

EXTENSION: Site is to have an assisted living facility

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both sides must present their evidence to the board and that hasn't yet been done for the City, due to a need to add some missing documentation. Deliberation can't begin until all documentation from the City is sent to Salem and LUBA.

Even after LUBA renders their decision, the matter is appealable all the way to the Oregon Supreme Court.

The Planning Commission unanimously granted a one-year extension to MMV, expiring December 31, 2016. This is the last extension available to MMV. The question arose as to whether the clock would stop on the year extension until the LUBA appeal is heard. Davenport said they would need to get City Attorney Steve Bryant's legal opinion on that. Bryant was not in attendance.

Bryant's name came up a number of times during the lengthy meeting. Other issues came up requiring his legal opinion or a progress report.

Peter Hall, developer of Clear Pine on the north side of Sisters, was requesting a modification of the subdivision's preliminary plat, to revise the rear yard setbacks along the northern property line to 20 feet.

The Clear Pine land was originally zoned light-industrial. At the request of Hall, a zone change was approved

to residential and multifamily residential. To the north of Clear Pine is Trapper Point, a rural residential area with large lots and unobstructed views of the Three Sisters for some residents.

The original 50- to 100-foot setback on the industrial land was to provide a buffer between the Trapper Point development and any industrial development. When the zoning change was made to residential, the original setbacks became part of approved changes.

The Trapper Point residents do not want a proposed alley that would run behind the Clear Pine houses along the northern property line. Hall said it would be no problem to eliminate the alley. He did say, however, that it would be much easier to frontload those lots (have driveways and garages at the front of the houses) with a smaller backyard setback, so the houses wouldn't be crowded up to the front of the lots.

Miles Conway, attorney for Hall, contended that the current setbacks are greater than any others in town, the property is no longer zoned industrial, and the original seven-year development agreement on the property expired in 2008.

Conway mentioned that he and Bryant have had a number of conversations regarding this property. Commissioner Daryl Tewalt wanted to know why the Planning Commission had not been informed by Bryant that he and Conway had been in communication and what had been discussed.

Trapper Point resident Duane Lee, who lives behind part of Clear Pine, was represented by his attorney, who indicated that Lee and Hall had met the previous week in an attempt to come to a mutually agreeable solution to meet both their needs. The attorney indicated they needed more time. Based on that and the fact that Lee is currently dealing with serious health issues, she requested a continuance to the January Planning Commission meeting.

Lee himself testified and said that he and Hall really only have one issue left to settle and said, "I will do what I can do that won't impact my (property) value." He also indicated that his medical treatment and subsequent recovery time could well carry over into January, thus the need for a continuance.

Hall said he is willing to eliminate the alley if he could have a 22-foot rather than 20-foot height restriction on four lots along the north that he is willing to let Lee choose, to maintain his view corridor. Hall was hoping for a decision

that evening, or in December at the latest.

Commission Chairman David Gentry said he would like to hear from Lee's other neighbors located behind Clear Pine concerning their thoughts. A compromise date of January 7, 2016, was chosen for a special Planning Commission meeting at which time the continued hearing on the modification will be held. Commissioners reminded Lee and Hall that any compromise they reach will not be binding on the Planning Commission.

In other business, the Commissioners approved the subdivision preliminary plat for Kuivato, with 35 single-family residential lots. Kuivato, a Hopi word for sunrise, is located directly east of Clear Pine and south of Trapper Point, in more of the rezoned former industrial area.

The lots will vary in size from 8,244 to 32,405 square feet, with the two largest lots being flag lots, with long driveways to access them, because of the property configuration. Applicant

Don Denning described the proposed residences as slightly higher-end single-level homes requiring larger lots. The development will include a half-acre park.

Denning indicated he wants to keep the subdivision fairly low-density to serve as a transition zone between Trapper Point and the industrial zone to the south. The single-level homes will protect the views for the neighbors to the north as well as meet requirements for the airport restriction zone.

Trapper Point neighbors, including Lee, and airport representative David Campbell spoke in favor of the development. Several applauded Denning's quality and attention to detail in his homes, which were described as "incredible living spaces" offering energy efficiency.

The target sales price, which is budgeted as an entire package — lot, house, landscaping, and some interior finishes — will begin at \$479,000 in phase one, which includes the larger lots.

The application was approved 6-0.

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