



PLANNING COMMISSION **Agenda**

520 E. Cascade Avenue - PO Box 39 - Sisters, Or 97759 | ph.: (541) 549-6022 | www.ci.sisters.or.us

AMENDED

THURSDAY, JUNE 18, 2020

WORKSHOP 4:00 P.M.

PUBLIC HEARINGS 5:30 P.M.

520 E. Cascade Avenue, Sisters, OR 97759 - Council Chambers

The meeting will be accessible to the public via teleconference. Please use the following phone number to listen to the meeting:

1-844-802-5555 Access Code: 399434

4:00 PM WORKSHOP

I. LEGAL PRESENTATION: PC ROLES AND RESPONSIBILITIES

5:30 PM REGULAR MEETING/PUBLIC HEARING

I. CALL TO ORDER / DETERMINATION OF QUORUM / ADOPTION OF AGENDA

II. APPROVAL OF MINUTES: February 20, 2020 and April 16, 2020

III. VISITOR COMMUNICATION: There will be no verbal Visitor Communication. Written communication can be submitted for the record to Carol Jenkins (cjenkins@ci.sisters.or.us) or dropped in the utility mail drop box by 3:00 pm on Thursday, June 18, 2020.

IV. PUBLIC HEARINGS: 5:30 P.M.

FILE NUMBER(S): EXT 19-03 (Extension of City File #s: SUB 16-02 and SP 16-07)

APPLICANT/

OWNER: CITRUS DEVELOPMENT, LLC

LOCATION: 704 W. Hood Ave. Sisters, OR 97759: Map and Taxlot: 151008AA00800

REQUEST: Request for second extension of approval for City File #s SUB 16-02 and SP 16-07, allowing for a subdivision plat and site plan for 11 lots and 10 detached lodging units.

V. STAFF AND COMMISSIONER UPDATES

VI. ADJOURN

This agenda is also available via the Internet at www.ci.sisters.or.us. The meeting location is accessible to persons with disabilities. Requests for an interpreter for the hearing impaired or for other disability accommodations should be made at least 48 hours before the meeting by contacting Kerry Prosser, City Recorder at kprosser@ci.sisters.or.us



PLANNING COMMISSION

Agenda Item Summary

Meeting Date: June 18, 2020

Type: Workshop

Staff: Nicole Mardell, Principal Planner

Dept: CDD

Subject: Legal Presentation: Planning Commission Roles and Responsibilities

Action Requested: None. Presentation by staff with Q&A.

SUMMARY: Planning staff and the City Land Use Attorney, Garrett Chrostek will give a presentation on the role and responsibilities of Planning Commission members. Planning Commission members can attend in person or over the phone, members of the public can all in on the teleconference line.

The presentation is attached for reference.



City Planning Commission Minutes
Thursday, February 20, 2020 – 5:30 P.M.
City Hall Council Chambers, 520 E. Cascade Avenue, Sisters, OR 97759

Chairman: Jeff Seymour
Commissioners: Cris Converse, Mark Hamilton, Jack Nagel, Bob Wright
Absent: Scot Davidson, Art Blumenkron
City Staff: Patrick Davenport, CDD Director, Nicole Mardell, Principal Planner,
Paul Bertagna, Public Works Director
Visitor: Joe Bessman, City Traffic Engineer
Recording Secretary: Julie Pieper for Carol Jenkins

I. CALL TO ORDER / ROLL CALL / DETERMINATION OF AGENDA

Chairman Seymour called the meeting to order at 5:30 pm.

II. ADOPTION OF AGENDA

The Planning Commission made a motion to approve the Agenda for February 20, 2020.
Motion carries.

III. APPROVAL OF MINUTES - None

Chairman Seymour stated that he wanted to clarify tonight, so that there is no confusion, one of the hearings tonight is in regards to a Land Use application that should not be confused with the Dollar General Land Use application – this is separate. We will not be discussing the Dollar General after, or outside of the Visitor Communication.

IV. VISITOR COMMUNICATION – None

V. PUBLIC HEARINGS

- A. **MP 19-01:** Applicant: Chris Mayes on behalf of property owner Threewind Partners, LLC; zoning district Highway Commercial (HC); request for Master Plan approval of a mixed - use project to enable construction of approximately 28,000 square feet of commercial and 50 multi-family residential units and supporting infrastructure on a 5.91-acre parcel; location - 801 W. Hood Ave; map/tax lot # 151005DC07202.

Planner Mardell gave a little background for this project and stated that it is a Three Step City Process.

- Master Plan: Broader review of uses, square footage, and overall site improvements.
- Site Plan Review: Detailed review of layout, parking, landscaping, and building materials, etc.
- Building Permit: Final, very detailed review of exact design to be built. Should not vary from the Site Plan Approval. Location and Proposed Site Plan.

Planner Mardell stated that on the general layout of the property – on the western portion adjacent to the Pines is where the applicant is proposing to put the residential use. They are proposing five (5) multi-family buildings with up to 10 units each for a total of around 50 units. On the east portion of the property is where the commercial area will be located. This is all very conceptual at this point.

Key Agency Requirements:

- Public Works
(3) New Road Connections:
Hwy 242/W. Hood Avenue (south)
Red Crater Way (east) – the existing Bi-Mart entrance onto W. Hood Avenue
McKinney Butte Road (north) – through the Dollar General site.
Preliminary Street and Utility Plan

Key Agency Requirements:

- Oregon Department of Transportation
Access permits required for state highway access (Hwy 20 and 242).
Request for coordination in re-alignment of East Portal entrance.

Public Comment:

- Neighborhood Meeting (01.21.20) – 8-9 people in attendance.
Privacy, Lighting, Parking and Circulation, Garbage and Recycling Location.
- Letter – Anne Marland (02.03.20/02.19.20)
McKinney Butte Road connection concerns, Noise, and Dust.

Requested Revised Conditions of Approval:

- Condition # 21:
Alter condition to ensure the need for an East Portal re-alignment and accurate cost of applicant improvements is assessed.
- Condition #24:
Change timing from “Prior to Certificate of Occupancy” to “During onsite development” to allow for phased improvements.

Staff Recommendation:

- *Approval of Proposed Master Plan with Conditions.*

Joe Bessman, Transight Consulting, LLC
Bend, OR

Mr. Bessman summarized the comments on the proposed site plan for the Threewinds Development and Master Plan Transportation Impact Study. He discussed the Site Plan Review; Connectivity Goals and Plans; Site Circulation; Site Layout; Vehicular Site Access; Pedestrian Access; Transportation Impact Study Review; Residential/Commercial Retail Uses; Phasing; Re-Alignment of access with the East Portal.

Commissioner Hamilton asked which entrance would encounter the most traffic in this area.

Mr. Bessman stated that Hood Avenue would be pretty highly utilized to get in and out. McKinney Butte Rd. is going to be the secondary connection only if people are trying to make a left turn onto the highway.

Commissioner Wright asked about the diagram in the report with the red connector roads, and asked if it meet the requirements for being a collector road.

Mr. Bessman stated that it is a very difficult piece of land and our concern was having a connection for the local residents, and not making it a major route for the public to get back and forth. It meets the intent of enabling the internal of users of this system to circulate.

Commissioner Hamilton asked what is the average volume going to be in that area.

Mr. Bessman stated that it could carry an average daily traffic volume of about 200 vehicles. It is going to be low volume and low speed.

A brief discussion took place regarding parking, green space, and the tot lot.

Erik Huffman, City Engineer
Bend, OR

Mr. Huffman provided comments for the hearing relating to the Internal Street and Pedestrian Circulation; Existing Conditions; Proposed Improvements; and additional requirements. Also, he discussed the Water Review; Sewer Review; Site Grading and Drainage; and Construction Plans.

Chris Mayes, Mayes Architecture & Planning, Inc.
473 W. Hood Avenue
Sisters, OR 97759

Mr. Mayes provided comments on the Condition # 21 and Condition # 24 as follows:

Condition #21: During the permit process, the applicant will coordinate with the City, ODOT, and USFS (for the future owner of the East Portal Property), to determine the potential need to realign the existing entrance to the East Portal with the City requested and ODOT reviewed location of the new entrance service the proposed development. The proportional share, if any, of the cost and specific actions required by the applicant will be determined during the permitting process.

Condition #24: During onsite development of Parcel 3 of PP 2019-21, the developer shall construct a minimum 24-foot wide paved vehicular route and minimum 5' pedestrian facility meeting PROWAG standards within the public access easement granted in PP 2019-21. The exact timing of construction shall be determined during the subsequent site plan review.

Chairman Seymour stated that at this point, we will entertain public testimony. The order for providing public testimony is the applicant, the person speaking in favor of the application, the person speaking against the application, persons providing neutral testimony, others wishing to speak, and the applicant's rebuttal.

Chris Mayes, May Architecture
473 W. Hood Avenue
Sisters, OR 97759

Mr. Mayes stated that he wanted to highlight a few things of this development. This has been a process over the past two years working closely with staff with some give and take of that road. The owners of this property have owned this since the late 80's and it is a family development. It is an infill project filling in some areas around town to the benefit of using the existing streets and infrastructure. Highway Commercial (HC) allows for a mix of both residential and commercial development. We planned the apartments as best we could to mitigate, or reduce impact on the neighboring Pine's development. There will be a mix of 1, 2, and 3-bedroom apartment units and they are going to be market rate. The two (2) bedroom is going to be primary with about 30 units, and 10 each of 1-bedroom and 3-bedrooms.

Mr. Mayes asked that on Condition #21 – the alignment of the access to Hood Avenue and the East Portal entrance. He would like to word that differently and look at it a little further to allow for some further assessment of whether that needs to be aligned, etc. He also discussed the connection driveway that goes north/south to McKinney Butte to allow some additional phasing.

Commissioner Wright asked about the east/west southern boundary, there is a little stub out that goes to the multi-family – is that going to be part of the connector road discussed earlier. Is that a good idea to put a connector road from a fairly large multi-family with more traffic coming north into that area.

Mr. Mayes stated that the evolution of that connection initially, our planning did not have that and it was a request by staff to make a connection to that southerly property, which is currently listed for sale. In the traffic analysis, we did look basically at the density, more internal connections, excessive traffic, encouraging bike and pedestrian connections, etc.

Commissioner Wright asked that since these apartments are 2-story buildings, is there a reason that a consideration wasn't given to have 3-story apartments. If we approve this tonight, would it be locked in to a 2-story building, or would that option for a 3-story building be open in the detailed phase.

Mr. Mayes stated that if you approve it as is tonight, I don't believe that you are precluding a 3-story development. We did look at a 3-story – the Code allows for 35ft of height and not necessarily 3-story.

Commissioner Wright stated that the Planning Commission looked at increasing the height to allow for a 3-story with a 12-pitch roof, etc.

Planner Mardell stated that this occurred in the multi-family residential zone to allow for 3-story, and this property is located in the Highway Commercial zone – the height allowance is not applied in this zone.

Commissioner Hamilton asked about parking and screening of these units from the Pine’s development.

Mr. Mayes addressed the different buildings and parking locations, and the screening would be formally addressed in the Site Plan Review. The Development Code does require screening between parking and residential developments.

Chairman Seymour asked if anyone would like to come forward and speak in favor of the application.

Hayes McCoy, Civil Engineer for the Applicant
1180 SW Lake Rd.
Redmond, OR 97756

Mr. McCoy stated that he wanted to address two (2) conditions they requested, and modification of language. We don’t know what is going to happen to the East Portal property. ODOT has expressed interest in purchasing it. We are not 100 percent certain how this line is going to be. We need to look into this further during the Site Plan Review when we have detailed Site Plan to make a better decision. The public access on Condition #24, we would like to defer the timing of construction to be determined during Site Plan Review.

A brief discussion took place regarding local street standards, connection to the south, driveway approaches, TSP connections, and possibility of speed bumps, etc.

Chairman Seymour asked if anyone would like to come forward and speak against the application.

Gary Leiser
69882 Meadow View Rd.
Sisters, OR 97759

Mr. Leiser stated that I am an out of town resident, but what happens here in the City affects me. The question I want to ask is why approve this development, is there a compelling reason to do so, and do we need this. This development is one more step in the transformation of Sisters into another Beaverton. He asked that the City Council take a time-out because once this is done – it is a done deal.

Annie Marland
498 N. Wheeler Loop
Sisters, OR 97759

Ms. Marland stated that I am concerned about the multi-family, and the access road which is 20 feet from my fence. My major concern is the traffic and the 200 some cars and trucks going past my home. The one thing positive is that If the dog park happens that will make me very happy.

Katherine Guinasso
363 N. Locust Lane
Sisters, OR 97759

Ms. Guinasso stated that I do not see a reason for any more housing developments. It is starting to look a lot like California with the congestion, etc. And, I see a problem with the parking, fast foods, etc. and would like to see us pay more attention to the beauty of Sisters, and the quality of life we have here.

Imogen Rex
69820 Crooked Horseshoe Rd.
Sisters, OR 97759

Ms. Rex stated that I am not in town either, however, I do have small children in both of the schools. I want to speak in the same direction of those that have already spoken against the proposal. I would like to know what the actual vision for Sisters as a whole is with regards to these sorts of developments, and what the end result is. Are we hoping to become like Redmond, like Bend, etc. The traffic is a huge concern, will we have stop lights, etc. These are the things that the Council need to look at before adding another development into the town.

Joanne Power
1065 Collier Glacier
Sisters, OR 97759

Ms. Power stated she is concerned about where the children are going to play because there will be children in those apartments.

Terry Colter's
309 N. Wheeler Loop
Sisters, OR 97759

Mr. Colter's stated that my concern is that this is a done deal and how do we prevent, or get more involved in future building in the community. What does the City plan on doing in the future to make people more aware of what is going on?

-William Power
1065 W. Collier Glacier
Sisters, OR 97759

Mr. Power stated that my biggest concern about this is how these apartments will be constructed. There is a chance that they will look down into people's backyards. I'm wondering if there is going to be a fence between the Pine's and this development. On Brooks Camp Rd., they built a 2-story apartment house that looks right down on the 1-story houses that were already there. I'm concerned because the value of these houses has gone down. We need to be concerned about any development to look to the neighbor to find out if they are going to be looking in their backyard.

Chairman Seymour asked if anyone would like to come forward and give neutral testimony on this application.

Marvin Inman
1654 W. Aitken Ave.
Sisters, OR 97759

Mr. Inman stated that my major concern is with the Planning Department in the City on their traffic studies. The number of cars that are expected to be coming down McKinney Butte, homes and cars in that development, kids going to school, people driving down McKinney Butte Rd., accessing the shopping, etc. The City needs to look at a traffic plan that looks into the future. The traffic is the major issue and all of it is going to get congested.

Steve McGhehey
313 S. Pine Meadow St.
Sisters, OR 97759

Mr. McGhehey stated that I am concerned about the connecting road that runs behind Bi-Mart. I am wondering if that was a Fire Department requirement that the connection is already a very heavily traffic area was a requirement even though it was going to be a residential in that area.

Planner Mardell stated that I will ask our City Engineer and Traffic Engineer to discuss more about the need for this road requirement. I am not aware of whether or not it was a Fire Department requirement, but I will defer to them on their expertise.

Joe Bessman stated that I don't know if that was a Fire Department requirement, but my recommendation to include that road was for traffic circulation, and that was the primary reason for the overall development. The entire development would have access to the roundabout to make a left turn on the highway when they were exiting.

Planner Mardell stated that because it is very conceptual, all that we have is the commercial square footage generally, and believe at this time, the applicant has said they are proposing 1-story buildings, but that is still to be determined during the Site Plan process. There is a height limitation of 35 feet in this zone, and don't believe they plan to put residential development over the commercial buildings.

Planner Mardell stated that in the Highway Commercial District, there is a requirement that residential is allowed, but it has to be combined with a commercial use. In the Highway Commercial zone, standalone residential uses are not necessarily allowed, but if you go through

a Master Plan process, it does allow you to have standalone residential as long as 50 percent of the uses on site are commercial, and 50 percent are residential.

Mr. Bessman stated that there is a Transportation System Development charge which goes towards system wide improvements, and this development will be contributing towards the funding of those system side improvements.

Planner Mardell stated that at this point in the development review process, we are only looking at the uses and the square footages. This is a conceptual site plan that was intended to be just for reference and doesn't lock in the developer, or the owner to build what is specifically shown on the site plan because it doesn't contain a lot of the details that staff needs to formally approve a development. If there was interest in a different style of residential development, townhome, etc. that could be considered at site plan review.

Planner Mardell stated that in preliminary conversations, we have heard general interest from the applicant in potentially partitioning the property, so that the residential use can be owned by one owner, and the commercial use could be owned by another. It just depends on the owner's specialty, or what development they are focused in.

Steve Adams
P.O. Box 3157
Gresham, OR

Mr. Adams stated that I am concerned about the roadway to McKinney Butte Rd. and is nice that they saved the big tree there which might slow down the traffic, etc. I am wondering if there is any proposal to put a fence or screening in between Bi-Mart and the proposed roadway. I understand the traffic pattern and people getting around the roundabout, but what about the possibility of less crime because that gives them an easy way out. I am also wondering if there is going to be a maintenance agreement and who takes care of the maintenance on that roadway.

Chairman Seymour asked the applicant if they wanted to provide rebuttal at this time.

Mr. Mayes stated that the roadway is a big concern in traffic. That was something that was looked at and this is our 14th version of a site plan. We had that road in, we took it out, put it back in, etc. From our standpoint, I wouldn't mind at all if that connection road north was taken out. The applicant at this point, would be happy to remove that. Parking and design of the apartments – I thought there were some great comments there. We will do whatever we can to move those and keep those apartments away from the Pines.

Mr. Mayes stated that the apartments would be between 800-1000 square feet give or take. The commercial component at this point, those are just block's and showing the ability to meet the Code with a 50 percent ratio minimum between residential and commercial. Those could be mixed-use depending on whoever purchases and develops that property. Table 2.3.1 specifically precludes single family residential from being developed. These are planned apartments and those are going to be apartments – it was never discussed that it would be anything else.

Mr. Mayes stated that the maintenance of the road (visual), the public road will be maintained by the City, everything else is internal circulation and privately maintained with an agreement with the developer and land owner. On the connection to the existing Bi-Mart – the road would connect to Red Cinder, and this connection (visual) would allow direct connection to the Bi-Mart Shopping Center.

Commissioner Hamilton asked about the lady that spoke tonight and brought up the children issue and playgrounds, etc. I think that is pretty significant because we are talking about traffic and if that northern road stays in, that is going to be an impact. I am wondering if any thoughts were given to recreational areas for young people.

Mr. Mayes stated that we are required to provide three (3) amenities with the development of 50 units. There is the tot lot playground area for kids, and also a barbeque and dog park area. If the traffic connection is handled properly with fencing, traffic mitigation, speed bumps, etc. our goal is to not have this a major thoroughfare. We would do anything we can to slow down and eliminate traffic through there.

Commissioner Hamilton asked about sidewalks and the only sidewalks that are planned are the access from Hood Avenue – is that correct.

Mr. Mayes stated that again, this would be clarified and expanded on during the site plan review. I think offering some internal circulation as much as possible to allow residents of these units to circulate north and south safely.

Commissioner Converse asked if you didn't have that road behind Bi-Mart, the only way in would be off of Hood Avenue. If there wasn't a road there – what would that be.

Mr. Mayes stated that is correct. That would allow this building #5 to move closer to that property line, it would mitigate the issues with the traffic and adjacency next to the tot lot. I still like the orientation of these buildings east/west, but you could look at putting them in a different direction. There is some efficiency the way it is laid out with the parking lot here between them, and not wanting to spread that out more than necessary. If it would allow us to move that building #5 to the east, and investigate looking at a north/south orientation.

Planner Mardell stated that now I have the Development Code in front of me, I wanted to provide the final clarification on the 50 percent mix. It is based on the ground floor, and the requirement in the Master Plan states that "standalone residential uses can be allowed as long as a minimum of 50 percent of the total ground floor area shall be commercial uses.

Planner Mardell stated that because this Master Plan is for a broad area – even if a partition occurred there would be deed restrictions for the new parcels that they are continuing to be a part of this Master Plan and its approval. The requirements would be again for crossing over property lines if it were partitioned in the future.

Director Davenport stated that it is going to be on staff to track the future commercial that is being shown here whether it is five (5) different buildings, or one (1) building to meet that minimum floor area. It is conceptually shown in the Master Plan and will carry through to site plans that

will come one day for the commercial area to remind future applicants and developers that they owe us that amount of floor area.

Commissioner Hamilton asked for clarification on the commercial area based on this conceptual, that they could change it so that it would be one large structure that took up 28,000 square feet.

Director Davenport stated that in the future any combination 1, 3, 5, and 7 different pad sites, or one (1) building. They would come in as a site plan and for a future developer to decide if those commercial sites get further partitioned. It is our duty to keep track of that over the years.

Mr. Bessman stated that I wanted to clarify the purpose of the north/south road – when we first started looking at the Dollar General which was partitioned off of this Master Plan and applied for, we quickly saw that there was some transportation challenges even with that – Arrowleaf and McKinney Butte intersection showing that it was already failing. In looking at the initial partition, we realized that we need to have that north/south connection. We worked with the applicant to minimize what that connections looked like and feel that it is very important.

Director Davenport stated that he wanted to remind the Planning Commission how zoning works and once a property is zoned a certain way, an applicant proposes a use that is allowed and arrange the property according to our code and have the findings in here, we are required to approve it with certain mitigations that we have been discussing here. There are very strict limits on moratoriums more related to water and sewer.

City Attorney Chrostek stated that the City is required to provide a 20-year land supply for both residential and commercial – other industrial type uses. The City implements that through their Urban Growth Boundary and assigns zones that meet very closely projected needs for commercial, industrial, and residential lands, etc. The City has done that with this particular property in the commercial zone, but also serves a dual purpose of providing limited residential uses. The Code implements the Comprehensive Plan, and applicants apply based on what uses are permitted, or not permitted in the particular zone that the property is zoned. There is no moratorium in place, effectively you can do it and absent a health emergency, but there is nothing in place right now, and this application can move forward given that it is still taking place right now.

Commissioner Wright asked for clarification purposes – in this one site plan, they can partition this into 4-5 different things - is that correct? In other words, take those two (2) commercial buildings on the right, partition that off, and put 50 percent commercial, and 50 percent residential there. Basically, the whole plan can change if they partition it in different ways. How firm is this concept by which they are held to where you have the residential somewhat confined with your tot and dog park versus having the residential scattered all over the site.

Director Davenport stated that it is up to staff to ensure that the minimum square footage of commercial is provided one way or another. Whether it is through individual parcels, or one larger building similar to and a little smaller than Bi-Mart comes there. At this point, we just don't know what commercial is coming there. There will be subsequent partitions in the years to come.

Planner Mardell stated that this type of application is at the discretion of the applicant. If they wanted, they could have provided applications for the Master Plan, Site Plan, and a Partition. At

that point, you would have a much firmer idea of what they are planning to do, but part of why this is only for a Master Plan application, generally is to allow for a little greater flexibility in what those buildings are in the future.

Mr. Bessman stated that as different site plans come in, it is going to further lock in what else needs to happen with those subsequent phases.

Planner Mardell stated that she wanted to lay out one of the items discussed briefly during the staff report. You received my staff report for this meeting, it had the recommended Conditions of Approval, so one of the items that we will need your input on is whether or not, the applicant's requested revisions to those two (2) conditions, and how you would like to proceed with those. If you have any additional questions for staff, the City Engineer, or the City Traffic Engineer on those pieces, we can answer those at this time.

Commissioner Converse stated that I have a question for the Traffic Engineer about the two requests – the 2nd request and how does that impact, or what are your thoughts if we were to grant them that request.

Mr. Bessman stated that the 2nd requested modification was to Condition #24 – trying to look at phasing the connection of that road due to the costs that would be incurred with that length. If we are looking at those units, there are 50 apartments units total, the first two buildings would be about 20ish units. The applicant is requesting that 30 units would go in, and then that road would have to be connected. The concern that we see with those left turns on Hood are present now. For us, it is making sure we have the sidewalk going to the north, making sure we have the roadway going to the north. Staff's comment was that we want to see that go in with the first building, we want to have the present for the entire development to take advantage of.

Chairman Seymour stated that while we are discussing this Mr. Bessman, what are your thoughts on Condition #21.

Mr. Bessman stated that Condition #21 was really ODOT's condition and not staff's condition. What we want to do is respect what ODOT asked for, and what ODOT asked for was to require that they realign with the East Portal access. I understand their comment and there may be completely different changes to the East Portal access between now and when they actually develop, and if that becomes the case, there is a mechanism that we can go back, and modify that condition to be more appropriate at that time. Right now, ODOT is telling us is that they want that realigned and we carried that directly into the staff report.

Commissioner Converse asked if we were to hold them to that condition and not grant them the change they want, there could be an opportunity for them to work with ODOT further down the road and change that.

Mr. Bessman stated that if the East Portal location were to go away, if that were to be redeveloped, if that access were to be realigned by others, as a Traffic Engineer, I wouldn't care as long as we don't have offset intersections and that this can be functional.

Director Davenport stated that the property owner to the south could accept a further realignment to the south to line up with the East Portal. That would be up to the applicant and

the southern property owner to work that out. Or, just put it on the applicant to work with ODOT and that property owner (Forest Service) to have those entrances aligned.

Chairman Seymour asked for clarification that the City does not have a formal process to where this scenario could be subjected to and dealt with.

Planner Mardell stated that is correct. This falls more under the ODOT access permit review, so City staff would not be reviewing the permit to ensure that the access is aligned. The permit from ODOT to allow the entrance onto that highway would be dependent on coordination of this piece. They requested that we include reference to this in our Decision, staff included a condition that was more open ended depending on what that conversation is so we are requesting that the applicant coordinate with the City, ODOT, and the Forest Service. It is not requiring any action at this time, but ODOT would be the one to require that specific action dependent on approval of their permit.

Mr. Bessman stated that as long as ODOT willing to accept it, and as long as the circumstances are acceptable to the City and ODOT, some flexibility here is appropriate, but we don't want to completely ignore ODOT's comment either. Also, to clarify, staff's primary opposition would be the comment about proportional share – if there is a requirement to realign, it is the requirement of the applicant since their driveway is the one conflicting with the East Portal access. The position of staff is that if there is a cost, it needs to be done by the applicant.

City Attorney Chrostek stated that the idea is to note it here, and provide the flexibility for ODOT to change their position, and the language that is proposed here provides enough flexibility that it could happen should there be good coordination.

Planner Mardell stated that to clarify a proposed change, we could keep essentially #21 as it is, but in the final sentence, we could potentially remove the 'proportional share of cost' and rather have it say, 'cost and specific actions required by the applicant will be determined during the permitting process'.

Commissioner Nagel asked why is it that we are not requiring any of those apartments to be affordable, or rent controlled, etc.

Director Davenport stated that we are not enabled to require that because we don't have the inclusionary zoning ordinance in place yet.

Commissioner Nagel stated that I thought that we were able to require 10 percent of the housing to be affordable.

Director Davenport stated that it is a goal for Housing, but not a regulation in our Development Code. There is inclusionary zoning that the State Legislature has enabled Cities to adopt, but we haven't adopted that formal regulation yet.

Chairman Seymour closed the public testimony portion of the hearing at this time.

Chairman Seymour asked if there is any further discussion by the Planning Commission.

Commissioner Hamilton stated that I like the idea of closing off that northern portion of that access point because I am concerned about the amount of traffic that would use that regardless of whether we put speed bumps, etc. It would not harm property values in the Pines.

Chairman Seymour stated that I personally disagree because I think that the road needs to be there, we need to have continuity, and an opportunity for those folks in that development to be able to gain access to the north – it is a convenience.

Commissioner Nagel stated that I agree it is good connectivity, but I think it could be mitigated with some speed bumps, etc. Also, the possibility of the northern most apartment building could be single story.

Chairman Seymour stated that in our discussion tonight, fences, structures, speed inhibitors, etc., that would be discussed in the next phase, and it is not something we would be discussing tonight anyway.

Commissioner Converse stated that all of this is in the staff report, and indicated in all of the staff recommendations. The applicant is aware that they will have to do screening, etc.

Chairman Seymour stated that what I am really sensitive to is the overall negative feeling towards development in general. We all live here for our own reasons, and certainly want to keep the character of the town. We also have to accommodate growth, but at some point, we need to get with the City Council so they can remind the citizens of how that process works. Our job is to look at the application and see how it fits with the Development Code.

Commissioner Nagel stated that I wanted to get back with the gentleman that asked why there is a compelling reason for these apartments and living spaces, etc. It has to happen if it is zoned there, and there is nothing we can do about it – there is a need for apartments and housing for the people who work here so they don't have to go to Bend and Redmond.

Commissioner Converse stated that I am against both conditions proposed by the applicant, personally. I would modify Condition #21 by removing the 'proportional share' on what the staff prepared.

Commissioner Hamilton stated that I would agree.

Chairman Seymour asked if the Commission would like to make a motion at this time.

Commissioner Converse made a motion to approve the Master Plan MP19-01 as presented by staff with conditions, with one (1) modification to Condition #21 striking the words 'proportional share of'.

Commissioner Hamilton seconded. Motion carries.

Chairman Seymour closed this portion of the public hearing at this time.

This meeting was adjourned at 7:42 p.m.

Chairman Seymour asked for a 10 minutes recess and we will reconvene at 7:52 p.m.

Members of the Commission: Seymour, Converse, Hamilton, Nagel, Davidson, Blumenkron, Wright.

AYES:	Seymour, Converse, Nagel, Hamilton, Wright	(5)
NOES:		(0)
ABSENT:	Davidson, Blumenkron	(2)
ABSTAIN:		(0)

Chairman Seymour called the meeting to order at 7:52 p.m.

B. CP20-01: Comprehensive Plan – Text Amendments: Applicant City of Sisters; request for Comprehensive Plan text amendments to Goal 1 - Citizen Involvement and Goal 10 – Housing; the intent of these amendments are to: Update Goal 1 to include policies that enhance citizen involvement opportunities and to adopt the Sisters Country Vision and Action Plan by reference, and; update Goal 10 to adopt the 2019 Housing Needs Analysis and Buildable Lands Inventory and Housing Strategies Report by reference as well as propose updated polices that provide guidance on improving the City’s housing stock.

- Goal 1: Citizen Involvement
- Goal 10: Housing
- Amendments presented as revised and replaced in entirety

Goal 1 Citizen Involvement Amendments:

- Summarizes the importance of Citizen Involvement.
- Provides an overview of historical and recent Community Visioning processes.
- Recognizes the 2019 Sisters County Community Vision process and resulting Action Plan and formally adopts the Vision and Action Plan by reference.
- Emphasizes the following Objectives:
- Designates the Planning Commission as the Committee for Citizen Input.
- Encourages the use of all types of communication mediums traditional and contemporary to enhance citizen involvement.
- Ensures information presented to the public can be understood in the most reasonable format as possible.

Goal 10: Housing Amendments:

- Shorten the length of background narratives and reduces references to overlay specific circumstances.
- Enables references to supporting reports such as the 2019 Housing Needs Analysis (HNA) and Housing Strategies Report (HSR) to provide the detailed data and analysis.
- Adopts the 2019 Housing Needs Analysis, Housing Strategies Report, and Residential Buildable Lands Inventory by reference.
- Draft broader and less specific objectives and policies to provide City Council, the Planning Commission, and Housing Policy Advisory Board, the necessary flexibility to adapt to changing circumstances in housing markets and economic conditions.

Director Davenport stated that he will roll through these quickly as the Commission has reviewed these multiple times in detail. This is a Comprehensive Plan text amendment for:

Goal 1 – Citizen Involvement.

A quick summary that does summarize the importance of Citizen Involvement, provides an overview in an historical reference for recent Community Visioning processes. This will adopt the 2019 Sisters Country Community Vision by reference. It emphasizes and officially designates the Planning Commission as a committee for citizen input, and encourages the use of all types of communication mediums to enhance citizen involvement. It gives us more encouragement to ensure that the information that is presented to the public and is understood in the most reasonable format possible.

Goal 10 – Housing.

We have shortened the length of the background narratives, and reducing references as much as possible to overly specific circumstances. We have enabled references to supporting reports such as the 2019 Housing Needs Analysis, Strategies Report, and the Buildable Lands Inventory are all adopted by reference so we can use those documents in the future to consider Urban Growth Boundary (UGB) types of decisions, but also drafted broader, less specific Objectives and Policies to give the City Council, Planning Commission, Housing Board, and staff, the necessary flexibility to adapt to changing circumstances, and not get boxed into a corner with certain very specific policies.

Director Davenport stated that the Planning Commission has seen these text amendments in multiple meetings, and even in joint meetings with the Housing Board. The Housing Board has seen the Goal 10 amendments as well. We are asking for your approval of the Resolution to cover a recommendation to City Council which would go before them for an adopting Ordinance on March 25, 2020. These amendments are being presented as revised and replaced in their entirety. No more line by line edits and we did put in Exhibit B – the existing one, but these would revise and replace in their entirety.

Commissioner Wright asked if since the Goal setting session that the City Council and City Manager had, has there been any things that came out of that meeting that would make this application in conflict, or not consistent.

Director Davenport stated actually just the opposite and I would say that one of them is the Housing Plan. We have some direction to update the Housing Plan and that already made it onto the Work Plan for City Council. It is a little bit ahead of an official adoption process, but that is one item that is specifically been accelerated to update the Housing Plan which is now about 11 years old.

Staff Recommendation:

- Staff requests approval of RES 2020-02 covering the recommendations to City Council for adoption.

- City Council Hearing on adopting Ordinance: 03/25/20.

Chairman Seymour asked for a motion by the Planning Commission at this time.

Commissioner Wright made a motion to approve CP20-01 text amendments for Goal 1 Citizen Involvement, and Goal 10 Housing as presented.

Commissioner Nagel seconded. Motion carries.

TA 20-01: Development Code Text Amendments: Applicant City of Sisters; request for multiple Development Code text amendments to the following Chapters - Chapter 2.10 Special Flood Hazard Overlay reflects mandatory model code requirements by FEMA and the State. The existing mapped 100 - year floodplain is not changing as a result of these amendments. Amendments to Chapter 2.15.1800 Communications Facilities reflect recent changes in federal regulations for certain communication facilities and modernizes other review standards. Amendments to Chapter 3.5 Public Improvement Standards and associated amendments to existing Chapter 4.2 - Site Plan Review propose clear and reasonable standards to require construction of public facilities during the last use review process.

Request: TA #20-01 Development Code Text Amendments:

Chapter 2.10 Special Flood Hazard Overlay

- Includes associated definition.

Chapter 2.15.1800 Communications Facilities

- Includes associated definitions.

(New) Chapter 3.5 Public Improvement Standards

- Includes amendments to Chapter 4.2 Site Plan Review and associated definitions.

Director Davenport stated that again, you have all seen these on multiple occasions, and also City Council has seen the number of workshops and authorized this application to be brought before you. I will give you a few brief points about each Chapter. The State's National Flood Insurance Program coordinator has advised that we need to update our Code according to a Model Code that has come down from FEMA through the State to localities and given us a mandatory direction to update this and there are consequences if it's not updated according to their Model Code.

Director Davenport stated that our City Attorney Chrostek has helped to prepare these matching the States Model Code to our Code, and references a few points on these below.

Chapter 2.10 Special Flood Hazard Overlay:

- The State's National Flood Insurance Program coordinator advised staff that the updated Model Code for Flood Hazard mitigation must be adopted by localities that participate in the NFIP, as soon as possible.
- As a community participating in the NFIP, the City is obligated to adopt Mode Code as provided by FEMA.
- Risk of not participating and adopting Mode Code language is that flood insurance policies will be cancelled in addition to other consequences.

- Amendments to Chapter 2.10 are:
- Revised and added definitions.
- New text establishing a Floodplain Development Permit.
- Revised requirements for General Standards: Anchoring, water supply systems, electrical, mechanical, plumbing, and other equipment.
- Higher standards for subdivision proposals located in the SFHA.
- Higher standards for siting manufactured homes.
- Stricter standards for RV storage and accessory structures.
- One important requirement is not changing: New construction and mechanical equipment in the SFHA Overlay must be placed an additional 1.0' above the base flood elevation (BFE).
- This proposal does not change the FEMA mapped 100-year flood hazard area.

Director Davenport stated that the Federal regulations for communication facilities have been changed and new rules propagated by the Federal Communications Commission. We also realize and through some prudent Council and our City Attorney that our current Code is quite a bit dated. We have taken what the FCC rule changes have been in requiring City's to process applications in a certain manner, and also looked at requirements by other localities in Central Oregon so we have consistency with the new Federal rules, are consistent with other localities in Central Oregon, and have a modern Development Code for Communication Facilities. Many of the requirements are listed below.

Chapter 2.15.1800 Communication Facilities:

- These updates reflect a variety of changes in federal regulations for certain communication facilities that preempt local regulations.
- Amendments provide relatively strict but clear and objective criteria that meet the minimum requirements of recent FCC Rule changes.
- Consistent with requirements adopted by other localities in Central Oregon.
- The proposed amendments are summarized as:
- Adding 25 new definitions and deletes one (1).
- Addition of a Purpose Statement and Applicability.
- Addition of new requirements for Eligible Facilities, Application requirements, clear and objective design requirements, Review Processes.
- Eligibility Criteria for specific types of facilities and requests.
- Smaller antennae attached to existing structures have an expedited review process while new towers exceeding the height of the zoning district have stricter standards and review processes which include public hearings.
- New requirements for Maintenance and Inspections.

Commissioner Hamilton asked what does expedited review mean.

Director Davenport stated that it would be staff level review (ministerial level) through a building permit, electrical, structural, etc. instead of a land use review. There are certain standards that staff can administer.

City Attorney Chrostek stated that there is still the land use review, it just can't be the equivalent of a Conditional Use type of review where there are subjective criteria – they either meet it or they don't. In Oregon, there is a 120-day review period for land use applications, and Federal law shortens that to 100-days.

Commissioner Wright and Commissioner Nagel brought to our attention that we have a City name conflict in the Code on page 7 second line down, Exhibit B – ‘Residents of Bend’. There was another case where it was Section A 2.15.1800 Communication Facilities.

Director Davenport stated that this is a new Chapter. It is not changing the standards themselves; this is changing how the standards are administered. There is a separate process and a whole separate manual on Public Works Standards themselves. We have added an entire new chapter to include the following:

Chapter 3.5 Public Works Improvement Standards (New Section):

- Adds a new definition: Public Works Construction Standards or Public Works Standards and Specifications.
- Section 3.5.100: Purpose and Authority: Provides nexus for implementation.
- Section 3.5.150: Waiver, Modification, Deferral, and Payment In Lieu of Public Improvement Standards: Provides authority for Public Works Director to modify certain requirements; application requirements for modifications.
- Section 3.5.200 Transportation Improvement Standards: Provides nexus to construction of street sections and/or dedication of rights of way illustrated in the Transportation System Plan (TSP).
- Section 3.5.250 Sanitary Sewer and Water Service Improvements: Provides requirements to connect to City water and sewer system and City Engineer approval; provides nexus to construction of water and sewer infrastructure in accordance with approved system Plans; enables restrictions to connections when insufficient capacity exists; enables connections to properties outside the UGB when public health hazard exists.
- Section 3.5.550 Storm Drainage Improvements: Provides requirements for construction of improvements in accordance with existing specifications; requires easements for natural watercourses and stormwater drainage conveyances under specific conditions.
- Section 3.5.600 Utilities: Requires utilities to be placed underground except for certain equipment that must be installed above ground; reserves authority for City to approve locations of utilities and associated easements.
- Section 3.5.650 Easements: Provides requirements for utility easement dedications.
- Section 3.5.700 Construction Plan Approval and Assurances: Provides requirements for public improvement plans to be approved prior to commencement of construction; requires Performance Guarantees; requires approvals for contractors and subcontractors who perform in public rights of ways.
- Section 3.5.750 Installation: Requires installation of public improvements to be in accordance with current standards and specifications; requires written approval prior to commencement of work and authorization to recommence work if idle for longer than one month; enables City inspections and Licensed Engineer’s certification that improvements were installed properly.
- Adds new Section to existing Chapter 4.2 Site Plan Review: Section 4.2.200.C: Enables enforcement of requirements in Chapter 3.5 if necessary; requires documentation of traffic impact analyses to determine if the threshold is met to require a traffic study; enables a requirement to submit water and sewer capacity analyses if determined necessary.

Director Davenport stated that this gives us the general authority, if the Transportation System Plan says Land Use applications need to follow a more typical seasonal pattern, this gives us the authority to say that the TSP requires a traffic study to be conducted, or reflect more reasonable traffic levels.

City Attorney Chrostek stated that it is very difficult to design a one size fits all traffic study. I would be hesitant from a Code perspective to start getting too far into the weeds of what needs to be in a transportation study, but give staff and the City's Transportation Engineer, the flexibility to say that this isn't the run of the mill situation, and we need to look at this slightly different.

Commissioner Nagel stated that traffic is one of the biggest problems that we are facing with the local traffic in that area, and it really needs to be looked at.

Staff Recommendation:

- Staff requests approval of Resolution 2020-03 covering the recommendation to City Council for adoption.
- City Council Hearing on adopting Ordinance: 03/25/20.

Chairman Seymour closed the public testimony portion of the hearing at this time.

Chairman Seymour asked the Planning Commission to make a motion at this time.

Commissioner Wright made a motion to approve Resolution 2020-03 / text amendment TA20-01.

Commissioner Hamilton seconded. Motion carries.

Members of the Commission: Seymour, Converse, Hamilton, Nagel, Davidson, Blumenkron, Wright.

AYES:	Seymour, Converse, Nagel, Hamilton, Wright	(5)
NOES:		(0)
ABSENT:	Davidson, Blumenkron	(2)
ABSTAIN:		(0)

VI. PLANNING COMMISSIONERS / STAFF OPEN DISCUSSION

Director Davenport stated that in the Work Plan, the City Council tentatively gave us direction to update the Comprehensive Plan. We got a grant to update Goal 9 – Economic Development, and Goal 14 – Urbanization. We got a grant from the State to do that, and Council has also authorized us to go ahead and update all of the remaining goals. We will be kicking off the program to update the Comprehensive Plan, essentially starting today, but it will carry through July of 2021. This will be a bit of a marathon effort, and will bring to you in a workshop starting to develop a framework of how these different committees are formed.

Director Davenport stated that there will be a workshop on March 19, 2020 at 4:00 p.m. bringing Development Code updates and Comprehensive Plan considerations, etc.

Director Davenport stated that there will also be a public hearing on March 19, 2020 at 5:30 pm for the Mid-Oregon Credit Union off of Arrowleaf Trail. It is coming to the Planning Commission because it is having a drive-thru.

VII. ADJOURN

Chairman Seymour adjourned the meeting at 8:30 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Carol Jenkins', written in a cursive style.

Carol Jenkins, Recording Secretary



City Planning Commission Minutes
Thursday, April 16, 2020 – 5:30 P.M.
City Hall Council Chambers, 520 E. Cascade Avenue, Sisters, OR 97759

Chairman: Jeff Seymour
Commissioners: Cris Converse, Art Blumenkron, Scot Davidson, Mark Hamilton, Jack Nagel, Bob Wright
City Staff: Patrick Davenport, CDD Director, Nicole Mardell, Principal Planner
Recording Secretary: Carol Jenkins (Minutes) Kerry Prosser (Recording)

All Planning Commission members; Applicants Team - Darek Olson, Kevin Cole, Maureen Rodgers; City Attorney, Garrett Chrostek, and Sue Stafford, Nugget News, joined the meeting by phone.

I. CALL TO ORDER / ROLL CALL / DETERMINATION OF AGENDA

*Chairman Seymour called the meeting to order at 5:30 pm.
All seven (7) Planning Commission members present.*

II. ADOPTION OF AGENDA

*Vice Chair Converse made a motion to adopt the Agenda for Thursday, April 16, 2020.
Commissioner Blumenkron seconded the motion. Motion carries (7-0).*

III. APPROVAL OF MINUTES – January 16, 2020

*Vice Chair Converse made a motion to approve the minutes for Thursday, January 16, 2020.
Commissioner Wright seconded the motion. Motion carries (7-0).*

IV VISITOR COMMUNICATION – None

Chairman Seymour read the Rules for Conducting a Public Hearing at this time. He asked the Planning Commission to disclose any ex-parte conduct, bias, or conflicts of interest. Please indicate the nature and extent of the ex-parte contact, bias, or conflicts of interest, and whether you intend to participate in, or abstain from the Public Hearing.

Chairman Seymour asked the Planning Commission to disclose any ex-parte, bias, or conflicts of interest at this time.

Chairman Seymour stated that he has driven by the site in route to other destinations particularly Ray's Food Place.

Vice Chair Converse stated she has none.

Commissioner Hamilton stated that they hold his car loan through Mid-Oregon Credit Union.

Commissioner Nagel stated he has none.

Commissioner Davidson stated he has none.

Commissioner Blumenkron stated he has none.

Commissioner Wright stated he has none.

Chairman Seymour asked if any member the audience wish to challenge the ability of any Commissioner to hear this matter.

Kerry Prosser, City Recorder stated that she would do a roll call for the people that are present on the call.

Kevin Cole stated he has no challenges.

Maureen Rodgers stated she has no challenges.

Darek Olson stated he has no challenges.

Sue Stafford stated she has no challenges.

V. PUBLIC HEARING

A. SP20-01 / CU20-01: Applicant: Darek Olson of Steele Associates on behalf of owner Sisters Corporation, LLC; Zoning District – Highway Commercial (HC); request for Site Plan and Conditional Use permit approval to enable construction of a new bank building with a drive-through and supporting infrastructure on a 0.78 acre parcel; Location: 650 N. Arrowleaf Trail; Map/Tax Lot: 151005DB02800.

Planner Mardell stated that she will provide a brief staff report covering the location of the proposed property, any public comments that were received, agency requirements added as Conditions of Approval, and the staff recommendation.

Planner Mardell stated that this is a continuation of the March 19th hearing, which was cancelled due to COVID-19 concerns. She stated that she does not have a visual power point, and would like to direct the participants to the staff report specifically the Exhibits A and B.

Planner Mardell stated that the location of the property is 0.78 acres in size and is currently vacant. This is part of the Green Ridge subdivision, located between Arrowleaf Trail and Highway 20, west Railway is to the north of the property, and surrounding uses include McDonalds to the north, a Gas Station also to the north, St. Charles Medical Center to the south with associated parking, Ray's Food Place to the west, Highway 20 to the east, and across Highway 20 is the Best Western Hotel.

Planner Mardell stated that the applicant is proposing for the subject property – the layout to be having 23 parking spaces in total and to be located along the N. Arrowleaf Trail frontage. The building would be located in the northeast corner with the drive-through and stacking lanes wrapping around that building. There is a pedestrian plaza proposed on the south side of the building with a connection to both N. Arrowleaf Trail and W. Highway 20. Also, a public art piece

as part of that pedestrian plaza. The applicant is also proposing landscaping and buffering to be surrounding the entirety of the property.

Planner Mardell stated that there were no public comments for this item. We did receive one question from a Planning Commission member before the meeting regarding the Western Design Theme guidelines. Staff responses to the Code that are in the staff report. The reviewed materials (muted color simulated wood grain siding, parapet roof and porch, building massing consistency with neighboring properties, etc. The application will be able to provide more detail.

Planner Mardell stated that some of the Key Agency Requirements:

Key Agency Requirements for Public Works:

- Shared Access Easements between tax lots 2800 and 2900 (parking for St. Charles).
- Shared Parking Agreement Required:
- 11 parking spaces are required, but the applicant is providing 23 parking spaces.
- 12 spaces to be shared with neighboring businesses.

Key Agency Requirements for Planning:

- Public art needs to tie in with Sisters western heritage, cultural, wildlife, etc.
- Prior to building permit issuance, the applicant shall provide to staff an example of the exterior building materials and compliance to ensure compliance with the Western Theme.
- Landscaping and buffering to surround the entirety of the property – 86 shrubs and 15 trees, and in addition to that - 5 street trees.

Staff Recommendation:

- *Approval of Proposed Site Plan Review and Conditional Use Permit with Conditions as proposed by staff and included in the staff report.*

Chairman Seymour asked staff if we received any additional correspondence on this matter other than those items included in the agenda materials.

Planner Mardell stated that we have not received any correspondence for this item.

Chairman Seymour stated at this time, I will be asking each Commissioner whether they have any questions for staff. Questions will be stated by each Commissioner, and staff will respond after all questions have been asked by the Commissioners. When your name is called, please ask your questions, or indicate that you have no questions.

Chairman Seymour stated that at this time, I have no questions for staff.

Vice Chair Converse stated that I have no questions for staff.

Commissioner Hamilton asked *Planner Mardell* to expand on the Western Design Theme issue.

Planner Mardell stated that what she received from Commissioner Davidson is whether or not the Western Design Theme guidelines are subjective, clear guidelines, or examples of how those should be applied. In the staff report, I would direct you to all of the Findings there, specifically, staff focused on items that the applicant provided – the exterior finish of the property, benches

being provided, providing architectural details that relate to the Western Frontier period, walls and roof, canopy entrance, etc.

Commissioner Hamilton asked staff if they are to accept the image in the packet as the final image, what is being proposed, or will it change based on our recommendations.

Planner Mardell stated that the renderings provided in the materials is the proposed rendering of the building. All of the information in the staff report is only a recommendation, so if you have any comments feel free to direct them to the applicant. As of right now, what you see in the packet is the final rendering that they have proposed to the City.

Commissioner Hamilton asked staff if there is a rendering that shows any signage on the east side that faces Highway 20.

Planner Mardell stated that I don't believe there is a rendering that shows the eastern face, and the only rendering that was provided, was the item on the cover sheet that shows the view from Highway 20.

Commissioner Hamilton asked staff if it is the intent of the applicant to put signage on the east side of the building.

Chairman Seymour stated that there will be an opportunity to ask that question to the applicant.

Commissioner Hamilton stated I have no further questions.

Commissioner Nagel stated that I have no questions for staff.

Commissioner Davidson stated that I have no additional questions for staff at this time.

Commissioner Blumenkron asked if we have a comment about the appearance of the exterior and it is not looking western, would that go to the applicant rather than staff. To me, it looked distinctly modern and not western – that is a comment and not a question. My question is if it can be modified to look more western.

Planner Mardell stated that this item is under review by the Planning Commission, and the items provided in the staff report and staff recommendation, is only a recommendation. If you want to require use of different materials, or review later, a revised design – you can certainly request that of the applicant.

Commissioner Blumenkron stated that I have no additional questions of staff.

Commissioner Wright stated that my concern pertains to the drive-through. One is the height of the canopy and that it would have sufficient clearance, and the second one – since there is no bypass around the outside cash machine – any vehicle could get stuck, or delayed in the queue. What would be the scenario for removing such a vehicle that would cause a considerable amount of chaos. I also have a question about signage going into the queue, and will it indicate that the vehicle is over the height limit.

Planner Mardell stated that off-hand, I do not have the height of the drive-through in the materials before me, so I would ask the applicant to address that item. In regards to the second question, the applicant can provide more detail on this, but there are two (2) drive-through lanes provided. The intent was that all the cars could be coming through the same stacking area, and there would be two (2) lanes in case it was busy and they needed to get around.

Planner Mardell stated that on the signage, there is a section in the Code that relates to Vertical Clearance, and the applicant is ensuring the Vertical Clearance of at least 13' 6" as maintained. I don't believe that a sign is required as part of the review criteria, the City Engineer did not require one, but you can ask the applicant if they are going to provide one.

Commissioner Wright stated that I have no additional questions of staff.

Commissioner Davidson asked staff if the Western Frontier Design Theme question is going to be a point of discussion, it is going to require some reference to Code, and a better understanding by the Commission on what the provisions are and matter of how we interpret that. My point of concern is that I'm not so sure that can happen effectively during the questions of the applicant.

Chairman Seymour stated that one thing I would like to remind the Commissioners is that tonight we are reviewing their Site Plan. They have been kind enough to include a rendering of the potential look of the building, but typically, the way this works is the actual appearance and materials used are at the discretion of the staff. What we are doing tonight is looking at their overall Site Plan, and making sure it meets the Code requirements.

Chairman Seymour asked Planner Mardell to expand on the Western Theme and how it is decided and if it western enough.

Planner Mardell stated it is my understanding that these items are in the Development Code and referencing specifically to the staff report. There are some guidelines in place, but they are a little bit subjective or discretionally. The items that were included in the staff report are guidelines, and the applicant must provide details and features, etc. Staff finds that the applicant is consistent with meeting these Development Code requirements.

Chairman Seymour stated that she will close the portion of the staff questions at this time.

Chairman Seymour did a roll call of the Commissioners and whether they had any additional questions of staff.

All seven (7) Commissioners responded that they had no further questions of staff.

Chairman Seymour asked for the applicant to come forward and provide their presentation.

Darek Olson – Steele Associates Architects

Mr. Olson stated that I will address the questions that have been discussed. We do have signage for the drive-through that lists the heights at the very beginning of that route, or go through the drive-through aisle so if there is a problem, somebody could easily backup and get turned around and get back out. The canopy currently meets Code of 13'6" so we are in the clear with that. The

materials – we are using wood grain that is prefinished, and the trim in a darker color to accent the lighter colors. On the parking, we are over parked, but that is because there is a shared parking agreement with the rest of the complex. We feel like we have met the intent of the Western Code with the covered walkways, and we do want a building that feels more modern not so much on the outside, but the inside so that users of the Credit Union members feel like they are in a new building. We do have the plaza and a piece of art that will be commissioned to go in there that will meet the Sisters Western Theme requirements.

Kevin Cole – Mid Oregon Credit Union

Mr. Cole stated that I would like to describe the process that we use at our locations when a vehicle does become disabled in the drive-through. It is an issue that we have had to deal with, if they go in with the snow getting stuck before we've plowed. We keep cones at all of our locations and close the entrance to the drive-through so no cars can stack up behind the disabled vehicle until it can be removed. Then our staff will help navigate any traffic problems in terms of getting people out of that situation.

Chairman Seymour stated that I have no questions for the applicant.

Vice Chair Converse stated that I have no questions for the applicant.

Commissioner Hamilton stated that I have two (2) questions for the applicant since he described construction materials as well as repeating my question about the signage, if any, on the Highway 20 side of the building. Is there an intent to put signage similar to the other two (2) sides of the buildings – lettering, etc.

Mr. Olson stated that the intent is to have signage, and the Credit Union is in business to make money and to draw people to their locations. They want people to know that they are there, and all of the signage requirements will meet the Sisters Sign Code and permitted as such. As far as the location, it will be on Highway 20 and the Ray's side as well – the south side of the building.

Commissioner Hamilton as for clarification if the signs would be on posts or attached to the building.

Mr. Olson stated that they will be attached to the building.

Commissioner Hamilton asked if the porch would be black to accent the color of the siding. My question is if that is going to be a metal material, or a wooden material.

Mr. Olson stated that it is going to be both. The underneath side of the canopy is a tongue and groove material that would match the siding so it will look like wood. The fascia will be wrapped in a metal trim just like the top of the building to match the parapet cap.

Commissioner Hamilton asked if the fascia would be a glossy black, matte black, etc.

Mr. Olson stated that it is actually not a black, but a dark bronze color. If the suns hit's it directly there could be some reflection, but it is not a shiny / glossy type black.

Commissioner Hamilton started that I have no further questions for the applicant.

Commissioner Nagle stated that I have no further questions for the applicant.

Commissioner Davidson stated that I have no further questions for the applicant.

Commissioner Blumenkron asked Mr. Olson in your research in the 1880's style building, and I read through your presentation, but I don't recall ever seeing this kind of window coverage in any western theme building. I am curious if you looked at any other examples that follow the theme, or is this something you had to do for function.

Mr. Olson stated that by using the window style that we did; we are giving it the 1880's Western Theme with a taller thin window style. You are correct, you won't find full glass windows in an 1880's building because glass was incredibly expensive during that era. Wood materials or siding materials were much easier to use. With that said, banks sitting on the highway are notorious for being targets of robbery. Having great visual acuity around the site and through the site is definitely a safety concern, and it improves safety a great deal with the glazing that we've proposed.

Commissioner Blumenkron stated that I have no further questions for the applicant.

Commissioner Wright stated that I want to say that I think you've answered all my questions with regarding the Site Plan, and am encouraged to hear that the canopy is 13'6", that there will be proper signage, and a plan to respond to any broken down vehicles during all seasons, in terms of the function of that drive-through. I would like to have seen an elevation at the bottom of the canopy shown on the drawing – that was my only comment.

Commissioner Wright stated that I have no further questions for the applicant.

Chairman Seymour stated that I am going to go ahead and conclude questions for the applicant.

Chairman Seymour opened the public testimony portion of the hearing at this time.

Sue Stafford stated I have no testimony.

Maureen Rodgers stated I have no testimony.

Kevin Cole stated I have no testimony.

Darek Olson stated I have no testimony.

Chairman Seymour asked if the applicant wishes to provide any rebuttal testimony.

Darek Olson - applicant stated no, not at this time.

Chairman Seymour asked if staff has anything to add in response to the testimony.

Planner Mardell stated that I have no additional comments at this time.

Chairman Seymour asked for any additional questions and clarifications. Does any member of the Planning Commission have any further questions of staff?

Commissioner Davidson stated that I do have questions of staff. I am responding to your comments from earlier about the purpose of this hearing, and trying to understand where the responsibility lies to make a call on this architectural design theme. The Code states a purpose that the reason for this is to improve the City's image and visual appearance. My question to staff, or potentially to Chairman Seymour – who is responsible to make that decision on behalf of the community, and if it is not at this hearing, where is it.

Planner Mardell stated that these are items that are up for review as part of the Planning Commissions Resolution. You are certainly able to provide additional commentary, or alternative findings to those in the staff report. One thing, I would like to mention is that these are guidelines for building design, so again the recommendations that I have provided as staff, and the staff report are showing how the applicant's proposal meets the intent of these guidelines. You can also discuss this as part of the deliberation as well.

Chairman Seymour stated again, does any member of the Planning Commission have any further questions of staff.

Chairman Seymour stated I do not.

Vice Chair Converse stated I do not.

Commissioner Hamilton stated I do not.

Commissioner Nagel stated I do not.

Commissioner Davidson stated I do not.

Commissioner Blumenkron stated I do not.

Commissioner Wright stated I do not.

Chairman Seymour closed the public testimony portion of the hearing.

Chairman Seymour stated that he wanted to touch a little bit on the questions that we've experienced here tonight. They are all really good questions and all very relevant. With the 1880's Theme, it is just that – a Theme. We also need to make sure that, first and foremost, safety and to some degree function are a priority as well as preserving the Western Theme here in Sisters. The Western Theme and maybe down the road what we should do during a workshop, as a Commission review what a Western Theme looks like, but it is a very diverse look. It is everything from Victorian, to what we actually think about it being Western Theme. You can see that around town which includes wood sided buildings, to block, to brick and stone, and all different sorts of styles. Overtime, the Code has done a good job at facilitating the theme and keeping it consistent.

Chairman Seymour stated that there are a few new Commissioners with us that have not experienced a whole lot of this, but it has been my experience that the Code, and the staff does an excellent job of making sure the Western Theme is maintained throughout the community. I feel this is a good addition to the community, a great design, and I am excited to having this be a part of the community.

Chairman Seymour asked for the Planning Commission deliberation at this time.

Chairman Seymour stated that I am going to be leaning towards 'approving' as it has been submitted.

Vice Chair Converse stated that I am leaning towards 'approving' with the Conditions recommended by staff.

Commissioner Hamilton stated that I understand your thoughts, but my concern is that when I look at the artistic rendering, I see two (2) very big graphic signs on the side of the building which I think stand out as difference, or the other buildings within the complex. I am also concerned that the modern look nods to the Western Theme, in terms of having a covered walkway. It is a very modern looking building, I understand the need for diversity, but we also should be considering how homogeneous it is with the buildings in the complex.

Commissioner Hamilton stated that at a minimum, my position would be 'approval with Conditions' of reducing the graphic elements of the signage on the building.

Chairman Seymour stated that I want to point out to the Commission with respect to signage, the City of Sisters has a very specific Sign Code in place that must be followed, and limits the sizing of the sign – any sign that you put up is reviewed by the staff, and has to be in accordance with the Code. With that being said, it can be as large as the Code allows. It has to meet all of the Code requirements for it to actually happen.

Commissioner Nagel stated that I am inclined to 'approve' the application subject to the Conditions recommended by staff.

Commissioner Davidson stated that on the Site Plan, it looks great and appreciate some of the considerations in landscaping and art, etc. I consider Mid-Oregon to be a great contributor to the community, and looking forward to them developing this parcel. As you might expect in my previous comments, I am really concerned about the architecture, and I do understand, we do have something to say about this. My read of the Code is that it is pretty vague. There are some specifics about materials, and those are addressed in the review, and in the staff's comments, but there is also a half a dozen examples of buildings that speak to very specific features.

Commissioner Davidson stated that what I would like to encourage the Planning Commission to consider is that this is Sisters brand – it is our identity, and needs to be taken seriously because it translates out to the economics of the town. I want to be able to say as a Planning Commissioner that I am helping that happen by maintaining that brand. My read on the building is that it is more modern than it is old Western Theme, and is due to the block execution of the architecture and the board use of windows. I am no expert in bank safety and I appreciate the rational. We should pay attention to the efforts that have been made by the surrounding properties, etc.

Commissioner Davidson stated that I am inclined to 'deny' this application wanting more additional work on a design to meet this theme.

Commissioner Blumenkron stated that I agree with Commissioner Davidson that it is the wrap around windows, but also see the function of those windows, and the fact that you are able to see into the building if something is going on for security purposes. It is highway frontage business rather than in the town itself. I am more concerned about the main street of town than stuff entering in on the highway. The Site Plan is fine and I wish it looked more western, but I would be inclined to accept the proposal.

Commissioner Blumenkron stated that I would be inclined to 'approve' this proposal.

Commissioner Wright stated that I am inclined to 'approve' this particular plan. It is up to staff to ensure that they have met the Sign Code, the Western Theme, and the clearance of the drive-through. Those items are in the Development Code, and the staff report clearly states that they were in compliance.

Chairman Seymour stated he would go through one more time to see if there is anybody that has anything else to say.

Chairman Seymour stated nothing further from me.

Vice Chairman Converse stated nothing further from me.

Commissioner Hamilton stated that I have a comment that one of the Commissioners mentioned that they were willing to accept the degradation of the Western Theme in this particular location. I would just say that when you start making exceptions where does that stop. It becomes something which others could use as a rationale for buildings, some other design that takes us down the road of losing our identity as a Western Themed town.

Commissioner Nagel stated that I have to agree that the Western Theme is, and has been important to our town. Over the last 10 years, it has been somewhat watered down and especially out in the Highway Commercial. I would hope that the staff can insist on being as strict as they possibly can on the Western Theme that is in the Code.

Commissioner Davidson stated nothing further from me.

Commissioner Blumenkron stated nothing further from me.

Commissioner Wright stated nothing further comments from me.

Chairman Seymour asked what is the pleasure of the Commission and do I have a motion.

Commissioner Wright moved to adopt the Planning Commission Resolution PC 2020-02 approving City File # SP 20-01 and CU 20-01 subject to the Conditions of Approval as presented by staff.

Vice Chair Converse seconded the motion.

Chairman Seymour – AYE
Vice Chair Converse – AYE
Commissioner Hamilton – NAY
Commissioner Nagel – AYE
Commissioner Davidson – NAY
Commissioner Blumenkron – AYE
Commissioner Wright – AYE

Chairman Seymour stated that the motion passes (5-2).

Members of the Commission: Seymour, Converse, Hamilton, Nagel, Davidson, Blumenkron, Wright.

AYES:	Seymour, Converse, Nagel, Blumenkron, Wright	(5)
NOES:	Hamilton, Davidson	(2)
ABSENT:		(0)
ABSTAIN:		(0)

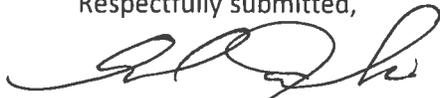
Chairman Seymour closed the public hearing.

Director Davenport stated asked the Planning Commission to standby for notice on the meeting for next month in May. We have an application that will require a hearing, but we are not sure if it will be scheduled for the May meeting.

VI. ADJOURN

Chairman Seymour adjourned the meeting at 6:40 p.m.

Respectfully submitted,



Carol Jenkins, Recording Secretary

Planning Roles & Responsibilities

PLANNING COMMISSION WORKSHOP 06.18.20



OVERVIEW

- Roles & Responsibilities
- Planning Fundamentals
- Land Use Decision Types & Processes
- Public Hearing Process
- Tips and Parting Thoughts
- Q & A



AUTHORITY

- ORS 227.030 to 227.300 authorize cities to establish a planning commission.
- State Land Use Goal 1 requires cities to have a “committee for citizen involvement”
- Comprehensive Plan Policy 1.1.1. designates the Planning Commission as the committee for citizen involvement
- Planning Commission further governed by SMC 2.65



POWERS AND FUNCTIONS

- Advise council on land use regulations, land use planning matters, and certain land use applications
- Issue decisions on certain land use applications
- Serve as appellate body for certain administrative land use decisions
- Offer a forum for citizen input and involvement
- Assist in City's education and public involvement efforts
- Provide feedback to staff on administration of City's adopted plans, policies, and procedures



ROLES AND RESPONSIBILITIES OF PC MEMBERS

- Provide citizen perspective
- Important to have diverse opinions, representatives
- Prepare for and actively participate in all matters brought before the PC
- Interact with the public on planning and land use matters
- Make decisions on recommendations after weighing all evidence (staff report, application materials, public input) following all procedures and complying with applicable approval criteria



Attributes of an Effective Planning Commissioner

- ✓ Patient
- ✓ Self-confident
- ✓ Willing
- ✓ Good listener
- ✓ Enthusiastic
- ✓ Objective
- ✓ Courageous
- ✓ Sense of humor
- ✓ Public spirited



ROLES AND RESPONSIBILITIES OF THE PC CHAIR

Leads & Manages Meetings and Public Hearings

- Involves all members present, *especially new members*.
- Refocuses the discussion that has wandered off the point.
- Highlights/summarizes important points.
- Clarifies misunderstanding.
- Ensures motions are clearly stated before a vote is taken.
- Closes hearing with clear next steps (unless decision is made).

Intervenes when:

- Speakers are interrupting one another.
- Speakers make personal attacks.
- Speakers ramble or get away from the issue.
- Testimony/discussion is out of order.
- Audience is clapping, cheering, jeering, etc.

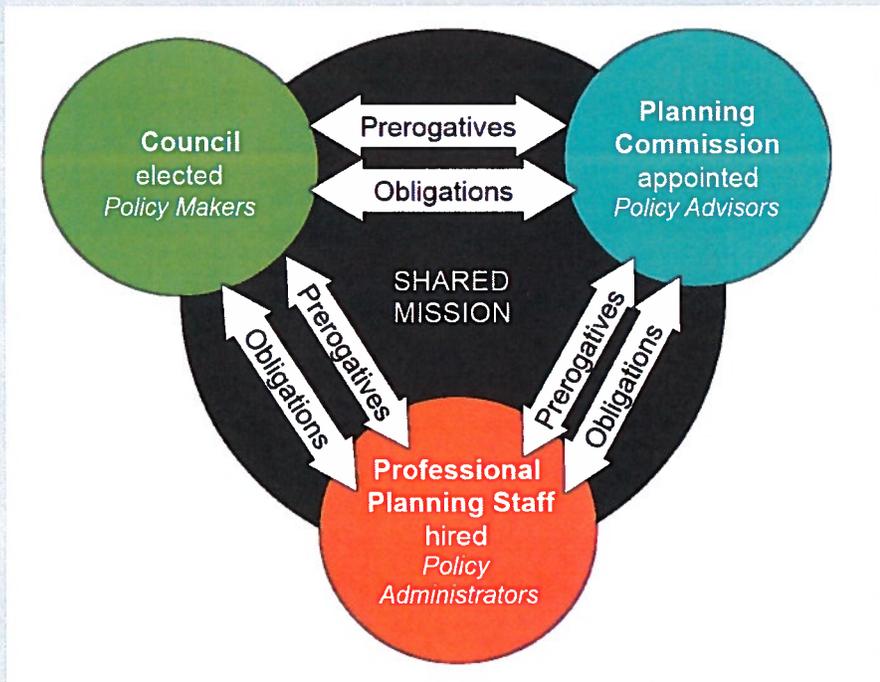


ROLE AND RESPONSIBILITIES OF PLANNING STAFF

- Administer and enforce adopted plans, regulations, and land use decisions
- Assure legal sufficiency of the process and procedures (notice, record upkeep, agency/public coordination)
- In house “expert”, provides information and recommendation
- Educates and assists the public with land use matters
- Current planning (review applications for development)
- Long range planning (studies and analyzes future City needs)
- Negotiates, facilitates, and coordinates with applicants, agencies, units of government
- Maintain continuity and consistency (policy, documents, people)



ROLES & RESPONSIBILITIES



PLANNING FUNDAMENTALS



AUTHORITY

- State Statutes
 - Establish statewide comprehensive planning framework (Oregon follows a top-down model)
- State Land Use Goals
 - Administrative rules that provide details for planning framework
- Comprehensive Plan
 - Guiding document that demonstrates how City will comply with planning framework
 - Sets out City's policies and goals with respect to current and future land use needs
 - Provides direction for zoning and land use regulations
- Sisters Development Code
 - Implements Comp Plan by establishing standards and criteria for development
- Land Use Decisions
 - Must be made in compliance with hierarchy of authority



TYPES OF DECISIONS



ADMINISTRATIVE (TYPE I AND II)

- **Staff Reviewed**
- No or limited discretion needed, clear and objective criteria
- Public notice required for Type II
- Decisions appealable to PC, City Council, Land Use Board of Appeals, etc.
- Ex: Final Plat, Site Plan Review



QUASI-JUDICIAL APPLICATIONS (TYPE III/IV)

- **Decision making body acts like a judge**
- Requires public notice & public hearing
- Record is created by staff and parties submitting application materials, testimony, and evidence
- Decision making body determines whether proposal satisfies applicable approval criteria based on contents of record
- Some approval criteria are subjective, require interpretation
- Decision, including appeal process, must be made within 120 days
- Decisions appealable to City Council, Land Use Board of Appeals, etc.
- Ex: Conditional Use Permit, Subdivision



LEGISLATIVE APPLICATIONS (TYPE IV)

- Create law/policy applicable to all or significant portion of City
- Public notice and public hearings required by PC and City Council
- Ex-parte contact & bias **generally not applicable**
- Conflict of interest applies, check with legal
- Subject to approval criteria/DLCD review
- Appealable to LUBA



PUBLIC HEARINGS AND DECISION MAKING



THE HEARING

- Chair leads hearing, staff/legal assist
- Declaration of ex-parte contacts, biases, conflicts
- Staff Report & Questions
- Applicant Presentation & Questions
- Public Input (For, Against, Neutral)
- Applicant Rebuttal
- Staff Comments



THE HEARING CONT'D

- Three Options:
 - Close public hearing (close record to all evidence)
 - Can proceed to deliberations at same meeting or carry over to next meeting
 - Partially close public hearing
 - Allows for written evidence, no further oral testimony
 - Continue hearing to time and date certain
 - Keeps written record open and allows for oral testimony at continued public hearing
- Deliberate
- Motion to approve, approve with conditions, deny
- Resolution formalizes PC decision



IMPARTIAL TRIBUNAL

- **Ex Parte Communications**

- Information acquired outside of a public hearing in a land use case (communications with persons wishing to directly/indirectly influence outcome of the case, researching facts outside of the record, site visits)
 - Should be avoided and must be disclosed

- **Bias/Prejudice**

- Preconceived opinion or determination about application or any party to the proceedings

- **Conflicts of Interest**

- Legal declaration v. perception
- Any conflict or potential conflict must be identified, disclosed, and parties may need to prepare to recuse themselves
- In doubt? Ask legal.



SUBSTANTIAL EVIDENCE/ APPLICABLE APPROVAL CRITERIA

- SUBSTANTIAL EVIDENCE: Evidence that a reasonable person would rely on when making a decision
 - Examples: maps, photos, reports, studies, and other documentation with an adequate factual basis
 - Expert opinion is substantial evidence/lay person opinion not necessarily
 - If there is conflicting substantial evidence, decision maker has discretion to determine what is more credible.
- APPLICABLE APPROVAL CRITERIA: Laws, regulations, and code provisions that govern a particular land use decision
- ADMINISTRATIVE AND QUASI-JUDICIAL: All aspects of the decision must be made based on substantial evidence that demonstrates compliance with applicable approval criteria
- LEGISLATIVE: Some or all of the decision is a policy choice that need not be supported by substantial evidence, fewer applicable approval criteria
- **Burden of proof is on the applicant**



DECISION MAKING TIPS

- Our motto: “It depends..”
- Read, prepare, listen, learn
 - Responsibility to review materials
 - What is the applicant requesting?
 - Type of application?
 - Staff Recommendation?
 - Decision options?



DECISION MAKING TIPS

- Keep the staff report at hand
- Questions to staff & applicant encouraged
- Procedure/scripts help keep things “calm”
- Open record periods – opportunity to respond to new info, gather additional info
- Ask for help from staff in developing/making motions if needed
- Staff is always a resource before/during/after meetings



TIPS FOR A STRONG PROCESS

- Trust: know/abide by public meetings and ethics laws
- Set the Tone: vocal tone, body language impact audience
- Treat all equally: equal time for testimony, questions, etc.
- Address participant concerns by asking questions, weighing evidence, utilizing conditions of approval
- Master the procedure
- Be prepared for meetings - staff report is your best friend
- Don't be afraid to disagree, stay open minded



LCDC CHAIR REFLECTIONS

Do not ever assume people are acting in bad faith. People have strong opinions about different issues and express those opinions differently, but rarely do people act in bad faith so don't ever assume it.

Don't be afraid of public involvement. People will be rude, mean, and angry with you and that is OK. Isn't it great that so many people care so deeply about issues.

Never fight over process – only over substance. Do whatever it takes to make the process right – start over if necessary, extend time limits for public comments, additional meetings – whatever is necessary.

Get out into the community. Officials & staff must get out into the community. It allows officials & staff to really understand the issues; helps people understand who the officials and staff are.

Do not like unanimous votes. Parties feel like they have been heard and the process works for them. [Also likely reflects community.]



QUESTIONS?





STAFF REPORT
Community Development Department

**STAFF FINDINGS AND RECOMMENDATION
FOR PLANNING COMMISSION PUBLIC HEARING**

LOCAL FILE NO: EXT 19-03

ACCELA FILE NO: 793-19-000012-PLNG

LOCATION: Map and Taxlot: 151008AA00800
704 W Hood Avenue, Sisters OR 97759

APPLICANT/

OWNER: Peter Thomas, Citrus Development LLC

STAFF: Nicole Mardell, Principal Planner

REQUEST: Approval of Second Extension of File No. SUB 16-02, SP 16-07

APPLICABLE CRITERIA: Sisters Development Code (SDC) 4.1 – Types of Applications and Review; Chapter 4.2 – Site Plan Review and Chapter 4.3 Land Divisions and Lot Line Adjustments.

HEARING DATE: June 18, 2020 5:30 pm, City Council Chambers, 520 E Cascade Avenue, Sisters

FINDINGS OF FACT:

ZONING: Downtown Commercial (DC)

COMPREHENSIVE PLAN DESIGNATION: Commercial (C)

PROPOSAL DESCRIPTION: The applicant is requesting a second extension to the required timeline to initiate a preliminary subdivision plat and site plan for 11 lots and 10 detached lodging units approved per SUB 16-02 / SP 16-07.

LOT OF RECORD: Parcel 2 of PP 2007-27.

SITE DESCRIPTION & SURROUNDING LAND USES:

The subject property is currently vacant, contains 0.56 acres. The topography of the site is flat with native vegetation throughout, and a shared parking area associated with neighboring tax lot 801. The site is located between W. Cascade Avenue and W. Hood Avenue. The site and surrounding properties to the east, and south are all zoned Downtown Commercial (DC) and contain a mix of uses including office space, Les Schwab tire center, and vacant land. Property to the north is zoned Open Space and serves as the Forest Service’s East Portal property with public parking and restrooms. To the west is property also zoned Open Space/Exclusive Farm Use which is partially in City limits and contains several buildings.



REVIEW PERIOD: The applicant submitted the extension application on October 4, 2019. The application was deemed incomplete on October 10, 2019. The applicant submitted additional materials and the application was deemed complete on April 6, 2020. The 120-day clock requires a decision to be issued by August 4, 2020.

SUMMARY OF CONCLUSIONARY FINDINGS: The application can either be approved, approved with conditions, or denied on the basis of whether the applicable standards and criteria can be satisfied either as submitted, or as mitigated through conditions of approval.

A detailed analysis of applicable standards and conclusionary findings specific to the requested extension are contained in the staff findings below.

STAFF RECOMMENDATION: Approve with Conditions. Based on the information and findings contained in this staff report, staff concludes that the requested extension proposal satisfies the approval criteria and recommends that the Planning Commission vote to approve this request, with conditions (Exhibit D).

EXHIBITS:

The following Exhibits make up the record in this matter:

- A. Vicinity Map
- B. Public Notice & Comments
- C. Agency Review Comments
- D. Recommended Draft Conditions of Approval
- E. Application Materials

APPLICABLE CRITERIA & STAFF FINDINGS

CONCLUSIONARY FINDINGS

The following findings relate to compliance with applicable criteria. The terms “subject property” or “site” refers to the subject site under consideration. The criteria applicable to this land use application are as follows:

City of Sisters Development Code (SDC):

- Chapter 4.1 – Types of Applications and Review Procedures
- Chapter 4.2 – Site Plan Review
- Chapter 4.3 – Land Divisions and Lot Line Adjustments.

Chapter 4.1 – Types of Applications and Review Procedures

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;
- C. Type III Procedure (Quasi-Judicial). Type III decisions are made by the Planning Commission after a public hearing, with appeals heard by the City Council. Type III decisions generally use discretionary approval criteria;

Table 4.1.200 Summary of Development Decisions/Permit by Type of Decision-Making Procedure		
Action	Decision Type	Applicable Regulations
Site Plan Review	Type II	Chapter 4.2
Subdivision	Type III	Chapter 4.3

Staff Findings: The original project (SUB 16-02, SP 16-07) was consolidated to a Type III process with review by the Planning Commission. As this is a second extension request, review is required by the original decision-making body through a Type III process.

4.1.500 Type III Procedure (Quasi-Judicial)

....
Staff Findings: Staff provided the required notice to those persons entitled to notice at least 14 calendar days before the June 16, 2020 hearing. The notice contained all of the required information. Staff also published notice in a local newspaper as would be required for a Type III decision. The public hearing will follow the requirements of SDC 4.1.500(C) and a decision will be issued in accordance with SDC 4.1.500(D) through (F).

Chapter 4.2 – Site Plan Review

...
4.2.200 Applicability

- A. Any new development, structure, building, or substantial alteration of an existing structure or use shall require Site Plan Review in accordance with Chapter 4.1 and 4.2.

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.

Staff Findings: The applicant received approval of the site plan review and subdivision applications in accordance with the procedures set forth above in 2016. Compliance with all provisions of 4.2 were deemed to be met at that time.

...
4.2.700 Approval Period, Expiration and Extension

- A. **Approval Period – General.** Site Plan Review approvals shall be effective for a period of two (2) years from the date of approval for a single-phased development, and up to two (2) additional years for all subsequent phases. In no case however shall any approval exceed 4 years for single phase development, including extensions, and 6 years for multi-phased development, including extensions, from the original approval date. The approval shall lapse if:

1. A building permit has not been issued within the time period stated herein; or
2. Construction on the site is in violation of the approved plan.

Staff Findings: Approval of the single phased tentative subdivision and site plan applications (SUB 16-02 and SP 16-07) was granted by the Sisters Planning Commission on September 15, 2016. The decision became final on October 5, 2016 with a duration of two years ending on October 5, 2018. The applicant received approval of a one-year extension through EXT 18-01 on September 24, 2018 extending the duration of the decision to October 5, 2019.

The applicant is seeking to extend the duration to October 4, 2020. Staff finds that a second extension can be granted as it will not exceed four years.

B. Single-Phase Project Extension.

1. The Community Development Director or designee may, upon written request by the applicant prior to the expiration date, grant a single one-year extension per project; provided that:
 - a. No changes are made on the original approved site plan;
 - b. The applicant can show intent of initiating construction on the site within the extension period;
 - c. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site plan review shall be required;
 - d. The applicant demonstrates that failure to obtain building permits and substantially begin construction within two years of site plan approval was beyond the applicant's control.
2. Additional Extension by Original Decision-Making Body. The original decision-making body may or may not, upon written request by the applicant prior to the expiration date granted by the Community Development Director, grant a single additional one-year extension at their discretion. In no case however shall extensions combined with original approval durations exceed four years for single phased development from the original approval date.

Staff Findings: The applicant was granted a single one-year extension by the Community Development Director on September 24, 2019 through file no. EXT 18-01. At that time, it was determined no changes were made to the original site plan, the applicant showed intent of initiating construction on site within the extension period, no substantial changes to the code had been made that altered the previous decision, and the failure to obtain building permits and initiate construction was beyond the applicant's control.

On October 4, 2019 the applicant applied for a second extension. The application was deemed complete on April 6, 2020. The Planning Commission, as the original decision-making body, must review the application as it is a second extension request.

In the burden of proof, the applicant included a timeline outlining several extenuating circumstances that resulted in the delay to initiate construction including: legal issues, ensuring western design theme compliance, coordination with Oregon Department of Transportation, health issues, and financing.

In the burden of proof, the applicant provided updated drawings that have been approved by Oregon Department of Transportation and are construction ready, although the COVID-19 pandemic may place another hold on the project.

If the Planning Commission chooses to grant the extension, staff has added a draft condition of approval to ensure that the applicant initiates the use prior to October 4, 2020 or the approval will lapse. The proposal is for a single phased development; therefore, the approval is limited to four years including extensions.

Chapter 4.3 – Land Divisions and Lot Line Adjustments

4.3.400 Approval Process

- A. Subdivision and Partition Approval through Two-step Process. Applications for subdivision or partition approval shall be processed through a two-step process; the preliminary plat and the final plat.
1. The preliminary plat shall be approved before the final plat can be submitted for consideration and approval; and
 2. The final plat shall include conditions of approval of the preliminary plat.
- ...
- D. Preliminary Plat Approval Period -- Single Phased Development. Preliminary plat approval shall be effective for a period of two (2) years from the date the approval becomes final for single-phased land divisions. The preliminary plat approval shall lapse if a complete final plat application has not been submitted prior to the expiration date.
- ...
- F. Extensions
1. The Community Development Director may, upon written request by the applicant and payment of the required fee prior to expiration of an approval, grant a total of one extension of the approval for one year from the applicable expiration date per project; provided that:
 - a. The applicant can show good faith efforts have been made towards platting the applicable land division;
 - b. For a phased development, only a single one-year extension is permitted (not one per phase). If granted, the issuance of the extension extends the current phase and all subsequent phases by an additional year.
 - c. An extension of time will not prevent the lawful development of abutting properties;
 - d. There have been no changes to the applicable Development Code, Public Works Construction Standards, or other applicable criteria on which the approval was based. If there have been changes, then the extension will not be granted, and a new application shall be required, unless the land division can, in the discretion of the Community Development Director, be modified to comply with all current standards and the community Development Director adds conditions of approval to ensure compliance.
 2. Additional Extension by Original Decision-Making Body. The original decision-making body may, upon written request by the applicant prior to the expiration of the approval period granted by the Community Development Director, grant a single additional one-year extension per SDC 4.4.300(F)(1).

...

Staff Findings: The applicant received approval of a preliminary subdivision plat through SUB 16-02/SP 16-07 in accordance with the procedures set forth above in 2016. The applicant has not yet submitted a final plat application for the proposed subdivision. The preliminary subdivision approval became effective on October 5, 2016. The applicant was granted a single one-year extension by the Community Development Director on September 24, 2019 through file no. EXT 18-01. At that time, it was determined no changes were made to the original site plan, the applicant showed intent of initiating construction on site within the extension period, no substantial changes to the code had been made that altered the

previous decision, and the failure to obtain building permits and initiate construction was beyond the applicant's control.

On October 4, 2019 the applicant applied for a second extension. The application was deemed complete on April 6, 2020. The Planning Commission, as the original decision-making body, must review the application as it is a second extension request.

As discussed in Section 4.2, the applicant has provided detail regarding the cause for delay and intends to move forward with the proposed project. If the Planning Commission chooses to grant the extension, staff has added a draft condition of approval to ensure that the applicant completes construction on site and submits a complete final plat application prior to October 4, 2020 or the approval will lapse.

----- ***End of Conclusionary Findings*** -----

EXHIBIT A: Vicinity Maps



EXHIBIT B: Public Notice & Comments

Public Notice & Comments: Notice of the proposed extension was posted on site and sent to all neighboring property owners located within 250 feet of the border of the sites' property boundary over two weeks from the date of this staff report as required by the Sisters Development Code. No written public comments were received as of June 10, 2020.

EXHIBIT C: Agency Review Comments

Notices were sent to City Departments and other affected agencies for comment. The following Department and Agency comments were received:

PUBLIC WORKS (PAUL BERTAGNA) & ENGINEERING (ERIK HUFFMAN):

No comments received.

CENTRAL OREGON ELECTRIC COOPERATIVE (PARNELI PERKINS):

No comments received.

HIGH COUNTRY DISPOSAL (ABIE BURKUS):

No comments received.

SISTERS/CAMP SHERMAN FIRE DISTRICT (DOUG GREEN):

No comments received.

EXHIBIT D: CONDITIONS OF APPROVAL

Conditions of Approval for EXT 19-03

The following conditions of approval are associated with the land use application file nos. EXT 19-03. **All conditions shall be met prior to issuance of building permit** unless otherwise stated within each condition of approval.

1. The applicant must submit a complete final plat application prior to October 4, 2020 or the subdivision approval will lapse. No additional extensions can be granted for SUB 16-02.
2. The applicant must submit a complete building permit application for at least one unit prior to October 4, 2020 or the site plan review approval will lapse. No additional extensions can be granted for SP 16-07.
3. All other conditions of approval listed in SUB 16-02/SP 16-07 continue to apply and are carried forward through this decision.

END OF CONDITIONS

EXHIBIT E: APPLICATION MATERIALS

See attached.



April 5, 2020

Nicole Mardell, LEED GA
Principal Planner
City of Sisters | Community Development Dept.
PO Box 39 | 520 E. Cascade Ave.
Sisters, OR 97759

**Re: 704 W. Hood Ave., Sisters, Oregon; Map 15-10-8, Tax Lot 800
Additional Information to Burden of proof information for EXT. 19-03**

Dear Ms. Mardell

I wanted to provide the following additional information for consideration in my request for an extension of time on my project.

As I have indicated to you, once my project was approved on October 5, 2016 I began working on financing and delivery of final drawings for my project in hope of proceeding forward with development.

2016 - 17: On or about December 15, 2016, McKenzie Ridge Partners LLC was drawn into a legal battle with Mr. & Mrs. John Hornbeck against Steve McGhehey (Seller of property) for an "Obligation Under Promissory Note and Option Agreement Complaint". This legal complaint completely froze my project over the next year and burdened McKenzie Ridge Partners LLC with over \$10,000 in legal fees in order to defend itself. I personally took over negotiations and crafted a settlement that held McKenzie Ridge Partners LLC harmless from Steve and Johns business dealing as we had absolutely nothing to do with the claim other than being the buyer of a piece of property from Steve.

2018 - 19: Once the dust had settled with the litigation and after the holidays, I had conversations with Patrick about our project design. As I came to find out, no one liked the old and outdated "western frontier style" design that we so painstakingly tried to design around in order to remain within the city's own guidelines. It was apparent that like any good leadership team, the city's vision had matured, and they had outgrown the western frontier style. Specifically, they were looking for something more progressive but in keeping with the downtown mountain theme in Sisters. Over the next several months, a completely new "design theme" was hatched that we called "Mountain Modern". I believe it may have even been formally added as a part of the Sisters vision project and updated the architectural theme for downtown design, although I don't know this for sure. Regardless, completely new and improved designs were created and submitted and seemed to please everyone, once we pitched the roofs a little more! (please see the renderings added to the Burden of Proof filing).

During this same period, McKenzie Ridge Partners became embroiled in an accounts payable issue surrounding the original design and engineering work. As a result, and more specifically to the engineering,

the project continued to sit stalled by our inability to receive either services or materials to proceed forward until a new engineering firm was contracted with and a settlement made.

Additionally, as a part of our public improvement upgrades, all new sidewalks had to be designed ... including the ADA ramps. As it turned out, our project fell right in the middle of ODOT being sued for not having the correct or adequate ramp angles. This resulted in a huge delay to the project and multiple redrafts until ODOT finally stopped all work until the lawsuit had been settled.

In February of 2019, after an exam for an itching spot in the middle of my back that would not go away, it was determined that I had stage 3 melanoma. This diagnosis was followed up by 4 more diagnoses on my left forearm, right temple, left eye socket and under my right eye. Since the surgeries and chemotherapy treatments, I have had multiple Mohs surgeries and PDT treatments to combat both the cancers and pre cancers. My mention is only meant to inform both you and the council of a very scary and distracting time for me and my family throughout most of 2019.

The issue of financing the project has also been a consistent issue. Because of the rural nature of Sisters and its low density as well as other lending opportunities within more metropolitan areas, lenders have shied away from our project. Additionally, the downtown commercial zoning and our hospitality use has been hard for banks to find a place for in their lending portfolio. However, in December of 2019 I developed a relationship with Kodiak Malmstrom with Kodiak Commercial Real Estate and having a similar, 10 unit project in Yahat's, OR he felt that this could be a good fit for his company and in February 2020 asked to come in as a partner on it. In addition to Kodiaks interest, we met with Craig Hunt and Mike Groza, both VP's with 1st Interstate Bank Commercial Lending and came up with a viable lending model to finance the development. Also, a former lender contact of mine with Builders Capital in Washington state contacted me in February and ran the project through loan committee. They chose our project as one of 3 out of 11 submitted to finance.

[Due to the Corona Virus Pandemic, these financing and partnership opportunities have been placed on "hold" which has dramatically impacted our project].

I hope that this additional information combined with the burden of proof will give you and your commission a clear look into the world at McKenzie Ridge Lodge over the past 36 months. This is a wonderful lodging project that will bring both property and transient occupancy taxes to the city of Sisters for years to come. Please vote to approve our extension request.

Best regards,

The word "citrus" is written in a lowercase, sans-serif font. A small green leaf is positioned above the letter 'i'.

A handwritten signature in blue ink, appearing to read "Peter M. Thomas".

Peter M. Thomas
Managing Partner
541.647.8185 direct

Nicole Mardell

From: Citrus Development <citrusdevelopmentllc@gmail.com>
Sent: Monday, April 6, 2020 4:24 PM
To: Nicole Mardell
Cc: Patrick Davenport; 'Elizabeth A. Dickson'; 'Garrett Chrostek'; Carol Jenkins
Subject: RE: Final Signed ODOT Extension - McKenzie Ridge
Attachments: Citrus Development Addition to Burden of Proof Information.pdf

Please see attached and thank you for your help.

Best regards,



Peter M. Thomas
Managing Partner
541.647.8185 direct

DISCLOSURE AND CONFIDENTIALITY NOTE: Citrus Development is an Oregon limited liability company. The information contained within and/or attached to this email is considered **confidential** and is intended only for the use of the individual(s) named above and is covered by the Electronic Communications Privacy Act, 18 USC §§ 2510-2521. If the reader of this message is not the intended recipient, you are hereby notified that any retention, dissemination, distribution or copying of this communication is strictly prohibited. It is the sender's intent that the recipient as named above be the only recipient now and forever of the attached information. If you have received this communication in error, please immediately notify us via email. Thank you.

From: Nicole Mardell <nmardell@ci.sisters.or.us>
Sent: Monday, April 06, 2020 12:14 PM
To: Citrus Development <citrusdevelopmentllc@gmail.com>
Cc: Patrick Davenport <pdavenport@ci.sisters.or.us>; 'Elizabeth A. Dickson' <eadickson@dicksonhatfield.com>; Garrett Chrostek <Chrostek@bljlawyers.com>
Subject: RE: Final Signed ODOT Extension - McKenzie Ridge

Peter,

As discussed in my previous emails, staff is requesting additional detail surrounding the cause for delay – including correspondence or a timeline – in order to recommend approval. You as the applicant can decide if you'd like to provide the requested information, or if you'd like to move forward as is.

What I need from you by **5:00 pm today (4/6/20)** or the application will become void:

- The \$350 remaining application fee
- A formal response related to one of the two options below:
 - Option 1: You would like to proceed to the public hearing with only the information you have submitted, including the burden of proof document submitted by Liz and the email from April 2, 2020 stating COVID-19 concerns. You would not like to provide additional information per staff's request.

- o Option 2: You provide additional application materials (by 5 pm today, 4/6) including correspondence from parties that discusses the causes for delay, and/or a timeline that outlines the causes for delay in the four years following the original approval date. This information would respond to staff's request for additional information to demonstrate the cause for delay and the need for an extension.

Best,
Nicole

Nicole Mardell, LEED GA

Principal Planner
City of Sisters | Community Development Dept.
PO Box 39 | 520 E. Cascade Ave., Sisters, OR 97759
Direct: 541-323-5208 | City Hall: 541-549-6022
nmardell@ci.sisters.or.us | www.ci.sisters.or.us



This email is public record of the City of Sisters and is subject to public inspection unless exempt from disclosure under Oregon Public Records Law. This email is also subject to the City's Public Records Retention Schedule.

From: Citrus Development <citrusdevelopmentllc@gmail.com>
Sent: Monday, April 6, 2020 11:02 AM
To: Nicole Mardell <nmardell@ci.sisters.or.us>
Cc: Patrick Davenport <pdavenport@ci.sisters.or.us>
Subject: RE: Final Signed ODOT Extension - McKenzie Ridge

Nicole

It is my understanding that based on our existing Burden of Proof and the additional information that I have provided as well as my recent inclusion of the Corona Virus pandemic request, that this may not be sufficient to garner your/planning departments support of my request for additional time to obtain our plat.

Can you please confirm this as I need to make a decision on the future of the project by 5:00 PM today?

Best regards,


Peter M. Thomas
Managing Partner
541.647.8185 direct

DISCLOSURE AND CONFIDENTIALITY NOTE: Citrus Development is an Oregon limited liability company. The information contained within and/or attached to this email is considered **confidential** and is intended only for the use of the individual(s) named above and is covered by the Electronic Communications Privacy Act, 18 USC §§ 2510-2521. If the reader of this message is not the intended recipient, you are hereby notified that any retention, dissemination, distribution or copying of this communication is strictly

prohibited. It is the sender's intent that the recipient as named above be the only recipient now and forever of the attached information. If you have received this communication in error, please immediately notify us via email. Thank you.

From: Nicole Mardell <nmardell@ci.sisters.or.us>
Sent: Friday, April 03, 2020 11:35 AM
To: Citrus Development <citrusdevelopmentllc@gmail.com>
Cc: Patrick Davenport <pdavenport@ci.sisters.or.us>; 'Elizabeth A. Dickson' <eadickson@dicksonhatfield.com>; 'Garrett Chrostek' <Chrostek@bljlawyers.com>
Subject: RE: Final Signed ODOT Extension - McKenzie Ridge

Peter,

For the existing **extension** application, there is a very important pending deadline:

- We are still missing a fee of \$350 for this application
- I sent Liz an email on 3/24 that requires a response (attached). Please provide a response that you are (1) able to provide additional documentation and/or a timeline of the delays that demonstrates why an extension is necessary or (2) that are no able to provide the additional information and instead would like us to proceed with only the burden of proof that Liz submitted in mid March.
- We need both of these items by **Monday, April 6th or the extension application will become void**. Our code requires a full response to the incomplete letter (sent October 10, 2019) by the 180th day or it will become void.

Separately, after the extension information is submitted. If you'd like to submit a modification application:

- There is a fee required of 25% of the original application fee.
- You will need to provide a burden of proof that includes:
 - The original decision and a discussion of the need to alter the decision to phased development.
 - Responses to each of the criteria in the modification section of our code, item 4.1.700(J) found at the link below:
<https://www.codepublishing.com/OR/Sisters/#!/SistersDevCode04/SistersDevCode0401.html#4.1.700>
 - Exhibits and a narrative noting the existing subdivision plans and changes related to the multiphase development, including where phase lines would be, how and when utilities and public improvements would be installed, and otherwise that the first phase is able to stand on its own prior to subsequent phases developing.

Best,
Nicole

Nicole Mardell, LEED GA

Principal Planner

City of Sisters | Community Development Dept.

PO Box 39 | 520 E. Cascade Ave., Sisters, OR 97759

Direct: 541-323-5208 | City Hall: 541-549-6022

nmardell@ci.sisters.or.us | www.ci.sisters.or.us



This email is public record of the City of Sisters and is subject to public inspection unless exempt from disclosure under Oregon

Public Records Law. This email is also subject to the City's Public Records Retention Schedule.

From: Citrus Development <citrusdevelopmentllc@gmail.com>
Sent: Thursday, April 2, 2020 4:21 PM
To: Nicole Mardell <nmardell@ci.sisters.or.us>
Cc: Patrick Davenport <pdavenport@ci.sisters.or.us>; 'Elizabeth A. Dickson' <eadickson@dicksonhatfield.com>; 'Garrett Chrostek' <Chrostek@bljlawyers.com>
Subject: RE: Final Signed ODOT Extension - McKenzie Ridge

Nicole

If you are saying that it makes sense, then please forward me the necessary items to be included in the burden of proof and any modification information.

The 1st Phase of the project would include all of the horizontal development work (Sewers, water, gas, cable electric) plus the required public improvements and plat filing as well as the construction of the first 4 units.

Phase 2 would simply be the vertical construction of the last 6 units facing the mountains and landscape.

Best regards,



Peter M. Thomas
Managing Partner
541.647.8185 direct

DISCLOSURE AND CONFIDENTIALITY NOTE: Citrus Development is an Oregon limited liability company. The information contained within and/or attached to this email is considered confidential and is intended only for the use of the individual(s) named above and is covered by the Electronic Communications Privacy Act, 18 USC §§ 2510-2521. If the reader of this message is not the intended recipient, you are hereby notified that any retention, dissemination, distribution or copying of this communication is strictly prohibited. It is the sender's intent that the recipient as named above be the only recipient now and forever of the attached information. If you have received this communication in error, please immediately notify us via email. Thank you.

From: Nicole Mardell <nmardell@ci.sisters.or.us>
Sent: Thursday, April 02, 2020 12:52 PM
To: Citrus Development <citrusdevelopmentllc@gmail.com>
Cc: Patrick Davenport <pdavenport@ci.sisters.or.us>; 'Elizabeth A. Dickson' <eadickson@dicksonhatfield.com>; Garrett Chrostek <Chrostek@bljlawyers.com>
Subject: RE: Final Signed ODOT Extension - McKenzie Ridge

Peter,

Thank you for the message below. We are understanding that these are unprecedented times, although we do need to continue to operate under the parameters of our code.

You could utilize the language below for a six year expiration date tied to a multiphase development, but you would need to submit a modification application. The original approval was for a single phase development, so if you are asking for an extension of time related to a multiphase approach, we would need to see where the phase lines would be, how

and when utilities and public improvements would be installed, and otherwise that the first phase is able to stand on its own prior to subsequent phases developing.

If you would like to take this approach, we could combine it with the extension hearing but there is quite a bit of material that would need to be added to the burden of proof.

Please let me know how you would like to proceed.

Best,
Nicole

Nicole Mardell, LEED GA

Principal Planner

City of Sisters | Community Development Dept.

PO Box 39 | 520 E. Cascade Ave., Sisters, OR 97759

Direct: 541-323-5208 | City Hall: 541-549-6022

nmardell@ci.sisters.or.us | www.ci.sisters.or.us



This email is public record of the City of Sisters and is subject to public inspection unless exempt from disclosure under Oregon Public Records Law. This email is also subject to the City's Public Records Retention Schedule.

From: Citrus Development <citrusdevelopmentllc@gmail.com>

Sent: Thursday, April 2, 2020 9:55 AM

To: Nicole Mardell <nmardell@ci.sisters.or.us>

Cc: Patrick Davenport <pdavenport@ci.sisters.or.us>; 'Elizabeth A. Dickson' <eadickson@dicksonhatfield.com>

Subject: RE: Final Signed ODOT Extension - McKenzie Ridge

Nicole

Yes, Liz did forward me your e-mail and I understand the code quite well.

As you indicated, these are unprecedented times and while I would hope that the project could begin construction by October, obtaining financing could be a mitigating factor as a result of the coming economic wave. However, is it possible by utilizing the "phased approach" language within the code to allow the projects approvals to extend beyond the 4 year limitation (6 years). It is our intention to performs the horizontal improvements for the entire project but build the first 4 units then the next 6 based on sales etc.

Again, I understand the code but I think in these times, we have to establish new precedent based on this global pandemic and the coming global economic tsunami that is sure to hit as a result. This is not an area of expertise for me (code language) so I would need to look to you and the city attorney for guidance as to what "can be done". Ostensibly we need as much time as possible to get this off the ground.

As for timelines, John Hornbeck's lawsuit against Steve McGhehey and McKenzie Ridge Partners, LLC/Citrus Dev. and the subsequent and tediously negotiated settlement as well as not receiving the engineering and architectural documents because they were never paid for, have all lent to the projects delays. Additionally, the lodging component and poor lending environment in 2016 and beyond, particularly as it pertained to new speculative construction loans, was another

reason that the project has stalled. The rural nature of Sisters as well as the commercial lodging component simply pushed the project to the back of the pile with lenders.

In December of 2019, I was introduced to Kodiak Malmstrom with Kodiak Commercial Real Estate who was in the process of building a 10 unit, for sale, lodging condo project in Yahat's OR. He recognized the style of project and after spending some time disseminating all of the project information, agreed to partner with me in February. We had two meetings with First Interstate Bank who liked the concept and initiated the preliminary loan process in March. Additionally, I was introduced to Heidi Hawk with Builders Capital and after reviewing our loan proposal also indicated a serious interest in financing the project. Of course this was all "pre Covid 19". As I am sure you know, the markets are "sitting on their hands" waiting and wondering what is going to happen to our economy.

Nicole, I have over 4 years and \$440,000 of my families money in this project. I can not afford to lose this. Please let me know what else I can do to assist in the process to extend our approvals. I am also attaching a copy of my loan request proposal that has been used in soliciting a construction loan. **Please keep this information CONFIDENTIAL!!**

Again, I think the phased approach could help us but I am not an expert in your codes R&R.

Unprecedented times make for unprecedented actions by the creative leaders within our municipalities and it is my hope that by working together, we can achieve these goals.

Best regards,



Peter M. Thomas
Managing Partner
541.647.8185 direct

DISCLOSURE AND CONFIDENTIALITY NOTE: Citrus Development is an Oregon limited liability company. The information contained within and/or attached to this email is considered confidential and is intended only for the use of the individual(s) named above and is covered by the Electronic Communications Privacy Act, 18 USC §§ 2510-2521. If the reader of this message is not the intended recipient, you are hereby notified that any retention, dissemination, distribution or copying of this communication is strictly prohibited. It is the sender's intent that the recipient as named above be the only recipient now and forever of the attached information. If you have received this communication in error, please immediately notify us via email. Thank you.

From: Nicole Mardell <nmardell@ci.sisters.or.us>
Sent: Thursday, April 02, 2020 9:05 AM
To: Citrus Development <citrusdevelopmentllc@gmail.com>; Patrick Davenport <pdavenport@ci.sisters.or.us>
Cc: 'Elizabeth A. Dickson' <eadickson@dicksonhatfield.com>
Subject: RE: Final Signed ODOT Extension - McKenzie Ridge

Hi Peter,

Nice to meet you as well. Hope you are doing well and staying healthy in this unprecedented time.

I sent Liz an email last week. We will need additional information for the burden of proof. There was reference in the newest submittal to unexpected legal delays and difficulty receiving plans from the original drafter. We will need to see greater detail on that piece, including correspondence or at minimum a timeline noting all of the delays with a description that can demonstrate there was an unanticipated and unsurmountable delay in moving forward with the project.

Additionally, it look like you're seeking approval until December of 2020. Our code states that approval cannot exceed 4 years from the original approval date without any construction or receipt of a building permit. The decision originally became effective in October 5, 2016 and four years would be October 5, 2020. Could you or Liz provide a response to this section for the application as well?

Thank you,
Nicole

4.2.700 Approval Period, Expiration and Extension SHARE

A. Approval Period – General. Site Plan Review approvals shall be effective for a period of two (2) years from the date of approval for a single-phased development, and up to two (2) additional years for all subsequent phases. **In no case however shall any approval exceed 4 years for single phase development, including extensions, and 6 years for multi phased development, including extensions, from the original approval date. The approval shall lapse if:**

1. A building permit has not been issued within the time period stated herein; or
2. Construction on the site is in violation of the approved plan.

Nicole Mardell, LEED GA

Principal Planner
City of Sisters | Community Development Dept.
PO Box 39 | 520 E. Cascade Ave., Sisters, OR 97759
Direct: 541-323-5208 | City Hall: 541-549-6022
nmardell@ci.sisters.or.us | www.ci.sisters.or.us



This email is public record of the City of Sisters and is subject to public inspection unless exempt from disclosure under Oregon Public Records Law. This email is also subject to the City's Public Records Retention Schedule.

From: Citrus Development <citrusdevelopmentllc@gmail.com>
Sent: Thursday, April 2, 2020 8:48 AM
To: Patrick Davenport <pdavenport@ci.sisters.or.us>
Cc: 'Elizabeth A. Dickson' <eadickson@dicksonhatfield.com>; Nicole Mardell <nmardell@ci.sisters.or.us>
Subject: RE: Final Signed ODOT Extension - McKenzie Ridge

Hello Nicole

I have not had the pleasure of meeting you personally but hope you are settling into your new position within the city. You are in good company with both Patrick and Carol and I look forward to working on our project together.

Given the extreme circumstances that we all face right now, I had requested from Patrick approval of our extension to coincide (at least) with ODOTS order to extend our approvals until the end of December 2020. I realize that SOP is to go

before the planning commission however given the current distancing restrictions set in place by the state as well as the economic climate and its effects on projects such as ours, I thought it warrants an expedited request to extend our approvals directly.

I have attached a copy of the signed extension from ODOT for your records.

Again, welcome to the City of Sisters and let me know if I or Liz can answer any questions or provide anything more to assist you in your process.

Best regards,



Peter M. Thomas
Managing Partner
541.647.8185 direct

DISCLOSURE AND CONFIDENTIALITY NOTE: Citrus Development is an Oregon limited liability company. The information contained within and/or attached to this email is considered **confidential** and is intended only for the use of the individual(s) named above and is covered by the Electronic Communications Privacy Act, 18 USC §§ 2510-2521. If the reader of this message is not the intended recipient, you are hereby notified that any retention, dissemination, distribution or copying of this communication is strictly prohibited. It is the sender's intent that the recipient as named above be the only recipient now and forever of the attached information. If you have received this communication in error, please immediately notify us via email. Thank you.

From: Patrick Davenport <pdavenport@ci.sisters.or.us>
Sent: Thursday, April 02, 2020 8:00 AM
To: Citrus Development <citrusdevelopmentllc@gmail.com>
Cc: 'Elizabeth A. Dickson' <eadickson@dicksonhatfield.com>; Nicole Mardell <nmardell@ci.sisters.or.us>
Subject: RE: Final Signed ODOT Extension - McKenzie Ridge

Hello Peter,

Thank you sending this and the previous message.
Nicole Mardell, Principal Planner, (copied) is your contact on this application. Please send future communications directly to her but feel free to copy me if you want to.

Thank you

Patrick

From: Citrus Development <citrusdevelopmentllc@gmail.com>
Sent: Wednesday, April 1, 2020 5:30 PM
To: Patrick Davenport <pdavenport@ci.sisters.or.us>
Cc: 'Elizabeth A. Dickson' <eadickson@dicksonhatfield.com>
Subject: Final Signed ODOT Extension - McKenzie Ridge

Patrick

Attached is the final signed version of our extension by both myself and ODOT.

Thanks again for your help on this.

Best regards,



Peter M. Thomas
Managing Partner
541.647.8185 direct

DISCLOSURE AND CONFIDENTIALITY NOTE: Citrus Development is an Oregon limited liability company. The information contained within and/or attached to this email is considered **confidential** and is intended only for the use of the individual(s) named above and is covered by the Electronic Communications Privacy Act, 18 USC §§ 2510-2521. If the reader of this message is not the intended recipient, you are hereby notified that any retention, dissemination, distribution or copying of this communication is strictly prohibited. It is the sender's intent that the recipient as named above be the only recipient now and forever of the attached information. If you have received this communication in error, please immediately notify us via email. Thank you.

DICKSON | HATFIELD LLP

**400 SW Bluff Drive, Suite 240
Bend, OR 97702**

March 12, 2020

City of Sisters
Attn: Patrick Davenport, Comm. Development Director
520 E. Cascade Ave.
Sisters, OR 97759

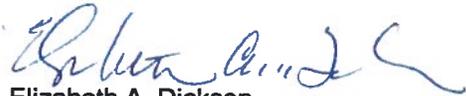
Re: Applicant: Citrus Development, LLC
Property at: 704 W. Hood Ave., Sisters, Oregon

Dear Patrick:

Enclosed please find Applicant's Application form, Burden of Proof Statement, Preliminary Title Report, Letter of Authorization and a check for your filing fees.

Please call if you have any questions or concerns.

Very truly yours,



Elizabeth A. Dickson
eadickson@dicksonhatfield.com
541-585-2229

Enclosures
cc: Client

BEFORE THE CITY OF SISTERS PLANNING COMMISSION

In the Matter of the Application of:) File No.: _____
)
CITRUS DEVELOPMENT, LLC, an) **BURDEN OF PROOF STATEMENT**
Oregon limited liability company,)

**APPLICANT/
OWNER:** Citrus Development, LLC
 61043 Snowbrush Drive
 Bend, OR 97702

**OWNER'S
ATTORNEY:** Elizabeth A. Dickson
 Dickson, Hatfield, LLP
 400 SW Bluff Dr., Ste. 240
 Bend, OR 97702

**SUBJECT
PROPERTY:** 704 W. Hood Ave., Sisters, Oregon; Map 15-10-8, Tax Lot 800.

ZONE: (DC) Downtown Commercial

LOCATION: The subject property has an assigned address of 704 W Hood Avenue, Sisters, Oregon, 97759 and is identified as Tax Lot 800 in Section 8 of Township 15, Range 10, Deschutes County, OR. The subject property is zoned Downtown Commercial on the Sisters Comprehensive Plan.

REQUEST: The Applicant is requesting an extension of SUB 16-02 and SP 16-07, an approved subdivision plat for an 11 lot subdivision and site plan to construct 10 detached lodging units. The previous approval was granted under File No.: 793-19-000012-PLNG and extended under EXT 18-01.

I. INTRODUCTION

Applicant is the owner of the parcel located at 704 W. Hood Avenue in Sisters, Oregon (the "Subject Property"). Tax Lot 800 is a legal lot of record and applicant requests an extension of SUB 16-02 and SP 16-07, an approved subdivision plat for an 11 lot subdivision and site plan to construct 10 detached lodging units. The previous approval was granted under File No.: 793-19-000012-PLNG and extended under EXT 18-01.

II. EXHIBIT LIST: The following documents are submitted with this Burden of Proof Statement:

- * Application Form;
- * Applicable Filing Fee;
- * Authorization Letter;

- * Last Deed of Record for the Subject Property;
- * Sisters Planning Commission Resolution No. 2016-07;
- * Current Preliminary Title Report;
- * Verification from ODOT of driveway approach;
- * Elevations, Aerial and Floor Plan

III. APPLICABLE CRITERIA:

Sisters Development Code - version ORD 497, July 24, 2019:
4.2.700 Approval Period, Expiration and Extension
4.3.400 Approval Process
2.4.300 Development Standards

IV. APPLICABLE STANDARDS/FINDINGS:

4.2.700 Approval Period, Expiration and Extension

A. Approval Period – General. Site Plan Review approvals shall be effective for a period of two (2) years from the date of approval for a single-phased development, and up to two (2) additional years for all subsequent phases. In no case however shall any approval exceed 4 years for single phase development, including extensions, and 6 years for multi phased development, including extensions, from the original approval date. The approval shall lapse if:

1. A building permit has not been issued within the time period stated herein; or
2. Construction on the site is in violation of the approved plan.

RESPONSE: The subject approvals were permitted by the Planning Commission on September 15, 2016, with a date effective of October 5, 2016 (SUB 16-02 and SP 16-07). A one year extension was filed for and approved in September, 2018 under City file EXT 18-01, creating a new date of expiration of October 5, 2019. An application for additional one year extension was submitted October 1, 2019, and deemed incomplete via email from the City of Sisters Planning Department on October 8, 2019.

To date, the public improvements specified in said subdivision approval have not been constructed, a subdivision plat has not not been filed, and no building permits have been issued. No construction has occurred on site, and therefore is not in violation of the approved plan. The subject application was not phased, and the requested extension will not result in excess of four years from original approval.

B. Single-Phased Project Extension.

1. The Community Development Director or designee may, upon written request by the applicant prior to the expiration date, grant a single one-year extension per project; provided that:
 - a. No changes are made on the original approved site plan;
 - b. The applicant can show intent of initiating construction on the site within the extension period;

c. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the **extension** shall not be granted; in this case, a new site plan review shall be required;

d. The applicant demonstrates that failure to obtain building permits and substantially begin construction within two years of site plan approval was beyond the applicant's control.

2. Additional Extension by Original Decision-Making Body. The original decision-making body may or may not, upon written request by the applicant prior to the expiration date granted by the Community Development Director, grant a single additional one-year extension at their discretion. In no case however shall **extensions** combined with original approval durations exceed four years for single phased development from the original approval date.

RESPONSE: The applicant does not propose any changes or modification to the originally approved plans.

As evidenced in the Extension Request letter, ODOT Approved Construction Drawings, the applicant intends to initiate construction Spring of 2020 in order to complete the subdivision, file the final plat, and have building permits issued prior to the expiration of this extension.

The City of Sisters Code was amended in July, 2019 by Ord. 497. However, as addressed further in this narrative, the proposed construction is in conformance with the amended code sections, specifically 4.3.400 and the two-step process of preliminary plat and final plat approval.

The submitted Exhibits demonstrate the difficulties and obstacles to initiation of construction activities encountered and the progress to date. The applicant has been subjected to legal actions related to the conduct of the previous owner, delays in funding, also related to the conduct of the previous owner, and personal health issues, resulting in delay beyond the applicant's control.

Applicant has had difficulty obtaining final plans and drawings from Parametrix, also related to the conduct of the previous owner. The Applicant has had to spend considerable time and money recreating documents such as Architectural, Engineering, and Surveying design documents, permitting, and submittal fees.

C. Phased Development. The City, at its discretion, may approve a time schedule for developing a site in phases. Any such approval shall be subject to the following standards and procedures:

RESPONSE: The subject approvals were not phased.

4.3.400 Approval Process

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

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

RESPONSE: Applicant will comply with all platting requirements.

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

RESPONSE: Applicant will comply with all platting requirements.

F. Extensions

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

RESPONSE: The subject approvals were decided by the Planning Commission on September 15, 2016, with a date effective of October 5, 2016. A one year extension was filed for and approved in September, 2018 under City file EXT 18-01, proving a new date of expiration of October 5, 2019. An application for additional one year extension was submitted October 1,

2019, and deemed incomplete via email from the City of Sisters Planning Department on October 8, 2019.

The subject approvals were extended under this section in 2018.

2. Additional Extension by Original Decision-Making Body. The original decision-making body may, upon written request by the applicant prior to the expiration of the approval period granted by the Community Development Director, grant a single additional one-year extension per SDC 4.4.300(F)(1).

RESPONSE: An application for an additional one year extension was submitted October 1, 2019, and deemed incomplete via email from the City of Sisters Planning Department on October 8, 2019. This application requests a single additional one-year extension under this section and was filed within the deadline required.

2.4.300 Development Standards [As revised on July 24, 2019, ORD. 497]

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,

Table 2.4.2 Development Standards for the Downtown Commercial District

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

Table 2.4.2 Development Standards for the Downtown Commercial District

Development Standard	Downtown Commercial District	Comments/Other Requirements
	floor – 0 feet.	<p>elevation shall exceed the maximum 10 foot setback</p> <p>The following features are allowed to encroach into the required setback: eaves, chimneys, overhangs, canopies, fire escapes, landing places, outside stairways, and similar architectural features. Balconies, overhangs, bay windows, awnings, eaves, signs and similar features may extend into the right-of-way subject to the following requirements;</p> <p>A. Support posts are permitted in compliance with the Building Codes.</p> <p>B. Awnings may extend over public property but no portion shall extend nearer than two feet to the face of the nearest curb line measured horizontally.</p> <p>C. Encroachments shall not obstruct or prevent the placement of street trees or other improvements within the public right-of-way.</p> <p>D. All permanent encroachments (part of the building structure) which infringe into the City ROW require the execution of an encroachment agreement.</p> <p>E. The lowest point of the overhead architectural feature, (Signs use Chapter 3.4), must be at least eight (8) feet above the sidewalk.</p>
<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>
Lot coverage	No maximum	Compliance with other sections of the Code (landscaping, parking, pedestrian circulation, etc.) may preclude 100

Table 2.4.2 Development Standards for the Downtown Commercial District

Development Standard	Downtown Commercial District	Comments/Other Requirements
		percent lot coverage for certain uses
Building height	30 feet; 35 feet if building includes second-floor residential use	See exceptions to building height in Section 2.4.300C.

RESPONSE: The approved use in the original approval was listed as "Hotel". Therefore, the Standards in Table 2.4.2 apply.

As shown on the approved tentative subdivision plan and subsequent Plat prepared for review, Lots range from 1,504 to 2,071 square feet. As the criteria for lot size was modified within the Code since original Approval, the proposed lots no longer comply with Minimum Lot Size in the current Code.

The approved tentative plan contains lots with a minim frontage of 25.00 feet, meeting the minimum dimension allowed in the current Code.

The site plan was approved with a 12-foot front setback, exceeding the Code maximum in both past and present versions. The original approval was justified in the staff report as an existing public utility easement prevented the applicant from strict compliance of this criterion as the proposal met the requirement to the extent possible and practicable.

The approved plan complies with side and rear yard setbacks as no minimum is set for lots abutting those of the same zoning designation (DC).

There is no listed limit on lot coverage for the Zone. The approved plan complies.

The Proposed building height remains as approved. The Maximum height is 30 feet for the use proposed.

V. CONCLUSION.

Applicant suffered delays beyond its control and has made best efforts to recreate the necessary documents and has done so. Applicant is now requesting a second one-year extension of this approval to begin construction of the project in 2020. Applicant meets all relevant criteria under the new Sisters Code adopted in July of 2019 and requests approval herein.

DATED this 12th day of March, 2020.

Submitted by:

DICKSON HATFIELD, LLP

By: 
Elizabeth A. Dickson, OSB #962801
400 SW Bluff Dr., Ste. 240
Bend, OR 97702
(541) 585-2224
eadickson@dicksonhatfield.com



Decision

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF SISTERS STATE OF OREGON
PLANNING COMMISSION RESOLUTION PC 2016-07**

THE CITY OF SISTERS PLANNING COMMISSION DOES HEREBY FIND AND RESOLVE THAT:

WHEREAS, the applicant and owner, Steven E. McGhehey requests approval of a preliminary subdivision plat (SUB 16-02) for 11 lots and a site plan (SP 16-07) approval to further enable the construction of ten detached lodging units; and,

WHEREAS, this proposed development supports economic development within the City of Sisters and is not detrimental to the general welfare, health or safety of the City of Sisters; and,

WHEREAS, Oregon Revised Statutes Chapter 92 establishes a process through which land located in urban areas that is properly zoned can be divided through a subdivision process if findings can be made that the land division will not adversely impact the infrastructure of the jurisdiction, and,

WHEREAS, after due notice, a public hearing on the proposed application (SUB 16-02 and SP 16-07) was held by the Sisters Planning Commission on September 15, 2016 at which time findings were reviewed, witnesses were heard, and evidence and written testimony was received.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF SISTERS PLANNING COMMISSION FINDS THAT:

1. All required notices have been sent in the time and in the manner required by state law and city code; and,
2. The findings of fact in this matter are located in the staff report attached and by this reference incorporated herein as Exhibit A and Attachments to Staff Report.

NOW THEREFORE, BE IT FURTHER RESOLVED THAT BASED ON THE FINDINGS, THE PLANNING COMMISSION HEREBY APPROVES THE APPLICATION (FILE #'s SUB 16-02 and SP 16-07) SUBJECT TO THE FOLLOWING EXHIBITS:

Exhibit A: Staff report

a. Attachments to Staff Report

- i. Application, Preliminary Title Report and Applicant's Burden of Proof
- ii. Review comments from City Engineer Erik Huffman: dated 09/07/16.
- iii. Review comments from Sisters-Camp Sherman FPD dated 08/19/16

Exhibit B: Planning Commission Resolution PC 2016-07

Exhibit C: Conditions of Approval

Exhibit D: Correspondences received after staff report publication

- a. Email received from Richard Carpenter dated 09/15/16
- b. Letter received during public hearing from Tony Meyers

CITY OF SISTERS
Planning Commission Resolution 2016-07

(CONSIDERATION BY THE PLANNING COMMISSION, SEPTEMBER 15, 2016)

THE FOREGOING RESOLUTION IS HEREBY ADOPTED THIS 15TH DAY OF SEPTEMBER, 2016.

Members of the Commission: Clem, Detweiler, Gentry, Nagel, Seymour, Tewalt, Wright

AYES: Detweiler, Gentry, Seymour, Tewalt, Wright

(5)

NOES: Clem

(1)

ABSENT: Nagel

(1)

Signed:


David Gentry, Chairman



Oregon

Kate Brown, Governor

Department of Transportation

ODOT District 10
63055 N. Highway 97, Bldg. K
Bend, OR 97703
(541) 388-6054
Fax: (541) 388-6022
Aaron.K.SMITH@odot.state.or.us

File Code: PMT 4-20

October 02, 2019

Peter Thomas
Citris Development, LLC
61043 Snowbrush Drive
Bend, OR 97702

Subject: Transmittal of *Preliminary Construction Specifications*
Highway Number 015AK, (CASCADE AVE. CONN.),
at Mile Point 92.095
Application Number 80274

Approval of Construction Drawings and Plans

I am pleased to inform you that the Oregon Department of Transportation (ODOT) has approved construction drawings and plans for your approach.

Remaining Actions to be Completed Prior to Issuance of Construction Permit

Attached are the *Preliminary Construction Specifications* that include the construction drawings and all terms and conditions that will be included in your *Permit to Construct a State Highway Approach*.

If you have any objection to the *Preliminary Construction Specifications*, please inform the Department of your objection in writing within 21 days of the date of this letter. The Department will not issue your *Permit to Construct* a state highway approach until agreement is reached on all *Preliminary Construction Specifications*.

If the *Preliminary Construction Specifications* are agreeable to you please submit the following required items;

- A copy of the *Preliminary Construction Specifications* with your signature confirming your agreement, and
- Proof of liability insurance (see attached Oregon Administrative Rule OAR 734-051-5060(3), and
- A performance bond in the amount of 5,000 or a cash deposit in lieu of bond in the amount of \$5,000, payable to ODOT. **You may not initiate any construction in ODOT right-of-way until all of these steps have been fulfilled.** [OAR 734-051-5020(3)]

Submittal Requirements

Your submittal deadline will be **no later than 5:00 PM on April 02, 2020** sent to the following address:

Aaron Smith, Permit Specialist
ODOT District 10
63055 N. Highway 97, Bldg. K
Bend, OR 97703

Under Oregon Administrative Rule (OAR) 734-051-5020(3), you are required to submit the requirements or request a time extension by the submittal deadline or the **approval of your application will expire**. If necessary, the Department may extend the time for your submittal if both you and the Department agree in writing before the submittal deadline listed above. Please contact me if you would like to request an extension of time.

After you submit the required items, the Department will contact you if any information is missing or corrections/revisions are needed. We will notify you when your *Preliminary Construction Specifications* are approved. Upon approval ODOT will issue your *Permit to Construct a State Highway Approach*.

If you have any questions about the content of this letter or specifically about what we are asking for, please feel free to contact me at (541) 388-6054.

Sincerely,



Aaron Smith, Permit Specialist
ODOT District 10, Maintenance Office

Attachments: *Preliminary Construction Specifications*
734-051-5020 Issuance of Construction Permits
734-051-5060 Liability, Insurance and Bonding Requirements

734-051-5020

Issuance of Construction Permits

(1) **General Requirements.** The region manager shall issue a construction permit when construction plans, if required, and all other required documents are received and approved.

(2) **Procedure.** Prior to issuing a construction permit the department will issue to the applicant construction specifications including all provisions, mitigation measures, conditions, and agreements that will become part of the construction permit. To receive a construction permit, the applicant must complete the following, pursuant to subsections (a) through (d) below, within sixty (60) days of the date of the department's transmittal of the construction specifications:

- a) Review and sign the construction specifications to confirm that the applicant understands and agrees to the specifications including all provisions, mitigation measures, conditions, and agreements that will become part of the construction permit; and
- b) When the department determines that standard plans are not appropriate, an applicant must submit construction plans sealed by an engineer licensed in the state of Oregon within 60 days of notice of approval of an application to obtain a construction permit. The region manager determines the acceptability of submitted construction plans. If plans are not submitted within 60 days and no request for extension is received within that time, the approval of the application will be void; and
- c) Return the signed construction specifications to the department; and
- d) Submit proof of liability insurance and bond or deposit in lieu of bond as required by OAR 734-051-5060.

(3) **Non-Compliance.** If the applicant does not complete the actions required in section (2) of this rule within the 60-day timeframe, then the department will not issue a construction permit and all approvals associated with approach application will be revoked. The 60-day time frame may be extended if the permittee and the department agree in writing before the deadline pursuant to OAR 734-051-5040.

(4) **True and Complete Information.** An applicant or permittee shall provide true and complete information, and if any required fact that is material to the assessment of the approach's impact upon traffic safety, convenience or the legal or property rights of any person (including the State of Oregon) is false, incorrect or omitted, the region manager may:

- a) Deny or revoke the construction permit; and
- b) At the applicant's or permittee's expense require the applicant or permittee to:
 - (A) Remove the approach and restore the area to a condition acceptable to the region manager;
 - (B) Provide additional safeguards to protect the safety, convenience, and rights of the traveling public and persons (including the State), if such safeguards are adequate to achieve these purposes, as a condition of the continued validity of the permit to operate; and
 - (C) Reconstruct or repair the approach.

(5) **Signed Permit Required.** No work on highway right of way may begin until an applicant obtains a valid construction permit, approved and signed by the region manager.

734-051-5060

Liability, Insurance and Bonding Requirements

(1) **Liability.** A permittee assumes responsibility for damage or injury to any person or property resulting from the construction, maintenance, repair, operation, or use of an approach for which a construction permit or a permit to operate is issued and where the permittee may be legally liable.

(2) **Indemnification.** An applicant or permittee indemnifies and holds harmless the State of Oregon, the commission, the department, and all officers, employees or agents of the department against damages, claims, demands, actions, causes of action, costs, and expenses of whatsoever nature which may be sustained by reasons of the acts, conduct, or operation of the applicant, his agents, or employees in connection with the construction, maintenance, repair, operation, or use of an approach. Any such indemnification shall also provide that neither the contractor or subcontractor, nor any attorney engaged by the contractor or subcontractor, shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at anytime at its election, assume its own defense and settlement in the event that it determines that the contractor is prohibited from defending the State of Oregon, or that the contractor is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue claims it may have against the contractor if the State of Oregon elects to assume its own defense.

(3) **Amount of Insurance.** Construction of an approach may not begin until the applicant provides the department with evidence of insurance in the following minimum amounts:

a) \$500,000 for property damage resulting from any single occurrence, or \$500,000 combined single limit and annual aggregate; and

b) \$500,000 for the death or injury of any person, subject to a limit of \$500,000 for any single occurrence and annual aggregate.

(4) **Additional Insured.** Insurance policies must include as Additional Insured the State of Oregon, the commission, and the department, its officers, agents and employees, except as to claims against the permittee, for personal injury to any members of the commission or the department and its officers, agents, and employees or damage to any of its or their property.

(5) **Insurance Required Prior to Construction.** Construction of an approach may not begin until a copy of the insurance policy or a certificate showing evidence of insurance is filed with the department.

(6) **Notice of Intent to Cancel or Not Renew Insurance.** A permittee shall provide thirty (30) days written notice to the department of intent to cancel or intent not to renew insurance coverage. Failure to comply with notice provisions does not affect coverage provided to the State of Oregon, the commission, or the department, its officers, agents and employees.

(7) **Damages.** If the permittee or permittee's contractor damages the highway surface or highway facilities, the applicant must replace or restore the highway or highway facilities to a condition satisfactory to the department.

(8) **Assurances.** The permittee must furnish, in an amount specified by the region manager and for the time period necessary to install the approach, a cash deposit or a bond issued by a surety company licensed to do business in the State of Oregon to ensure the approach is installed in conformance with the requirements of this division and that any damage to the highway has been corrected to the department's satisfaction; and no

Transmittal of Preliminary Construction Specification
Highway Number 015AK, (CASCADE AVE. CONN.), at Mile Point 92.095
Application Number 80274.
Wednesday, October 02, 2019
Page 5

construction is performed until a deposit or bond is filed with the department.

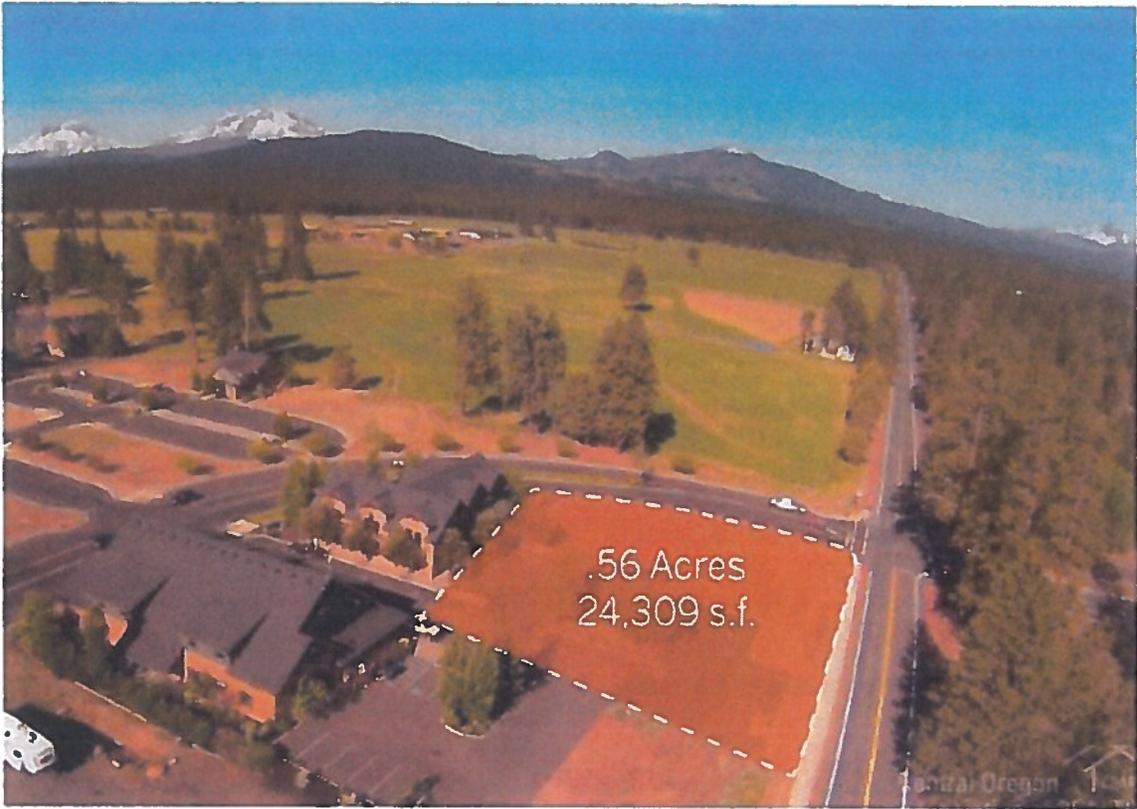
McKenzie Ridge Lodge

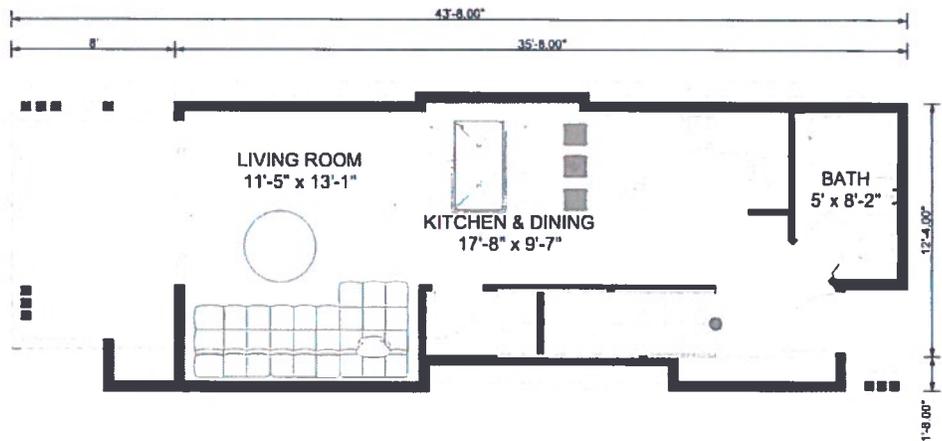




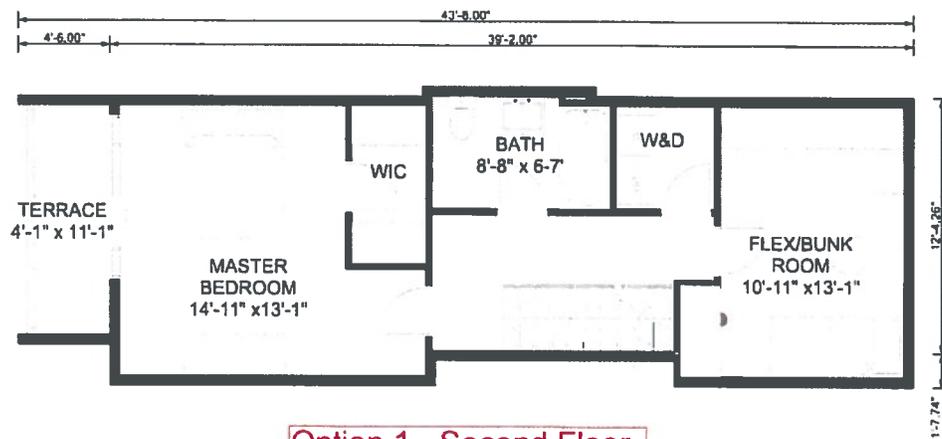








Option 1 - First Floor



Option 1 - Second Floor

DICKSON | HATFIELD LLP

**400 SW Bluff Sr. Suite 240
Bend, OR 97702
541-585-2224**

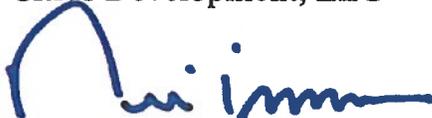
December 9, 2019

City of Sisters
Community Development
Dept. 520 East Cascade
Sisters, OR 97759

Re: Letter of authorization City of Sisters:

I hereby authorize Liz Dickson of Dickson Hatfield **LLP**, to act on my behalf regarding all land use matters before the City of Sisters to which the undersigned is a party.

Sincerely,
Citrus Development, LLC



Peter Thomas, its Manager



First American

First American Title Insurance Company

395 SW Bluff Drive, Suite 100
Bend, OR 97702
Phn - (541)382-4201
Fax - (866)524-9203

**PUBLIC RECORD REPORT
FOR NEW SUBDIVISION OR LAND PARTITION**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Citrus Development LLC
61043 Snowbrush Drive
Bend, OR 97702
Phone:
Fax:

Date Prepared : March 10, 2020
Effective Date : 8:00 A.M on February 28, 2020
Order No. : 7069-3415297
Subdivision :

The information contained in this report is furnished by First American Title Insurance Company (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

REPORT

- A. The Land referred to in this report is located in the County of Deschutes, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof

- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

First American Title Insurance Company
Public Record Report for New Subdivision or Land Partition
Order No. 7069-3415297

EXHIBIT "A"
(Land Description Map Tax and Account)

PARCEL 2 OF PARTITION PLAT NO. 2007-29, LOCATED IN THE NORTHEAST QUARTER OF SECTION 8,
TOWNSHIP 15 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, CITY OF SISTERS,
DESCHUTES COUNTY, OREGON.

Map No.: 151008AA00800
Tax Account No.: 195011

First American Title Insurance Company
Public Record Report for New Subdivision or Land Partition
Order No. 7069-3415297

EXHIBIT "B"
(Vesting)

Citrus Development LLC, an Oregon limited liability company

9. Deed of Trust and the terms and conditions thereof.
- | | |
|------------------------|---|
| Grantor/Trustor: | Citrus Development, LLC, an Oregon limited liability company |
| Grantee/Beneficiary: | Brand X Rentals & Sales, LLC, an Oregon limited liability company |
| Trustee: | Robert A. Smejkal, Attorney at Law |
| Amount: | \$280,000.00 |
| Recorded: | June 01, 2018 |
| Recording Information: | Instrument No. 2018-022265 |
10. Unrecorded leases or periodic tenancies, if any.

NOTE: This Public Record Report does not include a search for Financing Statements filed in the Office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the Office of the County Clerk covering Fixtures on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and block.

DEFINITIONS, CONDITIONS AND STIPULATIONS

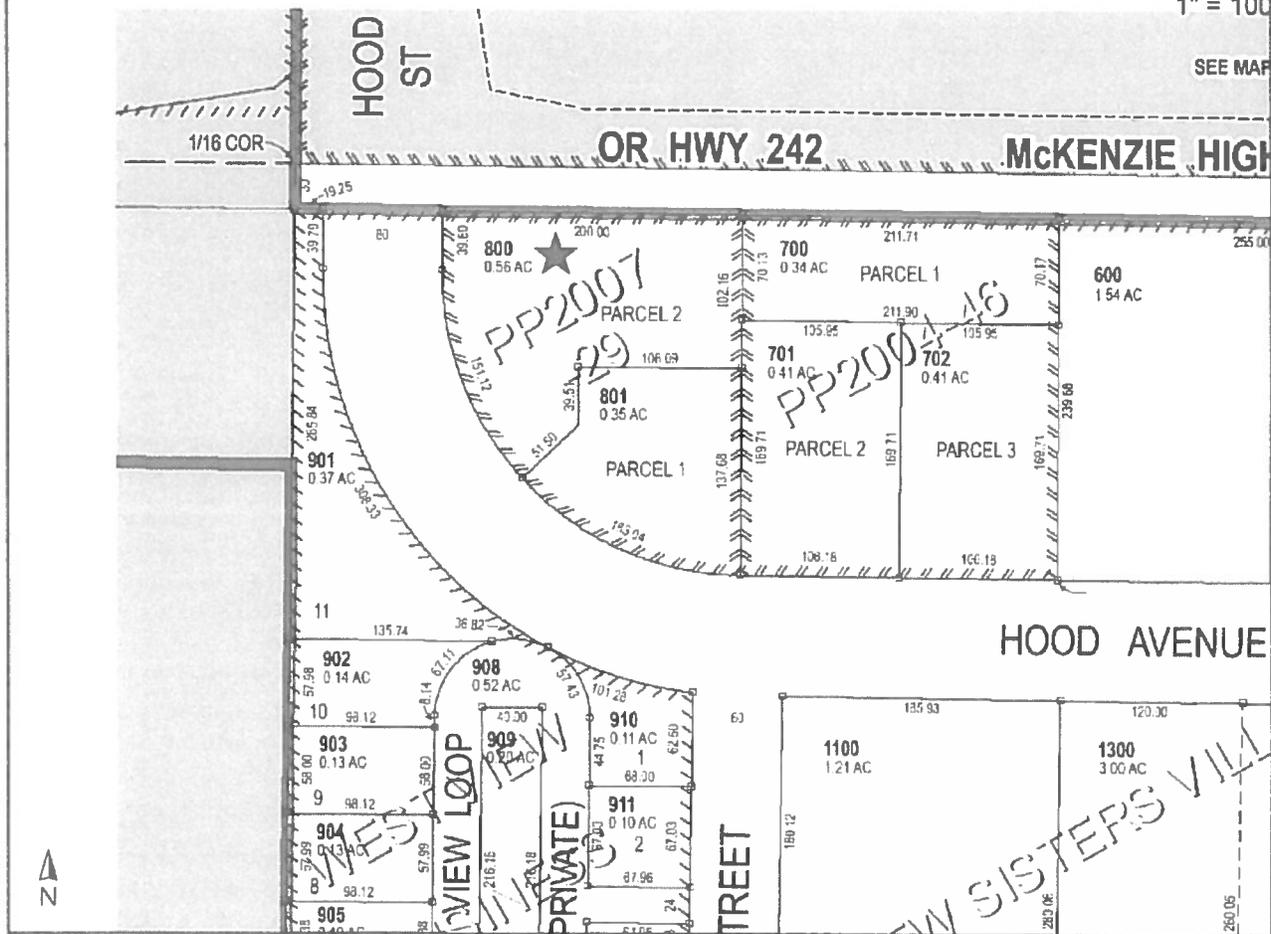
1. **Definitions.** The following terms have the stated meaning when used in this report:
 - (a) "Customer": The person or persons named or shown as the addressee of this report.
 - (b) "Effective Date": The effective date stated in this report.
 - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
 - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.
2. **Liability of the Company.**
 - (a) THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.
 - (b) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
 - (c) In any event, the Company assumes no liability for loss or damage by reason of the following:
 - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
 - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
 - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
 - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
 - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
 - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
 - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.
3. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.

AS PREPARED FOR
IT PURPOSE ONLY

N.E. 1/4 N.E. 1/4 SEC. 8
DESCHUTES

1" = 100'

SEE MAP



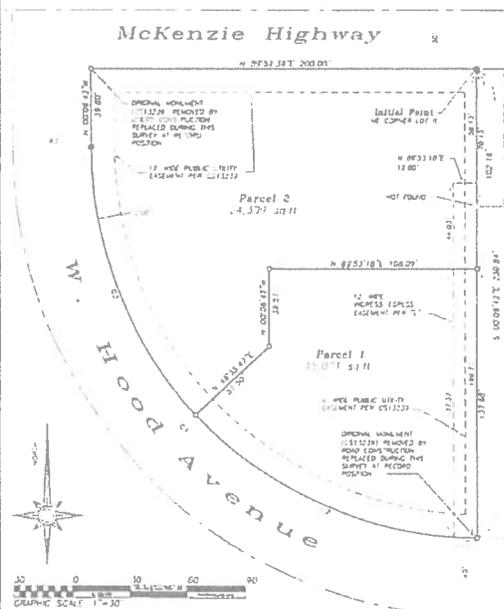
First American Title²

ParcelID: 195011
704 W Hood Ave
Sisters, OR 97759

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

Partition Plat No. 2007-029
Land Partition MNR 06-04

Partition of Lot 8, New Sisters Village, situated in the NE 1/4 of Sec. 8, T15S, R10E, W.M., City of Sisters, Deschutes County, Oregon



Declaration

I, the undersigned, being a duly qualified and licensed Professional Land Surveyor for the State of Oregon, do hereby certify that I have personally supervised and examined the work of my assistants and find that the same is in accordance with the laws and regulations of the State of Oregon, and that the same is a true and correct representation of the facts as shown to me by the parties to this plat.

David J. Ball 4/18/07
 Registered Professional Land Surveyor
 State of Oregon
 My Commission Expires 12/31/08

Surveyor's Certificate

I, the undersigned, being a duly qualified and licensed Professional Land Surveyor for the State of Oregon, do hereby certify that I have personally supervised and examined the work of my assistants and find that the same is in accordance with the laws and regulations of the State of Oregon, and that the same is a true and correct representation of the facts as shown to me by the parties to this plat.

Narrative

The purpose of this survey was to define the boundary of Lot 8 as described in the plat of partition and to subdivide the same into two parcels, Parcel 1 and Parcel 2, as shown on the attached plat. The survey was conducted on the 18th day of April, 2007, at the City of Sisters, Oregon.

Easements and Encumbrances

A. EASEMENT FOR WATER RECEIVED 1/13/1914 IN W.M. 83, PAGE 399 DESCHUTES COUNTY RECORDS. PRECEDENCE AGREEMENT RECORDED 1/22/1917 IN BOOK 343 PAGE 187 DESCHUTES COUNTY RECORDS.
 B. IMPROVEMENT AGREEMENT RECORDED 3/23/1909 IN BOOK 186, PAGE 418 DESCHUTES COUNTY RECORDS.
 C. DEED FOR NEW SISTERS VILLAGE RECORDED 2/11/2003 IN DECLARATION NO. 2003-0004 DESCHUTES COUNTY RECORDS. AMENDED 2/21/2003 IN DECLARATION NO. 2003-1198 DESCHUTES COUNTY RECORDS.
 D. AGREEMENT TO SELL EASEMENT RECORDED 8/27/2006 IN DECLARATION NO. 2006-0478 DESCHUTES COUNTY RECORDS.

Goals of Bearings and Reference Material

BEARINGS AND DISTANCES WERE TRANSFERRED FROM ON CALLIERS' PLAT ON THE BASIS OF 621212.18' OF NEW SISTERS VILLAGE BY P.L.S. 1948, PAGES 11-12.

Acknowledgments

THIS IS TO CERTIFY THAT ON THIS 18th day of April, 2007, BEFORE ME, A NOTARY PUBLIC PERSONALLY APPEARED PAUL F. SCHNEIDER, MEMBER OF NEW SISTERS VILLAGE, INC. TO BE KNOWN TO BE THE INDIVIDUAL WHO EXECUTED THE FOREGOING DECLARATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE PURPOSES THEREIN NAMED.

STATE OF OREGON
 COUNTY OF DESCHUTES
 I, *Karen Skye*, Notary Public, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my files.

THIS IS TO CERTIFY THAT ON THIS 18th day of April, 2007, BEFORE ME, A NOTARY PUBLIC PERSONALLY APPEARED PAUL F. SCHNEIDER, MEMBER OF NEW SISTERS VILLAGE, INC. TO BE KNOWN TO BE THE INDIVIDUAL WHO EXECUTED THE FOREGOING DECLARATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE PURPOSES THEREIN NAMED.

STATE OF OREGON
 COUNTY OF DESCHUTES
 I, *Karen Skye*, Notary Public, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my files.

THIS IS TO CERTIFY THAT ON THIS 19th day of April, 2007, BEFORE ME, A NOTARY PUBLIC PERSONALLY APPEARED STEVEN L. SKYER, MEMBER OF NEW SISTERS VILLAGE, INC. TO BE KNOWN TO BE THE INDIVIDUAL WHO EXECUTED THE FOREGOING DECLARATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE PURPOSES THEREIN NAMED.

STATE OF OREGON
 COUNTY OF DESCHUTES
 I, *Karen Skye*, Notary Public, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my files.

THIS IS TO CERTIFY THAT ON THIS 19th day of April, 2007, BEFORE ME, A NOTARY PUBLIC PERSONALLY APPEARED STEVEN L. SKYER, MEMBER OF NEW SISTERS VILLAGE, INC. TO BE KNOWN TO BE THE INDIVIDUAL WHO EXECUTED THE FOREGOING DECLARATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE PURPOSES THEREIN NAMED.

STATE OF OREGON
 COUNTY OF DESCHUTES
 I, *Karen Skye*, Notary Public, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my files.

STATE OF OREGON
 COUNTY OF DESCHUTES
 I, *Karen Skye*, Notary Public, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my files.

STATE OF OREGON
 COUNTY OF DESCHUTES
 I, *Karen Skye*, Notary Public, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my files.

Legend

- 1. "ROUND S.S." IRON ROD WITH YELLOW PLASTIC CAP MARKED "TWD 451.00" - "P.S. 1810" UNLESS OTHERWISE INDICATED
- 2. "S.S." IRON ROD WITH ORANGE PLASTIC CAP MARKED "S.S. 2006"
- 3. "S.S." IRON ROD WITH GREEN PLASTIC CAP MARKED "S.S. 2006"
- 4. "S.S." IRON ROD WITH RED PLASTIC CAP MARKED "S.S. 2006"
- 5. "S.S." IRON ROD WITH BLUE PLASTIC CAP MARKED "S.S. 2006"
- 6. "S.S." IRON ROD WITH BLACK PLASTIC CAP MARKED "S.S. 2006"
- 7. "S.S." IRON ROD WITH WHITE PLASTIC CAP MARKED "S.S. 2006"
- 8. "S.S." IRON ROD WITH SILVER PLASTIC CAP MARKED "S.S. 2006"
- 9. "S.S." IRON ROD WITH GOLD PLASTIC CAP MARKED "S.S. 2006"
- 10. "S.S." IRON ROD WITH BRASS PLASTIC CAP MARKED "S.S. 2006"
- 11. "S.S." IRON ROD WITH COPPER PLASTIC CAP MARKED "S.S. 2006"
- 12. "S.S." IRON ROD WITH ZINC PLASTIC CAP MARKED "S.S. 2006"
- 13. "S.S." IRON ROD WITH ALUMINUM PLASTIC CAP MARKED "S.S. 2006"
- 14. "S.S." IRON ROD WITH STEEL PLASTIC CAP MARKED "S.S. 2006"
- 15. "S.S." IRON ROD WITH WOOD PLASTIC CAP MARKED "S.S. 2006"
- 16. "S.S." IRON ROD WITH PLASTIC CAP MARKED "S.S. 2006"
- 17. "S.S." IRON ROD WITH RUBBER PLASTIC CAP MARKED "S.S. 2006"
- 18. "S.S." IRON ROD WITH GLASS PLASTIC CAP MARKED "S.S. 2006"
- 19. "S.S." IRON ROD WITH PAPER PLASTIC CAP MARKED "S.S. 2006"
- 20. "S.S." IRON ROD WITH FABRIC PLASTIC CAP MARKED "S.S. 2006"
- 21. "S.S." IRON ROD WITH LEATHER PLASTIC CAP MARKED "S.S. 2006"
- 22. "S.S." IRON ROD WITH SKIN PLASTIC CAP MARKED "S.S. 2006"
- 23. "S.S." IRON ROD WITH HAIR PLASTIC CAP MARKED "S.S. 2006"
- 24. "S.S." IRON ROD WITH NAILS PLASTIC CAP MARKED "S.S. 2006"
- 25. "S.S." IRON ROD WITH SCREWS PLASTIC CAP MARKED "S.S. 2006"
- 26. "S.S." IRON ROD WITH BOLTS PLASTIC CAP MARKED "S.S. 2006"
- 27. "S.S." IRON ROD WITH NUTS PLASTIC CAP MARKED "S.S. 2006"
- 28. "S.S." IRON ROD WITH WASHERS PLASTIC CAP MARKED "S.S. 2006"
- 29. "S.S." IRON ROD WITH RIVETS PLASTIC CAP MARKED "S.S. 2006"
- 30. "S.S." IRON ROD WITH PINS PLASTIC CAP MARKED "S.S. 2006"
- 31. "S.S." IRON ROD WITH STAPLES PLASTIC CAP MARKED "S.S. 2006"
- 32. "S.S." IRON ROD WITH TACKS PLASTIC CAP MARKED "S.S. 2006"
- 33. "S.S." IRON ROD WITH GLUE PLASTIC CAP MARKED "S.S. 2006"
- 34. "S.S." IRON ROD WITH TAPE PLASTIC CAP MARKED "S.S. 2006"
- 35. "S.S." IRON ROD WITH STRING PLASTIC CAP MARKED "S.S. 2006"
- 36. "S.S." IRON ROD WITH YARN PLASTIC CAP MARKED "S.S. 2006"
- 37. "S.S." IRON ROD WITH THREAD PLASTIC CAP MARKED "S.S. 2006"
- 38. "S.S." IRON ROD WITH ROPE PLASTIC CAP MARKED "S.S. 2006"
- 39. "S.S." IRON ROD WITH CORD PLASTIC CAP MARKED "S.S. 2006"
- 40. "S.S." IRON ROD WITH TWINE PLASTIC CAP MARKED "S.S. 2006"
- 41. "S.S." IRON ROD WITH RIBBON PLASTIC CAP MARKED "S.S. 2006"
- 42. "S.S." IRON ROD WITH TAPE PLASTIC CAP MARKED "S.S. 2006"
- 43. "S.S." IRON ROD WITH GLUE PLASTIC CAP MARKED "S.S. 2006"
- 44. "S.S." IRON ROD WITH TAPE PLASTIC CAP MARKED "S.S. 2006"
- 45. "S.S." IRON ROD WITH GLUE PLASTIC CAP MARKED "S.S. 2006"
- 46. "S.S." IRON ROD WITH TAPE PLASTIC CAP MARKED "S.S. 2006"
- 47. "S.S." IRON ROD WITH GLUE PLASTIC CAP MARKED "S.S. 2006"
- 48. "S.S." IRON ROD WITH TAPE PLASTIC CAP MARKED "S.S. 2006"
- 49. "S.S." IRON ROD WITH GLUE PLASTIC CAP MARKED "S.S. 2006"
- 50. "S.S." IRON ROD WITH TAPE PLASTIC CAP MARKED "S.S. 2006"

Curve Table

Curve	Radius	Length	Chord	Chord Bearing
1	100.00	157.08	100.00	N 45° 16' 00" E
2	200.00	314.16	200.00	N 45° 16' 00" E
3	300.00	471.24	300.00	N 45° 16' 00" E
4	400.00	628.32	400.00	N 45° 16' 00" E
5	500.00	785.40	500.00	N 45° 16' 00" E

Approvals

Anthony Geller by Sheldell 4/14/07
 Notary Public
 My Commission Expires 12/31/08

M.R. Bowers 4/18/07
 City of Sisters Planning Director

Michelle Williams 4/18/07
 City of Sisters Public Works Director

Scott Anderson by Tom Lamb 4/18/07
 City of Sisters City Commissioner

G.J. Hill 4/18/07
 City of Sisters City Commissioner

After recording return to:
First American Title
395 SW Bluff Drive, Suite 100
Bend, OR 97702



After recording return to:
Citrus Development LLC
61043 Snowbrush Drive
Bend, OR 97702

Until a change is requested all tax
statements shall be sent to the
following address:
Citrus Development LLC
61043 Snowbrush Drive
Bend, OR 97702

File No.: 7067-3062565 (LSB)
Date: May 16, 2018

THIS SPACE RESERVED FOR RECORDER'S USE

Deschutes County Official Records **2018-022264**
D-D
SIn=7 PG **06/01/2018 11:26:00 AM**
\$10.00 \$11.00 \$10.00 \$21.00 \$6.00 **\$58.00**

I, Nancy Blankenship, County Clerk for Deschutes County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records.

Nancy Blankenship - County Clerk

STATUTORY WARRANTY DEED

McKenzie Ridge Partners, LLC, an Oregon limited liability company, which acquired title as McKenzie Ridge Partners, LLC, Grantor, conveys and warrants to Citrus Development LLC, an Oregon limited liability company, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Deschutes, State of Oregon, described as follows:

PARCEL 2 OF PARTITION PLAT NO. 2007-29, CITY OF SISTERS, DESCHUTES COUNTY, OREGON.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$525,000.00**. (Here comply with requirements of ORS 93.030)



Deschutes County Property Information

Report Date: 3/4/2020 1:39:15 PM

Disclaimer

The information and maps presented in this report are provided for your convenience. Every reasonable effort has been made to assure the accuracy of the data and associated maps. Deschutes County makes no warranty, representation or guarantee as to the content, sequence, accuracy, timeliness or completeness of any of the data provided herein. Deschutes County explicitly disclaims any representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. Deschutes County shall assume no liability for any errors, omissions, or inaccuracies in the information provided regardless of how caused. Deschutes County assumes no liability for any decisions made or actions taken or not taken by the user of this information or data furnished hereunder.

Account Summary

Account Information

Mailing Name: CITRUS DEVELOPMENT LLC
Map and Taxlot: 151008AA00800
Account: 195011
Tax Status: Assessable
Situa Address: 704 W HOOD AVE, SISTERS, OR 97759

Property Taxes

Current Tax Year: \$3,803.43
Tax Code Area: 6001

Assessment

Subdivision: PP2007-29
Lot: PARCEL 2
Block:
Assessor Acres: 0.56
Property Class: 200 - COMMERCIAL

Ownership

Mailing Address:
CITRUS DEVELOPMENT LLC
61043 SNOWBRUSH DR
BEND, OR 97702

Valuation

Real Market Values as of Jan. 1, 2019

Land \$344,130
Structures \$0
Total \$344,130

Current Assessed Values:

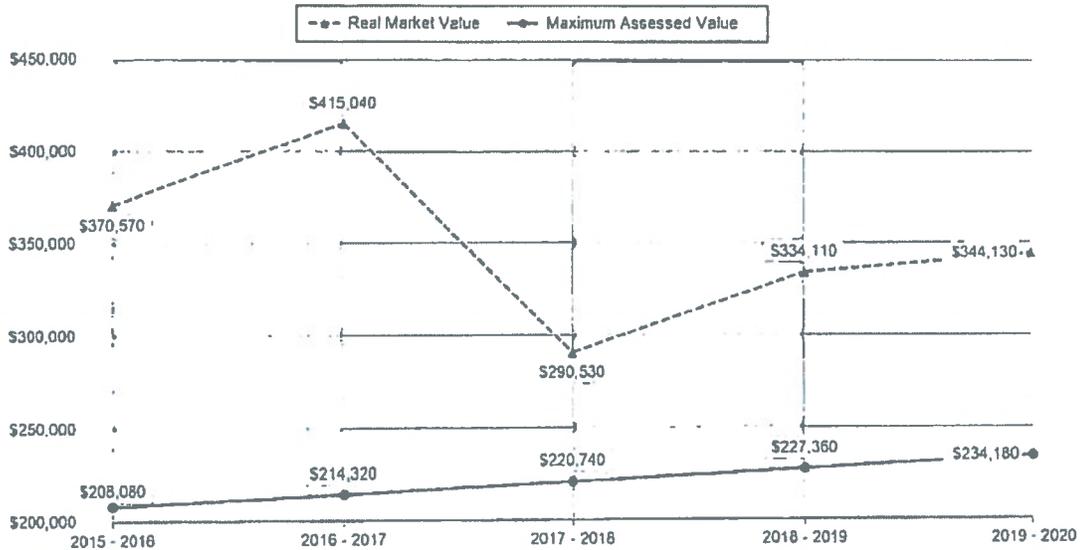
Maximum Assessed \$234,180
Assessed Value \$234,180
Veterans Exemption

Warnings, Notations, and Special Assessments

Review of digital records maintained by the Deschutes County Assessor's Office, Tax Office, Finance Office, and the Community Development Department indicates that there are no special tax, assessment or property development related notations associated with this account. However, independent verification of the presence of other Deschutes County tax, assessment, development, and additional property related considerations is recommended. Confirmation is commonly provided by title companies, real estate agents, developers, engineering and surveying firms, and other parties who are involved in property transactions or property development. In addition, County departments may be contacted directly to discuss the information.

Valuation History *All values are as of January 1 of each year. Tax year is July 1st through June 30th of each year*

	2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019	2019 - 2020
Real Market Value - Land	\$370,570	\$415,040	\$290,530	\$334,110	\$344,130
Real Market Value - Structures	\$0	\$0	\$0	\$0	\$0
Total Real Market Value	\$370,570	\$415,040	\$290,530	\$334,110	\$344,130
Maximum Assessed Value	\$208,080	\$214,320	\$220,740	\$227,360	\$234,180
Total Assessed Value	\$208,080	\$214,320	\$220,740	\$227,360	\$234,180
Veterans Exemption	\$0	\$0	\$0	\$0	\$0



Tax Payment History

Year	Date Due	Transaction Type	Transaction Date	As Of Date	Amount Received	Tax Due	Discount Amount	Interest Charged	Refund Interest
2019	11-15-2019	IMPOSED	10-11-2019	11-15-2019	\$0.00	\$3,803.43	\$0.00	\$0.00	\$0.00
					Total:	\$3,803.43			
2018	11-15-2018	IMPOSED	10-13-2018	11-15-2018	\$0.00	\$3,680.41	\$0.00	\$0.00	\$0.00
					Total:	\$3,680.41			
2017	11-15-2017	PAYMENT	06-01-2018	06-01-2018	\$3,742.62	(\$3,553.12)	\$0.00	\$189.50	\$0.00
2017	11-15-2017	IMPOSED	10-13-2017	11-15-2017	\$0.00	\$3,553.12	\$0.00	\$0.00	\$0.00
					Total:	\$0.00			

Sales History

Sale Date	Seller	Buyer	Sale Amount	Sale Type	Recording Instrument
06/01/2018	MCKENZIE RIDGE PARTNERS LLC	CITRUS DEVELOPMENT LLC	\$525,000	06-GRANTEE IS RELATED/FRIENDS/BUSINESS ASSOCIATES	2018-22264
10/27/2016	MCGHEHEY, STEVEN E & TERRY A	MCKENZIE RIDGE PARTNERS LLC	\$290,000	30-UNCONFIRMED SALE	2016-44629
07/13/2015	MCGHEHEY, STEVEN E	MCGHEHEY, STEVEN E & TERRY A		08-GRANTOR/GRANTEE ARE THE SAME	2015-28779
03/31/2015	JELINDA S CARPENTER REV LIV TRUST ETAL	MCGHEHEY, STEVEN E	\$140,000	06-GRANTEE IS RELATED/FRIENDS/BUSINESS ASSOCIATES	2015-11664
02/26/2013	MCGHEHEY, STEVEN E ET AL	CARPENTER, JELINDA S TTEE ET AL		08-GRANTOR/GRANTEE ARE THE SAME	2013-8674
05/16/2007	PRISTINE PROPERTIES LLC ETAL	MCGHEHEY, STEVEN E ET AL		06-GRANTEE IS RELATED/FRIENDS/BUSINESS ASSOCIATES	2007-28690
01/27/2006	PMR DEVCO LLC	PRISTINE PROPERTIES LLC ETAL	\$630,000	09-TRADE OR EXCHANGE OF PROPERTIES	2006-7449
01/27/2006	PINE MEADOW RANCH INC	PMR DEVCO LLC	\$257,962	06-GRANTEE IS RELATED/FRIENDS/BUSINESS ASSOCIATES	2006-7448

No Structures Found.

Land Characteristics

Land Description	Acres	Land Classification
Commercial Lot	0.56	

Ownership

Name Type	Name	Ownership Type	Ownership Percentage
OWNER	CITRUS DEVELOPMENT LLC.	OWNER	100.00%

Service Providers *Please contact districts to confirm.*

Category	Name	Phone	Address
COUNTY SERVICES	DESCHUTES COUNTY	(541) 388-6570	1300 NW WALL ST, BEND, OR 97703
POLICE SERVICES	DESCHUTES COUNTY SHERIFF'S OFFICE	(541) 693-6911	63333 HIGHWAY 20 WEST, BEND, OR 97703
FIRE DISTRICT	SISTERS CAMP SHERMAN FIRE DISTRICT	(541) 549-0771	301 SOUTH ELM ST, SISTERS, OR 97759
SCHOOL DISTRICT	SISTERS SCHOOL DISTRICT #6	(541) 549-8521	525 EAST CASCADE AVE, SISTERS, OR 97759
ELEMENTARY SCHOOL ATTENDANCE AREA	SISTERS ELEMENTARY SCHOOL	(541) 549-8981	611 EAST CASCADE AVE, SISTERS, OR 97759
MIDDLE SCHOOL ATTENDANCE AREA	SISTERS MIDDLE SCHOOL	(541) 549-2099	15200 MCKENZIE HWY, SISTERS, OR 97759
HIGH SCHOOL ATTENDANCE AREA	SISTERS	(541) 549-4045	1700 MCKINNEY BUTTE RD, SISTERS, OR 97759
EDUCATION SERVICE TAX DISTRICT	HIGH DESERT EDUCATION SERVICE DISTRICT	(541) 693-5600	145 SE SALMON AVE, REDMOND, OR 97756
COLLEGE TAX DISTRICT	CENTRAL OREGON COMMUNITY COLLEGE	(541) 383-7700	2600 NW COLLEGE WAY, BEND, OR 97703
PARK & RECREATION DISTRICT	SISTERS PARK & RECREATION DISTRICT	(541) 549-2091	1750 W. MCKINNEY BUTTE RD, SISTERS, OR 97759
LIBRARY DISTRICT	DESCHUTES PUBLIC LIBRARY	(541) 617-7050	601 NW WALL ST, BEND, OR 97703
SEWER SERVICE PROVIDER	SISTERS, CITY OF	(541) 280-9785	PO BOX 39, SISTERS, OR 97759
WATER SERVICE PROVIDER	SISTERS, CITY OF	(541) 323-5212	PO BOX 39, SISTERS, OR 97759
GARBAGE & RECYCLING SERVICE	HIGH COUNTRY DISPOSAL	(541) 548-4984	1090 NE HEMLOCK AVE, REDMOND, OR 97756

Development Summary

Planning Jurisdiction:	Sisters	Jurisdiction	Sisters	City Zoning	DC	Description	DOWNTOWN COMMERCIAL - SISTERS UGB
Urban Growth Boundary:	Sisters						
Urban Reserve Area:	No						

Deschutes County Permits

Permit ID	Permit Type	Applicant	Application Date	Status
247-17-001940-STR	Building	MCGHEHEY, STEVEN E & TERRY A	04/25/2017	Finalized
247-17-001940-ELEC-01	Electrical	MCGHEHEY, STEVEN E & TERRY A	04/25/2017	Finalized
247-FS17715	Feasibility	PINE MEADOW RANCH INC	07/30/1997	Finalized

City of Sisters Permits

Permit ID	Permit Type	Applicant	Application Date	Status
793-19-000012-PLNG	Land Use	CITRUS DEVELOPMENT	10/04/2019	Incomplete

STATEMENT OF TAX ACCOUNT
DESCHUTES COUNTY TAX COLLECTOR
DESCHUTES SERVICES BUILDING
BEND OR 97703
(541) 388-6540

4-Mar-2020

CITRUS DEVELOPMENT LLC
61043 SNOWBRUSH DR
BEND, OR 97702

Tax Account #	195011	Lender Name	
Account Status	A	Loan Number	
Roll Type	Real	Property ID	6001
Situs Address	704 W HOOD AVE SISTERS 97759	Interest To	Mar 4, 2020

Tax Summary

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
2019	ADVALOREM	\$3,887.95	\$3,803.43	\$84.52	\$0.00	\$3,803.43	Nov 15, 2019
2018	ADVALOREM	\$4,318.35	\$3,680.41	\$637.94	\$0.00	\$3,680.41	Nov 15, 2018
2017	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$3,553.12	Nov 15, 2017
2016	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$3,503.63	Nov 15, 2016
2015	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$3,289.32	Nov 15, 2015
2014	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$3,181.09	Nov 15, 2014
2013	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$3,107.63	Nov 15, 2013
2012	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$3,050.34	Nov 15, 2012
2011	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,966.56	Nov 15, 2011
2010	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,968.64	Nov 15, 2010
2009	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,877.46	Nov 15, 2009
2008	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,799.97	Nov 15, 2008
2007	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,589.25	Nov 15, 2007
2006	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$4,029.24	Nov 15, 2006
2005	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$3,943.56	Nov 15, 2005
2004	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$3,833.20	Nov 15, 2004
2003	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$3,711.71	Nov 15, 2003
2002	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$3,615.27	Nov 15, 2002
2001	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$3,555.81	Nov 15, 2001
2000	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$3,070.48	Nov 15, 2000
1999	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,491.53	Nov 15, 1999
1998	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,342.62	Nov 15, 1998
Total		\$8,206.30	\$7,483.84	\$722.46	\$0.00		

REAL PROPERTY TAX STATEMENT
 JULY 1, 2019 TO JUNE 30, 2020
 DESCHUTES COUNTY, OREGON
 1300 NW WALL ST STE 203, BEND, OR 97703
 dial.deschutes.org

TAX ACCOUNT
195011

195011
 CITRUS DEVELOPMENT LLC
 61043 SNOWBRUSH DR
 BEND, OR 97702

PROPERTY DESCRIPTION
 CODE: 6001 MAP: 151008-AA-00800 CLASS: 200
 SITUS ADDRESS: 704 W HOOD AVE SISTERS
 LEGAL: PP2007-29 PARCEL 2

VALUES:	LAST YEAR	THIS YEAR
REAL MARKET (RMV)		
LAND	334,110	344,130
STRUCTURES	0	0
TOTAL RMV	334,110	344,130
MAXIMUM ASSESSED VALUE	227,360	234,180
TOTAL ASSESSED VALUE	227,360	234,180
VETERAN'S EXEMPTION	0	0
NET TAXABLE:	227,360	234,180
TOTAL PROPERTY TAX:	3,680.41	3,803.43

SCHOOL DISTRICT #6	917.73
SCHOOL #6 LOCAL OPTION	175.84
HIGH DESERT ESD	21.59
C O C C	138.89
EDUCATION TOTAL:	1,253.85

DESCHUTES COUNTY	272.73
COUNTY LIBRARY	123.13
COUNTYWIDE LAW ENFORCEMENT	241.77
COUNTY EXTENSION/4H	5.03
9-1-1	81.00
CITY OF SISTERS	581.35
SISTERS DOWNTOWN URBAN RENEWAL	152.01
SISTERS/CAMP SHERMAN FIRE DIST	610.55
SISTERS PARK & RECREATION DIST	49.25
SISTERS PARK & REC LOCAL OPTION	35.13
GENERAL GOVT TOTAL:	2,161.95

SISTERS/CAMP SHERMAN BOND	45.06
SCHOOL #6 BOND 2001	222.71
SCHOOL #6 BOND 2018	94.26
C O C C BOND	25.80
BONDS - OTHER TOTAL:	387.63

TAX QUESTIONS (541) 388-6540
 ASSESSMENT QUESTIONS (541) 388-6508
 dial.deschutes.org

DELINQUENT TAXES:
 2018-19 TAX AND INTEREST DUE 4,122.06

*****FULL PAYMENT*** 7,811.39**
 (Includes Discount and any Pre-payments)

Please include this coupon with payment. NO STAPLES, PAPER CLIPS, OR TAPE

Payment is Due November 15, 2019

Please select payment option below:

- 3% Discount 7,811.39 No Additional Payment Due
 2% Discount 6,606.97 Next Payment Due: 05/15/20
 Trimester Option 5,389.87 Next Payment Due: 02/18/20

Mailing address
 change on back

TAX ACCOUNT
195011
AMOUNT ENCLOSED
\$

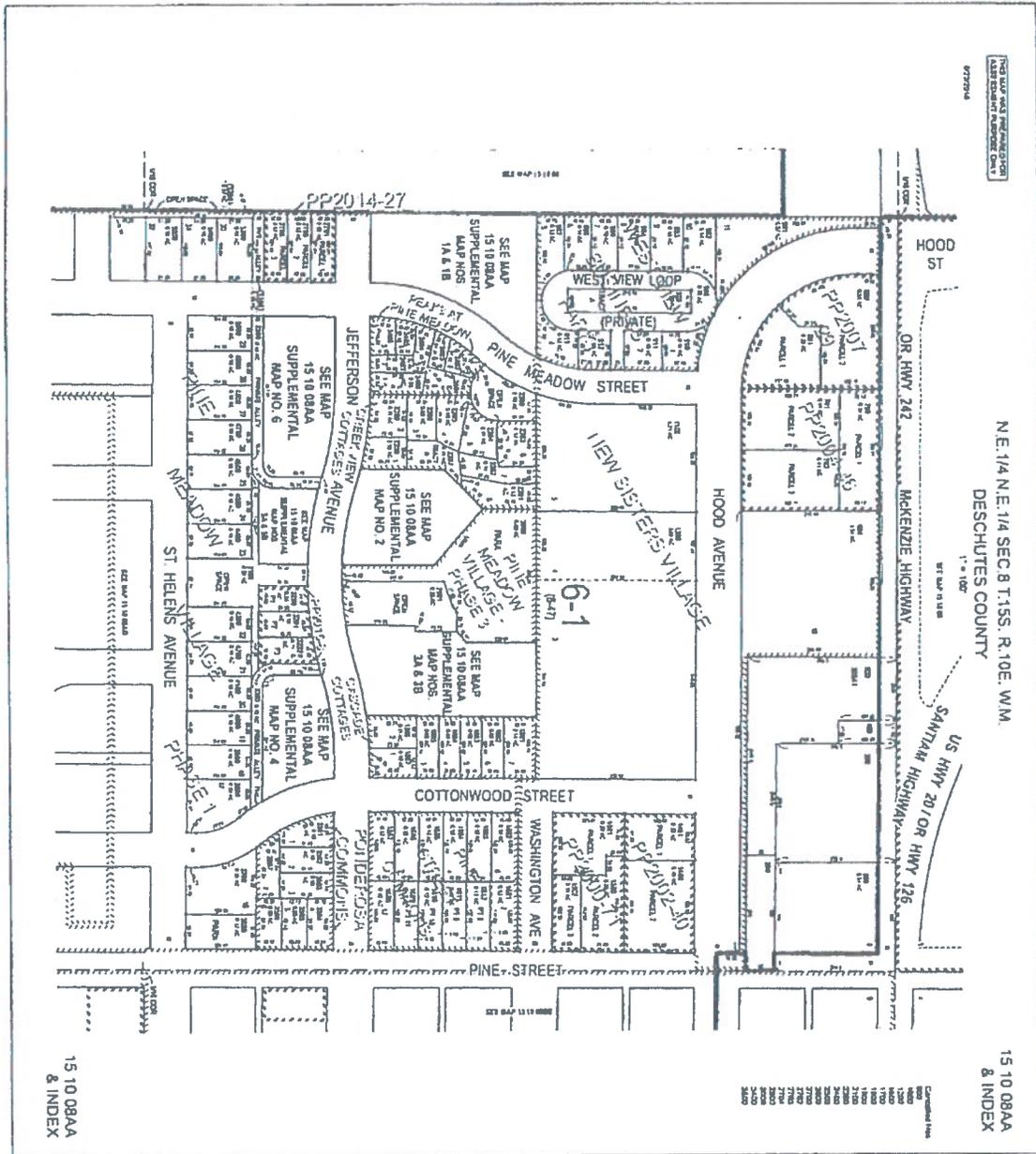
DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE

CITRUS DEVELOPMENT LLC
 61043 SNOWBRUSH DR
 BEND, OR 97702

MAKE PAYMENT TO:

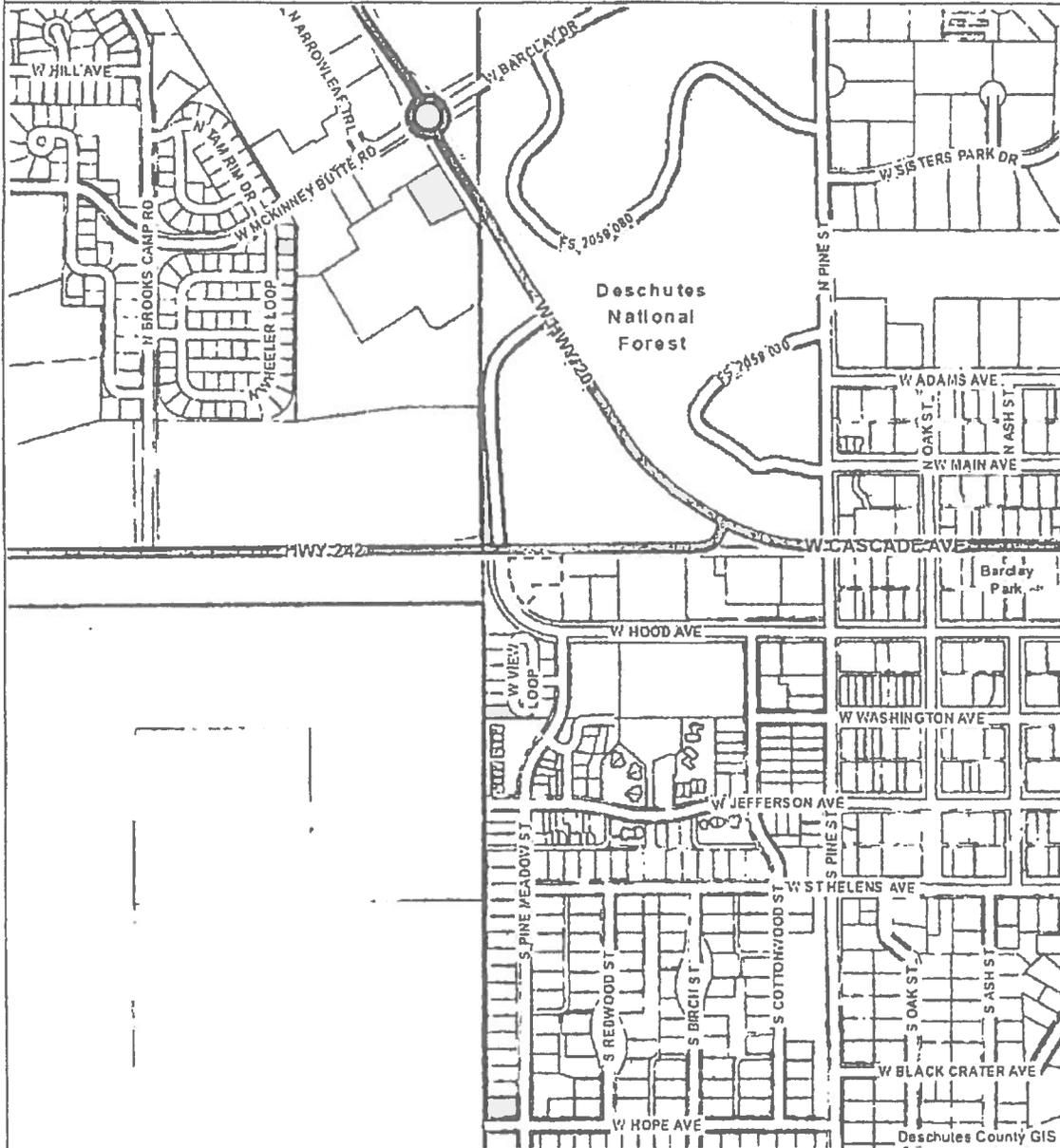
DESCHUTES COUNTY TAX COLLECTOR
 OR
 PAY ONLINE AT: DESCHUTES.ORG/TAX

09100001950110000538987000066069700007811395



Deschutes County Property Information - Dial

Road Map



Map and Taxlot: 151008AA00800





RECEIVED
OCT 04 2019
CITY OF SISTERS

October 1, 2019

Mr. Patrick Davenport
City of Sisters
520 Est Cascade
PO BOX 39
Sisters OR 97759

**RE: Extension of Time for File No. SUB 16-02, SP 16-07
McKenzie Ridge 704 W. Hood Ave. Sisters, OR 97759**

Patrick,

Please find enclosed our application for additional time to file our plat for the above described property.

As I indicated to you over the phone, the threat of a lawsuit by an investor of the previous landowner and subsequent settlement negotiations (4 months long) combined with hospitality financing challenges and my own personal cancer scare, led me to a new partnership to get this project built. We anticipate ramping up first quarter 2020 with permit submittals and a spring construction cycle in May.

As always Patrick it is a pleasure working with both you and Carol and should you have any questions or require additional items, please do not hesitate to contact me at the number below.

Best regards,

A handwritten signature in black ink, appearing to read "Peter M. Thomas".

Peter M. Thomas
Manager

st cc file