

Matt Martin

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Sent: Wednesday, April 17, 2024 1:54 PM
To: Matt Martin
Subject: TA24-01, Comments for the record, BLIS
Attachments: TA24-01_Community comments_041724v4.pdf

Hello, Matt. Here's our group's second round of input for this docket. See you tomorrow. Charlie

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Memo for the Record

Date: April 17th, 2024

To: Matt Martin, Principal Planner, City of Sisters

From: Better Living in Sisters (BLIS)

Re: TA24-01; Proposed Amendments to the Sun Ranch Tourist Commercial Zone regulations in the Sisters Development Code (SDC); Community Input

The applicant in this docket has proposed a major reorganization of the Code provisions for this district, in the process simply eliminating many of the regulations regarding development of the site, and at the same time proposing a couple of key new provisions that would allow an RV park on the site and exclude other more appropriate uses included in the current code which were adopted by the community. The original rules for this site were proposed by the current owner some 20 years ago, when the property was in good and usable condition.

The City's 2005 Comprehensive Plan established the rationale for bringing the site within the Urban Growth Boundary, as a Commercial district, which reiterated the intent to provide support to the light industrial park, nearby homeowners and the airport through a mix of uses.

The owner started to remodel the current main building and then abandoned the project, ultimately as the result of the 2007/2008 economic downturn (Sisters Nugget 11/23/2010 article quotation from the owner/developer, Shane Lundgren). The condition of the property has been in a downward spiral ever since. Today the term "derelict" might well apply.

This has been an unfortunate loss to the community, and presumably to the owner. The main building has quite a lot of Sisters history in it, regardless of whether or not it's on a formal historic register. Some of that history is described at the end of this document.

We strongly suggest here that:

- The current Code for this district provides many appropriate options for developing the site in accordance with the stated intent of the community.
- The intent has clearly been to promote uses that serve tourists, travelers, and local area residents and businesses.
- The proposed use of the term "lodging establishment" is inappropriate for its proposed use in the Sisters Development Code.
- The proposed changes to the format of the Code for this district inappropriately remove a substantial amount of regulatory language that is

critical to manifesting development in this district that is in accord with the intent of the current, original regulations.

- RV parks are an extremely poor use for this district at this location, based on long-term growth projections, and should not be permitted.
- The staff report strains mightily in many places in trying to justify the addition of “RV parks” to the list of permitted uses, in the same proposal that strikes out all of the current provisions that so aptly describe the kinds of uses that would clearly benefit tourists, travelers, and the local community. There are no demonstrated “market changes” described in the staff report that would justify such impactful changes to the current Code.

Community Support for Current Code

Our sense from many conversations is that the community is supportive of the current Code provisions for the district, as they allow a wide variety of project types that would meet the requirements. The applicant in TA24-01 is proposing to significantly alter those regulations, in many cases for no obvious reason.

Most troubling to the community is that many key provisions articulated in Sections 2.12.300 to 2.12.1100 did not transfer from the current Code for this district into the new table proposed by the applicant. These provisions are a substantial part of the criteria the community agreed to set for this special district when it was created.

Inadequacies of the Staff Report

Goal 9: *Economic Development*. (p.7) Contrary to the staff’s assertion, an RV park of any kind is highly unlikely to “specifically or indirectly attract tourists year round.” We expand on this important part of the discussion further on.

Goal 10: *Housing*. (p.8) The fact that RVs are meant for temporary occupancy is not a plus for this district. This provides little or no benefit for the community. See our expanded discussion below. In addition, the few low paying jobs created would exacerbate the deficit of affordable workforce housing.

Goal 13: *Energy conservation*. (p.8) Contrary to staff’s assertion that “No impact on energy conservation is anticipated”, it should be noted that RVs are the least energy efficient way to house anyone, for any length of time. They are lightly insulated when compared with permanent structures built to current codes, have extremely inefficient glazing, and are typically heated with very inefficient propane systems or electric resistance heating and very inefficient and relatively noisy air conditioning. There are essentially no efficiency standards for these products. We find that Goal 13 is not met at all, compared to building the actual buildings anticipated by the current SDC, that must meet the Oregon Energy Code.

Goal 14: *Urbanization*. (p.8) The staff should explain to everyone their interpretation of the meaning of this term. Current zoning for RV parks places them in Open Space

(OS) districts, close to Highway Commercial (HC) districts. This makes perfect sense. They make no sense for a district that is close to the heart of a growing city, with residentially zoned districts within walking distance. We don't believe that a rational "urbanization" goal could be met if it allows an RV park in this district. See our expanded discussion on this below.

Staff Finding for Policies 2.1.2 and 2.1.7 (*adequate factual basis for decision-making and new regulatory approaches*) (p.10/11)

We take exception to some of the staff's assertions here:

- The proposed changes to the SDC do a lot more than "updating and clarifying" the Code. It adds a wholly inappropriate use (RVs) and eliminates more than half of the existing requirements for the district. That is in no way insignificant in its impact on what will be built there.
- The staff offers no factual justification for their assertion that Sisters has experienced "changing market conditions" in either of these two policy findings. What conditions? Tourist trade conditions? Lodging conditions? Sisters market economic conditions? They mention only "tourist behavior" as established by a single study performed by an RV advocacy organization, at the heart of the pandemic when lodging access was restricted. We can think of no long-term changes to market conditions over the last 20 years that would suggest any changes to the current Code for this district. And staff makes no attempt to present a case here.
- We also note (on p.11) that contrary to staff's statement, an RV park development, with only retail structures smaller than 1,000 sq ft allowed, as proposed by the applicant, will literally offer nothing for the local community, anywhere, and will prevent the offering of at least some level of community amenity to the neighborhoods that will grow up around this district.

Staff Finding for Policy 4.1.1 (*conservation of the environment and natural resources*) (p.12)

- We find it remarkable that the staff can make a finding of compliance with this Policy by saying, only, that the proposed changes in the Design Standards will cause the district to simply revert to Sisters' basic Commercial Design Standards. What on earth does this have to do with conserving "the environment and natural resources that enhance the community's identity, including open spaces, natural landscapes, outdoor recreation areas, historic structures, architectural styles, and public art"? Nothing but the default commercial design standards matters? An RV park? Really? The staff uses the same ploy for deciding that the proposal will meet Policy goal 8.1.

(maintain and enhance the appearance and function of the Commercial Districts)

(p.13) An RV park? Really?

Staff Finding for Policy 4.2.3 *(transitions between commercial and residential areas)*
(p.12)

The current Code does this quite well, with standards that the applicant proposes to eliminate. There's no rational way to say that the proposed changes meet this policy goal. They accomplish the opposite.

Staff Finding for Policy 8.3 *(discouraging auto-oriented development)* (p.13)

We find it baffling that staff seems concerned that the term "auto-oriented" isn't defined in the Code, and yet it's a term that's literally a core part of the City's Policy 8.3. Given the examples shown in this Policy, the City clearly knows the distinction between "auto-dependent" and "auto-oriented" and they clearly mean the latter. An RV park is certainly auto- and RV-oriented, and perhaps this is the reason why the staff is choosing to abandon "auto-oriented" for this district and go with what the current Code and current Policy clearly don't mean or intend - "auto-dependent." There is no "auto-dependent" use we can think of that would apply in a Tourist Commercial district, under current or proposed regulations, so this term is irrelevant. So why is it being proposed? Is it just a convenient sleight of hand to excuse a proposed RV park from having to satisfy this Policy?

Staff Finding for Policy 8.4 *(integrating commercial and residential districts)*
(p.13/14)

In spite of the staff's contentment with the default commercial design standards, the current Code for this district does a far better job of specifying the kinds of design and considerations that would meet the requirements for designs that would be compatible with and complementary to both commercial and residential districts. See our more detailed comments below, starting at the bottom of p.5. Even if one could argue that the default commercial design standards are acceptable, they are a serious step backward compared to current Code. The existing setback requirements along Barclay Drive and Camp Polk road are far more appropriate for this location, particularly as the intersection of Barclay Drive, Camp Polk Road and Locust Street is modified as part of the upgrade of the City's Hwy 20 "alternate route."

Staff Finding for Policy 8.7 *(limiting impacts on residential districts)* (p.14)

For some reason the planning functions of the staff - by definition thinking about the future when making decisions in the present - are left out the discussion of this Policy. It's clear to just about everyone else that there is highly likely to be a lot of

residential development at some point directly across Camp Polk Road from this district. Only the road will separate the two areas. Any impacts of this development on these other tracts should either be very positive, or limited. An RV park would provide nothing positive for the surrounding community.

Code Provisions Deleted

Below is a list of the provisions that were thrown out by the applicant. Collectively, these proposed deletions pretty much remove all of the community's description of the development it wishes to see, which some 20 years ago were provisions the current owner proposed and agreed to. Apparently they also happen to be provisions that don't include what the applicant wishes to do with the property. In the absence of what is eliminated in the proposal, the community will very likely get whatever the developer proposes.

The following is a list of what was dropped in the shift to a table format:

Section 2.12.100

The first sentence once read: *"The purpose of the Sun Ranch Tourist Commercial district is to establish landmark lodging, dining, and recreation destinations and gathering places for business travelers, tourists, and the residents of the area."* Combined with the permitted uses in Table 12.2.300 and the design guidelines in Sections 2.12.1000 and 2.12.1100, the community is expressing very clearly what sort of development it wants on the site. We strongly suggest that the current Code provisions for this district allow a range of project types that could meet the requirements that express the community's intent.

The applicant struck out "landmark lodging," replacing it with "a variety of uses associated with tourism such as options for overnight accommodations, ..., entertainment, ... and uses that attract..."

The community was quite specific about landmark lodging. While the structure on the property may not hold an official "historic" designation, it has a lot of history here in Sisters, as our local historians will tell you. See their remarks at the end of these comments. The term a "variety of uses" is a wide-open invitation to pretty much any sort of use that can be construed to support tourism. There is no obvious reason for rest of the changes to this sentence. In effect, the applicant is eliminating the potential to develop something that is one of the reasons tourists would come to Sisters, and instead setting up to build a glorified parking lot for a few of them, with "amenities." This would be an extremely poor use of this district, given its location in a growing part of the City.

The second sentence in this section once read: *"The district is for commercial properties in transition areas between residential, light industrial and commercial areas. This district establishes commercial uses to complement adjacent mixed-use light industrial and residential districts."* The applicant struck out the entire sentence.

This is a critical element of the requirements, as they state the community's intention to moderate, through project design, the physical transition from the adjacent mixed-use/ light industrial and residential districts. Whatever is built on this lot should manifest this requirement and this requirement should remain as part of the Code.

The third sentence in this section once read: *"Special design standards apply to create a rural ranch setting separate from, but compatible with, the 1880s Western Frontier Architectural Design Theme."* The applicant proposes to do away with this sentence.

This requirement is a critical method for "complement[ing] the adjacent mixed-use and light industrial and residential districts." Given that there will likely be quite a lot more residential development in the vicinity of this property in the future, this design standard will make only more sense as development proceeds. It is common in urban and suburban settings that commercial buildings use a strongly residential architectural design when a commercial zone is adjacent to residential zones. This is highly appropriate and should remain in this section of the Code, rather than defaulting to the City's straight-commercial district design standards.

The last sentence in this section once read: *Another purpose of this district is to provide flexibility for expansion of lodging facilities and improve accessory components of the commercial lodging establishment such as meeting facilities, restaurant, bar, neighborhood market, etc."* The applicant proposes to strike the whole sentence.

The specifics in this sentence describe what the community holds as defining what the community means by "Tourist Commercial." All of the amenities listed would serve "business travelers, tourists, and residents in the area," including tourists or other visitors who arrive by air across the street.

Also note that this sentence distinguishes between a "lodging facility," which is one or more physical structures, and a "lodging establishment," which is the business that operates a "lodging facility," presumably with a business license. The existing use of the term "lodging establishment" in the Code regulations for this district should preclude the use of the term as the applicant has proposed. The Code should regulate how a site is used (via permitted uses), and not based on what sort of business establishment is using it.

In no way should this sentence be removed.

Section 2.12.200

The applicant proposes to strike all of this section, probably because it refers to the design requirements in the *"Special/Limited Use Standards in this chapter"* (Sections 2.12.1000 and 2.12.1100) which they propose to eliminate. In view of our comments above on that topic, we strongly believe this section should stay.

Section 2.12.300

The current Code uses this table to provide a simple list of what types of uses are permitted, all of them focused on the sort of facilities that one might associate with a development serving tourists or business travelers, and some that would be helpful to area residents (such as a neighborhood market, restaurant, or event space).

On the whole, this is where the applicant seems to tailor the requirements for a specific type of project, signaling with their strike-outs some of what they have no intention of building. Much of what is proposed for removal are descriptions of the sorts of things that the community has stated it would like to see on the site:

- Inexplicably, the applicant proposes to remove “cottages” from the list of permitted uses, doing away with both the table entry and the special provisions in Sections 2.12.1000. We strongly support the current cottage provisions in the Code and support that type of development generally. In no way should these provisions be stricken.
- The applicant proposes to strike saunas, steam rooms, and other spa-related uses, etc. as a permitted use, for no stated reason. And we can’t think of a valid reason to strike it. This provision isn’t mandatory – it’s simply allowed.
- The applicant strikes the entire “amusement uses” and various rental operations section and simply replaces it with “a retail sales establishment limited to 1,000 square feet.” This would eliminate any retail building larger than the arbitrarily proposed 1,000 square feet, for no apparent reason. Why wouldn’t a 1,600 square foot neighborhood market be allowed? This seems to have more to do with specifying the largest building the applicant wishes to build on the site.
- The applicant also proposes to strike “Laundry” from the table, for no apparent reason. Again, this isn’t a requirement – it’s simply allowed.
- The same holds true for the next four rows in the table, which the applicant proposes to strike, removing multi-use trails and paths, small chapels or pavilions or outdoor eating areas (very popular in Sisters during our plentiful nice weather), decks or docks associated with the ponds that were then on the site, and special events spaces. It also strikes the requirements for a conditional use review for spaces designed to accommodate more than 300 people, which seems like a more-than-reasonable requirement for this particular site.

Then the applicant replaces all of this, inexplicably, with “Community Centers and similar uses.” This term certainly doesn’t cover any of the categories they struck out. They could have simply proposed to add a line for community center-like buildings.

Addition of RV Park

After the deletions, the applicant gets down to adding something that must have a lot to do with what they want to propose – an RV Park.

“RV Park” is a Code term of art. It has a definition and meaning that sets it apart from all other types of development, for good reasons. **While RV parks have their place, we strongly suggest that place isn’t in the heart of a developing community of neighborhoods and small businesses.**

There are a number of good reasons for that:

1. RV Parks are **NOT a year-round tourist facility**. At best, they might see 7 months a year when they are at least lightly occupied. In the absence of a fairly large, attractive, well-run anchor building (such as in the case of The Barn in the DC district), there will be little incentive to use the site during the winter months.
 - a) **This seasonality limits the amount of lodging tax revenue the City can expect**, and the amount of revenue earned by other local businesses from the tourists using the site.
 - b) **Summer seasonality results in proportionately low sewer charges**. Year-round sewer charges are calculated using wintertime water consumption, of which there will be little or none from an RV park, and yet the City must provide sewer (and water) infrastructure sufficient to meet the peak summer demands of the site.
 - c) **High summer electric peak**. Our local electric provider will have to provide enough electrical capacity for peak summer use while earning little revenue during the winter. We’ll all pay for that in our rates.
2. There is nothing in the applicant’s proposed rule changes that suggests that any element of an RV park development would serve the residents of the surrounding area, and indeed, the applicant proposes to limit a retail building to 1,000 sq ft, which is barely large enough to provide a variety of junk food and travel necessities.
3. An RV park in no way would serve as a transition development between the adjacent mixed-use/light commercial and residential districts, resembling neither, and in fact sticking out like a sore thumb.
4. An RV park development might consist of nothing permanent except the utilities, parking pads, and driveway/parking. The amount of property tax revenue the City can expect is relatively trivial compared to the impact of such a development on the area, and trivial compared to that derived from a project envisioned by the current Code provisions. Aside from providing little tax revenue, it means that most of the site could be abandoned at little cost if the current market fad for RV-based rentals dies off, which is a distinct possibility. The RVs, food trucks if any, and minor amenity structures are easy to remove. The owner has demonstrated a tendency to abandon a

property to the ravages of the elements and time. And the cost to redevelop the property into something more appropriate would go up substantially.

5. For the developer, an RV park is development on the cheap, compared to building some number of permanent additions to the community. Inexpensive to set up, barely taxable to pay for City services, easy to abandon, with little or no benefit to the surrounding community. Why would the City approve this?
6. Aside from maintenance and desk help, few to no living wage jobs would be created.

The applicant also proposes to strike all of the current prohibited uses, again for no apparent reasons, but we strongly believe that those prohibited uses should remain.

Section 2.12.400

While we don't have a quarrel with changing the title of this section to "Development Standards," we do take strong issue with what was lost in dropping all of the paragraphs that described those standards for this district and replacing them with less stringent or no standards at all.

For example:

1. In the first paragraph of Section 2.12.600 the applicant proposes to strike the requirement for a Variance in order to modify setbacks. There is no mention of this in the new table.
2. In the case of front yard setbacks, Section 2.12.600A, the applicant proposes a simple 10 ft setback. They struck out the part about a 20 ft setback from the Barclay Drive and Camp Polk Road property lines. Nice sleight of hand and no Variance required regardless. This may result in reduced protection of sight lines for the modified Barclay/Camp Polk Rd intersection.
3. The applicant proposes to eliminate Section 2.12.600B and 600C altogether, proposing no side yard or rear yard setback at all, and with none of the conditions set out in the current sections 600B and 600C. These proposals should be rejected.
4. In the case of off-street parking from Section 2.12.800, the applicant simply refers to Chapter 3.3 of the current Code in the new table, as current Code does, notwithstanding the fact that **there are no off-street parking requirements for RV parks in this Chapter**. Those would have to come from some other section of the Code, from another city's or town's code, or be developed in particular for this site. None this has been done and *must* be done before approving an RV park as a permitted use for the site. The applicant's proposal is clearly not complete without that conversation having taken place.

While there are no current lot coverage requirements for this district, and the applicant has not proposed any, we strongly suggest that, in particular for this site, a

lot coverage limit in Section 2.12.700 would be highly appropriate, for storm water management, ecosystem maintenance, wildlife access (deer frequent this site all the time), and for snow removal considerations.

In the striking out of all of Section 2.12.1000, not only were the architectural design standards wiped out, but so were the specifics for a neighborhood market and laundry facility, the most important of which requires a [focus] on meeting the needs of the Sun Ranch Mixed Use Community residents, workers, and guests.” While it’s not hard to understand why the applicant would want to get rid of these criteria, we strongly object. All of the provisions in Section 2.12.1000A should remain, as should those in sections 2.12.1000B.

Section 2.12.1100, proposed for elimination by the applicant, should remain, in its entirety, as it supports the design standards above.

And finally, the applicant proposes to insert into the code a new definition of a “lodging establishment.” They propose that this entity is:

“any hotel, motel, resort, building, or structure that is used to provide sleeping accommodations to the public for charge.”

As we pointed out earlier, the City regulates the uses of facilities in any given district using the SDC, and regulates “business establishments’ using business licenses and other City ordinances. The term “establishment” is already taken and in use.

Note that they have put “building” and “structure” in a different category (as separate items on the list) than “hotel” or “motel” while inserting a term – “resort” – that does not imply the presence of any buildings. A loophole one can drive a large RV through. Hotels and motels (and lodges, cabins or cottages, etc.) all are implicitly buildings. RVs are clearly not buildings, which is primarily what limits their winter use and reduces their contribution to property tax revenue for the City.

The current Code for this district regulates uses that involve buildings and physical facilities, and for the sake of the City and its residents, it should stay that way.

Submitted on behalf of the members of Better Living in Sisters (BLIS)

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Some history for the site

Real estate listing with historical pictures can be found here:

https://www.zillow.com/homedetails/69013-Camp-Polk-Rd-Sisters-OR-97759/2057675117_zpid/ Site includes pictures of the property in its former glory.

See this article in the Sisters Nugget for some history:

<https://www.nuggetnews.com/story/2024/02/07/news/historic-conklin-guest-house-may-have-a-future/36094.html>

And also here: <https://www.nuggetnews.com/story/2010/11/23/news/historic-conklins-building-has-a-future/19235.html>

More information from of one of our local historians:

I believe it started life as an old Sisters schoolhouse that was moved to the present location and used by Frank and Ella Shaw for the first Sisters Fair in 1914 (see that was Yesterday, p 63 & 103) that was held on their farm and was where the exhibits were displayed.

Later it became the core of the Nixon house which was purchased by the Hitchcock family and was first the home of Cecil and Ethyl and later of their son Maurice and his wife Kathleen with five children (see Maurice G Hitchcock: The Flying Lumberjack, p.29 photo).

Some of us looked inside when the house was being worked on in 2020. Upstairs in the front room right hand closet behind a small "door" the original roof of the school was visible. Downstairs, the "living room" and entry seem to match the simple plan of an old schoolhouse.

The Hitchcocks, who had the Sawmill on N Pine, and seem to have acquired the Property in 1944 when it was referred to as the Nixon place, then sold it in 1953 to Harold Barclay, who had a Logging enterprise. Maurice H. and H.Barclay together with George Wakefield developed the airport across the street. The tax records say that in 1947 a "lodging Bed & Breakfast was built, sheds added in 1960 and '65.

In 1973 Frank & Marie Conklin acquired it with a Warranty Deed, Quick Claim in April 1986, and Deed in December '86. They possibly changed the code 1987. In March 2004 F&M Conklin sold to Dutch Pacific Property who subsequently sold it to Sun Ranch Inn in June '04 who may have intended to create a restaurant. Finally, it was sold to Lake House Inn in November 2019.

In studying the sources, it may be that the original 1886 homesteader J.J. Smith might have built his first store here at the far NE corner of his SW quarter of section 4 in Township 15s Range 10e before moving down to the southern section line, now Hwy 20/Cascade Ave. at the corner of Elm St.

Applaud your interest in wanting to preserve it. I don't know that it has any official historic status. You might ask Dennis Schmidling at Sisters Gallery. He was formerly on the Deschutes County Landmarks committee.

Let us know what you are able to find out. We were thinking that it would be nice to have a plaque with the history of the property.

Pat Leiser, VP, Three Sisters Historical Society