



PLANNING COMMISSION Agenda

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

THURSDAY, DECEMBER 7, 2023 – 5:30 PM AGENDA

This Planning Commission meeting is accessible to the public in person in the City Council Chambers at 520 E. Cascade Avenue, Sisters, OR 97759 and via the following Zoom link:

<https://us02web.zoom.us/j/81536101648>

Webinar ID: 815 3610 1648

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

II. **VISITOR COMMUNICATION:** This is time provided for individuals wishing to address the Planning Commission regarding issues not already on the agenda.

III. APPROVAL OF MINUTES

October 5, 2023 (Exhibit A)

October 19, 2023 (Exhibit B)

November 2, 2023 (Exhibit C)

IV. PUBLIC HEARING

1. **PROJECT NAME:** Dark Skies Outdoor Lighting Ordinance (Exhibit D)
FILE NUMBER(S): City File# TA 22-03
APPELLANT: City of Sisters
REQUEST: Text Amendment to the Sister Development Code to update Section 2.15.2400 on Dark Skies Standards

V. STAFF AND COMMISSIONER COMMENTS

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 Minutes
Thursday, October 5, 2023 – 4:00 PM
City Hall Council Chambers, 520 E. Cascade Avenue, Sisters, OR 97759

Acting Chairman: Cris Converse
Commissioners: Art Blumenkron, Jeremy Dickman, Vikki Hickman, Sarah McDougall,
Tom Ries
Absent: Scott Woodford, CDD Director, Jeff Seymour, Chairman
City Staff: Matt Martin, Principal Planner, Emme Shoup, Associate Planner
Recording Secretary: Carol Jenkins, Recording Secretary

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

Acting Chairman Converse called the work session to order at 4:00 pm. A quorum was established.

Adoption of Agenda – October 5, 2023

Commissioner Blumenkron made a motion to approve the Agenda for October 5, 2023, as proposed.

Commission McDougall seconded. Motion passes.

II. VISITOR COMMUNICATION

Mark Dickens, 133 E. Black Crater Ave., Sisters, OR 97759

Mr. Dickens stated that he is going to comment about the STR's, as he has talked a lot about this subject, and can say that he is an expert on this by tracking this issue, been directly involved with this in multiple states, multiple towns going back to the early 1990's. He has a lot of valuable information that he would love to share and will compile some facts and figures, but wanted to bring to the attention of the Commission that the paragraph on complaints does not give the full picture. He stated that there have been 10 reported complaints for five STR's since 2020, but staff notes that this figure does not include any STR related complaints with the Sheriff's office. He stated that his concern and the entire process may be flawed and would encourage the Commission to do their own research and he can provide you with information. He addressed Ordinance 497, staff recommended that the owner-occupied requirement for people to rent out their ADU's be removed – to remove barriers to additional housing options. He stated that he is concerned because it does create the character of the reality of how these STR's function and operate in our town. He stated that the city issues STR licenses to property owners in subdivisions that have CCR's that ban them. He feels that the information is very incomplete and does not paint the full picture of the reality of how these things function and operate in our town.

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III. APPROVAL OF MINUTES – September 7, 2023

Commissioner Dickman moved to approve the minutes for September 7, 2023, as presented.

Commissioner Blumenkron seconded. Motion carries.

IV. WORK SESSION

A. Review of the Short-Term Rental Ordinance

Action Requested:

Planner Martin stated that this is a workshop to discuss the status of the Short-Term Rental Program and provide input on possible regulatory amendments.

Summary Points:

For the 2023-24 fiscal year, the City Council adopted several goals to accomplish in the coming year. One of those goals is to “evaluate Short-Term Rental Code language to mitigate adverse impacts on the community”. The Council identified this as a priority based on community input and Councilor concerns regarding the impacts of Short-Term Rentals (STR’s). Specifically, the Council identified concerns with the availability of housing units for long-term occupancy and nuisances created by STR’s.

On September 13, 2023, staff met with the City Council for a workshop to present an overview of the STR program and seek input and direction from the Council regarding evaluation of potential changes to the program.

The purpose of this workshop is to provide an overview on the STR program, share the direction City Council provided, and receive input from the Planning Commission regarding evaluation of potential changes to the program. The staff report includes the following:

- Regulatory Framework – What is a Short-Term Rental, Regulatory History, Current Regulations.
- Regulatory Impact – Total Number of STR Units, Code Compliance Complaints, Revenue Generation.
- Next Steps – Regulatory Options to Consider, City Council Direction.

Planner Martin stated that it is important to frame this discussion based on the understanding of what is a Short-Term Rental (STR). The Sisters Development Code defines “Short-Term Rentals” as:

- The use of a dwelling unit (or a habitable portion of a dwelling unit) by any person or group of persons entitled to occupy the dwelling unit for rent for a period of less than thirty (30) consecutive days. Short-Term Rentals also means a vacation home rental approved under the regulations in effect through December 27, 2018, and owner-occupied short-term rentals. “Short-Term Rentals” does not mean bed and breakfast inns, hotels, and/or motels.
- Dwelling Unit – A single unit, providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation and that is lawfully connected to the City’s municipal water and sewage disposal systems unless exempt as provided by SMC (Sisters Municipal Code) 13.40.

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- Based on these complimentary definitions, an STR can be operated in a variety of dwelling types including, but not limited to, single-family dwellings, accessory dwelling units, duplex, triplex, and multi-family residential subject to the specific STR requirements.

Regulatory History:

- Pre-2010 – No Specific Use Regulations.
- 2010 – Vacation Rental Allowed as a Minor Conditional Use
- 2013 – Vacation Rentals Allowed as a Permitted Use Subject to Specific Criteria.
- 2018 – Short-Term Rentals Allowed as Permitted Use Subject to Specific Use Criteria.

Current Regulations:

- Land Use Review Required.
- One Time Approval.
- 250-Foot Concentration Setback.
- Not applicable to condominiums or Commercial Districts.
- One (1) STR dwelling unit per property.
- Not applicable to condominiums or Commercial Districts.
- Transferability:
- Pre-2019 – Within 60 days of purchase.
- 2019 – Present – Not transferrable.
- Non-Conforming Uses:
- Pre – 2013 – May continue to operate if not abandoned and an operating license is maintained.
- Inspection:
- Allows staff inspection.
- Revocation:
- Allows revocation after three (3) code violations.
- General Business License required annually for individuals and companies.
- One (1) Business License required if operating multiple STR's.
- STR operator license required annually.
- One (1) STR license required for each STR.
- Review Criteria:
- Prior Use
- Contact Information
- Notice to Neighbors
- Fire and Emergency Equipment
- Good Neighbor Guidelines
- Evidence of Insurance
- No Pending Actions or Violations
- Operating Requirements:
- Compliance with applicable laws.
- Obtain Business License
- Insurance.
- License Display.
- Response to complaints.
- Reporting:
- Revocation
- Allows for denial, suspension, or revocation.

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Total Number of STR Units:

- Prior to 2/2013 – Pre-Existing/Nonconforming Vacation Rental, 20 Units.
- 2/2013 – 12/2018 – Vacation Rental, 57 Units.
- 1/2019 – Present – Short Term Rentals, 34 (2 New in 2023).
- Total – 111

Code Compliance Complaints:

- Since 2020, the Community Development Department staff has recorded:
 - 10 complaints for five (5) locations.
- Nature of identified complaints:
 - Noise, Refuse, Vehicle Parking, Loose Animals.

Revenue Generation:

- Land Use Application:
 - One-time application fee for new STR requests.
- STR Operator License:
 - Annual fee for each STR Operated.
- General Business License:
 - Annual fee paid for individuals or companies.
 - Only one (1) Business License is required if multiple STR's are operated.
- Transient Room Tax (TRT).
 - Monthly tax paid for 8.99 percent tax of gross receipts.

Revenue Generation:

- Land Use Permit, \$500 (one-time), \$1,000 (2023 YTD).
- STR Operator License, \$ 100 / Unit annual, \$ 8,980 (FY 2022/23).
- General Business License, \$ 105 (annual) \$ 12,600 (FY 2022/23).
- Transient Room Tax, 8.99 (monthly), \$258,000 (FY 2022/23).

Regulatory Options to Consider:

Option 1:

- Increase Concentration Setback Requirement
- Expand the Concentration Setback from 250- feet to limit the proximity of STR's to one another and the total number of STR's in the city.

Option 2:

- Change Concentration Setback Exceptions.
- Apply the concentration setback to STR's within a condominium and/or Commercial Districts.

Option 3:

- Establish Maximum Number of STR's.
- There is currently no maximum number of STR's that can operate in the city. A maximum would explicitly limit the number of units regardless of proximity to other STR's.

Option 4:

- Prohibit in Specific Areas.

EXHIBIT A

- A prohibition on STR's in particular areas of the city, such as future areas of annexation or particular zones, would limit impacts in those areas.

Option 5:

- Adjust Fees
- Changes to land use applications and license fees can serve as incentive or disincentive to establishing an STR and have a corresponding impact of revenue generation.

Option 6:

- Other
- Other changes may be identified or emerge that warrant evaluation.

City Council Direction: The Council discussed the option listed above and provided direction to evaluate and analyze the impacts of the following:

Option 1: Increase Concentration Setback Requirement.

- Instead of establishing a specific limit of STR's based on the total number or percentage of dwelling units, the Council is interested in evaluating expansion of the concentration limit to limit the number of STR's. The Council specified expansion of the concentration buffer from 250 to 500 feet to evaluate.

Option 2: Change Concentration Setback Exceptions.

- With the additional options for establishing residential uses in the Downtown Commercial District that were adopted in 2022 under Ordinance No. 526, the Council is interested in evaluating modifying or eliminating the current exemption to the concentration limits of STR's in commercial districts. Further, the Council would like to evaluate the impacts of modifying or eliminating the exemption to the concentration limits for condominiums.

Option 4: Prohibit in Specific Areas.

- There are currently no areas within the city limits where str's are prohibited. The Council would like to consider prohibiting STR's in areas that are incorporated in the Urban Growth Boundary and annexed in the city limits in the future.

Option 6: Other.

- Vacation rentals established prior to the adoption of the STR regulation in 2018 are transferrable to subsequent owners of the subject property, whereas STR's established after 1028 are not. The Council is interested in evaluating limiting or eliminating this transferability. Evaluation of this option must consider potential legal implications associated with non-conforming uses and if such a change constitutes as "taking" of a property right.

Karen Rugg, Partner, Perennial Building, 154 E. Adams Ave., Sisters, OR 97759

Ms. Rugg stated that they own a lot in the Adams Street Commons master planned community at the corner of Adams Avenue and Fir Street in the Downtown Commercial District (DC). They purchased the lot in December of 2021 and for 22 months have been in development for a new mixed-use building with the understanding that Short-Term Rentals would be permitted for three residential units in that building. She stated that if the STR policy changes for the Downtown Commercial zone, it could potentially render this project unfeasible.

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Ms. Rugg gave a letter as well as a brochure to the Planning Commission regarding the Hempline Construction, which is a natural, non-toxic replacement for insulation, house wrap, exterior sheeting, and interior drywall. This information is available upon request.

Chris Mayes, 473 W. Hood Ave., Sisters, OR 97759

Mr. Mayes stated that he is an architect here in town and checked the box that he is neutral, but wanted full disclosure that he is Karne's architect. He wanted to discuss Option 2 which would put spacing standards in the Downtown Commercial zone and would be encouraging that because it is going to lessen the burden on other districts if there is more availability of Short-Term Rentals in the downtown core. When looking at the zoning and the purpose of Short-Term Rentals, it meets nearly all the stated goals, which is very important. Right now, there are seven (7) properties in the Downtown Commercial zone that have a Short-Term Rental when other zones have many and that is the concern. There are rules in the Building Code that make it more prohibitively expensive to build – fire sprinklers, fire separation walls and floor ceiling assemblies, etc. The character of Sisters – this is more of a mom-and-pop development type of city and community. It is more successful to have a mixed-use property where people tend to be from this area or Sisters' residences. In closing, he would advocate for no restrictions in the Downtown Commercial because it is going to elevate those pressures in the other zones and encourage it where we want it.

Mark Dickens, 133 E. Black Crater Ave., Sisters, OR 97759

Mr. Dickens stated that he would like to support what Mr. Mayes and his client have said because if you look at the adverse impacts of the STR's – they are in single-family residential neighborhoods and that is where they are not compatible. If they do belong, if we are going to allow them, try and steer them, encourage them, and tolerate them, we need to put them in zones and district areas that are mixed-use commercial areas and that is where the people would like to be and utilize these STR's in walking, restaurants, and keep them out of the single-family neighborhoods. He suggested putting back the owner/occupied requirement because it would solve a lot of the problems. If the property owner is required to live on the property and rent out rooms, the house, the ADU, or detached guest house, that is going to solve a lot of problems. It would be a good idea for Sisters to look at what other towns have gone through and how this is played out.

Commissioner Dickman stated that he would like to see what other towns have gone through and if there is any feedback that we have received over time say Cannon Beach, etc.

Commissioner Blumenkron stated that he has a place in Yachats, and you cannot transfer if selling the home, and they have a cap on how many units' period. People are on a waiting list for a long time to be able to have a Short-Term Rental.

Planner Martin stated that this was to give the background and status update of where we are at and where we are looking to go. We will certainly look to those other like jurisdictions that have programs in place for successes or challenges that they have with their regulations and not reinvent the wheel. We do have examples that we can look to for guidance, and an evaluation process, etc.

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Commissioner McDougall asked if the City Council had any interest in doing the owner/occupied piece. She stated that she does have interest in that, etc.

Planner Martin stated that they did not highlight that as a priority. It is going to be about the details of how the code is written and back to the concerns of changing the code while already operating under a certain set of rules. We need to be careful and there may be options under the Municipal Code – the operating license to put some other side boards on how they operate or continue.

Commissioner Ries stated that the interesting dilemma with limiting the number, or just using a percentage – if you make it a percentage of Short-Term Rentals based on how many homes you have, or units you have, as the housing increases then that number of units increases. If we put 250ft or 500ft – it will take care of itself as opposed to a strict number. He stated that he would support increasing the required number of days that you have to rent it over the course of the year – not just one day and making it 12, 14, or even 20. Enforcement with anything is difficult and he would encourage the city to come up with a plan, etc. He believes that they should not be transferrable upon the sale of the home – and would like to see that data and not change the commercial requirement.

Planner Martin asked the Commission if they have majority support for not applying the exemption to the condominiums or exploring it. He stated that he is hearing feedback on the general program administration, how we get the reporting, and what kind of system for fines or penalties. We talked about limiting the transferability of underlying approvals which came from the City Council.

Planner Martin stated that the staff welcomes input from the Commission regarding these identified options and others to consider. Based on the input of the Council and Commission, staff will conduct a comprehensive evaluation of the identified options. This evaluation is intended to consider examples from other communities, stakeholder input, and data analysis. Staff will return to the Council for a subsequent workshop to report on the findings and seek additional direction. Staff will then report to the Commission with an update and, if directed by Council, initiate the text amendment process.

V. STAFF AND COMMISSION COMMENTS

There was a conversation about parking and the number of cars and how to park them.

Planner Martin stated that we can explore that, and we do have the standard parking requirements for any development that is within the Development Code. There are enforcement related challenges with allowing a certain number of vehicles that park on site, etc. and how to administer that code provision.

Planner Martin stated that the upcoming Planning Commission meeting is going to be a joint meeting with the City Council. The primary topic is a report on the sufficiency analysis within the Urban Growth Boundary. We will be exploring residential lands, available commercial properties, parks, and other public facilities land to identify how we are doing within this current Urban Growth Boundary with our current provisions and moving forward.

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Planner Martin stated that we did receive an Appeal of the Planning Commission 'Affirming' the staff decision on the Brunchies Temporary Use permit and will go before the City Council next Wednesday.

VI. ADJOURN

The meeting was adjourned at 5:30 pm.

Respectfully submitted,

Carol Jenkins, Recording Secretary



Joint City Council and Planning Commission Minutes
Thursday, October 19, 2023 – 4:00 PM
City Hall Council Chambers, 520 E. Cascade Avenue, Sisters, OR 97759

Chairman: Jeff Seymour
Commissioners: Cris Converse, Art Blumenkron, Jeremy Dickman, Sarah McDougall, Tom Ries
Absent: Vickki Hickman, Gary Ross
Councilors: Michael Preedin, Mayor, Andrea Blum, Jennifer Letz, Susan Cobb,
City Staff: Jordan Wheeler, City Manager, Scott Woodford, Community Development Director, Matt Martin, Principal Planner, Emme Shoup, Associate Planner
Visitors: Matt Hastie, Andrew Parrish
Recording Secretary: Emme Shoup, Recording Secretary

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

Chairman Seymour called the work session to order at 4:00 pm. A quorum was established. Adoption of Agenda – October 19, 2023. The agenda was moved and seconded. Motion carries.

II. WORK SESSION

1. City of Sisters Urban Growth Boundary Sufficiency Report Update – Presentation from the staff and consultant on the updated report.

Action Requested: Feedback and direction from the City Council and Planning Commission on the City of Sisters Urban Growth Boundary Sufficiency Analysis. Staff and the consultant will present the results of the analysis at the work session.

Background: In 2017, the City of Sisters updated the Comprehensive Plan, which included an update to its Housing Needs Analysis (HNA) and Economic Opportunities Analysis (EOA), as well as prepared an Urban Growth Boundary (UGB) Sufficiency Report, which provided a framework for evaluating the results of the HNA and EOA. The report provided a high-level analysis to determine whether the city had enough land at the time within its existing UGB to meet its 20-year housing and employments needs, as identified in the HNA and EOA. The report also identified what efficiency measures the city should consider prior to pursuing a UGB expansion, which areas outside the existing UGB may represent viable expansion opportunities, and what criteria and steps would be needed to further evaluate and expand the UGB if there is a documented need to do so.

In 2022, the city went through a public process where it considered and implemented multiple efficiency measures” – tools designed to utilize the city’s existing land in a more efficient

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manner. Around that time, the city also received revised population projections from Portland State University's Population Research Center, which were significantly higher than those used in the HNA, and which projected the Sister's population to double in size by 2042. This, coupled with previously identified vacant lands from the 2021 Buildable Lands Inventory (BLI) being developed, meant that the results of the Urban Growth Boundary Sufficiency Report were outdated and based on incorrect data.

Therefore, staff identified the need to update the UGB Sufficiency Report to include the revised population projections better understand where we are with our projected housing and employment needs measured against the capacity of our existing municipal boundaries to accommodate the demand in the next twenty years, as the State of Oregon land use planning law requires municipalities to do.

Summary Points: To update the report, staff, and its consultant, MIG/APG and Johnson Economics (who worked on the 2021 report), updated the housing and employment projections based on the new population numbers and updated the BLI to reflect development that has occurred since the last time it was updated in order to determine housing and employment needs. It also provides an estimate of future land needs for other uses, including schools, utilities and public facilities and parks. This results in an overview of the land needs and supply, which is detailed in the updated UGB Sufficiency Report.

Staff and the consultant will present the results of the report this October 19, 2023, joint Planning Commission and City Council work session. The purpose of this work session is to ensure that both bodies understand the information and the assumptions and methodology that have gone into it. After the work session, the City Council will hold a work session on November 8, 2023, to decide on how it wants to utilize and implement the information in the report and to direct staff on the next steps. There will be public comment at the work session and can provide their thoughts, and if we did go forward with an Urban Growth Boundary amendment there would be ample outreach and a community wide process.

Matt Hastie, MIGIAPG Consultants

Mr. Hastie stated that the parameters of this analysis is updating work that was done during the Comprehensive Plan Update, and one of the tasks during that update was to conduct an initial UGB Sufficiency Analysis and look at what we are talking about today. We are updating that work and there are several changes that we are incorporating. One, is how much and what type of development has occurred since then – how much of the land back in 2021 that was available is now not available because it has been developed or in the process of being developed. Second, the population projections that Sisters and all other communities outside the Portland Metro region use for planning purposes, come from Portland State University and those projections have been updated since the previous analysis and the future projected growth has increased quite a bit compared to what was looked at back in 2021. Basically, we updated the projected needs for housing, employment, and other things and resulting land based on those updated projections.

Mr. Hastie stated that we did something similar in terms of employment although it is not the straight line increase for employment land as it is for residential land. We updated those projections and finally, we worked with you for the last couple of years to identify, consider,

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evaluate, and implement different efficiency measures for updates to the Development Code. Any city that is thinking about or pursuing an Urban Growth Boundary amendment, and before they can recommend an amendment, they are required to “consider” implementation of efficiency measures. All of that has been wrapped into this update of the previous work that was done in 2021. We also looked at housing, employment, and other types of land needs – parks and open spaces, schools, and other infrastructures.

Mr. Hastie stated that the Housing Plan and Land Use Efficiency Measures were done at the same time, and there is a fair amount of overlap between the things we looked at in those two processes, particularly in terms of things related to the Development Code amendments that were implemented to further goals that were embedded in both of those processes.

Andrew Parrish, MIGIAPG Consultant

Mr. Parrish stated that the information he is going to talk about are some of the details found in the report about housing and employment projections that are put together by Portland State University, and cities across the State of Oregon are required to use these projections. He discussed the table of today’s populations and how that translates into current households and housing units which is about 3600 people in the City of Sisters today, and about 1600 households. There are more housing units than households because the City of Sisters has a very large vacancy rate – a lot of second homes. Going forward to 2043, Portland State University is expecting a doubling of population, and that is up from the high growth rate as before, but it is even higher now and the numbers that the city is required to plan for. On the employment side, we are seeing a similar level of growth, but it is not directly proportionally to population, it considers regional trends, but we are still expecting to see a substantial growth in the number of jobs in the City of Sisters. These are the two basic components for the demand side for the land in the city.

Mr. Parrish stated that they did an update of the supply of land for this effort and gave an example of the table that shows the supply of residential land showing what was in 2020 when doing the last update of this inventory and today. For residential land, we looked at lands within the Residential (R), Multi-Family Residential (MFR), Sun Ranch Residential (SRR), and Pine Meadow Village (PMV). Basically, what we are seeing is that these areas are getting developed and built out and the change in the last couple of years in terms of acres – we have seen about 44-45 fewer acres available for residential uses in the city. For gross and net acreage, we do a typical 25 percent reduction for acreage to account for new streets, infrastructure, etc. Development is occurring and the supply of land is shrinking somewhat.

Mr. Parrish stated that the red hatched areas are called constraints so that area is in the flood plain or in the airport zone. There is some land that is considered pending development or currently under review and that has a single diagonal hatch there and that is land that is not currently developed, but kind of a pipeline projects and things that we know are occurring. The green areas are vacant land and yellow is called partially vacant but might have a small home, or a low value structure on the site but consider it to be available for future development. On the map, a lot of the areas that were green now have a red mark around them which means they have changed in the last couple of years. We are seeing subdivisions happen, lots getting built on, former Forest Service sites get developed, etc.

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Mr. Parrish stated that on the employment side, we did a similar exercise in the Downtown Commercial (DC) zone, Light Industrial (LI), North Sisters Business Park (NSBP), the Highway Commercial (HC) and Tourist Commercial (TC) zones. Basically, some of this land is being developed and there are about 28 acres less available currently. He presented another map showing the industrial areas (green and yellow) are available lands, and the parcels with red boxes around them are things that have changed. It has not all been in one direction on the employment land, so there was land that was considered to be developed, but because of the way these things are calculated, the land price has gone up meaning that the value of the structure on it is less with the value of the land, so it bumped it up into a partially vacant category rather than a developed category. Overall, we are seeing consumption of employment as well. By employment it means commercial and industrial together. Basically, everything that is not a public utility and is not residential.

Mr. Hastie stated that there is land in the city that is essentially zoned for mixed-use development and in those areas, we assume a certain amount of capacity for residential and a certain amount of capacity for employment or commercial use. In those cases, we looked at the properties, where they are in relation to other housing, or employment use and made some estimates about what proportion we would assume would be developed for residential versus commercial. Particularly, in areas as part of that last round of code changes, the city will now allow purely residential use on some of those properties, a portion of those are likely to be developed for residential, some for mixed-use, some for commercial, and took our best shot at some estimates of percentages of each specific parcel.

Mr. Hastie stated that the Efficiency Measures are more about calculating things – the maps are showing what is either partially vacant or vacant, and what things have changed in terms of lands that have been developed and then taking into account the Efficiency Measures impacted the type and density of development that we expected or assumed as capacity on different properties.

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- III. COUNCILOR AND COMMISSIONER COMMENTS
- IV. STAFF COMMENTS
- V. ADJOURN



Planning Commission Minutes
Thursday, November 2, 2023 – 4:00 PM
City Hall Council Chambers, 520 E. Cascade Avenue, Sisters, OR 97759

Chairman: Jeff Seymour
Commissioners: Cris Converse, Art Blumenkron, Vikki Hickman, Tom Ries
Absent: Jeremy Dickman, Sarah McDougall
City Staff: Scott Woodford, Community Development Director, Matt Martin,
Principal Planner, Emme Shoup, Associate Planner
Recording Secretary: Carol Jenkins, Recording Secretary

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

Chairman Seymour called the work session to order at 4:00 pm.
A quorum was established. Adoption of Agenda – November 2, 2023.
Commissioner Blumenkron made a motion to approve the Agenda November 2, 2023, as proposed.
Vice Chairman Converse seconded. Motion passes.

II. VISITOR COMMUNICATION - None

III. APPROVAL OF MINUTES – September 21, 2023

Vice Chairman Converse made a motion to approve the minutes for September 21, 2023.
Commissioner Blumenkron seconded. Motion passes.

IV: WORK SESSION

A. Community Involvement – Review of the City of Sisters Community Involvement Tools and Recommendations for Improvement.

Director Woodford stated that the Action Requested is for feedback from the Planning Commission on the Community Involvement tools the city uses to inform the public on land use applications and other city projects and its recommendations for improving the program.

Background: The City of Sisters values public input because it often results in better decisions and projects and, to that end, utilizes a variety of tools to inform the public about pending development applications and long-range planning projects such as updating the Comprehensive Plan to ensure that the input is considered in decision making that impacts the community. One of the underpinnings of the State of Oregon land use system is robust public involvement, as it is considered fundamental to good land planning. In fact, Citizen Involvement is the first goal of the Statewide Planning Goals for and is a concept that is required to be implemented in each Oregon community required Comprehensive Plan.

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Goal 1 of the Statewide Planning Goals (Citizen Involvement) calls for the opportunity for citizens to be involved in all phases of the planning process. Further, it requires each city and county to have a citizen involvement program that addresses the following themes:

- Opportunities for widespread public involvement.
- Effective two-way communication with the public.
- Making technical information easy to understand.
- Feedback mechanisms for policymakers to respond to public input.
- Adequate financial support for public involvement efforts.

Goal 1 also calls for local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning, which is often the Planning Commission. In the Sisters Comprehensive Plan, Section 1 is the implementation of the Citizen Involvement statewide goal (we entitle it “Public Involvement”). This chapter contains a set of Goals, Objectives, and Policies specific to Sisters that are based on input the community provided during the update to the Comprehensive Plan in 2021.

Two of the policies require reviewing and recommending improvements of current tools for public involvement in Sisters.

- Policy 1.1.1 – The Community Involvement Program will be directed by the City’s Planning Commission, sitting as the Committee for Community Involvement. The Planning Commission shall seek multiple methods to support and cultivate additional, new, and ever-expanding community involvement opportunities including working directly with a diversity of organizations to amplify opportunities for involvement.
- Policy 1.1.2 – The Planning Commission shall annually evaluate the City’s public involvement tools and processes and report its findings in writing to the City Council along with recommendations as appropriate for improving the program.

The goal of this work session is to review the public involvement tools in place and for the Planning Commission, as the Committee for Community Involvement, to evaluate them and the processes and report its findings in writing to the City Council, along with recommendations as appropriate for improving the program.

Planner Martin stated that he wanted to cover the nuts and bolts and what is in the code that we prescribed in facilitating that opportunity for community and public involvement in our processes. Some of this comes down from the State level through State law that dictates how our process begins and ends ultimately with potential appeals through our processes. The Planning Commission is a branch of that review process through the Type III reviews and wanted to acknowledge what is in the code today to disseminate information and solicit public involvement in collaboration with the land use process.

Land Use Review: To be able to evaluate the program, one needs to know what the current regimen is. In terms of land use review, the Sisters Development Code (SDC) prescribes in detail the requirements for notification of the public.

Type I (Final plats, short-term rentals, home occupations permit, lot line adjustments, ADU’s, sign permits, etc.). These are Mineserial Reviews done by staff that do not require discretion.

- Mail Notice * (No); Published Notice ** (No); Posted Notice *** (No).
- Appeals: LUBA of staff decision.

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Type II (Site plan review, minor variance, partitions, minor conditional use, etc.).

An administrative review done by staff. Written comments in the record are encouraged.

- Mailed Notice * (Yes); Published Notice ** (No); Posted Notice *** (Yes).
- Appeals: Planning Commission or staff decision.

Type III (Subdivision, conditional use, master plan, cottage development, etc.).

The Planning Commission is the review body.

- Mailed Notice * (Yes); Published Notice ** (Yes); Posted Notice *** (Yes).
- Appeals: City Council of Planning Commission Decision.

Type IV (Comprehensive Plan, zone map or development code text amendments, etc.).

This is a Legislative Review and those are changes to code, zoning, etc., that have a citywide impact. A requirement of State Law is to send notice to the Department of Land Conservation and Development (DLCD).

- Mailed Notice * (Yes); Published Notice ** (Yes); Posted Notice *** (Yes).
- Appeals: LUBA of Council decision (based on Planning Commission recommendation).

* Required to be sent to all property owners within 250 feet of the subject property.

** Published in the classifieds section of the Sisters Nugget Newspaper.

*** Posted Notice is a yellow, real estate sized sign on a subject site that includes pertinent information about a proposed land use action.

Commissioner Blumenkron asked if there could be something else in the newspaper other than the Classified Ads section. Maybe a short article or a bigger ad space where people would notice what is going on and help to get people involved in certain hearings.

Planner Martin stated that is valuable input and is identifying if we need to consider changing the prescribed code or using the Nugget Newspaper and other media outlets as an opportunity to broaden that and elevate that to administration if we need to, etc. We have a good relationship with the Nugget and a chance to either send more information if it is through a press release or a direct contact, etc. and describing the information and process in a clear way so that everybody understands the rules of engagement – where we are at and where we are headed.

Chairman Seymour asked how much input the applicant has with respect to the information that is published and formatted before it is published. For example, if someone comes in with a Type III Master Plan application, can the applicant say what they want in the article, or do you just post it like all the other ones, etc.

Planner Martin stated that is the tricky relationship with any kind of written or press publication related to an application. On our side on the notices, we have the requirements within our code of what the information that is required within the notices – how it is presented on the notices, we do have some discretion. With respect to our formal notices, there is no specific input from the applicant – we use a standardized format with the information that is required to be provided.

Director Woodford stated that we do not initiate the articles, they are initiated by the press, and we hope that they get a balanced view on things by asking the city what is going on but getting in touch with the applicant as well. They do not always get both perspectives, but it is not something that we use as a tool. There are some exceptions such as long-range planning

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projects where we would go out of our way to alert the Nugget to get the word out when it is more of a community wide kind of policy. We do not do that generally with land use applications.

Planner Martin stated that in the procedure's ordinance is an opportunity, or a discussion of Neighborhood Meetings. The city encourages the applicants to meet with the abutting property owners or neighborhood representatives to introduce a project in advance of making the application. He stated that in his experience, it has been an incredibly effective tool for an applicant outside of any formal city process to sit down and reach out to those neighbors to get the layout and specifics of the proposal and provide an opportunity for that conversation and input in advance of that application formally being submitted to the city. That is a chance for concerns, issues, or support regarding an application so that an applicant can either make some revisions to be more accommodating to the community – and if not, they will understand those concerns that the community may have moving into the formal process. While it is encouraged, it is not a formal requirement at this point of requiring those neighborhood meetings.

Vice Chairman Converse stated that it says 'it may be required' and has anybody ever done that.

Planner Martin stated that as noted and highlighted, the Community Development Director or designee could require an applicant to go through that process and hold a formal neighborhood meeting.

Director Woodford stated that some applicants have done it on their accord, but we have not done that yet, but something we are reconsidering and understanding is an effective tool that we should be utilizing more. It may be just a matter of what is the policy in terms of what types of applications would require it to be consistent, etc. It is in the code, and a tool we can use, but we want to hear more from the Planning Commission and how we would utilize it. We did do an outreach for Heavenly Acres from UAR to Multi-Family or Public Facilities, but the city reached out to the property owners directly and informed them of this process. Certainly, Master Plans would immediately jump to mind because those are the largest development that we see.

Planner Martin stated that we have not identified the magic application type or size, but Master Plans, land division of acreage, number of lots over five acres in size, or 50 lots, etc. With a site plan review that is square footage more than 4,000-5,000 square feet of footprint, etc. For Conditional Uses, those are uses that have either unique conditions that are applied to those or criteria, or compatibility associated with those uses. That kind of use may warrant some kind of initial engagement with neighbors to understand more of the project and have a chance to answer questions in a more informal pre-application form rather than the public forum that we have here at public hearings.

Commissioner Hickman stated that she can see that process working well if the city evolves to having neighborhood committees. It would make it that much easier to know who the meeting is going to be with and could turn into being a standard process.

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Planner Martin stated that with this standard and not being detailed, it gives us a chance to establish internal policies, or adopt specific criteria to apply this encouraged type of standard with flexibility and have a general framework instead of trying to avoid an arbitrary application, etc.

Director Woodford stated that since we do not have Neighborhood Associations here in Sisters – we could establish a 250 ft. or 500 ft. buffer to get people who could be affected by this property or development to get them involved early on. The developer would be responsible for sending out the notice of the date of the meeting, etc.

Vice Chairman Converse stated that it is important for the people having the meeting that they do not get to tell the person that has the property what they need to do. It would be the applicant hearing it because they require the applicant to meet with them, and it may lead people to think that the applicants need to do what they are telling them.

Chairman Seymour stated that everything we do is technical, and this is a totally subjective thing. It is either required, or not, and is it the city's place to tell a property owner that they need to engage with the public with respect to doing something on their property that they have the right to do.

Planner Martin stated that this is excellent feedback and looks to the director to elevate it and prioritize some type of amendment, standardize it, and establish – when, how, what way we would be requiring this kind of meeting. What kind of information is presented, what kind of documentation of what is presented and who was contacted, etc.

Chairman Seymour stated that it is great to have the flexibility to be able to do this and totally see the value there, but there is a flip side to it as well.

Commissioner Ries stated that with his limited experience on this Planning Commission has been where we take a lot of comments about staff, the City Council, and the Planning Commission cramming stuff down people's throats. It is like here is another project and we are okaying, or rubber stamping it, and given that kind of a meeting where neighbors in that area by development would be able to meet with the developer and would explain what he is going to do. In the case of Sunset Meadows behind Bi-Mart, they were concerned because there was no buffer between them and this new development. It looks like they got a little bit of a buffer, but that stuff can be solved way ahead of time. People do not choose to get informed, look on the website, or look for the notices in the paper that there is an upcoming hearing.

Commissioner Hickman stated that once neighborhoods seem to be more organized into zones or areas, the group will become more educated in how the process functions. For the applicant, this could be very helpful.

Chairman Seymour stated that yes, they should engage in community involvement before the application is submitted. We have seen the difference between developments that have done that like the Woodlands – they did a great job of getting people on board before the application was submitted and by the time the Planning Commission heard the application and made the decision, everyone was on board. Clear Pine was like that, but the developer

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spent two years getting people in Trapper Point on board and it was a process. There were a lot of concessions made and a lot of haggling during the hearings. We have experienced a few different ones like Hayden Homes where there has been less community outreach.

Commissioner Blumenkron stated that then the people feel like they have been blindsided by the developer.

Planner Martin stated that the Commission has touched on many of the issues that come to the staff's mind and how to facilitate a good robust constructive process throughout.

Planner Martin stated that in closing comments what he has highlighted is what is in the code. There are modest additional notices that we try and offer posting Notice of Application and Decisions on the bulletin board, at the Post Office, and on the City's website for tracking purposes.

Notices:

Type II permit requires 14 calendar days to submit written comments before a decision is made. Once a decision has been made, it is mailed to the anyone who submitted written comments with information on how to appeal a decision (which must be done within 14 days of mailing). Example of a Public Notice is attached in Attachment B.

Type III notices are sent 14 calendar days prior to the hearing date, published in the newspaper, and posted on the site. Public testimony is taken at the hearing and decisions are mailed to participants of record. Appeals are to the City Council and must be made within 14 days of the notice of decision.

Type IV notification is not less than 20 days goes to property owners whose property would be rezoned to implement a comprehensive plan amendment and any affected governmental agency, among others, and are published in the newspaper for 14 calendar days. Public testimony is taken at public hearings and written correspondence is included in staff reports.

Neighborhood Meetings: The SDC "encourages" applicants to meet with the neighborhood prior to submittal of a land use application to solicit input and exchange information about the proposed development and, in some cases, the Community Development Director may "require" the applicant to meet with adjacent property owners or neighborhood representatives prior to accepting an application as complete.

Other Planning Outreach:

Long range planning projects include the various master plans guiding land use and growth (the Comprehensive Plan), utilities (Water and Wastewater Master Plans), traffic (Transportation System Plan and parks (Parks Master Plan). We also do projects like the Housing Plan update and the Efficiency Measures. Amending the SDC is a long-range planning project where we are changing policy through the code. While these are often processed as Type IV applications and therefore have required noticing, we also use other tools to create awareness, such as:

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- Comprehensive Plan
- Project Website
- Online Open Houses
- In person open houses
- Community Conversations
- Direct Mailers
- Nugget Articles
- Citizen Advisory Committees & Stakeholder Advisory Committee
- Park Pop Up Events, Community Tabling Events
- City website
- Announcements Page
- Notable Active Project page
 - Project web pages for larger land use applications/text amendments with review schedule, staff reports, project record, and staff contact.
- Land Use Notices/Decisions on website
 - Facebook
 - E-Notifications
- Sign up on the city website for automatic emails on all city related boards and committee packets, City Announcements, community meetings, etc.
 - Sisters Nugget.
 - Agendas posted at post office, city hall lobby, city website.
 - All City board and committee packets posted on the city website.

Looking to the Future:

In terms of new tools or efforts we could implement we again look the Public Involvement chapter of the Sisters Comprehensive Plan and its overall goal:

Offer a wide variety of traditional and contemporary tools and opportunities that enable and empower a diverse population of residents, business owners, private organizations, and partner agencies located inside and outside City limits to participate in all land use processes.

Underneath the overall goal of this chapter are policies to help guide future outreach efforts, including the following (paraphrased for brevity – the full policies:

- Provide funding for outreach efforts.
- Report regularly on implementation of Sisters Vision action items.
- Educate community members on municipal operations and encourage civic engagement.
- Identify barriers to community engagement.
- Seek opportunities to present planning process or specific project info to community organizations, especially ones that reach historically lesser involved residents.
- Reach out to lesser involved residents and encourage them to apply to be on city volunteer boards.
- Provide information to reach policy decisions on the city website and use minimal technical jargon.
- Document the public assessment recommendations of CCI (Committee for Community Involvement).

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- Respond to community members who have participated in community engagement activities.
- Consider appointing a designated staff member who can help community members understand and interpret city plans and regulations.

In addition, one of the City Council goals this year is to “develop and implement a community outreach plan” that will also provide recommendations.

Again, the goal of this work session is for the Planning Commission, as the Committee for Community Involvement, to evaluate the City’s public involvement tools and processes and report its findings in writing to the City Council along with recommendations as appropriate for improving the program. Recommendations could also include ideas not represented here, so bring your ideas to the work session for discussion.

Planner Shoup stated that she was going to discuss Community Engagement Tools for Long-Range Planning Projects.

Long Range Planning – Long-range planning projects have a city-wide impact and are an opportunity for the community to get involved and provide guidance.

- Sisters Country Vision (2018-2019).
- Comprehensive Plan (2020-2021).
- Housing & Land Efficiency Measures (2022-2023).
- Dark Skies Standards (2022 – ongoing).

Communication Tools

- City Website with announcements and project specified webpages.
- E- Notifications.
- Paper Outreach (direct mailers, Nugget articles, press-releases, posting agendas, project flyers in English and Spanish.
- Social Media (City Facebook).

Gathering Public Input

- Open Houses (in-person and virtual).
- Surveys.
- Public Comments, Letters and Written Record.
- Passive Engagement: “Community Web” Art Installation.

Direct Engagement

- Community and Stakeholder Advisory Committees (via Zoom).
- Community Engagement Tabling Sessions (In-Person).
- Community Conversations (via Zoom).

Community Conversations – 130 Participants

- C4C Let’s Talk (October 19, 2020).
- Urban Forestry Board (November 9, 2020).
- Planning Commission (November 19, 2020).
- Sisters Folk Festival (November 30, 2020).

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- Sisters Historical Society (December 1, 2020).
- Sisters Chamber of Commerce (December 1, 2020).
- City Park Advisory Board (December 2, 2020).
- Seed to Table (December 4, 2020).
- Traded Sector (December 9, 2020).
- Sisters Trail Association (January 6, 2021).
- Sisters Lions Club (January 7, 2021).
- Habitat for Humanity (January 14, 2021).
- Sisters Middle School Leadership Class (January 20, 2021).
- Sisters Rotary (January 21, 2021).
- Age Friendly Sisters Country (January 22, 2021).
- Central Oregon Area Realtors (January 29, 2021).
- Sisters Fight for Social Justice (February 17, 2021).
- Sisters Houseless Networking Group (March 2, 2021).

In-Person Tabling Events – 125+ Participants

Livability – Policy Goal: Maintain and enhance the livability of Sisters as a welcoming community with a high quality of life and strong community identity. What makes a neighborhood great (livable):

- Townhomes
- Multi-Family
- Dark Skies
- Bike Ability
- Sidewalks
- Single-Family
- Trees
- Quality Design
- Vista Views
- Nature
- Sustainability
- Trails
- Parks and Community Spaces

Discussion: Examples:

- Utilize the “Neighborhood Meeting” code provision more often.
- Using social media outreach tools to disseminate information about City projects and operations (e.g., short informative videos).
- Staff implement outreach opportunities that “meet people where they are at”.

Director Woodford stated that this was an overview of what we do, our practices, and we think it works well for the most part but does not mean that we cannot be better with the Commissions creative thoughts, some things that you would like to see us pursue, and things that we can report back to Council on.

Commissioner Ries stated that he wanted to talk about the neighborhood meetings idea and has lived in Sisters for six years now and came into the Saddlestone community HOA, and out of the 83 lots there were only 10 homes built at the time. In the last two years, we have done a complete buildout, and now the HOA is their own board, and no longer the developer’s board. In that short

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period of time, we have so many people that have moved into the neighborhood, and it seems like a lot of them are upset with the HOA because we do not have the meetings. He stated that he does not know any of the neighbors in this development and plans on having a neighborhood meeting, and not an HOA meeting just to explain the history of Saddlestone's existence since 2007 when it first started. The neighborhood concept is a great idea and getting the information out related to people coming to Sisters and the growth that is happening.

Planner Martin asked Commission Ries where they might be having the neighborhood meeting.

Commissioner Ries stated at the Three Creeks Conference Center. The library is not taking any reservations, and the Fire Department is full. The neighborhood meeting will be at 3:00 pm and the annual board meeting will be at 4:00 pm. Only one board member will be attending this, and it will only be regarding historical questions.

Chairman Seymour stated that having more informal neighborhood meetings with Council, Planning Commission, and staff in a less formal atmosphere where there are questions and answers for opportunities for the public to be able to ask 'why does it work like this'? Kind of like a fireside chat. That is the feedback that he has received from the community members because there is a lot of misunderstanding and curiosity out there that with instant gratification and social media world things get spun and people do not know what is right and what is wrong, and this would be a good opportunity to set the record straight – what the limitations are and what the history is over the last 20 years from a development standpoint.

Commissioner Hickman asked if would be helpful or valuable to look at the city map and make districts so that it shows the different community groups that are being represented, and they could come with their grievances, questions, or ideas in that format. Then, when they come to the Planning Commission, they have consolidation in what they want to say instead of having 10 people saying the exact same thing and have a more organized approach with guidelines, etc.

Commissioner Ries stated that nobody is stopping people from doing that and people could do it now.

Chairman Seymour stated that he is surprised that the City Council has not taken it upon themselves to do this as elected officials. It would behoove them to initiate this on their own and talk with their constituents and get support, listen to what they want, etc. On an on-going basis, they should be talking to the public about what is going on because that is what we have hired them to do.

Commissioner Hickman asked if this is the goal of this work session as the Committee for Community Involvement to evaluate them, and the process and report the findings in writing to the City Council along with recommendations, etc.

Planner Martin stated that this discussion is talking about two different themes – one being the neighborhood associations or districts, and the other is general townhall meetings getting out to the public informally.

Commissioner Ries stated that this meeting was advertised, and we have one visitor here so that is part of the disconnect currently because people do not want to do those kinds of things.

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A discussion was held regarding the neighborhood meetings, where they would be held, would people attend, roles of the Planning Commission and City Council, and have it be a casual dialogue with the public.

Kathy Russell, 1006 W. Collier Glacier Dr., Sisters, OR 97759

Ms. Russell stated that there are two things that come to mind because it is frustrating to come up here and stand and give ideas and points of view and get no feedback. Then, you feel and wonder if anyone was listening. With that conversation to use as an example – the UGB, it would be helpful to hear a conversation between the Commissioners or the Council about their vision of adding land without any thought or vision of what it could look like. She said that she comes to the workshops to hear what the Planning Commission is thinking, and then understands what happens in the formal meetings. It seems like there is better community input with long-range projects, but there is a disconnect and people do not understand when developments come in. Somehow, with a conversation with the community to understand we have a vision, but the codes are the key – the people can come and give all kinds of input, but if it does not fit the code – then you need to pass it. There needs to be a way out of a code so that there are rules, but you need to be flexible somehow to make it adapt to the situation – not strictly about numbers – it is about the people living here, how that is going to impact their lives, and the code does not reflect that.

Vice Chairman Converse asked for clarification that Ms. Russell wants more informal conversations to help people understand the process, etc.

Commissioner Blumenkron stated that the Commission and staff have tried to get the Comprehensive Plan and Development Code to match better because that is a big issue – if the Development Code does not match the Comprehensive Plan.

Planner Martin stated that we have our Development Code, and any new or current applications are reviewed against that. The Comprehensive Plan was adopted two years ago – we are at the forefront of that process of implementing that plan with any of our long-range planning or legislative processes are working towards implementing those policies. It is an evolution and codifying those policies that are in the Comprehensive Plan – a 20-year document. Those are the priorities that either the staff has identified or what the City Council noted in a goal that you shall do this to bring a portion of the code into conformance with the Comprehensive Plan.

Vice Chairman Converse stated that what she heard is more informal communication between the people, Planning Commission and City Council.

Director Woodford stated that he wanted to address Ms. Russell's comments and he can understand when making a public comment at a meeting and it is like 'silence'. It is like they did not hear me, did they not agree with me, and that is not the case when at a Council meeting. The public comments at the beginning of the meeting are not designed to stop the meeting and have a conversation about that topic. They do hear the people and often, when sticking around until the end of the meeting is when the Council starts and can bring those topics up and have that discussion and direction on public comment that comes up. That is something that we will bring up to the Council.

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Planner Martin stated that with the Planning Commission and City Council to have more informal opportunities and what are those opportunities, techniques, or suggestions for staff to get the word out outside of the formal processes that we are limited to. He asked if there are other tools or things that we could or should be thinking about and where can we as staff provide that input.

Planner Shoup stated that our social media is underutilized but also not well received and there is not a lot of engagement on the social media. We considered Instagram a couple years ago and did a pilot project with C4C and collaborated with them on posting City content, their content – and we received some content but not much better than Facebook already has. She shared a video that talks about what city projects and operations are, but building those relationships that people are wanting to know who that person is and what projects they are directly working on, etc. Building those relationships helps facilitate those more informal conversations, bring some awareness, and get people talking to each other.

Planner Martin stated that the city is actively recruiting a Deputy Recorder and Communications Coordinator for just these topics. We will have a dedicated professional to that outreach with some of those new techniques and tools, a more structured outreach program and a point person.

Commissioner Hickman stated that something she came across called ‘Thought Exchange’ is great for the public sector and a way for people to do surveys, get information, data can be compiled and could be very useful for the city. We want to do something beneficial for the city and for everybody that lives here.

Director Woodford stated that we are starting to do more with the city website expanding the capabilities of it with individual project websites that we maintain to provide information to folks and keeping people updated on the meetings, packets, and hopefully people find that useful. We are talking about a Growth Management page in advance of the Urban Growth Boundary amendment discussion to explain some of the background and educate people on why this process is even being considered in the first place. We hope to continue to make that a better and more useful tool for people as a ‘go-to’ to help with education, etc.

Director Woodford stated that this input has been interesting, and he will summarize and share it with the City Council, but maybe share it with the Commission first to make sure that we heard what was said correctly. There is good stuff here, stuff that the Council needs to hear, and stuff that we heard that we could take away. Hopefully, everyone found this exercise fruitful and is always a good idea to talk about this.

Director Woodford stated at the next hearing, we will talk about the Dark Sky Ordinance for adoption. The packet will come out next week, there has been a lot of work done on it, and a lot of feedback from the Commission, the City Council, and community and hopefully, we got it this time.

Chairman Seymour asked if the Public Works Department determined the cost of making the public and private lighting coming into conformance.

Director Woodford stated that they did get cost estimates for changing out the fixtures for all the lights – there are 26 of them, and the estimate was about \$100,000 to change them out. We were hopeful that we could make low-cost adjustments to those lights to make them conform. Public

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Works has gone out and put some tape along the outside of those fixtures to cut down on the glare and has worked well. Unfortunately, to get the Dark Sky's certification, they have to be fully shielded.

Director Woodford stated that on November 8, 2023, the City Council will be discussing the Urban Growth Boundary and if they want to direct staff to go forward with the UGB amendment or not.

Director Woodford discussed the Appeal for Brunchies and Council upheld the Commissions Decision which upheld staff's decision. It is past the timeline for an appeal to LUBA which we were concerned about.

V. STAFF AND COMMISSIONER UPDATES - None.

VI. ADJOURN

The meeting was adjourned at 5:30 pm.

Respectfully submitted,

Carol Jenkins, Recording Secretary

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STAFF REPORT

Community Development Department

File #: TA 22-03/Dark Skies Lighting Ordinance

Applicant: City of Sisters

Request: Proposed amendments to the Sisters Development Code:

- Chapter 2.15 – Special Provisions
 - Section 2.15.2400 Dark Skies Standards

Applicable Criteria, Standards, and Procedures:

Sisters Development Code (SDC) Chapter 2.15 – Special Provisions; Chapter 4.1 – Types of Applications and Review Procedures; Chapter 4.7 – Land Use District Map and Text Amendments; Oregon Statewide Land Use Goals; and City of Sisters Urban Area Comprehensive Plan.

Planning Commission

Hearing Date: December 7, 2023

Staff: Scott Woodford, Community Development Director

I. BACKGROUND

In their goal setting for fiscal year 2023/2024, City Council made continuing “to strengthen and prioritize Dark Sky Code language” a priority for the Council and the community.

There currently is an outdoor lighting ordinance in the Sisters Development Code – Section 2.15.400 (Dark Skies Standards, which was last updated in 2010 and applies to the installation of all outdoor lighting fixtures and provides standards for installation of such lighting and a timeframe for bringing non-conforming lighting into conformance.

Since the adoption, there have been many changes in lighting, including many technological advances and how lighting is measured and evaluated, as well as an increasing desire in the community to do more to protect our dark skies from the negative impacts of poorly designed outdoor lighting. Further, it is necessary to reconsider the timeframe for non-conforming lighting, as the five-year timeframe established in the current code was not met, which would have been in 2015.

Community led efforts to educate the community on the importance of sensitive lighting on the ability to see the nighttime stars have also inspired this effort - most notably by the Astronomy Club with Sisters High School - who have provided community education about the impacts of lighting on the ability to see the stars at night and on wildlife and the environment. Additionally, multiple letters have been encouraging steps to preserve the dark sky and goals and community input during the update of the Sisters Comprehensive Plan emphasized and supported the need to update the Dark Skies ordinance.

Ensuing discussions with City Council have also highlighted interest in becoming certified as an International Dark Sky Community by the [International Dark Sky Association](http://www.darksky.org) (www.darksky.org). According to the IDA, benefits of certification include increased tourism to the community (sometimes

called astro-tourism) and increased public awareness about dark skies (while still preserving opportunities for lighting for safety). Designation entitles the community to display the International Dark Sky Community logo in official publications, promotions, and on signs at entrances or within the community. Certification requires adherence to a set of minimum standards and the proposed ordinance was designed to comply with IDA certification requirements should the City Council choose to apply.

In crafting the development code amendment, staff met with the Planning Commission and City Council for multiple workshops to craft the ordinance and sought input from several members of the business community, and from a variety of groups with a particular interest or expertise on the subject.

II. REQUEST AND AMENDMENT SUMMARY

Staff requests the Planning Commission review the proposed text amendments, conduct a public hearing, and make a formal recommendation on the request. The recommendation will then be forwarded to City Council for their consideration.

SUMMARY OF PROPOSED TEXT AMENDMENTS

A summary of the proposed amendments is provided in Attachment A. Proposed is a complete repeal and rewrite of the existing ordinance.

III. CONCLUSIONARY FINDINGS

Sisters Development Code (SDC) Chapter 4, Table 4.1.200 lists a code amendment as a Type IV decision, regulated by Chapter 4.7 (Land Use District Map and Text Amendments). Section 4.7.200 states that legislative amendments are policy decisions made by the City Council and shall be reviewed using the Type IV procedure found in SDC Section 4.1.600 and shall conform to SDC section 4.7.600 Transportation Planning Rule compliance (if applicable).

Pursuant to the SDC Section 4.1.600, the City may approve, approve with modifications, approve with conditions, deny the proposed change or recommend an alternative to the code text amendment based on the criteria in SDC 4.1.600.E. Decision-Making Considerations. The following are staff's conclusionary findings for each of the applicable criteria:

CHAPTER 4.7 – LAND USE DISTRICT MAP AND TEXT AMENDMENTS

4.7.100 Purpose

The purpose of this Chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the Land Use District map. These amendments will be referred to as "map and text amendments." Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

Staff Finding: Staff finds that this provision is advisory.

4.7.200 Legislative Amendments

Legislative amendments are policy decisions made by City Council. They are reviewed using the Type IV procedure in Chapter 4.1, Section 600 and shall conform to Section 4.7.600, as applicable.

Staff Finding: The proposal is for legislative changes to the Development Code through a text amendment application. Accordingly, it must be reviewed using the Type IV procedure in Chapter 4.1.600 and is required to conform to Section 4.7.600 (as applicable). Discussion regarding Chapter 4.1.600 is reviewed below.

CHAPTER 4.1 – TYPES OF APPLICATION AND REVIEW PROCEDURES**4.1.100 Purpose**

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

Staff Finding: Staff finds that this provision is advisory.

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).

- D. Type IV Procedure (Legislative).** Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments which apply to entire districts). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council and appeals possible to the Oregon Land Use Board of Appeals.

Staff Finding: Staff is proposing an amendment to the Sisters Development Code pertaining to regulation of outdoor lighting. The amendments propose a revision to adopted land use regulations, therefore requiring compliance with Type IV procedure.

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

Staff Finding: Staff did not identify any agencies or jurisdictions that may be affected by the proposed action. Therefore, no direct notice was provided.

4.1.600 Type IV Procedure (Legislative)**A. Application requirements. See 4.1.700.****B. Notice of Hearing.**

- 1. Required hearings.** A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications, except annexations where only a hearing by the City Council is required.
- 2. Notification requirements.** Notice of public hearings for the request shall be given by the Community Development Director or designee in the following manner:

...

Staff Finding: Staff provided notice in accordance with 4.1.600(B) at least 14 days prior to the public hearing before the Planning Commission. A second hearing is required and will be held by City Council. Notice will again be provided in compliance with this section.

...

- E. **Decision-Making Considerations.** The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:

1. **Approval of the request is consistent with the Statewide Planning Goals;**

Staff Finding: Staff has outlined review of compliance with the Statewide Planning Goals below.

Goal 1 – Citizen Involvement.

Staff Finding: During the text amendment process, public notice of the proposal was provided through posted notice in the Nugget newspaper and posted on the City’s website. The city held public hearings before the Planning Commission and City Council on December 7, 2023 and January 10, 2024 where public testimony was allowed. These opportunities for public involvement satisfy Goal 1. This criterion is met.

Goal 2 – Land Use Planning.

Staff Finding: Staff followed the prescribed procedure for a text amendment to ensure adequate public review of the proposed text amendment. Staff finds Goal 2 is met.

Goals 3 and 4, Agricultural and Forest Lands

Staff Finding: These Goals are generally not applicable to the proposed text amendments, as they do not apply to either Agricultural or Forest Lands; however, controlling and minimizing light pollution is a known benefit to wildlife and those living in rural areas surrounding Sisters designated as agricultural and forest lands.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces.

Staff Finding: The proposed text amendments to outdoor lighting generally do not apply to these areas directly unless they include outdoor lighting. In general, minimizing light pollution in our urban areas helps mitigate the negative impacts of lighting on natural areas, wildlife and open spaces that surround it and those that are found within the urban areas. In this respect, the lighting changes should help these areas preserve and improve natural resources and open spaces. The text amendments will apply to historic areas and buildings but should have no impact on their continued historic nature. Staff does not foresee any additional impact on Goal 5.

Goal 6 – Air, Water and Land Resources Quality.

Staff Finding: The proposed text amendments generally will not impact air, water, and land resource quality. Staff does not foresee any additional impact to Goal 6.

Goal 7 – Areas Subject to Natural Hazards.

Staff Finding: Review of these uses in areas subject to natural hazards remain unchanged with this proposed text amendment and the code amendment will not have a positive nor negative impact on natural hazards. Staff does not foresee any impact to Goal 7.

Goal 8 – Recreational Needs.

Staff Finding: The proposed text amendments would apply to city parks where lighting is provided and does include requirement for how athletic fields can be lighted with the goal to reduce negative impacts to surrounding properties, the dark sky, and to wildlife. If done properly, the lighting requirements will not negatively impact the ability of the community to meet its recreational needs, nor impact where or how recreational needs are provided in the community. Staff finds Goal 8 is not applicable to this proposal.

Goal 9 – Economic Development.

Staff Finding: The proposed text amendments will not negatively impact economic opportunities in Sisters, as the lighting ordinance is designed to provide adequate lighting where needed for visibility and safety for businesses, but protect neighboring properties from poor lighting and preserve the dark sky for tourism and provide an economic benefit by attracting tourists to the community who value dark skies. Staff finds that the proposed amendments comply with Goal 9.

Goal 10 – Housing.

Staff Finding: The proposed text amendments continue to provide opportunities for residential development with no change to where such development is permitted in the City. The proposed amendments to the standards include requirements for lighting that is generally available in the marketplace and for prices that are competitive with lighting that would not comply with the code, so it should include little to no extra cost to housing development. Staff finds that the proposed amendments comply with Goal 9.

Goal 11 – Public Facilities and Services

Staff Finding: The proposed amendments do not specifically increase demand on public facilities and services. Review for adequacy of public facilities and services to serve development remains unchanged. Staff does not foresee any impact to Goal 11.

Goal 12 – Transportation

Staff Finding: The proposed amendments do not have any impact on transportation or increase demand on transportation. Staff does not foresee any impact to Goal 11.

Goal 13 – Energy Conservation

Staff Finding: Utilizing more efficient, lower energy lighting will improve energy conservation efforts. This amendment complies with Goal 13.

Goal 14 – Urbanization

Staff Finding: The proposed text amendments apply only to properties located with the current city limits and for future annexed areas. Staff does not foresee any impact to Goal 14.

Goals 15 through 19.

Staff Finding: Goals 15, 16, 17, 18 and 19 are not applicable because they only pertain to areas outside of Central Oregon.

2. Approval of the request is consistent with the Comprehensive Plan; and

Staff Finding: The Comprehensive Plan contains Goals and Policies for land use and development within the City. In turn, the Development Code implements the Goals and Policies of the Comprehensive Plan. Any amendments to the Development Code must be consistent with applicable Goals and Policies of the

Comprehensive Plan. Findings specific to applicable Goals and Policies of the Comprehensive Plan are provided below:

Sisters Comprehensive Plan Section 1: Public Involvement

Goal 1

Offer a wide variety of traditional and contemporary tools and opportunities that enable and empower a diverse population of residents, business owners, private organizations, and partner agencies located inside and outside City limits to participate in all land use processes.

Objective 1.1

To maintain an effective Citizen Involvement Program and recognize an official body; a Committee for Citizen Involvement (CCI) will be responsible for overseeing and regularly reviewing the effectiveness of the program in order to grow public awareness and participation.

Policies:

1.1.1 The Citizen Involvement Program will be directed by the City's Planning Commission, sitting as the Committee for Citizen Involvement. The Planning Commission shall seek multiple methods to support and cultivate additional, new, and ever-expanding citizen involvement opportunities including working directly with private organizations to amplify opportunities for involvement.

Staff Findings: The proposed amendments will be reviewed through Planning Commission and City Council meetings, which are open to the public with opportunities for public involvement and comment. The amendment proposal has followed the noticing requirements in Chapter 4.1, including publishing of notice in the Nugget newspaper. Staff finds the review process for the proposed text amendments complies with the policy.

Objective 1.2

To recognize the need to use a variety of traditional and contemporary communication tools and channels in the Citizen Involvement Program, including communication methods that will reach diverse audiences and drive greater awareness and participation in all phases of planning processes.

Policies:

...

1.2.2 The City shall ensure that information about planning activities and notices of upcoming meetings are maintained on the City's website and distributed via a variety of outlets and methods, including non-traditional methods that might be more successful at reaching underrepresented or less frequently involved members of the public such as greater use of social media pages, email list serves, or partnerships with local community organizations.

Staff Finding: Notice of the public hearing was published in the Nugget newspaper and posted on the City's webpage, in City Hall, and at the post office. Staff finds the review process for the proposed text amendments complies with this policy.

...

1.2.6. The City shall provide options for community members to view and participate in all official City meetings remotely in order to reduce barriers to participation.

Staff Finding: In addition to attending the public meetings in person, the City offers the option to participate online in order to provide opportunity for remote participation. Staff finds the review process for the proposed text amendments complies with this policy.

Sisters Comprehensive Plan Section 2: Land Use

Goal 2

Continue to implement a Land Use Planning process and policy framework as a basis for all decisions and actions related to the use of land; ensure an adequate factual base for such decisions and actions are consistent with the policy framework, other Comprehensive Plan policies, and the implementing planning documents.

Policies:

...

2.1.2 The City of Sisters shall continue to maintain, enhance, and administer land use codes and ordinances that are based on an adequate factual basis, the goals and policies of this Comprehensive Plan, and applicable local, state, and federal regulations.

Staff Finding: As outlined herein, the proposed amendments are based on factual information, the goals and policies of this Comprehensive Plan, and applicable local, state, and federal regulations.

2.1.3 The City shall periodically review and as-needed update Comprehensive Plan policies to account for changes in public policy, community priorities, state and federal law, and demographic, physical, environmental, economic, natural hazard or other conditions in order to ensure that the Plan is an accurate and effective guide for future growth.

Staff Finding: The proposed amendments are a response to a community desire to ensure that as Sisters continues to grow, that it remains a community that mitigates the potential negative impacts of outdoor lighting to ensure protection and visibility of the dark night skies and one that promotes the health needs of its human and wildlife occupants and reduces energy consumption. Based on this information, staff finds this policy is met.

2.1.4 The City shall notify and engage partner organizations, residents, property owners, and businesses as part of processes to update and amend the City's Comprehensive Plan and Development Code.

Staff Finding: Notice of the public hearing was provided consistent with City Development Code and Oregon State Law.

...

Sisters Comprehensive Plan Section 4: Livability - *Maintain and enhance the livability of Sisters as a welcoming community with a high quality of life and a strong community identity.*

Objective 4.2- Neighborhood Design

Policies:

4.2.7 The City shall enhance its Dark Skies program to prevent light pollution and protect night sky views both through regulation of new development and through incentivizing retrofitting of existing non-conforming lighting.

Staff Finding: The proposed amendments will enhance the Dark Skies efforts in the community by adding additional requirements for outdoor lighting, including restrictions on the brightness and softness (color) of light, fixtures that it are fully shielded and downcast and procedures for amortization of non-conforming lighting. Staff finds this policy is met.

Sisters Comprehensive Plan Section 6: Environment

Goal 6.3 Promote energy efficiency and mitigate the anticipated impacts of climate change in Sisters.

POLICY 6.3.9 The City shall practice energy efficiency and climate change mitigation in its own operations, including sustainable buildings, electric vehicles, outdoor lighting, and active transportation.

Staff Finding: The proposed lighting amendments include a provision that all city owned lighting must be brought into conformance within five years of the effective date of this ordinance, which would most likely include an upgrade to energy efficient lighting. Staff finds this policy is met.

Sisters Comprehensive Plan Section 9: Public Facilities

Goal 9: Plan and develop a timely, orderly, and efficient arrangement of water, wastewater, stormwater, transportation, and other public facilities to support the City's continued operation and future development.

POLICY 9.12 The City shall ensure that street lighting in Sisters is consistent with the City's Western Design Theme, the dark skies ordinance, and other development code provisions, except where it is inconsistent with established or adopted safety-related requirements or standards.

Staff Finding: The proposed lighting amendments do not specify a design theme, but the city installs lighting that is complementary to the Western Design Theme.

IV. PUBLIC COMMENTS

Over the course of initiation of the process to amend the Dark Skies ordinance, there has been written public comments received. Those comments can be viewed on the [Dark Skies project page](http://www.ci.sisters.or.us/community-development/page/2022-updates-dark-skies-standards) on the city website (www.ci.sisters.or.us/community-development/page/2022-updates-dark-skies-standards)

V. EXHIBITS

Attachment A – Proposed Outdoor Lighting Ordinance
Attachment B – Existing Dark Skies Ordinance

EXHIBIT D -- ATTACHMENT A

Proposed Dark Sky Ordinance Amendment (Adoption Draft 12-7-23)

(This completely restates SDC 2.15.2400)

- A. Purpose: The purpose of the Dark Skies Standards is to utilize responsible lighting practices to:
1. Protect the valuable resource of dark night skies.
 2. Preserve opportunities for viewing stars, planets, and other astronomical features.
 3. Promote human health and limit negative impacts from light at night.
 4. Provide safely and responsibly lit areas for citizens and visitors.
 5. Protect ecological wellness and support wildlife needs for darkness.
 6. Reduce energy consumption, emissions, and costs.
 7. Increase opportunities for tourism, such as astrotourism.
- B. Guiding Principles. The Dark Skies Standards are based on the following guiding principles and are not intended to be mandatory approval criteria:
1. Useful. Light should only be used if needed. All light should have a clear purpose, with consideration about how light will impact neighbors, wildlife, and their habitats.
 2. Targeted. Light fixtures should be directed so light falls only where it is needed. Shielding and careful aiming of the light beam to target its direction downward should be employed to prevent spill beyond where lighting is needed.
 3. Low Level. Lights should be no brighter than necessary, using the lowest light level possible. Attention should be given to reflective surfaces that will amplify lights and direct light into the sky or neighboring properties.
 4. Controlled. Lighting should only occur when it is needed. Controls such as timers or motion detectors should be employed to ensure that light is available when it is needed, dimmed when possible and turned off when not needed.
 5. Color. Warmer color lights should be used where possible.
- C. Definitions.
1. ANSI: American National Standards Institute
 2. Correlated Color Temperature (CCT): A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in kelvins (K).
 3. Dark Skies Standards: The provisions of this Section 2.15.2400.
 4. Downcast: Lighting that is installed such that its light is directed only down toward the ground and in which the fixture shield is parallel with the level ground (see Figure 1).
 5. Effective Date: February 10, 2024.
 6. Foot-candle: A measurement of light intensity. One foot-candle is defined as enough light to saturate a surface having an area of one square foot with one lumen of light.
 7. Fully shielded: A light fixture that allows no direct emission of light above a horizontal plane passing through the lowest light-emitting part of the light fixture (see Figure 1).

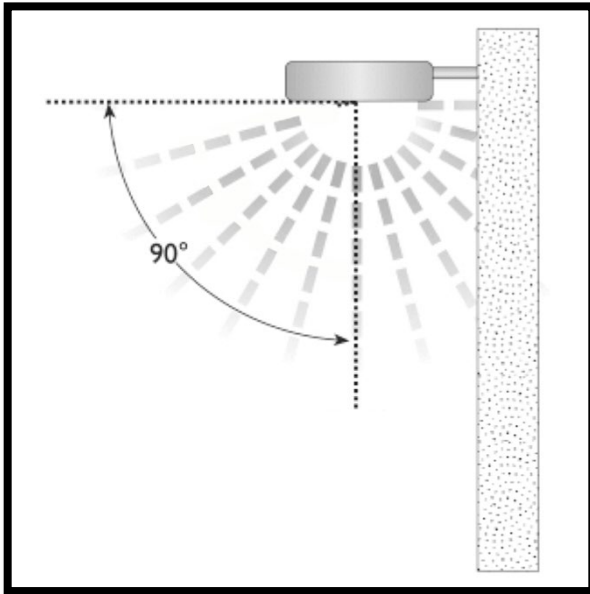


Figure 1.

8. Glare: The sensation produced by luminances within the visual field that are sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance or visibility.
9. IES: Illuminating Engineering Society.
10. Illuminance: Describes the amount of light falling onto or illuminating a given surface.
11. Kelvin: A measurement unit (abbreviated "K") used to describe the correlated color temperature of a light source. This is the specification that gives a description of the "warmth" or "coolness" of a light source.
12. Lamp: The specific component of a light fixture that emits light.
13. Laser Source: Any lamp employing light amplification by stimulated emission of radiation to produce highly monochromatic and coherent light.
14. Light Trespass: A condition in which light emitted directly by a light fixture shines beyond the property lines of the property where the fixture is installed. This means that a person standing on any other property sees the light-emitting source directly. Light trespass does not include indirect reflection or scattering of light from mounting hardware or any other surfaces.
15. Light Fixture: A device that includes the lamp, the ballast or driver, internal wiring, reflectors, lens and any additional components required to deliver light. It does not include the pole or other mounting surface.
16. Low Lumen: Describes a light fixture whose total light output does not exceed 300 lumens.
17. Lumen: The International System of Units (SI) measure of luminous flux equal to the amount of light emitted per second into a unit solid angle of one steradian from a uniform source of one candela.
18. Luminance: The amount of light that passes through, is emitted, or reflected, from a particular area, and that falls within a given solid angle.

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19. **Net acre:** The portion of any property that is developed, consisting of structures and/or hardscape. The net acreage of a property is the gross acreage of that parcel less any acres that are considered undeveloped.
 20. **Searchlight:** A light fixture generating a very intense beam of light consisting of parallel rays that can be oriented in any particular direction often used to draw the attention of the public to a place or event.
 21. **String Lights:** Electric lights on a wire, string, or cable used as decoration or for outdoor lighting.
 22. **Warm Color:** A white light source with a correlated color temperature less than or equal to 3000 Kelvins.
 23. **Uplighting:** Any lighting that is directed in such a manner as to shine light above the horizontal plane.
- D. **Applicability:** Except as otherwise exempted by the SDC, the Dark Skies Standards are generally applicable to all new lighting installed on or after the Effective Date and therefore apply even if proposed lighting does not require the filing of an application or the issuance of a permit of approval (or even if no development occurs, see e.g. 2.15.2400(E)(4)). The Dark Skies Standards are in addition to applicable provisions of the Building Code and Electrical Code, and other provisions of the SDC including, without limitation, Chapter [3.4](#) (Signs).
- E. **Requirements:** All non-exempt outdoor lighting fixtures shall meet the following requirements:
1. **Downcast.** Lighting shall be downcast. Uplighting is prohibited.
 2. **Fully Shielded.** Unless subject to an exception, all light fixtures shall be fully shielded and otherwise designed and installed to prevent light trespass and glare.
 3. **Maximum Brightness:** To prevent over-lighting, lighting shall not exceed the following maximum lamp brightness:
 - a. **Single Family Residential:** No individual light fixture may exceed 850 lumens and the entire property may not exceed 4,000 lumens in total or 6,000 lumens in total if the property contains an accessory dwelling.
 - b. **Duplex and Triplex:** No individual lighting fixture may exceed 850 lumens and the entire property shall not exceed 6,000 lumens in total for a duplex or 8,000 lumens for a triplex.
 - c. **Multi-Family Residential:** No individual light fixture may exceed 850 lumens and the entire property may not exceed 20,000 lumens per net acre.
 - d. **Mixed Use and Non-Residential:** No individual light fixture may exceed 1,500 lumens and the entire property may not exceed 25,000 lumens for the initial net acre plus 2,000 lumens for each additional net acre.
 - e. **Publicly Owned Lighting:** Public street lighting shall adhere to the standards contained in the current edition of IES Recommended Practice 8 (“Design of Roadway Facility Lighting”).
 4. **Parking Lot Lighting:** Parking lot lighting shall be downcast, fully shielded and meet the maximum brightness in accordance with recommended minimum value of the IES Standard RP-20-1 “Lighting for Parking Facilities” and shall not exceed a threshold of allowable light trespass of 0.1 foot-candle at the property line.
 5. **Curfew.** In all non-residential zones, all exterior lighting shall be extinguished either by 11 P.M.; or within one (1) hour of the close of normal business hours; or at the conclusion of usual operations, whichever occurs later. The use of such lighting may resume one (1) hour before

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sunrise (or opening of business for the property, whichever is earlier) of the following day. Businesses whose normal operating hours are twenty-four (24) hours per day are exempt from this provision. Security lighting in accordance with the current edition of IES Guide 1 (“Guide for Security Lighting for People, Property and Critical Infrastructure”) is permitted during curfew.

6. Color. The Correlated Color Temperature (CCT) shall not exceed 3000 Kelvins.
 7. Publicly Owned Lighting. Publicly owned lighting (including streetlights located in the public right-of-way) shall be fully shielded, comply with the color limits in Section 2.15.2400.E.6. and meet the brightness limits in Section 2.15.2400.3.e. They are encouraged, but not required, to comply with the light trespass requirement. Notwithstanding the foregoing, all outdoor light fixtures on property (other than public right-of-way) or buildings that are owned and operated by the City of Sisters must be fully shielded unless exempt under Section 2.15.2400(H) and adaptive controls and curfews must be employed.
- F. Signage. Notwithstanding anything in Chapter 3.4 to the contrary, lighting of signage must meet the following requirements:
1. Except for businesses whose normal operating hours are twenty-four (24) hours per day, sign illumination must be extinguished completely one (1) hour after sunset (or at close of business for the property, whichever is later), and remain off until one (1) hour before sunrise (or opening of business for the property, whichever is earlier);
 2. The illuminated surface area of an individual sign cannot exceed 200 square feet; and
 3. Lighting must be downcast and fully shielded.
- G. Prohibitions.
1. Laser Source Light. The use of laser source light or any similar high intensity light is prohibited if it projects beyond the property lines of the property on which it is located.
 2. Searchlights. The operation of searchlights for purposes other than public safety or emergencies is prohibited.
 3. Upward-pointing light fixtures. All light fixtures must be downcast including illumination of signs, landscaping, flags (except the US and state flag, if flown on the same flagpole), and other items.
- H. Exemptions. Notwithstanding anything hereinto the contrary, the following forms of lighting are exempt from the Dark Skies Standards.
1. Non-conforming lighting subject to Section 2.15.2400(I).
 2. Airport operations lighting and aircraft navigational beacons required by the Federal or State Law are exempt from these provisions. All other airport outdoor lighting must conform with this ordinance.
 3. String Lights, subject to the following standards:
 - a. String lights may be installed in either residential or non-residential zones.
 - b. String lights shall not be used to illuminate or decorate landscaping features.
 - c. All installations of string lighting shall employ lamps that do not flash or flicker and whose individual output does not exceed fifty (50) lumens.
 - d. When used for purposes other than holiday lighting, string lights shall consist only of white light sources with a CCT not to exceed three thousand (3000) Kelvin.
 - e. String lights are exempt from the downcast and full shielding requirements of Section 2.15.400.E; it should be noted, however, the installation and operation of string lights in accordance with these provisions may still result in civil nuisance claims.

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- f. In non-residential zones, string lights may be installed in outdoor dining and entertainment areas only and shall not be used to delineate or outline the edges of a building or for any other purpose. String lighting must be completely extinguished by the end of normal business hours. Permanent string lighting installations shall be subject to inclusion in the total lumen allowance calculation.
 - g. In residential zones, string lighting may be used to delineate or outline the edges of patios, porches, decks and similar structures that do not face directly toward a street or public right of way. String lighting must be completely extinguished by 11 P.M.
 - h. The aforementioned limitations do not apply to holiday lighting.
4. Decorative Lighting
 - a. Holiday lighting shall be allowed for no more than the period between November 1 and February 15.
 - b. Decorative low lumen lights are permitted only in residential districts.
 - c. Low lumen landscape lighting is permitted, but such lighting shall be shielded in such a way as to prevent glare and light trespass. Light fixtures shall be mounted no more than three (3) feet above grade and used solely for landscape delineation rather than area lighting.
5. Special events that require the use of temporary outdoor light fixtures are exempt if the exemption does not exceed five (5) days for a particular property in any calendar year; however, permanent installations special event venues must conform to the Dark Skies Standards.
6. Lighting for U.S. flags properly displayed (consistent with the U.S. Flag Code).
7. Temporary construction lighting necessary for an allowed use.
8. Lighting under the jurisdiction of the Oregon Department of Transportation.
9. Athletic field lighting meeting the following conditions:
 - a. Current Illuminating Engineering Society (IES) lighting guidelines are followed according to the appropriate class of play.
 - b. Field lighting is provided exclusively for illumination of the surface of play and viewing stands and not for any other applications.
 - c. Illuminance levels must be adjustable based on the task (e.g., active play vs. field maintenance).
 - d. Off-site impacts of the lighting will be limited to the greatest practical extent possible.
 - e. Lights must be extinguished by 10:00 pm local time or one hour after the end of play, whichever is later.
 - f. Timers must be installed to prevent lights being left on accidentally overnight.
- i. Non-Conforming Lighting. Outdoor light fixtures lawfully installed and operable prior to the Effective Date are exempt from all such requirements, except as follows:
 1. All publicly owned lighting must be brought into conformance within five (5) years after the Effective Date.
 2. All privately owned lighting must be brought into conformance within ten (10) years after the Effective Date.
 3. Notwithstanding anything herein to the contrary, any replacement or modification to nonconforming outdoor lighting must comply with the Dark Skies Standards.
 4. Notwithstanding anything herein to the contrary, all non-conforming outdoor lighting must be brought into compliance as a condition of land use approval involving a Conditional Use or a Site Plan Review.

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- J. Lighting Plan Required. All applications for Site Plan Review and/or building permits must include lighting plans showing location, type, height, color temperature, lumen output and amount of all proposed and existing light fixtures, along with light fixture cut sheets from the manufacturer. The applicant must provide enough information to demonstrate compliance with the Dark Skies Standards. The Community Development Director may request any additional information necessary or appropriate to evaluate compliance with the Dark Skies Standards.

2.15.2400 Dark Skies Standards

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

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

C. Permitted.

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

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

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

D. Prohibitions.

1. Laser Source Light. The use of laser source light or any similar high intensity light when projected beyond property lines is prohibited.

2. Searchlights. The operation of searchlights for purposes other than public safety or emergencies is prohibited.

E. Exemptions.

1. Existing.

A. Outdoor light fixtures lawfully installed prior to and operable prior on the effective date of the requirements codified in this ordinance (May 13, 2010) are exempt from all

such requirements except as follows:

1. All replacement of outdoor lighting fixtures, as of the date of adoption, shall be subject to the provision of this ordinance.
2. Until a date five years after the date of the adoption of this ordinance.
2. Fossil Fuel Light. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the requirements of this ordinance.
3. Airport operations lighting and aircraft navigational beacons as established by the Federal Aviation Administration are exempt from these provisions. All other airport outdoor lighting must conform with this ordinance.
4. Decorative Lighting
 - a. All non-residential districts multicolored lights of less than 15 watts used for holiday decorations for no more than the period between the day after Thanksgiving and the second week of January are exempt from the requirements of this ordinance.
 - b. Decorative low wattage lights in residential districts.
 - c. Low wattage clear or white decorative lights.
5. Special events that require the use of temporary outdoor lighting fixtures are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.
6. Lighting for U.S. flags properly displayed.
7. Temporary exemptions to the requirements of this ordinance for up to five consecutive days per calendar year.
8. Construction lighting necessary for an allowed use are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.
9. Individual light fixtures with lamps of less than 40 watts or lumen equivalent.
10. Athletic field lighting; steps should be taken to minimize glare and light trespass, and utilize sensible curfews. Light directed upward is prohibited.