

Burden of Proof Statement

Site Plan- Baker Mixed Use

**Applicant/
Owner:** Gary T and Dixie L Baker
71110 Holmes Road
Sisters, OR 97759

Architect: Cole Architects PLLC
Kimberly Stroup and Ben Rohrich
1000 NW Wall Street, Suite 205
Bend, OR 97703

Civil Engineer: Morrison Maierle
Ben Berry
1001 SW Disk Drive, Suite 110
Bend, OR 97702

Traffic Engineer: Clemow and Associates LLC
Christopher Clemow
1582 Fetters Loop
Eugene, OR 97402

Planner: Blackmore Planning and Development Services, LLC
Greg Blackmore
19454 Sunshine Way
Bend, OR 97702

Request: Type II Site Plan Review for a 15,464 square foot, 3-story mixed-use building with commercial uses on the ground floor and 6 residential units on the second and third floors.

Location: The property is centrally located in downtown Sisters. It abuts E Cascade Avenue (Hwy 20) to the south. The site has been assigned an address of 130 E Cascade Avenue and is identified as Tax Lot 4101 on the Deschutes County Tax Assessor Map 15-10-04 CC.

I. Applicable Procedures, Criteria and Standards:

Procedures: Chapter 4.1; Types of Applications and Review Procedures

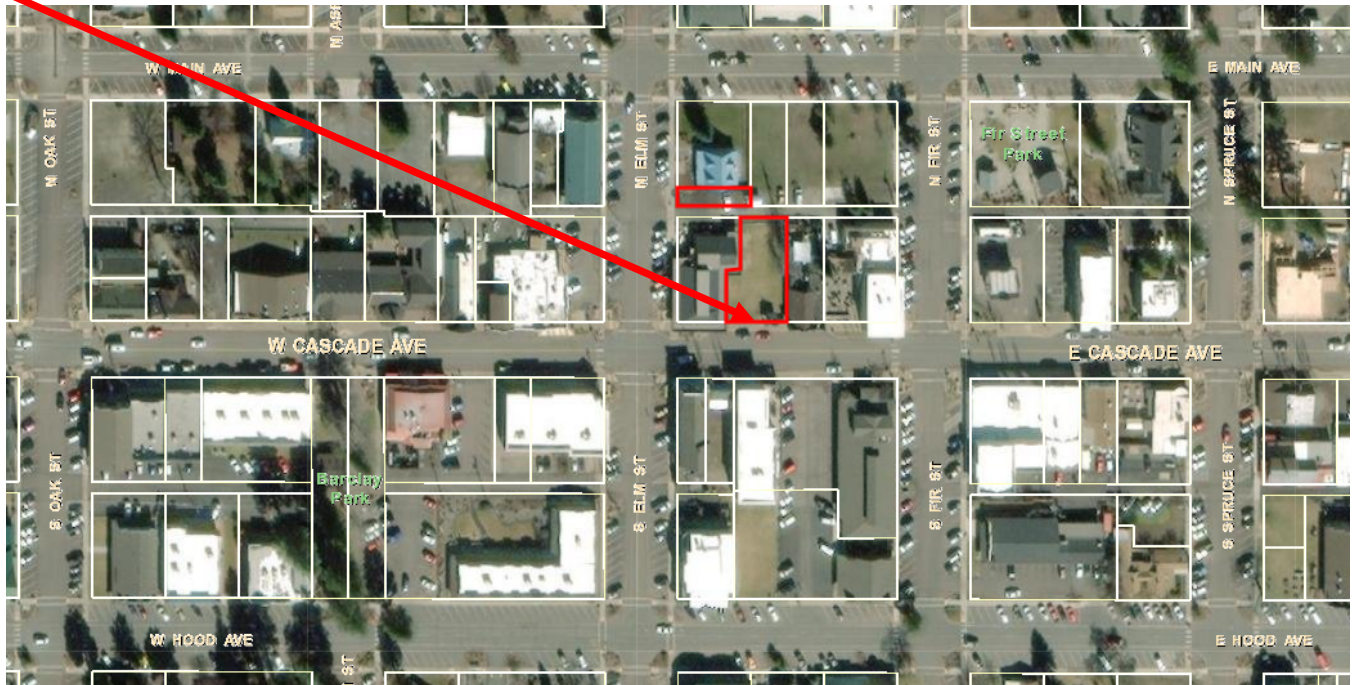
Criteria: Chapter 4.2; Site Plan Review

Standards: Chapter 2.4; Downtown Commercial District (DC)
Chapter 2.15; Special Provisions
Chapter 3.1; Access and Circulation
Chapter 3.2; Landscaping and Screening

II. General Facts:

1. **Location:** The property is centrally located in downtown Sisters. It abuts E Cascade Avenue (Hwy 20) to the south. The site has been assigned an address of 130 E Cascade Avenue and is identified as Tax Lot 4101 on the Deschutes County Tax Assessor Map 15-10-04 CC.

Subject Property / Site Location



2. **Zoning and Comprehensive Plan Designations:** The property is zoned Downtown Commercial (DC) District and it is designated Downtown Commercial (DC) District on the City of Sisters Comprehensive Plan Map. The property is also within the Airport Overlay (AO) District.

3. **Site Description.** The site is .19 acres in size and consists of two segments, referred to as the southern and northern segments.

The southern segment is a roughly .13 acre rectangular area that is an interior lot, with frontage on E Cascade Avenue, backage on an alley, and it borders Dixies (a retail business) to the west and Rancho Viejo (a restaurant) to the east. This area contains a small building in the southeast corner, along with unimproved lawn area and 2 trees.



The second segment, the northern area is a 20' x 80' segment of land on the north side of the alley. This area is improved with gravel vehicular parking spaces.



4. Surrounding Zoning and Uses. The property abuts DC zoned lands on all sides. Surrounding properties are developed with a mix of commercial uses. E Cascade Avenue to the south is an ODOT facility with two lanes of travel, extra-wide sidewalks and parking bays adjoining the property. The nearest water main is located approximately 100 feet to west, within the N Elm Street right-of-way, and the nearest sewer main is located in the alley that abuts the property.

5. Proposal: Type II Site Plan Review for a 15,464 square foot, 3-story mixed-use building with commercial uses on the ground floor and 6 residential units on the second and third floors.

6. Exhibits: In addition to this burden of proof statement, the applicant submits the following exhibits in support of the proposal:

- Application Form and Fee
- Architectural Plans
 - *Cover Sheet*
 - *Site Plan*
 - *Floor Plans*
 - *Roof Plan*
 - *Exterior Elevations*
 - *Renderings*
 - *Color and Material Details*
 - *Lighting Cut Sheet / Photometric Analysis*
 - *Historic Precedent Sheets*
- Engineering Plans
 - *Existing Conditions and Removal Plan*
 - *Site Plan*
 - *Tentative Utility Plan*
 - *Tentative Grading and Drainage Plan*
- Transportation Assessment
- Title Report

7. Lot of Record and Associated Application: Pursuant to Land Partition MNR 05-09 and the associated Partition Plat 2008-19 the subject property is a lot of record. The subject property is being reconfigured into its current configuration via an associated property line adjustment application.

III. Conformance to the Applicable Procedures.

Chapter 4.1 - Types of Applications and Review Procedures

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.

Applicant Response: This section describes the intent of the procedures of the Sisters Development Code. The purpose/intent has been written to provide the City, the applicant, and the public a specific method to participate in the local decision making process; ensuring that decisions are based on a factual basis and made in a timely manner. The applicant understands the land use process and anticipates that City Staff will follow the applicable procedures of the Code.

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)...

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;

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

Applicant Response: This table and the standards of this section establish that a Site Plan Review is a Type II review, whereby a decision is made by the Community Development Director. The applicant anticipates that the application will be reviewed accordingly.

4.1.400 Type II Procedure (Administrative)

A. Application requirements. See 4.1.700.

Applicant Response: Section 4.1.700 is addressed below.

B. Notice of Application for Type II Administrative Decision.

- 1. Before making a Type II Administrative Decision, the Community Development Director or designee shall mail notice to:**
 - a. All owners of record of real property within 250 feet (measured from the property line) of the subject site;**
 - b. All City recognized neighborhood groups or associations whose boundaries include the site;**
 - c. Any person who submits a written request to receive a notice; and**
 - d. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies; ODOT shall be notified when there is a land division abutting a State facility as appropriate, for review of the application.**
- 2. Posted Notice. Before making a Type II Administrative Decision, the Community Development Director or designee shall post the notice on-site 14 calendar days prior to the date of the decision.**
- 3. The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application, before the Type II decision is made. The goal of this notice is to invite people to participate early in the decision-making process.**
- 4. Notice of a pending Type II Administrative Decision shall:**
 - a. Provide a 14 calendar day period for submitting written comments before a decision is made on the permit; List the relevant approval criteria by name and number of code sections;**
 - b. State the place, date and time the comments are due, and the person to whom the comments should be addressed;**
 - c. Include the name and telephone number of a contact person regarding the Administrative Decision;**
 - d. Identify the specific permits or approvals requested;**
 - e. Describe the street address or other easily understandable reference to the location of the site;**
 - f. State that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;**

- g. State that all evidence relied upon by the Community Development Director or designee to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;
- h. State that after the comment period closes, the Community Development Director or designee shall issue a Type II Administrative Decision. The decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice;
- i. Contain 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.”

Applicant Response: The procedures of this section are the responsibility of the City. The applicant anticipates that the City will follow these procedures when notifying the public of this application.

C. Administrative Decision Requirements. The Community Development Director or designee shall make Type II written decisions addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the Community Development Director or designee shall approve, approve with conditions, or deny the requested permit or action. The decision may include a requirement for non-remonstration for future road improvements. At the discretion of the Community Development Director or designee, any Type II application may be forwarded to the Planning Commission for decision.

Applicant Response: The applicant understands that this section directs the Community Development Director to base the City decision on the applicable standards and criteria in the Development Code. This section also allows the Community Development Director to forward the decision making process on to the Planning Commission, if necessary. The project is site-specific and it is a use that is “Permitted” in the DC District. Given the size, scope and scale of the project, the fact that the design conforms to all Code standards, and because no exceptions are being requested, the applicant anticipates that the decision will be made by Staff and will not be forwarded to the Planning Commission.

D. Notice of Decision.

- 1. Within five days after the Community Development Director or designee signs the decision, a Notice of Decision shall be posted on the property and sent by mail unless stated otherwise to:
 - a. Any person who submits a written request to receive notice, or provides comments during the application review period;
 - b. The applicant and all owners or contract purchasers of record of the site which is the subject of the application;

- c. Any person who submits a written request to receive notice, or provides comments during the application review period;
- d. Any City recognized neighborhood group or association whose boundaries include the site;
- e. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies which were notified or provided comments during the application review period.
- f. Planning Commission shall be noticed by email.

2. The Community Development Director or designee shall cause an affidavit of mailing and posting of the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and posted, and shall demonstrate that the notice was mailed to the people and within the time required by law.

3. The Type II Notice of Decision shall contain:

- a. A description of the applicant's proposal and the City's decision on the proposal (i.e., may be a summary);
- b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area, where applicable;
- c. A statement of where the City's decision can be obtained;
- d. The date the decision shall become final, unless appealed;
- e. A statement that all persons entitled to notice or who are otherwise adversely affected or aggrieved by the decision may appeal the decision;
- f. A statement briefly explaining how an appeal can be filed, the deadline for filing an appeal, and where further information can be obtained concerning the appeal process; and
- g. A statement that unless appellant (the person who files the appeal) is the applicant, the hearing on the appeal shall be limited to the specific issues identified in the written comments submitted during the comment period. Additional evidence related to the Notice of Appeal may be submitted by any person during the appeal hearing, subject to any rules of procedure adopted by the Planning Commission.

E. Final decision and effective date. A Type II administrative decision is final for purposes of appeal, when it is mailed by the City. A Type II administrative decision is

effective on the day after the appeal period expires. If an appeal is filed, the decision is effective when the appeal is decided.

Applicant Response: The Applicant understands the required form of the decision, along with the notice process, and the time limits established in these sections. The applicant anticipates that the City will abide by these provisions in its review of the application.

F. Appeal. Appeals shall be processed in accordance with the requirements and procedures provided by 4.1.800.

Applicant Response: In the event that an appeal is filed, it is expected that it would be processed in accordance with the noted provisions.

4.1.500 Type III Procedure (Quasi-Judicial)...

Applicant Response: While the Code allows the Community Development Director to forward the decision making process on to the Planning Commission, given that the project is site-specific, it is a “Permitted” use in the DC District, the size, scope and scale of the project, the fact that the design conforms to all Code standards, and because no exceptions are being requested, the applicant anticipates that the decision will be made by Staff and will not be forwarded to the Planning Commission. Therefore this section is not expected to be applicable.

4.1.600 Type IV Procedure (Legislative)...

Applicant Response: The proposal is for a Site Plan review. The application is not Legislative in nature and this section does not apply.

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;**

Applicant Response: The application materials that accompany this narrative include all of the items referenced in this section; therefore the proposal has been submitted in conformance to these procedures.

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:...

Applicant Response: The proposal is for a Site Plan Review, it does not include a Land Division; therefore these procedures do not apply.

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,

Applicant Response: The application is being review via the Type II review process; therefore this section does not apply.

8. Type IV ...

Applicant Response: As detailed in Table 4.1.200 above, the proposal will be reviewed via a Type II review procedure. Therefore the submittal procedures of these sections do not apply.

- 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.)

Applicant Response: The current proposal, a Site Plan, is a “permit application” pursuant to the referenced ORS, and therefore is subject to the 120-day rule of this section.

- 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.

Applicant Response: The applicant understands that the Time Computation procedures of this section will be applied to any period of time of the application review, as prescribed in this chapter.

D. Pre-application Meetings....

Applicant Response: The pre-application provisions of this section are optional. The applicant did hold a pre-application meeting prior to submittal. Nonetheless, these procedures do not apply to this land use application and therefore are not addressed herein.

E. Applications.

1. Initiation of applications:

a. Applications for approval under this chapter may be initiated by:

- 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.**

Applicant Response: The City Application Form has been signed by the property owner (attached as an Exhibit). The proposal has been submitted in accordance with the submittal procedures of this section.

- 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...**

Applicant Response: The proposal is for only one review type, a Site Plan Review. As noted above, the Site Plan Application requires a Type II review procedure. The provisions of this section are not applicable

- 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.**

Applicant response: The required form and fee, along with the signature of the owner are submitted with this application packet. Thus these procedures have been followed.

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;**

Applicant Response: The applicant understands that the Community Development Director or designee will review the submittal for completeness within 30 days of submittal, and in the event of an incomplete application, the City will inform the applicant of exactly what is missing. In the event of an incomplete application, the applicant plans to provide a timely response.

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.**

Applicant Response: Upon submittal of a complete application, the applicant anticipates a review by the City. In the event the Community Development Director identifies other items as being required, the applicant would be willing to review and provide additional documentation, as needed.

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.**

Applicant Response: The applicant understands that the standards and criteria that are applicable at the time of submittal apply to the review. The applicable standards and criteria are addressed throughout this narrative.

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.

Applicant Response: The applicant understands that the City may send the proposal to other appropriate agencies for review, in accordance with this review procedure.

4. **Changes or additions to the application during the review period. Once an application is deemed complete:...**

Applicant Response: This section provides procedures to be followed during the review period. The applicant understands that City Staff will follow these standards as they conduct their review.

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.**

Applicant Response: This section establishes the procedural requirements of the City. The Applicant understands these procedures and understands that the City will follow the procedures of this section in the review of the application.

IV. Conformance to the Applicable Site Plan Approval Criteria.

Chapter 4.2 - Site Plan Review

4.2.100 Purpose

The purpose of Site Plan Review is to ensure that structures, parking areas, walks, refuse containers, landscaping and street improvements are properly related to their sites and to surrounding sites and structures; to protect natural features; and to encourage originality in site design and development in a manner which will enhance the physical appearance and attractiveness of the community.

Applicant Response: This section is a purpose statement; it does not contain any measureable approval criteria or development standards.

4.2.200 Applicability

A. Unless exempt, any new development, structure, building, or substantial alteration of an existing structure or use shall require Site Plan Review in accordance with Chapters [4.1](#) and [4.2](#). For the purposes of this Chapter, the term “substantial alteration” shall mean any development as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

1. **The activity structurally alters the exterior of a structure, building or property by more than 25% of the existing floor area or 500 square feet, whichever is less.**

2. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial.
3. The activity involves non-conforming uses as defined in Chapter [5.2...](#)

Applicant Response: The proposal is for a 3 story, mixed-use building. The development also includes a number of site improvements, including alley access, landscaping, and parking areas; therefore the development is not exempt from review, and this section applies.

4.2.300 Application Procedure

- A. **Application Review. Site Plan Review shall be conducted as a Type II procedure using the procedures in Chapter 4.1, and using the approval criteria contained in Section 4.2.500.**
- B. **The Community Development Director shall have discretion to forward any site plan submitted for administrative approval to the Planning Commission for review.**

Applicant Response: The proposal includes a Site Plan review, which is a review type that is typically reviewed via the Type II review procedures. As detailed above, while the Code allows the Community Development Director to forward the decision making process on to the Planning Commission, given that the project is site-specific, it is a “Permitted” use in the DC District, the size, scope and scale of the project, the fact that the design conforms to all Code standards, and because no exceptions are being requested, the applicant anticipates that the decision will be made by Staff and will not be forwarded to the Planning Commission. An analysis of the Procedures of Chapter 4.1 was addressed above and a complete review of the Approval Criteria of Section 4.2.500 is included below.

4.2.400 Submittal Requirements

In addition to the submission requirements required in Chapter 4.1, the Community Development Director or designee shall require all of the following existing and proposed information as deemed applicable for Site Plan Review;

- A. **The scale, north arrow, date of preparation, name and address of project designer, street address and tax lot number;**
- B. **Lot or site dimensions.**
- C. **All existing and proposed buildings and structures: location, square footage and height.**
- D. **Elevations, floor plans with dimensions, building materials, color, and details of all mechanical equipment screening.**
- E. **Setbacks and space between buildings.**

- F. Walls and fences: location, height and materials.**
- G. Off-street vehicular and bicycle parking and off-street loading: location, number of spaces and dimensions of vehicular and bicycle parking and loading areas, internal circulation pattern.**
- H. Access - pedestrian, bicycle, vehicular, service: points of ingress and egress, internal circulation. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;**
- I. Signs: location, size, height and type of illumination.**
- J. Lighting in compliance with the Dark Skies Ordinance: location and general nature.**
- K. Name all adjacent streets, roads or alleys, showing right-of-way and dedication widths, reservation width, easements, utilities and all types of improvements existing or proposed.**
- L. Landscaping: location, type, and method of irrigation**
- M. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements, as applicable**
- N. Refuse enclosures: location, type and material.**
- O. Location of mail boxes, if known**
- P. Location and descriptions of any major topographic, natural or man-made features on the site such as rock outcrops, water features, existing vegetation, trees, graded areas, etc.**
- Q. Preliminary grading plan. A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 1,000 cubic yards or greater. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required.**
- R. Topographic contour lines at intervals determined by the City.**
- S. Documentation that development will not exceed the trip generation thresholds identified in the Transportation System Plan or a transportation impact analysis conducted in a manner satisfactory to the City if the development will exceed the trip generation thresholds.**

- T. Such other data pertaining to site development as maybe required by the Community Development Department to make the required findings.**
- U. Emergency vehicle turning movements and wheel tracking.**

Applicant Response: The proposal, including the exhibits attached hereto, contains all of the items referenced in this section. The submittal contains all items needed for determining compliance with the applicable development standards and approval criteria. The proposal therefore complies with these requirements.

4.2.500 Approval Criteria

Prior to issuance of building permits, the Community Development Director or designee shall approve, approve with conditions or disapprove the proposed site plan. In approving the plan, the Community Development Director or designee shall find that all provisions of the Development Code are met. The following criteria shall be considered:

- A. Conformance with applicable Design Standards in Chapter 3.**

Applicant Response: Conformance with the applicable Chapter 3 Design Standards is detailed below in *Section VI – Compliance with Applicable Development Standards* of this document. As detailed in that section, the proposal complies with all of the applicable design standards; therefore the proposal complies with this approval criterion.

- B. Adequacy of public and private facilities.**

Applicant Response: Adequacy of public and private facilities refers to the adequacy of water, sewer, streets and private utilities. The property is in the downtown core, with prior approvals and/or development, all required facilities have either been stubbed to the property or exist within the right-of-way adjacent to the property. The applicant has coordinated with the private utility purveyors, confirmed capacity, and confirmed that the private utility purveyors will serve the development. Regarding public facilities (water, sewer, and transportation) the applicant has completed analyses of the transportation system and the review of the water and sewer systems will be completed by City Staff in association with this application. The traffic report, along with the Staff review of the water and sewer systems will document whether adequate capacity exists to accommodate the proposed development. Regarding the water and sewer systems, through pre-submittal correspondence with City Staff, the applicant has been informed that water and sewer systems have been developed in the area and the existing systems were sized to accommodate the allowed uses in the DC District. It is expected that the proposed development, being consistent with the allowed uses in the DC District, can be accommodated by the existing water and sewer systems.

Confirmation of private utility purveyors ability to serve the property and the public facility analyses (completed by Staff through this review) are expected to document that both public and private facilities have adequate capacity to serve the development, in accordance with this approval criterion.

- C. Traffic safety, internal circulation and parking, including pedestrian and bicycle safety;**

Applicant Response: In association with this submittal, the applicant is providing a Traffic Report. The Traffic Report, studied traffic safety as prescribed in the Sisters Development Code and the report documents that the proposal complies with all applicable standards and criteria, including those related to safety. Regarding internal circulation, parking, pedestrian safety and bicycle safety, standards have been written into the Development Code to ensure adequate safety for these items. Internal circulation standards, parking, pedestrian walkways and bicycle parking standards are included in Chapter 3 of the Development Code. A complete review of Chapter 3 is included below, and as noted in that section, all standards are met as proposed. Given that the project meets all Development Code requirements and because the Traffic Report shows that traffic safety is sufficiently provided to serve the development, the proposal complies with the applicable safety requirements; and therefore conforms to this approval criterion.

D. Provision for adequate noise and/or visual buffering from non-compatible uses.

Applicant Response: The proposal includes a mixed-use development in the core of the City. The use will have similar noise impacts as other uses in the area and there are not any non-compatible uses in the area.

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

Applicant Response: The plans have been developed by qualified professionals who have designed the site and building in conformance with public works, building and fire code requirements. The civil engineer has reviewed the proposal for compliance with public works and fire code requirements, and the architectural design team has performed a code analysis to determine that the building meets all applicable standards.

Additionally, through the land use process, the Planning Department will route the land use application to the Public Works, Building and Fire Departments of the City of Sisters for comments. These departments will have the opportunity to review the request, and their comments will be incorporated into the public record of this land use file. Thus, the City's review procedures will further ensure conformance with this approval criterion.

F. Conformance with development requirements of the underlying zone.

Applicant Response: Conformance with the underlying zone, the Downtown Commercial (DC) zone, is detailed below in *Section V– Compliance to the Applicable Development Standards* of this document. As detailed therein, the proposal complies with all applicable development requirements. Thus the proposal complies with this approval criterion.

V. Conformance to the Applicable Development Standards.

Chapter 2.11 – Airport Overlay District (AO)

A. Purpose

This overlay zone is intended to prevent the establishment of airspace obstructions within the Sisters Eagle Air Airport approach surfaces that are located within the City of Sisters city limits. The protection of the Airport Imaginary Surfaces will be

accomplished through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Sisters.

1. In order to carry out the provisions of this overlay zone there is hereby created an Airport Imaginary Surfaces Map that pertains to the Sisters Eagle Air Airport Imaginary Surfaces that are located within the City of Sisters city limits.
2. The airport overlay zone requirements have been designed to comply with the provisions of the following legislation:
 - a. Federal Aviation Regulations, Part 77 – Objects Affecting Navigable Airspace
 - b. Oregon Administrative Rules, Chapter 738, Division 70, Physical Hazards to Air Navigation
 - c. Oregon Revised Statutes Section 836.310, Airports and Landing Fields
 - d. The Land Conservation and Development Commission Transportation Planning Rule
 - e. Goal 12 - Transportation, of the Oregon Land Conservation and Development Commission Statewide Planning Goals and Guidelines, Planning Guideline 2 and Implementation Guideline 3.
 - f. Policy 12 and 13 from the Transportation section of the Sisters Urban Area Comprehensive Plan. City of Sisters Development Code Chapter 2.11.

Applicant Response: As evidenced by the City Airport Overlay (AO) Zone Map, the majority of the City of Sisters (the only exception being a portion of land along the western boundary) falls within the Airport Overlay Zone. The subject property is in the Conical Surface area of the AO. The Airport Overlay Zone has been developed to comply with aviation related legislation, including all regulations referenced by the ODA representative. Pursuant to this section of the Development Code, conformance with the referenced provisions will be addressed by implementing the standards of the Sisters Development Code.

2.11.200 Compliance

In addition to complying with the provisions of the primary zoning district, all uses and activities shall comply with the provisions of this Airport Overlay Zone. In the event of conflict between any provisions of this overlay zone and the primary zoning district, the more restrictive provision shall apply.

Applicant Response: This is a procedural standard and does not contain any review provisions.

2.11.300 Definitions...

Applicant Response: The definitions of this section are for reference only; this section does not contain any development standards or approval criteria.

2.11.400 Permitted Uses

- 1. Uses permitted in underlying zone district. Uses listed as permitted or conditional in the underlying zone are allowed within the Airport Overlay District unless prohibited in Section 2.11.500 or the development limitations of Section 2.11.600.**
- 2. Determination of Similar Land Uses. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.**

2.11.500 Prohibited Uses

- 1. New structures or buildings are not allowed within the Runway Protection Zone.**
- 2. New places of public assembly designed to accommodate 50 people or more are not allowed on land zoned Urban Reserve District (UR) within the first 1,500 feet of the Approach Safety Zone. Please see Chapter 2.9 Urban Reserve District (UR) for the specific regulations regarding this zone.**
- 3. New wetland enhancements including migratory bird refuges, water impoundment(s), landfills, waste disposal sites, commercial bird farms or similar uses individually exceeding two (2) acres in size that attract and sustains flocks of birds are not allowed on land beneath the Horizontal Surface.**
- 4. New uses that interfere with aviation due to height of structures, glare from buildings, smoke, or safety considerations are not allowed. Specific evidence of aviation interference must be demonstrated before a use (not listed above) is prohibited. The evidence must show that the use will regularly produce an interference listed above, based on its normal operating characteristics.**

2.11.600 Use and Development Limitations

- 1. No new structure, except one customarily used for aeronautical purposes, shall penetrate into the Airport Imaginary Surfaces as defined in section 2.11.300.**
- 2. No glare producing material (unpainted metal, reflective glass, and similar materials, etc.) shall be used on the exterior of structures within the Airport Approach Safety Zone.**
- 3. In noise sensitive areas (within 1,500 feet of the airport runway) a Declaration of anticipated noise from aircraft shall be recorded against the property in the deed records of Deschutes County. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits or final plat approval for land divisions.**
- 4. Within the first 1500 feet of the Airport Approach Safety Zone, a Hold Harmless Agreement and Aviation and Hazard Easement shall be attached to any building permit for residential or places of public assembly, and shall be recorded against the property in the deed records of Deschutes County. Property owners or their**

representatives are responsible for providing the recorded instrument prior to issuance of building permits.

Applicant Response: The development standards of these sections address uses. The current proposal includes a Site Plan Review for a 3-story, mixed-use development. The use areas and building are a greater distance from the airport than other similar uses throughout the City, and as detailed in a review of Chapter 2.7 (below), the proposed use is “Permitted” within the underlying district. Also, the development is not within the runway protection zone or the UR Zone, it does not include wetland enhancements, uses or structures that could interfere with aviation; therefore the development will not be one of the explicitly prohibited uses, or one of the limited uses. As documented throughout this narrative, the proposal complies with all applicable development standards, including this section. Development within the Conical Surface area is not uncommon throughout the City of Sisters, as there are a number of areas throughout the City that fall within the various subzones of Airport Overlay Zone segments, including surrounding development.

2.11.700 Non Conforming Uses (See also Chapter 5.2)...

Applicant Response: All existing development on the site will be reconstructed to City Standards. No nonconforming uses will be retained on the site.

2.11.800 Procedures (See also Chapter 4.1 for Applications and Review Procedures that are also applicable to this Overlay District.)

- 1. All proposed development and uses within the overlay zone are subject to site plan review to determine compliance with the provisions of this district. All land use and building permit applications shall provide a site plan showing:**
 - a. Property boundary lines and elevations as they relate to the Airport Imaginary Surfaces.**
 - b. Location and height of all existing and proposed structures, utility lines and roads.**

- 2. All applications requiring site plan approval within the Airport Imaginary Surfaces and noise corridors shall be submitted to the Aeronautics section of the Oregon Department of Transportation for review. The Oregon Aeronautics has 10 days from date of receipt of an application to review and return comments to the Planning Department.**

Applicant Response: The submitted materials sufficiently document all items required under this section. The Applicant understands that the City will forward the proposal to the required agencies for review, as needed.

2.11.900 Variances (See also Chapter 5.1)...

Applicant Response: No variances are proposed; therefore the standards of this section do not apply.

Chapter 2.4 – Downtown Commercial (DC) District

2.4.100 Purpose

The purpose of the Downtown Commercial District is to strengthen and reinforce the downtown of Sisters as the “heart” of the community. This chapter is intended to support this purpose through design and appropriate mixed-use development in the Downtown Commercial District, consistent with the following principles:

- Strongly encourage downtown revitalization
- Encourage efficient use of land and urban services
- Provide a mix of land uses to encourage walking as an alternative to driving
- Expand employment
- Provide more options for housing
- Improve accessibility between the Downtown Commercial District and neighborhoods and other employment areas
- Enhance visitor accommodations and tourism amenities
- Provide standards that maximize the pedestrian friendly scale and quality of the District
- Sustain the historic tourist character of the City of Sisters through the Western Frontier Architectural Design Theme standards.

Applicant Response: This section establishes a purpose, however it does not contain any measurable development standards or approval criteria. It is understood that a project that is consistent with the standards of this section will carry out the purpose noted herein.

2.4.200 Uses

A. Permitted uses. Uses allowed in the Downtown Commercial District are listed in Table 2.4.1 with a “P.” These uses are allowed if they comply with the development standards and other regulations of this Code.

B. Special Provisions. Uses that are either permitted or conditionally permitted in the Downtown Commercial District subject to special provisions for that particular use are listed in Table 2.4.1 with an “SP.” Uses subject to an SP shall comply with the applicable special use standards included in Chapter 2.15.

Table 2.4.1 Use Table for the Downtown Commercial District	
Land Use Category	Permitted/Special Provisions/Conditional Uses
Residential	
Dwelling(s) located above, within, or attached to a commercial building not including single-family detached dwellings.	P/SP

Table 2.4.1 Use Table for the Downtown Commercial District

Land Use Category	Permitted/Special Provisions/Conditional Uses
Commercial	
Retail sales establishment	P
Offices (medical, dental, professional)	P

Key: P = Permitted SP = Special Provisions

Applicant Response: The Site Plan Application includes ground floor commercial (office or retail) and upper floors of residential. The proposed uses are permitted in the zone.

2.4.300 Development Standards

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

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

Table 2.4.2 Development Standards for the Downtown Commercial District

Development Standard	Downtown Commercial District	Comments/Other Requirements
Minimum lot area	2,250 square feet	No minimum for condominium lots. Cottage lots are subject to the minimum lot areas in Chapter 4.6 .
Lot frontage	25 feet	No minimum for condominium or cottage lots.
Front yard setback	First Floor – 5 feet minimum; 10 feet maximum Second and third floor – 0 feet.	Except where vision clearance standards apply. First Floor – The maximum setback may be increased to 20 feet when a usable public space with pedestrian amenities is provided between the building and the front property line.
		First Floor – No more than 50 percent of the front building elevation shall exceed the maximum 10 foot setback Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks shall apply. The following features are allowed to encroach into the required setback: eaves, chimneys, overhangs, canopies, fire escapes, landing places, outside stairways, and similar architectural features. Balconies, overhangs, bay windows, awnings, eaves, signs and similar

Table 2.4.2 Development Standards for the Downtown Commercial District

Development Standard	Downtown Commercial District	Comments/Other Requirements
		<p>features may extend into the right-of-way subject to the following requirements:</p> <p>A. Support posts are permitted in compliance with the Building Codes</p> <p>B. Awnings may extend over public property but no portion shall extend nearer than two feet to the face of the nearest curb line measured horizontally.</p> <p>C. Encroachments shall not obstruct or prevent the placement of street trees or other improvements within the public right-of-way.</p> <p>D. All permanent encroachments (part of the building structure) which infringe into the City ROW require the execution of an encroachment agreement.</p> <p>E. The lowest point of the overhead architectural feature, (Signs use Chapter 3.4), must be at least eight (8) feet above the sidewalk.</p>
<p>Interior Side yard setback</p> <p>a. Abutting non-residential district</p> <p>b. Abutting residential district</p>	<p>No minimum</p> <p>5 foot minimum</p>	
<p>Exterior Side Yard setback</p>	<p>First Floor – 5 feet minimum; 10 feet maximum</p> <p>Second and third floor – 0 feet.</p>	<p>First Floor – The maximum setback may be increased to 20 feet when a usable public space with pedestrian amenities is provided between the building and the property line.</p> <p>First Floor – No more than 50 percent of the building elevation shall exceed the maximum 10 foot setback</p> <p>The following features are allowed to encroach into the required setback: eaves, chimneys, overhangs, canopies, fire escapes, landing places, outside stairways, and similar architectural features.</p> <p>Balconies, overhangs, bay windows, awnings, eaves, signs and similar features may extend into the right-of-way subject to the following requirements;</p> <p>A. Support posts are permitted in compliance with the Building Codes.</p>

Table 2.4.2 Development Standards for the Downtown Commercial District

Development Standard	Downtown Commercial District	Comments/Other Requirements
		<p>B. Awnings may extend over public property but no portion shall extend nearer than two feet to the face of the nearest curb line measured horizontally.</p> <p>C. Encroachments shall not obstruct or prevent the placement of street trees or other improvements within the public right-of-way.</p> <p>D. All permanent encroachments (part of the building structure) which infringe into the City ROW require the execution of an encroachment agreement.</p> <p>E. The lowest point of the overhead architectural feature, (Signs use Chapter 3.4), must be at least eight (8) feet above the sidewalk.</p>
<p>Rear yard setback</p> <p>a. Rear yard lot line abutting non-residential district</p> <p>b. Rear yard lot line abutting residential district</p>	<p>No minimum</p> <p>5 foot minimum</p>	<p>Except where vision clearance standards apply.</p>
<p>Lot coverage</p>	<p>No maximum</p>	<p>Compliance with other sections of the Code (landscaping, parking, pedestrian circulation, etc.) may preclude 100 percent lot coverage for certain uses</p>
<p>Building height</p>	<p>30 feet; 35 feet if building includes second-floor residential use</p>	<p>See exceptions to building height in Section 2.4.300.C.</p>

C. Exceptions to Building Height

1. The maximum height for buildings containing a residential use is 35' of habitable area. The building may extend up to 50' provided all areas above 35' are nonhabitable.

2. The building height increase allowed for housing shall apply only to vertical mixed use buildings, and shall only apply to that portion of the building that contains housing.

3. Not included in the maximum height limit are bell towers, steeples, flagpoles, and similar features that are not intended for human occupancy and by their vertical orientation do not block views.

4. Not included in the maximum height limit are western design theme facades (false front facades), which may extend to 35 feet for a maximum 25 percent of the street-facing building length.

Applicant Response: As detailed on the Plan Set and detailed below, the minimum development standards have been met:

Minimum front yard and exterior side yard setbacks: First Floor – 5 ft. minimum:
Maximum front yard and exterior side yard setbacks: First Floor – 10 ft. maximum

As detailed on the Site Plan, the applicant proposes the first floor of the building to be setback 7 feet from the southern property line, measured as a distance from the property line to the formal exterior building wall, which conforms to both the minimum and maximum standards of this section. The property is an interior lot and does not contain any exterior side yards.

Regarding the upper floors (2nd and 3rd), Per Table 2.4.2, there is a 0 foot minimum requirement and balconies, overhangs, bay windows, awnings, eaves, signs and similar features may extend into the required setback and right-of-way. The proposed design includes balconies and support columns are located in the required minimum setback area, which is allowed by code. As detailed on the plans, the balcony area will not be within 2 feet of the curb and the design provides more than 8 feet of vertical clearance under the balcony area. The proposed design, including the support posts and upper floor encroachments conform to the standards of this section.

Minimum interior and rear yard setbacks: The property does not abut a residential district; therefore there is no minimum required interior or rear setback. As detailed on the Site Plan, the proposed design extends the building to the eastern and western (side) property lines, which is allowed by this standard. Furthermore, the building is proposed to be located 12 feet from the northern (rear) property line, which is also allowed by this section.

Lot Coverage: There is no minimum or maximum for the DC Zone. The amount of lot coverage is dictated by meeting the minimum landscaping requirements and providing all required parking, pedestrian access and circulation and other provisions of the Code. As detailed throughout the narrative, the proposal meets all Code standards.

Building Height: As detailed in this section, because the project includes second and third floor residential as part of a vertical mixed-use development, the maximum building height is 50 feet, except that a 35 foot height limit applies to the height of the habitable area. **As detailed on the Plan Set, the building is proposed to be 35 feet to the top of the habitable residential area and up to 47 feet to the highest point of the building, which is the elevator shaft.** As detailed on the Plan Set, the proposed building design conforms to the applicable building height standard.

D. Building Orientation Standards. The building orientation standards are intended to promote the pedestrian-oriented, storefront character of the Downtown Commercial District by placing buildings with a primary entrance facing the sidewalk. Development in the Downtown Commercial zone is subject to the following standards:

1. Buildings shall have their primary entrance(s) oriented to (facing) the street. On corner lots, buildings shall have at least one entrance oriented to the street. All other street facing elevations shall comply with the Design Standards in Section 2.4.300.E. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces).

Applicant Response: As detailed on the Plan Set, the primary entrance for the proposed building is oriented to the south, toward E Cascade Avenue. The street facing (south) elevation has been designed to comply with the Design Standards in Section 2.4.300.E, as detailed below.

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

Applicant Response: As detailed on the Plan Set, off-street parking is proposed to be accessed from the alley and is not placed between the building and the street. The design conforms to this standard.

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

1. Active ground floor uses. The street-level, street-facing façade(s) of a structure shall contain active uses including but not limited to the commercial uses listed in Table 2.4.1, lobbies, retail, commercial, or other active uses oriented toward pedestrians.

Applicant Response: As detailed on the Plan Set, the ground floor street facing façade is proposed to be occupied by commercial uses, including retail or office, which are listed as permitted uses in Table 2.4.1. The design is oriented toward pedestrian elements and therefore conforms to the requirements of this section.

2. Transparency. Fifty percent of the street-facing facade between 3 feet and 7 feet above the sidewalk or raised walkway/patio shall contain windows for viewing the activity inside of the building.

Applicant Response: As detailed on the Building Elevations Sheet of the Architectural Plan Set, the area between 3-7 feet of the street facing façade provides 172 feet of glazing, of the

244 foot dimension, which calculates to 70% transparency and exceeds the requirements of this section.

3. Blank facades. Blank facades are prohibited along all street frontages. For purposes of this section, facade segments are considered blank if they exceed 20 lineal feet and do not include at least one of the following:

- a. Windows;
- b. Entryways or doorways;
- c. Stairs, stoops, balconies, or porticos;
- d. Other architectural features including but not limited to façade offsets, recesses, projections, offsets or breaks in roof lines of 2 feet or greater in height.

Applicant Response: The proposal does not include any blank street facing facades. The proposed design conforms to this standard.

F. Major Retail Development, as defined, shall refer to Chapter 2.15, Special Provisions. Staff Finding: This proposal is not for a Major Retail Development as defined by SDC Chapter 1.3.200.

Applicant Response: Major retail development includes commercial development that exceeds 20,000 square feet, and/or development on a parcel that is 5 acres or larger. The proposal does not include major retail development and this provision does not apply.

G. Pedestrian Amenity Standards. Except for single family, manufactured dwelling, townhouse and duplex residences (where permitted), all development in the Downtown Commercial District shall provide at least two (2) of the pedestrian amenities listed below. Pedestrian amenities may be provided within a public right-of-way (i.e., on the sidewalk, curb, or street pavement) when approved by the City (for city street), Deschutes County (for county roads) or ODOT (for state highways).

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

Applicant Response: As detailed on the Plan Set, pedestrian amenities are being provided with this proposal. The proposed covered patio has an approximately 6 feet of coverage over the pedestrian amenity patio area that will serve as a usable extra wide sidewalk that has a minimum width of 8 feet at the entrance. As proposed, this standard is met.

H. Outdoor Displays, Sales, and Dining. Outdoor display, sale of merchandise, and dining associated with the primary use is permitted and shall be limited to the private

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

Applicant Response: This section establishes that outdoor display areas are allowed, but not required. Outdoor displays and sales are not proposed.

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

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

Applicant Response: A garbage and recycling area and enclosure is planned to be shared with the Dixies property, located immediately to the west. As detailed on the Plan Set, the area will be enclosed with 6' tall, 1 x 6 painted wood that will match the Dixies Building. As detailed on the Plan Set, the proposal complies with this standard.

2. Mechanical equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps or generators, must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Landscaping and screening shall be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened by a parapet around the facade or the equipment that is as tall as the tallest part of the equipment. Screening shall be compliant with all applicable fire codes and height requirements.

Applicant Response: All mechanical equipment will be housed inside a mechanical enclosure on the third floor and/or on the roof, where it will be screened by the roof parapet.

J. Western Frontier Design Theme. See Special Provisions, Chapter 2.15.

Applicant Response: Compliance with this section is addressed in Chapter 2.15 below.

K. Formula Food Establishments. The City of Sisters has developed a unique community character in its commercial districts. The City desires to maintain this unique character and protect the community's economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs. To meet

these objectives, the City limits Formula Food Establishments to a maximum of one within this zone.

Applicant Response: This proposal is not for a Formula Food Establishment as defined by SDC Chapter 1.3.200 therefore this criterion is not applicable.

Chapter 2.15 Special Provisions

2.15.1200 Residential Uses in Commercial Districts

Except as may be modified by Master Plan, all non stand-alone residential uses in commercial districts (DC and HC) shall comply with the standards listed below, in addition to the development and design standards in the base land use district. The Western Frontier Architectural Design Theme standards are applicable to residential dwellings in mixed-use development and to stand-alone residential uses located in the Downtown Commercial District.

Applicant Response: The proposal is for a non stand-alone residential use in the DC, therefore this section applies.

A. Mixed-use development standards. Both vertical mixed use (dwellings above the ground floor), and horizontal mixed use (dwellings on the ground floor) developments are allowed, subject to the following limitations:

1. Limitation on street-level dwellings on mixed use buildings.

- a. One-hundred (100) percent of the first floor street frontage shall be commercial.
- b. A minimum of 50 percent of the ground floor shall be commercial uses.
- c. Ground floor entrances or breezeways are permitted for dwellings located above or behind a non-residential storefront use.

Applicant Response: As shown on the Plan Set, the proposed mixed-use building includes a commercial use area along the entirety of the E Cascade Avenue frontage, also more than 50% of the entire 1st floor is planned to be commercial. The proposed design conforms to these standards.

2. Density. There is no minimum or maximum residential density standard.

Applicant Response: This section establishes that there is no minimum or maximum residential density standard. The proposal includes 6 residential units, which is allowed by this and other Code provisions.

3. Parking, Garages and Driveways. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, or located in parking areas behind or to the side of the building; except that side yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g.,

underground or structured parking) shall be recessed behind the front building elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side street (i.e., away from the main street) when access cannot be provided from an alley.

Applicant Response: As shown on the Plan Set, all parking is proposed to be accessed from the alley to the north, which conforms to the standards of this section.

4. Common areas. All common areas shall be maintained through a legally enforceable maintenance agreement approved by the Community Development Director.

Applicant Response: The development does not include any common areas that necessitate a maintenance agreement. This provision is not applicable.

2.15.2300 Vision Clearance.

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

The legs of the triangles shall be determined as follows:

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

Except as exempted below, no signs, structures or vegetation in excess of three feet in height shall be placed in "vision clearance areas," as shown in Figure 2.15.2300 A. This standard applies to the following types of roadways: streets, alleyways and railways. The minimum vision clearance area may be increased by the City Engineer upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.).

The clear vision area provisions do not apply to the following;

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

Applicant Response: One clear vision areas on the property has been identified on the Site Plan and the Landscaping Plan; located at the northwest corner of the segment of the property that is located on the north side of the alley. As shown thereupon, the clear vision area is proposed to remain free of obstructions, in accordance with the requirements of this section.

2.15.2400 Dark Skies Standards.

- A. Requirements for installation. Except as exempted by provisions of this ordinance, as of the date of adoption, the installation of outdoor lighting fixtures shall be subject to the provisions of this ordinance and with the provisions of the applicable building Code and electrical Code, and with the Sign Chapter 3.4.**

Applicant Response: The proposal includes new lighting fixtures; therefore this section applies.

- B. Shielding. All nonexempt outdoor lighting fixtures shall have light directed luminaires or shielding so as to prevent direct light from the fixture shining beyond the property limits where the fixture is installed. This means that a person standing at the adjacent property line would not see the light emitting source. Shielding by design or external application directs light downward and limits direct line-of-sight of a fixture's lamp to the property upon which the fixture is installed and light directed upward is prohibited.**

- C. Permitted.**

1. Maximum Lamp Wattage and Required Luminaire or Lamp Shielding:

All lighting installations shall be designed and installed to be fully shielded (full cutoff), except as in exceptions below, and shall have a maximum lamp wattage of 250 watts High Intensity Discharge (HID) or lumen equivalent for commercial lighting and 100 watts incandescent, and 26 watts compact fluorescent lighting or lumen equivalent for residential lighting (or approximately 1,600 lumens).

- 2. Landscape and Deck lighting. Low voltage landscape lighting, but such lighting shall be shielded in such a way as to eliminate glare and light trespass. Luminaries shall be mounted in or at grade (but not more than 3 feet above grade) and shall be used solely for landscape rather than any area lighting.**

Applicant Response: The submittal packet includes lighting specification sheets and lighting locations. As detailed on the submitted items, all proposed outdoor lighting will be shielded downward and onto the subject property, in accordance with these sections.

D. Prohibitions...

E. Exemptions....

Applicant Response: The planned lighting is neither one of the lighting types listed as prohibited, nor any of the exempted lighting types; therefore these sections are not applicable.

Chapter 2.15.2600 – Western Frontier Architectural Design Theme

A. Purpose. The purpose of the 1880’s Western Frontier architectural design theme is to improve the City’s image and visual appearance. It has also been developed with the desire to establish City identity and interest and to attract visitors and tourists in support of a significant community economy.

Applicant Response: This section is a purpose statement and does not contain any measurable development standards or approval criteria. The applicant understands that a project that conforms to the standards of this chapter will carry out this stated purpose.

B. Applicability. The Western Frontier Architectural Design Theme applies to all new, reconstructed or remodeled uses in all Commercial Districts. Each proposed development is required to complete land use review process subject to the following standards. All designs must comply with all applicable Building and Fire Codes.

Applicant Response: The application is for a new building and new uses in the DC District; therefore this section applies. The current application is a Site Plan application and subsequent to approval (prior to construction) a building permit application will be submitted, which will assess the development for compliance with all applicable Building and Fire Code provisions. The proposed project, along with the required application submittals will ensure conformance with this section.

1. Architectural Compatibility. Architectural styles may vary from building to building, or from block to block. This variety helps to generate architectural interest in the commercial districts. At the same time it is important to recognize that the existing architectural styles are an influence to new designs.

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

Applicant Response: This section is difficult to assess because it establishes that styles may vary, but it also indicates that an applicant must recognize that existing styles are an influence to new designs, and that an applicant must indicate how the building will relate to existing architecture on the block or within the area. This section provides no specific standards.

The intent of the currently proposed building and development is to provide retail and/or office space on the ground floor, which carries out the stated purpose of the DC Zone, which is:

The purpose of the Downtown Commercial District is to strengthen and reinforce the downtown of Sisters as the “heart” of the community. This chapter is intended to support this purpose through design and appropriate mixed-use development in the Downtown Commercial District, consistent with the following principles:

- ***Strongly encourage downtown revitalization***
- ***Encourage efficient use of land and urban services***
- ***Provide a mix of land uses to encourage walking as an alternative to driving***
- ***Expand employment***
- ***Provide more options for housing***
- ***Improve accessibility between the Downtown Commercial District and neighborhoods and other employment areas***
- ***Enhance visitor accommodations and tourism amenities***
- ***Provide standards that maximize the pedestrian friendly scale and quality of the District***
- ***Sustain the historic tourist character of the City of Sisters through the Western Frontier Architectural Design Theme standards.***

The proposed commercial ground floor clearly and decisively carries out bullet points 1, 2, 3, 4, 6, 7, and 8. In addition to the ground floor commercial, the design provides much needed housing in Sisters, by providing 6 dwelling units. The residential dwelling units carry out bullet points 1, 2, 3, 5, 6, and 8. The planned mixed-use nature of the project drives the design, which impacts the architectural design options.

Given the purpose of the DC District, along with the needs and desires of the City (as expressed through the Development Code and Comprehensive Plan), the efficient use of the subject property (a mixed use development at this location) is extremely desirable, as it provides a variety of uses in the core of the city, near employment opportunities, near transit options, and in an area that is well connected to public infrastructure (water, sewer and transportation). Development of residential units at this location is more desirable than residential development at the periphery of the urban growth boundary and/or an area of an expanded Urban Growth Boundary.

Understanding the residential and employment land needs of the City, in conjunction with the proposed development on the site, development of a 3 story building is critical, and the DC District clearly allows for this, by allowing 35 feet of habitable building height with a maximum of 50, considering non habitable space.

In the downtown core (along E Cascade Avenue), where the blocks are built out, buildings typically extend from side property line to side property line. Regarding the height, the majority of the buildings along E Cascade Avenue are 2 stories however some have false front design that extend much higher than the second floor, having an appearance of something closer to a 3 story building. The property on the same block, but across the street provide one such example:



The architectural style of the currently proposed development is 1880's old western. The design utilizes components visible in the surrounding built environment. The use of covered patios, wood siding, clad wood windows, and earth-tone colors are among the features common to the adjacent architecture seen in the Sister's Veterinary Clinic, Antler Arts, Agave, Chops Bistro, and Real Estate buildings. The relationship between the proposed structure, street, and adjacent buildings have been considered with the majority of the building mass (as experienced from the abutting street) being on the 1st and 2nd floors. The upper floor, which will provide much needed housing is Sisters is setback, behind the 2nd floor roofline, thus not as visible from the pedestrian perspective. The proposed design steps the building down to a relatable, human scale at the street level. This standard is met.

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

Applicant Response: The block is anchored by the Sisters Saloon (a 2 story rectangular building) to the east and Dixies (a one story, high roof building) to the west. The proposed design fills in the last vacant lot on the block, with a project that meets current City needs; it adds height to the center of the block, consistent with the rhythm guidance of this section.

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

Applicant Response: The immediately adjacent buildings include Dixie's to the west and Rancho Viejo to the east. Dixie's is a single level, single use (retail) building and Rancho Viejo is a single level, single use (restaurant) building. The current proposal is for an efficient mixed use building, which necessitates multiple stories. Building a mixed use building that has a height to width proportion that is similar to single level / single use buildings is not feasible.

2. Design Themes . . . Chapter 2.15.2600.B.2 outlines the acceptable historic design themes.

Applicant Response: The proposed architectural style is 1880's old western, similar in character to the Sister's Coffee Company and the recently constructed Ski – Inn buildings. The proposed building incorporates a covered porch and wood siding, similar to the existing structures in the downtown core. A stepped design on the E Cascade Avenue facing façade is proposed, which sets the proposed building apart from the existing structure to the east, while still relating to it in the use of similar materials and architectural features. The proposed architectural style is characterized by the use of clad wood windows, cedar sidings, wrought iron railings, and steel shingles. A covered pedestrian overhang is proposed and is a common element within the proposed western architectural style.

In addition to these elements, the design incorporates a stucco mural surface. The applicant has included historical references to date appropriate stucco buildings in Oregon, including the Jacob Kamm House, the Benton County Court House, and the Hope Brothers Building (in Vale). Furthermore, the applicant has provided references to murals on historic buildings, including Malheur Drug and the Humphrey Building (in Vale). The planned stucco element will provide a historical appropriate surface, upon which a Sisters Western Design Theme mural could be created upon, further carrying out the intent of this section and the character of Sisters.

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

Applicant Response: This section provides guidelines and recommendations, however it does not establish any development standards or approval standards.

a. Roofs. Coverings shall be non-reflective metal, tile, asphalt, and other appropriate materials. All roofing shall meet all applicable Fire and Building Codes.

Applicant Response: As detailed on the Plan Set, the roof is proposed to be flat TPO, with a parapet. The roof will be non-reflective and non-visible from the abutting properties and/or rights-of-way. Furthermore, the Architect has selected materials that conform to all Fire and Building Code requirements.

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

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

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

Applicant Response: As detailed on the Plan Set, the design includes clad wood windows, cedar sidings, wrought iron railings, a stucco element, and steel shingles. A covered pedestrian overhang is proposed and is a common element within the proposed western architectural style.

c. **Windows.** Wood sash windows are typical, to include double hung, casement, horizontal sliding and fixed sash. Simulated wood is acceptable in commercial construction provided that it replicates the appearance of wood. This is particularly true for large expanses of glass which are permitted in commercial storefronts and will undoubtedly require special foundation.

Applicant Response: As detailed on the Architectural Plans the design includes clad wood windows, consistent with this guideline.

d. **Doors.** Combination glass and wood panel doors are typical and are available in certain standard types, in single and divided glass lights. Synthetic or simulated wood is acceptable as it provides durability, but must have the appearance of authentic 1880's western design.

Applicant Response: As detailed on the Architectural Plans the design includes clad wood and glass doors, consistent with this guideline.

e. **Colors.** Rough sawn or milled boards and batten, particularly cedar and redwood, may be left unfinished and which may ultimately weather to silver gray in color.

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

Color samples are available at the Sisters City Hall.

Applicant Response: As detailed on the plans, the proposed colors for the building are natural, stained wood and earth tones with bronze, brown and muted flat accent colors. Final colors and materials will be reviewed for conformance with Chapter 2.15.2600 at the time of, or prior to, building permit application.

C. **Benches.**

Benches should be provided in both buildable and private pedestrian areas and walkways.

Applicant Response: Outdoor seating has been designed into the right-of-way surrounding the property, including at the corner of E Cascade and N Elm, across E Cascade, and roughly 100 feet to the east (on the same side of the block). Additional benches are not needed.

4. **Trash Enclosures.** Trash enclosures shall be carefully located and treated to integrate with the appearance of the site/building design. Trash enclosures shall incorporate construction materials which are consistent with the western frontier theme and the style of the adjacent buildings.

Applicant Response: No new trash / recycling areas are proposed. The design will share the trash / recycling area on the Dixies property to the west. This area is proposed to be improved, to better screen the area.

5. **Lighting.** Lighting shall be low intensity, shaded or shielded and subject to review and shall be compatible with the western frontier theme. Exterior lighting shall comply with Section 3.4.200 m., Dark Skies Standards.

Applicant Response: The submittal materials include lighting specification sheets and location details. As detailed in the submittal materials, the proposed lighting will be screened and conform to Section 3.4.200 m., Dark Skies Standards. It is expected that final review and approval of lighting will be reviewed at the building permit stage.

F. Building Entrances. Entrances to the building shall be recessed from the sidewalk to provide for an entryway not in conflict with the pedestrian circulation on the sidewalk.

Applicant Response: As detailed in the Plan Set, the building entrances are proposed to be recessed from the sidewalk and include covered porches, in conformance with this guideline.

G. Roof, mechanical equipment and satellite dishes. Such equipment shall be screened in a method consistent and integral with the overall architectural appearance of the structure.

Applicant Response: As detailed on the Plan Set, mechanical equipment is proposed to be housed inside a mechanical enclosure on the third floor and/or on the roof, screened by a parapet. It is expected that final review and approval of mechanical equipment will be reviewed at the building permit stage.

H. Architectural details. Attention to detail is of significant importance. Lighting fixtures, gates, exterior window treatments, use of material and color must be considered relative to the western frontier period for authenticity and detail.

Applicant Response: As detailed on the Plan Set, the proposed building detailing, including fixtures, treatments, materials, and color, has been considered in the context of the western frontier period. Light fixtures, door hardware, and similar are proposed to be of a western compatible style. Browns, bronzes, natural and muted colors are proposed to be used across all exterior facades of the building. The deck and stairs are proposed to be wood framed with wrought iron railings.

I. Awnings, canopies, porches. Awnings, porches, canopies or other additions to a structure shall be reviewed and approved by the city, and shall be compatible with the western frontier theme.

Applicant Response: As detailed on the Plan Set, the covered porch and entries proposed are compatible with the Western Frontier Design Theme. It is expected that final review and approval of awnings, canopies, and porches will be reviewed at the building permit stage.

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

Applicant Response: At this time, no fencing is proposed.

Chapter 3.1 – Access and Circulation Sections:

3.1.100 Purpose

The purpose of this Chapter is to ensure that developments provide safe and efficient access and circulation for pedestrians, bicycles (including ADA and transit accessibility) and motorized vehicles including emergency vehicles and to preserve the transportation system in terms of safety, capacity, and function.

Applicant Response: This section is a purpose statement; it does not contain any approval criteria or development standards.

3.1.200 Applicability

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

3.1.300 Vehicular Access and Circulation

A. **Traffic Study and Control Requirements.**

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

Applicant Response: A Traffic Study has been included in the submittal packet.

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.

Applicant Response: The traffic impacts of the development are addressed in the Traffic Report. The Report documents that traffic control devices are not warranted.

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.

Applicant Response: The Traffic Report documents that the existing infrastructure is adequate to accommodate the planned uses. Additional traffic calming features are not needed and this section is not applicable.

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.

Applicant Response: The proposed vehicular access to the site will be from the public alley north of the property. No vehicular access/curb cuts are proposed from the existing street frontage along E Cascade Avenue or N Elm Avenue. The proposed design conforms to this requirement.

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.”

Applicant Response: As documented on the Site Plan, all portions of the the exterior walls will be within 150 feet of E Cascade Avenue or N Elm Street; therefore the design conforms to the requirements of this section.

D. Vertical Clearances: Vertical Clearances of 13’-6” shall be maintained for all driveways, private streets, aisles, turn-around areas and ramps for their entire length and width.

Applicant Response: No obstructions into the vertical clearance areas have been proposed; therefore the proposal complies with this standard

E. Vision Clearance: Vision clearance areas that are free of obstructions between heights of three (3) feet and eight (8) feet shall be maintained, particularly at intersections between driveways and streets, and at any other points of potential vehicle / bicycle / pedestrian conflict. Any future signs shall comply with the vision clearance regulations set forth in this Code.

Applicant Response: No obstructions have been proposed within the required vision clearance areas, and vision clearances areas are proposed to be maintained free from obstructions. Therefore the proposal complies with this standard.

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.

Applicant Response: The project proposes the use of asphalt and/or concrete for all driveways, aprons, parking areas, aisles and turn-arounds. The application therefore conforms to this development standard.

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 ROWs and abutting property. Surface water facilities shall be constructed in conformance with City standards.

Applicant Response: The project proposes using dry wells to manage surface water. As detailed on Drainage Plan, the planned capacity is sufficient to accommodate surface water from the proposed improvements to the site including parking areas, roofs, walkways and other impervious areas. As detailed on the plans, the proposed surface water management system will eliminate sheet flow of waters onto public ROW and/or neighboring properties. As proposed, the design complies with this standard.

H. Private Streets and Alleys: 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.

Applicant Response: The proposal does not include any new private streets or alleys; therefore this section does not apply.

I. Access Standards...

Applicant Response: No new vehicular access points are proposed onto a street (access will be from the alley). This section does not apply.

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

Applicant Response: Parking spaces are accessed directly from the alley. No new driveways are proposed; therefore this section is not applicable.

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.

Applicant Response: As detailed on the Site Plan, the proposal includes the installation of all public facilities necessary to provide services to accommodate the mixed-use development; the applicant plans to install the planned infrastructure prior to occupancy. As proposed, the development plan ensures that all required public facilities will be in place (in accordance with the latest edition of the Public Works Construction Standards and the standards of this code) prior to occupancy. Given the planned improvements, it is not expected that the City will need additional public improvements to meet any Development Code standards. However, the applicant understands that, should the City find the need for additional public improvements, constitutional law and the standards of this section would require that the City document a nexus to this project, and that any conditioned improvements be roughly proportional to the impact of the required development. Also, should additional improvements be required, constitutional law establishes that the burden falls upon the City to document how such improvements are roughly proportional to the projects impact.

3.1.400 Pedestrian/Bicyclist Access and Circulation

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

Applicant Response: As detailed on the submitted plans, the proposal includes a continuous, safe and direct pedestrian circulation system throughout the site, including onsite walkways from the parking area to the building access points and to the sidewalks in the abutting right-of-way. E Cascade Avenue is adjacent to the site and it is a fully developed right-of-way with existing pedestrian/bicycle improvements. As detailed on the plans, the pathways conform to the standards of these sections.

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

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

Applicant Response: As detailed on the Plan Set, no on-site walkways are proposed to abut a driveway or street.

- 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.**

Applicant Response: The site has been designed so that walkways and the public routes do not cross any parking areas, streets or driveways. As designed, the proposal conforms to the standards of this section.

- 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.**

Applicant Response: As documented on the Plan Set, the design includes walkways and other outdoor use areas. As documented in the Plan Set, these elements are all proposed to be constructed on durable surfaces and in accordance with all ADA Requirements.

Furthermore, the widths of the walkways are proposed to vary, but all are at least 5 feet in width. As designed, the paths conform to the standards of this section.

Chapter 3.2 - Landscaping and Screening

3.2.100 Purpose

The purpose of this chapter is to promote community health, safety and welfare by protecting existing trees and setting development standards for landscaping, street trees, fences and walls. Landscaped areas should help to control surface water drainage and can improve water quality.

Applicant Response: This section is a purpose statement; it does not contain any development standards or approval criteria.

Section 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.**
 - 3. Downtown Commercial (DC), ten (10%) percent.**
- B. Determination of Landscaped Area. In determining landscaped area setbacks, private patios and all other areas not occupied by buildings, parking lots, vehicle storage areas, or driveways may be included.**

Applicant Response: The subject property is 8,242 square feet in size, which requires 824.2 square feet of landscaping. As shown on the Plan Set, the design provides 840 square feet of landscaping, which exceeds the required minimum. It is noted that subsection 6 establishes, *“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”*. The calculations utilizes this provision.

As documented on the Landscaping Plan, the design provides over 10% landscaping.

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.**

Applicant Response: Landscaping on the site is planned to be consistent with the surrounding area and Senate Bill 360, thus in conformance with this section.

- 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.**

Applicant Response: The proposal does not include any of these elements.

- 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:...**

Applicant Response: As documented on the Plan Set, over 10% of the site is planned to be landscaped without accounting for any developed or hardscaped areas; therefore counting additional landscaping under these sections is not needed.

- 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.**

Applicant Response: As detailed on the Landscaping Plan, the proposal includes non-plant ground cover only as accent and filler. Non-plant ground cover will not be used on more than 25% of the landscape area; therefore the proposal complies with this section.

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

Applicant Response: A complete review of Section 3.2.600 is included below. As detailed in that section, the proposal complies with that section; therefore the proposal complies with this reference provision.

- 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.**

Applicant Response: The property is located in the Downtown Commercial Zone and the design utilizes the calculations that are allowed by this section.

- 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.**

Applicant Response: The only location where parking is planned near a street is on the west side of the northern property element. The abutting streets have on-street parking on them, therefore providing a buffer / screen as noted in this section is not necessary. Nonetheless, as shown on the site plan, a landscape buffer is proposed between the westernmost parking space and the street.

- 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.**

Applicant Response: The design includes a trash/recycling area to the north side of the neighboring building (Dixies). As detailed on the plans, this area is proposed to be screened with fencing and/or landscaping

As proposed, the design conforms to the buffering requirements if this section to the maximum extent possible.

- 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.**

Applicant Response: The development site is compact. Efficient development of the site does not provide any opportunities for additional landscaping around the parking areas.

- 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;...**

Applicant Response: The proposal does not include any parking area with more than 10 spaces. This section does not apply;.

- 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.**

Applicant Response: The parking spaces on the north side of the building are tuck-under parking spaces and will be buffered by the buildings; therefore additional buffering for these spaces is neither required nor practical. Regarding the spaces on the north side of the alley, this is a narrow strip of land that has historically been used for parking. The proposal improves this area to the greatest extent possible, by adding a substantial buffer on the west side of the property (between the western space and the street and as much buffering as possible to the north. The proposed design improves the parking area and conforms to this standard to the greatest extent possible.

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

Applicant Response: The site does not adjoin a Residential District; therefore additional landscaping, as described in this section, does not apply.

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

Applicant Response: The only required setback on the site is the front yard setback. As detailed on the Plan Set, the front yard setback area includes landscaping along with a connection with the abutting sidewalk. Landscaping is provided in this area to the greatest extent possible and in conformance with this standard.

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.

Applicant Response: As detailed on the Plan Set, the landscape design uses a combination of trees, shrubs and ground cover in conformance with these standards.

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

Applicant Response: The proposal includes the planting of trees. As documented on the Landscape Plan, all trees are planned to be planted from at least a 2 inch caliper size and in conformance with the standards described by the ANSI A300 standards, thus in conformance with this section.

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 bio filtration.

Application Response: The proposal uses a dry well for drainage. Landscapable facilities are not proposed.

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.

Applicant Response: The proposal includes tentative landscaping details, prior to the issuance of a building permit, it is anticipated that a final Landscape Plan will be submitted to the City in accordance with this section.

18. All required landscaping shall be installed by the developer and approved by Community Development Department, prior to occupancy of any building,

unless other arrangements are agreed to by the Community Development Director.

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

Applicant Response: The applicant intends on installing all landscaping prior to occupying the building. Furthermore, in the event of planting failure, replacement is anticipated.

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.
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.

Applicant Response: Landscaping in the right-of-way has not been included in the minimum requirements, which conforms with these provisions.

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

Applicant Response: The applicant plans to have all landscaping professionally maintained, and will assure the maintenance of all plantings in accordance with this section.

Section 3.2.300 Screening, Fences and Walls

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

1. A solid masonry wall, board fence, or equivalent meeting the standards of the applicable building code.

2. An evergreen hedge.
3. An earth berm may be used in combination with any of the above types of screening, but not more than two-thirds (2/3) of the required height of such screening may be provided by the berm. The slope of a berm may not exceed 3:1. The faces of a berm's slope shall be planted with ground cover, shrubs, and trees.

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

1. Screening shall comply with the vision clearance standards in Chapter [2.15](#) Special Provisions.
2. In the areas within the Western Frontier Architectural Design Theme, wood, stone or iron or their visual equivalent shall be used consistent with Chapter [2.15](#) Special Provisions.
3. **Height and Location of Screening.** Unless otherwise specified, screening required by this Section shall be a minimum six (6) feet in height and shall be arranged within the boundaries of the lot as to substantially hide from adjoining properties the building, facility or activity required to be screened. Perimeter fencing or walls used for screening in residential or commercial Zoning Districts shall meet the standards in 3.2.300.C unless otherwise specified.
4. Heights of plant screens or hedges specified herein indicate the height which may be expected within three (3) years of planting. The height at the time of planting shall be such that in accordance with good landscape practice the fully required height may be achieved within a three (3) year period.
5. The standards set forth herein for location and height of landscaping or screening may be modified as directed by the Community Development Director whenever it appears that such landscaping or screening would result in an undesirable condition, would not meet the intent of the screening requirements, or would constitute a danger to traffic by reasons of impairment of vision at a street or driveway intersection.

C. Fences and Walls....

Applicant Response: No fences or walls are proposed. This section does not apply.

3.2.400 Nonconforming...

Applicant Response: This section does not apply.

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.).

Applicant Response: The site has 2 existing significant trees, as defined in this section; therefore the standards of this section apply.

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.

Applicant Response: As shown on the Existing Conditions Plan, all trees on the site have been mapped.

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.**

Applicant Response: Efficient development of the site, including needed commercial and residential development necessitates a footprint that covers most of the site. Given the location of the trees on the site, and the development needs of the site, preservation of the existing trees is not practical.

- 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...**

Applicant Response: The proposal includes the removal of only 2 trees. Replacement trees are not required.

3.2.600 Street Trees...

Applicant Response: The abutting street, E Cascade is an ODOT facility, which has been developed with extra-wide sidewalks, on-street parking, seating areas and an overall landscaping aesthetic (including street trees). Given that the corridor is fully constructed with the desired amount of vegetation, additional street trees are not needed at this time.

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.

Applicant Response: This section is a purpose statement and it does not include any measurable development standards or approval criteria.

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...

Applicant Response: The standards of this section apply to site development, which the proposal is; therefore this section applies to the current proposal.

Section 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.

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: Two on-street parking spaces exist along the frontage of the property. The existing spaces are counted toward the site parking, as allowed by this section.

- 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: As detailed on the plans and in this report, the proposed mixed use development requires 14 parking spaces and provides 12 (10 Off-street and 2 on-street); therefore 2 in-lieu-of parking stalls will need to be utilized, which is allowed by this section.

- 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: This provision is informational. Floor area has been accounted for as described by this provision.

- 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: The proposal requires 14 parking spaces and the only spaces that are proposed to be in a ground surface parking lot are the 6 on the north side of the alley. All other spaces are tuck-under, on-street, or in lieu. The proposed six spaces do not exceed the

required minimum by more than 20%; therefore the design conforms to these standards.

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: The proposal is for a mixed use development. As detailed on the plans and noted below, the design accommodates the sum of the residential and commercial uses that are planned. The design conforms to this standard.

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: EV conduit is proposed to be provided to the 4 tuck-under parking spaces, as required by the applicable ORS. Further review of the EV Conduit installation will occur with the Building Permit review.

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: The proposed uses are specified in the table; therefore this section does not apply.

Table 3.3.300.A Minimum Required Parking by Use

Residential Categories	
Residential units in Commercial Districts, Duplex, and Triplex	1.0 spaces per studio 1.5 spaces per 2-bedroom unit
Commercial Categories	
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
Retail Sales Establishment	1 space per 400 square feet of floor area

Applicant Response: As detailed on the Plan Set, the design includes 2,582 square feet of commercial space (office or retail), two studio apartments and four 2-bedroom apartments.

The proposed design necessitates 14 vehicle parking spaces. The proposal provide 10 on-site spaces, 2 on-street spaces, and 2 in-lieu spaces. The proposed design conforms to the requirements of this section.

Section 3.3.400 Standards of Off-Street Parking.

- 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: As detailed on the plan set, all parking areas, drive and access aisles are proposed to be paved with asphalt, in conformance with this standard.

- 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: As detailed on the Plan Set, the parking areas, including drive aisles (on the alley) that are at least 24 feet in width, can accommodate the anticipated vehicle types. The proposal does not result in the need for backing movements over any public streets or walkways, and the proposal conforms to the requirements of this section.

- 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: As detailed on the Plan Set, the building will be separated from all parking areas, by a raised walkway that exceeds 6 feet in width; the proposal complies with this standard.

- 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: No parking area exceeds 120 parking spaces; the proposal conforms to the requirements of this section.

- 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: No parking lot lights have been proposed.

- 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: Off-site parking is not proposed; therefore this section does not apply.

- 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 shared parking standards of this section addresses the joint use of parking spaces by uses or buildings that would utilize a space (or spaces) at differing times. Shared parking is not proposed to meet a minimum standard; shared parking is not proposed with this application. This section does not apply.

- 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](#).
- 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.

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

Applicant Response: All proposed parking spaces are planned to remain available for parking and will not be used for other uses such as the storage of vehicles, repair or servicing. Furthermore, the applicant plans to maintain parking areas as proposed. Thus, the proposal complies with these standards.

- 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.

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)
60°	Standard	9 ft	10 ft 6 in	18 ft	24 ft	18 ft
90°	Standard	9 ft	9 ft	24 ft	24 ft	19 ft

Applicant Response: The parking stalls have been proposed to 60 and 90 degree stalls. As detailed on the Site Plan, the stalls are proposed to be 9 feet wide, 18 feet (60 degree) and 19 feet (90 degree) deep, and have a 2 way drive aisle (including the alley and/or private property) that is at least 24 feet wide. The proposed design conforms to the referenced table, and meets the standards of this section. Furthermore, as detailed on the Drainage Plans, the proposal includes a plan for managing all surface water, thereby further complying with the standards of this section.

- 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 Development Team has reviewed the applicable standards and found that the proposed design conforms to the applicable Building Code requirements, to

ADA requirements, and to Figure 3.3.400.C. Thus the proposal conforms to the accessible standards of this section.

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

Applicant Response: A complete review of Chapter 3.2 was included above. As noted therein the proposal complies with that chapter.

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 proposal does not include over 10,000 sf of retail, wholesale, warehouse, freight, hospital, industrial, manufacturing uses or similar uses; therefore no loading is required by this section.

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:...

Applicant Response: The proposal is not for a hotel, eating or drinking establishment, community center, convention hall, medical clinics or other similar; therefore this section does not apply.

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

Applicant Response: Given that loading berths are not required, the standards of this section do not apply.

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...

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.

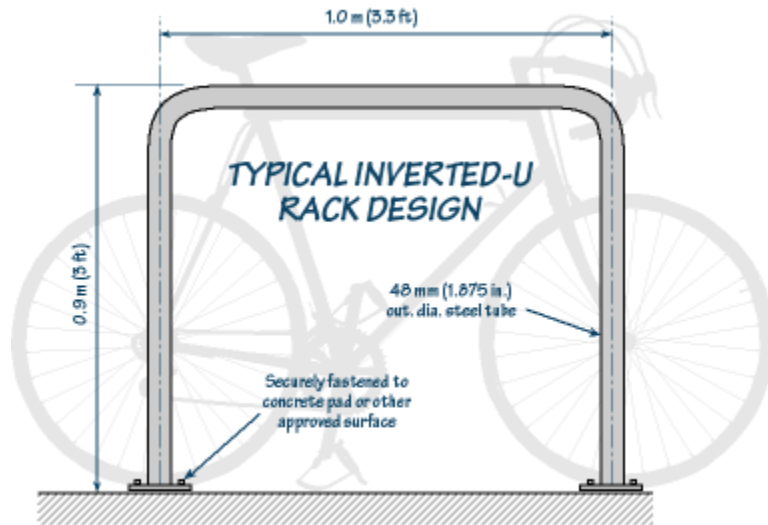
6. **Multiple Uses.** For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required.

Applicant Response: The proposal includes 6 dwelling units and 2,582 square feet of commercial space. The proposal requires 7 bicycle parking spaces. As shown on the Plan Set, the design includes 2 bicycle parking spaces at the front entrance and space will be provided in each of the residential units. The proposed design conforms to the requirements of this section.

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

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: As detailed on the Site Plan, the required bicycle parking spaces are proposed to be located near the primary entrance. Bike racks will be inverted U-style racks and conform to all of the standards of this section.

Chapter 3.5 – Public Improvement Standards

3.5.100 Purpose and Authority

A. Purpose. The purpose of this chapter is to provide requirements for design and construction of public and private infrastructure including: transportation facilities; sewer, water and other utilities; and drainage features and activities. One of the primary purposes of this chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth, and provide a range of transportation options, including options for driving, walking, bicycling, transit and other transportation modes.

Applicant Response: The section is a purpose statement and does not contain any measurable development standard or approval criteria.

B. Public Improvements Needed for Development. Development shall not occur unless the public improvements serving the development comply with the public facility

requirements established or incorporated by this chapter, unless compliance is exempted by this code or unless the applicable standard is modified, waived, deferred, or a payment made in lieu.

C. Compliance with Standards. All public improvements constructed as part of a development or to comply with a condition of development approval shall comply with all applicable standards, including but not limited to any public works standards and specifications.

D. Conditions of Development Approval. The City may deny an application for development approval or a request for a building permit if required public improvements are not in place, waived, modified, deferred, or a payment made in lieu in accordance with this Chapter.

Applicant Response: As documented on the Plan Set, the proposal includes improvements to the abutting public facilities, bringing them into conformance with the requirements of this chapter and public works standards; therefore the proposal conforms with these provisions.

3.5.150 Waiver, Modification, Deferral, and Payment in Lieu of Public Improvement Standards...

Applicant Response: The proposal does not include a waiver to any public improvement standard; therefore the provisions of this section are not applicable.

3.5.200 Transportation Improvement Standards

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

B. Street Location, Width and Grade...

C. Minimum Rights-of-Way and Street Sections...

Applicant Response: The abutting streets are constructed in conformance with the provisions of these sections and no changes are proposed at this time.

D. Special Setbacks...

Applicant Response: The abutting streets have right-of-way in conformance with Code standards and the proposal conforms to all require setback provisions; therefore the site and design conform to the provisions of this section.

E. Street Alignment and Connections...

Applicant Response: No new streets are proposed; therefore this section does not apply.

F. Sidewalks, Planter Strips, Curbs, Bicycle Lanes...

Applicant Response: The abutting streets/sidewalks are constructed in conformance with the provisions of these sections and no changes are proposed at this time.

G. Intersection Angles...

Applicant Response: No new streets and therefore no new intersections are proposed; therefore this section does not apply.

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

Applicant Response: The abutting streets are constructed within rights-of-way that conform to City Standards; therefore additional right-of-way is not needed.

I. Cul-de-Sacs...

Applicant Response: The proposal does not include or require a cu-de-sac; this section does not apply.

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

Applicant Response: The abutting curbs, curb cuts, and ramps are constructed in conformance with the provisions of these sections and no changes are proposed at this time. Furthermore no driveways or driveway approaches are proposed.

K. Private Streets...

L. Street Names...

M. Survey Monuments...

N. Street Signs...

O. Street Light Standards...

Applicant Response: The proposal does not include any new streets; therefore this standards of these sections do not apply.

3.5.250 Sanitary Sewer and Water Service Improvements

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

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

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

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

Applicant Response: As documented on the Plan Set, water and sewer infrastructure exists within the abutting rights-of-way, and service lines will be extended to the site in accordance with City Standards in association with this proposal. Furthermore, capacity will be reviewed by City Staff through this Site Plan review process. Based upon pre-application correspondence, it is understood that capacity exists in the area for the proposed use. The proposed design and City review procedures will ensure conformance with the requirements of this section.

E. Water and Sewer Collection Service Outside the Urban Growth Boundary. The City may establish water and sewer collection or treatment facilities outside the urban growth boundary, including, but not limited to, the extension of sewer interceptor lines to serve lands in the urban growth boundary more efficiently by traversing outside the urban growth boundary, or to connect to treatment facilities outside of the urban growth boundary.

Applicant Response: The property is situated within the UGB; therefore this section does not apply.

3.5.550 Storm Drainage Improvements

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

B. Easements for Existing Watercourses. Where an existing watercourse traverses a development, such as a natural watercourse, drainage way, channel or stream, or any other existing drainage facility including but not limited to irrigation canals, laterals and associated ditches, there shall be provided and recorded an easement conforming substantially with the lines of such existing watercourses and such further width as will be adequate for conveyance and maintenance, as determined by the City Engineer.

C. Easements for Developed Drainage Facilities. Where new drainage facilities are provided that include elements located outside the dedicated public right-of-way, such

facilities shall be located within an area provided for in a recorded easement. The easement shall be adequate for conveyance and maintenance as determined by the City Engineer.

Applicant Response: The submittal includes a preliminary grading and drainage plan. As documented on the Plan Set, the design will maintain all on-site drainage on the subject property and outside of the public right-of-way. The applicant proposes that the drainage system will be established in accordance with the standards of this section.

3.5.600 Utilities

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

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

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

B. Easements. Easements shall be provided and recorded for all underground utility facilities where required by the City.

Applicant Response: As shown on the Utility Plan of the Engineering Plan Set, the proposal includes utilities to be extended underground. The applicant has worked with all utility providers and will continue to work with providers to ensure easements are provided and recorded where needed. Any needed easements will be recorded prior to occupancy. As proposed the design conforms to these standards.

3.5.650 Easements

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

B. Provision. The developer or applicant shall make arrangements with the City, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.

Applicant Response: If necessary, the applicant will record any required easements prior to occupancy of the new building, which will ensure conformance with this section.

C. Standard Width. The City's standard width for exclusive public main line utility easements shall be 20 feet, unless otherwise specified by the utility company, applicable district, or City Engineer.

Applicant Response: The proposal does not necessitate an easement for a new mainline; therefore this section does not apply.

3.5.700 Construction Plan Approval and Assurances

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

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

C. Work within the Public Rights-of-Way. The City shall approve all contractors and their subcontractors who work in City rights-of-way.

Applicant Response: The applicant plans to receive all needed approvals and provide any necessary guarantees prior to commencing work on the site and within the rights-of-way, in accordance with this standard.

3.5.750 Installation

A. Conformance Required. Improvements installed by the developer, either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City, referenced within the public works standards and specifications.

B. Commencement. Work shall not begin until the City has reviewed and approved the construction plans and notified the contractor of the approval.

C. Resumption. If work is discontinued for more than one month, it shall not be resumed until the City is notified in writing.

D. City Inspection. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Any monuments that are disturbed before all improvements are

completed by the developer shall be replaced prior to final acceptance of the improvements.

E. Engineer's Certification. All public improvements shall be designed and certified by a civil engineer licensed and registered in Oregon. The civil engineer's professional stamp and signature shall provide written certification to the City that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade. Engineer's certification is required prior to City acceptance of the public improvements, or any portion of the improvement, for operation and maintenance.

Applicant Response: The applicant plans to abide by the provisions of this section throughout the construction process.

VI. Summary and Conclusion

The preceding sections document that the Site Development Plan conforms to the applicable approval criteria of Chapters 4.2, along with the development standards included in Chapters 2 and 3. Because the proposal conforms to all applicable approval criteria and development standards, the applicant respectfully requests that the City approve the Site Plan application as proposed.