

**BURDEN OF PROOF STATEMENT FOR MASTER PLAN
AND SUBDIVISION TENTATIVE PLAN**

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LOCATION: The subject property is approximately 31.56 acres and is located at 201 N Pine Street. It is assigned map/tax lot number 151005D00200. The property is currently within the City of Sisters Urban Growth Boundary (UGB) and within City limits.

REQUEST: Several concurrent land use approvals are requested for the development of a mixed-use community:

- Master Plan
- Subdivision
- Major Variances



I. APPLICABLE PROCEDURES AND CRITERIA:

Sisters Development Code

- Chapter 4.3 - Land Divisions and Lot Line Adjustments
- Chapter 4.5 - Master Planned Developments
- Chapter 2.3 - Multi-Family Residential (MFR) District
- Chapter 2.4 - Downtown Commercial (DC) District
- Chapter 2.8 - Open Space District
- Chapter 2.14 - North Sisters Business Park (NSBP) District
- Chapter 2.15.2300 - Vision Clearance
- Chapter 3 - Design Standards
- Chapter 4.6 - Cottage Developments
- Chapter 5.1 - Variances

II. PROPOSED FINDINGS OF FACT:

A. Location:

The subject property is located south of W Barclay Drive, between W Pine Street and W Hwy 20, with an address of 201 N Pine Street. The subject property is assigned map/tax lot number 151005D000200. The property is within the City of Sisters Urban Growth Boundary (UGB) and within City limits.

B. Lot of Record:

Tax lot 200 was established as Parcel 2 of Partition Plat 2019-19, recorded on November 20, 2019 as instrument #2019-45332.

C. Zoning/Plan Designation:

The subject property includes several zones, including Multi-Family Residential (MFR), North Sisters Business Park (NSBP), Downtown Commercial (DC) and Open Space (OS), recently adopted by City Council on October 14, 2020 (Ordinance 508).

D. Site Description & Surrounding Uses:

The 31.56-acre subject property is located south of W. Barclay Drive and between W. Hwy 20 and N. Pine Street. Several accessory structures related to Forest Service operations are located on the property and are to be removed prior to development. Topography on the site is generally flat and heavily treed with ponderosa pine and other native underbrush species.

The property to the south is also owned by the Forest Service, zoned Public Facilities, and contains the existing Sisters Ranger Station. Property to the north across W. Barclay Drive recently received land use approval for a 14-lot industrial master plan and subdivision (MP 20-01/SUB 20-01). Properties to the east are zoned Highway Commercial and contain varied uses including hotels, grocery store, formula food establishments, bank facilities, and retail uses. Property to the west is zoned Light Industrial and Downtown Commercial. Uses in these areas include manufacturing, a veterinarian, hardware store, and office and retail space.

E. Proposal:

Consistent with the land division criteria outlined in SDC 4.3 and master plan criteria outlined in SDC 4.5, the Applicant requests approval of the following:

- Master Plan for Mixed-Use Development
- Subdivision Tentative Plan for Mixed-Use Development

F. Exhibits and Attachments:

Exhibit A1. Project Description

Exhibit A2. MP Application and Letter of Authorization

Exhibit B1. Master Plan + Subdivision Tentative Plan Drawings

- P1.0: Cover Page
- P1.1: Existing Conditions and Legal Survey Map
- P1.2: Tree Preservation Plan
- P1.3: Site Plan Exhibit
- P1.4: Prelim Plat
- P1.5: Prelim Street Plan
- P1.6: Prelim Utility Plan
- P1.7: Connectivity Plan
- P1.8: Phasing and Development Plan
- P1.9: Grading and Drainage Plan
- P1.10 – P1.11: Street and Alley Sections

Exhibit B2. Conceptual Landscape Plan

Exhibit C. Legal Description and Title Report

Exhibit D. Water/Sewer Memo

Exhibit E. Stormwater Memo

Exhibit F. Transportation Impact Study

Exhibit G. Supplemental Information (Other Studies and Reports)

1. Project Aerial image
2. Alley Easement and Use graphic
3. NSBP Prototypes
4. Cottage and Townhome Precedent images
5. Cottage Prototypes for site planning
6. Townhome Prototypes for site planning
7. Deviations/Variations
8. MFR DC apartment prototype and precedents

III. PROPOSED FINDINGS OF RELEVANT LAW:

Sisters Development Code

Chapter 4.5 – Master Planned Developments

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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 required prior to subdividing, partitioning, or developing any property or combination of contiguous properties under common ownership 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 subject property has several zones, including Multi-Family Residential (MFR), North Sisters Business Park (NSBP), Downtown Commercial (DC) and Open Space (OS) and is greater than five acres in size. As such, a master plan is required by this code prior to or concurrent with approval of a subdivision. Compliance with master plan criteria is demonstrated herein.

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.
2. MP in other Districts shall have a mix of appropriate uses in accordance with the underlying zoning district.
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. Such use(s) shall be considered a conditional use subject to compliance with the conditional use permit criteria in Chapter [4.4](#).

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. [Ord. [497](#) § 2 (Exh. B), 2019].

RESPONSE: Other than accessory dwelling units, which are defined separately from this section, no accessory uses, as defined in SDC 4.5.200.C are proposed in the submitted 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.

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](#).

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.

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 submittal serves as both the master plan and subdivision tentative plan submittal. No site plans are proposed at this time.

The Applicant believes the first sentence of SDC 4.5.800.A includes a typographical error and was intended to be worded as such: "The Master Plan approved by the Planning Commission shall expire three (3) years from the date on which the decision is final, *unless* [emphasis added] the approval has been initiated." This would align with durations of approval for other applications (such as site plans), as well as initiation of use allowances within the state and other municipalities. In this case, the master plan will be initiated with significant public improvements or guarantees prior to the end of the duration of approval as nearly all master plan requirements and conditions of approval will be completed prior to final plat of each phase.

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 facade of a multi-family structure is greater than 20 lineal feet, the facade shall contain a minimum of five of the following features:

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: The architectural designs of The Woodlands will comply with required façade features. These are discussed in greater detail in the Project Description (Exhibit A1).

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: A significant focus of The Woodlands is the preservation of as many existing trees as possible, as well as the creation of useable open spaces. The proposed subdivision includes significant open space buffers and tree preservation areas throughout the development, preserving wide swaths of land and significant trees. This preservation creates a unique public amenity and enhanced aesthetics for the area, but creates challenges on the some of the proposed lots. As a result, some departures from development standards of the multi-family residential zone for a few specific lots are requested:

- lot width - townhome lots 156 to 167 - from 35' to 34' (3% reduction)
- lot width - lots 92, 118, 125 - from 40' to 35' (12.5% reduction)
- lot size - townhome lots 157 to 167 - from 3,500 sf to 3,400 sf (3% reduction)
- exterior side yard setback - cottage lots 69 and 75 - from 10' to 8' (20% reduction)

These specific departure requests are discussed in detail in Exhibit G7.

The requested deviations are not detrimental to the general welfare, health or safety of the City of Sisters. The lot width and lot size deviations are requested in order to preserve significant trees, in support of the City's requirements to do so. This tree preservation will enhance the visual characteristics of the neighborhood and the entire community. The exterior and interior side yard setbacks within the cottage development will result in the provision of an additional two-car garage on one lot, increasing the aesthetics by providing another enclosed/screened parking area that is off-street.

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: No parking modifications are proposed at this time.

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: All proposed public and private streets and alleys are designed to comply with the Public Works Construction Standards and are included in the submitted tentative plan package. Compliance with Chapter 3.1 is demonstrated below. Detailed construction plans will be submitted for review and approval prior to construction.

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: A landscaping plan is included in Exhibit B2 and compliance with Chapter 3.2 is discussed below. Street trees along the new street are proposed for the full length along all public right of way frontages. Exact street tree requirements will be determined based on a minimum number of trees required for an average of 35-foot spacing along the length of the street. The proposed number of new street trees to be planted will be determined by dividing the street frontage by 35', then subtracting the number of existing trees to be preserved along the frontage.

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

RESPONSE: All dwelling units will be provided with internal laundry facilities or an accessory laundry building on site. Details will be provided and reviewed at the time of site plan and building permit applications.

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: All exterior garbage and recycling collection areas will be oriented away from the street and adjacent properties, with the exception of trash receptacles for pedestrian use. In addition, they will be screened with solid, durable walls/fences, in compliance with this requirement. Future site plans will be submitted for review for compliance with this requirement.

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: Plan sheet P1.4 (Preliminary Plat) of Exhibit B demonstrates the areas that are planned as open space for the master plan, in compliance with this requirement. While numerous common areas and private open space areas are integrated throughout the plan, four main areas are included in the public open space calculation:

- Open space zoned area in the western corner
- 40-foot wide open space area along Hwy 20
- 30-foot wide open space area along Hwy 20
- Open space corridor along N Pine Street with meandering multi use trail

A summary of the gross area, net area, and required open space includes:

Gross Property Area =	31.56 acres
ROW Area =	6.27 acres
Net Area =	25.29 acres
15% Open Space =	3.79 acres

Open Space Provided = 4.26 acre (16.8%)

4.26 acres of public open space is proposed, greater than the required amount. All proposed open space areas are accessible by all lots within the proposed subdivision, as well as accessible by the public.

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: Numerous amenities, far exceeding the required number above, are proposed to be constructed in The Woodlands, as show in the landscape plans in Exhibit B2. These amenities are numbered on the plan and include:

The project includes 359 proposed residential units, plus a congregate housing facility with 12 EDUs/units (for a total of 371 units), constructed over a phased period of time. The congregate housing unit count is proposed to be aligned with the EDU calculation, similar to a dormitory facility: 30 rooms * 0.40 conversion factor to EDUs = 12 EDUs/units.

Phase #	# of Units	# of amenities	Amenity Details	Cumulative # of Amenities
1	53 + 12 = 65	5	<ul style="list-style-type: none"> ▪ Large open space in NW corner, for interim programming and longer-term amenity use (Tract A). ▪ Multi-use pathway along N Pine Street and ‘pocket park’ at corner of Pine/Barclay. ▪ Significant tree (“58er”) and interpretive signage/ bench at a small park (Tract F). ▪ Large cluster of significant trees and park area, multi-use connector path, buffer to congregate housing (Tract E). ▪ Pocket park with tree clusters and some selection or combination of play/sitting/picnic equipment (Tract C). 	5
2	52	2	<ul style="list-style-type: none"> ▪ Pocket park with tree clusters and some selection/combination of play/sitting/picnic equipment (NW corner of Tract H). ▪ Pocket park with tree clusters and some selection/combination of play/sitting/picnic equipment (Tract G). 	7
3		3	<ul style="list-style-type: none"> ▪ Pocket park with tree clusters and some selection/combination of play/sitting/picnic equipment (Tract J). ▪ Pocket park with tree clusters and some selection/combination of play/sitting/picnic equipment (Tract K). ▪ Large amenity area/open space easement with increased setbacks 	10

			between apartment buildings and Hwy 20, north of Street E.	
4		2	<ul style="list-style-type: none"> ▪ Pocket parks along ROWs and accessible alleys with tree clusters and combination of play/ sitting/ picnic equipment (Tract P). ▪ Pocket parks along ROWs and accessible alleys with tree clusters and combination of play/ sitting/ picnic equipment (Tract Q). 	12
5		2	<ul style="list-style-type: none"> ▪ Large amenity area/open space easement with increased setbacks between apartment buildings & Hwy 20, south of Street E. ▪ Multi-use pathway along Street E, through development and to the large open space amenity. 	14

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: Construction plans will be submitted following the approval of the master plan and tentative subdivision plan, demonstrating compliance with the Public Works Construction Standards.

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: The submitted engineering drawings demonstrate that the development will be served by public facilities, including water, sewer, and streets. The proposal includes construction of five new local streets, several private alleyways and installation of water and sanitary sewer mains. Exhibit D includes a water/sewer memo, detailing the water and sewer analyses for the subject property. Significant water and sewer impact mitigation fees and facility installations were required as part of the previous land use decision (Ord. 508, CP 20-03, ZM20-02) to accommodate the development of the subject property as a mixed-use subdivision. These mitigation fees were based upon proportional impacts of the development. For construction of facilities that are required in excess of proportional impacts, the City noted in the previous land use decision that this portion of the construction would be eligible for SDC credits.

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 Downtown Commercial portion of the subdivision is proposed to include a vertical mixed use structure, with commercial and parking on the ground level and apartments on the upper level(s). Horizontal mixed use or transfer of commercial/residential is not proposed.

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: No gated communities are proposed.

N. Front lot lines do not need to abut a street. [Ord. [486](#) § 2 (Exh. B), 2018].

RESPONSE: Applicant has noted this allowance.

4.5.500 Master Plan Submittal Requirements

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

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

RESPONSE: All required submittal materials are included with the application package, as applicable. No special studies were required by the City or identified by the Applicant.

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: A sign plan is not proposed at this time.

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;

RESPONSE: The Sisters Development Code was adopted to implement the goals, policies and objectives of the Comprehensive Plan. As demonstrated herein, the proposal meets the requirements of the Development Code and is therefore compliant with the Sisters Comprehensive Plan.

Although there are no policies in the Comprehensive Plan that address master plans, the proposal advances several goals and policies of the Plan through the development of 31+ acres of land inside the UGB for needed housing, light industrial land, open space and mixed-uses. A key aspect of attracting businesses to Sisters is the availability of employment land and housing to support employees. The Woodlands is focused on creating a community of attractive, functional homes that are affordable for working and middle class incomes. The City's 2019 Housing Needs Assessment (HNA), states that Sisters has experienced strong growth, with population growth of 185% since 2000, further noting that no other area of the County experienced a similar growth rate. The *Sisters Housing Strategies Report* demonstrates the City's support of and need for compact development with increased housing types, with specific recommendations for creating small housing types and removing unnecessary barriers to housing development.

This proposal addresses and meets several goals/policies of the Comprehensive Plan, including the following

sampling:

- *Goal 9, Policy 4. The City should support efforts to attract businesses providing family-wage employment opportunities.*
- *Goal 9, Policy 6. The City shall ensure an adequate supply of land for the needs of commercial, mixed-use and light industrial purposes.*
- *Goal 10, Policy 1: To accommodate for additional residential growth within the existing UGB as appropriate and necessary.*
- *Goal 14, Policy 1. The City shall promote development within the UGB to minimize the cost of providing public services and infrastructure and to protect resource land outside the UGB.*

B. Land Division Chapter. All of the requirements for land divisions, as applicable, shall be met (Chapter [4.3](#));

RESPONSE: A subdivision tentative plan application has been submitted with the master plan, for concurrent review. Compliance with the land division chapter (SDC 4.3) is demonstrated herein.

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](#).

RESPONSE: Compliance with the applicable sections of Chapters 2 and 3 of the Sisters Development Code is demonstrated herein.

D. Property Development Standards. Land use and design standards contained in Section [4.5.400](#) are met.

RESPONSE: Compliance with the standards of SDC 4.5.400 is demonstrated above, as applicable.

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;

RESPONSE: The Woodlands Master Plan will comply with this requirement for architectural features, as described in greater detail in the Project Description (Exhibit A1).

F. Compliance with Purpose of Master Planned Development Chapter. The Master Plan substantially meets the purpose of Section [4.5.100](#); and

RESPONSE: Compliance with SDC 4.5.100 is demonstrated above.

G. Comprehensive Sign Plan. The Master Plan is in compliance with Section [4.5.600](#), Comprehensive Sign Plan.

RESPONSE: A sign plan is not proposed at this time.

H. Conformance with applicable public works, building and fire code standards.

RESPONSE: This proposal is for a master plan and subdivision tentative plan. Conformance with applicable public works and fire code standards for subdivisions is demonstrated herein. Conformance with building code and the majority of fire code standards will be reviewed at the time of building permit reviews.

4.5.800 Approval Durations, Extensions and Amendments

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

RESPONSE: The Applicant believes the first sentence above includes a typographical error and was intended to be worded as such: “The Master Plan approved by the Planning Commission shall expire three (3) years from the date on which the decision is final, *unless* [emphasis added] the approval has been initiated.” This would align with durations of approval for other applications (such as site plans), as well as initiation of use allowances within the state and other municipalities. In this case, nearly all master plan requirements and conditions of approval will be completed prior to final plat of each phase. The Applicant expects to record the final plat within the duration of approval for each phase, however, acknowledges the applicability of the extension process, should it be necessary.

B. Extension. The City may, upon written request by the applicant and payment of the required fee, grant up to two (2) one-year extensions of the approval period. The first extension may be approved administratively. The second extension, if needed, shall be considered and may be granted by the original decision body at their discretion. Extensions may be considered if:

1. No changes have been made on the original Master Plan as approved;
2. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and
3. The extension is requested before expiration of the original approval.

RESPONSE: Based on conversations with City staff, it is the Applicant’s understanding that if the master plan is initiated within the duration of approval, no extension will be necessary. The Applicant plans to comply with the requirements of the master plan and submit final plat within the first year after master plan approval and does not anticipate needing to file an extension, however, notes the code’s allowance for an extension if necessary.

Chapter 4.3 – Land Divisions and Lot Line Adjustments

4.3.200 General Requirements

A. Compliance with ORS Chapter 92. All subdivision and partition proposals shall be in conformance with State regulations set forth in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions.

RESPONSE: The subdivision will be platted in conformance with ORS Chapter 92.

B. Need for Adequate Utilities. All lots created through land division shall be served by public utilities and facilities such as sewer, gas, electrical, and water systems.

RESPONSE: In compliance with this requirement, the submitted subdivision tentative plan includes public utilities (water, sanitary sewer) within the proposed street right of way and within private alleys, in order to serve every lot with public utilities. The previously approved zone change application (Ordinance 508) included significant infrastructure analyses and resulting conditions of approval for contributions to water and sewer improvements, to accommodate reasonable development. Plan P1.6 includes trench locations for private utilities. All lots will be served by public and private utilities.

C. Floodplain. Where land filling and/or development is allowed within or adjacent to the 100-year flood plain outside the zero-foot rise flood plain, and the Comprehensive Plan designates the subject flood plain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway adjoining or within the flood plain. When practicable, this area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the flood plain in accordance with the City's adopted trails plan or pedestrian and bikeway plans, as applicable. The City shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact to the park and/or trail system, consistent with the Public Works Construction Standards, latest edition.

RESPONSE: The subject property is not within or adjacent to the 100-year flood plain. This section does not apply.

D. Cul-de-sacs shall be "day-lighted" to provide pedestrian and bicycle access as allowed by neighboring properties as shown below. The Planning Commission, in conjunction with tentative subdivision plat applications, shall approve the design of all day-lighted cul-de-sacs (opening width, fencing, landscaping, hardscape, etc.).

RESPONSE: No cul-de-sacs are proposed. As such, this requirement is not applicable.

E. Easements for sewers, storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions, prior to any connection to public infrastructure, in conformance to the Public Works Construction Standards, latest edition.

RESPONSE: Where public infrastructure is not within public right of way, easements will be dedicated on the final plat, in compliance with this requirement.

F. Public Improvements Required. Before City approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved in accordance with the City's Public Works Construction Standards, latest edition. Alternatively, the subdivider/partitioner shall provide a performance guarantee, in accordance with Section [4.3.800](#).

RESPONSE: All public improvements will be installed, inspected and approved, or a performance guarantee will be submitted prior to the City's approval being certified on the final plat. Any performance guarantee will be in accordance with SDC 4.3.800 and will be reviewed by City staff at the time of submittal.

G. Underground Utilities. This standard applies only to proposed subdivisions. All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that above ground equipment does not obstruct vision clearance areas for vehicular traffic (Chapter [3.1](#));
2. The City reserves the right to approve the location of all surface mounted facilities;
3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
5. Exception to Under-Grounding Requirement. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands or refusal by utility companies.

RESPONSE: All utilities are proposed to be installed underground, except for the surface mounted units, meter cabinets and temporary utility services, as allowed above. All sanitary sewer and water lines within the streets will be installed prior to street surfacing and service stubs will be long enough to avoid disturbing the streets when connections are made.

H. Dedication Requirements.

1. Where a proposed park, playground or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City shall require the dedication or reservation of this area on the final plat for the subdivision.
2. If determined by the Planning Commission to be in the public interest in accordance with adopted Comprehensive Plan policies and the City of Sisters Park Plan, and where an adopted plan of the City does not indicate proposed public use areas, the City shall require the dedication or reservation of areas within the subdivision of a character, extent and location suitable for the development of parks and other public uses.
3. All required dedications or reservations of public use areas shall conform to Section 4.3.200.K (Conditions of Development Approval).

RESPONSE: No City plans show a proposed park, playground or other public use located in whole or in part in the master plan/subdivision area. However, the west corner of the subject property is zoned Open Space and is proposed to be public open space. Additionally, two easements between Highway 20 and the Downtown Commercial buildings are proposed as wide (30-foot and 40-foot) easements for public use. These dedications/reservations will be shown on the final plat and will conform to Section 4.3.200.K.

I. Acquisition by Public Agency. If the developer is required to reserve land area for a publicly owned park, playground, or other public use, the land shall be acquired by the appropriate public agency within 24 months following final plat approval, at a price agreed upon prior to approval of the plat, or the reservation shall be released to the property owner.

RESPONSE: The developer is required to include open space areas within the master plan, however, it is not required to be publicly owned. The majority of the open space will be privately held. The open space zoned area in the western corner is proposed to be publicly accessible, however the future ownership is undetermined and the Applicant is discussing the options with the City and the Sisters Park and Recreation District. As the public dedication is not required at this time, the decision of ownership of this area can be determined at a later date.

J. System Development Charge Credit. Dedication of land to the City for public use areas shall be eligible as a credit toward any required system development charge for parks.

RESPONSE: Applicant notes this allowance.

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: The proposed tentative plan includes public facilities for water, sewer, and new local streets. These proposed improvements are planned to be in place, or guaranteed through a performance bond, in conformance with the provisions of the Sisters Development Code and Public Works Standards prior to development of individual lots. The Applicant is not aware of, nor expecting, any other public facility requirements beyond what is included in the submitted tentative plan, and those required as part of the previous zone change approval.

L. When subdividing or partitioning tracts into large lots (i.e., greater than two times the minimum lot size allowed by the underlying land use district), the lots shall be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code.

RESPONSE: The subdivision is proposed to be phased into five phases. Each phase, except the final phase, will include remainder parcels that are of significant size, to accommodate the future phases of subdividing, in compliance with this requirement. Once all phases are complete, no large parcels will remain, other than the open space parcel, which is intended to remain as a large open space area.

M. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the Hearings Body determines that the extension is necessary to give street access to or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to 1-3, below.

1. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
2. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the sub-divider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
3. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length and in accordance to Oregon Fire Code.

RESPONSE: The subject property is flanked on three sides by public streets and on the fourth side by Forest Service property. Other than the Forest Service property, no other undeveloped property abuts the subject property. However, several nearby streets are proposed to be extended through this subdivision:

- West Sisters Park Drive/West Hood Street
- Local Street on north side from Three Peaks Industrial Park (unnamed at time of writing)

Within each proposed phase, the streets will be constructed to the phase line, to enable future phases/development to continue the street and pattern of development. One turnaround is proposed along the property line of lots 170 and 171.

4.3.400 Approval Process

A. Subdivision and Partition Approval through Two-step Process. Applications for subdivision or partition approval shall be processed through a two-step process; the preliminary plat and the final plat.

1. The preliminary plat shall be approved before the final plat can be submitted for consideration and approval; and
2. The final plat shall include all conditions of approval of the preliminary plat.

RESPONSE: This subdivision application includes the preliminary plat, for review and approval prior to construction or submittal of final plat.

B. Review of Preliminary Plat. Review of a preliminary plat with 2 or 3 lots (partition) shall be processed as a Type II procedure, as governed by Chapter 4.1.400. Preliminary plats with more than 3 lots (subdivision) shall be processed as a Type III procedure under 4.1.500. All preliminary plats shall be reviewed using approval criteria contained in Section [4.3.600](#).

RESPONSE: This proposal is for a subdivision with greater than three lots and the Applicant understands that it will be processed as a Type III procedure.

C. Review of Final Plat. Review of a final plat for a subdivision or partition shall be processed as a Type I procedure under Chapter 4.1.300, using the approval criteria in Section [4.3.700](#).

RESPONSE: The Applicant understands that final plat will be processed as a Type I procedure.

D. Preliminary Plat Approval Period – Single Phased Development. Preliminary plat approval shall be effective for a period of two (2) years from the date the approval becomes final for single-phased land divisions. The preliminary plat approval shall lapse if a complete final plat application has not been submitted prior to the expiration date.

RESPONSE: The proposed development is multi-phased; as such, this section does not apply.

E. Preliminary Plat Approval Period – Multi Phased Subdivision.

1. The City, at its discretion, may approve a time schedule for developing a subdivision in phases, but in no case shall the expiration period for the initial subdivision phase be greater than two years from the date the preliminary plat approval became final or six years from the date that the preliminary plat approval became final for the final phase unless an extension is granted in accordance with SDC 4.3.400(F). The Community Development Director shall determine whether the approval, whether for the entire subdivision or any particular phase, has been initiated based on whether significant infrastructure improvements have been completed as of the date the approval expires. Such a determination will be made through either a Type II decision or, at the discretion of the Community Development Director, a Type III decision before the Planning Commission. Significant infrastructure includes but is not limited to site grading, streets, water, sewer, power and communications services construction sufficient in terms of time, labor, and/or money to demonstrate a good faith effort to complete the development or as otherwise specified as a condition of approval.
2. The criteria for approving a phased land division proposal are:
 - a. Public facilities shall be constructed in conjunction with or prior to each phase;
 - b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Section [4.3.800](#). A temporary public facility is any facility not constructed to the applicable City or district standard;

- c. The phased subdivision shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved preliminary plat; and
- d. A request for a phased land division shall be made as part of the preliminary plat application for a phased subdivision.

RESPONSE: The subdivision is proposed to be completed in five phases, as depicted in plan sheet P1.9 of Exhibit B1. The Applicant proposes to complete phase 1 within two years of the preliminary plat becoming final and to complete the final phase within six years of the preliminary plat being final, in compliance with these requirements. Phase timing is proposed as noted below, measured from the time at which the preliminary plat becomes final. Proposed timing is in compliance with the above approval period requirements.

Phase 1	within 2 years
Phase 2	within 4 years
Phase 3	within 5 years
Phases 4, 5	within 6 years

Infrastructure will be completed within the phase in which it is located and will be appropriately stubbed and/or looped to serve subsequent phases. Construction plans for all infrastructure phasing will be submitted to the City for review and approval prior to construction.

F. Extensions

1. The Community Development Director may, upon written request by the applicant and payment of the required fee prior to expiration of an approval, grant a total of one extension of the approval for one year from the applicable expiration date per project; provided that:
 - a. The applicant can show good faith efforts have been made towards platting the applicable land division;
 - b. For a phased development, only a single one-year extension is permitted (not one per phase). If granted, the issuance of the extension extends the current phase and all subsequent phases by an additional year.
 - c. An extension of time will not prevent the lawful development of abutting properties;
 - d. There have been no changes to the applicable Development Code, Public Works Construction Standards, or other applicable criteria on which the approval was based. If there have been changes, then the extension will not be granted, and a new application shall be required, unless the land division can, in the discretion of the Community Development Director, be modified to comply with all current standards and the community Development Director adds conditions of approval to ensure compliance.

2. Additional Extension by Original Decision-Making Body. The original decision-making body may, upon written request by the applicant prior to the expiration of the approval period granted by the Community Development Director, grant a single additional one-year extension per SDC 4.4.300(F)(1).
3. Through the Type III application process, the Planning Commission is authorized to consider resetting the expiration date of the approval as a part of approving a major modification to an existing tentative plat. The applicant must submit justification and supporting evidence to the Planning Commission that the additional time is warranted by the proposed major modification.

RESPONSE: The need for an extension is not anticipated, however, the Applicant is aware of this option, if necessary.

...

4.3.500 Preliminary Plat Submittal Requirements

A. General Submittal Requirements. The following information shall be submitted:

B. Preliminary Plat Information. In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

1. General Information:
 - a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in the county in which it is located (please check with County Surveyor);
 - b. Date, north arrow, and scale of drawing;
 - c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;
 - d. Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor if any, and the date of the survey; and
 - e. Identification of the drawing as a “preliminary plat.”
2. Site analysis:
 - a. Streets: Location, name, present width of all streets, alleys and right-of-way on and abutting the site;
 - b. Easements: Width, location and purpose of all existing public and private easements of record on and abutting the site;
 - c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;
 - d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor. This requirement may be waived for partitions when grades, on average, are less than 6 percent;
 - e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
 - f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;
 - g. Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection;
 - h. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
 - i. Designated historic and cultural resources on the site and adjacent parcels or lots;
 - j. The location, size and species of trees having a caliper (diameter) of eight inches or greater measured at four feet above grade in conformance with Chapter [3.2](#), and, any tree with a historic designation regardless of size;
 - k. North arrow, scale, name and address of owner;
 - l. Name and address of project designer, if applicable; and
 - m. Other information, as deemed appropriate by the Community Development Director or designee. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.
 - n. A Traffic Impact Statement or Study may be required at the discretion of the Community Development Director or designee for any development that will generate less than 200 vehicle trips per day. A Traffic Impact Study shall be required for any development that generates more than 200 vehicle trips per day.

RESPONSE: The above required site analysis details are included in the submitted plans, where applicable. The applicant is not aware of any natural hazard areas, sensitive lands, floodplains, unique site features, or historic/cultural resources requiring identification on the subject property, with the exception of significant trees, which is discussed in great detail herein and documented in a tree preservation plan.

3. Proposed improvements:

- a. Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts which are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
- b. Easements: location, width and purpose of all easements;
- c. Lots and private tracts (e.g., private open space, common area, or street); approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all lots and tracts;
- d. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use; potential location of future buildings;
- e. Proposed improvements, as required by Chapter 3 (Design Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);
- f. Preliminary location of development showing that future buildings can meet dimensional standards of base zone;
- g. The proposed source and preliminary plans for domestic water;
- h. The proposed method and preliminary plans of sewage disposal and method and preliminary plans of surface water drainage and treatment, if required;
- i. The approximate location and identity of utilities, including the locations of street lighting fixtures;
- j. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation related to proposed railroad crossing(s);
- k. Changes to navigable streams, or other water courses. Provision or closure of public access to these areas shall be shown on the preliminary plat, as applicable;
- l. Identification of the base flood elevation for development of more than 3 lots may be required at the discretion of the Community Development Director or designee. If required, written evidence of initiation of a Federal Emergency Management Agency (FEMA) flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain. FEMA approval of the amendment may be a condition of city land use approval;
- m. Evidence of written notice to the Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the State's jurisdiction; and
- n. Evidence of written notice to the applicable natural resource regulatory agency(ies) for any development within or adjacent to jurisdictional wetlands and other sensitive lands.
- o. Phase development plan shall include the following:
 1. Overall tentative plan, including phase or unit sequence, and the schedule of initiation of improvements and projected completion date.
 2. Overall facility development phasing plan, including transportation and utility facility plans that specify the traffic pattern plan for motor vehicles, bicycles and pedestrian, water systems plans, sewer system plans and utility plans.
 3. Development and phasing plans for any common elements or facilities.

RESPONSE: All the proposed improvements were included in the submittal, when applicable. The subject property does not include a railroad, floodplains, wetlands or streams/water courses.

4.3.600 Approval Criteria for Preliminary Plat

A. General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

1. All relevant provisions of the Comprehensive Plan are met.

RESPONSE: The Sisters Development Code was adopted to implement the goals, policies and objectives of the Comprehensive Plan. As demonstrated herein, the proposal meets the requirements of the Development Code and is therefore compliant with the Sisters Comprehensive Plan.

Although there are no policies in the Comprehensive Plan that specifically address subdivisions, the application advances several goals and policies of the Plan through the development of 15+ acres of land inside the UGB for needed light industrial uses. A key aspect of attracting businesses to Sisters is the availability of employment land. By 2020, the amount of developable employment land inside the Sisters UGB has significantly decreased. All of the light industrial parcels in Sisters are being utilized (nearly 100% occupancy for the entire zone). The proposed master plan and subdivision is the next step to create needed light industrial parcels, to attract new and expanding businesses providing family-wage employment opportunities. This proposal addresses and meets several goals/policies of the Comprehensive Plan, including the following sampling:

- *Goal 9, Policy 4. The City should support efforts to attract businesses providing family-wage employment opportunities.*
- *Goal 9, Policy 6. The City shall ensure an adequate supply of land for the needs of commercial, mixed-use and light industrial purposes.*
- *Goal 10, Policy 1: To accommodate for additional residential growth within the existing UGB as appropriate and necessary.*
- *Goal 14, Policy 1. The City shall promote development within the UGB to minimize the cost of providing public services and infrastructure and to protect resource land outside the UGB.*

2. The proposed preliminary plat complies with all of the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, and the applicable sections of Chapter [2](#) (Land Use Districts) and Chapter [3](#)(Design Standards) shall apply;

RESPONSE: Compliance with the applicable sections of Chapters 2 and 3 are demonstrated herein, in the following sections of this document.

3. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter [92](#);

RESPONSE: The proposed name of the subdivision is "Sisters Woodlands." To the applicant's knowledge, no other subdivision is recorded with this name. This will be verified prior to submittal of final plat.

4. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat; and

RESPONSE: The subject property is bordered by the newly approved (but not platted at the time of writing) Three Peaks Industrial Park to the north, and existing developments to the east and

west/southwest. The proposed master plan/subdivision includes street that aligns with the recently approved local street to the north in the Three Peaks Industrial Park. Additionally, the proposed collector through the center of The Woodlands aligns with the existing streets to the east and west/southwest (West Sisters Park Drive and West Hood Street).

5. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat.

RESPONSE: As part of the master plan process, open space areas are required for the development. These areas are identified on the preliminary plat.

B. Housing Density. The subdivision meets the City’s housing density standards of Chapter [2](#).

RESPONSE: The MFR zoned area within the subject property is 23.59 acres. The density range for the Multi-Family Residential District is 7 units per gross acre minimum and 15 units per gross acre maximum; more than 15 units per acre up to 20 units per acre is allowed via Minor Conditional Use. This results in an allowed density range in the MFR zone of 165 units to 353 units. The proposed master plan includes the following units in the MFR zone, in compliance with the density range of the MFR zone:

- Cottages - 101
- Townhomes - 62
- Triplex - 1 (3 units)
- Single Family - 3
- Congregate housing - estimated 12 EDUs, using for density unit count
- Apartments - 48
- Potential ADUs - 65
- TOTAL UNITS: 294

C. Conditions of Approval. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties.

RESPONSE: The Applicant understands that conditions of approval may be required as part of the approval process.

...

4.3.800 Performance Guarantees

A. Performance Guarantee Required. When a performance guarantee is required under Section [4.3.200\(F\)](#), the subdivider/partitioner shall file an assurance of performance with the City supported by one of the following:

1. Cash deposit;
2. A surety bond executed by a surety company authorized to transact business in the State of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or
3. A cash contribution equivalent to the costs of constructing the required public improvements.

B. Determination of Sum. The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

C. Itemized Improvement Estimate. The developer shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.

D. Agreement. An agreement between the City and developer shall be recorded with the final plat that stipulates all of the following:

1. Specifies the period within which all required improvements and repairs shall be completed;
2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;
3. Stipulates the improvement fees and deposits that are required.
4. Provides for construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

The agreement may be prepared by the City, or in a letter prepared by the applicant. It shall not be valid until it is signed and dated by both the applicant and authorized City representative.

E. When the Subdivider Fails to Perform. In the event the developer fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call in the bond or cash deposit for reimbursement.

F. Termination of Performance Guarantee. The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the City. [Ord. [478](#) § 1 (Exh. A), 2017].

RESPONSE: The Applicant understands these performance guarantee allowances and requirements. The Applicant may chose to submit a performance bond for part or all of the infrastructure improvements, so that final plat can be recorded and so that the public improvements may be constructed at the time of initial lot development. If the Applicant selects this option, the Applicant will comply with the outlined City requirements for performance guarantees.

Chapter 2.3 – Multi-Family Residential District (MFR)

2.3.200 Uses

- A. Permitted uses. Uses permitted in the Multi-Family Residential District are listed in Table 2.3.1 with a “P.” These uses are allowed if they comply with the development standards and other regulations of this Code.
- B. Special Provisions. Uses that are either permitted or conditionally permitted in the Multi-Family Residential District subject to special provisions for that particular use are listed in Table 2.3.1 with an “SP.” Uses subject to an SP shall comply with the applicable special use standards included in Chapter [2.15](#).
- C. Conditional uses. Uses that are allowed in the Multi-Family Residential District with approval of either a Minor Conditional Use “MCU” or a Conditional Use Permit “CU” as listed in Table 2.3.1. These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter [4.4](#) of this Code.
- D. Similar uses. Similar use determinations shall be made in conformance with the procedures in Chapter [4.8](#) – Interpretations.

Parks, recreational facilities, and community centers	CU
Schools	CU
Miscellaneous	
Accessory uses and structures.	P/SP
Bed and breakfast inn	P/SP
Shared residential amenities (e.g., swimming pool, clubhouse, play equipment, picnic area, gazebo, barbecue area, and court-game facilities)	P
Short-term rental	P/SP

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

[Ord. 497 § 2 (Exh. B), 2019; Ord. 489 § 2 (Exh. B), 2018; Ord. 486 § 2 (Exh. B), 2018].

Manufactured dwelling park	P/SP
Residential home/Residential facility	P/SP
Cottage Development	P/Ch. 4.6
Family child care (Care for no more than 16 children)	P
Home occupation	P/SP
Multifamily developments with a density of greater than 15 gross units per acre up to 20 gross units per acre	MCU
Commercial	
Child care center (more than 16 children)	CU
Public and Institutional	
Churches and places of worship	CU
Libraries and museums	CU
Utilities Facility	CU

RESPONSE: The proposed master plan includes the following permitted proposed uses in the MFR zone: cottage development (101 cottages), single family dwellings (3), townhomes (62), triplex (1), potential accessory dwellings (up to 65), and multi-family building (48 apartments). Congregate housing is proposed in the northeast corner of the master plan area, which may be included in the definition of multi-family housing. Alternatively, the approval for congregate housing in this area could be conditioned upon a future text amendment that more specifically defines the use. Additionally, the lot intended for congregate housing is of ample size for a small apartment building, providing a basis for approval of the master plan and subdivision in the case that a text amendment for congregate housing is not approved or it cannot be included within the definition of multi-family development.

2.3.300 Development Standards

The following property development standards shall apply to all land, buildings and uses in the Multi-Family Residential District:

- A. Lot Area, lot width, lot depth, setbacks, floor area ratio, lot coverage and building height. See Table 2.3.2

Table 2.3.2 Development Standards in the Multi-Family Residential District

Development Standard	Multi-Family Residential District	Comments/Other Requirements
Minimum lot area		
Single family detached dwelling, including manufactured dwelling on individual lot and zero lot line dwelling	4,500 square feet	
Duplex dwelling	7,500 square feet	
Triplex dwelling	9,000 square feet	
Fourplex	10,000 square feet	
Single family attached dwelling, townhome	3,500 square feet	
Multi-family development (5 or more units)	12,000 square feet	Multi-family developments with 5 or more units shall provide an additional 200 square feet of usable open space per dwelling unit. The standard applies starting at the 6th unit
Child Care Center, Public and Institutional uses and Residential facility	none	
Lot width at front property line		
Single-family detached, zero lot line and manufactured dwellings	Minimum 40 feet	Except for flag lots and Driveway Courts – see Land Divisions and Lot Line Adjustments; or as required by this Code to protect sensitive lands, significant trees, etc.
Duplex	Minimum 50 feet	
Triplex	Minimum 55 feet	
Single family attached dwelling, townhome	Minimum 35 feet	
Cul-de-sac, all uses	30-feet	
All other housing types	minimum 60 feet	
Child Care Center, Public and Institutional uses and Residential facility	None	
Lot depth		
Lot depth	No maximum lot depth for multi-family, Child Care Center, Public and Institutional uses and Residential facility; for all other	Except as required by this Code to protect sensitive lands, significant trees, etc.

Table 2.3.2 Development Standards in the Multi-Family Residential District		
Development Standard	Multi-Family Residential District	Comments/Other Requirements
	uses, maximum lot depth of three (3) times the lot width	
Floor Area Ratio		
	Building construction may not exceed .60 FAR (60%) of the total lot area.	The areas of a building subject to this development standard shall include the following: a. Areas within the building footprint considered to be habitable space. b. Individual garages exceeding 500 sq ft in size. Exceptions to FAR: Accessory structures less than 10 ft in height and 200 sq ft in area, residential facility, public and institutional uses and child care centers
Lot Coverage		
	Maximum of 60 percent, except Child Care Center, Public and Institutional uses and Residential facility shall be 80 percent	-
Building Height		
	35' for all residential uses except 5 or more attached multi-family units; 35' for all non-residential uses.	Multi-family: 5 or more attached units 35' maximum building height for habitable area, 35' to 50' may include non-habitable area.
Pre-existing lots. A single family, town home or manufactured dwelling may be developed on a lot or parcel smaller than the requirements listed above provided all other applicable Development Standards can be met.		

Table 2.3.2 Development Standards in the Multi-Family Residential District (Continued)	
Setbacks	
Front Yard Setbacks	
Porch	10 ft. min.
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min.
Garage (front-loaded street accessed)	20 ft. min.

Garage (side-loaded street accessed)	10 ft. min.
Interior Side Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	5 ft. min.
Exterior Side Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Accessory Building	10 ft. min
Garage (front-loaded) when accessed from a street	20 ft. min
Garage (side-loaded) when accessed from a street	10 ft. min
Garage (front-loaded) when accessed from an alley	20 ft. min.
Garage (side-loaded) when accessed from an alley	3 ft. min.
Rear Yard Setbacks	
Primary Building/Living Space (Enclosed habitable area)/Attached garage (street accessed)	15 ft. min
Accessory Building	5 ft. per story min.
Detached Garage (street accessed)	5 ft. per story min.
Garage (front-loaded) when accessed from an alley	20 ft. min.
Garage (side-loaded) when accessed from an alley	3 ft. min.
See also garage requirements 2.3.300.E	
Accessory dwelling units shall comply with living space setbacks	

RESPONSE: The MFR zone includes cottage lots (101), townhome lots (62), two multi-family (apartment and congregate housing) lots, three single family lots and one triplex lot. Due to significant tree preservation efforts and multi-use path placements, there are a few requested deviations from code (20% or less) through the master plan process and a few variances requested herein for those lot adjustments greater than 20%. These deviations and variances are detailed in Exhibit G7. All other lot requirements of the MFR zone can be complied with.

B. General Exceptions to Setbacks and Building Height

1. Front and rear deck. An uncovered deck not exceeding 30 inches in height above grade may encroach into the front yard setback by no more than 6 feet and rear yard setback by no more than 8 feet, as long as it does not encroach into a public utility easement.
2. Acceptable encroachments into setbacks.
 - a. The following features are allowed to encroach into the required side setbacks by no more than two (2) feet: eaves, chimneys, overhangs, canopies, fire escapes, landing places, outside stairways, and similar architectural features.
 - b. The following features are allowed to encroach into the required rear setbacks by no more than two (2) feet: bay windows, chimneys, overhangs, canopies, fire escapes, balconies, landing places, outside stairways and similar architectural features.
 - c. The following feature is allowed to encroach into the front and rear setbacks no more than three (3) feet: eaves.

3. General Exceptions to building height. Exceptions to the building height standard are available for certain types of affordable housing as set forth in Special Provisions. Chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features that are not intended for human occupancy and which do not exceed 40 feet in height are not subject to building height limits.

C. Fences and walls. Fences and walls may be placed on property lines, subject to the standards in Chapter [3.2](#) – Landscaping and Screening. Fences and walls within front yards shall also comply with the vision clearance standards in Special Provisions, Chapter [2.15](#).

D. Special Yards. Distance Between Buildings on the Same Lot

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

E. Garage Requirements. In addition to Table 2.3.2, the following standards shall apply;

1. Minimum one car garage shall be required per unit for single-family detached dwelling, manufactured dwelling on individual lot, zero lot line dwelling, town home, duplex and triplex dwelling.
2. Garages and carports shall be accessed from alleys where available.
3. Side loaded street accessed garages. The street facing elevation of the garage shall include windows and landscaping shall be provided between the dwelling unit and the driveway and between the street facing elevation of the garage and front property line. The throat of the driveway shall be a maximum of 12 feet in width.
4. Garage and Carport Requirements for Multi-Family. Minimum one car garage or carport shall be required for 50 percent of the units provided. Garage and carport design shall use the same architectural features as the multi-family development. Affordable multi-family developments are exempt from the garage and carport requirements.

RESPONSE: Garage/carport requirements will be met or exceeded for all lots.

F. Gated Communities. Gated communities are prohibited except as may be permitted by Chapter [4.5](#) Master Planned Developments.

RESPONSE: No gated communities are proposed.

G. Residential Density Standards. The following residential density standards apply to all land divisions in the Multi-Family Residential District and to multi-family housing on individual lots.

1. The density range for the Multi-Family Residential District shall be 7 units per gross acre minimum and 15 units per gross acre maximum; more than 15 units per acre up to 20 units per acre allowed via Minor Conditional Use.
2. Minimum and maximum residential densities are calculated by multiplying the gross acres by the applicable density standard. For example, if the parcel size is 5 acres, the minimum density is 45 units and the maximum is 100 units. When calculating minimum and maximum densities, figures are rounded down to the closest whole number.
3. Accessory dwelling units are exempt from the minimum density standards.

RESPONSE: The MFR zoned area within the subject property is 23.59 acres. The density range for the Multi-Family Residential District is 7 units per gross acre minimum and 15 units per gross acre maximum; more than 15 units per acre up to 20 units per acre is allowed via Minor Conditional Use. This results in an allowed density range in the MFR zone of 165 units to 353 units. The proposed master plan includes the follow units in the MFR zone, in compliance with the density range of the MFR zone:

Cottages - 101
Townhomes - 62
Triplex - 1 (3 units)
Single family - 3
Congregate housing - estimated 12 EDUs
Apartments - 48 units
Potential ADUs - 65
TOTAL UNITS: 294

H. Design Standards. The following design standards are intended to provide detailed, pedestrian-oriented design, while affording flexibility to use a variety of building styles.

1. Applicability. The design standards are applicable to the following types of uses and buildings in the Multi-Family Residential District.
 - a. Single-Family Detached Dwelling Units
 - b. Duplex and triplex dwellings
 - c. Town home
 - d. Multi-family development
 - e. Public and institutional buildings
 - f. Manufactured dwellings
 - g. Buildings for shared residential amenities

RESPONSE: The proposed development in the MFR zone includes cottages, townhomes, single family lots, multi-family and a triplex lot. All but the cottage developments are subject to these requirements. The cottage developments will be review under SDC 4.6

2. Base standards. The figures in this section are intended to show examples of how to comply with the design standards. Other building styles and design can be used to comply, so long as they are consistent with the text of the standard. An architectural feature may be used to comply with more than one standard.
 - a. Building orientation. All buildings shall have their primary entrance oriented to the street or a common area (private street, courtyard, or open space). If oriented to a common area, the development shall provide a pedestrian sidewalk or pathway connecting the building entrance to the street.
 - b. Location of off-street parking. Off-street parking areas shall not be placed between the primary building facades and streets for multi-family, public and institutional and neighborhood commercial buildings. Alley access is required where existing alleys are available or can be extended to serve new development. Alley access is recommended for all uses unless it is not feasible because of existing development patterns or topography.
3. Eyes on the street. All building elevations visible from a street right-of-way shall provide doors, porches, balconies, and/or windows. The standard applies to each full and partial building story.

4. Detailed design. All buildings included in the applicability section shall provide detailed design along all elevations (e.g., front, rear and sides). Detailed design requires use of at least five of the following architectural features on all front and exterior side (corner lot) elevations and at least three of the following architectural features on all interior and rear yard elevations, as appropriate for the building type and style. Architectural features shall be varied on the different building elevations.

- a. Dormers
- b. Gables
- c. Recessed entries
- d. Covered porch entries
- e. Cupolas or towers
- f. Pillars or posts
- g. Eaves (minimum 6-inch projection)
- h. Off-sets in building face or roof (minimum 16 inches)
- i. Window trim
- j. Bay or oriel windows
- k. Balconies
- l. Decorative patterns on exterior finishes (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
- m. Decorative cornices and roof lines (e.g., for flat roofs)
- n. An alternative feature providing visual relief and detail, similar to options a-m above.

RESPONSE: All of the proposed units, whether they are apartments, townhomes, a triplex or single family homes, have been conceptually designed and placed on lots based on these requirements. All MFR-zoned building fronts/primary entries will face the main street, with access from the rear street. Specifically, all townhome, single family and triplex lots are access via a private alleyway, with the garages/parking areas off the alleyway. The fronts of the homes face the public streets. All MFR buildings will meet the applicable architectural standards. Conceptual designs of the townhomes are included in Exhibits G4 and G6.

I. Garbage and Recycling Collection Areas. An exterior garbage and recycling collection area is required and shall be oriented away from the street.

J. Mechanical Equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps or generators, must be screened from the street by walls, fences, or vegetation. Landscaping and screening shall be tall enough to screen the equipment. Mechanical equipment is not permitted to be placed on roofs. Screening shall be compliant with all applicable fire codes.

RESPONSE: All garbage collection areas and mechanical equipment will be screened. These design details will be reviewed at site plan and building permit applications.

K. Additional Design Standards for Multi-Family Housing. In addition to the design standards set forth in Section 2.3.300.H above, development of multi-family housing (5 or more units) shall also comply with the following additional standards.

1. Usable open space shall be exclusive of dedicated street right-of-ways, land dedicated to other public uses like parks and schools, and vehicular circulation and parking areas. Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the usable open space requirements.
2. Private open space. Private open space shall be required for all multi-family units based on the following standards:

- a. Ground floor housing units shall have front or rear patios or decks measuring at least 48 square feet.
 - b. To the extent possible, private open space areas shall be oriented toward common open space areas and away from adjacent single family residences, parking areas and driveways and trash enclosures.
3. Trash receptacles. A common trash enclosure shall be required and is subject to the following standards.
1. Trash enclosures shall be oriented away from adjacent residences and shall be screened.
 2. Trash enclosures shall be accessible to trash pick-up trucks.
 3. Trash enclosures, a minimum of six-feet in height, shall be constructed of solid, durable and attractive walls with solid screen doors and shall be visually consistent with project architecture.
 4. A minimum two (2) foot irrigated and landscaped perimeter shall be provided around the enclosure (excepting door entries).
 5. Enclosure areas shall contain sufficient space to accommodate both waste disposal and recycling containers.
4. Building form. All buildings shall incorporate design features such as offsets, balconies, projections, window trim, or similar elements to preclude large expanses of uninterrupted building surfaces. Along the facade of the structure, such features shall occur at a minimum of every 30 lineal feet, and each floor shall contain at least two of the following features:
- a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet;
 - b. Extension (e.g., floor area, deck, patio, entrance or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
 - c. Offsets or breaks in roof elevation of 2 feet or greater in height. [Ord. [497](#) § 2 (Exh. B), 2019; Ord. [486](#) § 2 (Exh. B), 2018].

RESPONSE: One multi-family development (apartment building), with up to 48 units, is proposed along Hwy 20. The building will meet all additional requirements of the MFR zone, including screening, private open space, and building form. These specifics will be reviewed in detail at the time of site plan application.

Chapter 2.4 – Downtown Commercial (DC) District

2.4.200 Uses

- A. Permitted uses. Uses allowed in the Downtown Commercial District are listed in Table 2.4.1 with a “P.” These uses are allowed if they comply with the development standards and other regulations of this Code.
- B. Special Provisions. Uses that are either permitted or conditionally permitted in the Downtown Commercial District subject to special provisions for that particular use are listed in Table 2.4.1 with an “SP.” Uses subject to an SP shall comply with the applicable special use standards included in Chapter [2.15](#).
- C. Conditional uses. Uses that are allowed in the Downtown Commercial District with approval of a conditional use permit are listed in Table 2.4.1 with either a Minor Conditional Use “MCU” or a Conditional Use “CU.” These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter [4.4](#) of this Code.
- D. Similar uses. Similar use determinations shall be made in conformance with the procedures in Chapter [4.8](#) – Interpretations.

Table 2.4.1 Use Table for the Downtown Commercial District

Land Use Category	Permitted/Special Provisions/Conditional Uses
Residential	
Dwelling(s) located above, within, or attached to a commercial building not including single family detached dwellings.	P/SP
...	
PROHIBITED USES Drive-through facilities, motorized vehicle repair uses and sales, and outdoor storage, except for service stations (MCU)	

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

RESPONSE: The proposed structure within the Downtown Commercial (DC) zone is a three-level structure with commercial uses on the ground floor and apartments on the upper floors, as permitted by the development code. At this time, the specific commercial uses on the ground level are not yet known, however, it is the Applicant’s intent that they will be permitted uses. No prohibited uses are proposed.

2.4.300 Development Standards

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

A. Lot Area, lot frontage, setbacks, lot coverage and building height. See Table 2.4.2.

Development Standard	Downtown Commercial District	Comments/Other Requirements	Applicant Response
Minimum lot area	2,250 square feet	No minimum for condominium lots. Cottage lots are subject to the minimum lot areas in Chapter 4.6 .	COMPLIES. The proposed DC lot is 1.80 acres, significantly larger than the minimum.
Lot frontage	25 feet	No minimum for condominium or cottage lots.	COMPLIES. The proposed DC lot has significant frontage on three different streets.
Front yard setback	First Floor – 5 feet minimum; 10 feet maximum Second and third floor – 0 feet.	Except where vision clearance standards apply. First Floor – The maximum setback may be increased to 20 feet when a usable public space with pedestrian amenities is provided between the building and the front property line.	COMPLIES. The proposed mixed use building is planned to be within 5 feet of the property line along the local street on its northeast. Setbacks will be reviewed at site plan.
		First Floor – No more than 50 percent of the front building elevation shall exceed the maximum 10 foot setback Through-Lots. For buildings on through-lots (lots with front and rear frontage	COMPLIES. None of the front building elevation is planned to exceed the maximum 10-foot setback.

Table 2.4.2 Development Standards for the Downtown Commercial District

Development Standard	Downtown Commercial District	Comments/Other Requirements	Applicant Response
		<p>onto a street), the front yard setbacks shall apply. The following features are allowed to encroach into the required setback: eaves, chimneys, overhangs, canopies, fire escapes, landing places, outside stairways, and similar architectural features. Balconies, overhangs, bay windows, awnings, eaves, signs and similar features may extend into the right-of-way subject to the following requirements:</p> <p>A. Support posts are permitted in compliance with the Building Codes</p> <p>B. Awnings may extend over public property but no portion shall extend nearer than two feet to the face of the nearest curb line measured horizontally.</p> <p>C. Encroachments shall not obstruct or prevent the placement of street trees or other improvements within the public right-of-way.</p> <p>D. All permanent encroachments (part of the building structure) which infringe into the City ROW require the execution of an encroachment agreement.</p> <p>E. The lowest point of the overhead architectural feature, (Signs use Chapter 3.4), must be at least eight (8) feet above the sidewalk.</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>5 foot minimum</p>		<p>COMPLIES. With no minimum abutting a non-residential district, any side yard setback will comply. In this case, the side yard setback along the open space area to the north/northwest is proposed to be zero. The DC lot borders new local streets to the south and east, so no other interior side yards are present.</p>
<p>Exterior Side Yard setback</p>	<p>First Floor – 5 feet minimum; 10 feet</p>	<p>First Floor – The maximum setback may be increased to 20 feet when a usable</p>	<p>COMPLIES. The only exterior side yard in the DC zone is to the</p>

Table 2.4.2 Development Standards for the Downtown Commercial District

Development Standard	Downtown Commercial District	Comments/Other Requirements	Applicant Response
	maximum Second and third floor – 0 feet.	<p>public space with pedestrian amenities is provided between the building and the property line.</p> <p>First Floor – No more than 50 percent of the building elevation shall exceed the maximum 10 foot setback</p> <p>The following features are allowed to encroach into the required setback: eaves, chimneys, overhangs, canopies, fire escapes, landing places, outside stairways, and similar architectural features. Balconies, overhangs, bay windows, awnings, eaves, signs and similar features may extend into the right-of-way subject to the following requirements;</p> <p>A. Support posts are permitted in compliance with the Building Codes.</p> <p>B. Awnings may extend over public property but no portion shall extend nearer than two feet to the face of the nearest curb line measured horizontally.</p> <p>C. Encroachments shall not obstruct or prevent the placement of street trees or other improvements within the public right-of-way.</p> <p>D. All permanent encroachments (part of the building structure) which infringe into the City ROW require the execution of an encroachment agreement.</p> <p>E. The lowest point of the overhead architectural feature, (Signs use Chapter 3.4), must be at least eight (8) feet above the sidewalk.</p>	south/southeast of the lot, bordering the extension of West Hood Street. The prototype for this structure indicates compliance with the 5’ first level setbacks and 0’ for second and third floors.
Rear yard setback a. Rear yard lot line abutting non-residential district b. Rear yard lot line abutting residential district	No minimum 5 foot minimum	Except where vision clearance standards apply.	COMPLIES. The rear yard abuts open space, a non-residential district. As there is no minimum, any proposed rear yard setback will meet this standard.
Lot coverage	No maximum	Compliance with other sections of the	COMPLIES. As there is no

Table 2.4.2 Development Standards for the Downtown Commercial District

Development Standard	Downtown Commercial District	Comments/Other Requirements	Applicant Response
		Code (landscaping, parking, pedestrian circulation, etc.) may preclude 100 percent lot coverage for certain uses	maximum, any proposed lot coverage will meet this standard.
Building height	30 feet; 35 feet if building includes second-floor residential use	See exceptions to building height in Section 2.4.300.C .	COMPLIES. The building includes upper floor residential uses, so the maximum height proposed is 35'.

B. Garage Requirements. In addition to Table 2.4.2.a, the following standards shall apply;

1. Minimum one car garage shall be required per unit for single-family detached dwelling, town home, duplex and triplex dwelling.
2. Garages and carports shall be accessed from alleys where available.
3. Side loaded street accessed garages. The street facing elevation of the garage shall include windows and landscaping shall be provided between the dwelling unit and the driveway and between the street facing elevation of the garage and front property line. The throat of the driveway shall be a maximum of 12 feet in width.
4. Garage and Carport Requirements for Multi-Family. Minimum one car garage or carport shall be required for 50 percent of the units provided. Garage and carport design shall use the same architectural features as the multi-family development. Affordable multi-family developments are exempt from the garage and carport requirements.

RESPONSE: Approximately 64 apartment units are proposed for the upper levels of the mixed-use building in the DC zone. Per 2.4.300.B.4, a minimum of a one car garage must be required for 50% of the units, resulting in a requirement of 32 garage spaces. Parking requirements are discussed in greater detail below.

C. Exceptions to Building Height

1. The maximum height for buildings containing a residential use is 35' of habitable area. The building may extend up to 50' provided all areas above 35' are nonhabitable.
2. 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.
3. 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.
4. Not included in the maximum height limit are western design theme facades (false front facades), which may extend to 35 feet for a maximum 25 percent of the street-facing building length.

RESPONSE: The conceptual design of the vertical mixed use building in the DC zone includes a nonhabitable attic area, which extends up to 50', however, the residential living area maximum height is 35', in compliance with these requirements. The details of the building design will be reviewed again at the time of site plan, however, the conceptual plans meet these requirements.

D. Building Orientation Standards. The building orientation standards are intended to promote the pedestrian-oriented, storefront character of the Downtown Commercial District by placing buildings with a

primary entrance facing the sidewalk. Development in the Downtown Commercial zone is subject to the following standards:

1. 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 in Section 2.4.300.E. 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. Off-street parking, driveways or other vehicular circulation areas shall not be placed between a building and the street used to comply with the building orientation standard. Parking, driveways and other vehicle areas are prohibited between buildings and street corners.

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

1. Active ground floor uses. The street-level, street-facing façade(s) of a structure shall contain active uses including but not limited to the commercial uses listed in Table 2.4.1, lobbies, retail, commercial, or other active uses oriented toward pedestrians.
2. Transparency. Fifty percent of the street-facing facade between 3 feet and 7 feet above the sidewalk or raised walkway/patio shall contain windows for viewing the activity inside of the building.
3. Blank facades. Blank facades are prohibited along all street frontages. For purposes of this section, facade segments are considered blank if they exceed 20 lineal feet and do not include at least one of the following:
 - a. Windows;
 - b. Entryways or doorways;
 - c. Stairs, stoops, balconies, or porticos;
 - d. Other architectural features including but not limited to façade offsets, recesses, projections, offsets or breaks in roof lines of 2 feet or greater in height.

F. Major Retail Development, as defined, shall refer to Chapter [2.15](#), Special Provisions.

RESPONSE: The vertical mixed use building within the DC zone is proposed to have active ground floor commercial uses, with residential units on the 2nd and 3rd floors. The building will be designed to create pedestrian connectivity and engagement from the street. Applicable architectural standards (including transparency) will be integrated into the final design. No blank facades will be proposed. These details will be reviewed at the time of site plan, however, conceptual plans are included in the master plan/subdivision application package for review.

G. Pedestrian Amenity Standards. Except for single family, manufactured dwelling, townhouse and duplex residences (where permitted), all development in the Downtown 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); and/or
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); and/or
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a privately owned sidewalk or pedestrian space); and/or
4. Public art; and/or
5. Water feature.

RESPONSE: The frontage of the mixed-use commercial building along Highway 20 is an extra wide space, to be preserved as an open space easement for the benefit and enjoyment of the public. This space will be natural and could include sitting areas. The building will be designed to welcome pedestrian and bicycle traffic, as it is intended to be an integral part of The Woodlands community. The final design will comply with these pedestrian amenity standards. Conceptual designs are included in this application for preliminary review; final designs will be submitted for review at the time of site plan application.

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

RESPONSE: No specific uses are proposed as part of this application. The Applicant is aware of this requirement and compliance will be reviewed again at the time of site plan application.

I. Screening. The following 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 facade 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: All garbage areas and mechanical equipment will be screened. This requirement will be reviewed in detail at the time of site plan application.

J. Western Frontier Design Theme. See Special Provisions, Chapter [2.15](#).

RESPONSE: The Woodlands design team is committed to meeting designing with applicable elements of the Western Frontier Design Theme at the time of site plan application. Exhibit G8 includes some conceptual design approaches for the Downtown Commercial zone mixed use structure.

K. 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 one within this zone. [Ord. [486](#) § 2 (Exh. B), 2018].

RESPONSE: The specific commercial uses to be sited in the DC zone have not yet been identified. However, the Applicant notes this requirement.

**Chapter 2.8 –
Open Space District (OS)**

2.8.200 Uses

- A. Permitted uses. Uses allowed in the Open Space District are listed in Table 2.8.1 with a “P.” These uses are allowed if they comply with the development standards and other regulations of this code.
- B. Special Provisions. Uses that are either permitted or conditionally permitted in the Open Space District subject to special provisions for that particular use are listed in Table 2.8.1 with an “SP.” Uses subject to an SP shall comply with the applicable special use standards included in Chapter [2.15](#).
- C. Conditional uses. Uses that are allowed in the Open Space District with approval of a conditional use permit are listed in Table 2.8.1 with either a Minor Conditional Use “MCU” or a Conditional Use “CU.” These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter [4.4](#) of this Code.
- D. Similar uses. Similar use determinations shall be made in conformance with the procedures in Chapter [4.8](#) – Code Interpretations.

Table 2.8.1 Use Table for the Open Space District

Land Use Category	Permitted/Special Provisions/Conditional Uses
Public and Institutional	
Recreational Vehicle Park/Campground	P/SP
Public trails, natural areas, open space, park sites, and similar sites owned by public or special districts	P
Scenic vista turnouts, with kiosks for area information, and non-conflicting roadside rest area facilities	P
Truck scale facility existing at time of Development Code adoption	CU
Utility Facility	MCU
Miscellaneous	
Access to adjacent residential, commercial or industrial uses	P
Accessory uses and structures to a primary use are allowed if they comply with all development standards and any referenced special use standards.	P
Pastures	CU

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

RESPONSE: The Open Space zone in the western corner is proposed in the near term to include a variety of low impact public facilities, such as a nature playscape, slack line course, a “storybook walk”, and a pump track, all permitted uses within the zone. Other possible long-term uses and ownership will be determined through deliberate and thorough discussions and charettes with the City and the Sisters Park and Recreation District.

**Chapter 2.14 –
North Sisters Business Park (NSBP) District**

2.14.300A Use Table for the North Sisters Business Park District	
Land Use Category	Permitted/Special Provisions/Conditional Use
Residential	
Loft apartments	P/ See Section 2.14.1000
Work/live townhome	P/See Section 2.14.1000
Home Occupations	P/SP
Commercial (Professional Services)	
Commercial (Retail Trade)	
Commercial (Personal Services)	
Other Services	
Light Industrial	
Public and Institutional	
Telecommunications Facilities	
Prohibited Uses	
Boat Building	
Fuel/oil distributors	
Cell towers	
Asphalt batch plants	
Manufacturing of concrete products	
Auto wrecking, crushing, dismantling, or “chop shops”	
Mini-storage facilities, in the Sun Ranch Mixed-Use Community only.	
Drive-up/in/through uses and facilities	
Unenclosed/outdoor light manufacture or assembly	
Any use considered a High-Hazardous Occupancy (H Occupancy) by the most recently State of Oregon adopted International Building Code	
Similar uses	

RESPONSE: The proposed North Sisters Business Park zoned lots are intended for mixed use development, with second floor living above ground level commercial or light industrial uses. The code permits a diverse array of uses for the NSBP zone. No prohibited uses are proposed as part of this master plan/subdivision application. Uses will be further reviewed at the time of site plan review.

2.14.400 Lot Requirements

A. Lot size and frontage.

Lot requirements for the North Sisters Business Park district will be determined by the spatial requirements for that use, associated landscape areas and parking requirements. Each non-condominium lot shall have a minimum of 30 ft. of frontage on a public or private street to insure a minimum level of access to all newly created lots.

RESPONSE: Five lots are proposed within the portion of the subject property that is zoned NSBP. The exact uses of each lot are not yet known, however, and will be reviewed at the time of site plan. All proposed lots are of ample size (13,355 sf to 18,001 sf) to accommodate a variety of uses and all frontage lengths along W Barclay Drive and the proposed local street to the south exceed the required 30-foot minimum. Details of the site (landscaping, parking, lot coverage, etc.) will be reviewed at the time of site plan. Nothing in the proposed master plan/subdivision negates future compliance with this requirement.

2.14.500 Height Regulations

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 30 feet. The maximum height may be increased to 35 feet when loft apartments are provided in the second story above a light industrial, professional service, retail trade, or public use.

RESPONSE: Specific buildings are not yet designed for the NSBP-zoned lots, however, no deviation or variance from this height requirement is proposed as part of the master plan/subdivision application.

2.14.600 Setbacks and Building Orientation

All building setbacks within the North Sisters Business Park district shall be measured from the property line to the building wall or foundation, whichever is less.

Decks and/or porches greater than 30" in height that require a building permit are not exempt from setback standards. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards listed below apply to primary structures as well as accessory structures. A Variance is required in accordance with Chapter [5.1](#) to modify any setback standard.

A. Front Yard Setback

50% of the primary building facade measured horizontally from wall to wall shall be sited between 10 and 25 feet from the primary front property line. All outside storage areas shall be located at least 20 feet from the primary front property line.

B. Side Yard Setback

Ten (10) feet. Lots having a side yard along the pedestrian paths or alley easements shall maintain a minimum of five (5) feet between the pedestrian path or alley easement and any structure.

C. Rear Yard Setback

Ten (10) feet, except that buildings shall be setback 20 feet from any residential district. Lots having a rear yard along the pedestrian paths or alley easements shall maintain a minimum of five (5) feet between the pedestrian path or alley easement and any structure.

D. Buffering

All outside storage areas (including trash/recycling receptacles) associated with a use on any site shall be buffered by a masonry wall, site obscuring fencing or other measures using materials that are compatible with

the color and materials of the primary building on site. Such buffers shall not encroach into any required clear vision area. All outside storage areas shall be located at least 20 feet from the primary front property line.

E. **Building Orientation and Pedestrian Amenities**

1. Buildings shall have their primary entrance oriented towards the adjacent street frontage or common access/area that provides access to the lot.
2. All buildings within the North Sisters Business Park district shall have a pedestrian connection from the sidewalk along the front lot line to the main entrance of the building on site.
3. Recessed entrances, canopies or other similar features in proportion to the whole building shall be used at the entries to buildings in order to create a pedestrian scale.

2.14.700 Lot Coverage

The maximum lot coverage for all structures is 60%.

2.14.800 Off-Street Parking

The off-street parking requirements for uses in the North Sisters Business Park district are established by Chapter [3.3](#)– Vehicle and Bicycle Parking, of the Sisters Development Code.

2.14.900 Landscape Area Standards

A minimum of 20 percent of the gross site area of proposed developments shall be landscaped according to Chapter [3.2](#) of the Sisters Development Code.

RESPONSE: Specific buildings, footprints, and storage areas are not yet designed for the NSBP-zoned lots, however, no deviation from these setback, buffering, orientation/pedestrian amenity, lot coverage, off-street parking and landscaping requirements are proposed as part of the master plan/subdivision application. The lots are of ample size to accommodate a multitude of uses while also meeting setback, buffering, parking and landscaping requirements. These lot requirements will be reviewed in detail at the time of site plan application.

...

2.15.2300 Vision Clearance

Vision clearance is defined by a triangle created as follows: starting at the intersection of the projections along the edge of the pavement or along curb lines into the intersection of two vehicular ways, measure out from this point along each way for the specified distance to create two legs of a triangle and connect these two legs across the corner of the intersection (as shown in Figure 2.15.2300 A.). The clear vision space is defined by this triangle between 3' and 8' in height from the ground; within this space, the line of sight must remain unobstructed.

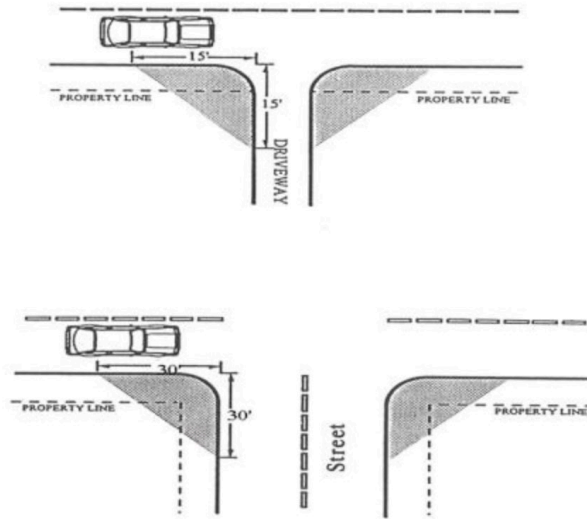
The legs of the triangles shall be determined as follows:

1. At the intersection of a street (public or private) and a driveway, alley, lane, or other vehicle way that is not a street, the minimum distance along each vehicular way as defined above shall be 15'.
2. At an intersection of two streets (public or private) having 90 degree angles at the intersection, the minimum distance along each vehicular way as defined above shall be 30 feet.
3. At traffic circles, acute or obtuse angles, and other non-conventional intersections of two streets, the vision clearance area may be determined by the Public Works Director. However, the every attempt shall be made to ensure that the minimum distance measured along each vehicular way as defined above is 30 feet.

Except as exempted below, no signs, structures or vegetation in excess of three feet in height shall be placed in “vision clearance areas,” as shown in Figure 2.15.2300 A. This standard applies to the following types of roadways: streets, alleyways and railways. The minimum vision clearance area may be increased by the City Engineer upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). The clear vision area provisions do not apply to the following;

1. Any sign, post, pole or similar structure installed and maintained by a public entity; or,
2. Any private post or pole eight inches or less in diameter (width or length).

Figure 2.15.2300 A – Vision Clearance Area



RESPONSE: Vision clearance triangles with 30-foot lengths areas at all new street intersections are shown in compliance with SDC 2.15.2300 on the submitted plan sheet P1.5 in Exhibit F. No buildings or signage will be places within these areas. Vision clearance triangles for driveways will be demonstrated and reviewed at the time of site plan and building permit applications. Additionally, the transportation impact study (Exhibit F) evaluated sight distance at the proposed and existing intersections. The TIS suggests the following mitigation for compliance with vision clearance requirements:

Removal of two large trees to the north of the intersection of N Pine/"Street E" will result in appropriate site distance...Provided that the existing trees are removed, sight distance at the proposed site access can be increased to over 280 feet to the north and south.

Upon removing vegetation along N Pine Street, adequate sight distances are available at the proposed site access intersections to ensure safe operation along US Highway 20, W Barclay Drive, and N Pine Street. No sight distance mitigation is necessary or recommended.

Chapter 3.1 – Access and Circulation

3.1.200 Applicability

A. Applicability. This Chapter applies to all rights-of-way within the City and to all properties that abut these rights-of-way. The standards apply when lots are created, consolidated, or modified through a land division, partition, or street vacation; and when properties are subject to Site Plan Review. These standards also may be applied at the City's discretion during Conditional Use permit.

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/developers expense by a qualified professional to determine access, circulation and other

transportation requirements. A Traffic Impact Study shall be required for all development applications that will result in a traffic impact or increase in traffic impact of 200 or more average daily trips (ADT).

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.

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: Significant transportation impact mitigation fees were previously assessed on the subject property as part of a recent zone change application (CP 20-03, ZM 20-02). A transportation impact study (TIS) for the master plan and subdivision application was prepared by professional engineers at Lancaster Mobley and is included in Exhibit F. The assumptions and traffic counts utilized for this study were reviewed by the City Traffic engineer prior to the finalization of the report. The TIS concluded the following, for compliance with this section:

- *Based on an analysis of the available crash data, all intersections were calculated as having a crash rate below 1.00 CMEV. No significant trends or crash patterns were identified at any of the study intersections that are indicative of safety concerns. Accordingly, no safety mitigation is recommended per the crash data analysis.*
- *Upon removal of vegetation (trees) along N Pine Street, adequate sight distances are available at the proposed site access intersections to ensure safe operation along US Highway 20, W Barclay Drive, and N Pine Street. No additional sight distance mitigation is necessary or recommended.*
- *Left-turn lane warrants are projected to be met under the year 2027 background conditions scenario for the intersection of W Barclay Drive at N Pine Street, specifically for the westbound approach.*
- *Due to insufficient traffic volumes, traffic signal warrants are not projected to be met at the unsignalized study intersections of W Barclay Drive at N Pine Street, W Hood Avenue at US Highway 20, N Pine Street at W Sisters Park Drive, and N Pine Street at US Highway 20 under any of the analysis scenarios.*
- *Three study intersections are either currently or projected to operate with v/c ratios in excess of the maximum allowable ODOT performance standards. These intersections are W Barclay Drive at US Highway 20, N Pine Street at US Highway 20, and N Locust Street at US Highway 20. Suggested mitigation may include the following:*
 - *US 20 at W Barclay Drive: The intersection is projected to exceed ODOT's maximum v/c ratio of 0.85 under year 2027 background and buildout conditions due to high through volumes of traffic on the highway. Per the City's Transportation System Plan (TSP), placing additional emphasis on W Barclay Drive as an alternative route, particularly for trucks, may help distribute demand. This emphasis would serve to balance volumes at the existing roundabout, improving operation and extending the capacity of the intersection. As such, no mitigation is recommended for this project.*
 - *N Pine Street at US Highway 20: During peak hours when delays are long, drivers will self-select how they enter US Highway 20 to avoid excessive delays. Local traffic may choose several other*

routes to avoid US Highway 20 and utilize the local street system. In addition, the proposed development does not add traffic to the northbound approach where delays are longest. For this reason, no mitigation is recommended.

- *N Locust Street at US 20: The City of Sisters has indicated that this roundabout is included within the City plans and has a funding mechanism within the City's System Development Charge (SDC) methodology. In addition, the applicant has contributed a total proportional share fee of \$23,948 during the zone change phase of this development (CP 20-03, ZC 20-02). This proportional share payment will fund improvements related to the proposed Alternate Route corridor. As a result, no mitigation at this intersection is recommended for this project.*

• *All other study intersections are currently operating acceptably per City of Sisters and ODOT standards and are projected to continue operating acceptably through the 2027 buildout year, regardless of the potential increase in site trip generation upon development of the site. No operational mitigation is necessary or recommended at these intersections.*

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: All existing entrances to the subject property are proposed to be closed and replaced with the street system shown on the submitted master plan. The subject property is bordered by W Barclay Drive, N Pine Street and Highway 20. Only one new street intersection per frontage with these existing streets is proposed. The Woodlands TIS in Exhibit F notes:

The City of Sisters Development Code 3.1.300(I)(1) identifies access spacing standards for various roadway classifications. W Barclay Drive and N Pine Street are classified by the City of Sisters as collector roadways, and the minimum driveway-to-driveway spacing along a collector roadway is 100 feet. In addition, the minimum roadway-to-driveway spacing along a collector roadway is also 330 feet. US Highway 20 is classified by ODOT as a statewide highway. The Oregon Highway Plan5 requires an access management spacing standard of 770 feet for statewide highways in rural areas with a 35 mph posted speed. The most recent site plan shows three site access locations. One site access is along W Barclay Drive, approximately 750 feet from the intersection of W Barclay Drive at N Pine Street. The second site access is located along N Pine Street across from Sisters Park Drive, approximately 700 feet from the intersection of W Barclay Drive at N Pine Street. Finally, the third site access is located along US 20 across from W Hood Avenue, approximately 860 feet from the intersection of US 20 at W Barclay Drive. The most recent site plan shows that proposed site access locations are in compliance with the access spacing standards shown in Development Code 3.1.300(I)(1) as well as the Oregon Highway Plan.

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: One fire access turnaround is proposed along the shared lot line of NSBP lots 170 and 171,

designed to meet the Oregon Fire Code. No other turnarounds are required as the phased construction has been designed to loop streets and buildings are located within 150 feet of the streets or other fire access drives.

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: The proposed master plan/site plan does not include any driveways, private streets, aisles, turn-arounds or ramps with overhead structures. As such, vertical clearance requirements are complied with.

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

RESPONSE: Compliance with the vision clearance standards of 2.15.2300 is demonstrated above.

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

RESPONSE: All driveways, aprons, parking areas aisles and turn-arounds are proposed to be covered with asphalt, concrete or pavers, in compliance with this requirement.

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: This proposal is for a master plan and subdivision and does not include site design of the individual lots. This requirement will be reviewed at time of site plan and building permit applications.

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: Proposed alleys are design to conform to City standards, with 20 feet of paved with for fire access. All alley radii are 28', greater than the required minimum and in compliance with this requirement.

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* 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

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* driveway to driveway
				combine
Neighborhood/ Local	600 feet	150 feet	50 feet	10 feet

Notes: *Measured centerline to centerline
TSP January 2010

RESPONSE: The proposed master plan/subdivision complies with these access spacing requirements. Individual lots will be reviewed at the time of site plan application or building permit. The Woodlands TIS in Exhibit F notes:

The City of Sisters Development Code 3.1.300(I)(1) identifies access spacing standards for various roadway classifications. W Barclay Drive and N Pine Street are classified by the City of Sisters as collector roadways, and the minimum driveway-to-driveway spacing along a collector roadway is 100 feet. In addition, the minimum roadway-to-driveway spacing along a collector roadway is also 330 feet. US Highway 20 is classified by ODOT as a statewide highway. The Oregon Highway Plan5 requires an access management spacing standard of 770 feet for statewide highways in rural areas with a 35 mph posted speed. The most recent site plan shows three site access locations. One site access is along W Barclay Drive, approximately 750 feet from the intersection of W Barclay Drive at N Pine Street. The second site access is located along N Pine Street across from Sisters Park Drive, approximately 700 feet from the intersection of W Barclay Drive at N Pine Street. Finally, the third site access is located along US 20 across from W Hood Avenue, approximately 860 feet from the intersection of US 20 at W Barclay Drive. The most recent site plan shows that proposed site access locations are in compliance with the access spacing standards shown in Development Code 3.1.300(I)(1) as well as the Oregon Highway Plan.

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: Several lots are proposed to have frontage on two streets, or one street and an alley. Where this is the case, primary access will be to/from the street with lesser classification. In some circumstances, such as the NSBP lots (lots 170-174), it may be necessary/valuable to provide an entry on both streets, for truck circulation and fire access. Development of those lots will require future site plan approval and these access details can be reviewed at that time.

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

RESPONSE: Several alleys are proposed within the master plan. Where a lot abuts an alley, access will be from the alley and not the public street.

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: Any existing accesses to the subject property will be closed. New access to the development will only be through the new local streets, which will be designed and constructed to meet City street standards for industrial local streets.

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: No driveways are proposed onto arterial streets at this time. W Barclay Drive is an arterial and five NSBP lots are proposed adjacent. In the case of these lots (lots 170-174), the primary access can be provided to/from the local street along its southern edge. However, it may be necessary/valuable to provide an additional entry W Barclay Drive, for truck circulation and fire access. Development of those lots will require future site plan approval and these access details can be reviewed at that time.

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: A frontage street along W Barclay Drive or N Pine Street are not proposed or warranted. Primary access to the proposed lots abutting these streets can be provided through the adjacent local streets.

7. Exceptions

- a. The Community Development Director or designee may allow exceptions to the access standards above in any of the following circumstances:
 1. Where existing and planned future development patterns or physical constraints, such as topography, parcel configuration, and similar conditions, prevent access in accordance with the above standards.
 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-foot wide and located within an easement whose width is specified by the Fire Marshal.

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

RESPONSE: As noted earlier, the proposed NSBP-zoned lots along W Barclay may have a need for secondary access from W Barclay Drive, to facilitate better circulation for trucks and/or for quick fire access. These lots are not yet designed, so access locations have not been identified; these details will be reviewed at the time of site plan application and the Applicant notes this allowance for exceptions to the access standards.

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:

- a. 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.
- b. 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: An access management plan and analysis for the new accesses to W Barclay Drive and N Pine Street is included in the TIS in Exhibit F. No access spacing exceptions are requested.

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](#).

2. Driveway Approaches. Driveway approaches shall be designed and located to provide exiting vehicles with an unobstructed view of other vehicles and pedestrians, and to prevent vehicles from

backing into the flow of traffic on the public street or causing conflicts with on-site circulation. Construction of driveway accesses along acceleration or deceleration lanes or tapers should be avoided due to the potential for vehicular conflicts. Driveways should be located to allow for safe maneuvering in and around loading areas.

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

RESPONSE: Driveways are not proposed as part of these master plan and subdivision applications, however, nothing in the submitted master plan and subdivision precludes compliance with these requirements. Compliance with these driveway requirements will be reviewed during individual site plan and building permit reviews.

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: The submitted engineering drawings demonstrate that the development will be served by public facilities, including water, sewer, and streets. The proposal includes construction of new local streets and installation of water and sanitary sewer mains. In accordance with the requirements of a zone change ordinance for the subject property (Ordinance 508), the Applicant is providing a monetary contribution to several water and sewer infrastructure upgrades, as determined by the City to be appropriate for the development to share proportionally in the necessary improvements to serve the development. Construction plans will be submitted to the City for review and approval prior to construction, to ensure compliance with City of Sisters Public Works Construction Standards. Development will occur only after public facilities are in place or are guaranteed, as allowed by the Sisters Development Code.

Other than the conditions of approval for the previous zone change application and the infrastructure improvements included in the master plan/subdivision application package, no other improvements are anticipated or required.

3.1.400 Pedestrian/Bicyclist Access and Circulation

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

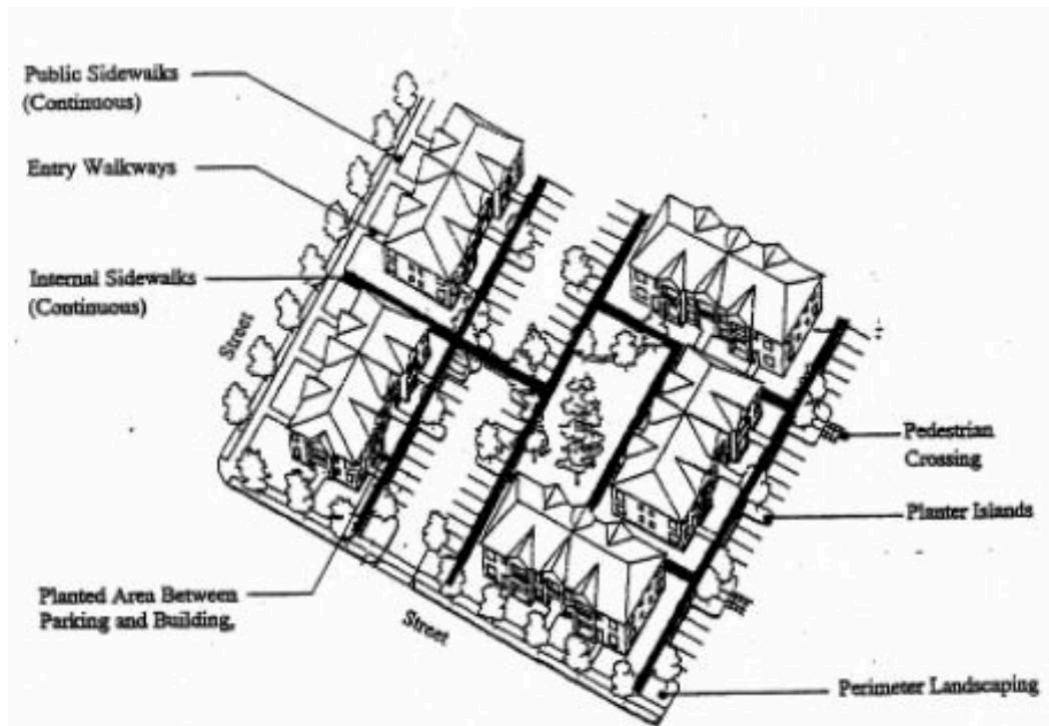
1. **Continuous Access and Circulation System**. The pedestrian/bicycle circulation system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub pathways or multi-use paths to adjacent streets and to private property with a previously reserved public access easement for this purpose.
2. **Safe, Direct, and Convenient**. Pathways and multi-use paths within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets.

RESPONSE: Every proposed public street in the master plan area is proposed to include either sidewalks or multi-use paths on both sides of the street. These sidewalks and trails connect all parts of the master plan area to each other, as well as to multi-use trails along W Barclay Drive and N Pine Street. An 8-foot wide multi-use trail on both sides of "Street E" connects to the Downtown Commercial area, as well as the large open space area in the western corner. These proposed sidewalks and paths create a network that provides several options for pedestrian/bicycle circulation, creating direct and convenient routes for various origins/destinations.

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 3.1.400.A; and

Figure 3.1.400.A Pedestrian Pathway System (Typical)

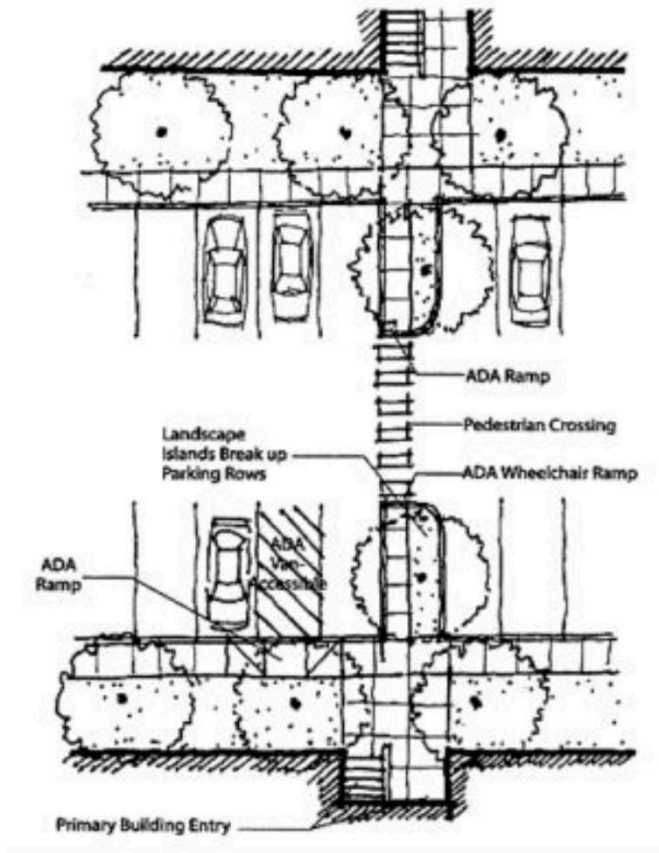


RESPONSE: This application does not include any site plans, however, pathways (sidewalks/multi-use paths) are provided along all public streets and will be available to connect with future on-site pedestrian pathways. This requirement will be reviewed in detail at the time of site plan application.

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

1. **Vehicle/Pathway and Multi-use Path Separation.** Except for crosswalks (subsection 2) and for properties in the Light Industrial Zone, where a pathway or multi-use path abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a pathway or multi-use path abutting a driveway at the same grade as the driveway if the pathway or multi-use path is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians and bicyclists.

Figure 3.1.400 Crosswalk Detail (Typical)



RESPONSE: Every proposed public street in the master plan area is proposed to include either sidewalks or multi-use paths on both sides of the street. However, only one street (Street B, see cross-sections on sheets P1.10 and P1.11) includes a sidewalk immediately adjacent to the roadway. In this case, the sidewalk is raised and separated from the roadway by a curb, in compliance with these requirements.

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.

RESPONSE: Crosswalks will be designed with a change in material. Pavers, stamped concrete, or similar treatments are planned and will be designed and submitted for review and approval with the construction plans.

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.

RESPONSE: All pathway surfaces will be concrete, asphalt, pavers, or other durable surface. Details of pathway designs will be submitted with the construction plans for the City’s review and approval prior to construction.

**Chapter 3.2 –
Landscaping and Screening**

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

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: A conceptual landscape plan and supporting materials were submitted in Exhibit B2. The landscape plan identifies areas of landscaping outside of individual parcels, includes frontage street trees, open space common areas, and amenity areas. The landscape plan demonstrates that the proposed landscaping will cover 64% of the site, far exceeding the requirements. Detailed landscaping plans will be submitted with the infrastructure construction plans, site plans and building permits, for review prior to future construction.

C. Development Standards

1. All landscaping within the City shall comply with the requirements of the Oregon Forestland-Urban Interface Fire Protection Act, also known as Senate Bill 360.
2. Areas occupied by clubhouses, recreation buildings, pools, saunas, interior walkways and similar amenities may be also included as landscaped areas, up to fifty (50) percent of the required landscape area.
3. A hard surface pedestrian plaza or combined hard surface and soft surface pedestrian plaza, if proposed shall be counted towards meeting the minimum landscaping requirement, provided that the

hard-surface portion of the plaza shall not exceed twenty-five (25) percent of the minimum landscaping requirement, and shall be comprised of the following:

- a. Any permeable surface such as brick pavers, or stone, scored, or colored concrete; and,
 - b. One (1) tree having a minimum mature height of at least twenty (20) feet for every three hundred (300) square feet of plaza square footage; and,
 - c. Street furniture including but not limited to benches, tables, and chairs; and,
 - d. Pedestrian scale lighting consistent with the City's Dark Skies Standards; and,
 - e. Public trash receptacles.
4. Bark dust, chips, aggregate and other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped.

RESPONSE: All landscaping requirements will be complied with.

5. Street trees shall be planted in accordance with the provisions of Street Tree Section [3.2.600](#) of this Code.

RESPONSE: SDC 3.2.600 is addressed below. Street tree requirements will be complied with.

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: Noted. The DC zone landscaping will far exceed the required coverage, due to the large open space swath proposed along Hwy 20.

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

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

RESPONSE: Requirements for screening of mechanical equipment, outdoor storage, etc will be complied with. No specific outdoor storage, refuse areas or outdoor storage areas are proposed with the master plan/subdivision, however, these details will be proposed and reviewed at the time of site plan applications.

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

10. Parking Areas. All parking areas containing more than 10 spaces and all parking areas in conjunction with an off-street loading facility shall provide landscaping and screening in accordance with the following standard;

- a. Except for Light Industrial Zone properties, a minimum of 10 percent of the total paved area of all parking lot(s), as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of an evenly distributed mix of trees with shrubs and/or ground cover plants. Evenly distributed means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per eight (8) parking spaces total shall be planted to create a partial tree

canopy over and around the parking area. All parking areas with more than 50 spaces shall include landscape islands to break up the parking area into rows.

All landscaped areas for trees shall have minimum dimensions of five feet by five feet to ensure adequate soil, water, and space for healthy plant growth. Where practical, landscape areas within parking lots shall be designed at a lower grade than the parking surface to allow surface water drainage to collect in the planter areas.

b. Preservation of existing trees is strongly encouraged. At the sole discretion of the decision authority, the 10 percent requirement for landscaped areas may be reduced down to 5 percent if existing trees are preserved in parking areas.

11. Buffering is required for parking areas containing four or more spaces, loading areas, and vehicle maneuvering areas. Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. A minimum five (5) foot-wide perimeter landscaping buffer shall be provided around parking areas; and a minimum ten (10) foot-wide perimeter landscaping buffer shall be provided around trees. Additionally, where parking abuts this perimeter landscape buffer, either parking stops shall be used or landscape buffers shall be increased in width by three (3) feet.
12. When a commercial or industrial site adjoins a Residential District, where fences are required, such fencing shall be landscaped as appropriate.
13. All required building setbacks shall be incorporated in the landscape design, unless these areas are utilized in driveways, etc.
14. A combination of trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, drought-tolerance, water availability, and drainage conditions; ground covers alone are not acceptable. As necessary, soils shall be amended to allow for healthy plant growth. The Community Development Director or designee may require the substitution of any plant material which they have reason to believe will not survive successfully under the particular conditions of the site in question.
15. Planted trees shall have a minimum caliper size of one and one half (1 1/2) inches and shall conform to the standards described by the ANSI A300 standards for nursery stock, latest edition.
16. Detention facilities, such as ponds, shall be graded so that the sides of the facilities are no steeper than 3:1. Additionally, the facilities shall be landscaped with plant materials that provide erosion control and biofiltration.
17. Plans for the development of required landscaping shall be submitted to the Community Development Department for review and approval prior to the issuance of any building permit. When special conditions of design warrant, changes may be submitted for consideration.
18. All required landscaping shall be installed by the developer and approved by Community Development Department, prior to occupancy of any building, unless other arrangements are agreed to by the Community Development Director.
19. The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available. If the plantings fail to survive, the property owner shall replace them in kind or in consultation with the Community Development Director or designee. All other landscape features required by this Code shall be maintained in good condition, or otherwise replaced by the owner. Irrigation systems connected to the City water system shall have a back-flow prevention device installed as required by Public Works' Standards and Specifications, latest edition.

RESPONSE: Detailed parking areas and landscaping areas will be designed and submitted at the time of site plan. No deviations are requested at this time.

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: Landscaping in the ROW was not used in the calculation of the landscaping percentages.

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: A detailed landscape plan will be submitted prior to construction and will show locations, sizes and species of plantings. Exhibit B2 includes a conceptual landscape plan, demonstrating the intent and ability to meet all code requirements for landscaping. As noted, significant tree preservation is proposed and will be utilized wherever feasible. Detailed landscaping plans will be submitted with the infrastructure construction plans, site plans, and building permits.

E. All planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Whenever necessary, planting shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements. [Ord. [486](#) § 2 (Exh. B), 2018].

RESPONSE: The Applicant is aware of this requirement. Where appropriate, CC&Rs will also enforce this requirement.

3.2.300 Screening, Fences, and Walls

A. 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:

1. A solid masonry wall, board fence, or equivalent meeting the standards of the applicable building code.
2. An evergreen hedge.
3. 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.

B. All required screening, regardless of district or location, shall comply with the following requirements:

1. Screening shall comply with the vision clearance standards in Chapter [2.15](#) Special Provisions.
2. 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.
3. Height and Location of Screening. Unless otherwise specified, screening required by this Section shall be a minimum six (6) feet in height and shall be arranged within the boundaries of the lot as to substantially hide from adjoining properties the building, facility or activity required to be screened. Perimeter fencing or walls used for screening in residential or commercial Zoning Districts shall meet the standards in 3.2.300.C unless otherwise specified.
4. 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.
5. 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 result in an undesirable condition, would not meet the intent of the screening requirements, or would constitute a danger to traffic by reasons of impairment of vision at a street or driveway intersection.

C. Fences and Walls.

1. All fences and retaining walls, regardless of district or location, shall comply with the following requirements:
 - a. The allowable height shall be measured from the lowest grade at the base of the fence or retaining wall unless stated otherwise.
 - b. Fences and retaining walls shall comply with the clear vision area standards of 2.15.2300.
 - c. Screening, walls, and fences shall be maintained in good repair including painting, if required, and shall be kept free of litter, graffiti, or advertising.
 - d. Fences shall be comprised of wood, vinyl, metal, masonry or other material that is able to be painted and/or maintained in structurally sound condition.
2. In Residential Districts, fences shall comply with the following requirements:
 - a. Solid, non-transparent fences located in the required front setback area shall not exceed four (4) feet in height, except decorative arbors, gates, and similar features which shall not exceed six (6) feet in length.
 - b. Fences with fifty-percent (50%) or greater transparency located in the required front setback area shall not exceed six (6) feet in height.
 - c. On corner lots, only one front setback area restriction shall apply relative to the four (4) foot fence height and solid fence restrictions. The fence along the exterior side yard shall not exceed six (6) feet in height from the area subject to the front setback to the rear property line.
 - d. All other fences shall not exceed six (6) feet in height.
3. In Commercial Districts, fences shall comply with the following requirements:
 - a. Fences located in the required front and exterior side yard setback areas shall not exceed four (4) feet in height, except decorative arbors, gates, and similar features which shall not exceed six (6) feet in length.
 - b. Fences outside of the front and exterior side yard setback areas shall not exceed six (6) feet in height.
4. In all other districts fences shall not exceed eight (8) feet in height.
5. The following fences shall be exempt from these standards, except for the requirement to comply with the clear vision area standards in 2.15.2300.
 - a. Any security fencing around a public or quasi-public utility facility.
 - b. Fences related to a park or approved recreational facility or a school athletic use including (but not necessarily limited to) tennis courts and ball fields.
6. The Director may allow variation from the development standards listed in subsection 3.2.300.C.2 and 3.2.300.C.3, according to the following:
 - a. No part of the structure may exceed eight (8) feet;
 - b. Any portion of the structure above six (6) feet shall be predominately open, such that there is free circulation of light and air; and;
 - c. The variation will be compatible with and will not have significant adverse effects on the abutting properties and surrounding development. [Ord. [478](#) § 1 (Exh. A), 2017].

RESPONSE: No screening, fences or walls are proposed at this time. When proposed in the future to meet screening requirements, they will be reviewed at the time of site plan application.

3.2.500 Existing Trees

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

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

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

RESPONSE: A detailed tree survey has been completed and significant trees are identified on Plan P1.2 in Exhibit B.

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

1. Significant trees shall be retained whenever practical. Preservation may become impractical when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district.
2. Significant trees removed shall be replaced at a 3:1 ratio of trees removed to trees planted. Replacement trees of an appropriate species shall have a minimum two (2) inch caliper size and shall be planted in a suitable location as substitutes for removed trees, at the sole expense of the applicant. Ponderosa pines may be planted as replacement trees where appropriate.
 - a. The Community Development Director or designee shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced onsite and within the same general area as trees removed.
 - b. When it is not feasible or desirable to relocate or replace trees on-site, relocation or replacement may be made at another location approved by the Community Development Director or designee.
 - c. Where it is not feasible to relocate or replace trees on site or at another approved location in the City, the applicant shall pay into the City Tree Fund, which fund is hereby created, an amount, to be set by the City Council and incorporated into the City of Sisters Master Fee Schedule, for each of the replacement trees that would otherwise be required by this section. This amount shall reflect both the cost of purchasing and the cost of installing a replacement tree. The City shall use the City Tree Fund for the purpose of producing, maintaining and preserving wooded areas and heritage trees, and for planting trees within the City. In addition, and as funds allow, the City Tree Fund may provide educational materials to assist with tree planting, mitigation, and relocation.
3. Significant trees that are identified to be retained prior to any construction activity, as required by C, above, shall be removed only with the prior approval of the Community Development Director or designee.
4. Significant trees that are identified to be retained shall be protected before and during all construction and site preparation activity. Protection measures shall include, but not be limited to, installation of a high visibility tree protection fence [minimum three (3) foot high fence with metal stakes/posts at eight (8) to ten (10) foot intervals] around the dripline(s) of a tree or trees to be preserved.
5. Grading, operation of vehicles and heavy equipment, and storage of construction materials are prohibited within the dripline of significant trees to be preserved, except as approved by the City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area.
6. When proposed developments encroach into the dripline area of significant trees, special construction techniques to allow the roots to breathe and obtain water may be required by the Director with respect to any application for a building, grading or development permit.

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

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

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: Tree preservation is a focal goal of The Woodlands project. The subject property is undeveloped, and as a result, has a large number of significant trees. The project description in Exhibit A1 itemizes the tree survey and estimates the number of trees to be preserved and those to be removed. The site has been carefully designed, siting buildings and infrastructure in a way that avoids as many tree removals as possible. As a result, the forecasted number of trees to possibly preserved is around 600. Specific preservation details will be better known through more detailed design of each site, as well as more site visits and assessment of tree health, size, proximity to construction, etc. These final details will be included for the City’s review at the time of site plan and building permit reviews.

All tree preservation protection standards will be employed. Final tree preservation protection standards will be detailed in the construction plans and submitted to the City for review and approval prior to construction. Removed trees that are not dead, diseased, or hazardous will be either replaced at a 3:1 ratio or a fee will be paid into the appropriate tree fund. As noted herein, street trees will count towards replacement tree counts.

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 curb, 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 will be planted, as required, along all public right of ways. Where feasible, existing trees will be retained and counted toward the street tree count. The amount of street trees required will be determined by dividing the street frontage by 35, then subtracting the number of existing trees on that frontage that are to be retained. All planting standards will be complied with. Final street tree planting details will be included in the construction plans for the City’s review and approval prior to construction.

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: None of these prohibited trees are proposed to be planted on the subject property or within the right of way.

C. Caliper Size. Planted trees shall have a minimum caliper size of one and one-half (1 1/2) inches and shall conform to the standards described by the ANSI A300 standards for nursery stock, latest edition.

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

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.

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.

Chapter 3.3 – Vehicle and Bicycle Parking

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.

...

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.

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

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

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

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

RESPONSE: Both the DC zone and NSBP zone lots will include multiple uses on site; parking requirements for each use will be summed to determine the total required parking.

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.

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

Table 3.3.300.A – Minimum Required Parking by Use

Use Categories	Minimum Parking per Land Use (Fractions rounded down to the closest whole number) (See 3.3.300 D Floor Area)
Residential Categories	
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
Single-family detached dwelling, manufactured dwelling, zero lot line dwelling and town home	2 spaces per dwelling unit
Single-family detached dwelling, manufactured dwelling, zero lot line dwelling and town home	2 spaces per dwelling unit
Commercial Categories	
Art gallery and studio	1 space per 500 square feet of floor area.
Eating and drinking establishments	1 spaces per 200 square feet of

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)
	floor area
Retail Sales Establishment	1 spaces per 400 square feet of floor area

...

RESPONSE:

MFR - Each townhome, triplex and single family unit will be provided two off street parking spaces per dwelling unit.

NSBP - The NSBP uses will determine parking on those lots, which will be determined at the time of site plan application. Due to the size of these lots, meeting parking requirements is not a concern and no deviations are requested.

Open Space - Parking requirements will be complied with, based on uses proposed at the time of site plan.

DC/MFR Hwy 20 Buildings - For the adjacent DC/MFR buildings, the Applicant is proposing shared parking with the two buildings. The structures will be designed to appear as a pair, aesthetically and practically, facilitating shared parking.

DC mixed use building

The mixed use building in the DC zone is planned for 64 residential units on floors 2 and 3, and commercial on the ground floor. A heavy estimate of required parking for this building is below (likely higher than will be necessary, for the sake of demonstrating ability to meet the requirement):

(64) proposed units on floors 2 and 3

1 stall req'd for 50% of units, so 32 stalls required, per SDC 2.4.300.B.4

But, then, per Table 3.3.300.A (Min. Req'd Parking by Use):

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
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So, assuming a "parking-heavy" mix of all 2 and 3 bedroom units:

$32 \text{ 2-bed} \times 1.5 + 32 \text{ 3-bed} \times 2 = \underline{112 \text{ stalls}}$

Then for 20,000sf commercial, saying that 18,000sf is 'usable' and ¼ is retail/ professional/etc (1 space per 400 sqft) and ¼ restaurant (1 space per 200 sq ft):

$13500/400sf + 4500/200sf = 56.25 = \underline{56 \text{ stalls}}$ for DC commercial use

MFR apartment building:

(48) proposed units on floors 2 and 3

1 stall req'd for 50% of units, so 24 stalls required, per SDC 2.3.300.E.4

Again, then, per Table 3.3.300.A (Min. Req'd Parking by Use):

Again, assuming a "parking-heavy" mix of all 2 and 3 bedroom units:

24 2-bed x 1.5 + 24 3-bed x 2 = 84 stalls

Total parking load, maximum = DC commercial 56 + DC multi-family 112 + MFR multi-family 84 = 252 stalls

Available parking, both DC and MFR building sites = 256 stalls

DC Building: 70 interior/ covered + 49 street (32 angled + 17 parallel)

MFR Building: 104 interior/ covered + 33 street (22 angled + 11 parallel).

-

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: Tandem parking is not proposed for any use other than those allowed in this section.

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 parking areas will be paved with acceptable surfaces.

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 planned parking lots require backing of vehicles into the sidewalks or public right of way, in compliance with this requirement.

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.

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 hundred twenty (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.

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.

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: No deviations are proposed at this time for parking lot designs. Detailed parking designs will be reviewed at the time of site plan application.

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: Shared parking is proposed for the adjacent buildings along Hwy 20 (DC mixed-use building + MFR apartment building). However, it is not proposed to provide a reduced number of lots; rather, the required number of lots for the sum of all uses in both buildings is provided, but in parking lots with each building with potential mixing of parking locations.

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Chapter 3.5 – Public Improvement Standards

3.5.200 Transportation Improvement Standards

A. Development Requirements. No development shall occur unless the development has frontage or approved access to a public or private street, in conformance with the provisions of SDC Chapter [3.1](#), and the following standards are met:

1. Streets within or adjacent to a development shall be improved in accordance with the City's Transportation System Plan (TSP), public works standards and specifications, provisions of this chapter and other pertinent sections of this code.
2. Public street right-of-way shall be dedicated to the public and developers of private streets shall grant an easement for use by the public in a form satisfactory to the City.
3. All new and/or existing streets and alleys shall be paved and otherwise in accordance with the public works standards and specifications.

RESPONSE: The proposed development has frontage on and access to/from W Barclay Drive and N Pine Street. Prior to this application, full TSP-specified street widths were created for both W Barclay Drive and N Pine

Street through right of way dedications from the subject property. Within the development, several local streets are proposed, connecting to three existing nearby streets:

- West Sisters Park Drive (to the east)
- West Hood Street (to the south)
- Local Street on north side from Three Peaks Industrial Park (unnamed at time of writing)

All new streets are designed to meet TSP-required cross-sections (see pages P1.10 and P1.11 of Exhibit B).

Several private alleys are also proposed to provide access to cottages, as desired by the cottage development code. Access easements will be provided over these alleys, in compliance with this requirement.

B. Street Location, Width and Grade. Except as noted below, the location, width and grade of all streets shall conform to the Transportation System Plan and the public works standards and specifications, the provisions of this chapter and any approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.

1. Street grades shall be designed and/or constructed per the public works standards and specifications.
2. The location of streets in a development shall:
 - a. Adhere to alignments set forth in the Transportation System Plan;
 - b. Adhere to any approved street plan or subdivision plat; and/or
 - c. Otherwise provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this chapter.

RESPONSE: All proposed streets are local streets, designed according to City standards and the TSP (see P1.10 and P1.11 of Exhibit B). Grades are fairly flat. Street locations are based upon aligning with existing streets, which are continued through the development:

- West Sisters Park Drive (to the east)
- West Hood Street (to the south)
- Local Street on north side from Three Peaks Industrial Park (unnamed at time of writing)

No deviations from City street standards are planned or requested.

C. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be the widths established in the Transportation System Plan. Additional right-of-way may be required at intersections to accommodate intersection widening and roundabouts.

RESPONSE: All streets are proposed to meet the TSP-required widths, based on their classification. Street cross-sections are included in sheets P1.10 and P1.11 in Exhibit B. No additional right of way is necessary.

D. Special Setbacks.

1. Purpose. The purpose of this subsection is to ensure that adequate rights-of-way will be available for the appropriate street improvements as the City grows and that there will be no conflicts with the built environment.
2. Applicability. The special setback standards shall be applied to any lot or parcel that abuts a public right-of-way.
3. Setback.
 - a. Unless waived, all buildings or structures shall be set back from planned future rights-of-way the minimum distance established in the applicable zoning district.
 - b. Unless waived under Section [3.5.150](#), the special setback from existing substandard width rights-of-way shall comply with Table A.

Table A: Special Setback Standards

Street Classification	Additional Setback from Centerline of Street
Local Street	30 feet
Collector	40 feet
Arterial (Principal, Major, Minor)	50 feet

Note: The additional setback line shall be an assumed property boundary for the purpose of sidewalk construction.

RESPONSE: Prior to the master plan and subdivision applications, the property owner dedicated significant right-of-way along N Pine Street and W Barclay Drive, resulting in adequate right of way for both streets. The City’s widest street section in the Public Works Standards and TSP has an 80-foot right-of-way. W Barclay Drive has a 80’ right of way footprint and N Pine Street has varying right-of-way width, with 40’ on the subject property’s side of the centerline. As such, no additional right of way is necessary and special setbacks for future expansion are not required. All new streets are proposed to be constructed to TSP standards, negating the need for additional setbacks.

E. Street Alignment and Connections.

1. Staggering of streets making “T” intersections shall be located to conform with the spacing standards contained in the Transportation System Plan and SDC Chapter [3.1](#).
2. All streets that abut a development site shall be extended within the site to provide through circulation, unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this code. This exception applies only when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15 percent for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes a street connection.
3. In order to promote efficient vehicular and pedestrian circulation throughout the City, the design of developments and alignment of new streets shall conform to the standards in SDC Chapter [3.1](#).

RESPONSE: Three street within the proposed development connect with existing abutting streets outside the site, as noted previously:

- West Sisters Park Drive (to the east)
- West Hood Street (to the south)
- Local Street on north side from Three Peaks Industrial Park (unnamed at time of writing)

All streets are designed to meet the requirements of Chapter 3.1 (detailed herein) as well as the requirements of the City’s TSP.

F. Sidewalks, Planter Strips, Curbs, Bicycle Lanes. Sidewalks, planter strips, curbs and bicycle lanes must be installed in conformance with the applicable provisions of the Transportation System Plan, the public works standards and specifications, and the following standards:

1. The planter strip distance is measured from the face of the curb to the inside edge of the sidewalk.
2. Sidewalks must be separated from the street by a planter strip and placed at the property line, where practicable, or as otherwise directed by the City Engineer.

3. In areas with high pedestrian volumes, the City Engineer may approve a minimum 10-foot-wide sidewalk, curb tight, with street trees in tree wells and/or landscape planters.
4. Bicycle lanes must be constructed on all collector and arterial streets unless otherwise designated.
5. Planter strips are not required on T-courts.
6. Where practical, sidewalks will be allowed to meander around existing trees in conformance with the requirements of the Americans with Disabilities Act.
7. Sidewalks/multi-use paths and curbs must be constructed where shown on the TSP Bicycle and Pedestrian Plan.

RESPONSE: Both sidewalks and several multi-use paths are included in the street designed. Pedestrian/bicycle connectivity is demonstrated on sheet P1.8 of Exhibit B. Street cross-sections showing sidewalk and planter strip details in compliance with this Code and the TSP are included on sheets P1.10 and P1.11 of Exhibit B. All new proposed streets are local streets. Multi-use paths are proposed in areas where there is ample room to meander around existing trees, as allowed by this section.

G. Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable.

RESPONSE: The proposed new streets are designed to intersect at right angles at the centerlines, in compliance with this requirement, with the exception of the northwestern-most intersection in the NSBP zone, which intersects at a slightly skewed angle. This intersection is slightly skewed due to the parent parcel shape as a result of the existing alignments of W Barclay Drive and N Pine Street. The intersection is as close to a right angle as feasible, while still accommodating the development around it; the intersection meets the requirements of the City Public Works Standards.

H. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to or within a property are of less than standard width, additional rights-of-way shall be provided at the time of development to meet minimum standards in the Transportation System Plan.

RESPONSE: Prior to this application, the property owner dedicated significant right-of-way along N Pine Street and at the intersection with N Pine Street and W Barclay Drive. Both streets are of adequate width on the subject property's side of centerline (40' between subject property and centerline). The widest street section in the City's TSP is 80'; as such, the existing streets are of adequate width and no additional right-of-way is necessary.

I. Cul-de-Sacs. Cul-de-sacs are only permitted when existing development, topographical features, and similar circumstances prevent the continuation of a street. Cul-de-sacs must be designed in a manner consistent with the public works standards and specifications.

RESPONSE: No cul-de-sacs are proposed or required in this subdivision.

J. Curbs, Curb Cuts, Ramps, and Driveway Approaches. Concrete curbs, curb cuts, curb ramps, bicycle ramps and driveway approaches shall be constructed in accordance with SDC Chapter [3.1](#), and applicable public works standards and specifications.

RESPONSE: Concrete curbs, curb cuts, curb ramps, bicycle ramps and driveway approaches will be constructed in accordance with City requirements. Design details will be submitted to the City for review and approval with the construction plans, prior to construction.

K. Private Streets. Private streets, when allowed, shall connect with public streets to complete the City's transportation system grid where practical.

RESPONSE: The proposed master plan/subdivision includes several private alleys, which all connect to proposed City local streets, in compliance with this requirement.

L. Street Names. No street name shall be used that will duplicate or be confused with the names of existing streets in Deschutes County, except for extensions of existing streets. Street names, signs and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers, and shall comply with the public works standards and specifications.

RESPONSE: No street names are proposed at this time. Prior to final plat, the Applicant will confirm that no street name will be duplicate or easily confused with names of existing streets in Deschutes County. Street names and signs will conform to an established pattern, if applicable.

M. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be re-established and protected.

RESPONSE: The Applicant will provide this certification following street improvement completion.

N. Street Signs. The City, County or State with jurisdiction shall install all signs for traffic control. The cost of signs required for new development, including stop signs and any other roadway signs, shall be the responsibility of the developers and shall be installed as part of the street system developed and approved through the land use process. Street name signs shall be installed by developers at all street intersections per public works standards and specifications.

RESPONSE: The Applicant will comply with these requirements.

O. Street Light Standards. Street lights shall be installed in accordance with the public works standards and specifications. [Ord. [505](#) § 2 (Exh. D), 2020].

RESPONSE: No street lights are proposed, however, downward bollard path lighting is proposed along the primary paths: along W Barclay, N Pine and the primary connector street between N Pine and Highway 20 and further north where it connects to the open space zoned area.

3.5.250 Sanitary Sewer and Water Service Improvements

A. Sewers and Water Mains Required. Sanitary sewers and water mains must be installed to serve each new development and to connect developments to existing mains in accordance with the public works standards and specifications.

RESPONSE: Sanitary sewer and water mains are proposed to serve the development, within the proposed street right-of-way and alleys. All proposed water/sewer lines are shown on page P1.6 of Exhibit B, the preliminary utility plan. Construction plans will be submitted to the City for review and approval prior to construction, to confirm compliance with City public works standards and specifications.

B. Sewer and Water Plan Approval. Construction of sewer and water improvements cannot commence until the City Engineer has approved all sanitary sewer and water plans in conformance with public works standards and specifications.

RESPONSE: Proposed sewer and water improvements will be submitted to the City for review and approval prior to construction.

C. Public Facility Plan Improvements. Proposed sewer and water systems must be sized to accommodate additional development within the area as projected by the applicable public facility plans. The developer may be entitled to system development charge credits and reimbursement for the improvements if eligible under the applicable provisions of the Sisters Municipal Code.

RESPONSE: Exhibit B includes the master plan and subdivision engineering sheets, including proposed infrastructure improvements. The proposed sewer (8-inch) and water lines (12-inch and 8-inch) are sized to accommodate additional development within the property area.

D. Inadequate Capacity. Development may be restricted by the City where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which, if not rectified, will result in a threat to public health or safety, or surcharging of existing mains, or violations of State or Federal standards pertaining to operation of domestic water and sanitary sewer treatment systems.

RESPONSE: No deficiency in the water or sewer system has been identified that cannot be rectified by the conditions of approval of the zone change application (Ordinance 508) and this application. Several additional water and sewer mitigations were required as conditions of approval of CP 20-03/ZM 20-02, to accommodate estimated impacts of the zone change for the subject property. These conditions will be met as outlined in the previous ordinances.

E. Water and Sewer Collection Service Outside the Urban Growth Boundary. The City may establish water and sewer collection or treatment facilities outside the urban growth boundary, including, but not limited to, the extension of sewer interceptor lines to serve lands in the urban growth boundary more efficiently by traversing outside the urban growth boundary, or to connect to treatment facilities outside of the urban growth boundary. [Ord. [505](#) § 2 (Exh. D), 2020].

RESPONSE: The subject property is within the City's UGB. No water or sewer facilities are proposed outside the UGB in this project.

3.5.550 Storm Drainage Improvements

A. Storm Drainage Improvements Required. Storm drainage facilities shall be depicted on City-approved engineered construction drawings and installed to serve each new development in accordance with applicable public works standards and specifications.

RESPONSE: Exhibit E includes a stormwater design memo to assess the existing conditions and proposed design of roadside infiltration facilities for the proposed subdivision. Based on discussions with City staff, it was determined that there are no existing drainage issues with the existing roadside infiltration facilities adjacent to W Barclay Drive and N Pine Street. The analysis determined that additional runoff from the proposed 10-foot asphalt multi-use paths can be accommodated in a two-foot wide shoulder area. Stormwater requirements for individual lots will be reviewed and designed at the time of site plan applications.

B. Easements for Existing Watercourses. Where an existing watercourse traverses a development, such as a natural watercourse, drainage way, channel or stream, or any other existing drainage facility including but not limited to irrigation canals, laterals and associated ditches, there shall be provided and recorded an easement

conforming substantially with the lines of such existing watercourses and such further width as will be adequate for conveyance and maintenance, as determined by the City Engineer.

RESPONSE: No existing watercourses traverse the subject property. As such, no easements for existing watercourses are required.

C. Easements for Developed Drainage Facilities. Where new drainage facilities are provided that include elements located outside the dedicated public right-of-way, such facilities shall be located within an area provided for in a recorded easement. The easement shall be adequate for conveyance and maintenance as determined by the City Engineer. [Ord. [505](#) § 2 (Exh. D), 2020].

RESPONSE: No new drainage facilities outside of the public right-of-way or existing public easements are proposed with this application.

3.5.600 Utilities

A. Underground Utilities. All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities, shall be placed underground, except for surface-mounted transformers; surface-mounted connection boxes and meter cabinets; temporary utility service facilities during construction; and high capacity electric lines operating at 50,000 volts or above, which may be placed above ground.

The following additional standards apply to all development, in order to facilitate underground placement of utilities:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. All above-ground equipment shall not obstruct clear vision areas and safe intersection sight distance for vehicular traffic in conformance with SDC Chapter [3.1](#).
2. The City reserves the right to approve the location of all surface-mounted facilities.
3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets.
4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

RESPONSE: All utilities are proposed to be installed underground, except for the surface mounted units, meter cabinets and temporary utility services, as allowed above. All sanitary sewer and water lines within the streets will be installed prior to street surfacing and service stubs will be long enough to avoid disturbing the streets when connections are made.

B. Easements. Easements shall be provided and recorded for all underground utility facilities where required by the City. [Ord. [505](#) § 2 (Exh. D), 2020].

RESPONSE: Public water and sewer services are proposed within future City right-of-way and within a few private alleys. Where proposed within a private alley, an public utility easement will be provided at the time of final plat. Private utilities will be within an 8-foot utility easement, which will also be recorded at the time of final plat.

3.5.650 Easements

A. Requirement. Easements for sewer facilities, storm drainage, water facilities, street facilities, electric lines or other public/private utilities shall be dedicated on a final plat, or other instrument approved by the City.

- B. Provision. The developer or applicant shall make arrangements with the City, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.
- C. Standard Width. The City's standard width for exclusive public main line utility easements shall be 20 feet, unless otherwise specified by the utility company, applicable district, or City Engineer. [Ord. [505](#) § 2 (Exh. D), 2020].

RESPONSE: Public utilities will be installed with public right of way and within the private alleys. In the case of the private alleys, a public utility easement will be provided. All of these easements are proposed to be dedicated on the final plat.

3.5.700 Construction Plan Approval and Assurances

- A. Plan Approval and Permit. Public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements, shall not be undertaken except after the plans have been approved by the City and the developer has paid permit fees, received a permit, and executed any agreements required by City. The amount of the permit fee shall be set by City Council with the annual adoption of a fees resolution.

RESPONSE: All construction plans will be submitted to the City for review and approval prior to construction.

- B. Performance Guarantee. The City may require the developer to provide bonding or other performance guarantees to ensure completion of required public improvements.

RESPONSE: The Applicant may desire to provide bonding of the public infrastructure to enable final platting and will comply with associated City requirements for this process. The Applicant is not aware of any additional City-required bonding or performance guarantees at this time.

- C. Work within the Public Rights-of-Way. The City shall approve all contractors and their subcontractors who work in City rights-of-way. [Ord. [505](#)§ 2 (Exh. D), 2020].

RESPONSE: The Applicant will receive approval from the City prior to working in City rights-of-way.

3.5.750 Installation

- A. Conformance Required. Improvements installed by the developer, either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City, referenced within the public works standards and specifications.
- B. Commencement. Work shall not begin until the City has reviewed and approved the construction plans and notified the contractor of the approval.
- C. Resumption. If work is discontinued for more than one month, it shall not be resumed until the City is notified in writing.
- D. City Inspection. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Any monuments that are disturbed before all improvements are completed by the developer shall be replaced prior to final acceptance of the improvements.
- E. Engineer's Certification. All public improvements shall be designed and certified by a civil engineer licensed and registered in Oregon. The civil engineer's professional stamp and signature shall provide written certification to the City that all improvements, workmanship and materials are in accord with current and

standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade. Engineer's certification is required prior to City acceptance of the public improvements, or any portion of the improvement, for operation and maintenance. [Ord. [505](#) § 2 (Exh. D), 2020].

RESPONSE: Proposed and required improvements will conform to City standards. Such compliance will be verified through City review of construction plans for public infrastructure prior to construction. The Applicant understands that construction of public infrastructure will be completed under City inspection and will be certified by a licensed civil engineer.

Chapter 4.6 – Cottage Developments

4.6.100 Cottage Developments

A. Purpose. The purpose of this section is to provide a housing type that responds to changing household sizes and ages (e.g., retirees, small families, single-person households) and provides opportunities for ownership of small, detached single-family dwelling units within the Cottage Development. The Cottage Development supports the following principles:

1. Encourages the creation of more usable open space for residents of the development through flexibility in density and lot standards;
2. Supports the growth management goal of more efficient use of urban residential land;
3. Provides development standards to ensure compatibility with surrounding land uses; and,
4. Allows diversity of land uses within certain commercial zones as well as establishes smaller lot sizes and creative residential development within residential zones.
5. Does not apply to infill development of parcels without an approved master plan.

B. Applicability and Permitted Uses.

1. Cottage Developments are permitted in the R-Residential, MFD Multi-Family Residential District, Sun Ranch Residential District, and in the portion of the Downtown Commercial (DC) District that allows new single family dwellings. Cottage developments are allowed as part of a master planned development.
2. Cottage Developments are reviewed under Cottage Development and Subdivision review processes in addition to the standards and criteria found herein. In the event of conflicts between this chapter and the underlying zoning, these standards and criteria supersede the standards and criteria found in the underlying zone.
3. Buildings accessory to a Cottage Development are subject to the development standards in this section.
4. On a lot to be used for a cottage housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.
5. Accessory dwelling units are not permitted within Cottage Developments.
6. Mixed-use developments (residential and commercial uses) are allowed in Cottage Developments located in the Downtown Commercial (DC) District.
7. Prior to recording a subdivision plat for any new or modified cottage development, all cottage developments shall provide Covenants, Codes and Restrictions (CC&RS) or similar enforceable document that provides assurance of the ongoing maintenance of all common areas within the Cottage Development. All agreements are subject to review and acceptance by the City of Sisters prior to enacting the agreement.

C. General Requirements.

1. Cottage development sites in residential districts shall be a minimum of one acre in gross area. Cottage developments within approved Master Planned Developments shall be at least 1/2 (one half) acre in size within any residential district. There is no minimum size for cottage development sites in the eligible lots located within the Downtown Commercial District provided that all minimum standards for cottage developments are met.
2. Each cottage development shall contain a minimum of four cottages.
3. Density of the underlying zoning district with a cottage development may be increased by 25% in the R – District only.
4. Community buildings and all common areas within a cottage development shall be mutually owned by the Home Owner’s Association or other legal mechanism and shall be for the use of the development’s inhabitants. Alternative forms of maintaining common areas may be proposed and approved by the governing body on a case by case basis.
5. Alley access is preferred where an alley is available. Alternate forms of access may be approved as part of the Master Plan.
6. New lots created as a part of a Cottage Development are not required to have frontage on either a public or private street.

RESPONSE: The proposed master plan includes five cottage developments, one in each of Phases 1-3 and two in Phase 5. Each cottage development includes more than four cottages that surround a central common area, which will be mutually owned by an HOA. All the proposed cottage developments are within the MFR zone and are greater than ½ and acre in size. No community buildings are proposed at this time. When possible, alleys are proposed for access to the cottages. In particular, alleys are proposed for access to the cottage developments in phases 2, 3, and 4.

D. Development Standards. The design standards and floor area requirements ensure that the overall size and scale including bulk and mass of cottage structures remain smaller and incur less visual impact than standard sized single-family dwellings.

1. Cottages.

- a. Minimum lot size within the Cottage Development is 2,000 square feet.

RESPONSE: All proposed lots within the Cottage Developments exceed 2,000 sf, in compliance with this requirement.

- b. The total floor area of each cottage shall not exceed 1,250 square feet and not to exceed 60% lot coverage.
- c. The second level floor area shall not exceed 50% of the first floor area. For the purposes of this calculation, the garage area may be counted and the area of interior stairway may be allocated between floors served.
- d. The maximum height of any cottage shall be defined by the underlying zoning district.

RESPONSE: Cottage designs are not submitted for review with this application, however, conceptual plans have been developed and demonstrate that the proposed cottage lots can accommodate the required maximum floor areas and heights. These details will be reviewed upon building permit application.

- e. Cottage areas that do not count toward the total floor area calculation in subsection 4.6.100.D.1.b include:
 - i. Unheated storage space located under the main floor of the cottage;
 - ii. Architectural projections, such as bay windows or fireplaces;
 - iii. Attached roofed porches;
 - iv. Attached and/or detached garages;
 - v. Spaces with a ceiling height of six feet or less measured to the exterior walls, such as in a second floor area under the slope of the roof.
- f. Cottage setbacks:
 - i. Front – 4 feet minimum to common open space.
 - ii. Side – 5 feet minimum or 10 feet between habitable buildings.
 - iii. Rear – 10 feet minimum.
 - iv. 10' minimum to all streets.

RESPONSE: Nearly all the proposed cottage development lots can accommodate the required setbacks, with the exception of two lots (lots 69, 75) for which deviations of 20% for the exterior and interior side yards are requested as allowed by the master plan code (SDC 4.5.400). These deviations are discussed in detail above and in Exhibit G7.

- 2. Community Building (if proposed).
 - a. Setbacks:
 - i. 20' from any cottage.
 - ii. 10' from any property line.
 - iii. 10' from any garage or accessory structure.
 - iv. 5' from any driveway, access aisle or parking area.

RESPONSE: No community buildings are proposed at this time.

- 3. Garages.
 - a. Garages having direct access to the street shall be approved at the discretion of the governing body if it is the only practical access solution to a particular site.
 - b. Garages or covered parking spaces may be attached, detached, or clustered together.
 - c. Garages when accessed from a public alley shall be setback a minimum of 10 feet if front loaded or 3 feet if side loaded.
 - d. Garages or covered parking spaces are counted towards meeting the parking requirements.

- 4. Private Alleys.
 - a. All alleys shall be constructed to current City standards.

RESPONSE: Each cottages will include a private attached garage, with access from the street or alley it abuts. No other access is feasible, as the front of the cottages will face the common open space area. Alleys will be constructed to current City standards; see Exhibit B Sheet P1.10 and P1.11 for street/alley cross-sections.

- 5. Parking Requirements. The parking requirements are designed to ensure minimal visual impact from vehicular use and parking areas for residents of the Cottage Development and adjacent properties, and to maintain a single-family character along public streets.

- a. One on-site parking spaces shall be required per studio or one bedroom cottage; One and one-half parking spaces for a two bedroom cottage and two on-site parking spaces shall be required for three or more bedroom cottages.
- b. Permissible parking spaces include a garage (20' x 10' minimum), covered parking space or parking stall (18' x 9' minimum) or garage driveway (20' x 8' minimum).
- c. Parking, including garages, shall not be located between a cottage and the front property line.
- d. Parking may be either provided on individual lots or in a combined parking area or areas.
- e. Garage driveways that are at least 20' long by 10' wide may count as parking. On street parking directly adjacent to the development may be considered in fulfilling parking calculations, at the discretion of the governing bodies.

RESPONSE: No deviations from parking requirements are proposed. Each cottage will be provided with the required amount of off-street parking. Each cottage will include at least a one-car garage, with some including two-car garages. Garage driveways and on street parking will also be available for each cottage development, in compliance with these requirements/allowances.

6. Building Orientation and Architectural Treatments.

- a. Community buildings, accessory buildings and garages shall match the architectural theme of the cottage development by incorporating similar design treatments on the community buildings, accessory buildings and garages.

RESPONSE: No community buildings, accessory buildings or stand alone garages are proposed.

- b. Separation of Identical Building Elevations. Units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevations per cottage development. No two adjacent structures shall be built with the same orientation (reverse elevations do not count as different building elevations), facade, materials, and colors.

RESPONSE: Cottage final designs are not included as part of this application, however, several conceptual prototypes have been developed to accommodate this required separation of identical building elevations. This requirement will be reviewed in detail at the time of building permit application.

- c. Variety in Building Design. Design standards shall comply with the requirements of the underlying zone.

RESPONSE: Compliance with the requirements of the underlying zone (MFR) are addressed herein.

- d. Rear elevations are allowed to face a public street as long as the design detailing is consistent with front or side elevations.

RESPONSE: Applicant is aware of this allowance and will comply if/when rear elevations face a public street.

7. Screening Requirements.

- a. Parking areas shall be screened from public streets and cottages by landscaping, fencing or buildings where practicable.

- b. Boundaries between cottage dwellings and neighboring properties shall be screened with landscaping to reduce the appearance of bulk or intrusion onto adjacent properties, or otherwise treated (i.e., through setbacks or architectural techniques) to meet the intent of this section.
- c. Common waste and other storage receptacles shall not be placed in the front yard setback area.
- d. Common waste and other storage receptacles shall be architecturally screened and/or screened with landscaping so as to mask their appearance to residents, adjacent property owners, and the public rights-of-way.

RESPONSE: All parking for the cottage developments will be provided on each individual lot, or as allowed on street. No separate parking areas are proposed. Additionally, nearly all the proposed cottage developments are surrounded on all sides by private alleys or public right of way and they do not abut “neighboring properties”. The one exception is along the southwestern property line of cottage lots 1 and 17. Screening will be provided along the exterior side yard of these lots, in the form of landscaping, additional setbacks or architectural treatments.

Common waste areas will not be placed in the front yard setback area and will be screened, in compliance with this requirement.

8. Open Space.

a. Shared Open Space.

- i. Shall provide a centrally located, focal area for the Cottage Development.
- ii. Shall total a minimum of 500 square feet per cottage when all shared open space areas are combined.
- iii. Common parking areas are not counted in the shared open space area requirements.

RESPONSE: Each of the five cottage developments include a central shared open space area that is the focal point of each individual development. In compliance with the above requirement, each of the open space areas are equal to or greater than 500 sf per cottage, no including common parking areas. Details provided below:

<i>Phase</i>	<i>Cottage Lot Numbers</i>	<i>Total Number of Cottages</i>	<i>Required Shared Open Space (500 sf/cottage)</i>	<i>Proposed Shared Open Space</i>
1	18 - 28	21	10,500 sf	Tract D: 0.34 ac (14,810 sf)
2	39-54	16	8,000 sf	Tract H: 0.36 ac (15,682 sf)
3	130-155	26	13,000 sf	Tract L: 0.72 ac (31,363 sf)
4	1-17	17	8,500 sf	Tract B: 0.56 ac (24,394 sf)
4	55-75	21	10,500 sf	Tract I: 0.70 ac (30,492 sf)

b. Private Open Space.

- i. Shall be a minimum of 300 square feet of private, contiguous, usable open space with no dimension less than 10 feet, for the exclusive use of the cottage resident.

RESPONSE: All proposed cottage lots include a private open space of 300 square feet or greater, with no dimension less than 10 feet. These private open spaces include patios, garden areas, etc.

9. Landscaping.

- a. Shall be provided in accordance with Chapter [3.2](#) Landscaping.

RESPONSE: Compliance with landscaping requirements is addressed with Chapter 3.2 herein.

10. Pathways.

- a. Pathways shall be ADA compliant and a minimum five foot-wide paved pedestrian pathway (sidewalks).

11. Public Improvements. Every cottage development shall improve the public right of way immediately adjacent to the cottage development.

RESPONSE: All of the proposed cottage developments are internal to the subject property and abut new streets. These new streets are designed to meet City standards and will be constructed by phases, and either completed or bonded prior to occupancy of the abutting cottages within each phase.

E. Cottage Development 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 how the proposal integrates itself into the existing community or existing master plan as appropriate;
2. Burden of Proof documenting compliance with all applicable approval criteria;
3. Complete application form with fee;
4. Electronic copies of all materials submitted (acceptable file types to be determined by the Community Development Director or designee); and,
5. Preliminary title report or equivalent printed within 90 days of the date of the application submittal.
6. Existing Conditions Site Plan.
7. Topographic Map at appropriate contour intervals to be determined by the Community Development Director.
8. Access and Circulation Map.
9. Site Plan – proposed.
10. Landscape/Open Space Plan.
11. Utility Plan.
12. Conceptual Drainage Plan (to include benchmarks and elevations at staffs discretion).
13. Elevations and floor plans of all proposed buildings.
14. Tentative Plat.
15. Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).
16. 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.

F. Cottage Development Approval Criteria. The City shall make findings that all of the following criteria are satisfied when approving, or approving with conditions, the Cottage Development. The City shall make findings that at least one of the criteria is not satisfied when denying an application:

1. Land Division Chapter. All of the requirements for land divisions, as applicable, shall be met (Chapter [4.3](#));
2. 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 [4.6.100](#).
3. Property Development Standards. Land use and design standards contained in Section [4.6.100](#) are met.

4. Architectural Features. The Cottage Development 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.
 5. Compliance with Purpose of Cottage Development Chapter. The Cottage Development substantially meets the purpose of Section [4.6.100](#); and,
 6. Conformance with applicable Public Works, Building and Fire code standards.
- G. Approval Durations, Extensions and Amendments
1. Cottage Development Approval Duration. The Cottage Development approved by the Planning Commission shall expire two (2) years from the date on which the decision is final, if no construction or significant infrastructure improvements of the planned unit development has been initiated.
 2. Extension. The City may, upon written request by the applicant and payment of the required fee, grant up to two (2) one-year extensions of the approval period. The first extension may be approved administratively. The second extension, if needed, shall be considered and may be granted by the original decision body at their discretion. Extensions may be considered if:
 - a. No changes, unless modified as permitted in Chapter 4.1.700, have been made on the original Cottage Development as approved;
 - b. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and
 - c. The extension is requested before expiration of the original approval.
- H. Modification to an Approved Cottage Development. All proposed cottages and accessory buildings that are not reviewed under the initial land use review during the establishment of the Cottage Development through a land use review process are subject to the following:
1. The following minor modification examples may be approved administratively by the Community Development Director;
 - a. An increase to the amount of open space or landscaping;
 - b. Changes to dimensional standards identified in Chapter [4.6](#) as long as the minimum requirements are satisfied. Changes to dimensional standards approved as part of a land division shall be reviewed using Chapter [4.3](#) Land Divisions and Lot Line Adjustments.
 - c. The location of buildings, proposed streets, parking and landscaping or other site improvements shall be as proposed, or as modified through conditions of approval. Changes in the location or alignment of these features by 25 feet or less or other changes of similar magnitude may be approved administratively. Changes to locations approved as part of a land division shall be reviewed using Chapter [4.3](#) Land Divisions and Lot Line Adjustments.
 2. Other modifications are major modifications. See Chapter [4.1](#).
 3. The Community Development Director or the applicant shall have the right to refer a proposed amendment directly to the Planning Commission for their determination of whether or not the amendment creates a substantial adverse impact to the approved Cottage Development.

Chapter 5.1 – Variances

5.1.300 Minor Variance

The following types of minor variances shall be processed using a Type II procedure, as governed by Chapter [4.1](#), and using the approval criteria in Section [5.1.500](#). Minor Variances are limited to lot setbacks, landscaping, tree preservation or sign standards, including up to a 20 percent change to the setback standard required in the base land use district, up to 20 percent reduction in landscape area, or up to a 20 percent difference in sign size. [Ord. [497](#) § 2 (Exh. B), 2019].

5.1.400 Major Variance

Major Variances involve discretionary decision-making and apply to all Variances that are not Minor Variances. A Major Variance shall be processed using a Type III procedure, as governed by Chapter [4.1](#), using the approval criteria in Section [5.1.500](#), herein. In addition to the application requirements contained in Chapter 4.1.500, the applicant shall provide a written narrative or letter describing his/her reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria in Section [5.1.500](#).

RESPONSE: The submitted master plan addresses deviations to lot standards of 20% or less, so the remaining variances are for those that are greater than 20% and not included in the master plan deviations. As such, the requested variances will be reviewed as major variances, through a Type III process. The following major variances are requested:

- *Variance A:* Rear yard setback (example lots 103, 164): Reduction in rear lot setback to 10' (20' required), which increases the front yard to 30'.
- *Variance B:* Front yard setback (example lot 106): Reduction in front yard setback to 7' (10' required).
- *Variance C:* Lot size (example lots 92, 118, 125): Reduction in single family dwelling lot size to 3,500 sf (4,500 sf required).
- *Variance D:* Lot size (lot 109): Reduction in triplex minimum lot size to 6,278 sf (9,000 sf required).

These variances are discussed in greater detail in Exhibit G7.

5.1.500 Approval Criteria

A. The Community Development Director or designee, through an administrative review (Type II) or the Planning Commission through a Public Hearing (Type III) shall approve, approve with conditions, or deny an application for a variance based on finding that all of the following criteria are satisfied:

1. That any Variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated; and

RESPONSE: The requested variances are minimal in number and nature, focused on increased tree preservation. Due to their limited magnitude and intent, the variances do not create a special privilege inconsistent with other properties in the vicinity as other properties have the opportunity to request variances for the preservation of trees. The Applicant does not foresee a need for conditions upon the variances.

2. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, preservation of significant trees, the strict application of the zoning law is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

RESPONSE: All variances are requested to facilitate preservation of significant trees. Variance A requests the rear yard variance so that the townhome can be shifted toward the rear to avoid removal of a tree in the front yard. Similarly, Variance B requests a reduced front yard setback in order to shift the townhome forward to avoid tree removal in the rear of the property. Variance C is requested in order to create a lot and home layout that preserves multiple significant Ponderosa Pine trees, while also creating a multi-use path for additional connectivity within and through the master plan area. Variance D is in response to City staff's request to preserve an extremely large tree ("58er"). See Exhibit G7 for more details.

3. That the granting of the variance will not be contrary to the intent of this Chapter or to the public safety, health and welfare, or quality of natural resources or injurious to other properties in the vicinity; and,

RESPONSE: The granting of these variances does not diminish public safety, health and welfare or quality of natural resources. On the contrary, the requested variances support the Code’s priorities for tree preservation, a category of “quality of natural resources”, as well as construction of additional multi-use path facilities. The requested variances do not have any perceivable negative impacts on the community or neighboring properties. Additionally, the variation in townhome placement on the property creates additional interest and variety in the façade alignment from the public right of way.

4. The variance requested is the minimum variance which would alleviate the hardship.

RESPONSE: As show in Exhibit G7, the townhome placements have been designed to avoid impact to the significant trees and tree canopy. No additional amounts of setbacks or lot sizes are requested, to ensure that the minimum variances that alleviate the hardships are requested, in compliance with this requirement.

5.1.600 Approval Period, Extensions and Appeals

A. Approval Period. Unless otherwise specified at the time of approval, a variance approval shall be valid for one (1) year.

B. Extension. A variance approval may be extended for good cause at the discretion of the approving authority responsible for the original decision. The applicant shall submit the request for extension in writing to the Community Development Department prior to expiration of the initial variance provided that no changes are made to the original approval.

RESPONSE: As the requested variances are for specific lot dimensions and are necessary for the subdivision layout and future building envelopes, it is necessary that the duration of approval align with that of the phased subdivision. Further, the Applicants request that the granted variances be deemed “initiated” once the phased subdivision is platted (i.e. once platted, the variances don’t expire).