Hood Street and Highway 20, and approximately 520' from the intersection of Hood Street and Highway 242. This section of road is therefore too short to have an intersection while maintaining 660' separation from one or both of these intersections. Further, the placement of the proposed road allows it to be utilized by Threewind and the residential property to the south, removing the necessity of another street connection to serve future development.**

8. Access Management Plan. In addition, all requests for an access spacing exception shall be required to complete an access management plan for review and approval by the Public Works Director or City Engineer, which should include at a minimum the following items:
  - f. Review of the existing access conditions within the study area (defined the property frontage plus the distance of the minimum access spacing requirement). This should include a review of the last three years of crash data, as well as collection of traffic volume information and intersection operations analysis.
  - g. An analysis of the study area safety and operations with the proposed access configuration, as well as with a configuration that would meet access spacing standards. This scenario should also include consideration of the long-term redevelopment potential of the area and discussion of how access spacing standards may be achieved.

**RESPONSE: The enclosed traffic impact analysis, prepared by Lancaster Engineering, includes a review of the existing and proposed accesses, analysis of the past five years of crash data within the study intersections and analysis of safety and operations with the proposed accesses in place. The report concludes that all study intersections and proposed intersections are projected to operate at no less than LOS B at full build out, with the exception of the N Arrowleaf Trail/McKinney Butte Road intersection. The traffic impact analysis does not recommend any mitigation at this location- see attached Traffic impact analysis for further information.**

#### **J. Driveways, Access Connections and Driveway Design**

1. **Driveway Openings.** Driveway openings (or curb cuts) shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet minimum width for each travel lane). The following standards are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians (as measured where the front property line meets the sidewalk or right- of-way):
  - a. Single family, two-family, and three-family residential uses shall have a minimum driveway opening width of 10 feet, and a maximum width of 24 feet. Wider driveways may be necessary to accommodate approved paved recreational vehicle pads, but the

driveway opening or connection to the street shall not be allowed to be wider.

- b. Multi-family developments shall have a minimum driveway opening width of 20 feet, and a maximum width of 26 feet. These dimensions may be increased subject to the City Engineer approval.
- c. Other Uses. Access widths for all other uses shall be based on 10 feet of width for every travel lane. These dimensions may be increased subject to the City Engineer approval. Driveways providing direct access to parking spaces shall conform to the parking area standards in Chapter 3.3, Vehicle and Bicycle Parking. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.

**RESPONSE: Driveway widths and configurations shall be determined during site plan application.**

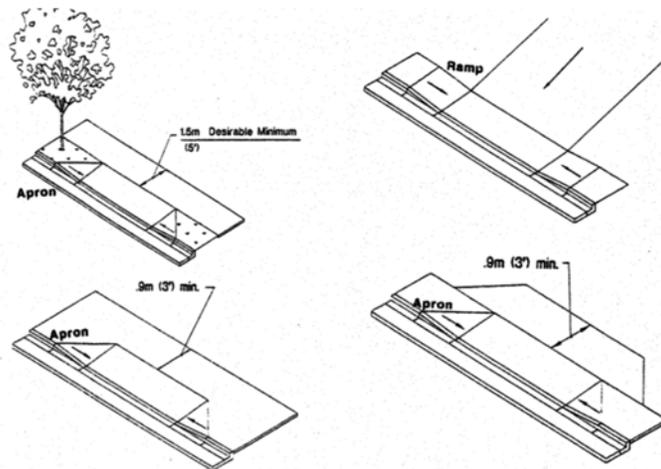
- 2. **Driveway Approaches.** Driveway approaches shall be designed and located to provide exiting vehicles with an unobstructed view of other vehicles and pedestrians, and to prevent vehicles from backing into the flow of traffic on the public street or causing conflicts with on-site circulation. Construction of driveway accesses along acceleration or deceleration lanes or tapers should be avoided due to the potential for vehicular conflicts. Driveways should be located to allow for safe maneuvering in and around loading areas.

**RESPONSE: Driveway widths and configurations shall be determined during site plan application.**

- 3. **Driveway Construction.** Driveway aprons (when required) shall be installed between the street right-of-way and the private drive, as shown in Figure 3.1.300.B. Driveway aprons shall conform to ADA requirements for sidewalks and pathways,

**RESPONSE: Driveway widths and configurations shall be determined during site plan application.**

*Figure 3.1.300 B*



- K. No development may occur unless required public facilities are in place or are guaranteed in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact. All public

improvements shall be in conformance with the City of Sisters Public Works Construction Standards, latest edition.

**RESPONSE: After Master Plan approval, development of the site anticipates multiple site plan applications and possible land divisions to facilitate the development of the master planned area. After the appropriate land use application approval, engineering plans for public facilities will be developed and approved prior to construction,**

### **3.1.400 Pedestrian/Bicyclist Access and Circulation**

**A. Site Layout and Design.** To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections 1-3, below:

1. **Continuous Access and Circulation System.** The pedestrian/bicycle circulation system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub pathways or multi-use paths to adjacent streets and to private property with a previously reserved public access easement for this purpose.

**RESPONSE: Trail access shall be provided to open space and throughout the entirety of the development. All streets are proposed with concrete or paved sidewalks for pedestrian and bicycle access.**

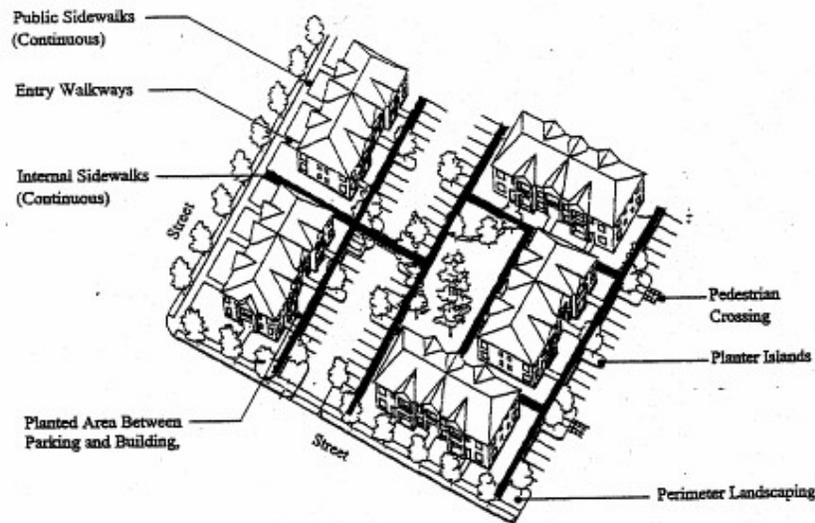
2. **Safe, Direct, and Convenient.** Pathways and multi-use paths within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets.

**RESPONSE: During site development, pathways shall be constructed between the building entrance and the street to meet the above criterion.**

3. **Pathway Connections within Development.** Connections within developments shall conform to the following standards:
  - a. Pathways shall connect all building entrances to one another to the extent feasible;
  - b. Pathways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent feasible. Topographic or existing development constraints may be cause for not making certain pathway connections, as generally shown in Figure 3.1.400A; and

**RESPONSE: Pathways are proposed or existing along all streets as part of the development to comply with the above criteria.**

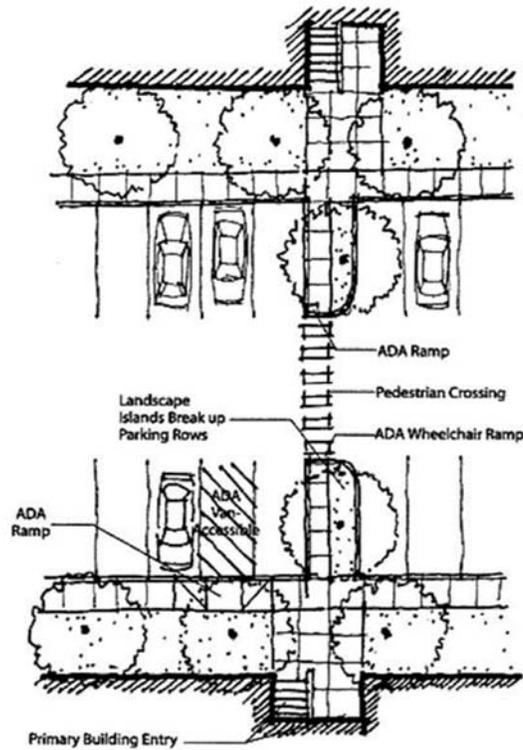
Figure 3.1.400.A Pedestrian Pathway System (Typical)



**B. Pathways Design and Construction.** Pathways and multi-use paths shall conform to the following standards:

1. Vehicle/ Pathway and Multi-use Path Separation. Except for crosswalks (subsection 2) and for properties in the Light Industrial Zone, where pathway or multi-use path abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a pathway or multi-use path abutting a driveway at the same grade as the driveway if the pathway or multi-use path is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians and bicyclists.
2. Crosswalks. Where pathways and multi-use paths cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials (*e.g.*, light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length
3. Pathway and Multi-use Path Width and Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director or designee, at least 6 feet wide, and shall conform to ADA requirements. Multi-use paths (*i.e.*, for bicycles and pedestrians) shall be the same materials, at least 10 feet wide and shall conform to ADA requirements.

Figure 3.1.400. Crosswalk Detail (Typical)



**RESPONSE:** Pathways, crosswalks, and multi-use paths shall meet the above criteria and shall be designed during the engineering phase.

## Chapter 3.2 - Landscaping and Screening Sections:

- 3.2.100 Purpose
- 3.2.200 Landscape Requirements
- 3.2.300 Screening
- 3.2.400 Nonconforming
- 3.2.500 Existing Trees
- 3.2.600 Street Trees
- 3.2.700 Urban Forestry

### 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 (PF), 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
12. Urban Area Reserve, twenty (20%) percent

**RESPONSE: Landscaping of properties within the development shall be determined during individual site and design review. The overall development is required to have 10% landscaping due to current HC zoning.**

- B. Determination of Landscaped Area.** In determining landscaped area setbacks, private patios and all other areas not occupied by buildings, parking lots, vehicle storage areas, or driveways may be included.

**RESPONSE: The applicant understands these requirements and shall comply.**

**C. Development Standards**

1. All landscaping within the City shall comply with the requirements of the Oregon Forestland-Urban Interface Fire Protection Act, also known as Senate Bill 360.

**RESPONSE: The applicant understands these requirements and shall comply.**

2. Areas occupied by clubhouses, recreation buildings, pools, saunas, interior walkways and similar amenities may be also included as landscaped areas, up to fifty (50) percent of the required landscape area.

**RESPONSE: The applicant understands these requirements and shall comply.**

3. A hard surface pedestrian plaza or combined hard surface and soft surface pedestrian plaza, if proposed shall be counted towards meeting the minimum landscaping requirement, provided that the hard-surface portion of the plaza shall not exceed twenty-five (25) percent of the minimum landscaping requirement, and shall be comprised of the following:
  - a. Any permeable surface such as brick pavers, or stone, scored, or colored concrete; and,
  - b. One (1) tree having a minimum mature height of at least twenty (20) feet for every three hundred (300) square feet of plaza square footage; and,
  - c. Street furniture including but not limited to benches, tables, and chairs; and,
  - d. Pedestrian scale lighting consistent with the City's Dark Skies Standards; and,
  - e. Public trash receptacles.

**RESPONSE: The applicant understands these requirements and shall comply.**

4. Bark dust, chips, aggregate and other non-plant ground covers may be used but shall cover no more than 25 percent of the area to be landscaped.

**RESPONSE: The applicant understands these requirements and shall comply.**

5. Street trees shall be planted in accordance with the provisions of Street Tree Section

3.2.600 of this Code.

**RESPONSE: Street trees are proposed along all street frontages as required.**

6. Any landscaping area provided in front of building(s) in the Downtown Commercial or Light Industrial zoning district shall be counted as double toward meeting the total landscape requirements.

**RESPONSE: The subject property is zoned HC; therefore, this section is not applicable.**

7. A landscape strip, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, or similar screen shall screen parking lots from adjacent streets to a height of three (3') feet. The required wall or screening shall provide breaks, as necessary, to allow for access to the site and sidewalk by pedestrians via pathways. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other ground cover.

**RESPONSE: Parking lots shall be proposed during site and design review as part each development within the masterplan. Parking lots shall include the landscape strip as required.**

8. All mechanical equipment, refuse area, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and Residential districts. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6 for screening requirements.

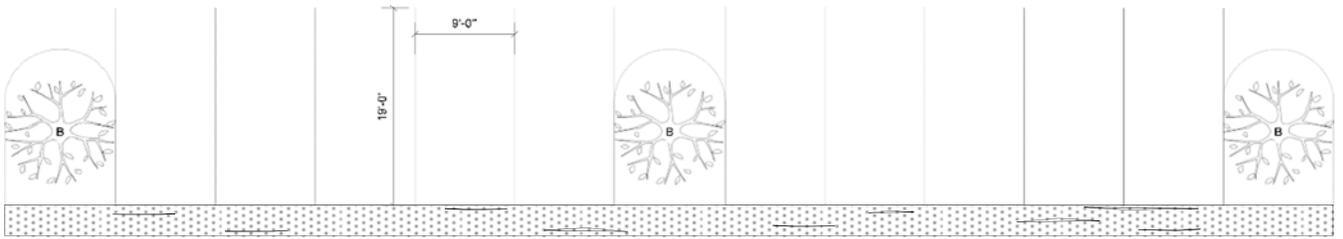
**RESPONSE: Locations of mechanical equipment and screening that comply with the requirements of this section shall accompany the Site and design review applications submitted as part of each development.**

9. Landscaping shall also be provided where practical in areas within a parking lot not used for the parking of vehicles, drives or turning area.

**RESPONSE: Detailed landscaping plans that comply with the requirements of this section shall accompany the Site and design review applications that will be submitted as part of each development.**

10. Parking Areas. All parking areas containing more than 10 spaces and all parking areas in conjunction with an off-street loading facility shall provide landscaping and screening in accordance with the following standard;
  - a. Except for Light Industrial Zone properties, landscape islands shall be provided to break up the parking area into rows of not more than five (5) contiguous parking spaces. Landscape islands shall be a minimum of 15 feet X 7 ½ feet and include at least one tree in compliance with the Street Tree section and shrubs and ground cover.

Figure 3.2.200.A – Landscape Islands



- b. Divider medians between rows of parking spaces that are a minimum of 6 feet in width (as measured from the inside of the curb or edge of pavement to the inside of the curb or edge of pavement) may be substituted for interior islands, provided that 1 tree is planted for every 40 feet and shall be landscaped in accordance with Chapter 3.2. Where divider medians are parallel with the buildings, there shall be designated pedestrian crossings to preserve plant materials.
- c. A row of parking spaces shall be terminated on each end by a terminal island that is a minimum of 6 feet in width. The terminal island shall contain at least 1 tree and shall be landscaped in accordance with Chapter 3.2.
- d. At the sole discretion of the decision authority, the requirement for landscaped islands or medians may be met through the design of additional parking lot landscaping if the configuration of the site makes the use of islands or medians impractical.

**RESPONSE: Detailed landscaping plans that comply with the requirements of this section shall accompany the Site and design review applications that will be submitted as part of each development.**

- 11. Buffering is required for parking areas containing four or more spaces, loading areas, and vehicle maneuvering areas. Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. A minimum five (5) foot-wide perimeter landscaping buffer shall be provided around parking areas; and a minimum ten (10) foot-wide perimeter landscaping buffer shall be provided around trees. Additionally, where parking abuts this perimeter landscape buffer, either parking stops shall be used, or landscape buffers shall be increased in width by three (3) feet.

**RESPONSE: A detailed parking lot and landscaping plan shall accompany the subsequent Site Plan applications and will comply with the above sections.**

- 12. When a commercial or industrial site adjoins a Residential District, where fences are required, such fencing shall be landscaped as appropriate.

**RESPONSE: The western property line of the proposed development abuts residentially zoned land. Landscaping shall be proposed along the fence line in this location at the time of site and design review.**

13. All required building setbacks shall be incorporated in the landscape design, unless these areas are utilized in driveways, etc.

**RESPONSE: The applicant understands these requirements and shall comply.**

14. A combination of trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, drought-tolerance, water availability, and drainage conditions; ground covers alone are not acceptable. As necessary, soils shall be amended to allow for healthy plant growth. The Community Development Director or designee may require the substitution of any plant material which they have reason to believe will not survive successfully under the particular conditions of the site in question.

**RESPONSE: Detailed landscaping plans for the multi-family dwellings shall accompany the site plan application that will be submitted as part of that development.**

15. Planted trees shall have a minimum caliper size of two (2) inches and shall conform to the standards described by the ANSI A300 standards for nursery stock, latest edition.

**RESPONSE: All proposed trees shall be specified to have 2" minimum caliper size on final engineering plans.**

16. Detention facilities, such as ponds, shall be graded so that the sides of the facilities are no steeper than 3:1. Additionally, the facilities shall be landscaped with plant materials that provide erosion control and biofiltration.

**RESPONSE: No detention facilities are proposed. Stormwater runoff shall be mitigated with swales and rock trenches.**

17. Plans for the development of required landscaping shall be submitted to the Community Development Department for review and approval prior to the issuance of any building permit. When special conditions of design warrant, changes may be submitted for consideration.

**RESPONSE: Street trees shall be included in final engineering plans. A landscape plan shall accompany the Site Plan application for development of the multi-family dwellings.**

18. All required landscaping shall be installed by the developer and approved by Community Development Department, prior to occupancy of any building, unless other arrangements are agreed to by the Community Development Director.

**RESPONSE: The applicant understands these requirements and shall comply.**

19. The use of drought-tolerant plant species is encouraged and may be required when irrigation is not available. If the plantings fail to survive, the property owner shall replace them in kind or in consultation with the Community Development Director or

designee. All other landscape features required by this Code shall be maintained in good condition, or otherwise replaced by the owner. Irrigation systems connected to the City water system shall have a back-flow prevention device installed as required by Public Works' Standards and Specifications, latest edition.

**RESPONSE: This section is advisory.**

#### **D. Landscaping in Right-of-Way**

1. Landscaping in Right-of-Way -- Any landscaped area within the public right-of-way shall not be used when determining required percentage of landscaping provided on-site.

**RESPONSE: The applicant understands these requirements and shall comply.**

2. Design -- The design of the landscaping of the public right-of-way shall be included in the Landscape Plan and meet the requirements as specified in this section. Adequate space shall be provided in the landscape area to allow free, unrestricted growth and development of the landscaping and street trees.

**RESPONSE: Landscaping within the right-of-way consists primarily of street trees. Additional landscaping within the right-of-way may be proposed as part of individual lot development; however, it shall not inhibit storm drainage facilities.**

- E. All planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Whenever necessary, planting shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements.

**RESPONSE: The applicant understands these requirements and shall comply.**

#### **3.2.300 Screening**

Screening refers to a wall, fence, hedge, informal planting, or berm, provided for the purpose of buffering a building or activity from neighboring areas or from the street. When required, screening may be provided by one or more of the following means:

- A. A solid masonry wall, board fence, or equivalent meeting the standards of the applicable building code.
- B. An evergreen hedge.
- C. An earth berm may be used in combination with any of the above types of screening, but not more than two-thirds (2/3) of the required height of such screening may be provided by the berm. The slope of a berm may not exceed 3:1. The faces of a berm's slope shall be planted with ground cover, shrubs, and trees.
- D. Prescribed screening need not be placed along a lot line so long as a building wall, solid fence,

or freestanding wall of the required height exists immediately abutting and on the other side of the lot line.

- E.** Screening shall comply with the vision clearance standards in Chapter 2.15 Special Provisions.
- F.** In the areas within the Western Frontier Architectural Design Theme, wood, stone or iron or their visual equivalent shall be used consistent with Chapter 2.15 Special Provisions.
- G.** Screening walls and fences shall be maintained in good repair including painting, if required, and shall be kept free of litter or advertising.
- H.** Height and Location of Screening. Unless otherwise specified, screening required by this Section shall be a minimum six (6) feet in height. In the front yard or street-side yards in R or C Zoning District such screening shall not be more than four (4) feet in height, unless otherwise specified. All screening shall follow the lot line of the lot to be screened, or the inside edge of the sidewalks, or shall be so arranged within the boundaries of the lot as to substantially hide from adjoining properties the building, facility or activity required to be screened.
- I.** Heights of plant screens or hedges specified herein indicate the height which may be expected within three (3) years of planting. The height at the time of planting shall be such that in accordance with good landscape practice the fully required height may be achieved within a three (3) year period.
- J.** The standards set forth herein for location and height of landscaping or screening may be modified as directed by the Community Development Director whenever it appears that such landscaping or screening would constitute a danger to traffic by reasons of impairment of vision at a street or driveway intersection.

**RESPONSE: Buffering for the multi-family dwellings shall be addressed with the site plan application.**

### **3.2.400 Nonconforming**

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

**RESPONSE: The development conforms to the landscaping requirements; therefore, this section is not applicable.**

### **3.2.500 Existing Trees**

- A. Applicability** All development sites containing Significant Trees, shall comply with the standards of this Section. The purpose of this Section is to preserve significant trees within the city limits. The preservation of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature trees reduce air and water pollution, provides summer shade and wind breaks, and require less water than new landscaping plants having established root systems.

- B. Significant Trees** - Individual trees with a trunk diameter of eight (8) inches or greater as measured 4.5 feet above the ground (DBH), shall be identified as significant. Other trees may be deemed significant, when nominated by the property owner and designated by the City Council as "Heritage Trees" (i.e., by virtue of site, rarity, historical significance, etc.).

**RESPONSE: The applicant understands that trees with a trunk DBH of eight (8) inches or greater are defined as significant and are identified on the submitted Master Plan.**

- C. Mapping Required** Existing significant trees shall be identified on all site plans, partitions and subdivisions and shall be retained whenever possible. Trees to be retained must be identified prior to the commencement of any construction activity and shall be protected during construction pursuant to D below.

**RESPONSE: A tree inventory and specifications for tree fencing to ensure tree protection for final development are located on the Master Plan and Subdivision application.**

- D. Protection Standards** All of the following protection standards shall apply to significant vegetation areas:

1. Significant trees shall be retained whenever practical. Preservation may become impractical when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district.

**RESPONSE: The attached masterplan identifies significant trees proposed for preservation, however due to the preliminary nature of this master plan, further tree removal will be necessary and identified at the time of site and design review for each development within the subject property.**

2. Significant trees removed shall be replaced at a 3:1 ratio of trees removed to trees planted. Replacement trees of an appropriate species shall have a minimum two (2) inch caliper size and shall be planted in a suitable location as substitutes for removed trees, at the sole expense of the applicant. Ponderosa pines may be planted as replacement trees where appropriate.

**RESPONSE: Replacement trees shall be proposed to mitigate significant tree removal and will be included on final engineering plans. Due to the number of significant trees to be removed, some tree removal may be mitigated by payment into the City Tree Fund.**

- a. The Community Development Director or designee shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced onsite and within the same general area as trees removed.
- b. When it is not feasible or desirable to relocate or replace trees on-site, relocation or replacement may be made at another location approved by the Community Development Director or designee.

- c. Where it is not feasible to relocate or replace trees on site or at another approved location in the City, the applicant shall pay into the City Tree Fund, which fund is hereby created, an amount, to be set by the City Council and incorporated into the City of Sisters Master Fee Schedule, for each of the replacement trees that would otherwise be required by this section. This amount shall reflect both the cost of purchasing and the cost of installing a replacement tree. The City shall use the City Tree Fund for the purpose of producing, maintaining and preserving wooded areas and heritage trees, and for planting trees within the City. In addition, and as funds allow, the City Tree Fund may provide educational materials to assist with tree planting, mitigation, and relocation.

**RESPONSE: The applicant understands these requirements and shall comply.**

3. Significant trees that are identified to be retained prior to any construction activity, as required by C, above, shall be removed only with the prior approval of the Community Development Director or designee.

**RESPONSE: The applicant understands these requirements and shall comply.**

4. Significant trees that are identified to be retained shall be protected before and during all construction and site preparation activity. Protection measures shall include, but not be limited to, installation of a high visibility tree protection fence [minimum three (3) foot high fence with metal stakes/posts at eight (8) to ten (10) foot intervals] around the dripline(s) of a tree or trees to be preserved.

**RESPONSE: A tree protection plan shall be included with final engineering drawings and shall be reviewed by the City prior to approval.**

5. Grading, operation of vehicles and heavy equipment, and storage of construction materials are prohibited within the dripline of significant trees to be preserved, except as approved by the City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area.

**RESPONSE: A tree protection plan shall be included with final engineering drawings and shall be reviewed by the City prior to approval.**

6. When proposed developments encroach into the dripline area of significant trees, special construction techniques to allow the roots to breathe and obtain water may be required by the Director with respect to any application for a building, grading or development permit.

**RESPONSE: A tree protection plan shall be included with final engineering drawings and shall be reviewed by the City prior to approval.**

7. The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and

other protection or mitigation requirements.

**RESPONSE: This section is advisory**

8. Conservation Easements and Dedications. When necessary to implement the Comprehensive Plan, the City may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees and natural rock outcroppings.

**RESPONSE: No conservation easement or dedications are proposed or required; therefore, this section is not applicable.**

**E. Exemptions.** The protection standards in “D” shall not apply in the following situations:

1. Dead, Diseased, and/or Hazardous Vegetation. Vegetation that is dead or diseased, or poses a hazard to personal safety, property or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.
2. Emergencies. Significant vegetation may be removed in the event of an emergency without land use approval pursuant to Chapter 4, when the vegetation poses an immediate threat to life or safety, as determined by the Community Development Director or designee. The Community Development Director shall prepare a notice or letter of decision within 7 days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.

**RESPONSE: The applicant is aware of these exemptions.**

**3.2.600 Street Trees**

Street trees shall be planted for all developments that are subject to Land Division or Site Design 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:

- A. Street Tree Standards.** Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following applies to street tree planting and selection:
1. Street trees shall be planted between 5' and 15' of the curbs, wherever possible.
  2. Street trees shall be placed at an average of 35' maximum distance apart from one another. Reduced separation may be required for smaller species of trees. Variety in tree placement using clusters of trees and uneven spacing is encouraged.
  3. An approved tree grate or other surface treatment acceptable to the Community Development Director or designee shall be used for street trees planted in paved or concrete areas.

4. Except for immature trees of insufficient height to prune and retain a crown that is at least 2/3 the height of the tree, street trees that overhang city property and public rights-of-way shall be pruned to maintain at a minimum a clearance height of 8' over sidewalks and a clearance height of 14' over streets.
5. Existing trees may be used to meet minimum street tree requirements if they are not killed or damaged during or as a result of development. Sidewalks of variable width and elevation may be used to save existing street trees.
6. Existing street trees removed as the result of development shall be replaced by the developer with trees of a species appropriate to the site, as determined by the Community Development Director or designee.
7. Low-growing trees shall be required for spaces under utility wires.
8. Narrow or "columnar" trees may be used where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
9. Trees that are extremely susceptible to insect damage shall be avoided.
10. Trees that produce excessive seeds or fruit are prohibited as street trees.
11. Street trees shall be those species suitable for the location in which they are placed. Recommended tree species include the following tree types, and within these, consideration should be given to those that are most drought-resistant. Drought resistant trees are marked with an asterisk (\*):

Small trees (under 25 feet at maturity)

- a. Canada Red Cherry (*Prunus virginiana*)\*
- b. Flowering Crabapple (*Malus spp.*)\*
- c. Hawthorn (*Crataegus spp.*)\*
- d. Japanese Tree Lilac (*Syringa reticulata*)
- e. Serviceberry (*Amelanchier spp.*)

Medium trees (30 to 45 feet at maturity)

- f. Flowering Plum (*Prunus cerasifera*)
- g. American Hornbeam (*Carpinus caroliniana*)
- h. Callery Pear (*Pyrus calleryana*)
- i. Hedge Maple (*Acer campestre*)
- j. Mountain Ash (*Sorbus aucuparia*)\*

Tall trees (over 50 feet at maturity)

- k. Birch (*Betula spp.*)
- l. Green Ash (*Fraxinus pennsylvanica*)\*
- m. Honey Locust (*Gleditsia triacanthos 'inermis'*)\*
- n. Littleleaf Linden (*Tilia cordata*)
- o. Norway Maple (*Acer platanoides*)
- p. Pin Oak (*Quercus palustris*)\*

- q. Red Maple (*Acer rubrum*)\*
- r. Red Oak (*Quercus rubra*)\*

**RESPONSE: Street trees are proposed as part of the street improvements. Final engineering plans shall include specifications for planting location, species, and caliper.**

**B. Prohibited Street Tree Species.** Use of the following tree species as street trees is prohibited for one or more of the following reasons: 1) their roots cause injury to sewers or pavements; 2) they are particularly subject to insects or diseases; 3) they cause safety and visibility problems along streets and at intersections; 4) they create messy sidewalks and pavements. Prohibited species include the following:

- a. Walnut (*Juglans spp.*)
- b. Osage Orange (*Maclura pomifera*)
- c. Weeping varieties of mulberries, crabapples, cherries, etc. (*Morus, Prunus, etc. (weeping)*)
- d. Fruiting Mulberry (*Morus alba*)
- e. Poplar (*Populus trichocarpa*)
- f. Commercial Fruit Trees (*Prunus, Pyrus, etc. (fruiting)*)
- g. Weeping Willow (*Salix babylonica*)
- h. American Elm (*Ulmus americana*)
- i. Siberian Elm (*Ulmus pumila*)

**RESPONSE: No prohibited street tree species are proposed.**

**C. Caliper Size.** Planted trees shall have a minimum caliper size of one and one-half (1 ½) inches and shall conform to the standards described by the ANSI A300 standards for nursery stock, latest edition.

**RESPONSE: Final engineering plans shall include specifications for street tree plantings.**

**D. Location.** Street trees shall be planted within existing and proposed planting strips and in sidewalk tree wells on streets without planting strips.

**RESPONSE: Proposed street trees are specified between the edge of pavement and sidewalk within the planter strip/drainage swale.**

**E. Street Tree Maintenance**

1. Except for trees located in medians within public rights-of-way, which shall be maintained by the City, it shall be the continuing duty and routine obligation of property owner(s) of land abutting public rights-of-way to perform activities required to maintain trees located within the abutting right-of-way in good health and vigor. Activities may include watering, pruning, protection against damage, and replacement if necessary.
2. Street tree removal and planting shall be the obligation of the adjacent property owner(s).
3. All maintenance activities shall be conducted in accordance with the City of Sisters

Urban Forestry Ordinance and City of Sisters Public Works Construction Standards, latest edition.

**RESPONSE: This section is advisory**

- F. Assurances.** The developer shall install all required landscaping prior to the occupancy of the development. In the event that installation needs to be delayed, the City shall require the developer to provide an estimate of landscaping improvement costs to the City. Upon acceptance of this amount, the City shall require a performance bond in the amount of 120 percent of the accepted estimate from the owner/developer.

**RESPONSE: The applicant understands these requirements in the event of development occupancy before completion of landscaping and shall comply with these requirements shall they be applicable.**

### **3.2.700 Urban Forestry**

- A. Purpose.** The purpose of the Urban Forestry section is to:
1. Promote a diverse, healthy and sustainable urban forest;
  2. Enhance the livability of the City of Sisters and maintain the City's unique character;
  3. Promote public health and safety; and
  4. Provide for the general welfare of Sisters' citizens; by effectively managing, maintaining, conserving and enhancing the City of Sisters' existing and future trees located on city property or public rights-of-way; by providing ongoing education on proper tree planting, maintenance, removal and protection techniques and the benefits of trees and of Sisters' urban forest. This ordinance further implements the policies and goals of the City of Sisters Comprehensive Plan.

**RESPONSE: This section is advisory.**

- B. Intent.** It is the intent of the City by this section to promote:
1. The effective management of the urban forest resource;
  2. The planting, maintenance, restoration and survival of desirable trees within the City;
  3. The protection of community residents from personal injury and property damage; and,
  4. The protection of the City from property damage caused or threatened by the improper planting, maintenance, or removal of trees located in and upon public areas and rights-of-way within the City.

**RESPONSE: This section is advisory.**

**C. Applicability and Jurisdiction**

1. The provisions of this ordinance shall apply to trees located now and hereafter on city property and public rights-of-way.
2. The City of Sisters shall have jurisdiction of all trees located now and hereafter on city property and public rights-of-way and shall have the authority to regulate the protection, planting, maintaining, removing and replacing of such trees.
  - a. The Community Development Director or designee is authorized to:
    1. Supervise the urban forestry program and implement the provisions of this ordinance.
    2. With assistance from the City Urban Forestry Board, develop an Urban Forest Management Plan within three (3) years of the adoption of this ordinance and, thereafter, periodically update the Plan.
    3. Implement the approved Urban Forest Management Plan.
    4. Develop and update code provisions establishing standards for planting, protection, maintenance and removal of public and private trees.
    5. Review development applications to insure compliance with Sisters' City Code provisions concerning street trees and other trees located on city property or public rights-of-way.
    6. Implement and enforce code provisions concerning both public and private trees.
    7. Be the city staff liaison to the City Urban Forestry Board.

**RESPONSE: This section is advisory.**

**D. Urban Forestry Board**

The Urban Forestry Board shall function as an advisory body to the City with respect to this ordinance and urban forestry matters generally.

**E. Removal, Major Pruning, Planting, or Attachment of Seasonal Holiday Lights to Public Trees**

1. Requires City Authorization. Written authorization by the Community Development Director or designee is required for the removal, major pruning, or planting of public trees or the attachment of seasonal holiday lights to public trees.
  - a. Request for written authorization shall be made at least 3 working days before the intended activity.

- b. The Community Development Director or designee shall base their written authorization on the standards, goals, and objectives set forth in this section and the Urban Forestry Standards and Specifications.
- c. Work done under such written authorization shall be performed in accordance with the provisions of this section and the Urban Forestry Standards and Specification, unless otherwise authorized by the Community Development Director or designee.
- d. No such written authorization shall be valid for a period greater than 90 days after the date of issuance.
- e. The written authorization to remove trees may include a provision requiring the replacement of the tree(s) removed with tree(s) appropriate to the site conditions, as determined by the Community Development Director or designee.
- f. If the Community Development Director or designee determines that a tree is hazardous, he/she may authorize immediate emergency removal or pruning of such tree. Work shall be done in accordance with the urban Forestry Standards and Specifications, unless otherwise authorized by the Community Development Director or designee.

**RESPONSE: This section is advisory.**

2. Work Standards and Specifications.

- a. Activities on and near trees located on city property and public rights-of-way shall be performed in accordance with the provisions of this ordinance and the Urban Forestry Standards and Specifications.
- b. The Community Development Director or designee shall develop specifications and standards for activities affecting trees located on city property and public rights-of-way, called Urban Forestry Standards and Specifications, including planting, maintenance, protection and removal of trees within the City of Sisters Public Works Construction Standards.
  - i. The Urban Forestry Standards and Specifications shall include a Tree Selection Guide; a list of tree species, varieties and cultivars thereof, approved for planting as well as those prohibited from planting on city property and public rights-of-way. Tree species, varieties and cultivars thereof, not included in the Tree Selection Guide as approved for planting may be considered and approved by the Community Development Director or designee for planting. Approval shall be based upon the suitability and appropriateness, including drought-tolerance, of the tree species, variety or cultivar for the planting site.
  - ii. The Community Development Director or designee shall maintain and update as necessary these standards and specifications. The initial standards and

specifications and subsequent updates are subject to the approval of the City Council.

- c. The City recognizes the American National Standards Institute A-300 Standards for Tree Care Operations, most recent version, as the appropriate standard for tree care. ANSI A300 Standards shall apply to any person or entity repairing, maintaining, or preserving trees on city property or on public rights-of-way. The City shall incorporate by reference the most recent version of the ANSI A300 within the Urban Forestry Standards and Specifications and maintain the most recent version of the ANSI A300 for public review.
- d. Trees located on city property and public rights-of-way with trunk, branches and/or roots located 15 feet or less from any excavation, grading, demolition or construction site, include the erection, repair, alteration, or removal of any buildings, structures, street, utilities or landscaping, shall require protection from harm and injury, as determined by the Community Development Director or designee. Protection measures shall be conducted in accordance with the Urban Forestry Standards and Specifications.

**RESPONSE: This section is advisory.**

- 3. Activities Prohibited. Unless specifically authorized in writing by the Community Development Director or designee:
  - a. No person shall top a tree located on city property or on public rights-of-way. Authorization by the Community Development Director or designee to top a tree shall be based upon their determination that topping is necessary to alleviate a dangerous condition, including electric service interruptions, which pose an imminent threat to the public or property.
  - b. No person shall attach or keep attached to any trees located on city property or on public rights-of-way any ropes, wires, nails, chains, or other device whatsoever, except that which is within the Urban Forestry Standards and Specifications as approved for tree support or protection.
    - i. Seasonal holiday lights attached in accordance with the Urban Forestry Standards and Specifications is permissible for a period not to exceed 90 days, unless otherwise approved by the Community Development Director or designee.
  - c. No person shall damage any public tree; allow any gaseous liquid or solid substance which is harmful to trees to come in contact with them; cut or carve, attach advertising posters or other contrivance; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any public tree.
  - d. No person shall major prune, plant, remove or attach seasonal holiday lights to a public tree without authorization from the Community Development Director or designee.

**RESPONSE: This section is advisory.**

4. Requirements of City Personnel.

- a. City personnel on official business shall notify the Community Development Director or designee of all activities affecting public trees.
- b. City personnel on official business are exempt from the written authorization requirement of this section.
- c. City personnel on official business shall conduct all activities in accordance with the provisions of this section and the Urban Forestry Standards and Specifications.

**RESPONSE: This section is advisory.**

5. Requirements of Public Utility Companies.

- a. Public utility companies and their affiliates shall notify the Community Development Director or designee of all activities affecting public trees within city limits.
- b. Public utility companies holding a current franchise agreement with the City are exempt from the written authorization requirement of this section.
- c. All activities shall be conducted in accordance with the provisions of the current franchise agreement.

**RESPONSE: This section is advisory.**

- F. Penalties.** If, as the result of the violation of the provisions of this ordinance, the injury, mutilation, or death of a tree located on city property or the public right-of-way is caused, the cost of repair or replacement of such tree, of similar size, shall be borne by the party in violation. The replacement value of trees shall be determined by the city in accordance with the latest edition of *Guide for Plant Appraisal*, authored by the Council of Tree and Landscape Appraisers.

**RESPONSE: This section is advisory.**

- G. Appeals.** Any action related to this code section by the Community Development Director or designee may be appealed to and heard by the City Urban Forestry Board. To be effective, an appeal shall be filed within fourteen (14) working days after the decision of the Community Development Director or designee. The appeal shall be in writing and shall be filed with the City Recorder for placement on the City Urban Forestry Board's agenda. The appeal shall clearly specify the reasons for which a hearing is requested. After a hearing, the City Urban Forestry Board shall render its decision, which shall be final unless appealed to the Planning Commission. To be effective, an appeal to the Planning Commission must be in writing, state the reasons for the appeal, and must be filed with the City Recorder within fourteen (14) working days after notice of the decision of the City Urban Forestry Board is mailed to the applicant. After a hearing, the Planning Commission shall render its decision, which shall be final unless appealed to the City Council. To be effective, an appeal to the City Council must be in writing, state the reasons for the appeal, and must be filed with the City

Recorder within fourteen (14) working days after notice of the decision of the Planning Commission is mailed to the applicant. The decision of the City Council shall be final.

**RESPONSE: This section is advisory.**

## **Chapter 3.3 - Vehicle and Bicycle Parking Sections:**

<b>3.3.100</b>	<b>Purpose</b>
<b>3.3.200</b>	<b>Applicability</b>
<b>3.3.300</b>	<b>General Provisions</b>
<b>3.3.400</b>	<b>Standards For Off-Street Parking</b>
<b>3.3.500</b>	<b>Off-Street Loading Facility Requirements</b>
<b>3.3.600</b>	<b>Bicycle Parking Requirements</b>

### **3.3.200 Applicability**

- A. New Structures.** When a structure is constructed, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with this chapter.

**RESPONSE: Development of the multi-family dwellings shall require a Site plan application, which shall include detailed parking and bicycle parking plans. Individual lot development shall include plans for vehicle parking during home construction.**

- B. Alteration of Existing Structures and Use.** When an existing use or structure is enlarged or expanded, additional parking to meet the requirements of this Chapter shall be provided for the enlarged or expanded portion only, while maintaining previously existing parking for that use.

**RESPONSE: The proposal does not include the alteration of any existing structures or uses; therefore, this section is not applicable.**

- C. Change in Use.** No additional parking shall be required when an existing structure is changed from one use type to another and the vehicle and bicycle parking requirements for each use type are the same. When the change in use requires additional vehicle and/or bicycle spaces, additional parking and bicycle space shall be provided to compensate for the increased intensity of use.

**RESPONSE: The site is undeveloped; therefore, this section is not applicable.**

- D. Exception to Parking Space Requirement in the Downtown Commercial District.** Properties that develop or that change uses in a manner that requires additional parking spaces to be provided may be excepted from adding additional vehicle parking spaces by the Community Development Director or designee if the public right of way adjacent to the subject site is already developed with curbs, sidewalks and parking.

**RESPONSE: The subject property is not within the Downtown Commercial District; therefore, this**

section is not applicable.

### 3.3.300 General Provisions

- A.** The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway or landscape area.
- B. Downtown Parking District**
1. Within the downtown commercial parking district, the parking required for a specific use or site may be provided on-street when located 100% adjacent to the development.

**RESPONSE: The subject property is not within the Downtown Commercial District; therefore, this section is not applicable.**

2. Within the parking district, the amount of off-street parking required shall be reduced by one off-street parking space for every on-street parking space adjacent to the development up to 100% of the required parking. On-street parking shall follow the established configuration of the City of Sisters existing on-street parking or be configured as required by the Public Works Director in accordance with the latest Transportation System Plan and Public Works Construction Standards. Acceptable on-street parking spaces shall include the following:
  - a. Parking space dimensions consistent with 3.3.400.L.
  - b. Curb space shall be 100% connected to the lot which contains the use;
  - c. Parking spaces shall not obstruct a required clear vision area, nor any other parking that violates any law or street standard;
  - d. On-street parking spaces credited for a specific use may not be used exclusively by that use but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces are permitted.

**RESPONSE: The subject property is not within the Parking District; therefore, this section is not applicable.**

- C. Fee-In-Lieu of Parking.** A Parking Development Fee, as established by the City Council, may be paid per parking space in-lieu of providing the required off-street parking spaces for a project in the downtown parking district. All in-lieu parking fees shall be paid prior to the issuance of a building permit.

**RESPONSE: The subject property is not within the Parking District; therefore, this section is not applicable.**

- D. Floor Area.** For the purpose of this chapter, " floor area" in the case of office, merchandising, restaurant or service types of uses means the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients, or patients including areas occupied by fixtures and equipment used for display or sales of merchandise. It does not include areas used principally for non-public purposes, such as storage or restaurant kitchen

facilities.

**RESPONSE: This section is advisory.**

**E. Maximum Parking.** The number of parking spaces provided by any particular use in ground-level surface parking lots shall not exceed the following;

1. 1 to 10 required parking spaces shall not exceed 20% or a maximum of 3 parking spaces
2. 11 to 100 required parking spaces shall not exceed 20% maximum
3. More than 100 required parking spaces shall not exceed 10% maximum

Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, may not apply towards the maximum number of allowable spaces. Parking spaces provided through “shared parking” also do not apply toward the maximum number.

**RESPONSE: Proposed parking spaces are not proposed to exceed the maximum specified under this section.**

**F. More Than One Use On a Site.** If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly.

**RESPONSE: Parking requirements are separated by use in the attached masterplan, however shared parking may be proposed during subsequent site plan applications.**

**G.** Electric vehicle charging station spaces shall be allowed to be used in the computation of required off-street parking spaces provided, that the electric vehicle charging station(s) is accessory to the primary use of the property.

**RESPONSE: This section is advisory.**

**H. Unspecified Uses.** Where a use is not specifically listed in this table, parking requirements shall be determined by finding that a use is similar to those listed in terms of parking needs. Similar uses shall be determined by the Community Development Director or designee.

**RESPONSE: All proposed uses are specified in the table on the next page.**

*Table 3.3.300.A – Minimum Required Parking by Use*

Use Categories	Minimum Parking per Land Use (Fractions rounded down to the closest whole number) (See 3.3.300 D Floor Area)
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<b>Residential Categories</b>	
Accessory dwelling	1 space per accessory dwelling unit
Residential units in Commercial Districts, Duplex, and Triplex	1.0 spaces per studio 1.0 spaces per 1 -bedroom unit 1.5 spaces per 2-bedroom unit 2.0 spaces per 3-bedroom unit
Multi-family (4 or more units)	1.0 space per studio 1.0 space per 1-bedroom unit 1.5 spaces per 2-bedroom unit 2.0 spaces per 3-bedroom unit
Manufactured Dwelling Park	2 spaces per manufactured home
Residential home/Residential facility, and other types of group homes	1 space per three persons for which sleeping facilities are provided, based on the maximum number of people to be accommodated
Single-family detached dwelling, manufactured dwelling, zero lot line dwelling and town home	2 spaces per dwelling unit
<b>Commercial Categories</b>	
Ambulance dispatch	1 space per 300 square feet of office floor area plus one space per 1,000 square feet garage/warehouse floor area
Ambulance service	3 spaces per emergency vehicle
Art gallery and studio	1 space per 500 square feet of floor area.
Bed and breakfast inn	1 space per rentable bedroom plus 1 space for owner/manager plus one space for an employee.
Bowling alleys	1 space per bowling lane plus 1 space for every 3 employees.
Building and landscape materials and construction and heavy equipment sales and rental	1 space per 400 square feet of office floor area plus 1 space per 500 square feet of indoor sales floor area plus 1 space per 2,000 square feet of warehouse or outdoor sales area.
Car Wash	2 spaces
Convenience store	2 spaces for employee parking, plus 1 space per 500 square feet of floor area
Drive -through facilities	No parking requirement if drive-through is in conjunction with a business. If not in conjunction with a business, then one space per employee is required.
Eating and drinking establishments	1 spaces per 200 square feet of floor area
Educational services, not a school (e.g., tutoring or similar services)	1 space per 500 square feet of floor area

Entertainment uses (e.g., theaters, clubs, amusement uses, etc.)	1 space per 4 fixed seats and 1 space per 350 square feet of floor area where there are no fixed seats.
Equipment rental	1 space per 400 square feet of office floor area plus 1 space per 500 square feet indoor display/storage floor area plus 1 space per 1,000 square feet of outdoor display/storage area
Furniture, furnishings and large appliance stores and services	1 space per 500 square feet of floor area.
Grocery stores	1 space per 350 square feet of floor area
Health Clubs, Gyms and spas	1 space per 350 square feet of floor area
Kennels	2 spaces
Laundry Services including dry cleaners, laundry mats and wholesale laundry	1 space per 500 square feet of floor area
Lodging (hotels, motels, inns).	1 space per rentable room plus 1 space for the manager.
Neighborhood market	1 space per 500 square feet of floor area
Offices (medical, dental, professional)	1 space per 400 square feet of floor area
Professional and personal services (barber shops/salons, banks and financial institutions, etc.)	1 space per 400 square feet of floor area
Recreation (indoor commercial)	1 space per 300 square feet of floor area
Recreation (outdoor commercial)	1 space per 2,000 square feet of floor area
Retail Sales Establishment	1 space per 400 square feet of floor area
Service stations	1 space for attendant booth plus two spaces per service bay plus one space per four fuel pumps
Small item repair services (e.g., jewelry, small appliances, shoes, etc.)	1 space per 400 square feet of floor area
Vehicle sales and rental	1 space per 400 square feet of office floor area, plus 1 space per 500 square feet of parts, indoor sales or services floor area, plus 1 space per 5,000 square feet of outdoor sales area
Vehicle servicing or vehicle repair	1 space per 500 square feet of floor area
Veterinary clinics	1 space per 400 square feet of floor area
<b>Public and Institutional</b>	
Community centers, assembly, concert halls, churches and places of worship, clubs, lodges and similar uses	1 space per four fixed seats and 1 space per 350 square feet of public assembly floor area where there are no fixed seats.
Daycare facility, adult or child daycare; does not include family daycare (16 or fewer children) under ORS 657A.250	1 drop-off space for every 10 children plus 1 space for each employee
Library, reading room and museum	1 space per 500 square feet of floor area.

Parks	None required except as required for ADA compliance
Recreational facilities (indoor)	1 space per 300 square feet of floor area
Schools	Kindergarten and preschool: two spaces per teacher Grade, elementary, middle, junior high schools: 2 spaces per classroom plus 1 space per 400 square feet of office, assembly or common floor area High schools, colleges, universities and trade schools: 6 spaces per classroom plus 1 space per 400 square feet of office, assembly or common floor area Colleges and universities: 1 space per 4 students and 1 space per 2 employees.
<b>Industrial Categories</b>	
Biotechnology	1 space per 400 square feet of floor area.
Broadcast and production studios/facilities	1 space per 400 square feet of floor area
Food and beverage packaging	1 space per 500 square feet of floor area: a minimum of 2 spaces
Fuel distribution and storage	1 space per 1,000 square feet of floor area: a minimum of 2 spaces.
Heavy manufacturing, assembly, and processing of raw materials and recycling  Light manufacturing, compounding, assembly, packaging, fabrication and repair (e.g., appliances, electronic, equipment, printing, furniture, signs and similar goods) with incidental sales associated with a permitted use.	1 space per 400 square feet accessory office floor area plus 1 space per 500 square feet of manufacturing floor area, plus 1 space per 1,500 square feet of outdoor manufacturing floor area.
Medical and dental laboratories (Medical, analytical, research, testing)	1 space per 400 square feet of floor area
Research and development facilities	1 space per 400 square feet of office floor area or laboratory floor area, plus 1 space per 500 square feet of indoor assembly or fabrication floor area, plus 1 space per 1,500 square feet of outdoor work area or indoor warehouse floor area.
Self-service storage, mini-storage warehouse and vehicle, RV, equipment and boat storage service	2 spaces
Storage yard	1 space per 2,000 square feet
Transportation yards	1 space per 1,000 square feet of garage/warehouse floor area
Warehousing	1 space per 1,000 square feet of floor area

### 3.3.400 Standards for Off-Street Parking

- A. Tandem Parking.** Only in the case of single-family, townhomes and duplex structures tandem parking may be permitted and shall not overhang into the right-of-way.

**RESPONSE: The proposed development does not include any of the above uses, therefore tandem parking is not permissible and is not proposed.**

- B. Pavement.** The parking area, aisles, and access drives shall be paved with asphalt, concrete or comparable surfacing so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water on-site. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.

**RESPONSE: All proposed parking areas shall be pavement or concrete.**

- C. Backing or Maneuvering of Vehicles.** Except for residential developments requiring less than four parking spaces, vehicular backing or maneuvering movements shall not occur across public sidewalks or within any public street other than an alley, except as approved by the Community Development Director. Evaluations of requests for exceptions shall consider constraints due to lot patterns and effects on the safety and capacity of the adjacent public street and on bicycle and pedestrian facilities.

**RESPONSE: No maneuvering is proposed within the public right-of-way for any portion of this development.**

- D. Parking Maneuvering Areas and Driveways Adjacent to Buildings.** Except for the Light Industrial District, where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a raised pathway, plaza, or landscaped buffer no less than 6 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles. When parking areas are located adjacent to residential ground-floor living space, a landscape buffer is required to fulfill this requirement.

**RESPONSE: The site plan applications for all properties within this development shall include details on parking lot configurations and the required landscaping, pedestrian routes.**

- E. Maximum Parking Lot Size.** Off-street parking serving development shall be divided into multiple lots, as necessary, so that no single lot has more than one hundredtwenty (120) parking spaces. Parking lots shall be separated with plazas, large landscape areas with pedestrian access ways (*i.e.*, at least 20 feet total width), streets, or driveways with street-like features. Street-like features, for the purpose of this section, means a raised sidewalk of at least 6-feet in width, 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting.

**RESPONSE: The proposed development does not include parking lots greater than one hundred and twenty (120) parking spaces.**

- F. Lighting.** A parking facility serving an establishment which remains open during hours of darkness shall be provided with adequate illumination. Any lights provided to illuminate a parking facility shall be arranged so as to reflect the light away from any adjacent properties,

streets, or highways consistent with the Dark Skies standards in Special Provisions.

**RESPONSE: Lighting will be designed and detailed during site and design review for each property within the development. Conformance will be demonstrated at this time.**

- G. Off-site parking.** Except for residential uses, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 700 feet of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a deed, lease, easement, or similar recorded written instrument subject to the review and approval of the Community Development Director.

**RESPONSE: The proposed development will contain all parking spaces on-site.**

- H. Shared parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), and provided that the right of joint use is evidenced by a deed, lease, contract, or similar recorded written instrument establishing the joint use subject to the review and approval of the Community Development Director.

**RESPONSE: The included master plan assumes no overlap of parking requirements, however shared parking may be proposed at the time of site plan application for properties within the development.**

- I. Parking Space Signage.** Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable. Signs shall conform to the standards of Chapter 3.4.

**RESPONSE: This section is advisory.**

- J. Availability of Parking Spaces.** Required vehicle and bicycle parking spaces shall be unobstructed, and available for parking of vehicles and bicycles of residents, customers, patrons, and employees only. Required spaces shall not be used for storage or sale of vehicles or materials, or for parking of vehicles or bicycles used in conducting the business or conducting the use, and shall not be used for sale, repair or servicing of any vehicle or bicycle. No repair work or servicing of vehicles shall be conducted on a public parking area, other than emergency service such as changing a tire or starting a motor.

**RESPONSE: The applicant understands these requirements and shall comply.**

- K. Maintenance.** The provision and maintenance of off-street parking and loading spaces are the continuing obligation of the property owner.

**RESPONSE: The applicant understands these requirements and shall comply.**

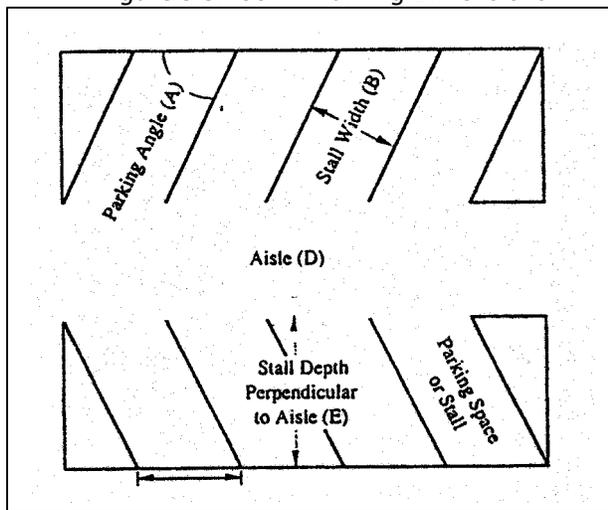
- L. Parking Stall Standard Dimensions and Compact Car Parking.** All off-street parking stalls shall

be improved to conform to City standards for surfacing, stormwater management and striping, and provide dimensions in accordance with the following figure. Accessible parking spaces shall be provided in conformance with Section 3.3.400.M. The number of designated Compact Car Parking spaces shall not exceed 30% of the required off street parking spaces.

**RESPONSE: The applicant understands these requirements and shall comply.**

Minimum Parking Space and Aisle Dimensions						
Angle (A)	Type	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Standard	8 ft	22 ft 6 in	12 ft	24 ft	8 ft
	Compact	7 ft 6 in	19 ft 6 in	12 ft	24 ft	7 ft 6 in
30°	Standard	9 ft	18 ft	12 ft	24 ft	17 ft
	Compact	8ft	15 ft	12 ft	24 ft	14 ft
45°	Standard	9 ft	12 ft 6 in	12 ft	24 ft	19 ft
	Compact	8ft	10 ft 6 in	12 ft	24 ft	16 ft
60°	Standard	9 ft	10 ft 6 in	18 ft	24 ft	18 ft
	Compact	8ft	8 ft 6 in	15 ft	24 ft	16 ft 6 in
90°	Standard	9 ft	9 ft	24 ft	24 ft	19 ft
	Compact	8ft	8ft	22 ft	24 ft	15 ft

Figure 3.3.400.A - Parking Dimensions



**M. Accessible Parking Spaces.** Where parking is provided accessory to an affected building, accessible parking shall be provided, constructed, striped, signed and maintained as required by the Americans with Disabilities Act and Oregon State Statutes. Accessible parking is included in the minimum number of required parking spaces (Note: State Law may change this Federal table.). The access aisle shall include “no parking”.

**RESPONSE: The applicant understands these requirements, and shall comply.**

Figure 3.3.400.C – Accessible Parking Requirements

		Total Parking User In Lot	Required Minimum Number of Accessible	Required Minimum Number of Van Accessible Spaces	Required Minimum Number of “Wheelchair Only” Spaces
1	to	25	1	1	-
26	to	50	2	1	-
51	to	75	3	1	-
76	to	100	4	1	-
101	to	150	5	-	1
151	to	200	6	-	1
201	to	300	7	-	1
301	to	400	8	-	1
401	to	500	9	-	2
501	to	1,000	2% of total	-	1 in every 8 accessible spaces or portion thereof
1,001	and	over	20 plus 1 for each 100 over 1,000	-	1 in every 8 accessible spaces or portion thereof

**N.** See Chapter 3.2 Landscaping and Screening for additional standards.

### 3.3.500 Off-Street Loading Facility Requirements

**A.** Any building intended to be used for retail, wholesale, warehouse, freight, hospital, industrial, manufacturing uses and similar uses shall be provided with off-street loading berths according to this schedule:

1. One berth for each building containing 10,000 to 25,000 square feet of floor area.
2. Two berths for each building containing 25,000+ square feet of floor area.

**RESPONSE:** The included masterplan includes one potential building that would require a loading berth, however the included site layout is only intended as a conceptual layout of how the site could develop. Loadings berths conforming to this section will be detailed as needed on subsequent site plan applications.

**B.** Any building intended to be used for a hotel, eating or drinking establishments, community center, convention hall, medical clinics and other similar use shall be provided with off-street loading berths according to this schedule:

1. One berth for each building containing 20,000 to 50,000 square feet of floor area.
2. Two berths for each building containing 50,000+ square feet of floor area.

**RESPONSE:** The development does not include any of the uses with floor area as required above.

**C.** Off-street loading facilities shall conform to the following standards:

1. Each loading berth shall be at least 35 feet by 10 feet and shall have a minimum height clearance of 14”.
2. Such space may occupy all or any part of any required setback or court space, except front and exterior setbacks, and shall not be located closer than fifty (50) feet to any lot in any R District, unless enclosed on all sides by a masonry wall not less than eight (8) feet in height. In no case shall it be located in a required buffer area.
3. Sufficient room for turning and maneuvering vehicles shall be provided on the site.
4. The loading area, aisles, and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained so as to dispose of surface water without damage to private or public properties. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.
5. No repair work or servicing of vehicles shall be conducted in a loading area.
6. Landscaping and screening are required in accordance with the standards of Chapter 3.2 Landscaping and Screening. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.
7. No on-site loading facilities shall be required where buildings abut an alley, provided that loading operations can be conducted from the alley in accordance with applicable access and parking ordinances, unless specified elsewhere.
8. Space allocated to required off-street loading berths may be used to satisfy the requirements of off-street parking spaces provided the timing of their use is such as to create no conflict, as determined by the Community Development Director or designee.

**RESPONSE: Loadings berths conforming to this section will be detailed as needed on subsequent site plan applications.**

### **3.3.600 Bicycle Parking Requirements**

All bicycle parking facilities required in conjunction with development shall conform to the standards in this Section.

**A. Number of Bicycle Parking Spaces.** The following additional standards apply to specific types of development:

1. **Multi-Family Residences.** Every residential use of four (4) or more dwelling units shall provide at least one bicycle parking space for each dwelling unit.
2. **Parking Lots.** All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.
3. **Schools.** Elementary and middle schools, both private and public, shall provide one bicycle parking space for every 10 students and employees. High schools shall provide one bicycle parking space for every 5 students and employees.
4. **Colleges and trade schools** shall provide one bicycle parking space for every 5 motor vehicle spaces plus one space for every dormitory unit.
5. **All Other Uses.** All uses which require off street parking, except as specifically noted, shall provide one bicycle parking space for every 10 required vehicle parking spaces.
6. **Multiple Uses.** For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking

space for every 10 motor vehicle parking spaces is required.

**RESPONSE: The site plan applications for the multi-family dwellings and commercial buildings shall include bicycle parking that meets the above section.**

- B. Exemptions.** This Section does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, or other developments with fewer than 10 vehicle parking spaces.

**RESPONSE: No part of the proposed development is exempt under this subsection, therefore all subsequent site plans will demonstrate compliance with this section.**

- C. Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as not to conflict with vision clearance standards (Chapter 2.15 – Special Provisions).

**RESPONSE: The site plan applications for the multi-family dwellings and commercial buildings shall include bicycle parking that meets the above section.**

- D. Location.** Racks shall be conveniently located to the street and the building entrance (no farther away than the closest vehicle parking space), visible from sidewalks and entrances for security, as well as lit parking spaces, and clearly marked.

**RESPONSE: The site plan applications for the multi-family dwellings and commercial buildings shall include bicycle parking that meets the above section.**

**E. Dimensions**

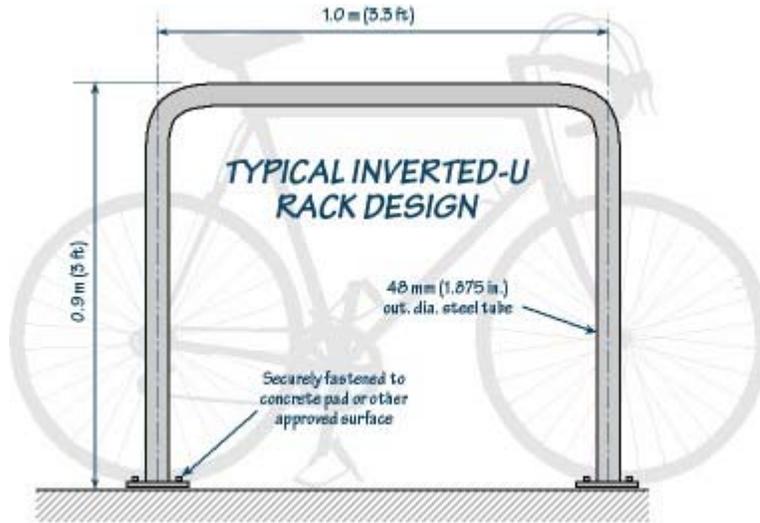
1. Bicycle parking spaces shall each be a minimum of six feet by two feet.
2. Overhead clearance in covered areas shall be at least seven feet.
3. A minimum five-foot-wide aisle shall be provided beside or between each row of bicycle parking. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least five feet between bicycles and other existing and potential obstructions, or impede with the clear vision standards in Chapter 2.15 Special Provisions.

**RESPONSE: The site plan applications for the multi-family dwellings and commercial buildings shall include bicycle parking that meets the above section.**

**F. Enclosure and Racks**

1. Bicycle parking facilities shall include lockable enclosures (lockers) in which the bicycle is stored, or stationary objects (racks) to which bicycles may be locked.
2. Lockers and racks shall be securely anchored to the pavement or a structure.
3. All bike racks shall have following design features:
  - a. Inverted "U" style racks or similar design as illustrated below.
  - b. Each rack shall provide each bicycle parking space with at least two points of contact for a standard bicycle frame and shall be sized to accommodate a standard U-lock.

- c. The bike rack shall have rounded surfaces and corners;
- d. The bike rack shall be coated in a material that will not damage the bicycle's painted surfaces
- e. Bike racks shall be securely mounted to a hard surface, such as asphalt or concrete.



**RESPONSE:** The applicant understands these requirements and shall comply.

- G. Lighting.** For security and convenience, lighting shall be provided in bicycle parking areas such that the facilities are thoroughly illuminated and visible from adjacent sidewalks and/or vehicle parking areas during all hours of use. Lighting shall be consistent with the Dark Skies standards in Chapter 2.15 Special Provisions.

**RESPONSE:** The site plan applications for the multi-family dwellings and commercial buildings shall include bicycle parking that meets the above section.

## Chapter 4.1 - Types of Applications and Review

### 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.

### 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).

- A. Type I Procedure (Ministerial). Type I decisions are made by the Community Development Director, or someone he or she officially designates, without public notice and without a public hearing. The Type 1 procedure is used when there are clear and objective approval criteria, and applies city standards and criteria that require no use of discretion. Appeals are possible to Oregon Land Use Board of Appeals (LUBA);
- B. Type II Procedure (Administrative). Type II decisions are made by the Community Development Director or designee with public notice, and an opportunity for a public hearing if appealed. The appeal of a Type II decision is heard by the Planning Commission;
- C. Type III Procedure (Quasi-Judicial). Type III decisions are made by the Planning Commission after a public hearing, with appeals heard by the City Council. Type III decisions generally use discretionary approval criteria;
- 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.

<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>
Accessory Dwelling Unit	Type I	Chapter 2.15
Annexation	Type /IV	Comprehensive Plan and city/county intergovernmental agreement(s), as applicable.
Appeals	Type II/ III/IV	Chapter 4.1 – Must be filed no later than 5 p.m. on the fourteenth calendar day following mailing of the decision
Code Interpretation	Type II	Chapter 4.8
Code Amendment	Type IV	Chapter 4.7
Comprehensive Plan Amendment	Type IV	Comprehensive Plan
Minor Conditional Use Permit	Type II	Chapter 4.4
Conditional Use Permit	Type III	Chapter 4.4
Home Occupation Permit	Type I	Chapter 2.15
Master Planned Development	Type III	Chapter 4.5
Cluster Developments	Type III	Chapter 4.6
Land Use District Map Change		
Quasi-Judicial (no plan amendment required)	Type III/IV	Chapter 4.7
Legislative (plan amendment required)	Type IV	Chapter 4.7
Lot Line Adjustment	Type I	Chapter 4.3
Partition	Type II	Chapter 4.3

Replat	Type I	Chapter 4.3
Sign Permit	Type I	Chapter 3.6
Site Plan Review		
Type II	Type II	Chapter 4.2
Subdivision	Type III	Chapter 4.3
Temporary Use Permit	Type I/ II	Chapter 2.15
Minor Variance	Type II	Chapter 5.1
Major Variance	Type III	Chapter 5.1

**RESPONSE: The application is for a Master Planned Development, a Type III decision.**

- 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.

**RESPONSE: The section is procedural.**

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

A. Application requirements. See 4.1.700.

B. Notice of Hearing.

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 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;

- c. 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;
  - d. 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. 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 above shall contain the following information:
- a. The nature of the application and the proposed land use or uses which could be authorized for the property;
  - b. The applicable criteria and standards from the development code(s) that apply to the application;
  - c. The street address or other easily understood geographical reference to the subject property;
  - d. The date, time, and location of the public hearing;
  - e. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;
  - f. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;
  - g. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at Sisters City Hall at no cost and that copies shall be provided at a reasonable cost;
  - h. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
  - i. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings.
  - j. The following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Sisters Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

C. Conduct of the Public Hearing.

1. At the commencement of the hearing, the hearings body shall state to those in attendance that:
  - a. The applicable approval criteria and standards that apply to the application or appeal;
  - b. A statement that testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations which the person testifying believes to apply to the decision;
  - c. A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue;
  - d. Before the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a "continuance") per paragraph 2 of this subsection, or by leaving the record open for additional written evidence or testimony per paragraph 3 of this subsection.
2. If the Planning Commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;
3. If the Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Planning Commission shall reopen the record per subsection D of this section;
  - a. When the Planning Commission re-opens the record to admit new evidence or testimony, any person may raise new issues which relates to that new evidence or testimony;
  - b. An extension of the hearing or record granted pursuant to Section C is subject to the limitations of ORS 227.178 ("120-day rule"), unless the continuance or extension is requested or agreed to by the applicant;
  - c. If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence.

4. The record.

- a. The record shall contain all testimony and evidence that is submitted to the City and the hearings body and not rejected;
- b. The hearings body may take official notice of judicially cognizable facts under the applicable law. If the review authority takes official notice, it must announce its intention and allow persons participating in the hearing to present evidence concerning the noticed facts;
- c. The review authority shall retain custody of the record until the City issues a final decision.

5. Participants in a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts (see Section 6 below) as reasonably possible. However, the public has a countervailing right of free access to public officials. Therefore:

- a. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing ex parte contacts (as defined in Section 6 below) concerning the application or appeal. He or she shall state whether the contact has impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly;
- b. A member of the hearings body shall not participate in any proceeding in which they, or any of the following, has a direct or substantial financial interest: Their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;
- c. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;
- d. If all members abstain or are disqualified, those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;
- e. If a member of the hearings body abstains or is disqualified, the City shall provide a substitute in a timely manner subject to the impartiality rules in Section 6;
- f. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.

6. Ex parte communications.

- a. Members of the hearings body shall not:
  - 1. Communicate, directly or indirectly, with any applicant, appellant, other party to the proceedings, or representative of a party about any issue involved in a hearing, except upon giving notice, per Section 5 above;
  - 2. Take official notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.
- b. No decision or action of the hearings body shall be invalid due to ex parte contacts or bias resulting from ex parte contacts, if the person receiving contact:
  - 1. Places in the record the substance of any written or oral ex parte communications concerning the decision or action; and
  - 2. Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.
- c. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;
- d. If all members abstain or are disqualified, those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;
- e. If a member of the hearings body abstains or is disqualified, the City shall provide a substitute in a timely manner subject to the impartiality rules in Section 6;
- f. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section;
- g. A communication between City staff and the hearings body is not considered an ex parte contact.

7. Presenting and receiving evidence.

- a. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;
- b. No oral testimony shall be accepted after the close of the public hearing. Written

testimony may be received after the close of the public hearing, only as provided in Section C;

- c. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the hearing and an opportunity is provided to dispute the evidence. In the alternative, a member of the hearings body may visit the property to familiarize him or herself with the site and surrounding area, but not to independently gather evidence. In the second situation, at the beginning of the hearing, he or she shall disclose the circumstances of the site visit and shall allow all participants to ask about the site visit.

D. The Decision Process.

1. Basis for decision. Approval or denial of a Type III application shall be based on standards and criteria in the development code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the City as a whole;
2. Findings and conclusions. Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;
3. Form of decision. The Planning Commission shall issue a final written decision containing the findings and conclusions stated in subsection 2, which either approves, denies, or approves with specific conditions. At the close of the hearing, the Planning Commission shall make its decision including the supportive findings of fact and conclusions of law. The decision of the Planning Commission shall be prepared in the form of a Planning Commission Resolution from the official hearing minutes and record, The Planning Commission may also issue appropriate intermediate rulings when more than one permit or decision is required;
4. Decision-making time limits. A final order for any Type III action shall be filed with the Community Development Director or designee within ten business days after the close of the deliberation.

- E. Notice of Decision. Written notice of a Type III decision shall be mailed to the applicant and to all participants of record and emailed to the City Council within five business days after the hearings body decision. Failure of any person to receive mailed or emailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail or email the notice. The decision may include a requirement for non-remonstration for future road improvements.

- F. Final Decision and Effective Date. The decision of the hearings body on any Type III application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the City Council. The notification and hearings procedures for

Type III applications on appeal to the City Council shall be the same as for the initial hearing.

**RESPONSE: The proposed procedure is Type III; therefore, these sections are applicable and procedural.**

#### **4.1.700 General Provisions**

A. Application Requirements.

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

to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval; and,

8. Type IV - A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);

**RESPONSE: Since the application is for a Type III procedure, standards 1-5 and 7 are applicable requirements and are included with the application.**

- B. 120-day Rule. The City shall take final action on permit applications which are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete unless superseded by other ORS chapters or provisions. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions - plan and code amendments - under ORS 227.178.)

**RESPONSE: This section is procedural.**

- C. Time Computation. In computing any period of time prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the end of the next day which is not a Saturday or legal holiday.

**RESPONSE: This section is procedural.**

- D. Pre-application Meetings.

1. Participants. A Pre-Application Conference is optional for Type I, II, III and IV applications.
2. The fee charged for pre-application reviews shall be credited towards any additional city application fee charges applied to the proposed subject project. If no additional city permits are sought for the proposed project subject to the pre-application review, the applicant shall not be refunded any portion of the pre-application review fee.
3. At such meeting, the Community Development Director or designee may:
  - a. Cite the comprehensive plan policies and map designations applicable to the proposal;
  - b. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;
  - c. Provide available technical data and assistance which will aid the applicant;
  - d. Identify other governmental policies and regulations that relate to the application; and
  - e. Reasonably identify other opportunities or constraints concerning the application.
  - f. The written comments received are advisory and intended as a guideline to assist developers in preparing land use applications. Comments received for these reviews are not land use decisions, and are subject to change. Comments are based solely on the information submitted and may not apply to subsequent applications.

4. Disclaimer. Failure of the Community Development Director or his/her designee to provide any of the information required by this Section C shall not constitute a waiver of any of the standards, criteria or requirements for the application;
5. Changes in the law. Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.

**RESPONSE: A pre-application meeting was held on December 5, 2018, February 13, 2019 and July 9, 2019 to discuss the process to prepare the application.**

E. Applications.

1. Initiation of applications:
  - a. Applications for approval under this chapter may be initiated by:
    1. Order of City Council;
    2. Resolution of the Planning Commission;
    3. The Community Development Director or designee;
    4. Recorded owner of property (person(s) whose name is on the most recently recorded deed), or contract purchaser with written permission from the record owner.
    5. Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on their behalf.
  2. Consolidation of proceedings. When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.
    - a. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the Community Development Director.
    - b. When proceedings are consolidated:
      1. The notice shall identify each application to be decided;
      2. The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions; and

3. Separate findings and decisions shall be made on each application.
3. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:
    - a. Acceptance. When an application is received by the City, the Community Development Director or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant;
      1. The required form;
      2. The required fee;
      3. The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.
    - b. Completeness.
      1. Review and notification. After the application is accepted, the Community Development Director or designee shall review the application for completeness. If the application is incomplete, the Community Development Director or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days to submit the missing information;
      2. When the application is deemed complete for review. In accordance with the application submittal requirements of this chapter, the application shall be deemed complete upon the receipt by the Community Development Director or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the Community Development Director or designee in (1), above. For the refusal to be valid, the refusal shall be made in writing and received by the Community Development Director or designee. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete.
      3. Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first accepted.
      4. Coordinated Review. The City shall also submit the application for review and comment to City Engineer; ODOT, and other applicable County, State and federal agencies for review.
  4. Changes or additions to the application during the review period. Once an application is deemed complete:
    - a. All documents and other evidence relied upon by the applicant shall be submitted to

the Community Development Department at least seven days before the notice of action or hearing is mailed, if possible. Documents or other evidence submitted after that date shall be received by the Community Development Department, and transmitted to the hearings body, but may be too late to include with the staff report and evaluation;

- b. When documents or other evidence are submitted by the applicant during the review period, but after the application is deemed complete, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application;
- c. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred as part of the decision. In the alternate, the reviewer may inform the applicant either in writing, or orally at a public hearing, that such changes may constitute a significant change (see “d”, below), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change;
- 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:
  1. Continue to process the existing application and allow the applicant to submit a new second application with the proposed significant changes. Both the old and the new applications will proceed, but each will be deemed complete on different dates and may therefore be subject to different criteria and standards and different decision dates;
  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, above) on the existing application. If the applicant does not consent, the City shall not select this option
  3. Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. The City will complete its decision-making process without considering the new evidence;
  4. If a new application is submitted by the applicant, that application shall be subject to a separate check for acceptance and completeness and will be subject to the standards and criteria in effect at the time the new application is accepted.

**RESPONSE: This section is procedural.**

- F. The Community Development Director or designee shall:
  1. Prepare application forms based on the criteria and standards in applicable state law, the City's comprehensive plan, and implementing ordinance provisions;

2. Accept all development applications which comply with Section 4.1.700;
3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report should also provide a recommended decision of: approval; denial; or approval with specific conditions that ensure conformance with the approval criteria;
4. Prepare a notice of the proposal decision:
  - a. In the case of an application subject to a Type I or II review process, the Community Development Director or designee shall make the staff report and all case-file materials available at the time that the notice of the decision is issued;
  - b. In the case of an application subject to a hearing (Type III or IV process), the Community Development Director or designee shall make the staff report available to the public at least seven days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by Sections 4.1.400.B (Type II), 4.1.500.B (Type III), or 4.1.600.C (Type IV);
5. Administer the hearings process;
6. File notice of the final decision in the City's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law, and in the case of Type II decisions by staff also email the final decision to the Planning Commission on the date the notice is mailed to the Applicant and in the case of Type II and Type III decision by the Planning Commission, email the final decision to the City Council on the date the Decision is mailed to the Applicant;
7. Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and conditions, if any; all correspondence; minutes of any meeting at which the application was considered; and any other exhibit, information or documentation which was considered by the decision-maker(s) on the application; and
8. Administer the appeals and review process.

**RESPONSE: This section is procedural.**

G. Amended Decision Process.

1. The purpose of an amended decision process is to allow the Community Development Director or designee to correct typographical errors, rectify inadvertent omissions and/or make other minor changes which do not materially alter the decision.

2. The Community Development Director or designee may issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If such a decision is amended, the decision shall be issued within 10 business days after the original decision would have become final, but in no event beyond the 120-day period required by state law. A new 14-calendar day appeal period shall begin on the day the amended decision is issued.
3. Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.
4. Modifications to approved plans or conditions of approval requested by the applicant shall follow the procedures contained in Chapter 4. All other requested changes to decisions that do not qualify as minor or major modifications shall follow the appeal process.

**RESPONSE: This section is procedural.**

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. 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.

**RESPONSE: This section is procedural.**

- I. Re-submittal of Application Following Denial. An application which has been denied, or an application which was denied and which on appeal or review has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission or the courts, may not be resubmitted as the same or a substantially similar proposal for the same land for a period of at least 12 months from the date the final City action is made denying the application, unless there is substantial change in the facts or a change in City policy which would change the outcome, as determined by the Community Development Director or designee.

**RESPONSE: This section is procedural.**

J. Major Modification.

1. An applicant may apply to modify an approval at any time after a period of 60 days has elapsed from the time a development approval has become final.

**RESPONSE: The application is not for a Major Modification; this standard is not applicable.**

2. Unless otherwise specified in this Code and is not considered a minor modification, the grounds for filing a modification shall be that a change of circumstances since the issuance of the approval makes it desirable to make changes to the proposal, as approved. A modification shall not be filed as a substitute for an appeal or to apply for a substantially new proposal or one that would have significant additional impacts on surrounding properties.

**RESPONSE: The application is not for a Major Modification; this standard is not applicable.**

3. An application to modify an approval shall be directed to one or more discrete aspects of the approval, the modification of which would not amount to approval of a substantially new proposal or one that would have significant additional impacts on surrounding properties. Any proposed modification, as defined in this section, shall be reviewed only under the criteria applicable to that particular aspect of the proposal. Proposals that would modify an approval in a scope greater than allowable as a modification shall be treated as an application for a new proposal.

**RESPONSE: The application is not for a Major Modification; this standard is not applicable.**

4. An application for a modification of a Type I approval shall be processed as a Type I application. An application for a modification of a Type II approval shall be processed as a Type II application. An application for a Type III approval shall be processed as a Type III application. The Communication Development Director shall have the discretion to forward any Type I or Type II modification to the Planning Commission for review.

**RESPONSE: The application is not for a Major Modification; this standard is not applicable.**

5. The effect, if any, of a modification upon the original approval time limitation shall be established in the modification decision.

**RESPONSE: The application is not for a Major Modification; this standard is not applicable.**

#### **4.1.900 Special Procedures**

A. Expedited Land Divisions. An Expedited Land Division (“ELD”) shall be defined and may be used as in ORS 197.360 which is expressly adopted and incorporated by reference here.

1. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned development instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it;
2. Review procedure. An ELD shall be reviewed in accordance with the procedures in ORS 197.365;
3. Appeal procedure. An appeal of an ELD shall be in accordance with the procedures in

ORS 197.375.

**RESPONSE: An expedited land division is not sought; therefore, this section is not applicable.**

#### **4.1.1000 Neighborhood Meetings**

- A. Neighborhood Meeting Requirement. Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input and exchange information about the proposed development. In some cases, the Community Development Director or designee may require the applicant to meet with adjacent property owners or neighborhood representatives prior to accepting an application as complete.

**RESPONSE: A neighborhood meeting was not held prior to submittal of the application.**

### **Chapter 4.5 – Master Planned Developments**

#### **4.5.200 Applicability and Uses**

- A. Applicability. The Master Planned development designation may be combined with any of the City's land use districts. An applicant may develop a project as a Master Planned Development. A Master Planned development shall be used for any property or combination of contiguous properties of ten (10) acres or larger in the Residential District and of five (5) acres or larger in the Residential Multi-Family, Industrial or the Commercial Districts, and for all Major Retail Developments.

**RESPONSE: The property is within the Highway Commercial district and greater than five (5) acres; therefore, a Master Planned development designation applies.**

B. Uses.

1. Master Planned development (MP) in the Residential (R) and Multi-Family Residential (MFR) Districts shall include uses in accordance with the underlying zoning districts. Master Plans are encouraged to have a mix of residential uses.

**RESPONSE: The proposed Master Planned development includes uses in accordance with the Highway Commercial district and includes a mix of commercial and multi-family residential uses. Amenities will be provided within the open spaces according to section 4.5.400.I.**

2. MP in other Districts shall have a mix of appropriate uses in accordance with the underlying zoning district.

**RESPONSE: The proposed Master Plan is within the Highway Commercial District and proposed both commercial and residential uses.**

3. Use(s) not permitted in the underlying zone may be permitted and approved to occupy up to 20% of the gross area of the MP. Said use(s) shall be considered to be a conditional use and may be approved subject to compliance with the conditional use permit criteria in Chapter 4.4.

**RESPONSE: The proposed Master Plan is within the Highway Commercial District and only includes uses permitted within said district.**

- C. Accessory Uses. Accessory uses such as laundry rooms, recreational vehicle storage areas, storage and maintenance facilities and similar uses may be permitted. All accessory buildings/uses shall be approved per the Master Plan,

**RESPONSE: No accessory uses are proposed as part of this Master Plan.**

#### **4.5.300 Review and Approvals Process**

- A. Submittal requirements as required by Site Plan Review, Chapter 4.2, may be processed as part of the Master Plan Approval. When the submittal requirements including elevations and floor plans are not included as part of the Master Plan application, then subsequent Site Plan Review applications and approvals shall be required as a condition of approval of the Master Plan. All Site Plan Review applications shall be submitted prior to the expiration of the Master Plan approval.

**RESPONSE: Submittal of this Master Plan does not include a Site Plan application for development of the site. Site Plan applications shall be submitted subsequently upon approval of this Master Plan application.**

- B. The Master Planned development and all other concurrent applications shall be reviewed using the Type III procedure in Chapter 4.1, the submittal requirements in Section 4.5.500, and the approval criteria in Section 4.5.700.

**RESPONSE: This section is procedural.**

- C. As a condition of approval, the applicant shall record a deed restriction on the subject property and all future lots and parcels created, noting inclusion in the approved Master Planned Development.

**RESPONSE: This section is procedural.**

- D. Land Use District map designation. After the Master Plan has been approved, the Land Use District Map shall be amended to indicate the approved Master Planned Development (MPD) designation for the subject development site.

**RESPONSE: This section is procedural.**

#### **4.5.400 Property Development Standards**

- A. If the continuous horizontal distance (i.e., as measured from end-wall to end-wall) of an individual multi-family building shall incorporate five of the following features on all elevations;
  1. Upper story setbacks, provided one or more of the upper stories are set back from the face of the building at least six feet.

2. Dormers
3. Gables
4. Recessed entries
5. Covered porch entries
6. Cupolas or towers
7. Pillars or posts
8. Eaves (min. 12-inch projection)
9. Window trim (minimum 4-inches wide)
10. Bay or oriel windows
11. Balconies
12. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
13. Decorative cornices and roof lines (e.g., for flat roofs)
14. An alternative feature providing visual relief, similar to options 1-13.

**RESPONSE: Details on the multi-family dwellings shall be included with the subsequent Site Plan application and shall conform to this section.**

- B. Development standards, except for density, landscape and open space, may be modified by up to 20 percent of the required standard of the underlying Zone District. Dimensional standards include lot area, lot width, setbacks, lot coverage, lot depth, and access spacing on local streets. These development standards may be modified upon a finding by the Planning Commission that such modification will not be detrimental to the general welfare, health or safety of the City of Sisters and will enhance the visual characteristics of the neighborhood.

**RESPONSE: No modifications to development standards are being sought as part of this master plan application.**

- C. Except for residential uses, parking space requirements may be modified up to 20 percent of the required standard upon a finding by the Planning Commission that such modification will not be detrimental to the general welfare, health or safety of the City of Sisters and will enhance the visual characteristics of the neighborhood. All other vehicle and bicycle parking standards shall be per City Standards and shall be provided for in the submitted plan.

**RESPONSE: A modification to parking requirements is not being sought as part of this master plan application. However, it is possible during the site development process that some commercial properties may propose shared parking.**

- D. Public and private streets and alleys shall comply with the Public Works Construction Standards, latest edition. See also Access and Circulation, Chapter 3.1.

**RESPONSE: A public local street is proposed along the south side of the development. Development of this property will construct most of the public street and the adjacent property to the south will complete the street upon development of that property.**

- E. Landscaping. A landscaping plan in accordance to Chapter 3.2 showing all fences, walls, hedges, screen plantings and trees shall be provided for in the submitted plan.

**RESPONSE: Street trees are included in this application. Landscaping of the commercial and multi-family dwellings shall be included in the subsequent Site Plan application.**

- F. Laundry Facilities. All dwelling units shall be provided with internal laundry facilities or an accessory laundry building shall be provided on site.

**RESPONSE: The applicant understands these requirements and shall comply. Multifamily units will demonstrate compliance during site and design review.**

- G. Garbage and recycling collection areas. All exterior garbage cans, garbage collection areas, and recycling collection areas shall be oriented away from the street and adjacent properties. Trash enclosures shall be constructed of solid, durable and attractive walls/fences, a minimum of six (6) feet in height, with solid doors, and shall be visually consistent with project architecture. Trash receptacles for pedestrian use are exempt. Trash enclosures shall be compliant with all applicable fire codes.

**RESPONSE: Development of the commercial and multi-family areas will require subsequent site plan applications. The site application shall include proposed garbage and recycling collection areas compliant with the City of Sisters Development Code.**

- H. Open Space. The net acreage of the development site shall be used to calculate the minimum required open space of 15%. Net acres shall be determined by subtracting land dedicated to the public for rights-of-way or private streets and alleys. Usable open spaces may be provided in the form of natural areas, tree preservation areas, playgrounds, active or passive recreational areas, and similar areas. Portions of the right-of-ways that include tree preservation or parkway strips 10-feet or greater may also be counted as open space. Usable open space area shall not include: drainage swales with slopes steeper than a 3:1 slope, right-of-ways for public or private streets and alleys, parkway strips less than 10-feet, vehicle parking areas, areas adjacent to or between any structures less than ten (10) feet apart, setbacks, patios and private yards. Open space area calculations and dimensions shall be provided for in the plan submitted. Open space must be readily accessible to all lots and uses within the Master Plan development and be generally accessible to the public (using a public access easement). Access to private recreational buildings can be restricted to residents within the Master Plan development. Open space shall be designated as a common area on the Master Plan and on all plats, as applicable. Open space may be dedicated to the public, if approved by a public agency with responsibility for open space, recreation, or park facilities. If the open space is privately owned, it shall be maintained by a homeowners association, property owner, or other legal entity.

**RESPONSE: The proposed development requires dedication of 1.1 acres of open space. Compliance will be demonstrated during individual site and design review, with the final buildout of the site requiring not less that 1.1 acres of open space.**

- I. Amenities. All residential planned developments shall provide recreational amenities which may include: a swimming pool, spa, clubhouse, tot-lot with play equipment, picnic area, gazebo, barbecue area, day care facilities, and court-game facilities. The minimum number of amenities required shall be according to the following schedule.

1 to 11 units

1 amenity

12 to 40 units	2 amenities
41 to 100 units	3 amenities
More than 100 units	4 amenities

**RESPONSE: To satisfy requirements of the MFR zoning code for 41 to 100 units, the following three amenities will be provided within the development at full build out.**

1. **A park**
2. **A play structure**
3. **Picnic area with tables and chairs**

- J. Public Improvements Needed for Development. Development shall not occur unless the public improvements serving the development comply with the Public Works Construction Standards, latest edition,

**RESPONSE: Subsequent site plan approvals for commercial and multi-family development will include conditions for construction of needed public improvements conforming to Public Works Construction Standards, latest edition.**

- K. Conditions of Development Approval. No development may occur unless required public facilities are in place or are guaranteed in conformance with the provisions of this Code and the Public Works Construction Standards, latest edition. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

**RESPONSE: Subsequent site plan approvals for commercial and multi-family development will include conditions for construction of needed public improvements conforming to Public Works Construction Standards, latest edition.**

- L. Mixed-use Development Requirement
1. The Master Plan process may be used to transfer ground-floor commercial and residential uses between parcels in the same development, which may result in stand-alone residential structures or ground-floor residential uses fronting the street, provided that a minimum of 50 percent of the ground floor shall be commercial uses.
  2. Mixed use developments may be mixed “vertically” — meaning that a residential use is developed above the commercial use or may be mixed “horizontally”— meaning commercial and residential uses both occupy ground floor space, provided that a minimum of 50 percent of the ground floor shall be commercial uses.
  3. Mixed use developments may be modified as allowed by Section a and b upon a finding by the Planning Commission that such modification will not be detrimental to the general welfare, health or safety of the City of Sisters and will enhance the visual characteristics of the neighborhood.
  4. Mixed use developments may be modified as allowed by Section a and b upon a finding by the Planning Commission that such modification will create an attractive mixed-use

environment through the use and inter-relationship of open spaces, building locations, building scale, and design, and pedestrian amenities.

**RESPONSE: The proposed master plan application includes residential and commercial uses; however, the mixed use is compliant with the underlying zoning district; therefore this section is not applicable.**

- M. Gated communities may be permitted upon a finding by the Planning Commission that such modification will not be detrimental to the general welfare, health and safety of the City of Sisters and will enhance the visual characteristics of the neighborhood.

**RESPONSE: The development does not include gated communities; therefore, this section is not applicable.**

- N. Front lot lines do not need to abut a street.

**RESPONSE: this section is advisory.**

#### **4.5.500 Master Plan Submittal Requirements**

- A. Submittal requirements. The applicant shall submit an application containing all of the general information required for a Type III procedure, as governed by Chapter 4.1. In addition, the applicant shall submit the following:
1. A detailed project description by the applicant; This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
  2. Burden of Proof documenting compliance with all applicable approval criteria;
  3. Complete application form with fee;
  4. Electronic copies of all materials submitted (acceptable file types to be determined by the Community Development Director or designee); and,
  5. Preliminary title report or equivalent printed within 90 days of the date of the application submittal.
  6. Existing Conditions Site Plan
  7. Topographic Map at appropriate contour intervals to be determined by the Community Development Director
  8. Access and Circulation Map
  9. Site Plan - proposed
  10. Landscape/Open Space Plan
  11. Utility Plan
  12. Conceptual Drainage Plan (to include benchmarks and elevations at staff's discretion)
  13. Elevations and floor plans of all proposed buildings, unless reviewed during subsequent Site Plan Review applications.
  14. Sign Plan if applicable
  15. Tentative Plat if applicable
  16. Development Schedule
  17. Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).
  18. Special studies prepared by qualified professionals may be required by the Community Development Director, Planning Commission or City Council to determine potential traffic,

geologic, noise, environmental, natural resource and other impacts, and required mitigation.

**RESPONSE: The applicant understands these requirements and shall comply.**

#### **4.5.600 Comprehensive Sign Plan**

A. Comprehensive Sign Plan is intended to integrate the signs proposed for a development project with the design of the structures, into a unified architectural statement. A Comprehensive Sign Plan provides a means for defining common sign regulations for multi-tenant projects, to encourage maximum incentives in the design and display of multiple signs and to achieve, not circumvent the intent of this Ordinance.

1. Applicability. A Comprehensive Sign plan shall be required for all Master Plans. Signs shall comply with the provisions of this ordinance and Chapter 3.4 Signs.
2. Approval Authority. The City shall approve a Comprehensive Sign Plan as part of the Master Plan approval.
3. Application Requirements. The Comprehensive Sign plan shall include all information and materials required as follows:
  - a. Location: identification of sign locations on the buildings and on the property.
  - b. Materials: description of the type of sign and sign materials including construction materials and proposed lighting if any.
  - c. Size: itemization of sign size or sign band area at identified locations.
  - d. The Comprehensive Sign plan shall accommodate future revisions that may be required because of changes in use or tenants; and
  - e. Signs located in the Commercial Districts shall comply with the 1880's Western Design Theme.
4. Revisions to Comprehensive Sign Plans. The Community Development Department may approve revisions to a Comprehensive Sign plan if the intent of the original approval is not affected.

**RESPONSE: Proposed signs shall conform to the above requirements. Compliance will be demonstrated at the time of site and design review for each building within the development.**

#### **4.5.700 Master Plan Approval Criteria**

The City shall make findings that all of the following criteria are satisfied when approving, or approving with conditions, the Master Planned development. The City shall make findings that at least one of the criteria is not satisfied when denying an application:

- A. Comprehensive Plan. All relevant provisions of the Comprehensive Plan are met;

- B. Land Division Chapter. All of the requirements for land divisions, as applicable, shall be met (Chapter 4.3);
- C. Chapter 2 Land Use and Chapter 3 Design Standards. Land use and design standards contained in Chapter 2 and 3 are met, except as modified by Section 4.5.400.
- D. Property Development Standards. Land use and design standards contained in Section 4.5.400 are met.
- E. Architectural Features. The Master Plan includes architectural features that complement and enhance positive characteristics of the site and surrounding area. Setbacks from streets shall be staggered or buildings otherwise provided with architectural features that assure variety and interest along the street. Master Plans in the Commercial Districts shall comply with the 1880's Western Frontier Design Theme;
- F. Compliance with Purpose of Master Planned Development Chapter. The Master Plan substantially meets the purpose of Section 4.5.100; and
- G. Comprehensive Sign Plan. The Master Plan is in compliance with Section 4.5.600, Comprehensive Sign Plan.
- H. Conformance with applicable public works, building and fire code standards.

**RESPONSE: This section is procedural.**