



CITY COUNCIL Agenda

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

Wednesday, August 28, 2024

This City Council meeting is accessible to the public in person in the Council Chambers at 520 E. Cascade Avenue, Sisters, OR 97759

This meeting is open to the public and can be accessed and attended in person or remotely. Members of the public may view the meeting via Zoom at the link below:

<https://us02web.zoom.us/j/81775374833>

Visitor Communication: To offer written comments, send an email to recorder@ci.sisters.or.us no later than 3:00 p.m. on the day of the meeting. If attending the meeting via Zoom and wish to speak, submit your name, address, phone number, and the topic you intend to address to recorder@ci.sisters.or.us by 3:00 p.m. on the meeting day. For those attending the meeting in person, you may complete a request to speak form on-site.

5:30 PM WORKSHOP

1. Deschutes County Sheriff Office Updates
2. Review Community Engagement Plan
3. Review Heritage Tree Nomination Form
4. Other Business

6:30 PM CITY COUNCIL REGULAR MEETING

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **VISITOR COMMUNICATION**
5. **CONSENT AGENDA**
 - A. Minutes
 1. August 14, 2024 – Workshop
 2. August 14, 2024 – Regular Meeting
 - B. Approve a Release of Easement Agreement for the Existing Access Easement Across City-owned tax lot 1510150000200/704 (Lazy Z) and Authorize the City Manager to Execute the Agreement with Minor Legal Revisions.

This agenda is also available via the Internet at www.ci.sisters.or.us

6. **COUNCIL BUSINESS**

A. **Second Reading of Ordinance 538:** AN ORDINANCE OF CITY OF SISTERS AMENDING SISTERS DEVELOPMENT CODE CHAPTER 2.12, SUN RANCH TOURIST COMMERCIAL DISTRICT, THAT EXPANDS AND CLARIFIES THE TYPES OF ALLOWED USES AND APPLICABLE DEVELOPMENT STANDARDS.

B. **Public Hearing and Consideration of Ordinance 539:** AN ORDINANCE OF THE CITY OF SISTERS AMENDING SISTERS MUNICIPAL CODE CHAPTER 13.15 TO ADD DEFINITIONS, CLARIFY PROVISIONS REGARDING USES OF CITY WATER AND FINANCIAL RESPONSIBILITY FOR WATER SERVICE, AND MAKE OTHER AMENDMENTS.

C. **Discussion and Consideration of Resolution 2024-19:** A RESOLUTION OF THE CITY OF SISTERS, OREGON AUTHORIZING A FULL FAITH AND CREDIT BORROWING AND RELATED MATTERS.

7. **OTHER BUSINESS**

A. Staff Comments

8. **MAYOR/COUNCILOR BUSINESS**

9. **ADJOURN**

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the above-referenced meeting; however, the agenda does not limit the ability of the Council to consider or discuss additional subjects. This meeting is subject to cancellation without notice.

This meeting is open to the public, and interested citizens are invited to attend. This is an open meeting under Oregon Revised Statutes, not a community forum; audience participation is at the discretion of the Council. The meeting may be recorded. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made to the City Recorder at least forty-eighty (48) hours in advance of the meeting.

Executive Sessions are not open to the public; however, members of the press are invited to attend.

The City of Sisters is an Equal Opportunity Provider



Meeting Date: August 28, 2024
Type: Workshop
Subject: Review of Community Engagement Plan

Staff: K. Prosser, R. Green
Depts: Administration

Action Requested: Review Community Engagement Plan. No action required at this time.

Background:

The City is dedicated to developing a community capable of actively engaging in making thoughtful, evidence-based, and broadly represented decisions that improve its future.

1. The City has been working on increasing community engagement efforts for several years, as indicated by the following efforts:
 - a. The 2023-24 Council Goals state: Good Governance - Develop and implement a community outreach plan.
 - b. A part-time position - Communications Coordinator was hired in January 2024.
 - c. The 2024-25 Council Goals state: Good Governance - Create and implement a communications plan which includes expanded opportunities for community engagement and involvement. Convene at least three town halls per year.
 - d. The City invested in a community-led process through an initiative out of Portland State University called Civic Leadership Academy (CLA). CLA convened for six weeks and produced a report that made a significant contribution to the Community Engagement Plan.

2. Outreach & Engagement

To develop deeper engagement with the Sisters community, it is essential to adopt a strategic communication approach that builds trust, establishes relationships, and ensures that community members have a voice in decisions that affect them. We achieve this by defining levels of engagement, implementing them through a communication plan, and committing to a robust evaluation and reporting structure.

Levels of Engagement

The heart of the Communication Plan lies in the “Levels of Engagement.” By clarifying our reasons for engaging with the public and defining our goals, we set direction for our outreach efforts and shape the anticipated level of community engagement.

The **Inform** level of engagement is intended to provide information in an effort towards *transparency* and is primarily in one direction: from the City to the community; while feedback is possible, it is not the intent.



The **Consult** level of engagement seeks to *listen* to perspectives of the community on specific issues, and involvement by the public is typically at a low level.

The **Involve** level of engagement seeks to *understand* the interests and perspectives of the community by providing more robust opportunities for addressing specific issues.

The **Collaborate** level of engagement seeks *innovation* in identifying and developing long-term solutions to specific issues.

The four levels of engagement - *Inform, Consult, Involve, and Collaborate* are associated with specific tools (“Tools - Definitions”) for outreach & engagement activities. The Tools - Definitions document includes a brief description of each tool, the extent of reach, and the level of engagement the tool provides.

Community Outreach & Engagement Process

The Community Engagement Plan leads staff through multiple steps, including *Outlining the Project, Determining Levels of Engagement, Stakeholders, Timeline & Background Information, Notify & Engage the Community, Evaluate the Feedback & Process and Reporting.*

- 1. Outline the Project:** Define the goals, objectives, and expected outcomes. Create a *Project Engagement Plan* to determine the importance of public input, potential impacts on decision-making, and necessary resources.
- 2. Determine Levels of Engagement:** Choose the appropriate level—Inform, Consult, Involve, or Collaborate—to match the project goals. Decide on methods for sharing information and gathering feedback.
- 3. Identify Stakeholders:** Recognize all affected parties, including direct and indirect stakeholders, experts, and hard-to-reach groups. Ensure the plan meets their needs.
- 4. Create Timelines & Gather Information:** Develop internal and external timelines and collect relevant background information. Prepare context to support effective community feedback.
- 5. Notify & Engage:** Use selected engagement methods to inform and involve the community. Clearly communicate participation details and decision-making processes.
- 6. Evaluate Feedback:** Assess how engagement efforts will be evaluated and integrate feedback into the final plan.



7. **Report:** The evaluation will produce a report summarizing feedback, outcomes, and decision-making rationale for *Involve* and *Collaborate*-level engagements. These reports will be publicly available.

The Community Engagement Plan provides a structured approach to planning, executing, and documenting outreach. It highlights the need to incorporate community feedback into decision-making to maintain transparency and accountability. The overall goal of the plan is to build trust in our processes and improve decision-making by listening to more voices within the community.

2024 Engagement Initiatives

- a. Civic Leadership Academy
- b. Urban Growth Boundary Steering Committee

Ongoing Outreach & Engagement Activities

- a. **Town Halls.** Town halls fall under the *Involve* level of engagement, which aims to understand the interests and perspectives of the community. The City is committed to holding at least three town halls per year. The first town hall of 2024, held in January, focused on Council Goal Setting.
- b. **Open Houses.** Open houses are staff-led events designed to engage on a specific issue for the purpose of *listening* to different perspectives. Open houses will be scheduled as needed.
- c. **Conversations with Councilors.** These informal gatherings provide opportunity for the public to chat with Councilors in an informal manner about any topic of interest. The schedule for Conversations with Councilors is the first Tuesday of the month, 8:30-9:30am at City Hall starting August 13.
- d. **Tabling Events.** Staff use this form of outreach to educate or share information about a project. This summer, staff held tabling events to promote the Sisters Country Vision and engage the public in the Urban Growth Boundary (UGB) process. Multiple tabling events are scheduled to continue into this fall for the UGB.
- e. **City Newsletter:** The Roundup was launched in the fall of 2023, and it has been a successful way to reach a large group of citizens with accurate information about what the city is working on. Staff continue to refine the newsletter.



- f. **Website:** The City of Sisters' website is in continuous improvement to better serve the community. You can find the Roundup Newsletter linked at the bottom left of the home page, and we are currently updating all department-level sites. This fall, our website platform provider CivicPlus will undertake a significant migration to enhance the administration of the city's website.
- g. **Surveys & Polls.** Surveys are designed to collect detailed information on a wide range of topics, while polls focus on quickly gathering opinions on a few specific questions. This year, staff has utilized surveys for in-depth projects such as Short-Term Rentals regulations and Public Safety and employed polls to decide on the theme for the art in the roundabout. We will continue to broaden our use of both tools.

Prospective Outreach & Engagement Activities

- a. **City 101.** City 101 is an initiative to create a shared understanding of the city's mission and purpose with our citizens. The goal of the program is to increase community members' understanding of the city and its operations and enhance their ability to serve as ambassadors for the city.
- b. **Instagram:** Staff are currently laying the groundwork for implementing Instagram as another form of outreach. To ensure a successful launch, we are focusing on expanding our photo library with a large number of high-quality images and working on a robust access structure to make the library both efficient and effective.
- c. **Quarterly City Manager Update.** Staff are working on submitting a quarterly update by the City Manager column in the Nugget Newspaper.

Financial Impact: To be determined based on projects.

Attachments:

- 1. ATTACHMENT 1: Community Engagement Plan

COMMUNITY ENGAGEMENT PLAN



August 2024



Table of Contents

1. Community Outreach & Engagement Planning Guide-----	Page 1
A. Background: Making Informed Decisions-----	Page 2
B. Staff Role in Community Engagement-----	Page 3
C. Community Engagement Plan-----	Pages 4-6
1. Step One: Outline the Project	
2. Step Two: Determine Levels of Engagement	
3. Step Three: Stakeholders	
4. Step Four: Timeline & Background Information	
5. Step Five: Notify & Engage the Community	
6. Step Six: Evaluation	
7. Step Seven: Reporting	
2. Appendices	
1. Appendix A: Project Engagement Plan-----	Page 7
2. Appendix B: Tools Definitions-----	Page 8
3. Appendix C: Outreach & Engagement Strategies-----	Page 9
4. Appendix D: Feedback Evaluation-----	Page 10
5. Appendix E: Understanding Evaluation-----	Page 11
6. Appendix F: Process Evaluation-----	Page 12
7. Appendix G: Reporting Form-----	Page 13

Community Outreach & Engagement Planning Guide

The City is dedicated to enhancing its outreach and engagement practices to involve a broader and more diverse range of community members in civic life. While our daily operations reflect this commitment, we would like to further amplify our efforts through targeted community engagement, including town halls, open houses, and other community collaborations.

Sisters is home to an active and engaged community, with residents who care deeply about the future of their city. Sisters has seen robust population growth over the last two decades, and today the community includes a wide range of residents, from native-born and long-time community members to relative newcomers.

Community outreach and engagement cultivate inclusive, resilient, and connected communities empowering residents to contribute to thoughtful and representative decision-making for a better future. Through collaboration and dialogue, we build trust, strengthen social cohesion, and enable individuals to effectively address local needs and challenges. The City is committed to continuously understanding and incorporating diverse interests and perspectives into its plans, decisions, and actions. This approach transcends basic compliance, ensuring cohesive community engagement and the delivery of the highest quality services to our community.

This guide provides information for planning, implementing, and documenting community outreach & engagement activities.

Definitions:

1. Outreach: Proactive efforts to connect with and engage community members through various communication channels, activities, and initiatives.
2. Community Engagement: Actively involving local communities to address local needs, promote social cohesion, and empower community members to address impact on decisions made by the City. Those that are affected by a decision have a right to be involved.

This Communication Plan outlines the different levels of engagement, serves as a guide for staff conducting outreach and engagement efforts, and provides clarity on our communications strategies.

Background: Making Informed Decisions

Sisters Country Vision and Sisters 2040 Comprehensive Plan

Two documents are at the foundation of making community informed decisions: the 2019 Sisters Country Vision and the Sisters 2040 Comprehensive Plan. The Vision is a community-built document that gives an overview of the aspirations for the Sisters area. The Comprehensive Plan Goal 1 focuses on how the City can engage the community in conversations around planning for growth.

The 2019 Sisters Country Vision emphasizes fostering connection among residents and organizations in both the City and surrounding areas. Key strategies include maintaining the welcoming, small-town atmosphere of Sisters through expanded outreach and equitable opportunities for engagement. Additionally, a crucial aspect of the Vision is to amplify the voices less frequently heard in community discussions, promoting a more diverse, inclusive dialogue that enhances tolerance and support for both newcomers and long-time residents.

Goal 1 of the Sisters 2040 Comprehensive Plan focuses on establishing a robust community involvement program that ensures inclusive public processes, engaging all community members and reflecting a wide range of perspectives. The goal aligns with the Vision's objective of maintaining a welcoming environment amidst growth, by employing various outreach methods to connect with a diverse population.

Outcomes of Enhanced Community Engagement include:

- More informed public
- Gain understanding of community perspectives
- Utilize community talent and intelligence
- Transparency
- City communication, collaboration, engagement
- Form lasting community bonds

More information on these plans can be found here:

Sisters Country Vision

- www.ci.sisters.or.us/community/page/sisters-country-vision

2040 Comprehensive Plan

- www.ci.sisters.or.us/community-development/page/comprehensive-plan

Staff Role in Community Engagement

Every staff member contributes to the success of community engagement efforts that benefit the public. Our goal is to create an environment where community members are heard and their ideas are integrated into existing processes. This can be achieved by using frameworks that support informed decision-making and ensure meaningful participation.

When it comes to community engagement, all staff should be familiar with the Seven Core Values for the Practice of Public Participation*.

Public participation:

1. ...is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process;
2. ...includes the promise that the public's contribution will influence the decision;
3. ...promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision-makers;
4. ...seeks out and facilitates the involvement of those potentially affected by or interested in a decision;
5. ...seeks input from participants in designing how they participate;
6. ...provides participants with the information they need to participate in a meaningful way;
7. ...communicates to participants how their input affected the decision.

Every staff member at the City of Sisters is integral to cultivating effective community engagement that truly serves our residents. As we work to incorporate community input into our processes, we will improve our decision-making and build a stronger, more connected community.

**International Association for Public Participation*

Community Engagement Plan

Step One: Outline the Project

In Step One, the purpose and objectives of the community outreach or engagement are identified. Clearly defining the goals, objectives, and expected outcomes help ensure the effort is targeted, and that the outcomes can be evaluated effectively. The process starts with developing the Project Engagement Plan (Appendix A) where the following items are determined:

- Why is public input important to this project?
- What is the potential for the public to influence the decision-making process?
- How will input be considered?
- What resources are needed to fully engage the public?

Step Two: Determine Levels of Engagement

The Levels of Engagement - *Inform, Consult, Involve, and Collaborate* are the heart of the outreach and engagement effort. Identifying the goal of the effort informs the opportunity for engagement by the public and ensures consistency in the process, especially concerning evaluation and reporting.

Level of Impact on Decisions				
	Inform	Consult	Involve	Collaborate
WHAT	Provide the community with the full context of information available	Obtain feedback about specific issues	Work directly with the community to ensure interests are understood	Partnerships that collectively identify issues and co-develop solutions
COMMITMENT	Transparency	Listening	Understanding	Innovation
HOW	Website, Facebook, newsletter, local newspaper, etc.	Surveys, open houses, conversations	Council-led town halls	Partnerships with local agencies & nonprofits

Adapted from International Association for Public Participation

Each level of engagement has a variety of tools (Appendix B – Tools Definition) available, including: the City’s website, social media, newsletter, survey, utility bill insert, press release, local newspaper, tabling, Council, Board or Commission meetings, town halls, open houses, and steering committees, task forces, and focus groups. Which combination of engagement tools used will depend on the program plan.

Step 3: Stakeholders

Identifying stakeholders ensures the plan is relevant and responsive to the needs and interests of the community. “Stakeholders” are anyone that has a specific stake (i.e., will be affected by) the outcome of an action or decision. Avoid assuming knowledge of all potential stakeholders; instead, consider a broad cross-section of the community. Consider: geography, direct and indirect impacts on different groups, experts, resources, other government agencies, potential for negative impacts, and hard-to-reach communities. Do not forget internal stakeholders including other staff and City Boards and Commissions.

Step 4: Timeline & Background Information

Create both an internal and external timeline. Consider notification timelines and deadlines set by external agencies. Work backward from the target dates to identify opportunities for engaging with the community.

Collect and provide relevant information before, during, and after the engagement period. Clearly outline the context and framework for the issues at hand to ensure effective feedback and outcomes. Include education materials on government operations and any limitations. Use sources such as the website, city records/documents, videos/photos, Council meeting packets/minutes, maps & historical information.

Step 5: Notify & Engage the Community

Refer to the Levels of Engagement (*Inform, Consult, Involve, and Collaborate*) and use the Outreach & Engagement Strategies (Appendix C) to identify the appropriate notification resources and processes. Be sure to include all pertinent information, including who, what, when, where, why, and how the community can be engaged. Include the dates related to formal decision-making processes and interim deadlines. Include easily understood and brief descriptions of issues. Define technical terms. Provide a list of frequently asked questions, as appropriate. Provide clarity about the decision-making process. Carry out the plan according to the level of engagement chosen, the information gathered, and the feedback, evaluation, and reporting methods considered. Community engagement events should include a sign-up sheet.

Step 6: Evaluate the Feedback & Process

Before finalizing a community engagement plan, it’s essential to determine how the engagement efforts will be evaluated. This evaluation process will guide the collection of materials, timeline, components of the engagement, and notification strategies. The evaluation tools ensure that assessments are measurable, disciplined, organized, and strategic.

Evaluations *summarize* what happened at an engagement activity and *analyzes* the effort and the results. It’s a contemplation of what was expected against what resulted. Evaluation happens at every stage of community engagement, from planning, to execution, to reporting.

Each event includes a range of evaluation activities, using both quantitative and qualitative methods for a comprehensive assessment.

For large-scale engagement activities at the *Consult*, *Involve*, and *Collaborate* levels, evaluations, demographics surveys, and reports are necessary. Examples of activities requiring these components include open houses, town halls, steering committees, and large collaborative projects.

There are several types of evaluation that align with the Levels of Engagement. The **Inform** engagements will be evaluated through the analytics derived from the website, social media, and Constant Contact.

1. **Feedback:** This evaluation type is associated with open houses (**Consult**), used to listen and gain perspective on where the community stands; (Appendix D)

2. **Understanding:** This evaluation type is associated with town halls (**Involve**), used to understand deeper impacts an initiative might have on specific populations or the community as a whole. (Appendix E)

3. **Process:** This evaluation type examines how well the engagement efforts achieved their objectives, assesses the effectiveness of those objectives, and identifies any obstacles that impeded reaching those goals. (Appendix F)

Step 7: Reporting

The evaluation process will detail the *outputs* from the community engagement project. The report will present the *outcomes*, summarize the feedback, and explain the rationale for the decision-making process. A report is made for those engagement efforts at the *Involve* and *Collaborate* levels; that is, for open houses, town halls, and steering committees, task forces or focus groups. These reports will be made publicly available to ensure transparency and accountability. By sharing the findings and evaluations, you not only provide clarity on how decisions are made but also demonstrate a commitment to informed and responsible decision-making. (Appendix G)

Conclusion

The City is working to improve our outreach and engagement to involve more community members in the civic process while addressing concerns of both long-time residents and newcomers. The Community Engagement Plan offers a structured approach to planning, implementing, and documenting activities such as town halls and open houses. It emphasizes the importance of integrating community feedback into decision-making processes, ensuring transparency and accountability. The plan outlines clear steps for engagement, including defining project objectives, determining levels of engagement, identifying stakeholders, evaluating feedback, and reporting results. The goal is to build trust and improve decision-making by incorporating diverse perspectives in our processes so we can continue to deliver high-quality services to the community.

Project Engagement Plan

Project Name: _____ Project Begin Date: _____ Expected End Date: _____

Project Summary:

Staff Lead: _____ Department Manager: _____

Desired Engagement Level(s):

- Inform Consult Involve Collaborate

Identifying Internal Stakeholders:

- City Council Budget Committee City Parks Advisory Board Planning Commission
- Public Works Advisory Board Urban Forestry Board

Tools to be utilized:

- Website Facebook Roundup Newsletter Surveys/Polls Local Newspaper
- Press Releases Briefings Council/Board/Commission Meetings Town Halls
- Open Houses Conversation with Councilors Collaborative Projects
- Steering Committees, Task Forces, Focus Groups, etc.

Identifying External Stakeholders and their Roles:

Community Members

Who will be directly impacted?

How does this engagement meet our goals and vision?

What stakeholders will be hard to reach/engage; how will you overcome that?

How will you reach stakeholders?

1. _____ Date: _____
2. _____ Date: _____
3. _____ Date: _____
4. _____ Date: _____
5. _____ Date: _____

APPENDIX B

Tool	Description	Reach	Engagement Level
Website	www.ci.sisters.or.us Information on all City work and services; web pages can be developed for any project/engagement	Anyone who has access to the Internet.	Inform Consult
Social Media	Facebook: government-related events and updates on services	Anyone who follows the City of Sisters Facebook page	Inform Consult
Roundup Newsletter	Newsletter sent via email to utility customers and subscribers	City residents and anyone who subscribes through the website	Inform Consult
Surveys/polls	Capacity for both quantitative and qualitative data, sent to email list or utility/subscriber list	Specialized email list, City residents and anyone who subscribes through the website	Inform/Consult
Utility Bill	Small blurb at bottom of bill; reserved for city residents	City residents	Inform
Local Newspaper	The Nugget News: possible articles, opinion pieces, and paid advertisements	Anyone who reads the Nugget News	Inform
Press Releases	Local and regional media: newspapers, websites, radio stations, social media	Printing a press release is at the discretion of the agency	Inform
Briefings	Attend local organization meetings to provide short, simple information with visuals and handouts	Each one teach one	Inform Involve
Council, Board, and Commission Meetings	Targeted involvement with a means to codify activities in official city business	Ability to attend and speak at each public meeting; agenda packets and minutes	Inform Consult Involve
Community Events – Town Halls	Town Halls: Council-led gathering that focuses on a - or a few specific issues for the purpose of understanding the position of community members; measures informed opinion on issues. Attended by management, staff, council.	Anyone who attends in-person or by zoom	Inform Consult Involve
Community Events – Open Houses	Open Houses: staff-led and <i>informal</i> , designed to engage the public on a – or a few specific issues for the purpose of listening to different perspectives that can aid in directing an initiative; poster and dots, etc. Attended by management, staff, council.	Anyone who attends in-person or by zoom	Inform Consult Involve
Community Events – Community Coffee	Conversations with Council: small <i>very informal</i> gatherings with one-on-one conversations with councilors and or management	Anyone who attends in person	Consult
Collaborative Projects	Partnerships with local agencies & non-profits	Formal relationship that has the potential for broad impact	Innovate
Steering Committees, Technical Advisory Committees, Focus Groups, etc	Short-term project-driven efforts intended to provide specific information and feedback to staff and/or Council	Ability to attend and speak at each public meeting; agenda packets and minutes	Inform Consult Involve

OUTREACH & ENGAGEMENT STRATEGIES

Website
Information needs: content, links, files, photos, contact information
Determine where it goes: Webpage, city announcement (email to subscribers), What's Happening (front page)
Timeline: Upload and removal dates
Submit to: Department web liaison or Communications Coordinator
Facebook
Information needs: content, links, files, photos, contact information
Always Include: What the public can expect; how the public can be involved
Timeline: Upload and removal dates; frequency of posts
Submit to: Communications Coordinator
The Roundup Newsletter
Get on the Calendar: Contact Communications Coordinator to put article in queue
Submit Your Article: Write and submit your article by the deadline provided
Always Include: What the public can expect and how they can be involved; links, files, photos; contact information
Submit to: Communications Coordinator
Survey
Gather Your Information: What is the intention of the survey? Do you want quantitative or qualitative feedback? Consider evaluation and reporting.
Draft & Test the Survey: Use Constant Contact (or another platform as needed). Determine process: testing, feedback and finalizing survey.
Evaluation: Compile and analyze the survey information.
Reporting: Create a report from your evaluation analysis and determine who needs to receive it.
Press Release
Write the Press Release: Use the press release template
Review: Who needs to review? Assistant or City Manager? Department Heads?
Post: Post the press release in appropriate physical locations
Submit to: Department web liaison / Communications Coordinator
The Nugget Newspaper
Determine content needs: Discuss with management, staff, and others as needed
Consider Deadlines for Publication: Call/email The Nugget Newspaper and discuss deadlines and content needs
Write copy: Write the article, letter, or ad
Submit to: The Nugget Newspaper by deadline
Informational Updates
Determine Organizations to Attend: Consider a wide variety of potential stakeholders
Contact Organizations to get on Agenda: Consider the number in attendance, the venue, the date and time of meeting
Create Presentations and Handouts: Always include context, images, and contact information

ENGAGEMENT STRATEGIES: INVOLVE/COLLABORATE

These engagement strategies require additional efforts, including an evaluation and reporting component.		
Open Houses Open Houses are intended for <i>listening</i> to the public on one or a limited few specific issues; Informal	Town Halls Town Halls are intended for <i>understanding</i> the position of community members; somewhat Formal	Steering Committees, Task Forces, Focus Groups These groups are intended for short-term project-driven efforts to provide specific information and feedback to staff and/or Council
<i>Assemble Your Team:</i> Determine who needs to be part of organizing the event		
<i>Develop the Components:</i> Determine information needs, logistics, budget, roles/responsibilities, evaluation and reporting		
<i>Gather your Information:</i> Provide framework and background: content, links, files, photos, contact information		
<i>Develop the Materials:</i> Limited presentation. Use visuals, maps, feedback mechanisms both quantitative and qualitative		
<i>Determine Engagement strategies</i> based on the level of engagement.		
<i>Conduct Engagement and Collect Feedback:</i> Determine who and how feedback will be collected		
<i>Analyze Feedback:</i> Analyze feedback according to the Evaluation Method chosen		
<i>Reporting:</i> Create reporting materials and distribute according to Reporting Method chosen		
Collaborative Projects Partnerships with local agencies and non-profits. See City Manager to execute a Collaborative Project.		

FEEDBACK EVALUATION

Thank you for completing this evaluation. Your feedback helps the City of Sisters understand your experience of this event.

Event:

Date:

1. What is the most valuable thing you have learned at this event?

2. Did this event meet your expectations? Why or why not?

Yes No

3. Do you feel your participation has been useful? Why or why not?

Yes No

4. Do you understand how your perspective will influence decision-making?

Yes No

UNDERSTANDING YOUR PERSPECTIVE: TOWN HALL EVALUATION

This evaluation seeks to understand your perspective about the deeper impacts this effort may have. Your feedback helps the City of Sisters understand your experience of this event. Thank you for completing this evaluation.

Event:

Date:

What brought you to this event today?

How have your interests been addressed?

Do you understand the process, goals, and intended outcomes of this initiative?

In your estimation, what understanding was gained by organizers?

PROCESS EVALUATION -Staff Level
Examine your Strategy

Process evaluations are conducted by the organizers of the engagement and may also include participants or others for specific areas of feedback. A primary aspect of a process evaluation is to remain flexible during implementation, regularly assessing whether goals and expectations are being met, and be willing to revise the plan as needed. Adapting may mean providing additional materials, adding meetings, extending the timeline, or adding new groups of stakeholders.

Process evaluations will answer the following questions and be analyzed for the Report.

1). Were the right community members at the table?
2). Were participants involved in the development of the engagement? Why or why not?
3). Was the frequency of meetings appropriate? Why or why not?
4). Was the content provided adequate for participant understanding? How do you know?
5). Was the participation representative of different perspectives?
6). What outreach measures were taken? Were they sufficient?
7). Were participants satisfied? Why or why not? How do you know?
8). Did you satisfy your goals? Why or why not?
9). Did you effectively include all stakeholders? Who did you leave out?
10). Were conversations relevant and valuable?
11). Did you allocate sufficient resources?
12). Did you use both the Demographics Survey and the Feedback Evaluation? What recommendations are there for future events?

REPORT FORM

This form can be used to create your Report for the Town Hall and Open House community engagement efforts.

Event:

Date:

Provide an overview of the community engagement activity:

1. What are the primary outcomes of this community engagement?

2. How is feedback from the event being used in the decision-making process and outcome?

3. What are the outcomes of your process evaluation:

4. Describe the next steps of this initiative:



Meeting Date: August 28, 2024

Type: Workshop

Subject: Heritage Tree Program Draft Nomination and Recording Documents

Staff: Dumanch

Dept: Public Works

Action Requested: Review and provide comments on draft Heritage Tree nomination form and draft recording document.

Background:

- Code language regarding Heritage Trees was introduced to Municipal Code (4.05.050) in 2021 with Ordinance 516.
- At the direction of the Urban Forestry Board (UFB), staff have been working toward developing a Heritage Tree program.
 - 2/12/24 – UFB discussed the creation of a program.
 - 3/11/24 – UFB directed staff to draft a nomination form.
 - 4/8/24 – UFB reviewed and provided comments on draft form.
 - 6/10/24 – UFB reviewed and provided comments on revised form and draft recording document. UFB recommended both forms for Council review.
- Since receiving direction from the UFB staff has spoken with representatives from Lake Oswego and Portland about their Programs for advice on developing one for Sisters.
- The purpose of the program is to protect trees that hold a special significance in the city and mature trees for the benefits they have on their surroundings and the community.
- Anyone can nominate a tree on public or private property for Heritage status.
 - Ponderosa pines are prioritized for their historical role in local landscape.
 - Ponderosa pine nominations must be:
 - Approximately 200 years old; and
 - Approximately 30 inches DBH; and/or
 - More than 85 feet tall.
 - Other species will be considered on a case-by-case basis.
 - Considerations include but are not limited to rarity, distribution, and historical significance in the City
 - The Urban Forestry Board will review all nominations and may recommend any nomination to the Council for Heritage designation.
 - Council may then designate a tree for Heritage status if it finds:
 - The tree meets the criteria; and
 - Tree health, aerial space, and open ground area for root system have been determined sufficient by certified arborist.



- Staff worked with City Attorney on adapting the Restrictive Covenant Agreement from Oregon City for use in Sisters, a recording document used for nominations on private property.
- On private property:
 - Property owners must provide written consent and sign nomination form.
 - Requires a document to be recorded with the County, the Restrictive Covenant Agreement.
 - This agreement runs with the land, not the owner.

Financial Impact:

- An increase in staff time processing forms and managing program inventory.
- Potential costs should the City provide plaques for nominated trees.
- Potential costs should the City cover the cost of recording documents for private trees.

Attachments:

1. Attachment 1: Draft Heritage Tree Nomination Form
2. Attachment 2: Draft Restrictive Covenant Agreement
3. Attachment 3: Sisters Municipal Code 4.05.050 Heritage Trees



Heritage Tree Nomination Form

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

For Office Use Only

Date Received

Form Number

Please Read: This form is for nominating a public or private tree for Heritage status according to [Sisters Municipal Code 4.05.050](#) and any future regulations regarding Heritage trees. For more information call the Public Works Department at (541) 323-5220.

Applicant Information

Name

Phone Number

Mailing Address

Email Address

Site and Tree Information

The Urban Forestry Board will consider the following criteria in determining whether to recommend a ponderosa pine tree for the heritage tree designation: the tree age should be approximately 200 years or more; and the tree size should be approximately 30 inches DBH or greater and/or more than 85 feet tall.

For trees other than ponderosa pines, the Urban Forestry Board will consider each tree on a case-by-case basis and will consider, among such other criteria and characteristics the Urban Forestry Board deems necessary and appropriate, the occurrence (rarity) of the tree species in the city, its distribution throughout the city, its historical significance, and whether the species has a low population in the city.

Site Address

and/or

Latitude

Longitude

Public tree

Private tree

Tree Species (common or scientific name)

Tree Age

Diameter at Breast Height (DBH)

Tree Height

Attachments:

Site map indicating tree location

Image(s) of tree (optional but recommended)

Written consent of property owner (if located on private property and applicant is other than property owner)

Heritage Tree Nomination Form

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



Please provide specific information explaining the details associated with the nomination:
(attach additional pages if needed)

Applicant Signature

Date

Regarding Heritage Trees on Private Property

- Heritage trees on private property are the responsibility of and will be maintained by the property owner.
- Except as expressly provided otherwise in subsection (5) of 4.05.050 of the Sisters Municipal Code, it is unlawful for any person to remove, prune, injure, and/or otherwise tamper with any heritage tree without the prior written approval of the Urban Forestry Board.
- Prior to taking any proscribed action against any heritage tree, the applicant will provide a report to the Urban Forestry Board from a certified arborist or other qualified professional to determine whether the subject tree is hazardous. Such report must identify any possible treatment to avoid pruning or removal. A tree is "hazardous" if it is dead or diseased, or poses a threat or hazard to safety, property, and/or the health of other trees including, without limitation, by presenting a risk of wildfire.
- A tree on private property may only be designated as a heritage tree if nominated by the applicable property owner or by a third party with the prior written consent of the applicable property owner.
- The nomination or consent of a property owner will bind all successors, heirs, and assigns.
- When a tree located on private property is designated as a heritage tree, the owner will record an instrument acceptable to the City noting that such tree is subject to the regulations of Section 4.05.050 of the Sisters Municipal Code.

Property Owner Signature (if tree is located on private property)

Date

Would you like your nomination announced at the City's annual Arbor Day Celebration if approved?

YES

NO

Heritage Tree Nomination Form

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



For Office Use Only

<input type="checkbox"/> City Forester Approved	Initial _____	Date _____
<input type="checkbox"/> Urban Forestry Board Approved	Initial _____	Date _____
<input type="checkbox"/> City Council Approved	Initial _____	Date _____
<input type="checkbox"/> Instrument Recorded with County (if located on private property)	Initial _____	Date _____

Approved

Denied

City Manager Signature

Date

After recording, return to:

City of Sisters
PO Box 39
Sisters, OR 97759

RESTRICTIVE COVENANT AGREEMENT

THIS RESTRICTIVE COVENANT AGREEMENT (this "Agreement") is made this ____ day of _____, 20____ by _____, a(n) _____ ("Owner") and City of Sisters, an Oregon municipal corporation ("City").

RECITALS

A. Owner is the owner of certain real property more particularly described in the instrument recorded as Document No. _____ in the Deschutes County Official Records, which real property is addressed as _____, Sisters, OR 97759 and also known as Deschutes County Assessor Map and Tax Lot _____ (the "Property").

B. City adopted certain regulations within Chapter 4.05 of the Sisters Municipal Code ("SMC") to provide for the designation and protection of trees holding special significance within the City known as "heritage trees".

C. Owner sought and obtained approval to designate certain tree(s) on the Property described and/or depicted on the attached Exhibit A as a heritage tree (each a "Designated Tree").

D. As a condition of approval to designate the Designated Tree as a heritage tree, Owner is required to execute this Agreement to acknowledge the designation and, therefore, the applicability of heritage tree provisions within SMC Chapter 4.05 to the Designated Tree.

AGREEMENT

NOW, THEREFORE, is consideration of the heritage tree designation approval, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Owner acknowledges and agrees that the Designated Tree is a heritage tree for purposes of SMC Chapter 4.05 and, therefore, subject to all provisions for heritage trees in SMC Chapter 4.05. Owner acknowledges and agrees that City may amend the provisions of SMC 4.05 from time to time and that any such amendments will be applicable to Owner, the Property, and/or the Designated Tree. References to SMC Chapter 4.05 herein shall refer to then current provisions of the SMC governing heritage trees.

2. Without limiting the provisions of Section 1, the Designated Tree may not be removed, pruned, or otherwise altered unless Owner obtains permission from City's Urban Forestry Board in accordance with the requirements of SMC Chapter 4.05.

3. Owner shall be solely responsible for the maintenance of the Designated Tree. The heritage tree designation does not obligate City to maintain the Designated Tree or provide technical support for its maintenance. This Agreement shall not be interpreted as in any way conveying or granting to the public any right to enter or use the Property. City and its employees and representatives may enter the Property during normal business hours to evaluate compliance with the Agreement.

4. Owner acknowledges and agrees that in addition to other fines and penalties, SMC Chapter 4.05 provides that if the injury, mutilation, or death of a heritage tree is caused by a violation of SMC Chapter 4.05, the cost of repair or replacement of such tree, of similar size, shall be borne by the party in violation. If repair or replacement is not feasible, the violator will pay a fine in the amount of the replacement value, which replacement value shall be determined by City in accordance with the latest edition of Guide for Plant Appraisal, authored by the Council of Tree and Landscape Appraisers. Owner acknowledges and agrees that the foregoing is fair and reasonable in light of the significance of the Designated Tree. The current valuation for the Designated Tree is set forth in Exhibit A, which is for reference purposes only and shall not limit a greater valuation in the event of a violation after the effective date of this Agreement.

5. In addition to any remedies provided to City under SMC Chapter 4.05, and without prejudice to such remedies, City may enforce this Agreement through any remedy available at law or equity including, without limitation, injunctive relief without any obligation to post bond or demonstrate damages. All remedies are non-exclusive and may be exercised concurrently or consecutively.

6. In the event of any suit, arbitration, or action arising from or related to this Agreement, the prevailing party in such suit, arbitration, or action shall be entitled to all costs and expenses incurred in connection with such suit, arbitration, or action, including title reports, expert witness fees, and such amount as the court may determine to be reasonable as attorney's fees therein, including attorney fees in connection with any appeal.

7. This Agreement runs with the land and will be binding upon all parties having or acquiring any right, title, or interest in the Property.

8. No waiver of any breach of any of the provisions of this Agreement or SMC Chapter 4.05 will be effective unless in writing and no such waiver shall be construed as, or constitute, a waiver of any other breach or a waiver, acquiescence in, or consent to any further or succeeding breach of the same. Nothing herein shall be construed as a waiver of City's right to enforce any provision of SMC Chapter 4.05.

[signatures on next page]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year above written.

OWNER:

a(n)_____

By: _____
Print Name: _____
Title: _____

STATE OF OREGON, County of _____) ss.

The foregoing instrument was acknowledged before me this ____ day of _____,
20____, by _____, as _____ of
_____, a(n) _____.

Notary Public for Oregon

CITY:
City of Sisters,
a municipal corporation

By: _____
Print Name: _____
Title: _____

STATE OF OREGON, County of Deschutes) ss.

The foregoing instrument was acknowledged before me this ____ day of _____,
20____, by _____, as _____ of the City of
Sisters, a municipal corporation.

Notary Public for Oregon

EXHIBIT A
Description and Depiction of Designated Tree

Species: _____
Approx. Diameter at Breast Height: _____
Approx. Tree Height: _____
Current Replacement Value: _____
Location on Property: See general depiction below.

[insert depiction]

4.05.050 Heritage trees.

(1) Purpose and Generally.

(a) The purpose of this section is to provide for the protection of trees holding special significance within the city of Sisters. The preservation of mature, native trees within the city is a preferred alternative to removal and replanting. Mature trees reduce air and water pollution, provide summer shade and wind breaks, and require less water than establishing new landscaping plants.

(b) The city finds that the ponderosa pine has a historical role in the city and dominates the landscape within the city limits. The city will prioritize ponderosa pines that meet the guidelines and criteria of this section to be considered as candidates for the heritage tree designation.

(2) Designation.

(a) The public works director, urban forestry board, council, or any individual or group of individuals interested in identifying and preserving heritage trees may nominate any public tree for "heritage" status. Nominations will be made on the form prescribed by the public works director and subject to applicable fees.

(b) Subject to the provisions contained in this section, the urban forestry board will review all nominations and may recommend to the council that any nominated tree be designated as a heritage tree.

(c) The urban forestry board will consider the following criteria in determining whether to recommend a ponderosa pine tree for the heritage tree designation: (i) the tree age should be approximately 200 years or more; and (ii) the tree size should be approximately 30 inches DBH or greater and/or more than 85 feet tall.

(d) For trees other than ponderosa pines, the urban forestry board will consider each tree on a case-by-case basis and will consider, among such other criteria and characteristics the urban forestry board deems necessary and appropriate, the occurrence (rarity) of the tree species in the city, its distribution throughout the city, its historical significance, and whether the species has a low population in the city.

(e) Upon receiving a recommendation from the urban forestry board, the council may designate a tree as a heritage tree if it finds (i) that the tree meets the criteria in this section and (ii) the tree's health, aerial space, and open ground area for the root system have been certified as sufficient by a certified arborist.

(f) The city will maintain an inventory of all heritage trees as part of its urban forest management plan.

(3) Private Trees. A tree on private property may only be designated as a heritage tree if nominated by the applicable property owner or by a third party with the prior written consent of the applicable property owner. The nomination or consent of a property owner will bind all successors, heirs, and assigns. When a tree located on private property is designated as a heritage tree, the owner will record an instrument acceptable to the city noting that such tree(s) is subject to the regulations of this section.

(4) Protection Standards. Except as expressly provided otherwise in subsection (5) of this section, it is unlawful for any person to remove, prune, injure, and/or otherwise tamper with any heritage tree without the prior written approval of the urban forestry board. The public works director will be responsible for and maintain all heritage trees located on public property. Heritage trees on private property are the responsibility of and will be maintained by the property owner.

(5) Heritage Tree Removal and Pruning.

(a) No person will remove, prune, injure, and/or otherwise tamper with a heritage tree unless the urban forestry board determines that either (i) the tree is hazardous or (ii) removal of the tree is necessary for completion of a public project including, without limitation, street, water, sewer, stormwater, public building, or park projects. Prior to taking any proscribed action against any heritage tree, the applicant will provide a report to the urban forestry board from a certified arborist or other qualified professional to determine whether the subject tree is hazardous or likely to interfere with construction of the public project. Such report must identify any possible treatment to avoid pruning or removal. For purposes of this chapter, a tree is "hazardous" if it is dead or diseased, or poses a threat or hazard to safety, property, and/or the health of other trees including, without limitation, by presenting a risk of wildfire.

(b) Upon receiving a request to remove a heritage tree, the urban forestry board will hold a public hearing to determine whether pruning, removal, or other action is in the city's best interest.

(c) Notwithstanding anything herein to the contrary, in an emergency, as determined by the public works director, the public works director may authorize the pruning, removal, or other action affecting a heritage tree without the authorization of the urban forestry board.

(d) Notwithstanding anything herein to the contrary, in an emergency, and only after reasonable efforts to obtain the authorization of the public works director, a property owner may prune, remove, or take other action affecting a heritage tree on private property without authorization by the urban forestry board or public works director, but only as necessary to abate an immediate danger. Any additional work will be performed subject to the requirements

of this section.

(6) Removal of Designation. The urban forestry board may recommend to council whether the heritage tree designation should be removed from a tree. The council may remove the designation if it finds that the designation is no longer necessary or appropriate, the tree is hazardous, and/or the tree no longer meets the criteria as a heritage tree under subsection (2) of this section. [Ord. 516 § 2 (Exh. A), 2021].



CITY COUNCIL Staff Report

Meeting Date: August 28, 2024
Type: Regular City Council Meeting
Subject: City Council Meeting Minutes

Staff: R. Green
Dept: Administration

Consent Agenda: Approve the minutes from the August 14, 2024 City Council Workshop and the August 14, 2024 Regular City Council meeting.

Summary Points:

- Approve the minutes from the August 14, 2024 City Council Workshop and the August 14, 2024 Regular City Council meeting.

Financial Impact: None.

Attachments:

1. ATTACHMENT 1: August 14, 2024, City Council Workshop
2. ATTACHMENT 2: August 14, 2024, Regular City Council meeting

WORKSHOP MEETING MINUTES
 SISTERS CITY COUNCIL
 520 E. CASCADE AVENUE
 AUGUST 14, 2024

MEMBERS PRESENT:

Michael Preedin Mayor
 Andrea Blum Council President
 Jennifer Letz Councilor
 Susan Cobb Councilor

STAFF PRESENT:

Jordan Wheeler City Manager
 Kerry Prosser Asst. City Manager
 Scott Woodford CDD Director
 Matt Martin Principal Planner
 Jackson Dumanch Project Coordinator
 Rebecca Green Deputy Recorder

Guests:

Kevin Moriarty Deschutes County Forester
 Krista Appleby Assistant Building Official
 Matt Hastie MIG Consultant
 Andrew Parish MIG Consultant

The meeting recording is available here:

<https://www.ci.sisters.or.us/citycouncil/page/city-council-workshop-meeting>

Mayor Preedin called the workshop to order at 5:01 p.m.

1. Wildfire Resiliency Update

Principal Planner Martin explained that in 2022 the Oregon Department of Forestry (ODF) and the Oregon State University (OSU) developed a wildfire “risk” map. This map was shared with the public for feedback, and the response led to its withdrawal for revision. During this period, the legislature updated the procedures and methodology for creating these maps. The revised map now focuses on wildfire “hazards” and classifies them into three categories: low, moderate, and high. Opportunity for comment on this map closes on July 18, 2024.

Deschutes County Forester Kevin Moriarty explained the updates to the wildfire and map and new methodology. He noted that the original map analyzed 30-meter areas using three sets of data: burn probability (likelihood of fire based on historical factors), fire intensity (flame lengths), and susceptibility (proximity and density of structures). In the revised map, the susceptibility data has been removed.

The new map uses LandFire (landfire.gov) fuel models, which are based on existing vegetation. For the Sisters area, the models include timber types on the west and southwest and grass and shrub types in the northeast. After applying these models, each tax lot was according to its vegetation type. As a result, the low-intensity timber models produced low-to-moderate risks, and the high-intensity grass and shrub model produced high risks.

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
AUGUST 14, 2024

County Planning staff have been tasked with reviewing the map and identifying any anomalies. They have issued a memo detailing their concerns and have received responses. As well, the commissioners are drafting a letter for public comment, and the Council may also consider submitting comments.

After the public comment period closes, the County will review all feedback and publish the final map in October. There will be a 60-day appeal period during which landowners can contest their high-risk classification if they disagree. The city can also use this period to appeal the map if it finds that the code adoption does not adequately ensure safety. Additionally, the city might request that local jurisdictions be allowed to implement building hardening standards for all properties within the Wildland-Urban Interface (WUI). According to the recently released guidelines, defensible space and building hardening codes can only be applied if a property is both in a high-risk area and within the Wildland-Urban Interface (WUI). While local jurisdictions can implement stricter defensible space codes, they cannot do so for building hardening measures. Assistant Building Official Appleby stated that the state standards, once adopted, apply only to newly constructed dwellings and accessory structures, additions to existing structures, and reroofing projects. These standards do not cover commercial buildings or apartment complexes.

Martin indicated the city will present draft defensible space measures to the Council, including strategies for establishing and maintaining vegetation. Additionally, Martin will develop building and hardening standards appropriate for Sisters, ensuring the city is prepared to adopt these measures once state regulations are finalized.

Manager Wheeler will prepare a public comment letter for the Council to submit to the State of Oregon before the July 18, 2024, deadline.

2. Urban Growth Boundary Amendment Update

Director Woodford reported that the Urban Growth Boundary (UGB) Steering Committee (UGBSC) is progressing with the initial phases of their work: determining land needs and defining and analyzing the study area. Staff have been providing information to the public, and the UGBSC plans to engage the community during the fall months to discuss these two steps in detail.

MIG consultants Matt Hastie and Andrew Parish provided an update on the work to establish and analyze the study area. Parish outlined the seven study areas, while Hastie noted that meeting the required acreage can be achieved by focusing on Areas 5, 6, and 7—specifically, Camp Polk Vicinity, Barclay Vicinity, and Wildhorse Vicinity. Director Woodford clarified that the development transition is part of a 20-year plan, with landowners having the choice to sell their property for inclusion in the UGB at their discretion. Hastie added that several properties in Barclay Vicinity are interested in

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
AUGUST 14, 2024

annexation, which could expedite the process if that area is prioritized. Once the UGB is established, any property seeking annexation must be contiguous to the existing boundary. Therefore, properties adjacent to the UGB must be annexed first before considering other properties, extending the overall timeline.

Woodford stated that the UGSC has done a good job looking at the nuances of each area and understanding the constraints and opportunities of each.

The next steps involve a detailed evaluation of the study area and gathering input from the public. Based on this information, a preferred expansion alternative will be identified. The next Steering Committee meeting is tentatively scheduled for October 3, 2024.

3. Other Business – None.

The meeting was adjourned at 6:30 p.m.

Rebecca Green, Deputy Recorder

Michael Preedin, Mayor

REGULAR MEETING MINUTES
 SISTERS CITY COUNCIL
 520 E. CASCADE AVENUE
 AUGUST 14, 2024

MEMBERS PRESENT:

Michael Preedin Mayor
 Andrea Blum Council President
 Jennifer Letz Councilor
 Susan Cobb Councilor

STAFF PRESENT:

Jordan Wheeler City Manager
 Kerry Prosser Assistant City Manager
 Joe O'Neill Finance Director
 Scott Woodford CDD Director
 Jackson Dumanch Project Coordinator
 Garrett Chrostek City Attorney
 Rebecca Green Deputy Recorder

The meeting recording is available here:

<https://www.ci.sisters.or.us/meetings>

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

The meeting was called to order by Mayor Preedin at 6:37 pm.

2. ROLL CALL

A roll call was taken, and a quorum was established.

3. APPROVAL OF AGENDA

Council President Blum made a motion to approve the agenda. Councilor Letz seconded the motion. Preedin, Blum, Letz, and Cobb voted aye; the motion carried 4-0.

4. VISITOR COMMUNICATION

1. Borys Tkacz: Wildfire hazard map
2. Joshua Smith: Sisters Business Association and the economy
3. Pat Lesier: Preservation of the Conklin House and zoning
4. Zenia Kuzma: Urban Growth Boundary Amendment
5. Therese Kollerer: Urban Growth Boundary Amendment and surrounding areas

5. CONSENT AGENDA

- A. Minutes
 1. August 14, 2024 – Workshop
 2. August 14, 2024 – Regular Meeting
- B. Approve an Intergovernmental Agreement with the State of Oregon for the

REGULAR MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
AUGUST 14, 2024

Design and Construction of the Cascade Avenue Electric Vehicle Charging Project and Authorize the City Manager to Execute the Agreement.

Councilor Cobb made a motion to approve the Consent Agenda. Councilor Letz seconded the motion. Preedin, Blum, Letz, and Cobb voted aye; the motion carried 4-0.

6. COUNCIL BUSINESS

A. Discussion and Consideration of a Motion to Award Community Grant Funds for FY 2024/25.

Manager Wheeler stated that the City budgeted \$30,000 for community grant funds, which is a \$10,000 increase from last year. The City received 27 applications with requests totaling \$61,490. Council made individual allocations last week which were averaged and will be finalized tonight.

Director O'Neill displayed the spreadsheet of requests and allocations for Council review.

Council discussed the final allocations. Those awards can be found on the city website: <https://www.ci.sisters.or.us/administration/page/community-grants>

Councilor Blum made a motion to approve the Community Grant funds as allocated. Councilor Cobb seconded the motion. Preedin, Blum, Letz, and Cobb voted aye; the motion carried 4-0.

B. Continuation of Hearing and Consideration of Ordinance 538: AN ORDINANCE OF CITY OF SISTERS AMENDING SISTERS DEVELOPMENT CODE CHAPTER 2.12, SUN RANCH TOURIST COMMERCIAL DISTRICT, THAT EXPANDS AND CLARIFIES THE TYPES OF ALLOWED USES AND APPLICABLE DEVELOPMENT STANDARDS.

Mayor Preedin read the conduct of the hearing.

Mayor Preedin asked Councilors to disclose any conflicts of interest. There were none. No one in attendance challenged the participation of a Councilor.

Attorney for the applicant Adam Smith raised a point of order, stating an objection to hearing testimony at public comment regarding this ordinance, as the public comment period was closed. Smith requested Council disregard the testimony. Mayor Preedin confirmed with Council they agree with the request.

REGULAR MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
AUGUST 14, 2024

Principal Planner Martin highlighted the items previously discussed and needing further clarification: that the land use category of RV Park either be a permitted use or a conditional use; that setbacks from Barclay and Camp Polk Road either be 10 ft or 20 ft; that size limits and calculations for neighborhood/retail market either be 1,000 sq ft including or excluding storerooms; and to define the length of occupancy in an RV park. Martin discussed several of the correspondence received since last meeting as well as the airport overlay district and whether it impacts the Sun Ranch Tourist Commercial District.

Council concurred that Chapter 2.12 may designate RV Parks as a permitted use, rather than conditional use, given that the district itself has been determined to be compatible with the surrounding neighborhood. Council concurred that a 10 ft setback for structures is appropriate for this district property, as it is commensurate with code for all other commercial districts. Council concurred that the 1,000 ft size limit for a retail sales market is appropriate and would not include storerooms. These items constitute no changes to the amendment.

Council discussed the length of occupancy in an RV Park. City Attorney Chrostek explained constraints imposed by state law and advised that if the Council wishes to prohibit residential use in this area, they should include explicit language to that effect. However, the definition of residential use is not clearly established by state law. Council discussed how to define residential use such that RVs in this district would not be permitted for long-term stay. Council decided against setting specific time limits, opting instead to stipulate that “Residential use and occupancy is not permitted, except for caretaker’s quarters.”

Councilor Cobb stated she supports all updates to the code except for the RV park. Councilor Letz clarified that the western frontier design theme would be applicable to this district and supports the RV park. Mayor Preedin supports the RV park as long as it is not residential. Council President Blum supports the RV park as submitted.

Council President Blum moved to recommend to City Council approval of City File TA 24-01 subject to the following proposed changes to 2.12.1000 (c): “Residential use and occupancy is not permitted, except for caretaker’s quarters.” Councilor Letz seconded. Preedin, Blum, Letz, voted aye; Cobb voted nay; the motion carried 3-1.

Mayor Preedin asked for a motion to read Ordinance 538 by title.

Council President Blum moved to have the City Manager read Ordinance 538 by title only. Councilor Cobb seconded. Preedin, Blum, Letz, and Cobb voted aye; the motion carried 4-0.

City Manager Wheeler read Ordinance 538 by title.

REGULAR MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
AUGUST 14, 2024

Council President Blum made a motion to approve and adopt Ordinance 538 – City File TA 24-01 subject to the following proposed changes to 2.12.1000 (c): “Residential use and occupancy is not permitted, except for caretaker’s quarters.” Councilor Letz seconded the motion. A roll call vote was taken. Preedin, Blum, Letz voted aye; Councilor Cobb voted nay; the motion passed 3-1.

A second reading of Ordinance 538 would occur at the next City Council meeting Wednesday, August 28, 2024, at 6:30 pm.

7. OTHER BUSINESS

A. Staff Comments

City Manager Wheeler

- The City’s Public safety survey is available to the public and closes on Aug 25, 2024.
- The recent Sisters Houselessness partner meeting focused on how to engage the public for an October community event.
- Explore Sisters is working on their strategic plan. They have completed the Visitor’s Center at 291 E. Main, and it is now open daily.
- The Vision Implementation Plan (VIT) Progress Report 2023 has been released.
- The Community Development Department is working on defensible space, short-term rentals, and private tree removal.
- The Public Works Department is working on safety improvements on McKinney Butte, East Portal Phase I and Barclay Phase I bidding, and design for water and wastewater projects.
- The Finance Department has made savings on workers compensation and the City saw Transient Lodging Tax (TLT) revenue meet the budget by end of fiscal year. The line of credit request for Urban Renewal Agency (URA) is forthcoming to Council.
- Procuring public art for the Locust Roundabout continues with 4-5 submittals received thus far. The deadline is September 13, 2024.
- Building in wildfire high-risk areas requires specific building standards to mitigate those risks; the risk itself does not preclude building in that area.

8. MAYOR/COUNCILOR BUSINESS

Councilor Cobb pointed to an unnamed creek on the Urban Growth Boundary map and suggested the city have a contest to name it.

Councilor Letz referred to issues with the wildfire hazards map. Letz attended the recent Sisters Country Economic Development Pub Talk at Sisters Makers. The talk highlighted the

REGULAR MEETING MINUTES
SISTERS CITY COUNCIL
520 E. CASCADE AVENUE
AUGUST 14, 2024

importance of art to the Sisters economy. Letz attended two Bicycle and Pedestrian Advisory Commission meetings that discussed a large Oregon Department of Transportation (ODOT) grant opportunity for community paths.

Councilor Blum attended the recent Coordinated Houseless Response Office (CHRO) work session on the future of the office. The office may need to become a regional entity, possibly under the auspices of Central Oregon Intergovernmental Council. Blum attended the Sisters Houselessness partner group meeting, who is working towards understanding what the community wants, needs, and can support for the houseless community. This community engagement will play a crucial role in decision-making, ensuring that the voices of those who are houseless are included.

Mayor Preedin discussed the Sisters Houselessness partner group and emphasized that community engagement will also focus on educating the public about the various organizations addressing houselessness and their distinct roles and responsibilities. There is a more coordinated effort than seen in the past. Preedin spoke to the Oregon Mayor's Conference in July and the Central Oregon Cities Organization (COCO) legislative tour held Sisters on August 11, 2024. Preedin spoke to the increase in wildfires in Oregon this summer.

9. ADJOURN: 8:43 p.m.

Rebecca Green, Deputy Recorder

Michael Preedin, Mayor



Meeting Date: : August 28, 2024
Type: Regular Meeting
Subject: Release of Easement Agreement

Staff: P. Bertagna
Dept: Public Works

Action Requested: Through approval of the Consent Agenda, approve a Release of Easement Agreement for the existing Access Easement across the City-owned tax lot 1510150000200/704 (Lazy Z) and authorize the City Manager to execute the agreement with minor legal revisions.

Summary Points:

- Bradley & Krystal Marshall (owners of Parcel 1) contacted ODOT to apply for dedicated access to Hwy 20 for their Parcel 1. ODOT has approved the new access with a condition to vacate the access easement that runs across the City property. The access easement benefits both Parcels 1 and 2.
- The Marshall's contacted the City to see if we would be interested in vacating their easement across the City's Lazy Z property. Staff have worked with our legal counsel to review the provided easement vacation.
- Rodney Wigle is the current owner of Parcel 2 that is benefitted by the easement and has also agreed to vacate their rights to the easement.
- Vacating and releasing this access easement benefits the city-owned Parcel 3 which is our effluent disposal site and future wetlands complex. Releasing this easement removes a potential access encumbrance off Parcel 3.
- The City's legal counsel has reviewed and revised the original easement agreement for the City Manager to execute.

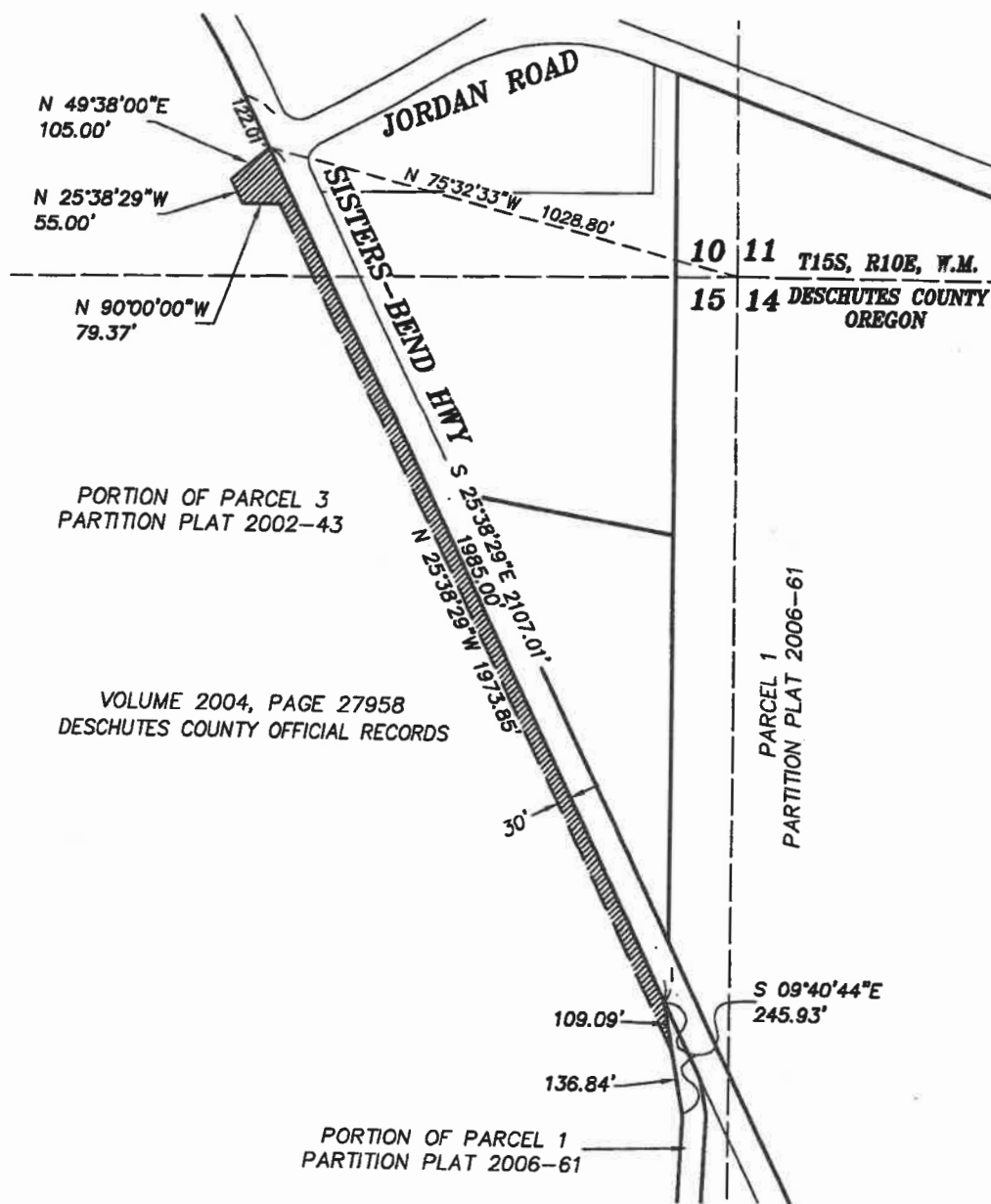
Financial Impact: Associated legal fees for review

Attachments:

1. ATTACHMENT 1: Easement Map

EXHIBIT MAP

INGRESS - EGRESS EASEMENT OVER AND ACROSS A PARCEL OF LAND SITUATED IN SECTIONS 10 AND 15, T15S, R10E, W.M., DESCHUTES COUNTY, OREGON



PORTION OF PARCEL 3
PARTITION PLAT 2002-43

VOLUME 2004, PAGE 27958
DESCHUTES COUNTY OFFICIAL RECORDS

PARCEL 1
PARTITION PLAT 2006-61





Meeting Date: August 28, 2024
Type: Regular

Staff: Scott Woodford
Dept: CDD

Subject: Second Reading of Ordinance No. 538: Amendments to Sisters Development Code Chapter 2.12 - Sun Ranch Tourist Commercial (TC) District.

Action Requested: Second Reading of Ordinance No. 538 - AN ORDINANCE OF CITY OF SISTERS AMENDING SISTERS DEVELOPMENT CODE CHAPTER 2.12, SUN RANCH TOURIST COMMERCIAL DISTRICT, THAT EXPAND AND CLARIFY THE TYPES OF ALLOWED USES AND APPLICABLE DEVELOPMENT STANDARDS.

SUMMARY:

At the August 14, 2024, meeting, the City Council (Council) approved proposed text amendments to the Sun Ranch Tourist Commercial District (Ordinance No. 538) by a 3-1 vote. The ordinance was approved with changes that do not allow the residential use and occupancy of a Recreational Vehicle (RV) in an RV Park except for when an RV is used for caretaker's quarters. Because the decision was not unanimous, a second reading of the ordinance is scheduled for August 28, 2024.

APPROVED CHANGES TO ORDINANCE NO. 538

Attached is Ordinance No. 538 (Attachment 1). The ordinance has been updated to reflect the decision of the Council that included changes to the proposed amendments to Sisters Development Code (SDC) Section 2.12.1000(C) related to regulation of RV Parks in the Tourist Commercial District. As previously discussed, the changes add a requirement that an RV cannot be used for residential use and occupancy except when an RV is used for caretaker's quarters. The specific changes approved by the Council are the addition of the following text identified by underline:

2.12.1000 Special Standards for Certain Uses

...

- C. RV Parks. In addition to the standards of SDC 2.15.1700, the following are applicable to RV Parks in the TC District:
 - 1. Residential use and occupancy is not permitted, except for caretaker's quarters.

All other amendments included in the ordinance presented at the August 14 Council meeting remain unchanged.

Financial Impact: N/A

Attachments:

- 1. ATTACHMENT 1 - Ordinance No. 538 with Exhibits

ORDINANCE NO. 538

AN ORDINANCE OF CITY OF SISTERS AMENDING SISTERS DEVELOPMENT CODE CHAPTER 2.12, SUN RANCH TOURIST COMMERCIAL DISTRICT, THAT EXPANDS AND CLARIFIES THE TYPES OF ALLOWED USES AND APPLICABLE DEVELOPMENT STANDARDS

WHEREAS, Jon Skidmore of Skidmore Consulting, LLC, on behalf of property owner Lake House Inn, LLC (“Applicant”) sought approval of a legislative amendment to the text of the Sisters Development Code (the “Code”) under Planning File No. TA 24-01 (the “Application”);

WHEREAS, after due notice, a public hearing on the Application was held by the Sisters Planning Commission (“Planning Commission”) on April 18 and May 16, 2024, testimony was accepted, and the Planning Commission voted to close the hearing and deliberate the matter;

WHEREAS, the Planning Commission, after reviewing the record and fully deliberating the matter, voted to recommended that the Sisters City Council (“City Council”) approve the Application;

WHEREAS, the Code requires a second hearing before the City Council for legislative text amendments;

WHEREAS, after due notice, a public hearing on the Application was held by the City Council on July 10, 2024, testimony was accepted, and the City Council voted to close the oral record, leave the written record open through July 31, 2024, and schedule deliberations for August 14, 2024;

WHEREAS, the City Council, after reviewing the record and fully deliberating the matter, voted to approve the Application with changes on August 14, 2024;

WHEREAS, the City Council conducted a second reading on August 28, 2024, because the vote was not unanimous,

NOW, THEREFORE, THE CITY OF SISTERS ORDAINS AS FOLLOWS:

1. Findings. The findings contained in the recitals and those found in the staff report attached hereto as Exhibit A are hereby adopted in support of the land use decision made by this Ordinance No. 538 (this “Ordinance”).
2. Approved Text Amendments. The amendments to the Code contained in the attached Exhibit B are hereby approved and adopted. Those provisions of the Code that are not amended or modified by this Ordinance remain unchanged and in full force and effect. This Ordinance does not relieve any person of any obligations that may have accrued under SDC Chapter 2.15 prior to the effective date of this Ordinance. City may continue the enforcement, prosecution, conviction, and/or punishment of any person who has or will violate SDC Chapter 2.15 prior to the effective date of this Ordinance.
3. Authorization. The City Manager, or designee, is authorized to execute any documents and to take such actions as are necessary to further the purposes and objectives of this Ordinance including, without limitation, integrating the adopted text amendments into the Code.

4. Miscellaneous. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word “or” is not exclusive. The words “include,” “includes,” and “including” are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the City Council to cure editorial and/or clerical errors.

This Ordinance was PASSED and ADOPTED by the Sisters City Council by a vote of ___ for and ___ against and APPROVED by the mayor on this 28th day of August 2024.

Michael Preedin, Mayor

ATTEST:

Rebecca Green, Deputy City Recorder



STAFF REPORT
Community Development Department

FILE #: TA 24-01

APPLICANT: Jon Skidmore – Skidmore Consulting, LLC
Ernie Larrabee - Lake House Inn, LLC

LOCATION: All of Sun Ranch Tourist Commercial District Including the Following Properties:
Address: 69013 Camp Polk Road / Tax Map and Lot: 15-10-4 1101
Address: 575 E. Sun Ranch Drive / Tax Map and Lot: 15-10-4BD 1900
Address: Unaddressed / Tax Map and Lot: 15-10-4BD 1901

REQUEST: Text Amendments to the Sisters Development Code Chapter 2.12 - Sun Ranch Tourist Commercial District. The purpose is to expand and clarify the types of uses allowed in the Sun Ranch Tourist Commercial District and other edits for consistency with the Sisters Development Code.

APPLICABLE CRITERIA: Sisters Development Code:
Chapter 1.3 – Definitions
Chapter 2.12 – Sun Ranch Tourist Commercial District
Chapter 4.1 – Types of Applications and Review Procedures
Chapter 4.7 – Land Use District Map and Text Amendments
City of Sisters Urban Area Comprehensive Plan
Oregon Statewide Land Use Goals

PLANNING COMMISSION HEARING DATES: April 18, 2024
May 16, 2024

CITY COUNCIL HEARING DATES: July 10, 2024
August 14, 2024

STAFF: Matthew Martin, Principal Planner

I. PROPOSAL:

The City of Sisters received an application that originally included text amendments to Sisters Development Code Chapter 1.3 (Definitions) and Chapter 2.12 (Sun Ranch Tourist Commercial (TC) District). The applicant, Ernie Larrabee of Lake House, LLC, indicates the purpose of the amendments is

to expand and clarify the types of uses allowed in the TC District to reflect changes in the community and tourism industry.

During the review process of the Planning Commission, the applicant coordinated with staff to revise the proposal to address issues raised and reduce the number of formatting changes proposed. In summary, the revised proposal includes the following substantive changes to Chapter 2.12:

- **Additional New Uses:**
 - Retail Sales Establishment
 - Hostel
 - RV Park including Caretaker's Quarters

- **Changes to Standards and Other Provisions:**
 - Amend the purpose statement to reflect removal of early 1900s Rural Farm/Ranch House design standards for the district.
 - Change "Restaurant, bar, and food services" to "Eating and drinking establishments" for consistency with the remainder of the SDC.
 - Add requirements for Hostel use that match standards for Hostels in the Highway Commercial District.
 - Reduce front and side yard setbacks from 20 to 10 feet.
 - Add Special Use Standard requiring maximum 1,000 square feet for Neighborhood Market and Retail Sales Establishment uses.
 - Add Special Use standard for RV Park use including:
 - Maximum of 65% of the gross area of property for use.
 - Required amenities to complement the use.
 - Add definition for existing Lodging Facility use.
 - Remove the early 1900s Rural Farm/Ranch House design standards for the district.

The originally proposed amendment to Chapter 1.3 was withdrawn for the proposal.

II. **BACKGROUND:**

The applicant provided the following background of the subject properties and TC District:

The subject property enjoys a long history in the Sisters community. The site once had a schoolhouse on it. The old residential structure onsite was originally constructed in 1947. That house was used as the home of the Hitchcock family and then the Conklin family. The house was used as a bed and breakfast from the 1980s through the early 2000s.

In 2004/2005, the previous owner of the subject property purchased this property and the 35+/- acres adjacent to the north and west. That owner worked with the City to create the Sun Ranch Industrial Park, Sun Ranch Residential District, and the Sun Ranch Tourist Commercial zone. These zoning districts were planned cohesively to leverage uses within the various districts for the benefit of residents and workers within those districts. For instance, the industrial district was planned to provide jobs for people who may live in the residential district. The Tourist Commercial district was planned to provide amenities such as eating and drinking establishments or overnight accommodations for the benefit of the residents of the residential zone or workers in the industrial park. That interplay is still very much a goal for the subject property. The zone was also planned to invite tourists as well as other Sisters community members. The proposed text amendments seek to expand and clarify the permissible uses on site with those objectives in mind.

The SRTC district was created around a specific vision for the property. The uses permissible were tightly tailored to that vision. From 2004 through 2007, the previous owner worked with the city to create the entirety of the Sun Ranch concept. The bed and breakfast structure was meant to be a centerpiece of the SRTC zone. Remodeling of the bed and breakfast commenced to house a high-end restaurant about 2006/2007. The restaurateur that was heading the effort abandoned the project. The structure that was mid-renovation has sat unfinished since that time and is boarded up for safety reasons.

The vision for the SRTC zone in the mid-2000s is outdated at this point. Sisters was a different place at the time that the TC zoning district was created. For instance, Five Pine was still in initial phases of development. The housing stock in Sisters was extremely limited. There were fewer eating and drinking establishments in Sisters.

In 2007, the population of Sisters was 1,825 per the Portland State University Population Research Center statistics. PSU's Population Research Center estimates that the population of Sisters in 2025 will be 3,890. Since the economic recovery following the Great Recession, the Sun Ranch area has developed with a variety of businesses and residential units. This reality creates an opportunity to create a set of regulations that permit various uses in keeping with the intent of attracting tourists and locals alike. The vision for the property still includes overnight accommodations and food & beverage establishments but in different forms. This new vision includes higher end RV spaces that cater to the "vanlife" market and things like food carts, a tap house, corn hole, pickleball, small concert stage and other items that attract local and tourist visitors.

Currently, the purpose of the TC zone, as stated in SDC 2.12.100 is:

The purpose of the Sun Ranch Tourist Commercial district is to establish landmark lodging, dining, and recreation destinations and gathering places for business travelers, tourists and the residents of the area. The district is for commercial properties in transition areas between residential, light industrial and commercial areas. This district establishes commercial uses to complement adjacent mixed-use light industrial and residential districts. Special design standards apply to create a rural ranch setting separate from, but compatible with, the 1880s Western Frontier Architectural Design Theme. Another purpose of this district is to provide flexibility for expansion of lodging facilities and improve accessory components of the commercial lodging establishment such as meeting facilities, restaurant, bar, neighborhood market, etc.

The proposed, new language still aims to provide various tourism related uses to attract locals and tourists and to provide community gathering spaces.

"The purpose of the Sun Ranch Tourist Commercial district is to establish a variety of uses associated with tourism such as options for overnight accommodations, dining, entertainment, and recreation and to provide gathering space and uses that attract business travelers, tourists and members of the Sisters community alike."

Uses such as cabins for overnight rental are not as high in demand as other types of overnight accommodation. Food carts, tap rooms and recreational opportunities create places where people gather. The proposed text amendments seek to expand and clarify the types of uses on site but still honor the purpose of the district in its relationship to the community and the traveling public. Further,

based on feedback from City staff, the proposed text amendments will put the SRTC zoning district into a format that is more consistent with the rest of the Sisters Development Code.

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.

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 amendments 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 4.1 – 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: The applicant is proposing text amendments to the Sisters Development Code. The amendments propose a revision to adopted land use regulations, thereby requiring compliance with Type IV procedure.

A. 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: Partner organizations and agencies staff identified as having a particular interest in the proposal were notified of the proposal and invited to participate.

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 hearings before the Planning Commission and City Council.

...

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 published notice in The Nugget newspaper, mailed to owners of property in the TC District, mailed to participants of record, and posted at City Hall. The City held public hearings before the Planning Commission and City Council. In addition, the applicant voluntarily held a public meeting prior to submittal of the application. These opportunities for public involvement satisfy Goal 1.

Goal 2 – Land Use Planning.

Staff Finding: Staff is following the prescribed procedure for a text amendment to ensure adequate 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 not applicable as the proposed text amendments will not have any known impact on either Agricultural or Forest Lands.

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

Staff Finding: Staff finds Goal 5 is not applicable because the proposed text amendments will not have any known impact on inventoried natural resources, scenic and historic areas, and open spaces. While the house on the property may be older and associated with significant past Sisters residents, it does not have any specific historic status or protections.

Goal 6 – Air, Water and Land Resources Quality.

Staff Finding: Staff finds Goal 6 is not applicable because the proposed text amendments, including the new uses, are not associated with the types of pollution, contaminants, or industrial byproducts that this goal addressed.

Goal 7 – Areas Subject to Natural Hazards.

Staff Finding: Staff finds Goal 7 is not applicable because the subject properties do not contain and are uniquely susceptible to any natural hazards.

Goal 8 – Recreational Needs.

Staff Finding: The applicant proposes RV Park as a permitted use. In conjunction with an RV Park, at least two recreational amenities shall be required including fishing pond, decks, docks and other areas to enjoy the pond, sport courts, dog park, multi-use trails and paths, playground, small stage, and fire pits. Staff finds these amenities will enhance and add to recreational opportunities in the community. Based on this information, staff finds Goal 8 is satisfied.

Goal 9 – Economic Development.

Staff Finding: The City has adopted an Economic Opportunities Analysis (EOA) that identifies economic land needs, target industries, and other local policies aimed at assuring economic opportunities within Sisters. The City has identified a continued focus on tourism related industries and expansion of those types of uses to attract tourism activity in the shoulder season. The proposed text amendments will expand the types of uses permissible within the TC District that will specifically or indirectly attract tourists year-round. Staff finds Goal 9 is met.

Goal 10 – Housing.

Staff Finding: Staff finds Goal 10 is not applicable because the proposed text amendments do not address the housing needs of the city. Staff would note that the currently allowed uses in the TC District, as well as the proposed added uses, such as RV park, are intended to be temporary living accommodations and not intended to provide long term housing.

Goal 11 – Public Facilities and Services

Staff Finding: Agency comments received did not express concern with the adequacy of public facilities and services to accommodate the uses and standards as proposed. Further, review of development for adequacy of public facilities and services remains unchanged with the proposed amendments. Staff finds that the amendments comply with Goal 11.

Goal 12 – Transportation

Staff Finding: The City adopted an updated Transportation System Plan (TSP) in December 2021. The TC District is bound on E. Barclay Avenue and Camp Polk Road, both classified as collector streets in the TSP. Improvements to Barclay Avenue are planned and improvements to Camp Polk Road will be contemplated as part of future any development proposals.

The applicant submitted a Trip Generation and Transportation Planning Rule (TPR) Analysis memo from Melissa Webb, PE with Lancaster Mobley Engineers (Application Exhibit F). The study reviewed the morning peak hour, evening peak hour, and average daily trip generation potential of the site under both the existing allowable land uses and the proposed additional allowable land uses. The study concluded that the proposed text amendments would not degrade the performance of any existing or planned transportation facility. Accordingly, the TPR is satisfied, and no mitigation is necessary or recommended in conjunction with the proposed text amendment. Comments received from the City Transportation Engineer express agreement with the assessment presented by Lancaster Mobley and the opinion that, as outlined, the proposed text amendments remain compliant with the TPR and noted the types of uses allowed with the amendments are lower in intensity than those already permitted within the zoning. Any

future development on the property may be required to submit an updated traffic study to look at specific traffic impacts and necessary mitigation measures.

Based on this information, staff finds the proposal complies with Goal 12.

Goal 13 – Energy Conservation

Staff Finding: No impact on energy conservation is anticipated. Therefore, This provision does not apply.

Goal 14 – Urbanization

Staff Finding: The proposed text amendments apply only to properties located within the current city limits. Therefore, staff finds Goal 14 is not applicable.

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 the applicable Goals and Policies of the Comprehensive Plan. Findings specific to applicable Goals and Policies 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 Finding: The proposed amendments were reviewed at Planning Commission and City Council meetings via public hearings, which are open to the public with opportunities for public involvement. The amendment proposal has followed the notice requirements in Chapter 4.1, including mailed and published notice of the public hearing. 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 hearings was published in The Nugget newspaper, emailed to the subscriber list of the City's Planning Commission listserv, mailed to owners of property in the TC District and participants of record, and posted at City Hall. Staff finds the review process for the proposed text amendments complies with this policy.

1.2.3 The City shall provide information about planning activities and notices of upcoming meetings in clear, understandable language and will include information about relevant City processes and procedures. This will include brief descriptions of items that City Council and Planning Commission will be discussing.

Staff Finding: Notice of the public hearing includes information about relevant City processes and procedures in clear, understandable language, with a listed contact person in the event an individual needs additional information. 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: The public meetings will include use of the Zoom online meeting app to provide opportunity for remote participation. A contact person is listed on the notice of public hearing for individuals that may need to request special accommodations prior to the hearing in order to reduce barriers to participation. Staff finds the review process for the proposed text amendments complies with this policy.

...

1.3.1 The City shall provide information necessary to reach policy decisions at City Hall, on the City's website, and via other avenues as appropriate.

Staff Finding: The project record is available at City Hall for inspection. In addition, a project specific page of the City of Sisters website has been created to provide information relevant to this project¹.

Sisters Comprehensive Plan Section 2: Land Use

¹ Project webpage: <https://www.ci.sisters.or.us/community-development/page/text-amendments-sun-ranch-tourist-commercial-district-%C2%A0>

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: The applicant addressed this policy with the following:

The proposed text amendments are geared towards updating and clarifying the permissible uses within the Tourist Commercial zone. Comprehensive Plans and Development Codes are living documents that require routine updates based on changes in federal and state law, local policy direction, and response to changing market conditions. In this instance, the applicant is proposing text amendments to the Tourist Commercial zone that will contribute to many of the goals and policies of the Comprehensive Plan and supporting documents as discussed below. Identifying the applicable Comprehensive Plan policies and explaining how the amendments are consistent with and will contribute to various policy ambitions provides the factual basis needed to support the changes. Changes that have occurred since the SRTC zone was adopted on the subject property, within the Sisters community and amongst travel behavior of tourists that also support these proposed amendments.

The applicant also notes the changes in the community, the district, and travel behavior that warrant consideration of the proposed amendments.

As detailed in the application narrative, the applicant contends, "As documented in the City's Comprehensive Plan, the City's EOA and the Sisters Country Vision, tourism has been and will continue to be an economic driver for the community. The EOA explains that uses that attract tourists provide desirable amenities for locals as well." Staff agrees with this opinion.

Based on this information, and as discussed throughout this report, staff finds the proposed amendments are based on factual information, the goals and policies of this Comprehensive Plan, and applicable local, state, and federal regulations and the proposed text amendments complies with this policy.

...

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 hearings was provided consistent with the City Development Code and Oregon State Law. Partner organizations and agencies staff identified as having a particular interest in the proposal were notified of the proposal and invited to participate. Owners of property in the TC District were identified to be affected by the proposed amendments, so Measure 56 notice was provided to these owners. Notice of the public hearings was posted in a variety of methods as previously listed. Staff finds the review process for the proposed text amendments complies with this policy.

- 2.1.7 The City shall continue to explore opportunities to incorporate new regulatory approaches and other best practices to implement the Comprehensive Plan in a manner that can be administered effectively and efficiently.**

Staff Finding: The applicant argues the text amendments allow property owners within the TC District to respond to changing market conditions and travel behavior is an effective way to adjust the city's development code to deliver on the tourism economic development policy ambitions in the City's Comprehensive Plan, EOA, and the Sisters Country Vision. Staff finds the amendments represent an evolution in the regulatory approach for uses and development standards in the TC District. Further, staff finds the proposed amendments that incorporate basic formatting and development standards similar to other commercial district chapters of the Sisters Development Code provide consistency and ease of use and implementation. Based on this information, staff finds this policy is met.

...

Sisters Comprehensive Plan Section 4: Livability

Goal 4

Maintain and enhance the livability of Sisters as a welcoming community with a high quality of life and a strong community identity.

Objective 4.1: Community Identity

To promote projects, programs, and initiatives that strengthen the community's identity, including historic resources, scenic views, trees, artisanal activities, and inclusive attitude towards all community members.

Policies:

- 4.1.1 The City shall recognize and conserve the environment and natural resources that enhance the community's identity, including open spaces, natural landscapes, outdoor recreation areas, historic structures, architectural styles, and public art.**

Staff Finding: The proposed amendments remove the TC District specific 1900s Rural Farm/Ranch House Design Theme standards. This results in the 1880s Western Frontier Design Theme being applicable to the TC District along with all other commercial districts. The proposed amendments do not have a greater impact on conservation of the environment and natural resources than those uses already allowed in the TC District. Based on this information, staff finds the proposed text amendments comply with this policy.

Objective 4.2: Neighborhood Design

To facilitate development and redevelopment of neighborhoods to support community members' economic, social, and cultural needs, and promote health, well-being, universal access, and innovative design.

Policies:

...

- 4.2.3 The City shall encourage transitions between residential and nonresidential areas through the use of buffers, screening, or other methods to improve compatibility and reduce impacts to residential neighborhoods.**

Staff Finding: The TC District is located adjacent to the North Sisters Business Park District and Airport District to the north, the North Sisters Business Park and Light Industrial Districts to the west, the Downtown Commercial District to the south. These zones are primarily intended to provide for commercial and industrial uses with limited opportunities for residential uses in the North Sisters Business Park and Downtown Commercial District resulting in a mixed-use environment. The properties to the east are located outside the city limits, zoned Rural Residential, and comprised of primarily larger acreage with limited residential development. Based on this information, staff does find these districts and existing development do not constitute a residential neighborhood.

Comments received expressed concern with noise, light, and other negatives associated with an RV Park use may have on adjacent residential use. Staff notes the special use standards applicable to RV Parks in SDC 2.15.1700(G) state, "Screening. The recreational vehicle park shall be enclosed by a fence, wall, landscape screening, berms, or by other designs approved by the Hearings Body which will complement the landscape and assure compatibility with the adjacent environment." This standard provides the opportunity to require project specific screening at the time of development review to address such impacts.

Based on this information, staff finds the proposal complies with this policy. With that said, if the Commission finds this area constitutes an area of transition between residential and nonresidential areas, the Commission may consider additional development or design requirements to improvement compatibility and reduce impacts on residential neighborhoods.

...

Sisters Comprehensive Plan Section 7: Parks, Recreation, And Open Space

Staff Finding: Staff has reviewed this section and did not identify any policies that are applicable to this proposal. With that said, the proposed RV Park use requires at least two recreational amenities including fishing pond, decks, docks and other areas to enjoy the pond, sport courts, dog park, multi-use trails and paths, playground, small stage, and fire pits. Staff finds these amenities will enhance and add to recreational opportunities in the community.

Sisters Comprehensive Plan Section 8: Economy

Goal 8

Provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of the City's community.

Policies:

- 8.1 The City shall maintain and enhance the appearance and function of the Commercial Districts by providing a safe and aesthetically pleasing pedestrian environment, encouraging mixed use development and unique design using the City's Western Frontier Architectural Design Theme.**

Staff Finding: The proposed text amendments will remove the TC District specific 1900s Rural Farm/Ranch House Design Theme thereby applying the City's 1880s Western Frontier Architectural Design that is applicable in all commercial districts. Staff finds the proposed text amendments comply with this policy.

...

- 8.3 The City shall promote pedestrian scale developments in the commercial zones. Auto-oriented developments such as restaurants with drive-up windows will be discouraged, limited or prohibited in the Downtown area; in other areas, they shall be limited and managed to minimize their impacts.**

Staff Finding: Auto-oriented developments is not a defined term in the Sisters Development Code or the Merriam-Webster Dictionary. With that said, Staff acknowledges the definitions section of SDC 1.3.300 includes a definition for “Auto-dependent use”² and uses this definition in addressing this policy. Currently, The TC District prohibits “auto-oriented uses and drive-through facilities.” The applicant proposes to change the terminology used from “auto-oriented” to “auto-dependent” to match the defined term. Staff notes such a use will continue to be prohibited in the district.

The applicant is proposing RV Park as a new use in the TC District, a commercial zone. RVs by design require the use of a vehicle. However, based on the definition of “auto-dependent use,” staff finds RV Park is no such use because the use does not service motor vehicles. Instead, staff finds the relationship of an RV Park to vehicles is similar to that of a hotel in that hotels typically serve the traveling public that arrive by motor vehicle.

Based on this information, staff finds this policy is met.

- 8.4 The City shall assure development contiguous to commercial and residential zones is designed and built in a manner that is consistent and integrates with the character and quality of those zones, including minimizing potential adverse impacts related to noise, odor, or light from commercial or industrial uses. Building shall be constructed in an attractive and inviting manner, without disrupting operations.**

Staff Finding: The definition section of SDC 1.3.300 includes a definition for “Abutting.”³ Based on the definition, the TC District is not contiguous to any residential zones and is contiguous to the Downtown Commercial District. In addition, while the North Sisters Business Park District is not by name a commercial zone, staff finds it is commercial in nature and compliance with this policy is applicable.

This policy is directed at the designed and built environment. The applicant is proposing new uses and reduced setbacks. The proposed setbacks are generally consistent with the setback standards of the other commercial districts in the city. In addition, the applicant is proposing to remove the district specific 1900s Rural Farm/Ranch House Design Theme resulting in implementing the City’s 1880s Western Frontier Architectural Design Theme that is applicable in all commercial districts.

In addition to the design standards and the development standards of the district, new development will be subject to the applicable site plan review criteria of SDC 4.2, design standards of SDC Chapter 3, and special use standards of SDC 2.15.

As previously discussed, comments received expressed concern for the impacts created by RV Park use in the district.

² SDC 1.3.300 “Auto-dependent use – The use services motor vehicles and would not exist without them, such as vehicle repair, gas station, quick lube/service facilities, car wash, auto and truck sales.”

³ SDC 1.3.300 “Abutting – Two or more lots or features (such as buildings) joined by a common boundary line or point. It shall include the terms adjacent, adjoining and contiguous.”

Based on this information, staff finds the proposal complies with this policy. With that said, if the Commission finds additional development or design standards are warranted, the Commission may consider additional requirements to address this policy.

...

8.7 The City shall implement development standards such as buffers, setbacks, landscaping, sign regulation and building height restrictions, to minimize the impacts of commercial and industrial uses on adjacent residential areas, including those related to noise, odor, or excessive lighting. Such standards will be applied in light-industrial parks and other transition areas.

Staff Finding: As previously discussed, Staff finds the TC District is not adjacent to residential areas based on the definition of “Abutting” as specified in the Sisters Development Code. Based on this information, staff finds this policy is not applicable to this proposal.

- 3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property. The applicant must demonstrate that the property and affected area shall be served with adequate public facilities, services and transportation networks to support maximum anticipated levels and densities of use allowed by the District without adversely impacting current levels of service provided to existing users; or applicant’s proposal to provide concurrently with the development of the property such facilities, services and transportation networks needed to support maximum anticipated level and density of use allowed by the District without adversely impacting current levels of service provided to existing users.**

RESPONSE: The TC District currently has adequate public facilities, services, and transportation networks to support the proposed uses and is anticipated to continue to provide adequate service with the maximum anticipated levels and uses allowed by the amendments. They are not anticipated to have a significant impact on existing or planned transportation and public facilities for the following reasons.

SEWER:

The city adopted the Wastewater System Capital Facilities Plan in 2016. The plan analyzed the ability to provide necessary sewer service based on development that could occur within the existing zoning districts and forecasted population growth. The sewer system was found to be sized appropriately to accommodate commercial level flows from the property. The proposed text amendments do not include new uses that are anticipated to exceed sewer capacity needs of the uses currently allowed in the TC District. No comments were submitted by Public Works or the City Engineer that expressed concern with serving the new uses proposed. Staff notes actual impacts on the system will be evaluated at the time land use review of future development.

WATER:

The city adopted the Water Capital Facilities Plan Update in 2018. The plan analyzed the ability to serve the community with water based on the existing zoning districts and forecasted population growth. This analysis included the SRTC zoning for the property. While the plan identifies maintenance and capital projects to meet the needs of to accommodate future growth, the plan identified adequate capacity to serve the TC District. No comments were submitted by Public Works or the City Engineer that expressed

concern with serving the new uses proposed. Staff notes actual impacts on the system will be evaluated at the time land use review of future development.

TRANSPORTATION:

The City adopted an updated Transportation System Plan (TSP) in 2021. Figure 4-3 from the TSP shows that the subject property has frontage on two collector roads, E. Barclay Drive to the south and Camp Polk Road to the east. Per figure 3-3 from the TSP, Camp Polk Road contains a bicycle lane. Planned improvements to E. Barclay Drive, including bicycle and pedestrian facilities, along with existing street connectivity will accommodate multiple modes of transportation and trip distribution.

The transportation impacts resulting from the proposed text amendments are analyzed in the submitted Trip Generation & Transportation Planning Rule Analysis by Melissa Webb, PE with Lancaster Mobley transportation engineers (Application Exhibit F). Based on the trip generation analysis, the proposed new and clarified uses will not generate more trips than can be developed under the current zoning. As previously noted, comments received from the City Transportation Engineer express agreement with the assessment presented by Lancaster Mobley and the opinion that, as outlined, the types of uses allowed with the amendments are lower in intensity than those already permitted within the zoning.

Comments received expressed concern with traffic impacts associated with RV Park use of the property. However, these comments were anecdotal in nature and did not provide fact-based analysis to rebut the findings of the information provided by the applicant and affirmed by the City Transportation Engineer.

Based on this information, staff finds this policy is met.

4. Compliance with 4.7.600, Transportation Planning Rule (TPR) Compliance

Staff Finding: Compliance with SDC 4.7.600 is addressed below.

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, this review is 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 above.

...

4.7.600 Transportation Planning Rule Compliance

-
- A. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed by the City to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060. Significant means the proposal would:
1. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal is projected to cause future traffic to exceed the capacity of “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the Transportation System Plan; or
 2. Change the standards implementing a functional classification system; or
 3. Allow types or levels of land use that would result in levels of travel or access what are inconsistent with the functional classification of a transportation facility; or
 4. The effect of the proposal would reduce the performance standards of a public utility or facility below the minimum acceptable level identified in the Transportation System Plan.
- B. Amendments to the Comprehensive Plan and land use standards which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
1. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or
 2. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,
 3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.

Staff Finding: The Trip Generation and Transportation Planning Rule Analysis provided by Melissa Webb, PE with Lancaster Mobley Engineers found that the trip generation potential from the existing zoning district language would produce a much higher volume of trips than the trips produced if the site were developed exclusively with the proposed new uses. Therefore, the analysis concluded the proposal will not “degrade the performance of any planned or existing transportation facility. Accordingly, the TPR is satisfied, and no mitigation is necessary or recommended in conjunction with the proposed text amendment.” Comments received from the City Transportation Engineer express agreement with the assessment presented by Lancaster Mobley and the opinion that, as outlined, the proposed text amendment remains compliant with the Transportation Planning Rule.

As previously noted, comments received expressed concern with traffic impacts associated with RV Park use of the property but did not provide fact-based analysis to rebut the findings of the information provided by the applicant and affirmed by the City Transportation Engineer.

Based on this information, staff finds this criterion is met.

Ordinance No. 538 – Exhibit B

**DEVELOPMENT CODE AMENDMENTS
CITY OF SISTERS DEVELOPMENT CODE
CHAPTER 2.12 – SUN RANCH TOURIST COMMERCIAL DISTRICT**

New text shown in underline

Removed text shown in ~~strikethrough~~

Chapter 2.15 – Special Provisions

Sections:

- 2.12.100 Purpose**
- 2.12.200 Applicability**
- 2.12.300 Permitted Uses**
- 2.12.400 Lot Requirements**
- 2.12.500 Height Regulations**
- 2.12.600 Setbacks and Buffering**
- 2.12.700 Lot Coverage**
- 2.12.800 Off-Street Parking**
- 2.12.900 Landscape Area Standards**
- 2.12.1000 Special Standards for Certain Uses**

2.12.100 Purpose

The purpose of the Sun Ranch Tourist Commercial district is to establish landmark lodging, dining, and recreation destinations and gathering places for business travelers, tourists and the residents of the area. The district is for commercial properties in transition areas between residential, light industrial and commercial areas. This district establishes commercial uses to complement adjacent mixed-use light industrial and residential districts. Another purpose of this district is to provide flexibility for expansion of lodging facilities and improve accessory components of the commercial lodging establishment such as meeting facilities, restaurant, bar, neighborhood market, etc.

2.12.200 Applicability

The standards of the Sun Ranch Tourist Commercial district, as provided for in this section, shall apply to those areas designated Sun Ranch Tourist Commercial district on the City's Zoning Map. All structures within the Sun Ranch Tourist Commercial district shall meet the design requirements contained in the Special/Limited Use Standards in this chapter.

2.12.300 Permitted Uses

Ordinance No. 538 – Exhibit B

- A. Permitted uses. Uses permitted in the TC District are listed in Table 2.12.300 with a “P.” These uses are allowed if they comply with the development standards and other regulations of this Code. Being listed as a permitted use does not mean that the proposed use will be granted an exception or variance to other regulations of this Code.
- B. Special Provisions. Uses that are allowed in the TC District subject to special provisions are listed in Table 2.12.300 with an “SP.” These uses are allowed if they comply with the special provisions in Chapter [2.15](#).
- C. Conditional uses. Uses that are allowed in the TC District with approval of a conditional use permit are listed in Table 2.12.300 with either a Minor Conditional Use “MCU” or a Conditional Use “CU.” These uses must comply with the criteria and procedures for approval of a conditional use set forth in Chapter [4.4](#) of this Code.
- D. Similar uses. Similar use determinations shall be made in conformance with the procedures in Chapter [4.8](#) – Code Interpretations.

Table 2.12.300 Use Table for the Sun Ranch Tourist Commercial District		
Land Use Category	Permitted/Special Provisions/Conditional Uses	Special Use References
Commercial		
Lodging facilities.	P	
Office	P	
- Eating and drinking establishments.	P	
Saunas, steam rooms, hot tubs, exercise equipment facilities and other spa-related uses.	P	
Amusement Uses (e.g. game rooms and other entertainment) oriented uses primarily for enjoyment by guests staying in the cottages or lodging facilities within the Sun	P	

Ordinance No. 538 – Exhibit B

Table 2.12.300 Use Table for the Sun Ranch Tourist Commercial District		
Land Use Category	Permitted/Special Provisions/Conditional Uses	Special Use References
Ranch Tourist Commercial district including, but not limited to, bicycle rentals, canoe rentals and movie rentals, etc.		
Neighborhood Market	P	See Section 2.12.1000
Retail sales establishment	P	See Section 2.12.1000
	P	
	P	
Small chapels, ceremonial pavilions and outdoor seating areas. Such uses designed to accommodate occupancies of 300 persons or more shall require a Conditional Use Review.	P/CU	
	P	
Special events/meeting facility, reception hall or community center. Such uses designed to accommodate occupancies of 300 persons or more shall require a Conditional Use Review.	P/CU	
Cideries, Distilleries, Wineries and Breweries	P	
Hostel	P	Accessory use to primary permitted use; 25 guest occupancy limit plus staff, and 14 day stay limit for each 30 day period.

Ordinance No. 538 – Exhibit B

Table 2.12.300 Use Table for the Sun Ranch Tourist Commercial District		
Land Use Category	Permitted/Special Provisions/Conditional Uses	Special Use References
RV Park including caretaker’s quarters	P	See Section 2.12.1000 and subject to Chapter 2.15.1700 of the Sisters Development Code.
Similar uses.	P	
Accessory uses.	P	
Utility service lines.	P	
Prohibited Uses		
Auto-dependent uses and drive-through uses.	P	
Telecommunications equipment, other than telecommunication service lines and cell towers.	P	
Industrial, residential, and public and institutional uses except as allowed in Table 2.12.300	P	

Key: P = Permitted SP = Special Provisions

MCU = Minor Conditional Use Permit CU = Conditional Use Permit

E. Formula Food Establishments. The City of Sisters has developed a unique community character in its commercial districts. The City desires to maintain this unique character and protect the community’s economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs. To meet these objectives, the City does not permit Formula Food Establishments within this zone.

2.12.400 Lot Requirements

Lot requirements for the Sun Ranch Tourist Commercial district will be determined by the spatial requirements for that use, associated landscape areas, and off-street parking requirements.

Ordinance No. 538 – Exhibit B

2.12.500 Height Regulations

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 30 feet.

2.12.600 Setbacks and Buffering

All building setbacks within the Sun Ranch Tourist Commercial district shall be measured from the property line to the building wall or foundation, whichever is less.

Decks and/or porches greater than 30" in height that require a building permit are not exempt from setback standards. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards listed below apply to primary structures as well as accessory structures. A Variance is required in accordance with Chapter [5.1](#) to modify any setback standard.

A. Front Yard Setback

New buildings shall be at least ten feet from the edge of the right of way.

B. Side Yard Setback

There is no minimum side yard setback required except where clear vision standards apply. A 10-foot setback is required for side yards that are adjacent to a street. Buildings shall conform to applicable fire and building codes.

C. Rear Yard Setback

There is no minimum rear yard setback required except where clear vision standards apply. Buildings shall conform to applicable fire and building codes.

D. Buffering

Any outside storage area (including trash/recycling receptacles) associated with a use on any site shall be buffered by masonry wall, site obscuring fencing or other measures using materials that are compatible with the color and materials of the primary buildings on site.

2.12.700 Lot Coverage

There is no maximum lot coverage requirement, except that complying with other sections of this code (landscape and pedestrian circulation, parking, etc.) may preclude full lot coverage for some land uses.

Ordinance No. 538 – Exhibit B

2.12.800 Off-Street Parking

The off-street parking requirements for uses in the Sun Ranch Tourist Commercial district may be satisfied by off-site parking lots or garages per Chapter [3.3](#). Parking Location and Shared Parking. Parking requirements for uses are established by Chapter [3.3](#) – Vehicle and Bicycle Parking, of the Sisters Development Code.

2.12.900 Landscape Area Standards

A minimum of 10 percent of the gross site area of proposed developments shall be landscaped according to Chapter [3.2](#) of the Sisters Development Code.

2.12.1000 Special Standards for Certain UsesA. Neighborhood Market

A neighborhood market shall:

1. Be focused on meeting the needs of the Sun Ranch Mixed Use Community residents, workers and guests.
2. Such uses shall not operate past 10:00 p.m.
4. Such uses shall not exceed 1000 square feet, excluding storerooms.

B. Retail Sales Establishment

1. Such uses shall not exceed 1000 square feet per lot, excluding storerooms.

C. RV Parks. In addition to the standards of SDC 2.15.1700, the following are applicable to RV Parks in the TC District:

1. Residential use and occupancy is not permitted, except for caretaker's quarters.
2. No more than 65% of the area of the lot or tract on which an RV park is proposed may contain the improvements associated with the use. Improvements shared with other uses of the property or tract (e.g. drive aisles, parking, amenities) shall not be included in the measurement. The area shall be measured along the outermost perimeter of the improvements associated with the RV Park use.
3. At least two amenities below or similar amenities must be provided prior to opening an RV Park (amenities shall occupy at least 10,000 square feet combined):
 - a. Fishing pond.

Ordinance No. 538 – Exhibit B

- b. Decks, docks and other areas to enjoy the pond.
 - c. Sport court(s), such as pickleball, bocci ball, basketball, or similar.
 - d. Fenced dog park.
 - e. Multi-use trails and paths.
 - f. Playground.
 - g. Small stage.
 - h. Fire pits.
- D. For purposes of the Sun Ranch Tourist Commercial zone, Lodging Facilities means any building, structure, or improvement used to provide temporary sleeping accommodations to the public for charge. For the purposes of this definition, improvement includes, but is not limited to, permanently installed recreational vehicles, cabins, and similar facilities for temporary occupancy.



Meeting Date: 8/28/2024
Type: Regular Meeting
Subject: Utility Code revisions

Staff: O'Neill, Bertagna
Depts: Finance and Public Works

Action Requested: Public Hearing and Consideration of Ordinance 539.

Background:

At the April 24, 2024 workshop, staff was given the approval by City Council to move forward with the evaluation and update of the water utility code. The following update includes some administrative revisions and other changes related to certain aspects of the utility ordinance. The notable changes are below:

- **The inclusion of “Dwelling Unit” in definition section of code language:**
The updated ordinance introduces the term “Dwelling Unit” into the definition section of the municipal code. This term has become the standard method for defining utility services related to living spaces within the code. Previously, the ordinance lacked a specific definition for a living facility on the customer side of a utility service, which led to ambiguity in how utility services were applied and billed.
- **Standardizing Definitions for Inside and Outside City Limits:**
The updated ordinance includes uniform language for utility regulations that apply both within and beyond the City limits. This means that the definitions and provisions governing water use, billing, and service standards are now consistent regardless of the location of the property. This change will simplify the administration of the ordinance and ensure equitable treatment for all users, whether they are located within or outside the City.
- **Defining Bulk Water Service and Out-of-City Transportation:**
The ordinance now explicitly defines what constitutes bulk water service—typically large-scale water delivery for purposes such as construction or industrial use. Additionally, it establishes a clear process for handling situations where this bulk water is transported outside the City. This process ensures that proper permissions are obtained, and appropriate fees or charges are applied to prevent potential misuse and manage the impact on City resources.
- **Prohibiting the resale of water:**
The addition of this language ensures the protection of the City’s water resources and maintains control over water distribution and usage.



- **Clarifying Financial Responsibility for Utility Accounts:**
The updated ordinance provides a detailed framework for determining the financial responsibility associated with utility accounts. It specifies who is accountable for paying utility bills, addressing scenarios such as tenant versus property owner responsibilities, and outlining procedures for handling unpaid accounts. This clarity helps to prevent disputes and ensures that financial obligations are clearly defined and enforced.

Financial Impact: None

Attachments:

1. ATTACHMENT 1: Ordinance 539 with Exhibit A: City of Sisters Municipal Code Chapter 13.15

ORDINANCE NO. 539

AN ORDINANCE OF THE CITY OF SISTERS AMENDING SISTERS MUNICIPAL CODE CHAPTER 13.15 TO ADD DEFINITIONS, CLARIFY PROVISIONS REGARDING USES OF CITY WATER AND FINANCIAL RESPONSIBILITY FOR WATER SERVICE, AND MAKE OTHER AMENDMENTS.

WHEREAS, the City of Sisters ("City") is a provider of domestic water to City's residents and businesses;

WHEREAS, City adopted provisions governing City water service and permissible uses of City water, which provisions are codified in Sisters Municipal Code ("SMC") Chapter 13.15; and

WHEREAS, the Sisters City Council has identified the need to update SMC Chapter 13.15 to, amongst other matters, standardize definitions, define bulk water service, clarify financial responsibility, address the resale of water, and ensure clarity and fairness in utility service administration.

NOW, THEREFORE, the City of Sisters ordains as follows:

1. Findings. The above-stated findings are hereby adopted.
2. Amendments. The amendments to SMC Chapter 13.15 attached hereto as Exhibit A are hereby adopted.
3. Authorization. The City Manager, or designee, is authorized to execute any documents and to take such actions as are necessary to further the purposes and objectives of this Ordinance including, without limitation, integrating the adopted text amendments into the SMC.
4. Miscellaneous. All pronouns contained in this Ordinance No. 539 (this "Ordinance") and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the City Council to cure editorial and/or clerical errors.

[signatures on next page]

This Ordinance was PASSED and ADOPTED by the Sisters City Council by a vote of ___ for and ___ against and APPROVED by the mayor on this 28th day of August 2024.

Michael Preedin, Mayor

ATTEST:

Rebecca Green, Deputy Recorder

EXHIBIT A

Amendments to SMC Chapter 13.15

~~Strikeout~~ is language deleted

Underlined is language added.

Chapter 13.15**WATER RATES, CHARGES, RULES AND REGULATIONS**

Sections:

- 13.15.010 Rules and regulations.**
- 13.15.020 Definitions of general terms.**
- 13.15.030 Service area.**
- 13.15.040 Application for service.**
- 13.15.050 Main extensions.**
- 13.15.060 Services.**
- 13.15.070 Meters.**
- 13.15.080 Water rates.**
- 13.15.090 Notices.**
- 13.15.100 Billing and payments.**
- 13.15.110 Meter error.**
- 13.15.120 Discontinuance of service.**
- 13.15.130 Reconnection of service.**
- 13.15.140 Unusual demands.**
- 13.15.150 Access to property.**
- 13.15.160 Responsibility for equipment.**
- 13.15.170 Fire hydrants.**
- 13.15.180 Penalties.**
- 13.15.190 Suspension of rules.**
- 13.15.200 Easement.**

Prior legislation: Ord. 91.

13.15.010 Rules and regulations.

(1) Short Title. This chapter shall be known as “rates, rules and regulations for the operation of the water department of the city of Sisters, Deschutes County, Oregon,” and may be so cited and pleaded.

(2) Scope. The water department and all customers receiving services from the water department, whether inside or outside the city limits, are bound by these rules and regulations of the water department. [Ord. [256B](#) § 1, 1996].

13.15.020 Definitions of general terms.

Applicant. Whenever the word “applicant” is used, it shall mean the person or persons, firm or corporation making application for water service from the water department under the terms of these regulations.

City. Whenever the word “city” is used, it shall mean the legally constituted municipal government of the city of Sisters, Deschutes County, Oregon.

Council. Whenever the word “council” is used, it shall mean the legally elected group of members composing the council, including the mayor, of the city of Sisters, Oregon.

Customer or User. Whenever the word “customer” or “user” is used, it shall mean the applicant who has been accepted under the terms of these regulations and who receives water service from the water department.

Public Works Superintendent. Whenever the words “public works superintendent” are used, they shall mean the person appointed by the council to superintend the affairs of the water department.

Water Department. Whenever the words “water department” are used, they shall mean the water department of the city of Sisters, Oregon. [Ord. [256B](#) § 2, 1996. Code 2002 § 13.12.010].

[Dwelling Unit. 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 13.40.](#)

13.15.030 Service area.

The area served by the water department shall be all that area included within the corporate limits of the city of Sisters and such other contiguous and neighboring territory as the council shall, from time to time, deem necessary to serve.

The water department shall not be liable for damage resulting from the interruption in service or from the lack of service. Temporary suspension of service by the water department for improvements and repairs

will be necessary occasionally. Whenever possible, and when time permits, all customers affected will be notified prior to shutdowns.

(1) Quality. The water department will exercise reasonable diligence to supply safe and potable water at all times.

(2) Ownership of System. All water mains, valves, fittings, hydrants and other appurtenances, except “customer service lines” as defined in SMC [13.15.060](#)(1), shall be the property of the water department.

(3) Classes of Service. The classes of service shall be residential, commercial, standby fire and contract as further qualified by the number after the class as follows:

Inside City Limits [and Outside City Limits](#):

~~2. Outside City Limits~~

(a) Residential Service. Residential services shall consist of all services for domestic purposes [including, without limitation, accessory dwelling units](#), single-family dwellings, ~~homes-duplexes~~, multifamily dwellings, and [retirement homes](#).

(b) Commercial Service. Commercial services shall consist of those services where water is used for commercial services, such as businesses ~~and municipal purposes~~ [multifamily dwellings](#).

(c) Standby Fire. Standby fire service shall consist of those services where water is available or used for fire protection only.

(d) Contract Service. Contract services shall consist of those services for industrial or independent water district purposes under contract authorized by the council.

[\(e\) Bulk Water Service. Bulk water is a temporary utility service taken directly from a hydrant. No bulk water service is to be transported or used outside City limits unless approval is granted by special contract.](#)

(4) Special Contracts. When the applicant’s requirements for water are unusual or large, ~~such as in independent water districts~~, or necessitate considerable special or reserve equipment or capacity, [each as determined by the water department, or requires service outside of the city limits, city](#) ~~by authorization of the council~~, reserves the right to ~~make~~ [require](#) special contracts, the provisions of which are different from and have exceptions to the regularly published water rates, rules and regulations. ~~This~~ [A](#) special

contract shall be in writing, signed by the applicant and approved by the council and city attorney and signed by the mayor and city recorder of the city of Sisters.

(5) Resale of Water. The resale of water is strictly prohibited. ~~Resale of water shall be permitted only under special contract, in writing, between the council and the persons, parties, or corporation purchasing water.~~

(6) Service Preference. In case of shortage of supply, the water department reserves the right to give preferences in the matter of furnishing service to customers and interests of the water department from the standing of public convenience or necessity. Water service to users outside of the city limits shall at all times be subject to the prior and superior rights of the customers within the city limits. [Ord. [256B](#) § 3, 1996. Code 2002 § 13.12.020].

13.15.040 Application for service.

(1) Application Form. Each applicant for water service shall sign an application form provided by the water department giving the date of application, location of premises to be served, the date applicant desires services to begin, purpose for which service is to be used, the address for mailing of the billings, the class and the size of the meter service and such other information as the water department may reasonably require. In signing the application, the customer agrees to abide by the rules and regulations of the water department. The application is merely a written request for service and does not bind the water department to serve. Accounts will not be placed in the name of a tenant or any other party other than the owner of the premises to be served unless the owner of the premises executes an agreement satisfactory to city acknowledging owner's responsibility any amounts not paid by the occupant or tenant of the property to be served.

(2) Deposits and Establishment of Credit. At the time application for service is made, the applicant shall establish his credit with the water department.

(a) Establishment of Credit. The credit of the applicant will be deemed established when the applicant shall make a cash deposit with the water department to secure the payment of bills for service. The deposit shall be a sum equal to the estimated bill for two months' service but not less than an amount to be established by council resolution and published in the current water rate schedule.

(b) Deposits. At the time the deposit is given to the water department, the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on account. In the event the service is discontinued, the deposit will be applied to the closing bill and any amount in excess of the closing bill will be refunded. The water department will not pay interest on any deposit.

(c) Forfeiture of Deposit. If an account becomes delinquent and it is necessary to turn off the service, the deposit shall be applied to the unpaid balance due. Water service will not be restored to that premises or that customer at different premises until all outstanding bills due the water department have been paid and the cash deposit replaced, together with a service charge as provided in SMC [13.15.100](#)(6).

(d) Refund of Deposit. If the customer has made timely payment of monthly utility bills for 24 consecutive months, the deposit will be refunded through a credit to the customer's utility account.

(e) Reinstatement of Deposit. If a customer's monthly utility bill account becomes delinquent after the refund of the deposit, the customer will be required to reestablish the deposit at current rate under subsection (2)(b) of this section.

(3) Applicant Amendments. Customers desiring a material change in the size, character, or extent of equipment or operation which would result in a material change in the amount of water used shall give the water department written notice of such change prior to the change and the application for service shall be amended. Customers desiring a change in the size, location, or number of services shall fill out an amended application. [Ord. [395](#) § 1, 2010; Ord. [256B](#) § 4, 1996. Code 2002 § 13.12.030].

13.15.050 Main extensions.

(1) Standards ~~Within the City Limits.~~ Water main extensions ~~to areas within the city limits not presently served with water shall~~ must be installed pursuant to the city of Sisters' public works standards and pursuant to plans approved by the City Engineer ~~water department.~~ Unless otherwise approved in writing by city, the costs of any water main extension will be at the expense of the party making the extension. ~~Subdividers for newly partitioned properties will assume all costs of water main extensions and all appurtenances.~~

(2) Ownership ~~Outside the City Limits.~~ ~~Water mains outside the city limits shall be extended only at the expense of the customers served.~~ The main extensions and appurtenances shall become the property of the city of Sisters after all requirements in the public works standards have been completed. ~~The city shall approve the size of the main extensions. The installation procedures and material use shall be in accordance with the city of Sisters public works standards and the state of Oregon standards.~~

(3) Locations of Extensions. The water department will approve water main extensions only on rights-of-way, easements, or publicly owned property. Easements or permits secured for main extensions shall be obtained in the name of the city of Sisters, along with all rights and title to the main at the time

the service is provided to the customers paying for the extension. [Ord. [256B](#) § 5, 1996. Code 2002 § 13.12.040].

13.15.060 Services.

(1) Definition. The “service connection” shall be that part of the water distribution system which connects the meter to the main and shall normally consist of corporation stop, service pipe, two angle meter stops, meter, and meter box. The “customer service line” shall be that part of the piping on the customer’s property that connects the service to the customer’s distribution system.

(2) Ownership, Installation, and Maintenance. The water department shall own, install and maintain all services and installation and maintenance shall only be performed by authorized employees of the water department. The customer shall own, install, and maintain the customer service line.

(3) Service Connection Charge. When an applicant files for service where no service previously existed, or if the applicant is filing for a change in service size or location, the applicant will be assessed a charge to cover the actual cost to the water department to install the service from the main to, and including, the meter and the meter housing. The service connection charge shall be as determined by the water department in the current published water rate resolution.

(4) Size of Service. The water department will furnish and install a service of such size and at such locations as the applicant requests, provided such requests are reasonable and that the size requested is one that is listed by the water department. The minimum size of service shall be three-fourths inch. The water department may refuse to install a service line which is undersized or oversized as determined by a study and report of the public works superintendent.

(5) Changes in Service Size. Permanent changes in the size of the service line requested by the customer shall be paid by the customer on the basis of actual cost to the water department plus 15 percent, for making the change.

(6) Length of Service. Where the main is in a public right-of-way, the meter will be placed at the right-of-way line nearest to the property to be served for the standard connection fee, provided the length of service line does not exceed the width of the right-of-way.

Where the main is on an easement or publicly owned property other than designated rights-of-way, the services shall be installed to the boundary of the easement, or public property, by the water department, provided the length of service does not exceed 30 feet.

If, in either case cited above, the length of service line to the meter location exceeds the maximum stated, the applicant shall pay the extra cost of the line on the basis of actual cost to the water department for labor, materials, and equipment plus 15 percent.

(7) Joint Service Connections. The water department may, at its option, serve two or more premises with one connection; however, the current minimum monthly fee and the bond repayment shall be charged for each dwelling unit. Overage shall be determined by the meter reading. On new service connections, the inside diameter of such joint lines shall be sufficient to provide a carrying capacity of not less than the combined capacity of individual service lines of the same size as the meters installed.

Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted nor shall separate residences be permitted to receive service through one meter except under special considerations approved by the council.

(8) Number of Service Connections on Premises. ~~The owner of a single parcel of property~~ An applicant may apply for ~~and receive as many services as he and his tenants may require~~ multiple services for the same property. Notwithstanding the foregoing, City reserves the right to determine the number of services and may, without limitation, require a single service or separate services for separate dwelling units or rental units on the same property. ~~provided each dwelling unit pays the current monthly fee and bond repayment fee, and his application or applications meet the requirements of the policies, rules and regulations.~~

(9) Standby Fire Protection Service Connections.

(a) Purpose. Standby fire protection service connections of two-inch size and larger will be installed only if adequate provisions are made to prevent the use of water from such services for purposes other than fire extinguishing. Sealed fire sprinkler systems with water-operated alarms shall be considered as having such provisions. The water department requires that a suitable detector check meter be installed in the standby fire protection service connections, to which hose lines or hydrants are connected. All piping on the customer's premises shall be installed in accordance with the plumbing code of the state of Oregon and Chapter [13.35](#) SMC, Water Supply Cross-Connection Policy.

(b) Charges for Service. Charges for standby fire protection service will be stated in the adopted water rate resolution. No charge will be made for water used in the standby fire protection services to extinguish accidental fires or for routine testing of the fire protection system.

The customers shall pay the full cost of the standby protection service connection, any required detector check meters, and any required special water meter installed for the service to the standby connection.

(c) Violations of Regulations. If water is used from a standby pipe connection service in violation of these regulations, an estimate of the amount used will be computed by the water department. The customer shall pay two times the regular rate charged for water, including the minimum charge based on the size of the service connection and subsequent bills rendered on the basis of the regular water rates.

(10) Fire Service Connections Other Than Standby. A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection shall be considered as an ordinary service and metered as such. All water used through that service, regardless of its use, will be charged at the regular rates.

(11) Temporary Service Connections. For water service of a temporary nature, applicants shall be required to pay in advance the estimated cost of installation and removal of metering equipment and materials, plus a reasonable depreciation charge for the use of equipment and material furnished by the water department. The applicant shall also pay his water bill in advance and based on an estimate of the quantity to be used, or he shall otherwise establish satisfactory credit.

(a) Time Limit. Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the water department.

(b) Charge for Water Served. Charges for water furnished through a temporary service connection shall be at one and one-half times the established city rate set forth in the current water rate resolution.

(c) Installation Charge and Deposits. The applicant for temporary service will be required:

(i) To pay the water department, in advance, the estimated cost of installing and removing all facilities necessary to furnish each service.

(ii) To deposit an amount sufficient to cover bills for water during the entire period such temporary service may be used, or to otherwise establish credit approved by the water department.

(iii) To deposit with the utility an amount equal to the value of any equipment loaned by the water department to such applicant under the terms of subsection (11)(d) of this section.

(d) Responsibility for Meters and Installation. The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the water department. If the meter or other facilities are damaged, the cost of making repairs shall be deducted from the deposit fund. If the loaned materials are returned in satisfactory condition and all bills paid, the full amount of the equipment deposit will be returned to the temporary customer at the termination of service.

(12) Customer's Plumbing.

(a) Plumbing Code. The customer's plumbing, which shall include the customer's service line and all plumbing, piping, fixtures and other appurtenances carrying or intended to carry water, sewer, or drainage, shall comply with the plumbing code of the state of Oregon.

(b) Control Valves. Customers shall install a suitable control valve in the customer service line as close to the meter as possible, the operation of which will control the entire water supply to the premises served. In the event a customer's service is discontinued for any reason, a control valve must be installed, if none exists, as provided by this section.

It shall be a violation of these rules and regulations for the customer to operate, cause or permit unauthorized operation of the meter stop or any appurtenances on the service connection.

[Ord. [256B](#) § 6, 1996. Code 2002 § 13.12.050].

13.15.070 Meters.

(1) Ownership. The water department will own and maintain all water meters. The water department will not pay rent or any other charge for a meter or other water facilities, including housing and connections on a customer's premises.

(2) Installation. Installation of water meters shall be performed only by authorized employees of the water department. All meters shall be sealed by the water department at the time of installation, and no seal shall be altered or broken except by one of its authorized employees.

(3) The Size and Type of Meter. Applicant may request and receive any size meter regularly stocked or furnished by the water department, provided the request is reasonable; and further provided, that the meter is not greatly oversized or undersized, as determined by the public works superintendent. The water department reserves the right to determine the type of meter to be installed.

(4) Location of Meters. Meters shall normally be placed at the curb or property lines; the meter will be installed wherever the applicant desires within reason, but the location must be approved by

the water department. The meters will not be located in driveways or other locations where damage to the meter or its related parts may occur.

(5) Joint Use of Meters. The joining of several customers to take advantage of the single minimum charges and large quantity rates shall be prohibited, except under special contract, in writing, with council.

(6) Changes in Size or Location. If, for any reason, a change in the size of a meter and service is required, the installation will be accomplished on the basis of a new connection, and the customer's application shall be amended. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense plus 15 percent. Meters and service shall be moved by water department personnel only.

(7) Meter Reading. Whenever possible meters shall be placed in public right-of-way. Meters shall be accessible to meter reader at all times. No structure, fence or object shall be placed in public right-of-way that impedes meter reading access. [Ord. [256B](#) § 7, 1996. Code 2002 § 13.12.060].

13.15.080 Water rates.

The water rates to be charged for each class of service, including minimum charges, charges for water used over the minimum, service connection charges, and all other charges including deposits, shall be established by council resolution and known as the current adopted water rate resolution, which shall be maintained by the city administrator's office. Upon request, the water rate resolution shall be made available to the public by the city administrator. [Ord. [256B](#) § 8, 1996. Code 2002 § 13.12.070].

13.15.090 Notices.

(1) Notices to Customers. Notices from the water department to the customer will normally be given in writing and either mailed to or delivered to him at his last known address. Where conditions warrant and in emergencies, the water department may notify either by telephone or messenger.

(2) Notices from Customers. Notices from customer to the water department may be given by the customer or his authorized representative orally or in writing at the office of the water department in the City Hall. [Ord. [256B](#) § 9, 1996. Code 2002 § 13.12.080].

13.15.100 Billing and payments.

(1) Meter Readings. Meters will be read and customers billed on the basis of the meter reading. The water department will keep an accurate account on its books of all readings of meters and such account so kept shall be offered at all times, places, and courts as prima facie evidence of the use of water service by the customer.

(2) Rendering of Bills.

(a) Billing Period. All meters shall be read and bills rendered therefor monthly.

(b) Bills for Other Than Normal Billing Period. Opening or closing bills shall be prorated and one-half minimum charge plus usage above 5,000 gallons for a normal billing period.

(c) Bills for More Than One Meter. All meters supplying a customer's premises shall be billed separately, except that where the water department has for operating purposes installed two or more meters in place of one, the reading may be combined for billing.

(3) Disputed Bills. When a customer disputes the correctness of a bill, he shall submit the dispute in writing to the water department and deposit the amount of the disputed bill at the time the complaint is lodged, to preclude discontinuance of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such a deposit shall warrant discontinuance of service as provided under subsection (6) of this section.

(4) Failure to Read Meters. In the event that it shall be impossible or impractical to read a meter on the regular reading date, the water consumption shall be prorated on the basis of 30 days per month and the total water consumption for billing purposes for that period shall be estimated.

(5) Payment of Bills. Each bill rendered shall contain the final date on which payment is due. Any outstanding balances not paid by that date shall be considered delinquent, unless other arrangements have been made with the water department in writing that specify another due date.

(a) The owner of record of the premises served by the water system shall be ultimately responsible for payment of water user charge, notwithstanding the fact that an account may be placed in the name of another or that the property may be occupied by a person or parties other than the owner.

(6) Delinquent Accounts.

(a) Delinquent Notice. A notice of account delinquency shall be sent to each delinquent account if the account becomes more than 10 days delinquent.

(b) An administrative charge set by council resolution and listed in the current adopted master fee schedule shall be added to the account if the account becomes more than 15 days delinquent.

(c) Disconnect Notice. If the account remains delinquent for more than 20 days, the city may discontinue water service to that account. At least 24 hours prior to the discontinuance of the water

service for delinquency, a disconnect notice shall be left at the premises receiving the water service. The disconnect notice shall state that water services shall be turned off unless all delinquent amounts and charges are paid with 24 hours of the notice delivery.

(d) If the customer disputes the amount due on the account, the customer shall have seven days from the date of the delinquent notice to file a written request to have the account reviewed by the city manager. The request shall state the reasons why the customer believes the amount to be in error.

(i) Any customer seeking timely review of a water bill in writing shall be heard before discontinuation of water service. The hearing shall be held by the city manager or other person so designated by the council. The decision by the city manager or other person designated by the council shall be final.

(ii) Based on the findings of the hearing, appropriate adjustments shall be made to the customer's account. Any amount due on the account after adjustments are made shall be paid within the time ordered by the city. If the amount is not paid, the water service shall be discontinued following the payment due date ordered by the city.

(e) Service Turnoff. On the turnoff date, the meter reader or other agent of the city of Sisters shall:

(i) Immediately thereafter turn off the service;

(ii) Deliver written notice to the customer, or customer's premises, stating the water service is being turned off until all the delinquent amounts have been paid.

(f) Service Charge. In all instances where water has been turned off because of delinquent accounts, a service charge, to be established by council resolution and listed in the current adopted master fee schedule, shall be made for the restoration of services and replacement of cash deposit, as stated in SMC [13.15.040](#), will be required. The meter reader or other agent of the city is not authorized to receive city service payments.

(7) Installment Payments of Delinquent Accounts. In cases of extreme hardship, the city manager or designee shall have the discretion of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount, installment period not to exceed the period of time the account was delinquent. [Ord. [430](#), 2013; Ord. [399](#), 2010; Ord. [256B](#) § 10, 1996. Code 2002 § 13.12.090].

13.15.110 Meter error.

(1) Meter Accuracy. All meters will be tested prior to installation. No meter will be placed in service or allowed to remain in service which is known to have an error in registration in excess of two percent under conditions of normal operation.

(2) Meter Test.

(a) Standard Test. Meter tests will be conducted in accordance with standards of practice established by the American Water Works Association.

(b) On Customer Request. A customer may, giving not less than seven days' notice, request the water department to test the meter servicing his premises. The water department will require the customer to deposit the testing fee. This fee shall be for meters three-fourths inch and smaller, and for meters larger than three-fourths inch shall be an estimate of the cost of testing the meter as determined by the public works superintendent. The deposit will be returned to the customer if the test reveals the meter to overregister more than two percent under the standard test conditions. Customers may, at their option, witness any meter tests which they request.

(3) Adjustments of Bill for Meter Error.

(a) No credits or debits will be borne by the city or the customer should the tested meter show variance, high or low, from the accuracy defined in subsection (1) of this section except that, should the test indicated in subsection (2) of this section indicate in error in favor of the customer, the city will credit the customer's bill on a prorated basis from the date upon which the customer requested the meter test or from the date of the closest meter reading pursuant to subsection (2)(b) of this section.

(b) Nonregistering Meters. The water department will bill the customer for water consumed while the meter was not registering. The bill will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year, or upon a reasonable comparison with the use of other customers receiving the same class of service during the same season and under similar circumstances and conditions. [Ord. [256B](#) § 11, 1996. Code 2002 § 13.12.100].

13.15.120 Discontinuance of service.

(1) On Customer Request. Each customer about to vacate any premises supplied with water service by the water department shall give the water department written notice of his intentions at least two days prior thereto, specifying the date service is to be discontinued; otherwise, he will be responsible for all water supplied to such premises until the water department shall receive notice of such removal.

At the time specified by the customer that he expects to vacate the premises where service is supplied, either temporarily or permanently, or that he desires to be discontinued, the meter will be read and a bill rendered which is payable immediately. In no case will the bill be less than one-half of the monthly minimum specified in the schedule applying to the class or classes of service furnished.

(2) Nonpayment of Bills. A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures listed in SMC [13.15.100](#)(6).

(3) Improper Customer Facilities.

(a) Unsafe Facilities. The water department may refuse to furnish water and may discontinue services to any premises without prior notice where plumbing facilities, appliances, or equipment using water is dangerous, unsafe or not in conformity with the plumbing code of the state of Oregon and Chapter [13.35](#) SMC, Water Supply Cross-Connection Policy.

(b) Cross-Connections. A "cross-connection" is defined as any physical connection between the water department's system and another water supply.

The Oregon State Health Division and the U.S. Environmental Protection Agency prohibit cross-connections.

The water department will not permit any cross-connection and will discontinue service to any persons or premises where a cross-connection exists. Service will not be restored until the cross-connection is eliminated, or proper backflow devices installed. Customers using water from one or more sources in addition to receiving water from the water department on the same premises shall maintain separate systems for each; and the water department's water supply facilities shall be separated from any and all other systems by an air gap of not less than one foot, or if in the ground, by not less than five feet.

(4) Water Waste. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the water department may discontinue service if such conditions are not corrected after due notice by the water department.

(5) Service Detrimental to Others. The water department may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

(6) Fraud or Abuse. The water department will refuse or discontinue service to any premises where it is deemed necessary to protect the water department from fraud or abuse. Discontinuance of service for

one or both of these causes will be made immediately upon receipt of knowledge by the water department that the condition or conditions exist.

(7) Unauthorized Turnon. Where water service has been discontinued for any reason and the water is turned on by the customer or other unauthorized person, the water may then be shut off at the main or the meter removed. The charges for shutting off the water at the main or removing the meter shall be established by council resolution and listed in the current adopted water rate resolution. These charges shall be billed to the offending customer and water shall not be furnished to the premises or customer until such charges are paid and the water department has reasonable assurance that the violation will not reoccur.

(8) Noncompliance with Regulations. The water department may discontinue service to a customer's premises for failure to comply with any of the provisions of these regulations.

(9) Customer Request for Shutoff. Customer requests for shutoff and turnon for maintenance purposes shall be charged an amount to be set by council resolution, per occurrence. A shutoff and turnon shall be deemed to be one occurrence. If a customer installs a stop and waste valve on the customer's side of the meter, the customer shall not be charged for the shutoff and turnon at the time of installation. Customer requests for shutoff and turnon after normal working hours, including holidays and the weekends, for maintenance purposes, shall include a charge to be determined by council resolution pursuant to the current adopted water rate resolution, per occurrence. [Ord. [256B](#) § 12, 1996. Code 2002 § 13.12.110].

13.15.130 Reconnection of service.

Reconnection of service after discontinuance for nonpayment of bills shall be made after payment of current and past due charges plus a reconnection charge as listed in the current adopted water rate resolution and posting a deposit, equal to the current adopted water rate resolution, as hereinbefore provided.

Reconnection of service after discontinuance of service for unsafe facilities, water waste, fraud, abuse, or for noncompliance with any of the policies, rules and regulations will only be made after the irregularity has been corrected and the water department has been assured that the irregularity will not reoccur. The reconnection charge shall be the amount listed in the current adopted water rate resolution plus any other charges due or past due that the water department may have incurred to correct the irregularity.

[Ord. [256B](#) § 13, 1996. Code 2002 § 13.12.120].

13.15.140 Unusual demands.

When an abnormally large quantity of water is desired for filling a swimming pool or log pond, or for other purposes, requests must be made with the water department prior to taking such water.

Permission to take water in unusual quantities will be given only if the water department facilities and other customers are not inconvenienced. [Ord. [256B](#) § 14, 1996. Code 2002 § 13.12.130].

13.15.150 Access to property.

All duly appointed employees of the water department, under the direction of the public works superintendent, shall have reasonable access at all reasonable hours of the day to unoccupied or unattended dwelling units, including any and all parts of structures and premises in which water is or may be delivered, for the purposes of reading meters, inspecting connections, the condition of conduits and fixtures, and the manner and extent in which the water is being used, if the employee has a reasonable belief that a water emergency exists or that the customer is using the water system in an unsafe or improper manner. In any event, the water department may inspect the customer's water system upon 24 hours' written notice. The water department does not, however, assume the duty of inspecting the customer's line, plumbing and equipment, and shall not be responsible therefor. [Ord. [256B](#) § 15, 1996. Code 2002 § 13.12.140].

13.15.160 Responsibility for equipment.

(1) Responsibility for Customer Equipment. The water department shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing or equipment, nor shall the water department be liable for loss or damage due to interruption of service or temporary changes in pressure.

The customer shall be responsible for valves on his premises being turned off when the water service is turned on.

(2) Responsibility for Water Department Equipment. Water department equipment on the customer's premises remains the property of the department and may be repaired, replaced or removed by the department employees at any time without consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace or remove water department equipment on his premises. The property owner must keep vicious dogs or other animals secured or confined to avoid interference with the utility operation and maintenance.

(3) Damage to Water Department Equipment. The customer shall be liable for any damage to equipment owned by the water department which is caused by an act of the customer, his tenants, agents, employees, contractors, licensees, or permittees. Damage to equipment shall include but not be limited to breaking of seals and locks, tampering with meters, injury to meters, including but not limited to damages by hot water or steam, and damaged meter boxes, curb stops, meter stops and other appurtenances. [Ord. [256B](#) § 16, 1996. Code 2002 § 13.12.150].

13.15.170 Fire hydrants.

(1) Operation. No person or persons other than those designated and authorized by the water department shall open any fire hydrant belonging to the water department, attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. No tool other than special hydrant wrenches shall be used to operate a hydrant valve. In cases where a temporary service has been granted and received water through a fire hydrant, an auxiliary external valve will be provided by the person requesting the temporary service to control the flow of water.

(2) Moving a Fire Hydrant. When a fire hydrant has been installed in the locations specified by the proper authority, the water department has fulfilled its obligation. If a property owner or other party desires to change the size, type, or location of the hydrant, he shall bear all costs of such changes. Any changes in the location of a fire hydrant must be approved by the water department and the fire department.

[Ord. [256B](#) § 17, 1996. Code 2002 § 13.12.160].

13.15.180 Penalties.

Any person violating any of the provisions of these rules and regulations shall, upon conviction thereof, be punished by a fine not exceeding \$500.00 per violation. [Ord. [256B](#) § 18, 1996. Code 2002 § 13.12.170].

13.15.190 Suspension of rules.

No employee of the water department is authorized to suspend or alter any of the policies, rules and regulations cited herein without specific approval or direction of the city administrator, except in cases of emergency involving loss of life or property or which would place the water system in jeopardy.

[Ord. [256B](#) § 19, 1996. Code 2002 § 13.12.180].

13.15.200 Easement.

Each applicant and user gives and grants to the city of Sisters an easement and right-of-way on and across his property for the installation of water mains and the necessary valves and equipment in connection therewith. [Ord. [256B](#) § 20, 1996. Code 2002 § 13.12.190].



Meeting Date: August 28, 2024

Staff: Joseph O'Neill

Type: Regular Meeting

Depts: Finance

Subject: Authorize the City of Sisters to enter into a full faith and credit financing agreement and consider an Intergovernmental Agreement (IGA) between the City of Sisters and the City of Sisters Urban Renewal Agency (URA) debt financing.

Action Requested: Consider a motion to approve Resolution 2024-19

Background:

The City of Sisters Urban Renewal Agency (URA) has several upcoming projects slated for the coming years namely the Workforce housing grant of \$400,000, The contribution to the Westside Pumpstation of \$500,000 and \$425,000 for US20/Locust Roundabout art/aesthetics. The estimated cost of these projects exceeds the current fund balance of the combined funds available to the URA. To bridge this anticipated shortfall, City staff explored different funding options and ultimately decided on the decision of securing a line of credit. This approach will ensure sufficient funding to initiate the URA projects without imposing long-term debt, which could be more costly and subject to higher borrowing rates.

The proposed Resolution authorizes the City of Sisters to enter into an agreement for a line of credit to fund URA projects. The maximum principal available through this line of credit is \$2 million, with a utilization period of 2 years, allowing for the use of two cycles of tax increment financing by the URA.

As part of the funding package, an Intergovernmental Agreement (IGA) between the City of Sisters and the URA will be included. This IGA is necessary due to the lending industry's inherent instability of URA's tax increment income compared to the City's more stable permanent rate income. Lenders prefer to secure URA loans with the full faith and credit of the associated City to increase the reliability of loan repayment. The IGA will formalize the City's obligation to repay the debt, while allowing the URA to make payments on the City's behalf if needed.

Financial Impact: \$0

Attachments:

1. ATTACHMENT 1: Resolution 2024-19 with Exhibit A: IGA

RESOLUTION NO. 2024-19**A RESOLUTION OF THE CITY OF SISTERS, OREGON AUTHORIZING A FULL FAITH AND CREDIT BORROWING AND RELATED MATTERS.**

WHEREAS, the City of Sisters, Oregon (the “City”) is authorized by Oregon Revised Statutes Section 271.390 to enter into financing agreements to finance real or personal property which the City Council (the “Council”) determines is needed so long as the estimated weighted average life of the financing agreement does not exceed the estimated dollar weighted average life of the property that is financed.

WHEREAS, the City has identified a need to finance capital projects within the Downtown Sisters Urban Renewal Area (collectively, the “Projects”).

WHEREAS, the Council hereby determines that the Projects are needed, and that it is desirable to finance the Projects pursuant to ORS 271.390.

WHEREAS, the Sisters Urban Renewal Agency (the “Agency”) expects to pay the amounts due from the City in connection with the financing of the Projects and will enter into an intergovernmental agreement with the City to that effect.

WHEREAS, the City or the Agency may incur expenditures (the “Expenditures”) to pay costs of the Projects prior to the issuance of the financing and the City wishes to declare its official intent to reimburse itself or the Agency for any Expenditures the City or the Agency may make from its own funds on the Project from the proceeds of the financing, the interest on which may be excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”).

THE CITY OF SISTERS RESOLVES AS FOLLOWS:

Section 1. Authorization. The City hereby authorizes a borrowing under ORS 271.390 (the “Financing”) in a principal amount of not more than \$2,000,000. Proceeds of the Financing shall be used to pay costs of the Projects and costs related to the Financing. The Financing may be in the form of a financing agreement, line of credit, credit facility or other structure and may convert from a line of credit structure to an amortizing loan.

Section 2. Delegation. The City Manager, Finance Director, or a person designated by either of those officials to act under this Resolution (each of whom is referred to herein as a “City Official”) is hereby authorized, on behalf of the City and without further action by the Council, to:

- (1) Determine the final principal amount, interest rate, payment dates and all other terms of the Financing and execute and deliver the Financing and any related documents;
- (2) Select a commercial bank or another lender to provide the Financing;

(3) Covenant for the benefit of the lender to comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code") which are required for the interest paid under the Financing to be excluded from gross income for federal income tax purposes, if applicable;

(4) Designate the Financing as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code, if applicable;

(5) Enter into additional covenants for the benefit of the lender of the Financing that the City Official determines are desirable to obtain favorable terms for the Financing; and

(6) Execute and deliver any other certificates or documents and take any other actions that the City Official determines are desirable to carry out this Resolution.

Section 3. Security. Pursuant to ORS 287A.315, the City is authorized to pledge its full faith and credit and taxing power within the limitations of Sections 11 and 11b of Article XI of the Oregon Constitution, and any and all of the City's legally available funds, to pay the amounts due under the Financing. The City is not authorized to levy additional taxes to pay the amounts due under the Financing.

Section 4. Payments from Tax Increment Revenues. The City Official is authorized to enter into an intergovernmental agreement (the "IGA") with the Agency, under which the Agency agrees to provide tax increment revenues in sufficient amounts to pay all amounts due from the City under the Financing. The IGA shall be in substantially the form attached to this Resolution as Exhibit A, but with such changes as are approved by the City Official.

Section 5. Reimbursement Declaration. The City hereby declares its official intent to reimburse itself or the Agency with the proceeds of the Financing for any of the Expenditures incurred prior to the issuance of the Financing. This Resolution is adopted as official action of the City in order to comply with Treasury Regulation Section 1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Expenditures of the City or Agency incurred prior to the date of issue of the Financing. The City Manager is hereby authorized to make future declarations of intent to reimburse under Section 1.150-2 of the federal Income Tax Regulations, on behalf of the City and without further action by the City Council. All such future declarations shall be in writing and the original or a certified copy of each declaration shall be maintained in the public records of the City.

Section 6. Effective Date. This Resolution takes effect immediately upon passage.

ADOPTED by the Council of the City of Sisters on August 28, 2024.

Michael Preedin, Mayor

ATTEST:

Rebecca Green, Deputy Recorder

EXHIBIT A
FORM OF
INTERGOVERNMENTAL AGREEMENT

to make financing payments
by and between the

Sisters Urban Renewal Agency

and the

City of Sisters, Oregon

Dated as of September 5, 2024

TABLE OF CONTENTS

Section 1. Definitions and Recitals.....	1
(1) Definitions.....	1
(2) Findings.....	1
Section 2. The Financing Payments.....	2
(1) Draws.....	2
(2) The Financing Payments.....	2
(3) Security for the Obligation of the Agency to Pay the Financing Payments.....	2
Section 3. Prepayment.....	2
Section 4. Estoppel.....	3
Section 5. Title.....	3
Section 6. Miscellaneous.....	3
(1) Binding Effect.....	3
(2) Severability.....	3
(3) Amendments.....	3
(4) Execution in Counterparts.....	3
(5) Applicable Law.....	3
(6) Rules of Construction.....	4
(7) Headings.....	4

INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement is dated as of September 5, 2024, and is entered into by and between the Sisters Urban Renewal Agency, Oregon (the “Agency”) and the City of Sisters, Oregon (the “City”) in connection with the Downtown Sisters Urban Renewal Area (the “Area”). The parties hereby agree as follows:

Section 1. Definitions and Recitals.

(1) Definitions.

Unless the context clearly requires otherwise, capitalized terms used in this Intergovernmental Agreement which are defined in this Section 1(1) shall have the following meanings:

“Agreement” means the 2024 Non-Revolving Line of Credit between the City and U.S. Bank National Association, in the maximum principal amount of \$2,000,000 which is dated as of September 5, 2024.

“Financing Payments” means the principal and interest payments the City is required to make under the Agreement.

“IGA Amount” means the aggregate principal amount of draws made under the Agreement.

“Plan” means the Downtown Sisters Urban Renewal Plan, as it has been and may be amended in accordance with its terms.

“Resolutions” means Resolution No. 2024-19 adopted by the City Council on August 28, 2024 and Agency Resolution No. 2024-04 adopted by the Agency Board on August 28, 2024.

“Tax Increment Revenues” means all revenues which the Agency collects for the Area under the provisions of Article IX, Section 1c of the Oregon Constitution and ORS Chapter 457.

“Urban Renewal Projects” means capital projects described in the Resolutions.

(2) Findings.

(A) This Intergovernmental Agreement is authorized by the Resolutions.

(B) The City has entered into the Agreement to finance the Urban Renewal Projects.

(C) The Urban Renewal Projects are properly described as urban renewal projects in the Plan and located in the Area.

(D) The Agency is authorized to spend Tax Increment Revenues to pay for the costs of the Urban Renewal Projects.

(E) The Urban Renewal Projects will assist the Agency in carrying out its Plan.

(F) The Agency will only spend the proceeds it receives from the City under this Intergovernmental Agreement on the Urban Renewal Projects so long as they are then

described in the Plan, located in the Area and owned by the City, the Agency, another local governmental entity or the State of Oregon.

- (G) By entering into this Intergovernmental Agreement, the Agency is issuing debt in the IGA Amount which counts against the Agency's maximum indebtedness limit.
- (H) The Agency certifies that by entering into this Intergovernmental Agreement it will not exceed its \$9,889,199 maximum indebtedness limit in the Plan. As of September 5, 2024, the Agency has approximately \$4.7 million unused maximum indebtedness available prior to executing this Intergovernmental Agreement. While the Agreement remains outstanding, the Agency agrees to retain sufficient maximum indebtedness capacity to allow the City to draw down the full maximum principal amount of the Agreement.

Section 2. The Financing Payments.

- (1) Draws.

The City will seek draws under the Agreement upon direction from the Agency and the City authorizes such draws to be deposited directly with the Agency.

- (2) The Financing Payments.

The Agency hereby agrees to pay to the City or on behalf of the City, no later than the dates required by the Agreement, amounts that are equal to the Financing Payments. The amounts and dates of the Financing Payments will be established as the City makes draws on the Agreement. The City will promptly inform the Agency of the Financing Payments once those are known to the City. The City and Agency may agree to a different repayment schedule by amending this Intergovernmental Agreement.

- (3) Security for the Obligation of the Agency to Pay the Financing Payments.

This Intergovernmental Agreement shall constitute indebtedness of the Agency in a principal amount that is equal to the IGA Amount. The Agency is obligated to make payments due under this Intergovernmental Agreement solely from the Tax Increment Revenues. Pursuant to ORS 287A.310, the Agency pledges the Tax Increment Revenues to pay the amounts described in Section 2(1) of this Intergovernmental Agreement. The pledge that secures this Intergovernmental Agreement shall be superior to all other pledges or commitments of Tax Increment Revenues that the Agency makes, unless the City agrees in writing to subordinate its claim against the Tax Increment Revenues or to allow the Agency to grant a lien on the Tax Increment Revenues on parity with the lien that secures this Intergovernmental Agreement.

Section 3. Prepayment.

If the City exercises its option to prepay the Financing Payments in whole or in part, unless the Agency consents in advance and in writing, the Agency shall not be obligated to prepay the amounts due from it under this Intergovernmental Agreement.

Section 4. Estoppel.

The Agency hereby certifies, recites and declares that all things, conditions and acts required by the Constitution and Statutes of the State of Oregon and by this Intergovernmental Agreement to exist, to have happened and to have been performed precedent to and in the execution and the delivery of this Intergovernmental Agreement, do exist, have happened and have been performed in due time, form and manner, as required by law, and that this Intergovernmental Agreement is a valid and binding obligation of the Agency which is enforceable against the Agency in accordance with its terms, except to the extent that enforceability may be limited by applicable bankruptcy, insolvency, fraudulent conveyance, reorganization, moratorium or other laws or judicial decisions or principles of equity relating to or affecting the enforcement of creditors' rights or contractual obligations generally.

Section 5. Title.

Nothing in this Intergovernmental Agreement grants the City or the owner of the Agreement a lien on, or security interest in the Urban Renewal Projects.

Section 6. Miscellaneous.

(1) Binding Effect.

This Intergovernmental Agreement shall inure to the benefit of and shall be binding upon the Agency and the City and their respective successors and assigns.

(2) Severability.

In the event any provisions of this Intergovernmental Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereof.

(3) Amendments.

This Intergovernmental Agreement may be amended only by a writing signed by both parties.

(4) Execution in Counterparts.

This Intergovernmental Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute the same instrument.

(5) Applicable Law.

This Intergovernmental Agreement shall be governed by and construed in accordance with the laws of the State of Oregon. Any action regarding this Intergovernmental Agreement or the transactions contemplated hereby shall be brought in an appropriate court of the State of Oregon in Deschutes County, Oregon.

(6) Rules of Construction.

References to section numbers in documents which do not specify the document in which the section is located shall be construed as references to section numbers in this Intergovernmental Agreement.

(7) Headings.

The headings, titles and table of contents in this Intergovernmental Agreement are provided for convenience and shall not affect the meaning, construction or effect of this Intergovernmental Agreement.

[The remainder of this page is left blank intentionally.]

IN WITNESS WHEREOF, the City and the Agency have executed this Intergovernmental Agreement as of September 5, 2024.

For the Sisters Urban Renewal Agency, Oregon

Joe O'Neill, Agency Official

For the City of Sisters, Oregon

Joe O'Neill, Finance Director