

Sunset Meadows

Burden of Proof Statement

Proposed Master Plan, Partition, and Subdivision

REQUEST/LOCATION:

Proposed Masterplan of the property addressed as 15510 McKenzie Highway for residential development conforming with current Residential Multifamily (MFR) zoning, partition of property to divide multifamily component from remainder of property, and subdivision of single-family component and open spaces. Development of the multi-family component will take place after a future site plan application. The subject property is Tax Lot 7300 (151005DC).

APPLICANT:

Wood Hill Homes

PROPERTY OWNER:

Richard G. Patterson Revocable Trust

APPLICABLE CRITERIA:

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

ZONING CODE

DESIGNATION:

Residential Multifamily (MFR)

COMPREHENSIVE PLAN

DESIGNATION:

RMF – Residential Multifamily

Aerial Map of Subject Site



Figure 1: Aerial Vicinity Map

1. **Lot of Record:** The subject property is a portion of Lot 4 of the Section 5 Subdivision. It is situated in the west half of Section 5, Township 15 South, Range 10 East, Willamette Meridian, 15510 McKenzie Hwy, City of Sisters, Deschutes County, Oregon 97759. The property is identified as Tax Lot 7300 of Tax Map 151005CB.

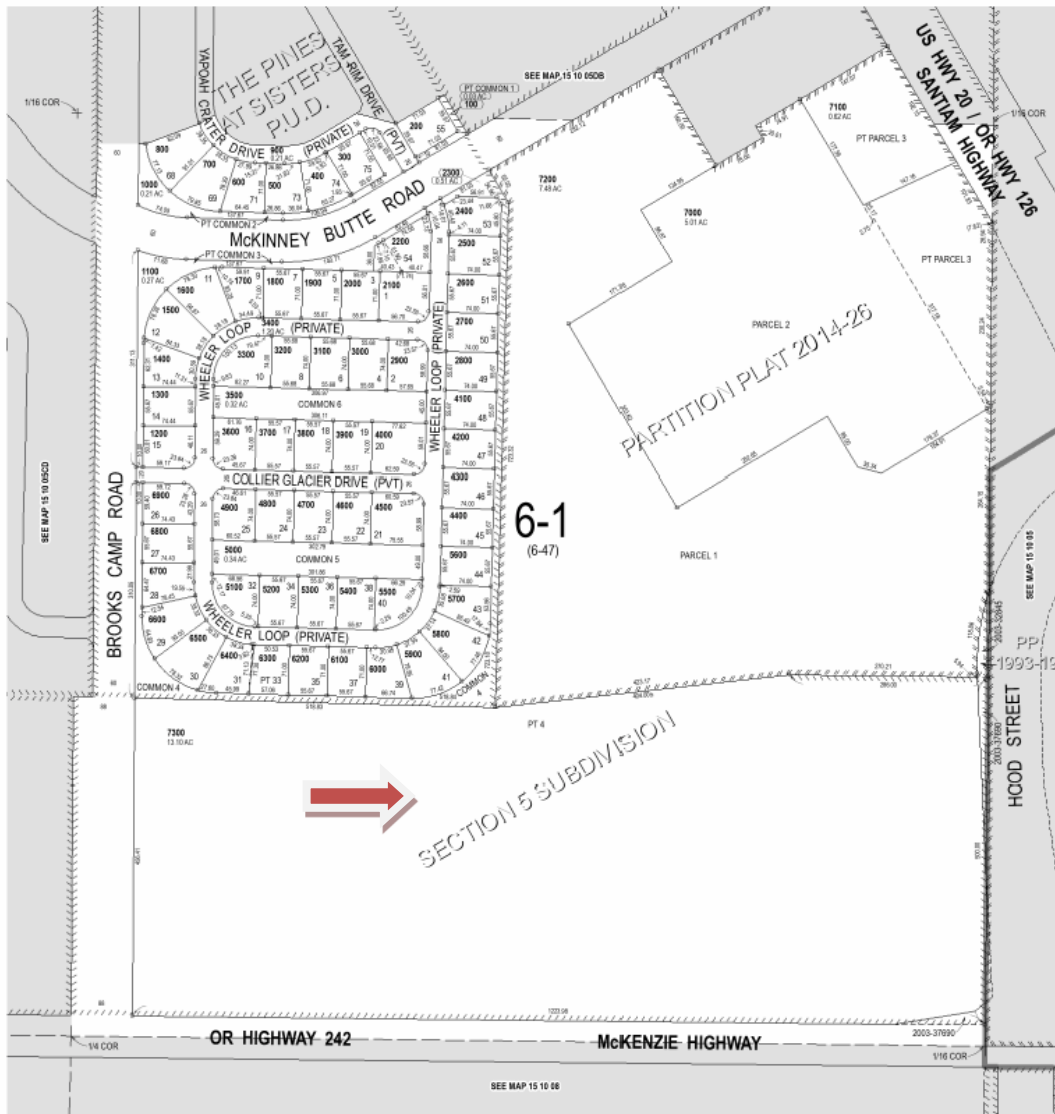


Figure 2: Tax Map

2. **Site Description:** The property is undeveloped and 12.92 acres. The property is mostly flat with Western juniper and Ponderosa pine trees scattered throughout.
3. **Surrounding Land Use:** To the west of the property is Bishop of the Protestant Episcopal Church; to the east is federally-owned public open space; to the south is Pole Creek Ranch; and to the north is the Oxbow Flats Apartments and the Pine PUD.
4. **Conclusionary Findings:** The following findings relate to compliance with applicable Sisters Development Code standards and criteria. Compliance with Oregon Revised Statute 92 is assumed if compliance with this development code can be verified.

Application Summary:

This masterplan is proposing single- and multi-family areas conforming to the MFR Zoning district. Detached single-family and townhome residences are proposed on the western two thirds of the subject property. Multifamily development is proposed on the eastern third of the subject property, which will require a future site plan application. Development is proposed to occur in three phases.

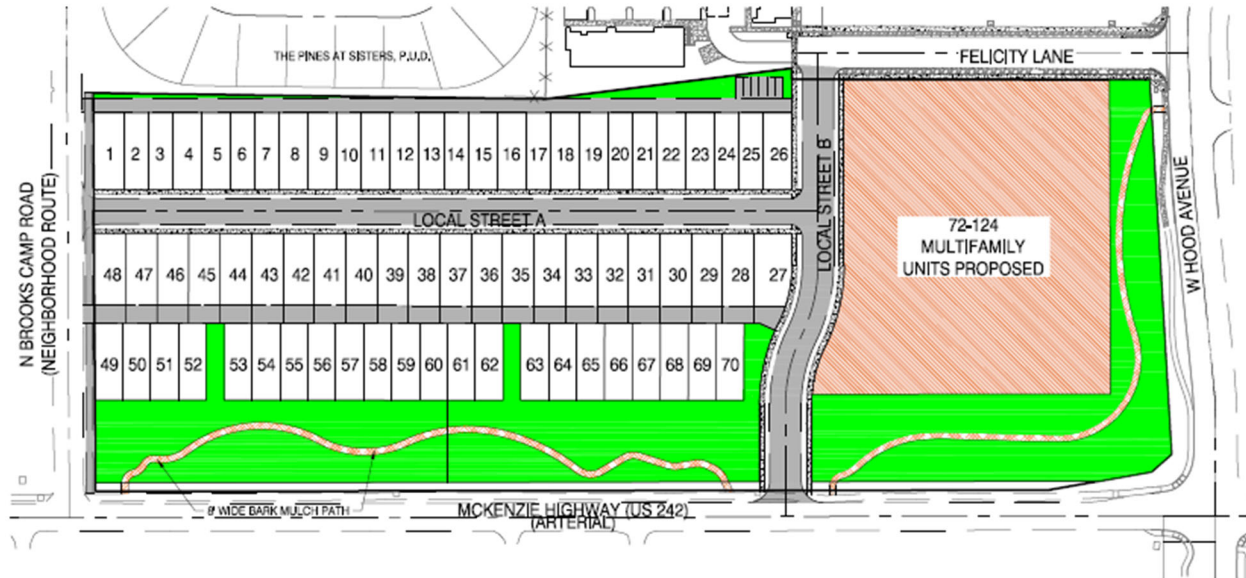


Figure 3: Concept Master Plan

Proposed development includes 22 single family detached dwellings, 48 townhome dwellings, approximately 72-124 multifamily units, public streets, and associated site improvements. Utilities shall be provided by City of Sisters (sewer and water), Central Electric Cooperative, and various franchise utility companies. Storm drainage runoff is to be mitigated using drainage swales and infiltration trenches. Open spaces with trails and sidewalk will be constructed throughout the development. To satisfy requirements of the MFR zoning code 4.5.400.I, four amenities will be provided within the development (wooded open space buffer along the McKenzie Highway, parallel trail along McKenzie Highway, Park with Multifamily Development, and Dog Park with Multifamily Development). Amenities will benefit the future residents of the development and current City of Sisters residents.

Chapter 2.3 – Multi-Family Residential District (MFR) Sections:

2.3.100 Purpose

The Multi-Family Residential District is intended to accommodate a range of housing types and lot sizes and to make efficient use of land and public facilities by establishing minimum and maximum density standards for housing. Multi-Family Residential District design standards ensure compatible building and site design at an appropriate neighborhood scale.

APPLICANT RESPONSE: The proposed development offers a mixture of housing types, including single-family detached dwellings, attached housing on individual lots (townhomes) and multi-family housing (approved under future site plan application).

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.

APPLICANT RESPONSE: The development proposes only single-family homes, townhomes, and multi-family dwellings which are all permitted within the Multi-Family Residential District.

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](#).

APPLICANT RESPONSE: All proposed uses are permitted in the MFR district; therefore, this section is not applicable.

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.

APPLICANT RESPONSE: All proposed uses are permitted in the MFR district; therefore, this section is not applicable.

D. Similar uses. Similar use determinations shall be made in conformance with the procedures in Chapter [4.8](#) – Interpretations.

APPLICANT RESPONSE: All proposed uses are permitted in the MFR district; therefore, this section is not applicable.

Table 2.3.1 Use Table for the Multi-Family Residential District	
Land Use Category	Permitted/Special Provisions/Conditional Use
Residential	
Single family detached dwelling	P
Manufactured dwelling on an individual lot	P/SP
Accessory dwelling on a single family or manufactured dwelling lot	P/SP
Zero lot line dwelling	P/SP
Attached dwelling (townhome)	P/SP
Duplex and triplex dwellings	P

Table 2.3.1 Use Table for the Multi-Family Residential District

Land Use Category	Permitted/Special Provisions/Conditional Use
Multi-family development (4 + units)	P
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
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

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		

Table 2.3.2 Development Standards in the Multi-Family Residential District

Development Standard	Multi-Family Residential District	Comments/Other Requirements
Lot depth	No maximum lot depth for multi-family, Child Care Center, Public and Institutional uses and Residential facility; for all other uses, maximum lot depth of three (3) times the lot width	Except as required by this Code to protect sensitive lands, significant trees, etc.
Floor Area Ratio		
	Building construction may not exceed .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	

APPLICANT RESPONSE: The proposed development generally conforms to the above standards; however, exceptions to dimensional standards are sought as permitted as an exception in the Master Plan standards under 4.5.400(B). See that section for applicable exceptions.

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.

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

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](#).

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

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.

APPLICANT RESPONSE: All proposed lots are single family units. The multi-family development shall be approved under a separate future application.

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.

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

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

APPLICANT RESPONSE: No gated communities are proposed; therefore, this section is not applicable.

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.

APPLICANT RESPONSE: The proposed development will provide a minimum density of 11 units per acre. Actual density of the development depends on the multi-family development, which may provide additional units and increase the density.

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
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.

APPLICANT RESPONSE: These criteria shall be addressed when the applicant submits for building permits.

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

APPLICANT RESPONSE: Single family detached dwellings and townhomes shall have roll out garbage and recycling bins. The multi-family complex will have a dedicated garbage and recycling collection area oriented away from the street. Final location of the garbage and recycling collection areas shall be determined during the site plan application for the multi-family dwellings.

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.

APPLICANT RESPONSE: Location of mechanical equipment for the multi-family dwellings shall be determined during the site plan application phase.

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.

APPLICANT RESPONSE: A minimum of 3.17 acres will be dedicated as public open space. Additional open space may be dedicated during the site plan review process for the multifamily development.

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.

APPLICANT RESPONSE: Private open space shall be determined during the future site plan application for the multi-family unit dwellings.

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.

APPLICANT RESPONSE: Final location of the garbage and recycling collection area shall be determined during the site plan application for the multi-family dwellings.

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.

APPLICANT RESPONSE: Building form shall be determined during the site plan application for the multifamily dwellings.

Chapter 3.1 – Access and Circulation Sections:

3.1.300 Vehicular Access and Circulation

A. Traffic Study and Control Requirements

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

RESPONSE: Included with this application is a traffic study prepared by Lancaster-Mobley.

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

device, a device meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval.

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

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

RESPONSE: No traffic calming features are anticipated at this time. The City of Sisters often requires pavement bulb outs (similar to curb extensions) at street intersections to reduce the pedestrian crossing distances. Such improvements shall be coordinated with Public Improvements during final engineering design.

- 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: No closure of existing streets, shared accesses, or frontage street development are proposed or recommended in the traffic study.

- 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: All access to lots can be accomplished with City streets, except for lots 51-69, which require access from an alley, which is 20 feet wide.

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

RESPONSE: No vertical obstructions are proposed for access.

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

RESPONSE: The applicant understands these requirements and shall comply.

- F. Surface Options.** Required driveways, aprons, parking areas, aisles, and turn-arounds shall be

paved with asphalt, concrete or comparable durable surfacing, subject to review and approval by the Community Development Director. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.

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

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

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

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: No private streets are proposed. Two private alleys are proposed to access both the townhomes and the single-family dwellings. Alley intersections will have radii of at least 20 feet.

I. Access Standards

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

Figure 3.1.300.A. Access Spacing Standards

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

Notes: *Measured centerline to centerline

RESPONSE: The proposed spacing of streets and alleys conforms with the above standards, except as noted below. Local Street A intersects Brooks Camp Road 351’ north of the Brooks Camp Road – McKenzie Highway intersection and is greater than the 150’ standard. Local Street A and Local Street B intersect 185’ south of the Felicity Lane – Local Street B intersection and 315’ north of the Local Street B-McKenzie Highway intersection, both within the minimum and maximum distances for Local-Local street intersections. The intersection of Local Street B with McKenzie Highway is 821’ from the Brooks Camp Road – McKenzie Highway intersection and 493’ from the Hood Avenue – McKenzie

Highway intersection. The spacing for this intersection falls under the Oregon Highway Plan since the McKenzie Highway is ODOT's jurisdiction. According to Table 13, the spacing standards for a district highway, 40 mph posted speed, and with an AADT of <5,000 vehicles is 360 feet; therefore, this intersection is compliant.

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: All access from lots is accomplished using alleys. Both alleys propose access to Local Street B and Brooks Camp Road due to the east-west orientation of the property. Access to the future multifamily development shall be from Local Street B.

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

RESPONSE: All single family lots shall take vehicular access from an adjacent alley.

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

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

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

RESPONSE: No driveways are proposed to access McKenzie Highway or Hood Avenue. This section is not applicable.

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: All properties adjacent to arterials are open space. All single-family lots are accessed by alleys.

7. Exceptions

- d. The Community Development Director or designee may allow exceptions to the access standards above in any of the following circumstances:
 - 1. Where existing and planned future development patterns or physical constraints, such as topography, parcel configuration, and similar conditions, prevent access in accordance with the above standards.
 - 2. Where the proposal is to relocate an existing access for existing development, where the relocated access is closer to conformance with the standards above and does not increase the type or volume of access.
 - 3. Where the proposed access results in safer access, less congestion, a better level of service, and more functional circulation, both on-street and on-site, than access otherwise allowed under these standards.

APPLICANT RESPONSE: The applicant is not requesting an exception to spacing standards. All intersections meet spacing requirements according to this development code and the Oregon Highway Plan, as applicable.

- 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.
- e. Where an exception is approved, the access shall be as safe and functional as practical in the particular circumstance. The City may allow construction of an access connection at a distance less than required from an intersection, provided the access is as far away from the intersection as possible. In such cases, the City may impose turning restrictions (i.e., right in/out, right in only, or right out only) and may also require that the applicant submit a traffic study by a registered engineer to show the proposed access meets these criteria.
- 8. Access Management Plan. In addition, all requests for an access spacing exception shall be required to complete an access management plan for review and approval by the Public Works Director or City Engineer, which should include at a minimum the following items:
 - f. Review of the existing access conditions within the study area (defined the property frontage plus the distance of the minimum access spacing requirement). This should include a review of the last three years of crash data, as well as collection of traffic volume information and intersection operations analysis.
 - g. An analysis of the study area safety and operations with the proposed access configuration, as well as with a configuration that would meet access spacing standards. This scenario should also include consideration of the long-term redevelopment potential of the area and discussion of how access spacing standards may be achieved.

RESPONSE: The enclosed traffic impact analysis, prepared by Lancaster-Mobley, includes a review of the existing and proposed intersections and found all intersections to be operational, except the

intersections at US20 & N. Pine Street and Hood Avenue & McKenzie Highway (OR 242). The intersection of US20 & N. Pine Street is not adjacent to the project site. The intersection of Hood Avenue & McKenzie Highway is adjacent to the project site, but its lower Level of Service is attributed to school traffic, not traffic from the development.

J. Driveways, Access Connections and Driveway Design

1. **Driveway Openings.** Driveway openings (or curb cuts) shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet minimum width for each travel lane). The following standards are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians (as measured where the front property line meets the sidewalk or right-of-way):
 - a. Single family, two-family, and three-family residential uses shall have a minimum driveway opening width of 10 feet, and a maximum width of 24 feet. Wider driveways may be necessary to accommodate approved paved recreational vehicle pads, but the driveway opening or connection to the street shall not be allowed to be wider.
 - b. Multi-family developments shall have a minimum driveway opening width of 20 feet, and a maximum width of 26 feet. These dimensions may be increased subject to the City Engineer approval.
 - c. Other Uses. Access widths for all other uses shall be based on 10 feet of width for every travel lane. These dimensions may be increased subject to the City Engineer approval. Driveways providing direct access to parking spaces shall conform to the parking area standards in Chapter 3.3, Vehicle and Bicycle Parking. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6.

RESPONSE: Single family and townhome dwellings have access via alleys. Access for the multi-family development shall be from Local Street B and finalized during its future site plan application.

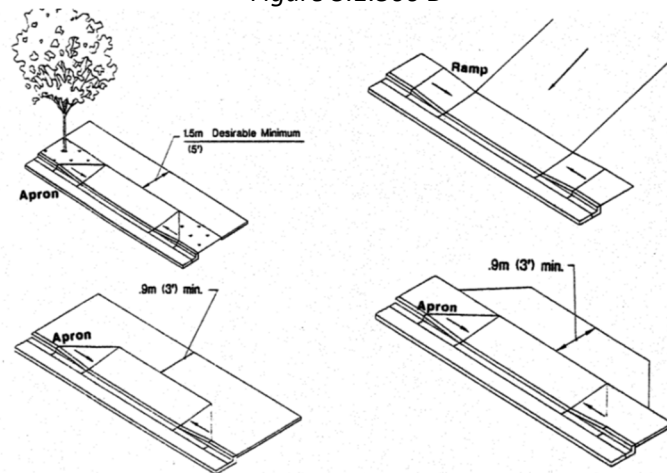
2. **Driveway Approaches.** Driveway approaches shall be designed and located to provide exiting vehicles with an unobstructed view of other vehicles and pedestrians, and to prevent vehicles from backing into the flow of traffic on the public street or causing conflicts with on-site circulation. Construction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

RESPONSE: All single family and townhome dwelling driveways access an alley; therefore, this section is not applicable.

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: All single family and townhome dwelling driveways shall access alleys. Alley driveways shall have driveway drops and approaches constructed according to City of Sisters driveway standards.

Figure 3.1.300 B



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

RESPONSE: After Master Plan and subdivision approval, the applicant shall submit engineering plans for public infrastructure improvements. Once approved, the infrastructure shall be constructed and accepted by the City of Sisters at the time of final plat recording.

3.1.400 Pedestrian/Bicyclist Access and Circulation

- A. Site Layout and Design.** To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections 1-3, below:
- 1. Continuous Access and Circulation System.** The pedestrian/bicycle circulation system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub pathways or multi-use paths to adjacent streets and to private property with a previously reserved public access easement for this purpose.

RESPONSE: All public streets shall have sidewalks on both sides. As part of this development, the sidewalk on the south side of Felicity Lane shall be completed. Additionally, a soft, wood chip path will be included as an amenity through the large buffer along the McKenzie Highway.

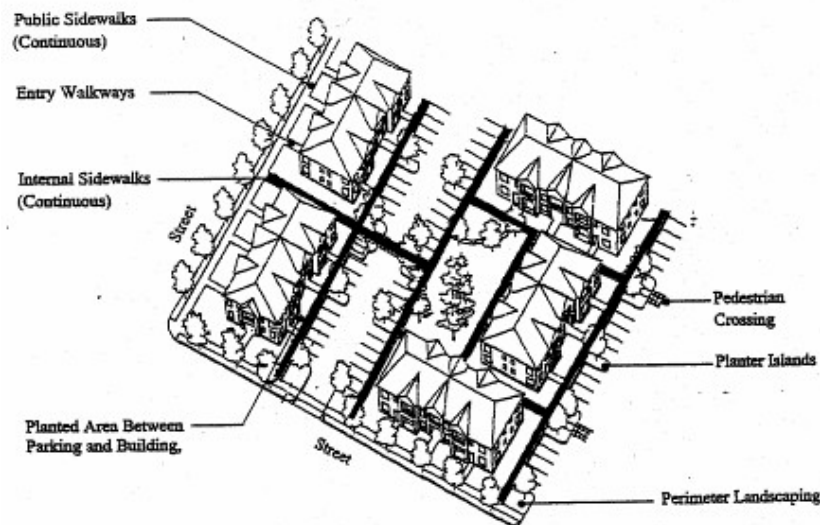
- 2. Safe, Direct, and Convenient.** Pathways and multi-use paths within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets.

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

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

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

Figure 3.1.400.A Pedestrian Pathway System (Typical)

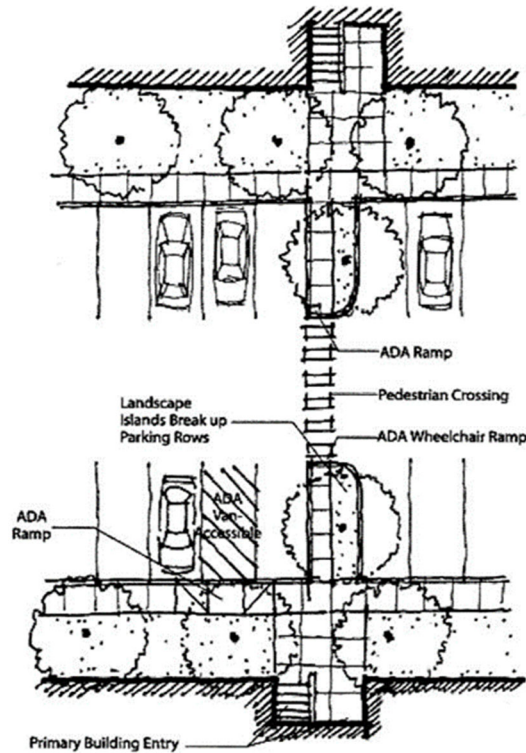


B. Pathways Design and Construction. Pathways and multi-use paths shall conform to the following standards:

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

3. Pathway and Multi-use Path Width and Surface.
 Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director or designee, at least 6 feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 10 feet wide and shall conform to ADA requirements.

Figure 3.1.400. Crosswalk Detail (Typical)



RESPONSE: All public streets are proposed with 6 foot wide sidewalks on both sides. Crosswalks shall be marked as specified on final engineering plans.

Chapter 3.2 - Landscaping and Screening Sections:

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

3.2.200 Landscape Requirements

- A. **Requirements by Zone.** In the following designated districts, not less than the stipulated percent of gross site area shall be occupied by landscaping.
 1. Residential (R), twenty (20%) percent.
 2. Residential Multiple Family (RMF), twenty (20%) percent.
 3. Downtown Commercial (DC), ten (10%) percent.

4. Highway Commercial (HC), ten (10%) percent.
5. Light Industrial (LI), five (5%) percent.
6. Public Facility (PF), ten (10%) percent
7. Open Space (OS), twenty-five (25%) percent
8. North Sisters Business Park Sub-district (NSBP), twenty (20%) percent
9. Sun Ranch Tourist Commercial (TC), ten (10%) percent
10. Sun Ranch Residential (SRR), twenty (20%) percent
11. Floodplain (FP), thirty (30%) percent
12. Urban Area Reserve, twenty (20%) percent

RESPONSE: Landscaping of properties within the development shall be determined during individual lot site and design review. The multi-family dwellings shall provide 20% landscaping and be finalized during their Site Plan application.

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

RESPONSE: The applicant understands these requirements and shall comply.

C. Development Standards

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

RESPONSE: The applicant understands these requirements and shall comply.

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

RESPONSE: The applicant understands these requirements and shall comply.

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

RESPONSE: The applicant understands these requirements and shall comply.

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

RESPONSE: The applicant understands these requirements and shall comply.

5. Street trees shall be planted in accordance with the provisions of Street Tree Section 3.2.600 of this Code.

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

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

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

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

RESPONSE: A guest parking lot is proposed southwest of the intersection of Local Street B and Felicity Lane. As shown on the landscape plan, additional shrubs and screening requirements are specified to comply with the above section.

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: The future site plan application for the multi-family residential area will need to comply with this requirement; however, this section is not applicable to this submittal.

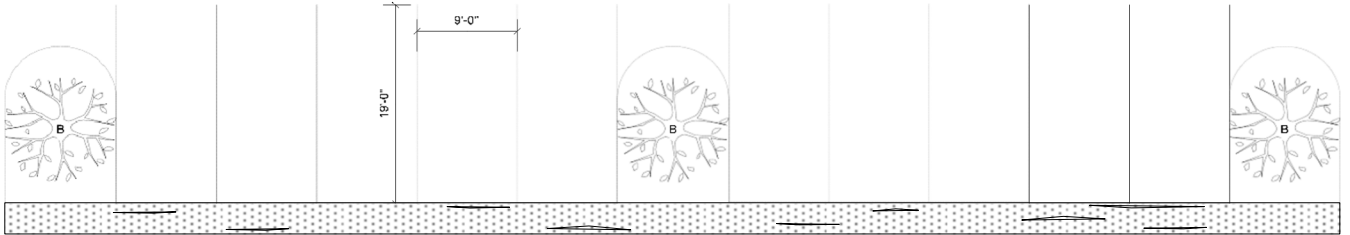
9. Landscaping shall also be provided where practical in areas within a parking lot not used for the parking of vehicles, drives or turning area.

RESPONSE: A detailed landscaping plan is included with this application that specifies landscaping around the proposed guest parking lot.

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

one tree in compliance with the Street Tree section and shrubs and ground cover.

Figure 3.2.200.A – Landscape Islands



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

RESPONSE: No parking lot greater than 10 spaces is proposed with this application; therefore, this section is not applicable.

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

RESPONSE: The landscape plan provides buffering around the guest parking lot located near the intersection of Local Street B and Felicity Lane.

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

RESPONSE: The subject property is residential; therefore, this section is not applicable.

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

RESPONSE: The applicant understands these requirements and shall comply.

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

RESPONSE: A detailed landscaping plan for the application is included and provides specifics for planted species that are appropriate for the Sisters area.

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

RESPONSE: All proposed trees shall be specified to have 2" minimum caliper size and conform to ANSI A 300 standards as noted on the enclosed landscape plans.

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

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

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

RESPONSE: Street trees shall be included in final engineering plans. A landscape plan is included with this application specifying planted trees for open spaces and around parking lots.

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

RESPONSE: The applicant understands these requirements and shall comply.

19. The use of drought-tolerant plant species is encouraged and may be required when irrigation is not available. If the plantings fail to survive, the property owner shall replace them in kind or in consultation with the Community Development Director or designee. All other landscape features required by this Code shall be maintained in good condition, or otherwise replaced by the owner. Irrigation systems connected to the City water system shall have a back-flow prevention device installed as required by Public Works' Standards and Specifications, latest edition.

RESPONSE: This section is advisory.

D. Landscaping in Right-of-Way

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

RESPONSE: The applicant understands these requirements and shall comply.

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

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

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

RESPONSE: The applicant understands these requirements and shall comply.

3.2.300 Screening

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

- A.** A solid masonry wall, board fence, or equivalent meeting the standards of the applicable building code.
- B.** An evergreen hedge.
- C.** An earth berm may be used in combination with any of the above types of screening, but not more than two-thirds (2/3) of the required height of such screening may be provided by the berm. The slope of a berm may not exceed 3:1. The faces of a berm's slope shall be planted with ground cover, shrubs, and trees.
- D.** Prescribed screening need not be placed along a lot line so long as a building wall, solid fence, or freestanding wall of the required height exists immediately abutting and on the other side of the lot line.
- E.** Screening shall comply with the vision clearance standards in Chapter 2.15 Special Provisions.

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

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

3.2.400 Nonconforming

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

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

3.2.500 Existing Trees

- A. **Applicability** All development sites containing Significant Trees, shall comply with the standards of this Section. The purpose of this Section is to preserve significant trees within the city limits. The preservation of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature trees reduce air and water pollution, provides summer shade and wind breaks, and require less water than new landscaping plants having established root systems.
- B. **Significant Trees** - Individual trees with a trunk diameter of eight (8) inches or greater as measured 4.5 feet above the ground (DBH), shall be identified as significant. Other trees

may be deemed significant, when nominated by the property owner and designated by the City Council as “Heritage Trees” (i.e., by virtue of site, rarity, historical significance, etc.).

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

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

RESPONSE: A tree inventory and specifications for tree fencing to ensure tree protection for final development shall be included with final engineering plans. The applicant, with encouragement from the City, has proposed a large buffer along the McKenzie Highway that will preserve many existing trees. Remaining trees within the development will need to be removed since this heavily forested property was designated as MFR by the City. The greater density required by the MFR zone requires more tree removal.

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

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

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

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

RESPONSE: Replacement trees shall be proposed to mitigate significant tree removal and is included on the enclosed landscape plan. Due to the number of significant trees to be removed, some tree removal may be mitigated by payment into the City Tree Fund.

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

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

RESPONSE: The applicant understands these requirements and shall comply.

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

RESPONSE: The applicant understands these requirements and shall comply.

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

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

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

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

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

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

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

other protection or mitigation requirements.

RESPONSE: This section is advisory

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

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

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

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

RESPONSE: The applicant is aware of these exemptions.

3.2.600 Street Trees

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

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

concrete areas.

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

Small trees (under 25 feet at maturity)

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

Medium trees (30 to 45 feet at maturity)

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

Tall trees (over 50 feet at maturity)

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

- p. Pin Oak (*Quercus palustris*)*
- q. Red Maple (*Acer rubrum*)*
- r. Red Oak (*Quercus rubra*)*

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

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

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

RESPONSE: No prohibited street tree species are proposed.

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

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

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

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

E. Street Tree Maintenance

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

3. All maintenance activities shall be conducted in accordance with the City of Sisters Urban Forestry Ordinance and City of Sisters Public Works Construction Standards, latest edition.

RESPONSE: This section is advisory

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

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

3.2.700 Urban Forestry

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

RESPONSE: This section is advisory.

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

RESPONSE: This section is advisory.

C. Applicability and Jurisdiction

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

RESPONSE: This section is advisory.

D. Urban Forestry Board

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

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

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

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

RESPONSE: This section is advisory.

2. Work Standards and Specifications.

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

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

RESPONSE: This section is advisory.

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

RESPONSE: This section is advisory.

- 4. Requirements of City Personnel.

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

RESPONSE: This section is advisory.

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

RESPONSE: This section is advisory.

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

RESPONSE: This section is advisory.

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

RESPONSE: This section is advisory.

Chapter 3.3 – Vehicle and Bicycle Parking

3.3.100 Purpose

The purpose of this section is to ensure adequate off street parking is provided by each land use in a manner that avoids street congestion, minimizes impacts on neighboring properties, increases vehicular and pedestrian safety, and promotes good aesthetic design to create and preserve an attractive community character.

3.3.200 Applicability

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

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

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

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

3.3.300 General Provisions

- A. The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway or landscape area.

- B. Downtown Parking District
 - 1. Within the downtown commercial parking district the parking required for a specific use or site may be provided on-street when located 100% adjacent to the development.

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

- 2. Within the parking district, the amount of off-street parking required shall be reduced by one off-street parking space for every on-street parking space adjacent to the development up to 100% of the required parking. On-street parking shall follow the established configuration of the City of Sisters existing on-street parking or be configured as required by the Public Works Director in accordance with the latest Transportation System Plan and Public Works Construction Standards. Acceptable on-street parking spaces shall include the following:

- a. Parking space dimensions consistent with 3.3.400.L.
- b. Curb space shall be 100% connected to the lot which contains the use;
- c. Parking spaces shall not obstruct a required clear vision area, nor any other parking that violates any law or street standard;
- d. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces are permitted.

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

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

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

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

APPLICANT RESPONSE: The subject property is residential; therefore, this section is not applicable.

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.

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

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

operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly.

APPLICANT RESPONSE: All uses for this development are residential; therefore, this section is not applicable.

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.

APPLICANT RESPONSE: This section is advisory.

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

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

Table 3.3.300.A – Minimum Required Parking by Use	
Use Categories	Minimum Parking per Land Use (Fractions rounded down to the closest whole number) (See 3.3.300 D Floor Area)
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
Manufactured Dwelling Park	2 spaces per manufactured home
Residential home/Residential facility, and other types of group homes	1 space per three persons for which sleeping facilities are provided, based on the maximum number of people to be accommodated
Single-family detached dwelling, manufactured dwelling, zero lot line dwelling and town home	2 spaces per dwelling unit
Commercial Categories	
Ambulance dispatch	1 space per 300 square feet of office floor area plus one space per 1,000 square feet garage/warehouse floor area

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)
Ambulance service	3 spaces per emergency vehicle
Art gallery and studio	1 space per 500 square feet of floor area.
Bed and breakfast inn	1 space per rentable bedroom plus 1 space for owner/manager plus one space for an employee.
Bowling alleys	1 space per bowling lane plus 1 space for every 3 employees.
Building and landscape materials and construction and heavy equipment sales and rental	1 space per 400 square feet of office floor area plus 1 space per 500 square feet of indoor sales floor area plus 1 space per 2,000 square feet of warehouse or outdoor sales area.
Car Wash	2 spaces
Convenience store	2 spaces for employee parking, plus 1 space per 500 square feet of floor area
Drive-through facilities	No parking requirement if drive-through is in conjunction with a business. If not in conjunction with a business, then one space per employee is required.
Eating and drinking establishments	1 spaces per 200 square feet of floor area
Educational services, not a school (e.g., tutoring or similar services)	1 space per 500 square feet of floor area
Entertainment uses (e.g., theaters, clubs, amusement uses, etc.)	1 space per 4 fixed seats and 1 space per 350 square feet of floor area where there are no fixed seats.
Equipment rental	1 space per 400 square feet of office floor area plus 1 space per 500 square feet indoor display/storage floor area plus 1 space per 1,000 square feet of outdoor display/storage area
Furniture, furnishings and large appliance stores and services	1 space per 500 square feet of floor area.
Grocery stores	1 space per 350 square feet of floor area
Health Clubs, Gyms and spas	1 space per 350 square feet of floor area
Kennels	2 spaces
Laundry Services including dry cleaners, laundry mats and wholesale laundry	1 space per 500 square feet of floor area

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)
Lodging (hotels, motels, inns).	1 space per rentable room plus 1 space for the manager.
Neighborhood market	1 space per 500 square feet of floor area
Offices (medical, dental, professional)	1 space per 400 square feet of floor area
Professional and personal services (barber shops/salons, banks and financial institutions, etc.)	1 space per 400 square feet of floor area
Recreation (indoor commercial)	1 space per 300 square feet of floor area
Recreation (outdoor commercial)	1 space per 2,000 square feet of floor area
Retail Sales Establishment	1 space per 400 square feet of floor area
Service stations	1 space for attendant booth plus two spaces per service bay plus one space per four fuel pumps
Small item repair services (e.g., jewelry, small appliances, shoes, etc.)	1 space per 400 square feet of floor area
Vehicle sales and rental	1 space per 400 square feet of office floor area, plus 1 space per 500 square feet of parts, indoor sales or services floor area, plus 1 space per 5,000 square feet of outdoor sales area
Vehicle servicing or vehicle repair	1 space per 500 square feet of floor area
Veterinary clinics	1 space per 400 square feet of floor area
Public and Institutional	
Community centers, assembly, concert halls, churches and places of worship, clubs, lodges and similar uses	1 space per four fixed seats and 1 space per 350 square feet of public assembly floor area where there are no fixed seats.
Daycare facility, adult or child daycare; does not include family daycare (16 or fewer children) under ORS 657A.250	1 drop-off space for every 10 children plus 1 space for each employee
Library, reading room and museum	1 space per 500 square feet of floor area.
Parks	None required except as required for ADA compliance
Recreational facilities (indoor)	1 space per 300 square feet of floor area
Schools	Kindergarten and preschool: two spaces per teacher

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)
	<p>Grade, elementary, middle, junior high schools: 2 spaces per classroom plus 1 space per 400 square feet of office, assembly or common floor area</p> <p>High schools, colleges, universities and trade schools: 6 spaces per classroom plus 1 space per 400 square feet of office, assembly or common floor area</p> <p>Colleges and universities: 1 space per 4 students and 1 space per 2 employees.</p>
Industrial Categories	
Biotechnology	1 space per 400 square feet of floor area.
Broadcast and production studios/facilities	1 space per 400 square feet of floor area
Food and beverage packaging	1 space per 500 square feet of floor area: a minimum of 2 spaces
Fuel distribution and storage	1 space per 1,000 square feet of floor area: a minimum of 2 spaces.
<p>Heavy manufacturing, assembly, and processing of raw materials and recycling</p> <p>Light manufacturing, compounding, assembly, packaging, fabrication and repair (e.g., appliances, electronic, equipment, printing, furniture, signs and similar goods) with incidental sales associated with a permitted use.</p>	1 space per 400 square feet accessory office floor area plus 1 space per 500 square feet of manufacturing floor area, plus 1 space per 1,500 square feet of outdoor manufacturing floor area.
Medical and dental laboratories (Medical, analytical, research, testing)	1 space per 400 square feet of floor area
Research and development facilities	1 space per 400 square feet of office floor area or laboratory floor area, plus 1 space per 500 square feet of indoor assembly or fabrication floor area, plus 1 space per 1,500 square feet of outdoor work area or indoor warehouse floor area.
Self-service storage, mini-storage warehouse and vehicle, RV, equipment and boat storage service	2 spaces
Storage yard	1 space per 2,000 square feet

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)
Transportation yards	1 space per 1,000 square feet of garage/warehouse floor area
Warehousing	1 space per 1,000 square feet of floor area

3.3.400 Standards for Off-Street Parking

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

APPLICANT RESPONSE: The applicant understands the instances where tandem parking is permissible.

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](#).

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

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

APPLICANT RESPONSE: All residential lots are alley-loaded; therefore, on maneuvering is proposed within the public right-of-way.

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.

APPLICANT RESPONSE: The proposed application is for Master Plan, Partition, and Subdivision; therefore, this section is not applicable.

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.

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

F. Lighting. A parking facility serving an establishment which remains open during hours of darkness shall be provided with adequate illumination. Any lights provided to illuminate a parking facility shall be arranged so as to reflect the light away from any adjacent properties, streets, or highways consistent with the Dark Skies standards in Special Provisions.

APPLICANT RESPONSE: All proposed parking accompanies residential development; therefore, this section is not applicable.

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.

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

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

APPLICANT RESPONSE: The proposed development does not include multi-use parking.

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

APPLICANT RESPONSE: This section is advisory.

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

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

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

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

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

APPLICANT RESPONSE: Proposed parking spaces near the intersection of Local Street B and Felicity Lane are a minimum 9 feet wide and 19 feet long with 24' of backing width, complying with the table below.

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

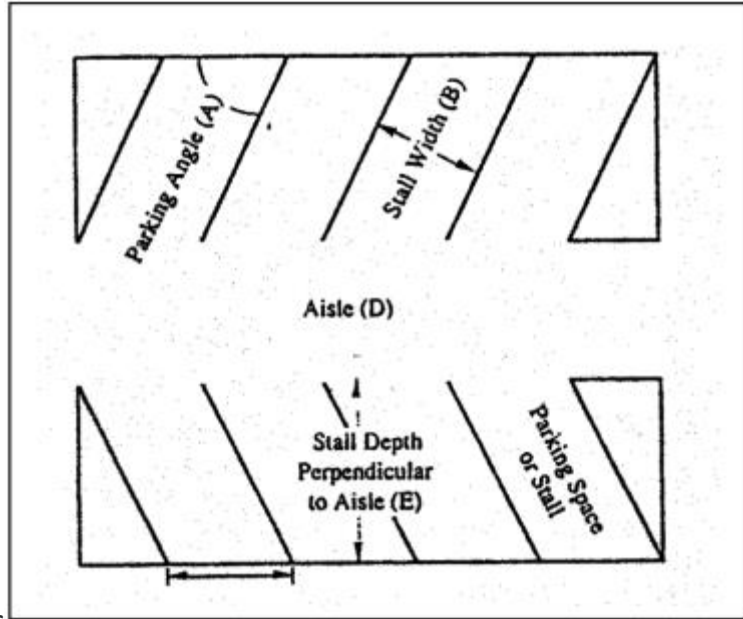


Figure 3.3.400.A – Parking Dimensions

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

APPLICANT RESPONSE: The applicant understands these requirements and shall comply as applicable.



Figure 3.3.400.C – Accessible Parking Requirements

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

N. See Chapter [3.2](#) Landscaping and Screening for additional standards.

3.3.500 Off-Street Loading Facility Requirements

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

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

APPLICANT RESPONSE: The development does not include any of the uses listed above.

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

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

APPLICANT RESPONSE: The development does not include any of the uses listed above.

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

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

APPLICANT RESPONSE: Off-street loading facilities are not required for the development.

3.3.600 Bicycle Parking Requirements

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

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

1. Multi-Family Residences. Every residential use of four (4) or more dwelling units shall provide at least one bicycle parking space for each dwelling unit.
2. Parking Lots. All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.
3. Schools. Elementary and middle schools, both private and public, shall provide one bicycle parking space for every 10 students and employees. High schools shall provide one bicycle parking space for every 5 students and employees.

4. Colleges and trade schools shall provide one bicycle parking space for every 5 motor vehicle spaces plus one space for every dormitory unit.
5. All Other Uses. All uses which require off street parking, except as specifically noted, shall provide one bicycle parking space for every 10 required vehicle parking spaces.
6. Multiple Uses. For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required.

APPLICANT RESPONSE: The current application does not include uses that require bicycle parking; therefore, this section is not applicable.

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

APPLICANT RESPONSE: This section is advisory.

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

APPLICANT RESPONSE: No bicycle parking is proposed; therefore, this section is not applicable.

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

APPLICANT RESPONSE: No bicycle parking is proposed; therefore, this section is not applicable.

E. Dimensions

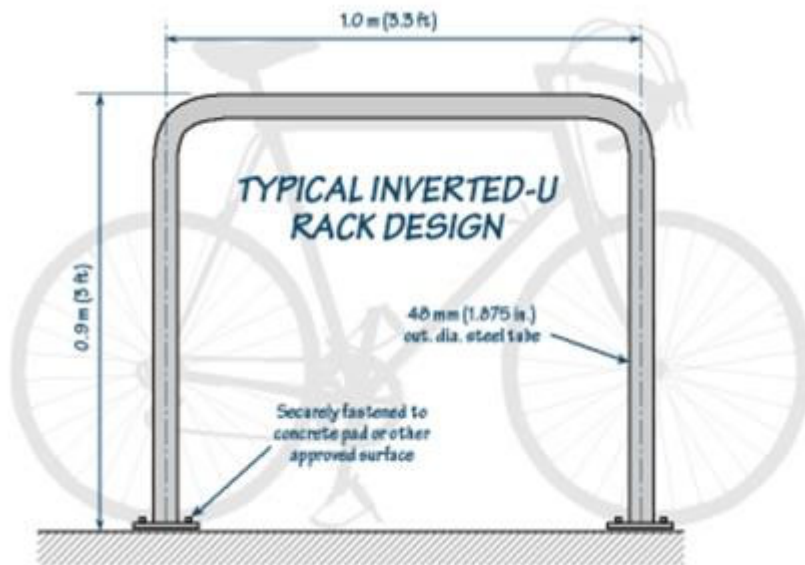
1. Bicycle parking spaces shall each be a minimum of six feet by two feet.
2. Overhead clearance in covered areas shall be at least seven feet.
3. A minimum five foot-wide aisle shall be provided beside or between each row of bicycle parking. Bicycle parking shall not interfere with pedestrian passage,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

APPLICANT RESPONSE: No bicycle parking is proposed; therefore, this section is not applicable.

F. Enclosure and Racks

1. Bicycle parking facilities shall include lockable enclosures (lockers) in which the bicycle is stored, or stationary objects (racks) to which bicycles may be locked.
2. Lockers and racks shall be securely anchored to the pavement or a structure.

3. All bike racks shall have following design features:
 - a. Inverted “U” style racks or similar design as illustrated below.
 - b. Each rack shall provide each bicycle parking space with at least two points of contact for a standard bicycle frame and shall be sized to accommodate a standard U-lock.
 - c. The bike rack shall have rounded surfaces and corners;
 - d. The bike rack shall be coated in a material that will not damage the bicycle’s painted surfaces
 - e. Bike racks shall be securely mounted to a hard surface, such as asphalt or concrete.



APPLICANT RESPONSE: No bicycle parking is proposed; therefore, this section is not applicable.

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

APPLICANT RESPONSE: No bicycle parking is proposed; therefore, this section is not applicable.

Chapter 4.1 - Types of Applications and Review

4.1.100 Purpose

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

4.1.200 Description of Permit/Decision-Making Procedures

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

- A. Type I Procedure (Ministerial). Type I decisions are made by the Community Development Director, or someone he or she officially designates, without public notice and without a public hearing. The Type 1 procedure is used when there are clear and objective approval criteria, and applies city standards and criteria that require no use of discretion. Appeals are possible to Oregon Land Use Board of Appeals (LUBA);
- B. Type II Procedure (Administrative). Type II decisions are made by the Community Development Director or designee with public notice, and an opportunity for a public hearing if appealed. The appeal of a Type II decision is heard by the Planning Commission;
- C. Type III Procedure (Quasi-Judicial). Type III decisions are made by the Planning Commission after a public hearing, with appeals heard by the City Council. Type III decisions generally use discretionary approval criteria;
- D. Type IV Procedure (Legislative). Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments which apply to entire districts). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council and appeals possible to the Oregon Land Use Board of Appeals.

Table 4.1.200 Summary of Development Decisions/Permit by Type of Decision-making Procedure		
Action	Decision Type	Applicable Regulations
Accessory Dwelling Unit	Type I	Chapter 2.15
Annexation	Type /IV	Comprehensive Plan and city/county intergovernmental agreement(s), as applicable.
Appeals	Type II/ III/IV	Chapter 4.1 – Must be filed no later than 5 p.m. on the fourteenth calendar day following mailing of the decision
Code Interpretation	Type II	Chapter 4.8
Code Amendment	Type IV	Chapter 4.7
Comprehensive Plan Amendment	Type IV	Comprehensive Plan
Minor Conditional Use Permit	Type II	Chapter 4.4
Conditional Use Permit	Type III	Chapter 4.4
Home Occupation Permit	Type I	Chapter 2.15

Master Planned Development	Type III	Chapter 4.5
Cluster Developments	Type III	Chapter 4.6
Land Use District Map Change		
Quasi-Judicial (no plan amendment required)	Type III/IV	Chapter 4.7
Legislative (plan amendment required)	Type IV	Chapter 4.7
Lot Line Adjustment	Type I	Chapter 4.3
Partition	Type II	Chapter 4.3
Replat	Type I	Chapter 4.3
Sign Permit	Type I	Chapter 3.6
Site Plan Review		
Type II	Type II	Chapter 4.2
Subdivision	Type III	Chapter 4.3
Temporary Use Permit	Type I/ II	Chapter 2.15
Minor Variance	Type II	Chapter 5.1
Major Variance	Type III	Chapter 5.1

RESPONSE: The application is for a Master Planned Development and Subdivision, both Type III decisions, and a Partition, a Type II Decision.

- E. Notice of all Type III and IV hearings will be sent to public agencies and local jurisdictions (including those providing transportation facilities and services) that may be affected by the proposed action. Affected jurisdictions could include ODOT, the Department of Environmental Quality, the Oregon Department of Aviation, and neighboring jurisdictions.

RESPONSE: The section is procedural.

4.1.500 Type III Procedure (Quasi-Judicial)

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

1. Mailed notice. Notice of a Type III hearing shall be given by the Community Development Director or designee in the following manner:
 - a. At least 14 calendar days before the hearing date, notice shall be mailed to:
 1. The applicant and all owners or contract purchasers of record of the property which is the subject of the application;
 2. All property owners of record within 250 feet of the property line of the site;
 3. Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175;
 4. Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;

5. Any person who submits a written request to receive notice;
 6. For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
- b. The Community Development Director or designee shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was posted on the property and mailed to the persons who must receive notice;
 - c. At least 14 calendar days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record;
 - d. At least 14 calendar days before the hearing, the applicant shall post notice of the hearing on the property. The applicant shall prepare and submit an affidavit of posting of the notice which shall be made part of the administrative record.
2. Content of Notice. Notice of appeal of a Type II Administrative decision or a Type III hearing to be mailed, posted and published per Subsection 1 above shall contain the following information:
- a. The nature of the application and the proposed land use or uses which could be authorized for the property;
 - b. The applicable criteria and standards from the development code(s) that apply to the application;
 - c. The street address or other easily understood geographical reference to the subject property;
 - d. The date, time, and location of the public hearing;
 - e. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;
 - f. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;
 - g. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at Sisters City Hall at no cost and that copies shall be provided at a reasonable cost;
 - h. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;

- i. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings.
- j. The following notice: “Notice to mortgagee, lien holder, vendor, or seller: The City of Sisters Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.”

C. Conduct of the Public Hearing.

1. At the commencement of the hearing, the hearings body shall state to those in attendance that:
 - a. The applicable approval criteria and standards that apply to the application or appeal;
 - b. A statement that testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations which the person testifying believes to apply to the decision;
 - c. A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue;
 - d. Before the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a “continuance”) per paragraph 2 of this subsection, or by leaving the record open for additional written evidence or testimony per paragraph 3 of this subsection.
2. If the Planning Commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;
3. If the Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Planning Commission shall reopen the record per subsection D of this section;
 - a. When the Planning Commission re-opens the record to admit new evidence or testimony, any person may raise new issues which relates to that new evidence or testimony;
 - b. An extension of the hearing or record granted pursuant to Section C is subject to the

limitations of ORS 227.178 (“120-day rule”), unless the continuance or extension is requested or agreed to by the applicant;

- c. If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant’s final submittal shall be part of the record but shall not include any new evidence.

4. The record.

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

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

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

- e. If a member of the hearings body abstains or is disqualified, the City shall provide a substitute in a timely manner subject to the impartiality rules in Section 6;
- f. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.

6. Ex parte communications.

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

7. Presenting and receiving evidence.

- a. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;
- b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in Section C;
- c. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the hearing and an opportunity is provided to dispute the evidence. In the alternative, a member of the hearings body may visit the property to familiarize him or herself with the site and surrounding area, but not to independently gather evidence. In the second situation, at the beginning of the hearing, he or she shall disclose the circumstances of the site visit and shall allow all participants to ask about the site visit.

D. The Decision Process.

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

E. Notice of Decision. Written notice of a Type III decision shall be mailed to the applicant and to all participants of record and emailed to the City Council within five business days after the

hearings body decision. Failure of any person to receive mailed or emailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail or email the notice. The decision may include a requirement for non-remonstration for future road improvements.

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

RESPONSE: The proposed procedure for Master Plan and Subdivision are Type III; therefore, these sections are applicable and procedural.

4.1.700 General Provisions

A. Application Requirements.

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

7. Type III. Include an impact study for all Type III applications. The impact study shall quantify/assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval; and,
8. Type IV - A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);

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

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

RESPONSE: This section is procedural.

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

RESPONSE: This section is procedural.

- D. Pre-application Meetings.
 1. Participants. A Pre-Application Conference is optional for Type I, II, III and IV applications.
 2. The fee charged for pre-application reviews shall be credited towards any additional city application fee charges applied to the proposed subject project. If no additional city permits are sought for the proposed project subject to the pre-application review, the applicant shall not be refunded any portion of the pre-application review fee.
 3. At such meeting, the Community Development Director or designee may:
 - a. Cite the comprehensive plan policies and map designations applicable to the proposal;
 - b. Cite the ordinance provisions, including substantive and procedural requirements

- applicable to the proposal;
 - c. Provide available technical data and assistance which will aid the applicant;
 - d. Identify other governmental policies and regulations that relate to the application; and
 - e. Reasonably identify other opportunities or constraints concerning the application.
 - f. The written comments received are advisory and intended as a guideline to assist developers in preparing land use applications. Comments received for these reviews are not land use decisions, and are subject to change. Comments are based solely on the information submitted and may not apply to subsequent applications.
4. Disclaimer. Failure of the Community Development Director or his/her designee to provide any of the information required by this Section C shall not constitute a waiver of any of the standards, criteria or requirements for the application;
 5. Changes in the law. Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.

RESPONSE: A pre-application meeting was held on February 7, 2022 to discuss the process to prepare the application.

E. Applications.

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

- b. When proceedings are consolidated:
 1. The notice shall identify each application to be decided;
 2. The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions; and
 3. Separate findings and decisions shall be made on each application.
3. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:
 - a. Acceptance. When an application is received by the City, the Community Development Director or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant;
 1. The required form;
 2. The required fee;
 3. The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.
 - b. Completeness.
 1. Review and notification. After the application is accepted, the Community Development Director or designee shall review the application for completeness. If the application is incomplete, the Community Development Director or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days to submit the missing information;
 2. When the application is deemed complete for review. In accordance with the application submittal requirements of this chapter, the application shall be deemed complete upon the receipt by the Community Development Director or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the Community Development Director or designee in (1), above. For the refusal to be valid, the refusal shall be made in writing and received by the Community Development Director or designee. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete.
 3. Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first accepted.

4. Coordinated Review. The City shall also submit the application for review and comment to City Engineer; ODOT, and other applicable County, State and federal agencies for review.
4. Changes or additions to the application during the review period. Once an application is deemed complete:
 - a. All documents and other evidence relied upon by the applicant shall be submitted to the Community Development Department at least seven days before the notice of action or hearing is mailed, if possible. Documents or other evidence submitted after that date shall be received by the Community Development Department, and transmitted to the hearings body, but may be too late to include with the staff report and evaluation;
 - b. When documents or other evidence are submitted by the applicant during the review period, but after the application is deemed complete, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application;
 - c. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred as part of the decision. In the alternate, the reviewer may inform the applicant either in writing, or orally at a public hearing, that such changes may constitute a significant change (see “d”, below), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change;
 - d. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the City shall take one of the following actions:
 1. Continue to process the existing application and allow the applicant to submit a new second application with the proposed significant changes. Both the old and the new applications will proceed, but each will be deemed complete on different dates and may therefore be subject to different criteria and standards and different decision dates;
 2. Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day rule (Section A, above) on the existing application. If the applicant does not consent, the City shall not select this option
 3. Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. The City will complete its decision-making process without considering the new evidence;
 4. If a new application is submitted by the applicant, that application shall be subject

to a separate check for acceptance and completeness and will be subject to the standards and criteria in effect at the time the new application is accepted.

RESPONSE: This section is procedural.

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

RESPONSE: This section is procedural.

G. Amended Decision Process.

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

RESPONSE: This section is procedural.

H. Review by Planning Commission and City Council.

1. All Type II Decisions shall be emailed to Planning Commission members on the date the Decision is mailed to the applicant. Three or more members of the Planning Commission may initiate review of a Type II decision.
2. All Decisions (Type II and III) approved by the Planning Commission shall be emailed to City Council members on the date the Decision is mailed to the applicant. Two or more members of the City Council may initiate review of a Type III Decision.
3. The review shall be initiated in writing and delivered to the Community Development Department no later than 5 p.m. on the 14 calendar days following the date of the mailing of the final written decision to the applicant.
4. Review shall be conducted in the same manner provided for in appeals, except that an appeal fee shall not be required.

RESPONSE: This section is procedural.

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

Director or designee.

RESPONSE: This section is procedural.

J. Major Modification.

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

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

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

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

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

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

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

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

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

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

4.1.900 Special Procedures

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

1. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned development instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it;
2. Review procedure. An ELD shall be reviewed in accordance with the procedures in ORS 197.365;
3. Appeal procedure. An appeal of an ELD shall be in accordance with the procedures in ORS 197.375.

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

4.1.1000 Neighborhood Meetings

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

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

Chapter 4.3 – Land Divisions and Lot Line Adjustments

4.3.100 Purpose

The purpose of this Chapter is to:

- A. Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments;
- B. Carry out the City’s development pattern, as envisioned by the Comprehensive Plan;
- C. Encourage efficient use of land resources, full utilization of urban services, and adequate provisions for motor vehicle, pedestrian and bicycle circulation;
- D. Promote the public health, safety and general welfare through orderly and efficient urbanization;
- E. Lessen or avoid traffic congestion, and secure safety from fire, flood, pollution and other dangers;
- F. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage; and
- G. Encourage the conservation of energy resources.

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.

APPLICANT RESPONSE: The final plat shall conform 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.

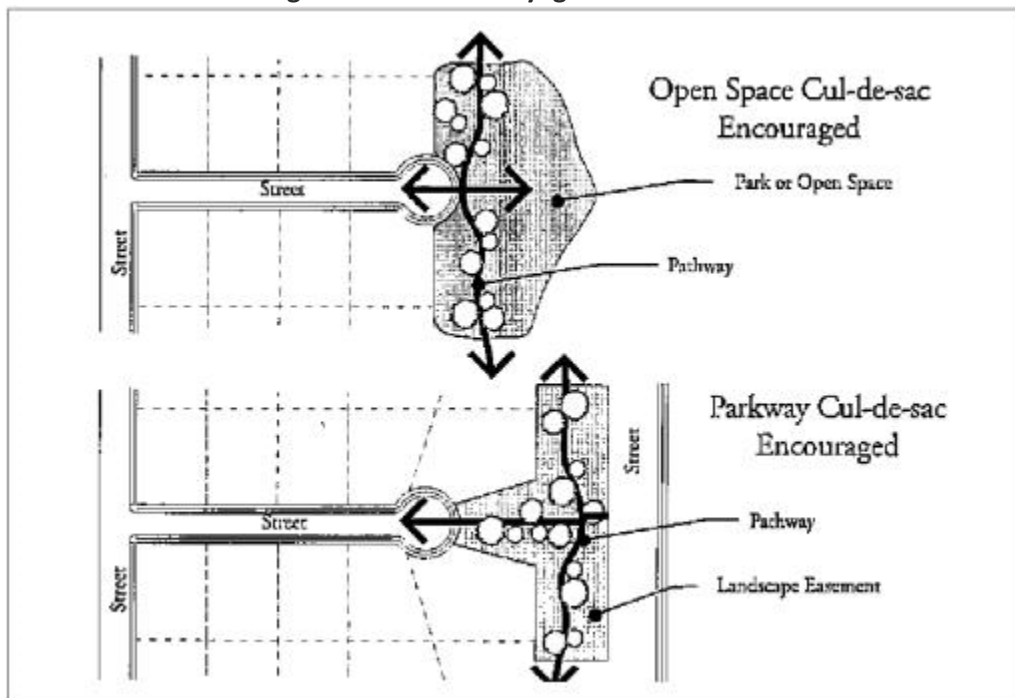
APPLICANT RESPONSE: The proposed utilities plan shows public utilities that shall serve the site.

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.

APPLICANT RESPONSE: The subject property is outside of the floodplain; therefore, this section is not applicable.

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.).

Figure 4.3.200.A – Daylighted Cul-de-sacs



APPLICANT RESPONSE: No cul-de-sacs are proposed as part of this development; this section does not apply.

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.

APPLICANT RESPONSE: The final plat shall include adequate right-of-way and/or easements for public sewer, drainage, water mains, and electrical lines.

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](#).

APPLICANT RESPONSE: Prior to final plat approval, construction of public improvements shall be completed, or the applicant shall provide a performance guarantee.

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:

APPLICANT RESPONSE: All proposed utilities shall be placed underground.

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](#));

APPLICANT RESPONSE: The applicant shall submit drawings and designs to serving utility providers to coordinate installation of underground services.

2. The City reserves the right to approve the location of all surface mounted facilities;

APPLICANT RESPONSE: The location of all surface mounted facilities shall be shown in final engineering drawings for approval by the City.

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

APPLICANT RESPONSE: All underground utilities will be installed prior to surfacing of the streets.

4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

APPLICANT RESPONSE: Final engineering plans shall show sewer stubs with lengths past power utility trenches and outside the street improvements.

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.

APPLICANT RESPONSE: No exception is sought at this time.

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.

APPLICANT RESPONSE: A minimum of 3.17 acres of open space land are proposed to be reserved as part of this development for public use.

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.

APPLICANT RESPONSE: No reservation for public parks is proposed at this time.

3. All required dedications or reservations of public use areas shall conform to Section 4.3.200.K (Conditions of Development Approval).

APPLICANT RESPONSE: No city parks are proposed as part of this development; therefore, this section is not applicable. Any open spaces will be maintained by the Home Owners Association.

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.

APPLICANT RESPONSE: No city parks are proposed as part of this development; therefore, this section is not applicable.

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.

APPLICANT RESPONSE: A minimum of 3.17 acres of open space land are proposed to be reserved as part of this development for public use.

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.

APPLICANT RESPONSE: Conditions of Development Approval shall be provided upon approval of this application.

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.

APPLICANT RESPONSE: No large lots are proposed as part of this development with exception of the multi-family dwellings.

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.

APPLICANT RESPONSE: Local Streets A and B are proposed to traverse the entire length of the property; no stubbed streets or turn-arounds are proposed. Barricades will not be necessary for this proposed development.

4.3.300 Infill Development Options

Some lots in existing neighborhood may have standard widths but may be unusually deep compared to other lots in the area. Infill candidate areas generally consist of unused space at the back of a lot that may provide room for one or more lots for infill housing. Infill lots may be developed as “flag lots” or “driveway courts” as defined herein.

A. Flag Lots. Flag lots shall comply with the following development standards;

1. To determine if an existing lot is eligible for Flag lot development, the following criteria shall be met:
 - a. Minimum lot area: twice that required by the underlying zone.
 - b. Minimum lot width: 20 feet wider than the width required by the underlying zone.

APPLICANT RESPONSE: No flag lots are proposed as part of this proposal; therefore, this section is not applicable.

2. Development Standards.

- a. The minimum lot frontage for a flag lot shall be 20 feet. A 20-foot wide flag lot driveway pole may serve no more than two (2) parcels or lots (the front parent parcel and the flag lot) and no more than four (4) dwelling units, including accessory dwellings. A shared drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots.
- b. A flag lot driveway shall not exceed 150 feet in length, unless Oregon Fire Code (OFC) standards are met.
- c. The pole shall not be less than 20 feet wide. The pole shall be improved with a minimum 12 foot wide paved driveway.
- d. No fence, structure or other obstacle shall be placed within the shared drive alignment.
- e. Residential lots created as flag lots shall be subject to Floor Area Ratio (FAR) standards. For the purpose of calculating FAR the Flag Pole area of the lot shall not be counted.
- f. Flag lot development shall not be permitted on collector or arterial streets.
- g. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Code.
- h. If the flag portion is adjacent to a street, the dwelling unit shall have its primary entrance oriented to the street. If the flag portion is not adjacent to a street, the structures located on the flag portion are exempt from orientation standards.

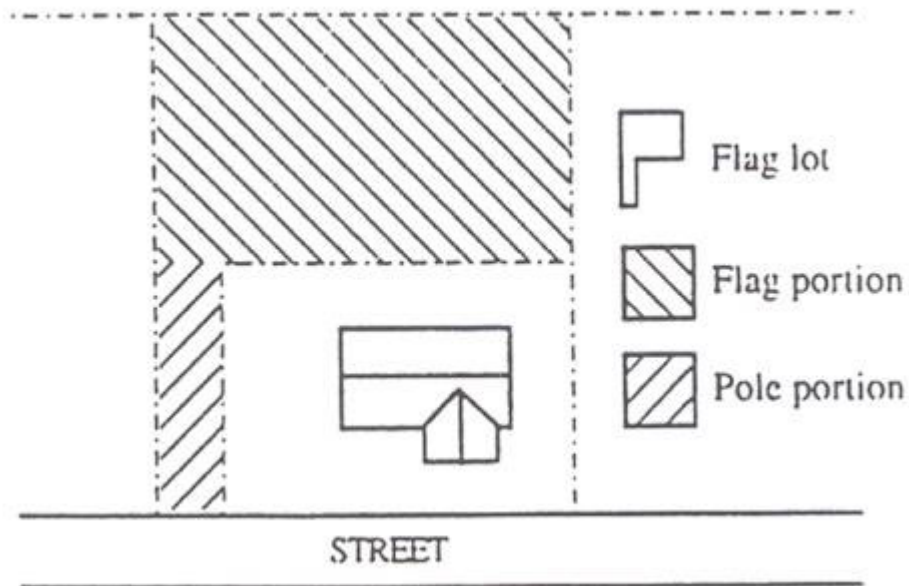


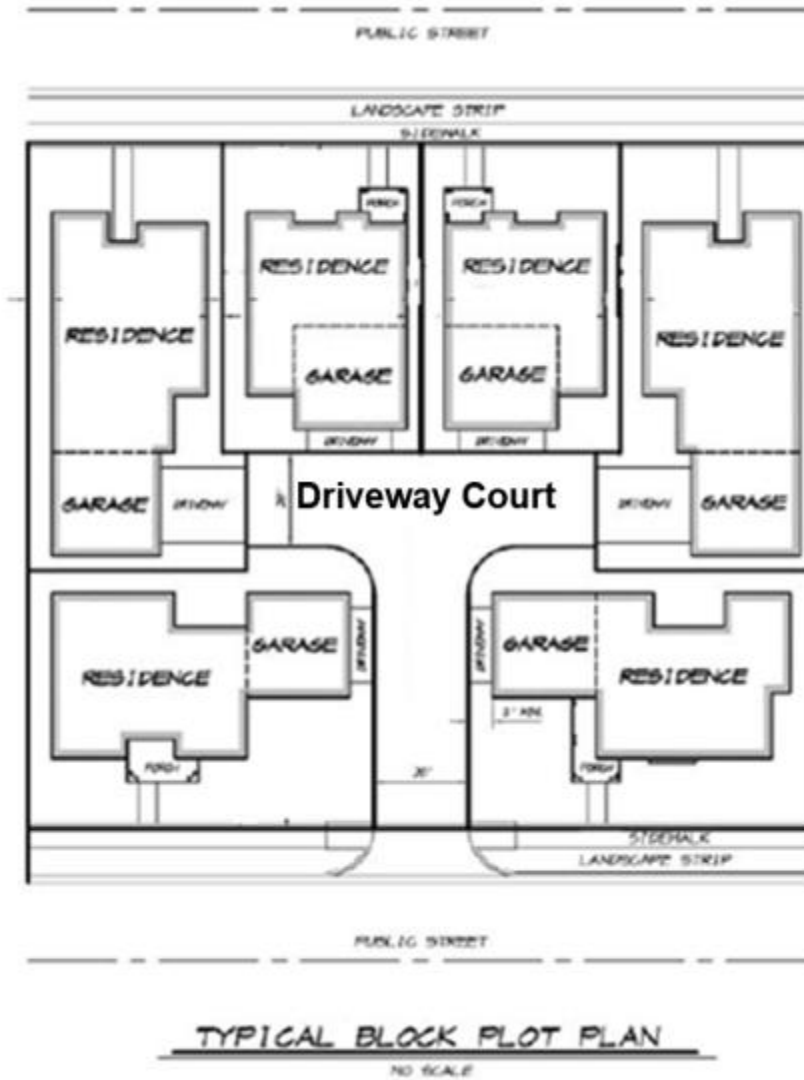
Figure 4.3.300.A – Flag Lot (Typical)

APPLICANT RESPONSE: No flag lots are proposed as part of this proposal; therefore, this section is not applicable.

B. Driveway courts. Driveway provide access to public or private streets. Driveway courts are intended to facilitate residential infill and redevelopment of properties when no other development alternative exists. Driveway court development shall comply with the following development standards.

1. Minimum private drive aisle pavement width shall be 20 feet.
2. Pavement width shall be recorded as an easement or a tract and shall include private utility easements as needed and shall be maintained by property owners association or other legal entity.
3. Maximum length of the driveway court shall be 150 feet from the centerline of the intersecting street to the centerline of the driveway court.
4. No parking is allowed within the driveway court. “No Parking” signs shall be required and maintained.
5. A pedestrian pathway shall be provided at the “T” to connect to adjoining development.
6. Design shall be in compliance with the provisions of the Oregon Fire Code.
7. All buildings shall have their primary entrance oriented to a street where feasible.

Figure 4.3.300.B – Driveway Court



APPLICANT RESPONSE: No driveway courts are proposed as part of this proposal; therefore, this section is not applicable.

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.

APPLICANT RESPONSE: This section is procedural.

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](#).

APPLICANT RESPONSE: This section is procedural.

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](#).

APPLICANT RESPONSE: This section is procedural.

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.

APPLICANT RESPONSE: The proposed development provides for three phases, including the separate development of the multi-family dwellings. This development is not a single phased development; therefore, this section is not applicable.

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.

APPLICANT RESPONSE: The applicant understands this timeline.

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.

APPLICANT RESPONSE: Section is procedural.

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.

APPLICANT RESPONSE: No extension is presently sought by the applicant; therefore, this section is not applicable.

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).

APPLICANT RESPONSE: No extension is presently sought by the applicant; therefore, this section is not applicable.

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.

G. Additional Approval Time Extension. Notwithstanding Sections D, E and F, above, all City Subdivision and Partition approvals, including approvals for which the City has granted an extension of time, that

were due to expire on or after December 31, 2014, are hereby automatically and exceptionally extended to June 30, 2015. Subdivision and Partition approvals that were approved after January 1, 2015 shall comply with Sections D, E, and F, above. Approvals that have been automatically extended by this regulation may apply for an additional extension of time in accordance with Sections D, E and F above.

APPLICANT RESPONSE: No extension is presently sought by the applicant; therefore, this section is not applicable.

H. Modifications

Following partition or subdivision approval, an applicant may make modifications to the plan consistent with the following procedures. The Community Development Director or designee will determine whether the proposed modification is a minor or major modification.

1. Minor modifications are those in keeping with the general layout and pattern of the approved plan and include minor relocations of property lines, streets, walkways and alleys, changes in the site utilities, and changes which do not increase the number of lots. The Community Development Director or designee may approve a minor modification upon finding that the modification is substantially consistent with the approved tentative plan, is consistent with the provisions of this code and the conditions of approval, and does not have substantially greater impacts on surrounding properties than the original tentative plan.

APPLICANT RESPONSE: The proposed application is not a modification. This application is for a Master Plan, Partition, and, Subdivision. This standard is not applicable.

2. Other modifications are major modifications. See Chapter [4.1](#). [Ord. [497](#) § 2 (Exh. B), 2019; Ord. [478](#) § 1 (Exh. A), 2017].

APPLICANT RESPONSE: The proposed application is not a modification. This application is for a Master Plan, Partition, and Subdivision. This standard is not applicable.

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.”

APPLICANT RESPONSE: The enclosed plans include the above general information.

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.

APPLICANT RESPONSE: The enclosed plans include the above site analysis information where applicable.

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.

APPLICANT RESPONSE: The enclosed plans include the above information where applicable.

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.

APPLICANT RESPONSE: The proposed development conforms to the Comprehensive Plan. The Master Plan proposes to develop the site according to MFR standards.

- 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;

APPLICANT RESPOSNE: The enclosed plans conform to the applicable Development Code sections as demonstrated in this Burden of Proof.

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

APPLICANT RESPONSE: The proposed plat name has not been recorded and is available.

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

APPLICANT RESPONSE: The proposed plans include logical extensions of streets and utilities and conform to surrounding development patterns.

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

APPLICANT RESPONSE: These areas are identified on the preliminary plat.

B. Housing Density. The subdivision meets the City's housing density standards of Chapter 2.

APPLICANT RESPONSE: The proposed development will provide an overall minimum density of 11 units per acre, which meets the density requirements of the MFR zone.

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.

APPLICANT RESPONSE: This section is procedural.

4.3.700 Final Plat Submission Requirements and Approval Criteria

A. Submission Requirements. Final plats shall be reviewed and approved by the City prior to recording with Deschutes County. The applicant shall submit a complete final plat application prior to the applicable expiration date of the preliminary plat approval.

APPLICANT RESPONSE: Submittal of the final plat shall occur after preliminary plat approval; therefore, this section is not applicable at this time.

B. Approval Criteria. By means of a Type I procedure, the Community Development Director shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:

1. The final plat complies with the approved preliminary plat, and all conditions of approval have been satisfied;
2. All public improvements required by the preliminary plat have been installed and approved by the Community Development Director or designee. Alternatively, the developer has provided a performance guarantee or a cash contribution equivalent to the cost of constructing the required improvements in accordance with Section [4.3.800](#).
3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;

4. The streets and roads held for private use have been approved by the City as conforming to the preliminary plat;
5. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal, storm drainage and water supply systems;
6. The applicant has provided copies of all recorded homeowners association Code, Covenants, and Restrictions (CC&R;s); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc); and other recorded documents pertaining to common improvements recorded and referenced on the plat);
7. The plat complies with the applicable sections of this Code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);
8. Certification by the City or service district, as applicable, that water and sanitary sewer service is available to each and every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider/partitioner to the City that such services will be installed in accordance with Public Works Construction Standards, latest edition, and the bond requirements of Section [4.3.800](#). The amount of bond, contract or other assurance by the subdivider/partitioner shall be determined by a registered professional engineer, subject to review and approval by the City;
9. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter [92](#), and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location. [Ord. [497](#) § 2 (Exh. B), 2019; Ord. [478](#) § 1 (Exh. A), 2017].

APPLICANT RESPONSE: Submittal of the final plat shall occur after preliminary plat approval; therefore, this section is not applicable at this time.

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.

APPLICANT RESPONSE: At the time of final plat submittal, the applicant may choose to financially guarantee the subdivision for plat approval.

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.

APPLICANT RESPONSE: This section is procedural.

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.

APPLICANT RESPONSE: This section is procedural.

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].

APPLICANT RESPONSE: A performance agreement is not being sought; therefore, this section is not applicable at this time.

4.3.900 Filing and Recording

A. Filing plat with County. Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to Deschutes County for signatures of County officials as required by ORS Chapter [92](#).

B. Proof of recording. Prior to issuance of building permits for the newly-created lots, the applicant shall submit to the City a mylar copy, a paper copy, and an electronic copy of all sheets of the recorded final plat.

C. Prerequisites to recording the plat.

1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter [92](#).
2. No plat shall be recorded until it is approved by the County Surveyor in the manner provided by ORS Chapter [92](#). [Ord. [497](#) § 2 (Exh. B), 2019].

APPLICANT RESPONSE: Submittal of the final plat shall occur after preliminary plat approval; therefore, this section is not applicable at this time.

4.3.1000 Replatting and Vacation of Plats

A. Replatting and Vacations. Any plat or portion thereof may be replatted or vacated upon receiving an application signed by all of the owners as appearing on the deed.

B. Procedure. All applications for a replat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to replat or vacate the plat). The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process. (See Chapter [4.1](#) – Types of Applications and Review Procedures).

C. Basis for denial. A replat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable criteria.

D. Recording of vacations. All approved plat vacations shall be recorded in accordance with 4.3.900 and the following procedures:

1. Once recorded, a replat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and
2. Vacation shall also divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described on the plat.

E. After sale of lots. When lots have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots within the platted area consent in writing to the plat vacation.

F. Vacation of streets. All street vacations shall comply with the procedures and standards set forth in ORS Chapter [271](#).

G. Vacation of easements or rights-of-ways. The City may require accessways, paths or trails as a condition of the vacation of any public easement or right-of-way, in order to establish or maintain a safe, convenient, and direct pedestrian and bicycle circulation system.

APPLICANT RESPONSE: Submittal of the final plat shall occur after preliminary plat approval; therefore, this section is not applicable at this time.

Chapter 4.5 – Master Planned Developments

4.5.200 Applicability and Uses

A. Applicability. The Master Planned development designation may be combined with any of the

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

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

B. Uses.

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

RESPONSE: The proposed Master Planned development includes uses in accordance with the MFR district and includes a mix of attached single family, detached single family, and multi-family residential uses. Amenities will be provided within the open spaces according to section 4.5.400.I.

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

RESPONSE: The proposed Master Plan is within the MFR zone; therefore, this section does not apply.

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

RESPONSE: The proposed Master Plan is within the MFR zone and only includes uses permitted within said district.

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

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

4.5.300 Review and Approvals Process

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

RESPONSE: Submittal of this Master Plan does not include a Site Plan application for development of the site. A site plan application shall be submitted for the multi-family development after approval of this Master Plan application.

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

RESPONSE: This section is procedural.

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

RESPONSE: This section is procedural.

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

RESPONSE: This section is procedural.

4.5.400 Property Development Standards

- A. If the continuous horizontal distance (i.e., as measured from end-wall to end-wall) of an individual multi-family building shall incorporate five of the following features on all elevations;
 - 1. Upper story setbacks, provided one or more of the upper stories are set back from the face of the building at least six feet.
 - 2. Dormers
 - 3. Gables
 - 4. Recessed entries
 - 5. Covered porch entries
 - 6. Cupolas or towers
 - 7. Pillars or posts
 - 8. Eaves (min. 12-inch projection)
 - 9. Window trim (minimum 4-inches wide)
 - 10. Bay or oriel windows
 - 11. Balconies
 - 12. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
 - 13. Decorative cornices and roof lines (e.g., for flat roofs)
 - 14. An alternative feature providing visual relief, similar to options 1-13.

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

- B. Development standards, except for density, landscape and open space, may be modified by up

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

RESPONSE: The City of Sisters placed great emphasis on creating a buffer area between the development and the McKenzie Highway. Providing large buffer creates challenges with a property restricted in the north-south dimension; however, through the use of the following granted modifications, a larger buffer is achievable and a benefit to the City:

- **20% reduction on alley width on north side of property (north side of Lots 1-26), from 20' to 16'. Fire access is not necessary on this alley because the fire district can access lots from Local Street A. This modification provides an additional 4 feet to the buffer tract along the McKenzie Highway.**
- **10% reduction for minimum garage setback on a single-family detached lot from 20' to 18'. Overall, this reduction provides greater flexibility in home design and provides 6 feet of depth to the buffer tract along the McKenzie Highway.**
- **20% reduction in Right-of-Way width (60' to 50') for Local Street A. Sidewalks are placed on individual lots within a Public Access Easement, which does not compromise lots because all lots along Local Street A are alley loaded. This modification provides 10 feet of depth that is allocated to the buffer tract.**

Additionally, the follow modifications are requested to provide greater variety of housing and increase density in the MFR zone:

- **9% reduction for minimum single family attached lot width from 35 feet to 32 feet;**
- **14% addition for single family attached minimum FAR of 60% to 68%**
- **20% reduction for the proposed single-family detached lot area, from 4,500 square feet to 3,600 square feet;**
- **10% reduction for the proposed single-family detached minimum lot width of 40 feet to 36 feet;**
- **20% reduction for minimum lot area of single-family attached from 3500 square feet to 2800 square feet;**

The requested modifications will allow for the greatest utilization of the subject property, and will allow for the development of needed housing. By granting all modifications requested, a complete neighborhood can be developed which will include housing for residents at any point along the housing continuum. This will allow for equity in housing access and provide Sisters with a neighborhood in which residents will be able to find homes to meet the greatest variety of household needs.

- 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 modifications to parking standards are being sought as part of this master plan application.

- 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: The development proposes two local streets: Local Street A (east-west) and Local Street B (north-south). Local Street A is proposed with a 50' right-of-way. Preliminary discussions with City Staff indicated a 50' right-of-way width would be acceptable with sidewalks in Public Access Easements for Local Street A since this increased the buffer width along the McKenzie Highway. Local Street B is proposed according to Public Works Standards. Two alleys are proposed in an east-west orientation, both north and south of Local Street A. The northern alley is 16 feet wide, but is not required to be accessed by fire trucks. The southern alley is proposed according to Public Works Standards. See modification request above for more information.

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

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

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

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

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

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

- H. Open Space. The net acreage of the development site shall be used to calculate the minimum required open space of 15%. Net acres shall be determined by subtracting land dedicated to the public for rights-of-way or private streets and alleys. Usable open spaces may be provided in the form of natural areas, tree preservation areas, playgrounds, active or passive recreational areas, and similar areas. Portions of the right-of-ways that include tree preservation or parkway strips 10-feet or greater may also be counted as open space. Usable open space area shall not include: drainage swales with slopes steeper than a 3:1 slope, right-of-ways for public or private streets and alleys, parkway strips less than 10-feet, vehicle parking areas, areas adjacent to or between any structures less than ten (10) feet apart, setbacks, patios and private yards. Open space area

calculations and dimensions shall be provided for in the plan submitted. Open space must be readily accessible to all lots and uses within the Master Plan development and be generally accessible to the public (using a public access easement). Access to private recreational buildings can be restricted to residents within the Master Plan development. Open space shall be designated as a common area on the Master Plan and on all plats, as applicable. Open space may be dedicated to the public, if approved by a public agency with responsibility for open space, recreation, or park facilities. If the open space is privately owned, it shall be maintained by a homeowners association, property owner, or other legal entity.

RESPONSE: The proposed net area of the development is 10.29 acres, which calculates to 1.54 acres of open space required. The proposed Master Plan identifies 3.17 acres of open space – over twice the amount required.

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

1 to 11 units	1 amenity
12 to 40 units	2 amenities
41 to 100 units	3 amenities
More than 100 units	4 amenities

RESPONSE: To satisfy requirements of the MFR zoning code for a minimum of 142 units proposed, the following four amenities will be provided within the development at full build out.

1. **Buffer area between development and McKenzie Highway**
 2. **Trail system along south side of property**
 3. **Park constructed with Multi-family Development**
 4. **Dog Park area constructed with Multi-family Development**
- 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: After Master Plan approval, the applicant will submit engineering plans to the City Engineer and Public Works for approval. Public infrastructure shall be accepted by the City prior to individual lot development.

- 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: After Master Plan approval, the applicant will submit engineering plans to the City Engineer and Public Works for approval. Public infrastructure shall be accepted by the City prior to individual lot development.

L. Mixed-use Development Requirement

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

RESPONSE: The proposed master plan application does not propose mixed-use; this section is not applicable.

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

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

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

RESPONSE: Lots 49-70 front on Open Space. All other lots front along a street.

4.5.500 Master Plan Submittal Requirements

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

1. A detailed project description by the applicant; This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
2. Burden of Proof documenting compliance with all applicable approval criteria;
3. Complete application form with fee;
4. Electronic copies of all materials submitted (acceptable file types to be determined by the

- Community Development Director or designee); and,
5. Preliminary title report or equivalent printed within 90 days of the date of the application submittal.
 6. Existing Conditions Site Plan
 7. Topographic Map at appropriate contour intervals to be determined by the Community Development Director
 8. Access and Circulation Map
 9. Site Plan - proposed
 10. Landscape/Open Space Plan
 11. Utility Plan
 12. Conceptual Drainage Plan (to include benchmarks and elevations at staff's discretion)
 13. Elevations and floor plans of all proposed buildings, unless reviewed during subsequent Site Plan Review applications.
 14. Sign Plan if applicable
 15. Tentative Plat if applicable
 16. Development Schedule
 17. Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).
 18. Special studies prepared by qualified professionals may be required by the Community Development Director, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.

RESPONSE: The applicant understands these requirements and shall comply.

4.5.600 Comprehensive Sign Plan

- A. Comprehensive Sign Plan is intended to integrate the signs proposed for a development project with the design of the structures, into a unified architectural statement. A Comprehensive Sign Plan provides a means for defining common sign regulations for multi-tenant projects, to encourage maximum incentives in the design and display of multiple signs and to achieve, not circumvent the intent of this Ordinance.
 1. Applicability. A Comprehensive Sign plan shall be required for all Master Plans. Signs shall comply with the provisions of this ordinance and Chapter 3.4 Signs.
 2. Approval Authority. The City shall approve a Comprehensive Sign Plan as part of the Master Plan approval.
 3. Application Requirements. The Comprehensive Sign plan shall include all information and materials required as follows:
 - a. Location: identification of sign locations on the buildings and on the property.
 - b. Materials: description of the type of sign and sign materials including construction materials and proposed lighting if any.
 - c. Size: itemization of sign size or sign band area at identified locations.
 - d. The Comprehensive Sign plan shall accommodate future revisions that may be required

because of changes in use or tenants; and

- e. Signs located in the Commercial Districts shall comply with the 1880's Western Design Theme.
4. Revisions to Comprehensive Sign Plans. The Community Development Department may approve revisions to a Comprehensive Sign plan if the intent of the original approval is not affected.

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

4.5.700 Master Plan Approval Criteria

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

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

RESPONSE: This section is procedural.