

Matt Martin

From: DLCD Plan Amendments <plan.amendments@dlcd.oregon.gov>
Sent: Wednesday, January 11, 2023 10:21 AM
To: Matt Martin
Subject: Confirmation of PAPA Online submittal to DLCD

Sisters

Your notice of a proposed change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.

Local File #: CP 22-04/ZM 22-01/TA 22-05

DLCD File #: [001-23](#)

Proposal Received: 1/11/2023

First Evidentiary Hearing: 2/16/2023

Final Hearing Date: 3/22/2023

Submitted by: mjmartin

If you have any questions about this notice, please reply or send an email to plan.amendments@dlcd.oregon.gov.



Oregon Department of Land Conservation and Development

PAPA Online Submittal

Matthew Martin ▾

[Home](#)

[\(/PAPA_Online/\)](#)

Reports

https://db.lcd.state.or.us/papa_online_reports

Report A Problem

(mailto:plan.amendments@dlcd.oregon.gov?

subject=PAPA_PR

Report a Problem)

Sisters (/PAPA_Online/Jurisdictions/Jurisdiction/Get/232) -> Amendment 001-23 (Read Only)

DLCD File #: 001-23

Status: Proposed Change Submitted by Jurisdiction

Revision Type: Jurisdiction Submission

Revise

Local File #:

CP 22-04/ZM 22-01/TA 22-05

Date of 1st Hearing:

02/16/2023



36 Days difference

Date of Final Hearing

03/22/2023



70 Days difference

Type:

- Comprehensive Plan Map Change
- Zoning Map Change
- Comprehensive Plan Map & Zoning Map Change
- Comprehensive Plan Text Change
- Land Use Regulation Change
- UGB using Simplified Method (div 38)
- UGB amendment by city with population less than 2,500 within UGB (div 24)
- UGB amendment of 50 acres or less by a city with population 2,500 or more within UGB (div 24)
- UGB amendment adding more than 50 acres by city with population 2,500 or more within UGB (div 24)
- UGB amendment that adds more than 100 acres by Metro (div 24)
- Urban Reserve designation by Metro or a city with population 2,500 or more within UGB
- Urban Reserve amendment to add over 50 acres by a city with population 2,500 or more within UGB
- Urban Reserve designation or amendment by a city with population less than 2,500 within UGB
- Urban Reserve amendment by Metro
- Urban Reserve Other
- Other
- Periodic Review Task

Summary

Comprehensive Plan Map and Zoning Map Amendment to redesignate and rezone the "Heavenly Acres" subdivision from Urban Area Reserve (UAR) to Public Facility (PF) and Multi-Family Residential (MFR). The request also includes associated Text Amendments to Sisters Development Code (SDC) Chapter 1.3 (Definitions), Chapter 2.3 (MFR District), Chapter 2.7 (PF District), Chapter 4.7 (Land Use District Map and Text Amendments), Chapter 5.2 (Non-Conforming Use), and Chapter 5.3 (Subsequently Allowed Uses).

An exception to a statewide planning goal is proposed:

Total Acres:

0.00

Locations (If there's a large number of tax lots associated with this amendment, please contact DLCD for assistance. plan.amendments@dclcd.oregon.gov (<mailto:plan.amendments@dclcd.oregon.gov?subject=PAPA%20on-line%20location%20entry%20assistance>))

Type
Tax Lot
From
To
Acres

Comprehensive Plan Map & Zoning Map Change
00200
Plan Map: Urban Holding/Urbanizable
Zone: Urban Holding
Plan Map: Urban Public/Semi-Public
Zone: Public & Institutional
2.72

Comprehensive Plan Map & Zoning Map Change
00300
Plan Map: Urban Holding/Urbanizable
Zone: Urban Holding
Plan Map: Urban Public/Semi-Public
Zone: Public & Institutional
2.97

Comprehensive Plan Map & Zoning Map Change
00400

Contacts

Contacts

Scott Woodford Community Development Director

Matthew Martin Principal Planner

Documents

Upload supporting documentation. Administrative rule requires that you include all of the following materials that may apply:

- The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
- Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
- A map of the affected area showing existing and proposed plan and zone designations
- A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
- Any other information necessary to advise DLCD of the effect of the proposal

Uploaded

- Name
User
- 1/11/2023
Proposal_1-11-23 Staff Memo to DLCD CP 22-04 ZM 22-01 TA 22-05_2023-01-11_10-19-50.pdf (/PAPA_Online/Document/Get?documentID=257698)
- 1/11/2023
Proposal_DRAFT Comprehensive Plan Map Amendment Exhibit CP 22-04_2023-01-11_10-19-59.pdf (/PAPA_Online/Document/Get?documentID=257699)
- 1/11/2023
Proposal_DRAFT Zone Map Amendment Exhibit ZM 22-01_2023-01-11_10-20-18.pdf (/PAPA_Online/Document/Get?documentID=257700)
- 1/11/2023
Proposal_TA 22-05 Chapter 1.3 Definitions - Community Center_2023-01-11_10-20-32.pdf (/PAPA_Online/Document/Get?documentID=257701)
- 1/11/2023
Proposal_TA 22-05 Chapter 2.7 Public Facility District_2023-01-11_10-20-42.pdf (/PAPA_Online/Document/Get?documentID=257702)
- 1/11/2023
Proposal_TA 22-05 Chapter 5.2 Non-Conforming Uses and Structures_2023-01-11_10-20-50.pdf (/PAPA_Online/Document/Get?documentID=257703)
- 1/11/2023
Proposal_TA 22-05 Chapter 5.3 Subsequently Allowed Uses_2023-01-11_10-20-56.pdf (/PAPA_Online/Document/Get?documentID=257704)



MEMORANDUM
Community Development Department

Date: January 11, 2023

To: Oregon Department of Land Conservation and Development

From: Matthew Martin, Principal Planner

Subject: Post-Acknowledgment Plan Amendment – Comprehensive Plan and Zoning Map Amendment;
Text Amendment to the Sisters Development Code (File Nos. CP 22-04/ZM 22-01/TA 22-05)

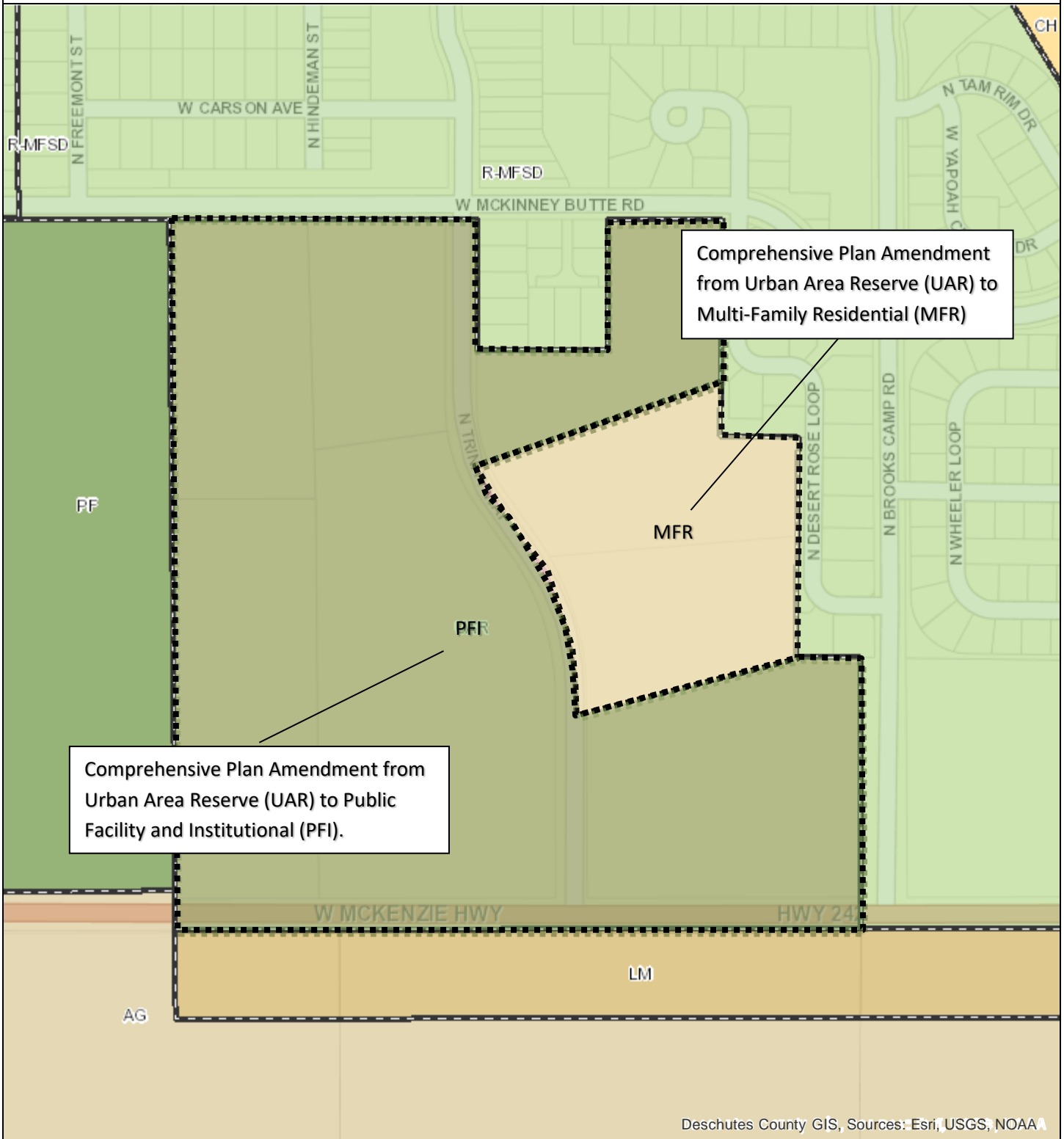
The following supporting documentation is submitted with this Notice of Proposed Post-Acknowledgment Plan Amendments:

1. Draft Comprehensive Plan Map Amendment Exhibit (File No. CP 22-04)
2. Draft Zone Map Amendment Exhibit (File No. ZM 22-01)
3. Proposed Text Amendments (File No. TA 22-05)
 - a. Chapter 1.3 Definitions
 - b. Chapter 2.7 Public Facility District
 - c. Chapter 5.2 Non-Conforming Uses and Structures
 - d. Chapter 5.3 Subsequently Allowed Uses

Please note the staff report and recommendation to the hearings body will be available for review at least seven (7) days before the hearing. All submitted evidence and materials related to the application are available for inspection at City Hall. Copies of all materials will be available on request at a reasonable cost. Meeting information, including the Zoom link, will be posted on the Planning Commission Agenda and can be found on <https://www.ci.sisters.or.us/meetings>.

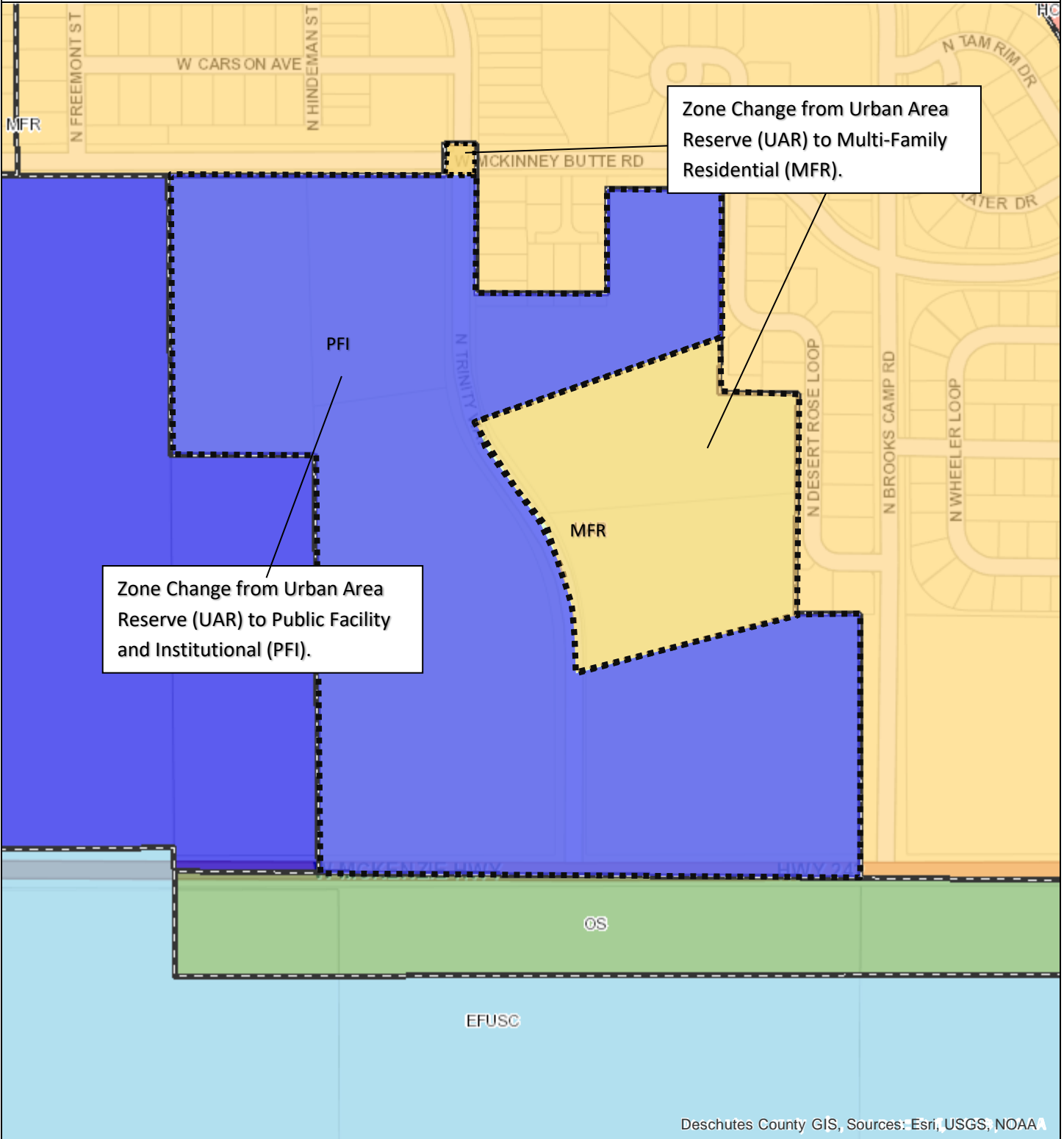
PROPOSED COMPREHENSIVE PLAN MAP

Exhibit " " to Ordinance 2023-XX



PROPOSED ZONING MAP

Exhibit " " to Ordinance 2023-XX



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

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1.3.300 Meaning of Specific Words and Terms

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

| **Community Center** - A ~~public~~-meeting place, often a complex of buildings, where people may carry on cultural, recreational, or social activities.

**DEVELOPMENT CODE AMENDMENTS
CITY OF SISTERS DEVELOPMENT CODE
CHAPTER 2.7 – PUBLIC FACILITY DISTRICT**

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Chapter 2.7 — Public Facility and Institutional District (PFI)

2.7.100 Purpose

The Public Facility and Institutional (PFI) District is intended to provide areas primarily for the location and establishment of facilities which are maintained in public and quasi-public ownership and which utilize relatively large areas of land.

2.7.200 Uses

- A. Permitted uses. Uses permitted in the Public Facilities District are listed in Table 2.7.1 with a “P”. These uses are allowed if they comply with the development standards and other regulations of this Code.
- B. Special Provisions. Uses that are either permitted or conditionally permitted in the Public Facility District subject to special provisions for that particular use are listed in Table 2.7.1 with an “SP”. Uses subject to an SP shall comply with the applicable special use standards included in Chapter 2.15.
- C. Conditional uses. Uses that are allowed in the Public Facilities District with approval of a conditional use permit are listed in Table 2.7.1 with either a Minor Conditional Use “MCU” or a Conditional Use “CU”. These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter 4.4 of this Code.
- D. Similar uses. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 – Interpretations.

Table 2.7.1 Use Table for the Public Facility District

Land Use Category	Permitted/Special Provisions/Conditional Use	References
Public and Institutional Uses		
<u>Churches and places of worship</u>	<u>CU</u>	
Community <u>center building</u>	P	-
Concession stand providing food, beer and/or wine as an accessory use	P	-
Museum & libraries	P	-
Public buildings and structures	P	-
Public yards	MCU	-

Land Use Category	Permitted/Special Provisions/Conditional Use	References
Public park, playground, swimming pool, skateboard park or similar facilities intended for public use	P/CU	Uses with outdoor night lighting and/or amplified sound system require a conditional use approval (CU)
Public or private play fields, sport complexes and similar recreational facilities	P/ CU	Uses with outdoor night lighting and/or amplified sounds require conditional use approval (CU)
Utility Facility	P	-
Public or private schools	P	-
Public trails, natural areas, open space, future park sites, and similar sites owned by public or special districts with minimal improvements	P	-
College or university	P	-
Public utility maintenance facilities and operation yards with outdoor storage of materials and supplies for T15R10S09 1002	MCU	
Permanent outdoor facilities for performance of music, theater, and similar community events	P/CU	Uses with outdoor night lighting and/or amplified sound system require a conditional use approval (CU)
Communication facilities	CU/SP	-
Solid waste disposal site or transfer site T15R10S09 1002	CU	-
Sewage treatment facilities T15R10S09 1002	CU	-
Miscellaneous		
Accessory uses and structures to a primary use are allowed if they comply with all development standards and any referenced special use standards.	P/SP	-

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

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

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5.2.100 Purpose

The purpose of this chapter is to allow nonconformities to continue, but to ultimately bring all uses, buildings, and structures into conformance with this Development Code and the Comprehensive Plan.

5.2.200 Nonconforming Use

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

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

**DEVELOPMENT CODE AMENDMENTS
CITY OF SISTERS DEVELOPMENT CODE
CHAPTER 5 - EXCEPTIONS TO CODE STANDARDS**

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Chapter 5.3 Subsequently Allowed Uses

5.3.100 Purpose/Applicability

The purpose of this chapter is to address non-conforming uses that are subsequently made conforming by adding the use as a permitted use in the applicable zone or a zone change of the property to a zone where the non-conforming use on the property is permitted as well as instances where a lawfully established use is subsequently designated as a conditional use in applicable zone or the subject property is rezoned to a zone where the lawfully established use is allowed as a conditional use.

5.3.200 Non-Conforming Uses Allowed as Permitted Uses

A. Continued Use. A non-conforming use subsequently designated as an permitted use is allowed to continue under the operating conditions at the time of the change notwithstanding any non-compliance with then applicable land use regulations.

B. Alteration. Any alteration of a non-conforming use subsequently designated as an permitted use including, without limitation, the operating conditions, land, buildings, and structures associated with the use must comply with standards applicable at the time of alteration and any unmodified portion of the use must come into compliance to the extent reasonably practical. Such alterations may require site plan review approval under SDC Chapter 4.2.

5.3.300 Non-Conforming Uses Allowed as Conditional Uses

A. Continued Use. A non-conforming use subsequently designated as a conditional use is allowed to continue under the operating conditions at the time of the change notwithstanding any non-compliance with then applicable land use regulations.

B. Alteration. Any alteration of a non-conforming use subsequently designated as a conditional use including, without limitation, the operating conditions, land, buildings, and structures associated with the use must comply with standards applicable at the time of alteration and any unmodified portion of the use must come into compliance to the extent reasonably practical. Such alterations will require conditional use approval under SDC Chapter 4.4 and may require site plan review approval under SDC Chapter 4.2.

5.3.400 Lawfully Established Uses Allowed as Conditional Uses

A. Continued Use. A lawfully established use subsequently designated as a conditional use is allowed to continue under the operating conditions at the time of the change notwithstanding any lack of conditional use approval or any non-compliance with any special standards associated with the conditional use.

B. Alteration. Any alteration of a lawfully established use subsequently designated as a conditional use including, without limitation, the operating conditions, land, buildings, and structures associated with the use must comply with standards applicable at the time of alteration and any unmodified portion of the use must come into compliance to the extent reasonably practical. Such alterations will require conditional use approval under SDC Chapter 4.4 and may require site plan review approval under SDC Chapter 4.2.

5.3.500 Reasonably Practical

For purposes of this Chapter, it will not be reasonably practical to achieve compliance where compliance requires the applicant to commit resources that clearly exceed the public benefit of achieving compliance.