



REGULAR SESSION CITY COUNCIL MEETING AGENDA
Wednesday, January 22, 2020 at 5:30 PM
La Pine City Hall
16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order

2. Establish Quorum

3. Pledge of Allegiance

4. Added Agenda Items

Any matters added to the Agenda at this time will be discussed during the “Other Matters” portion of this Agenda or such time selected by the City Council

5. Public Comments

3 minutes per person; when asked to the podium, please state your name and whether you live within La Pine city limits.

6. Consent Agenda

Information concerning the matters listed within the Consent Agenda has been distributed to each member of the City Council for reading and study, is considered to be routine, and will be enacted or approved by one motion of the City Council without separate discussion. If separate discussion is desired concerning a particular matter listed within the Consent Agenda, that matter may be removed from the Consent Agenda and placed on the regular agenda by request of any member of the City Council.

a. Minutes

[i. Special Session Minutes 11.20.19](#)

[ii. Regular Session Minutes 12.11.2019](#)

[iii. Special Session Minutes 1.15.2020](#)

[iv. UR Minutes 11.5.2019 \(informational\)](#)

[v. Planning Commission Minutes 12.3.2019 \(informational\)](#)

b. Council and Staff Reimbursements

[i. b. Reimbursements](#)

c. OLCC Application

[i. OLCC Application - Shandy's](#)

- d. Financial Statement
- e. Public Works Committee Appointments
 - i. Scott Henderson
 - ii. Cathi Van Damme
 - iii. Jayne Benner
- f. La Pine Chamber of Commerce and Visitors Center Quarterly Report

7. Audit Report

8. Public Hearing ORD 2020-01 Old Main Ct - Action Item

9. Public Hearing 01TA-19 Text Amendment Change to Development Code-Action Item ORD 2020-02: AN ORDINANCE AMENDING ORDINANCE NO. 2018-06

Request to amend development code per comparison noted in packet materials

- a. Open Public Hearing
 - i. Staff Report
 - ii. Applicant Testimony
 - iii. Open Public Testimony
 - iv. Applicant Rebuttal
 - v. Deliberations
 - vi. Close Hearing

**10. Public Hearing 02CA-19 Comp Plan Map Amendment & 02ZC-19 Zone Change - Action Item
ORD 2020-03: AN ORDINANCE OF THE CITY OF LA PINE AMENDING THE ZONING MAP AND
COMPREHENSIVE PLAN MAP**

Request to change Comprehensive Plan Map Amendment Park/Open Space Allotments & Request to change RMP Zone to CMX and RMP

- a. Open Public Hearing
 - i. Staff Report
 - ii. Applicant Testimony
 - iii. Open Public Testimony
 - iv. Applicant Rebuttal
 - v. Deliberations
 - vi. Close Hearing

11. Wastewater Design - Septic Tank Relocation - Action Item

12. Other Matters

Only Items that were previously added above in the Added Agenda will be Discussed

13. Public Comments

Comments will be limited to 3 minutes and will be restricted to the items on the agenda

14. Staff Comments

15. Mayor and Council Comments

16. Adjourn Meeting

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

regular meeting is open to the public and interested citizens are invited to attend. Council may not take formal actions in Work Sessions. The public will not be permitted to attend the executive session; provided, however, representatives of the news media and designated staff will be allowed to attend the executive session. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the executive session as previously announced. No decision will be made in the executive session. 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 at least 48 hours before the meeting to City Hall at (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY.



CITY OF LA PINE CITY COUNCIL SPECIAL SESSION AGENDA

Wednesday, November 20, 2019

1:00 p.m. Special Session

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order

Meeting called to order by Mayor Richer

2. Establish Quorum

Members Present: Mayor Daniel Richer, Councilor Connie Briese, Council President Don Greiner, Councilor Michael Harper, Councilor Mike Shields.

Absent by Prior Arrangement: Student Councilor Max Miller

Staff Present: City Manager Melissa Bethel, Public Works Manager Jake Obrist, Administrative Assistant Kelly Notary.

3. Pledge of Allegiance

4. Prior to discussion and upon seeing a member of the public in attendance Mayor Richer offered a spot for public comments:

Larry Baker (non-resident) stated that he speaks to the city regularly on his radio show the Muddtoe Show Monday through Friday on KNCP. He stated that he did not think we should even be having this meeting. He does not agree with a civil servant giving up their position.

5. Discussion Regarding Council Member 3 Month Leave of Absence

Mayor Richer opened up the discussion to Council:

Greiner - provided a little history on prior resignations from council and reminded the current council how difficult it can be to get members of the community to volunteer to be on the board. He wanted everyone to take it very seriously, base their choice on the charter and consider the potential issues of not only getting someone new to fill the open spot, but of the precedence that would be set.

Harper – stated that he feels torn on the matter and while he appreciates and understands the personal reasons and desire for the sabbatical, his work life has suffered due to his commitment to the council and he feels strongly that the full commitment should be fulfilled.

Shields - stated that he appreciates the contribution that Connie makes to the council and the diverse opinion that she provides. He believes some leniency is appropriate.

Briese – stated that she still feels that she can keep her commitment to serve on the council by calling in to the meetings during her sabbatical. She has already spoken with COIC and they are supportive of her sabbatical. She does understand there would be some inconvenience to her backup for this committee, but at the same time that is the point of having a backup.

Mayor Richer – stated that he wants whatever their decision is to make sure they abide by the rules of the council when making it, whatever the choice may be. His only concern would be if there were a cost to the City for either communication or hotel costs for the board member that would need to attend outside committee meetings in Bend during the winter months.

Discussion occurred about the cost of the communication, which would be none, and the idea that this could potentially set a precedence.

Staff Comment:

Bethel - stated that her only concern is if there were dropped called during meetings, specifically if Briese was needed to make a quorum for any particular meeting.

Obrist – stated that he has no real concerns, but he does feel that the timeframe of 3 months is the maximum that should be allowed for such a leave of absence.

ROLL CALL VOTE REQUESTED BY MAYOR RICHER: Aye if in favor of granting Connie Briese the ability to call into meetings while on sabbatical and nay, if not in favor.

Greiner: Aye

Harper: Aye

Shields: Aye

Connie: Abstain

By unanimous vote consent for Connie Briese to continue to be on the board while on a sabbatical by allowing her to call into meetings was APPROVED.

6. Adjourn Meeting



CITY OF LA PINE CITY COUNCIL MEETING REGULAR SESSION MINUTES

Wednesday, December 11, 2019

5:30 PM Regular Session

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order

Called to Order at 5:32 p.m.

2. Establish Quorum

Members Present: Mayor Daniel Richer, Council President Don Greiner, Councilor Connie Briese (by telephone), Councilor Michael Harper, Councilor Mike Shields, Student Councilor Max Miller.

Staff Present: City Manager Melissa Bethel, Public Works Director Jake Obrist, Attorney Jeremy Green, Accounting Clerk Tracy Read

3. Pledge of Allegiance

4. Added Agenda Items

Any matters added to the Agenda at this time will be discussed during the "Other Matters" portion of this Agenda or such time selected by the council.

- a. LPMS Robotics Club

5. Public Comments

None.

6. Consent Agenda

Information concerning the matters listed within the Consent Agenda has been distributed to each member of the council for reading and study, is considered routine, and will be enacted or approved by one motion of the council without separate discussion. If separate discussion is desired concerning a particular matter listed within the Consent Agenda, that matter may be removed from the Consent Agenda and placed on the regular agenda by request of any council member.

- a. Minutes
 - i. Regular Session Meeting Minutes – November 13, 2019
- b. Any Council and Staff Reimbursements Properly Submitted
- c. Planning Commission Appointment – Cathi VanDamme (1/2020-12/2021)

Motion to approve the Consent Agenda by Greiner. Second by Harper. No objections, unanimously approved.

7. Other Matters

LPMS Robotics Club students gave a presentation on their projects.

8. Ordinance 2019-10

An ordinance of City of La Pine amending Ordinance No. 2015-02 and Ordinance No. 2016-10, which ordinances establish time, place, and manner regulations concerning medical marijuana dispensaries and recreational marijuana businesses, respectively, to amend the dispensary and business location restrictions; and declaring an emergency.

a. Open Public Hearing

b. Staff Report

c. Public Comments

Gloria Fleming, non-resident, provided information on drafting of the original Ordinance.

Jill Toepfer, non-resident, dispensary owner-operator. Expressed concern that the interpretation and proposed Ordinance favors a particular business, and also that it opens the door to more businesses opening in a smaller geographic area.

William Wardlow, attorney for HD Botanicals. Spoke in opposition to the proposed Ordinance.

April McDaniel, non-resident, spoke in opposition of the proposed Ordinance as well.

d. Public Hearing Closed

e. Council Deliberations, Questions, and/or Comments

Shields stated limiting the number of businesses is not the answer. Briese feels the existing regulations are sufficient and opposes this Ordinance.

Richer feels any changes need to be in accordance with applicable State statutes.

f. Council Action

Greiner moved to approve Ordinance 2019-10 - an Ordinance of City of La Pine Amending Ordinance No. 2015-02 and Ordinance No. 2016-10, Which Ordinances Establish Time, Place, and Manner Regulations Concerning Medical Marijuana Dispensaries and Recreational Marijuana Businesses, Respectively, to Amend the Dispensary and Business Location Restrictions; and Declaring an Emergency. Second by Shields.

Roll call vote:

Briese: Nay

Shields: Aye

Greiner: Aye

Harper: Aye

Attorney Green stated that because the Ordinance was not passed unanimously, it will be placed on the next agenda.

9. Snow Removal Contract – Russell Construction

Obrist delivered the Staff Report and discussed bids received. General contractual discussion by Council and staff.

Motion by Greiner accept the Snow Removal Services contract with Vic Russell Construction for 2019-2020. Second by Harper. No objections, unanimously approved.

10. Public Comments

None.

11. Staff Comments

Bethel provided information on the COIC grant-writing program, which the City will be using on the Huntington project and also the transit center food truck and phase II.

Working on Finley Butte sidewalk construction including coordination with Midstate.

COCO luncheon is December 17 in Redmond.

Obrist thanked council for allowing the robotics club to present.

12. Mayor and Council Comments

Shields said he was impressed by the robotics club presentation. Greiner reviewed invoices. Richer reviewed a certificate of appreciation received from Native Traditions.

13. Adjourn Meeting



SPECIAL SESSION CITY COUNCIL MEETING MINUTES

4:30 PM

Wednesday, January 15, 2020

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

- 1. Call to Order**
- 2. Establish Quorum**
- 3. Pledge of Allegiance**
- 4. Public Comments**

None.

- 5. Ordinance 2019-10 (second reading)**

An ordinance of City of La Pine amending Ordinance No. 2015-02 and Ordinance No. 2016-10, which ordinances establish time, place, and manner regulations concerning medical marijuana dispensaries and recreational marijuana businesses, respectively, to amend the dispensary and business location restrictions; and declaring an emergency.

Motion by Greiner to approve and adopt an ordinance of City of La Pine amending Ordinance No. 2015-02 and Ordinance No. 2016-10, which ordinances establish time, place, and manner regulations concerning medical marijuana dispensaries and recreational marijuana businesses, respectively, to amend the dispensary and business location restrictions; and declaring an emergency. Second by Shields.

Roll Call Vote:

Shields: Aye

Briese: Nay

Harper: Aye

Greiner: Aye

Motion passed.

- 6. Appointment of Teri Myers to Planning Commission**

Motion by Greiner to appoint Teri Myers to the Planning Commission effective immediately for a term ending on December 31, 2022. Second by Briese. No objections; unanimously approved.

- 7. Adjourn Meeting**



CITY OF LA PINE URBAN RENEWAL AGENCY MEETING MINUTES

Tuesday, November 5, 2019

3:00 p.m. Regular Session

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

1. **Call to Order**

Called to order at 3:02 by Harper.

2. **Establish Quorum**

Members Present: Michael Harper, Ann Gawith, Councilor Don Greiner, Andrea Hine, Mayor Dan Richer, and Jean Spetter-Sutton

Absent by Prior Arrangement: Chairperson Vicki Russell

Staff Present: City Manager Melissa Bethel, EDCO Director Scott Orman, and Accounting Clerk Tracy Read

3. **Pledge of Allegiance**

4. **Added Agenda Items**

Any matters added to the Agenda at this time will be discussed during the "Other Matters" portion of this Agenda or such time selected by the Urban Renewal Agency.

5. **Approval of Meeting Minutes**

- a. September 3, 2019 Minutes

Motion to approve by Greiner, seconded by Gawith. All in favor; approved.

6. **Sunriver/La Pine Economic Development Update – La Pine High School Student Art Engagement/Program Development**

Provided update on his meetings with the high school regarding potential engagement with students to work on upcoming projects. Scott will provide students with renderings to gauge interest. The grant application was submitted on October 15, 2019.

Bethel provided an update on Mark Miller's storefront improvement project; she has requested an update as work has not yet begun.

7. City Updates

Bethel spoke about transit center next steps. Funding is still needed for the food truck area. The grant for sidewalks on the south side of Finley Butte sidewalks has been received. One concern is lack of funds for sufficient lighting. Staff is exploring cost-efficient options.

Greiner asked for an update on tree removal in Crescent Creek.

There was general discussion on traffic flow on Highway 97, turn lanes, and the refinement plan.

8. Other Matters: Only those matters properly added to this Agenda under line item No. 4

None.

9. Public Comments

None.

10. Staff Comments

None.

11. Board Member Comments

None.

12. Adjourn Meeting

Adjourned at 3:31 p.m.



CITY of LA PINE PLANNING COMMISSION MINUTES

Tuesday, December 3rd, 2019

5:30 p.m.

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order

Chair Russ Smith called the meeting to Order at 5:36 pm

2. Establish Quorum

Present: Russell Smith, John Cameron and Mary Hatfield and Cathi Van Damme

Absent w/ Prior Notice: Jane Gillette

Staff Present: Tammy Wisco, Planning Consultant and Kelly Notary, Admin Asst.

3. Pledge of Allegiance

Led by John Cameron

4. Added Agenda Items

Any matters added at this time will be discussed during the "Other Matter" portion of this agenda.

5. Approval of Prior Meeting Minutes

a. October 30th, 2019

b. November 12th, 2019

c. November 20th, 2019

Motion to approve the consent agenda, by Hatfield, seconded by Cameron, unanimously approved.

6. Public Hearing - Continuation -Proposed 60-lot Subdivision 01SUB-19

60-Lot subdivision and associated infrastructure in the La Pine residential single family (RSF) zone.

Correction subdivision is 61 lots not 60 at the time of this hearing.

a. Open Public Hearing

Smith opened the public hearing for both 01SUB-19 and 02VA-19

i. Staff Report

Tammy Wisco read the quasi-judicial statement regarding both matters. She presented her staff report and power point presentation – which will be added to the packet for reference. The Staff Report provided the Commission ample opportunity to discuss some items that Staff wanted input on and did

not have a particular recommendation before hearing Commission thoughts, as well as other areas where Staff did have recommendations based on code.

ii. Applicant Testimony

Chris Schmoyer, Planner, provided information on the subdivision, phasing and spent time answering the questions staff had proposed to the committee in the staff report regarding Bassett being finished ahead of their proposed schedule, fire alleys and access, whether there was a need for Streets A & B to continue into southern property.

Tim Weishaupt, Engineer, discussed variance issues with streets and side yards, explained their phasing and provided further information on the questions proposed by staff to the committee in the staff report.

Patrick Trowbridge, Property Owner, provided a narrative on what he and his business partner had in mind for the property. Explained some of the decisions and needs for the variances being requested and answered questions from the Commission pertaining to set backs, design. He also stated his commitment to make this a beautiful and functional neighborhood for those people who want the rural feel of a large lot with city amenities and services close by.

iii. Open Public Testimony

None Present

iv. Applicant Rebuttal

Discussion regarding the conditions and variances took place between the committee and applicant, specifically regarding ADU's, setbacks, potentially having CC&R's and/or an HOA and additional items regarding both the SUB and VA submittals. All of the points and questions posed by Staff regarding both the subdivision itself and the variances were discussed between the commission and the applicant.

v. Deliberations

Several points were discussed in deliberation to include the need to extend Streets A & B (north/south routes) to the land south of the subject property. It was the consensus of the Commission that those did not need to be extended for further use due to the nature and zoning of the property to the south. The 20' fire alley/access road per the applicant's current plan and its sufficiency to comply with code and the concerns of the Fire Chief in La Pine and the Fire Marshal. The consensus was that it did seem sufficient and since it complies with code there was no need to make changes to that plan or recommendation from Staff. Discussion took place based on comments Chair Smith made on whether Riley Drive should have to be extended all the way through the subdivision in similar fashion to Heath and Bassett (per the existing plan submitted at the time of the hearing). After some discussion VanDamme, Hatfield and Cameron were okay with Riley not cutting through and Smith still felt it should, but did not take the matter to a vote and the issue was not a part of the original staff report questions, so it was considered resolved. Riley would stay per submitted plan. Discussion continued about the variances requested, setbacks were discussed at length.

vi. Close Hearing

Smith closed the meeting and called for a break allowing Staff time to write up appropriate motions based on all that was discussed and decided over the course of the meeting.

7. Public Hearing – Continuation - Variance Request 02VA-19

25% Variance request for all setbacks in the above proposed subdivision

Opened and Discussed with the item above no additional notes for this section

a. Open Public Hearing

i. Staff Report

- ii. Applicant Testimony
- iii. Open Public Testimony
- iv. Applicant Rebuttal
- v. Deliberations
- vi. Close Hearing

Motion by Cathi Van Damme to adopt the recommended findings and conditions of the staff report for file 01SUB-19 approved with the following exceptions:

1. The east-west multi-use path shall be constructed from the eastern to western property boundaries of the subject property no later than Phase 2. The extents of the path within Phase 2 shall be paved; the remainder can be compacted gravel, after review and approval by the City Engineer.
2. Bassett Drive and associated infrastructure shall be constructed in its entirety no later than Phase 3. The phasing plan can be refined to include additional lots along Bassett Drive in this phase.

Seconded by Cameron. No objections, unanimously approved.

Motion by Cameron to approve the following requested variances of file 02VA-19 for the subject property. Any requested variances not included in this motion are not approved.

1. 25% street-side yard setbacks reduction throughout subdivision (15' street-side yard).
2. Rear yard setbacks for accessory buildings (15' rear yard setback adjacent to only accessory structures).
3. For the western row of homes abutting Huntington Meadows, a minimum 5-foot side setback adjacent to the fire access alleyways, with a combined 15-foot total side setback for those lots.

Seconded by Hatfield. No objections, unanimously approved.

8. Other Matters: Only those matters properly added to this Agenda under line item No. 4
NONE

9. Public Comments:
NONE

10. Staff and Committee Comments

Wisco mentioned that we would not be meeting in again in December, but potentially in January for further submittals regarding Sagebrush.

Notary stated that public works crewmembers have been posting notices on cars regarding parking in right of ways, swale areas and snow zones within city limits and do plan to enforce this and tow vehicles per our city code for violations.

11. Adjourn

Meeting Adjourned by Russ Smith at 9:22pm

Pursuant to ORS 192.640, this notice includes a list of the principal subjects anticipated to be considered or discussed at the above-referenced meeting. This notice does not limit the ability of the City Council to consider or discuss additional subjects. This meeting is subject to cancellation without notice. The regular meeting is open to the public and interested citizens are invited to attend. The public will not be permitted to attend the executive session; provided, however, representatives of the news media and designated staff will be allowed to attend the executive session. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the executive session as previously announced. No decision will be made in the executive session. 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 at least 48 hours before the meeting to Patti Morgan (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY

CITY OF LA PINE

NAME: DONALD GREINER DATE 12-11-19

While conducting authorized City business, I the undersigned, properly incurred the following expenses. I now request reimbursement:

1. TRANSPORTATION EXPENSES (explain purpose, City, State, date of mtg)
TRAVEL TO Redmond, OR FOR COIC Meeting
ON DEC. 5, 2019

AUTOMOBILE
MILEAGE: 92 MILES @ 0.58 = \$ 53.36

2. LODGING/MEALS (explain purpose/meeting/dates)
MOTEL - Sleep Inn OVERNIGHT AS I Do NOT
DRIVE AT NIGHT \$113.67

A. Lodging for 1 nights (attach receipts)
B. Meals for _____ (whom)
Location (attach receipts) Redmond Date 12-5-19

3. PURCHASES (food, supplies and materials) (attach receipts)

TOTAL REIMBURSEMENT \$ 167.03

Approved by City Staff [Signature]

[Signature]
Signature of Submitter of Form

Acct 105202700 \$ 167.03
Acct _____ \$ _____
Acct _____ \$ _____
Approved [Signature]
Date _____ Clk# _____





Sleep Inn & Suites (OR188)

1847 N HWY 97
Redmond, OR 97756
(541) 504-1500
GM.OR188@choicehotels.com

Account: 686473918

Date: 12/6/19

Room: 206 SAPR1M

Arrival Date: 12/5/19

Departure Date: 12/6/19

Check In Time: 12/5/19 2:28 PM

Check Out Time: 12/6/19 8:16 AM

Rewards Program ID: GP-AXG38251

You were checked out by: egroom

You were checked in by: lwatso

Total Balance Due: 0.00

GULDEN, AUDREY
P O BOX 427
16489 CHARLOTTE DAY DR
LA PINE, OR 97739

Post Date	Description	Comment	Amount
11/22/19	Visa Payment		(113.67)
		XXXXXXXXXXXX7772	
12/5/19	Room Charge	#206 GULDEN, AUDREY	102.59
12/5/19	State Tax		1.85
12/5/19	City / County Tax		9.23

Folio Summary 11/22/19 - 12/5/19

Room Charge	102.59
State Tax	1.85
City / County Tax	9.23
Visa Payment	(113.67)

Balance Due: 0.00

This rate is eligible for partner rewards. If this rate is changed, you may no longer be entitled to Choice Privileges points.

x




Congratulations. You are earning Choice Privileges Points for this stay.

 DRIVING

 DISTANCE

 FLYING

 TIME

 The driving distance from La Pine, Oregon to Redmond, Oregon is:

46 miles / 74 km

City:	<input type="text" value="Redmond, OR"/>	Get:	<input type="text" value="driving distance"/>
Check-in:	<input type="text" value="12/09/2019"/>	From:	<input type="text" value="La Pine, OR"/>
Check-out:	<input type="text" value="12/15/2019"/>	To:	<input type="text" value="Redmond, OR"/>
Get:	<input type="text" value="hotel"/>	<input type="button" value="SEARCH"/>	

Powered by MediaAlpha

 [Best area to stay in Redmond?](#) 

Map of driving directions from La Pine, OR to Redmond, OR



View a map with driving directions using your preferred map provider: [Google Maps](#), [Bing Maps](#), or [MapQuest](#). You can use DriveDistance.com to get the full [driving distance from La Pine to Redmond](#) with directions.



LIQUOR LICENSE APPLICATION

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
<input type="checkbox"/> Brewery 1 st Location	Date application received and/or date stamp: <i>12-19, 2019</i>
<input type="checkbox"/> Brewery 2 nd Location	
<input type="checkbox"/> Brewery 3 rd Location	Name of City or County: <i>City of La Pine</i>
<input type="checkbox"/> Brewery-Public House 1 st location	
<input type="checkbox"/> Brewery-Public House 2 nd location	Recommends this license be: <input type="checkbox"/> Granted <input type="checkbox"/> Denied
<input type="checkbox"/> Brewery-Public House 3 rd location	
<input type="checkbox"/> Distillery	By: _____ Date: _____
<input checked="" type="checkbox"/> Full On-Premises, Commercial	
<input type="checkbox"/> Full On-Premises, Caterer	OLCC USE ONLY Date application received: _____ <i>12/18/19</i> _____ By: _____ <i>Always</i> _____ License Action(s): _____
<input type="checkbox"/> Full On-Premises, Passenger Carrier	
<input type="checkbox"/> Full On-Premises, Other Public Location	
<input type="checkbox"/> Full On-Premises, For Profit Private Club	
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club	
<input type="checkbox"/> Grower Sales Privilege 1 st location	
<input type="checkbox"/> Grower Sales Privilege 2 nd location	
<input type="checkbox"/> Grower Sales Privilege 3 rd location	
<input type="checkbox"/> Limited On-Premises	
<input type="checkbox"/> Off-Premises	
<input type="checkbox"/> Off-Premises with Fuel Pumps	
<input type="checkbox"/> Warehouse	
<input type="checkbox"/> Wholesale Malt Beverage & Wine	
<input type="checkbox"/> Winery 1 st Location	
<input type="checkbox"/> Winery 2 nd Location	
<input type="checkbox"/> Winery 3 rd Location	

2. Identify the applicant(s) applying for the license(s). ENTITY (example: corporation or LLC) or INDIVIDUAL(S) applying for the license(s):

SHANDY'S LLC

(Applicant #1)

(Applicant #2)

RECEIVED

DEC 18 2019

Oregon Liquor Control Commission

(Applicant #3)

(Applicant #4)

Bend, Oregon

3. Trade Name of the Business (Name Customers Will See)

SHANDY'S

4. Business Address (Number and Street Address of the Location that will have the liquor license)

52510 HIGHWAY 97

City LA PINE	County OREGON	Zip Code 97739
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OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

5. Trade Name of the Business (Name Customers Will See) Shandy's			
6. Does the business address currently have an OLCC liquor license? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
7. Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your mail) 52510 Highway 97			
City La Pine	State Oregon	Zip Code 97739	
9. Phone Number of the Business Location 541-536-3121		10. Email Contact for this Application Patrick.shandy@gmail.com	
11. Contact Person for this Application Patrick Shandy		Phone Number 541-640-9557	
Contact Person's Mailing Address (if different) 20290 Knightsbridge Place	City Bend	State Oregon	Zip Code 97702

Please note that liquor license applications are public records. A copy of the application will be posted on the OLCC website for a period of several weeks.

I understand that marijuana (such as use, consumption, ingestion, inhalation, samples, give-away, sale, etc.) is **prohibited** on the licensed premises.

I attest that all answers on all forms, documents, and information provided to the OLCC are true and complete.

Applicant Signature(s)

- Each individual person listed as an applicant must sign the application.
- If an applicant is an entity, such as a corporation or LLC, at least one person who is authorized to sign for the entity must sign the application.
- A person with the authority to sign on behalf of the applicant (such as the applicant's attorney or a person with power of attorney) may sign the application. If a person other than an applicant signs the application, please provide proof of signature authority.

(Applicant#1)

(Applicant #2)

(Applicant#3)

(Applicant #4)



OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY FORM

1. Name: (LAST) SHANDY		(FIRST) PATRICK	(MIDDLE) DAVID
2. Other Names Used (Maiden, Etc.): JEFF KRIEBLE			
3. Do you have a Social Security Number (SSN) issued by the U.S. Social Security Administration? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide your SSN: _____			
<p>SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.</p> <p>Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)).</p> <p>Do you voluntarily consent to the OLCC's use of your SSN as just described? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>			
4. Date of Birth (MM/DD/YYYY): 08 / 07 / 1982		5. Contact Phone: 541 640 9557	
6. Driver License or State ID # _____			7. State: OREGON
8. Residence Address: 20290 KNIGHTSBRIDGE PLACE BEND OREGON 97702			
9. Mailing Address (if different):			
10. E-Mail (optional): PATRICK.SHANDY@GMAIL.COM			
11. Do you have a spouse or domestic partner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list his/her full name:			
12. If yes to #11, will this person be involved in the management of, or have control over the business? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
13. In the past 10 years, have you been convicted ("convicted" includes paying a fine) in Oregon or another U.S. state of driving a car with a suspended driver license or driving a car with no insurance? <input type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input checked="" type="checkbox"/> Unsure (Please include explanation below) I ALWAYS RETAIN INSURANCE, SO I AM SURE THERE ARE NO DRIVING UNINSURED. I DID HAVE A DUI IN 2008 THAT MAY HAVE BEEN DROPPED TO RECKLESS.			
14. In the past 10 years, have you been convicted ("convicted" includes paying a fine) in Oregon or another U.S. state of a FELONY ? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below)			
15. Have you ever been in a drug or alcohol diversion program in Oregon or another U.S. state? A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense. <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below) I GOT A DUI IN 2011 AND SUCCESSFULLY COMPLETED DRUG AND ALCOHOL CLASS THROUGH THE STATE OF WASHINGTON.			

16. Do you, or any legal entity that you are a part of, **currently hold** or **have previously held** a liquor license or a recreational marijuana license in Oregon or another U.S. state? (Note: alcohol service permits and marijuana worker permits are not liquor licenses).

No Yes (Please include explanation below) Unsure (Please include explanation below)

MY BROTHER DANIEL SHANDY RUNS AN OLCC PRODUCTION FACILITY IN OREGON FOR THE PAST TWO YEARS.

17. Have you, or any legal entity that you are a part of, **ever** had an application for a license, permit, or certificate **denied or cancelled** by the OLCC or any other governmental agency in the U.S.?

No Yes (Please include explanation below) Unsure (Please include explanation below)

18. Are you applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license?

No Please skip questions 19 & 20. Go directly to question 21.

Yes Please answer questions 19, 20, and 21.

19. Do you or will you have any ownership interest in a business that manufactures, wholesales, or distributes alcohol in Oregon or another U.S. state?

No Yes (Please include explanation below) Unsure (Please include explanation below)

20. Does or will an alcohol manufacturer, wholesaler, or distributor in Oregon or another U.S. state have any ownership interest in your business?

No Yes (Please include explanation below) Unsure (Please include explanation below)

21. Do you currently have, or will you have, any ownership interest in any business in Oregon with a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license?

No Yes (Please include explanation below) Unsure (Please include explanation below)

THIS WILL BE THE SOLE BUSINESS, AND I HOPE TO HAVE OWNERSHIP INTEREST IN THIS BUIDLING/APPLICATION

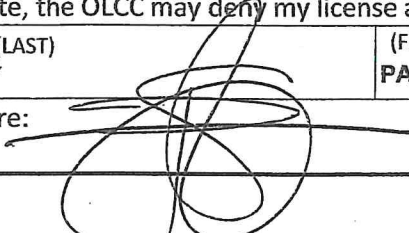
You must sign your own form. Another person, like your attorney or a person with power of attorney, may not sign your form. I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name: (LAST)
SHANDY

(FIRST)
PATRICK

(MIDDLE)
DAVID

Signature:



Date:

12/16/2019



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: Patrick Shandy Phone: 541-640-9557

Trade Name (dba): SHANDY'S

Business Location Address: 52510 Highway 97

City: La Pine ZIP Code: 97739

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	<u>11am</u> to <u>11pm</u>
Monday	<u>11</u> to <u>11</u>
Tuesday	<u>11</u> to <u>11</u>
Wednesday	<u>11</u> to <u>11</u>
Thursday	<u>11</u> to <u>11</u>
Friday	<u>11</u> to <u>11</u>
Saturday	<u>11</u> to <u>11</u>

Outdoor Area Hours:

Sunday	<u>4 AM</u> to <u>10 PM</u>
Monday	<u>4</u> to <u>10</u>
Tuesday	<u>4</u> to <u>10</u>
Wednesday	<u>4</u> to <u>10</u>
Thursday	<u>4</u> to <u>10</u>
Friday	<u>4</u> to <u>10</u>
Saturday	<u>4</u> to <u>10</u>

The outdoor area is used for:

Food service Hours: _____ to _____

Alcohol service Hours: _____ to _____

Enclosed, how Fence 4' high

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: Winter / Snow

ENTERTAINMENT

Check all that apply:

- | | |
|--|---|
| <input type="checkbox"/> Live Music | <input checked="" type="checkbox"/> Karaoke |
| <input type="checkbox"/> Recorded Music | <input checked="" type="checkbox"/> Coin-operated Games |
| <input type="checkbox"/> DJ Music | <input type="checkbox"/> Video Lottery Machines |
| <input type="checkbox"/> Dancing | <input type="checkbox"/> Social Gaming |
| <input type="checkbox"/> Nude Entertainers | <input checked="" type="checkbox"/> Pool Tables |
| | <input type="checkbox"/> Other: _____ |

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday	_____ to _____
Monday	_____ to _____
Tuesday	_____ to _____
Wednesday	_____ to _____
Thursday	_____ to _____
Friday	_____ to _____
Saturday	_____ to _____

SEATING COUNT

Restaurant: 35 Outdoor: 16

Lounge: 25 Other (explain): _____

Banquet: _____ Total Seating: 76

OLCC USE ONLY	
Investigator Verified Seating: _____(Y) _____(N)	
Investigator Initials: _____	
Date: _____	

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 12/18/19

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev. 12/07)

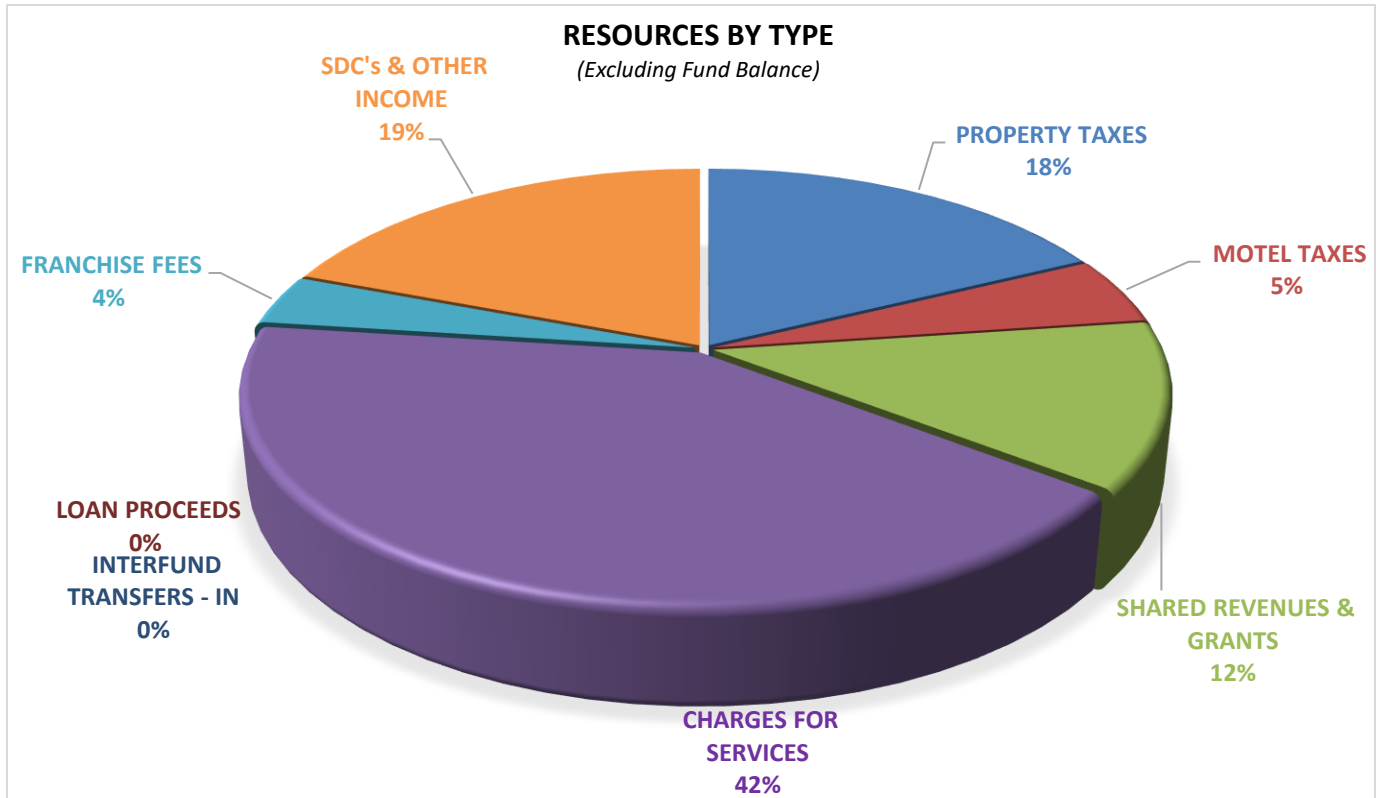
FINANCIAL SUMMARY December 31, 2019

TOTAL RESOURCES - BUDGET TO ACTUAL AS OF DECEMBER 31, 2019

	Year To Date	FY 2019-20 Budget	Budget Remaining	(50% lapsed) % Earned
BEGINNING FUND BALANCE	8,374,348	6,775,288	(1,599,060)	123.6%
PROPERTY TAXES	307,214	317,000	9,786	96.9%
MOTEL TAXES	87,240	90,000	2,760	96.9%
SHARED REVENUES & GRANTS	216,860	990,136	773,276	21.9%
CHARGES FOR SERVICES	719,970	1,340,100	620,130	53.7%
FRANCHISE FEES	64,861	200,000	135,139	32.4%
SDC's & OTHER INCOME	332,148	284,500	(47,648)	116.7%
INTERFUND TRANSFERS IN	-	1,183,000	1,183,000	0.0%
LOAN PROCEEDS	-	8,000,000	8,000,000	0.0%
	10,102,641	19,180,024	9,077,383	52.7%

FINANCIAL HIGHLIGHTS - RESOURCES:

- Transfers to be made in January
- Motel taxes, & SDCs are above budget



RESOURCES - BUDGET TO ACTUAL BY FUND

AS OF DECEMBER 31, 2019

	Year	FY 2019-20	Budget	(50% lapsed)
	To Date	Budget	Remaining	% Earned
GENERAL FUND				
BEGINNING FUND BALANCE	796,283	629,427	(166,856)	126.5%
PROPERTY TAXES	307,214	317,000	9,786	96.9%
SHARED REVENUES & GRANTS	128,769	874,935	746,166	14.7%
CHARGES FOR SERVICES	9,438	11,600	2,162	81.4%
FRANCHISE FEES	64,861	200,000	135,139	32.4%
MISCELLANEOUS INCOME & GRANTS	20,404	42,000	21,596	48.6%
	<u>1,326,969</u>	<u>2,074,962</u>	<u>747,993</u>	<u>64.0%</u>
CEMETERY FUND				
BEGINNING FUND BALANCE	29,587	17,567	(12,020)	168.4%
CHARGES FOR SERVICES	2,280	3,500	1,220	65.1%
MISCELLANEOUS & OTHER INCOME	203	-	(203)	0.0%
INTERFUND TRANSFERS - IN	-	10,000	10,000	0.0%
	<u>32,070</u>	<u>31,067</u>	<u>(1,003)</u>	<u>103.2%</u>
STREETS FUND				
BEGINNING FUND BALANCE	1,073,205	942,112	(131,093)	113.9%
SHARED REVENUES & GRANTS	68,501	115,000	46,499	59.6%
OTHER INCOME	6,798	-	(6,798)	0.0%
INTERFUND TRANSFERS - IN	-	200,000	200,000	0.0%
	<u>1,148,504</u>	<u>1,257,112</u>	<u>108,608</u>	<u>91.4%</u>
TOURISM FUND				
BEGINNING FUND BALANCE	191,614	170,209	(21,405)	112.6%
MOTEL TAXES	87,240	90,000	2,760	96.9%
MISCELLANEOUS INCOME	1,746	201	(1,545)	868.4%
	<u>280,599</u>	<u>260,410</u>	<u>(20,189)</u>	<u>107.8%</u>
COMMUNITY DEVELOPMENT FUND				
BEGINNING FUND BALANCE	134,738	69,943	(64,795)	192.6%
CHARGES FOR SERVICES	37,425	50,000	12,575	74.9%
SHARED REVENUES & GRANTS	19,590	31,000	11,410	63.2%
MISCELLANEOUS & OTHER INCOME	1,096	-	(1,096)	0.0%
INTERFUND TRANSFERS - IN	-	63,000	63,000	0.0%
	<u>192,849</u>	<u>213,943</u>	<u>21,094</u>	<u>90.1%</u>
INDUSTRIAL/ECONOMIC DEVELOPMENT				
BEGINNING FUND BALANCE	60,232	32,888	(27,344)	183.1%
INDUSTRIAL SITE LEASES / SALES	8,000	18,000	10,000	44.4%
MISCELLANEOUS & OTHER INCOME	35,084	15,000	(20,084)	233.9%
INTERFUND TRANSFERS - IN	-	45,000	45,000	0.0%
	<u>103,316</u>	<u>110,888</u>	<u>7,572</u>	<u>93.2%</u>
RESERVE FUND - WATER/SEWER				
BEGINNING FUND BALANCE	1,534,200	1,539,225	5,025	99.7%
INTERFUND TRANSFERS - IN	-	315,000	315,000	0.0%
	<u>1,534,200</u>	<u>1,854,225</u>	<u>320,025</u>	<u>82.7%</u>
DEBT RESERVE FUND				
BEGINNING FUND BALANCE	193,503	193,503	-	100.0%
	<u>193,503</u>	<u>193,503</u>	<u>-</u>	<u>100.0%</u>
SDC FUND				
BEGINNING FUND BALANCE	2,495,484	2,348,044	(147,440)	106.3%
SYSTEM DEVELOPMENT CHARGES	232,829	195,000	(37,829)	119.4%
	<u>2,728,313</u>	<u>2,543,044</u>	<u>(185,269)</u>	<u>107.3%</u>
WATER FUND				
BEGINNING FUND BALANCE	870,208	200,248	(669,960)	434.6%
CHARGES FOR SERVICES	323,878	647,000	323,122	50.1%
MISCELLANEOUS & OTHER INCOME	20,912	500	(20,412)	4182.4%
LOAN PROCEEDS	-	1,000,000	1,000,000	0.0%
INTERFUND TRANSFERS - IN	-	550,000	550,000	0.0%
	<u>1,214,998</u>	<u>2,397,748</u>	<u>1,182,750</u>	<u>50.7%</u>
SEWER FUND				
BEGINNING FUND BALANCE	995,294	632,122	(363,172)	157.5%
CHARGES FOR SERVICES	338,949	610,000	271,051	55.6%
LOAN PROCEEDS	-	7,000,000	7,000,000	0.0%
MISCELLANEOUS & OTHER INCOME	13,076	1,000	(12,076)	1307.6%
	<u>1,347,319</u>	<u>8,243,122</u>	<u>6,895,803</u>	<u>16.3%</u>

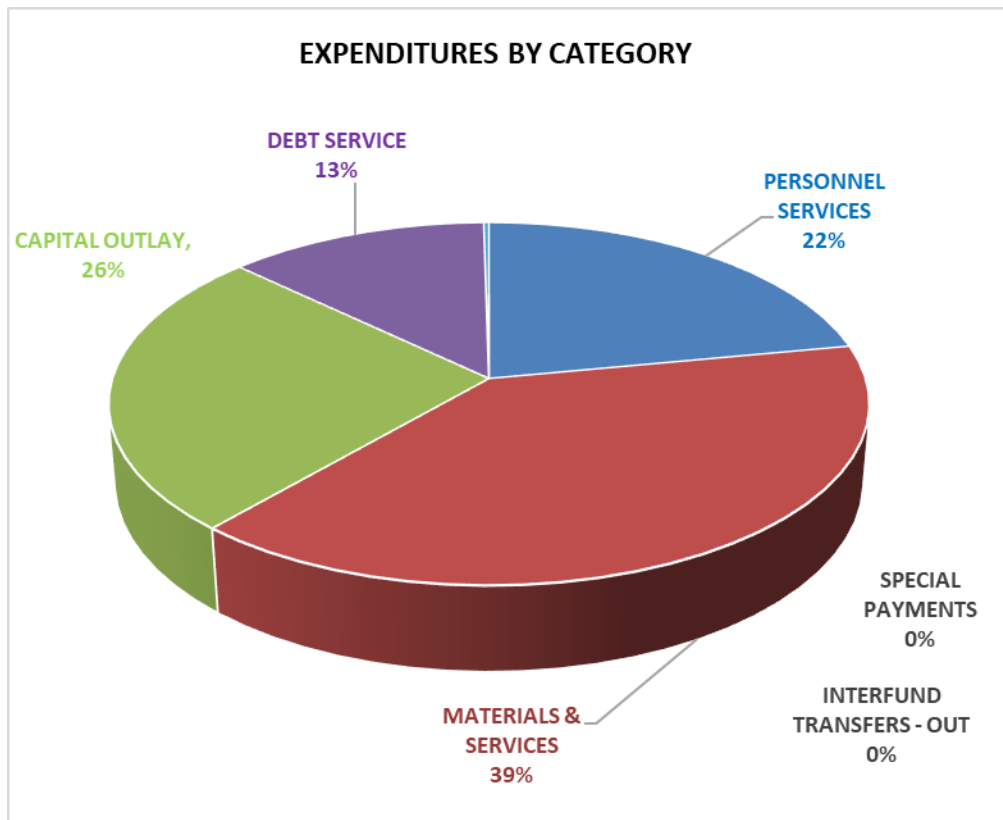
FINANCIAL SUMMARY DECEMBER 31, 2019

TOTAL EXPENDITURES - BUDGET TO ACTUAL AS OF DECEMBER 31, 2019

	Year To Date	FY 2019-20 Budget	Budget Remaining	(50% lapsed) % Expended
PERSONNEL SERVICES	228,266	676,754	448,488	33.7%
MATERIALS & SERVICES	408,673	1,334,098	925,425	30.6%
CAPITAL OUTLAY	266,074	9,925,000	9,658,926	2.7%
DEBT SERVICE	131,575	238,600	107,025	55.1%
SPECIAL PAYMENTS	2,611	15,000	12,389	17.4%
INTERFUND TRANSFERS - OUT	-	1,183,000	1,183,000	0.0%
	1,037,199	13,372,452	12,335,253	7.8%

FINANCIAL HIGHLIGHTS – EXPENDITURES:

- Transfers to be made in January.
- Planner position has not been filled in the Community Development Fund.
- Operating expenditures are tracking as expected, capital projects are well below budget



EXPENDITURES - BUDGET TO ACTUAL BY FUND

AS OF DECEMBER 31, 2019

	Year To Date	FY 2019-20 Budget	Budget Remaining	(50% lapsed) % Expended
GENERAL FUND				
PERSONNEL SERVICES	47,948	99,739	51,791	48.07%
MATERIALS & SERVICES	98,574	260,123	161,549	37.9%
CAPITAL OUTLAY	4,178	925,000	920,822	0.5%
DEBT SERVICE	35,041	44,600	9,559	78.6%
INTERFUND TRANSFERS - OUT	-	318,000	318,000	0.0%
	<u>185,741</u>	<u>1,647,462</u>	<u>1,461,721</u>	<u>11.3%</u>
CEMETERY FUND				
MATERIALS & SERVICES	1,618	13,767	12,149	11.8%
CAPITAL OUTLAY	3,945	10,000	6,055	39.4%
	<u>5,563</u>	<u>23,767</u>	<u>18,204</u>	<u>23.4%</u>
STREETS FUND				
PERSONNEL SERVICES	21,958	62,146	40,188	35.3%
MATERIALS & SERVICES	37,189	211,966	174,777	17.5%
CAPITAL OUTLAY	54,743	305,000	250,257	17.9%
	<u>113,889</u>	<u>579,112</u>	<u>465,223</u>	<u>19.7%</u>
TOURISM FUND				
MATERIALS & SERVICES	40,020	120,410	80,390	33.2%
CAPITAL OUTLAY	-	60,000	60,000	0.0%
	<u>40,020</u>	<u>180,410</u>	<u>140,390</u>	<u>22.2%</u>
COMMUNITY DEVELOPMENT FUND				
PERSONNEL SERVICES	-	109,045	109,045	0.0%
MATERIALS & SERVICES	25,957	81,898	55,941	31.69%
	<u>25,957</u>	<u>190,943</u>	<u>164,986</u>	<u>13.6%</u>
INDUSTRIAL/ECONOMIC DEVELOPMENT				
MATERIALS & SERVICES	22,800	94,888	72,088	24.0%
	<u>22,800</u>	<u>94,888</u>	<u>72,088</u>	<u>24.0%</u>
RESERVE FUND - WATER/SEWER				
INTERFUND TRANSFERS - OUT	-	176,000	176,000	0.0%
	<u>-</u>	<u>176,000</u>	<u>176,000</u>	<u>0.0%</u>
SDC FUND				
INTERFUND TRANSFERS - OUT	-	374,000	374,000	0.0%
	<u>-</u>	<u>374,000</u>	<u>374,000</u>	<u>0.0%</u>
WATER FUND				
PERSONNEL SERVICES	79,130	205,486	126,356	38.5%
MATERIALS & SERVICES	76,054	223,262	147,208	34.1%
CAPITAL OUTLAY	114,749	1,585,000	1,470,251	7.2%
DEBT SERVICE	96,534	194,000	97,466	49.8%
SPECIAL PAYMENTS	-	5,000	5,000	0.0%
	<u>366,467</u>	<u>2,212,748</u>	<u>1,846,281</u>	<u>16.6%</u>
SEWER FUND				
PERSONNEL SERVICES	79,230	200,338	121,108	39.5%
MATERIALS & SERVICES	106,462	327,784	221,322	32.5%
CAPITAL OUTLAY	88,459	7,040,000	6,951,541	1.3%
SPECIAL PAYMENTS	2,611	10,000	7,389	26.1%
INTERFUND TRANSFERS - OUT	-	315,000	315,000	0.0%
	<u>276,761</u>	<u>7,893,122</u>	<u>7,616,361</u>	<u>3.5%</u>

La Pine Chamber of Commerce Visitor Center
Summary of Profit Loss Financial Report
2nd Quarter - October - December, 2019

INCOME

TRT from City of La Pine	\$16,250.00
Resale Items Total *	-\$276.24
* Reflects sales, vendor payments & merchandise bought	
Visitor Guide 2019	\$1,400.00
Visitor Guide 2018	\$400.00
Visitor Guide 2020	\$350.00
<u>TOTAL INCOME</u>	\$18,123.76
Hold-over to 3rd Quarter FY2019/2020	-\$755.36
TOTAL	\$17,368.40

EXPENSES PAID

	<u>Total Paid</u>	<u>TRT Funds used</u>	<u>% paid by TRT</u>
Advertising - General	\$1,050.00	\$1,050.00	100.00%
Oregon State Chamber Conf.; Snowgoer Mag			
Advertising - Events	\$360.00	\$360.00	100.00%
Oregon Calendar of Events			
Payroll Taxes & Expenses	\$4,727.24	\$2,824.67	60.00%
Salaries - Executive Director	\$8,166.28	\$4,899.75	60.00%
Salaries - Administrative Assist.	\$3,294.78	\$1,976.85	60.00%
Salaries - Part-time Staff	\$3,155.99	\$1,893.58	60.00%
Visitor Guide 2019- Sales Commission	\$3,500.00	\$0.00	0.00%
Visitor Guide 2019 - Supplies	\$144.35	\$0.00	0.00%
Visitor Guide 2020 - Supplies	\$33.00	\$0.00	0.00%
Website - Maintenance	\$30.00	\$15.00	50.00%
Rent*	\$2,769.22	\$1,800.00	65.00%
* Includes all utilities & garbage, phone, internet, maintenance, snowplowing, etc.			
Insurance - D&O	\$0.00	\$0.00	50.00%
Insurance - Genl. Liability	\$318.83	\$156.37	50.00%
Accounting Fees	\$1,800.00	\$1,080.00	60.00%
Credit Card Processing	\$206.70	\$64.10	55.00%
Seminars/Workshops	\$500.00	\$500.00	100.00%
Oregon Destination Marketing Organization Conference			
Volunteer Appreciation	\$112.90	\$56.45	50.00%
Office Equip. & Supplies	\$339.94	\$169.97	50.00%
Printer Lease	\$753.33	\$376.65	50.00%
Copies	\$290.02	\$145.01	50.00%
<u>EXPENSE TOTALS</u>	\$31,552.58	\$17,368.40	Avg. 55%



SPECIAL SESSION CITY COUNCIL MEETING MINUTES

4:30 PM

Wednesday, January 15, 2020

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

- 1. Call to Order**
- 2. Establish Quorum**
- 3. Pledge of Allegiance**
- 4. Public Comments**

None.

5. Ordinance 2019-10 (second reading)

An ordinance of City of La Pine amending Ordinance No. 2015-02 and Ordinance No. 2016-10, which ordinances establish time, place, and manner regulations concerning medical marijuana dispensaries and recreational marijuana businesses, respectively, to amend the dispensary and business location restrictions; and declaring an emergency.

Motion by Greiner to approve and adopt an ordinance of City of La Pine amending Ordinance No. 2015-02 and Ordinance No. 2016-10, which ordinances establish time, place, and manner regulations concerning medical marijuana dispensaries and recreational marijuana businesses, respectively, to amend the dispensary and business location restrictions; and declaring an emergency. Second by Shields.

Roll Call Vote:

Shields: Aye

Briese: Nay

Harper: Aye

Greiner: Aye

Motion passed.

6. Appointment of Teri Myers to Planning Commission

Motion by Greiner to appoint Teri Myers to the Planning Commission effective immediately for a term ending on December 31, 2022. Second by Briese. No objections; unanimously approved.

7. Adjourn Meeting

ORDINANCE NO. 2020-01

AN ORDINANCE VACATING OLD MAIN COURT, FROM THE SOUTH EDGE OF 2nd STREET TO ITS TERMIUS TO THE SOUTH, IN THE CITY OF LA PINE, DESCHUTES COUNTY, OREGON.

WHEREAS, the First Addition to La Pine subdivision established certain mid-block alleyways to provide rear access to abutting lots, which run north-south and were dedicated as public right-of-way now under the jurisdiction of the City of La Pine (“City”); and

WHEREAS, Old Main Court was never fully constructed or connected to the south, and is unlikely to be utilized as a public street given existing ownership patterns and road layouts; and

WHEREAS, the owners of 51555 Old Main Court (“Petitioners”) petitioned City to vacate Old Main Court from the south edge of 2nd street to its terminus to the south, as described in Exhibit A (the “Vacation Area”); and

WHEREAS, more than two-thirds of the owners of properties abutting the Vacation Area and/or otherwise affected by the proposed vacation consented to the vacation; and

WHEREAS, City provided the required notices and held a public hearing on November 13, 2019 to receive public comment on the proposed vacation; and

WHEREAS, no objections were filed concerning the proposed vacation; and

WHEREAS, the La Pine City Council, after reviewing the petition and receiving public comment found that the public interest will not be prejudiced by the proposed vacation subject to certain terms and conditions for easements and public improvements.

NOW, THEREFORE, the City of La Pine ordains as follows:

1. Findings. In addition to the above stated findings, which are hereby adopted, the City Council adopts the following findings:
 - a. City has jurisdiction over Old Main Court and authority to vacate all or any portion of the right-of-way pursuant to state law.
 - b. All applicable legal requirements for the proposed vacation have been met and satisfied, including, without limitation, any applicable consent, notice, and publication requirements.
 - c. The public interest will not be prejudiced by City’s vacation of the area proposed for vacation.
2. Vacation. The Vacation Area, which is legally described in the attached Exhibit A and generally depicted on the attached Exhibit B, is hereby vacated.

3. Conditions of Approval. Approval of the proposed vacation is subject to Petitioners executing an agreement, in form acceptable to City, memorializing Petitioners' obligations for, among other matters, the following:

- a. Providing utility/access easements in favor of TDS Broadband Service LLC and Qwest Corporation, existing utility providers within the Vacation Area, in a form acceptable to such utility providers.
- b. Designing and constructing certain public improvements along 2nd Street to City local street standards for the full width of their property frontage (tax lot 4400), the width of Old Main Court, and connecting through to Huntington Road. These required improvements include full pavement width construction from the west edge of tax lot 4400 to Huntington Road and full frontage improvements (sidewalk, lighting, landscape strip) on south side of 2nd Street from west edge of tax lot 4400 to Huntington Road.

4. Recording. Upon satisfaction of the foregoing condition of approval, City will file and record a "Certified True Copy" of this Ordinance No. 2020-01 (this "Ordinance") in the Deschutes County Clerk's Office, Deschutes County Assessor's Office, and with the Deschutes County Surveyor.

5. Authorization. The City manager is authorized to execute any documents and to take such actions as are necessary to further the purposes and objective of this Ordinance.

6. Severability; Corrections. 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 La Pine City Council by a vote of ___ for and ___ against and APPROVED by the mayor on _____, 2020.

Daniel Richer, Mayor

ATTEST:

Melissa Bethel, City Manager

Exhibit A
Legal Description of Vacation Area

[attached]

Exhibit B
Depiction of Vacation Area

[attached]

RIGHT-OF-WAY VACATION

Located in a portion of the Plat of La Pine in a portion of the Northwest one-quarter of the Northwest one-quarter of Section 14, Township 22 South, Range 10 East, Willamette Meridian, City of La Pine, Deschutes County, Oregon more particularly described as follows:

Commencing at the Northeast corner of Lot 36, Block 32, Plat of La Pine; thence along the West Right-of-Way line of Old Main Court South $0^{\circ}26'32''$ West 2.00 feet to the TRUE POINT OF BEGINNING; thence South $89^{\circ}31'06''$ East along the South Right-of-Way line of Second Street for 60.00 feet to the East Right-of-Way line of Old Main Court; thence South $0^{\circ}26'32''$ West along said East Right-of-Way line 135.54 feet to the North line of the previously vacated portion of Old Main Court per Document No. 2000-50962, Deschutes County Official Records; thence along said North line North $89^{\circ}57'12''$ West 60.00 feet to the East line of said Block 32; thence along said East line North $0^{\circ}26'32''$ East 136.00 feet to the POINT OF BEGINNING;

Containing 8,145 square feet of land, more or less.

The basis of bearings of this description is South $89^{\circ}31'06''$ East (North $89^{\circ}31'06''$ West per CS18819) along the South line of 2nd Street per CS18819, records of the Deschutes County Surveyor's Office.

11-06-2019

REGISTERED
PROFESSIONAL
LAND SURVEYOR

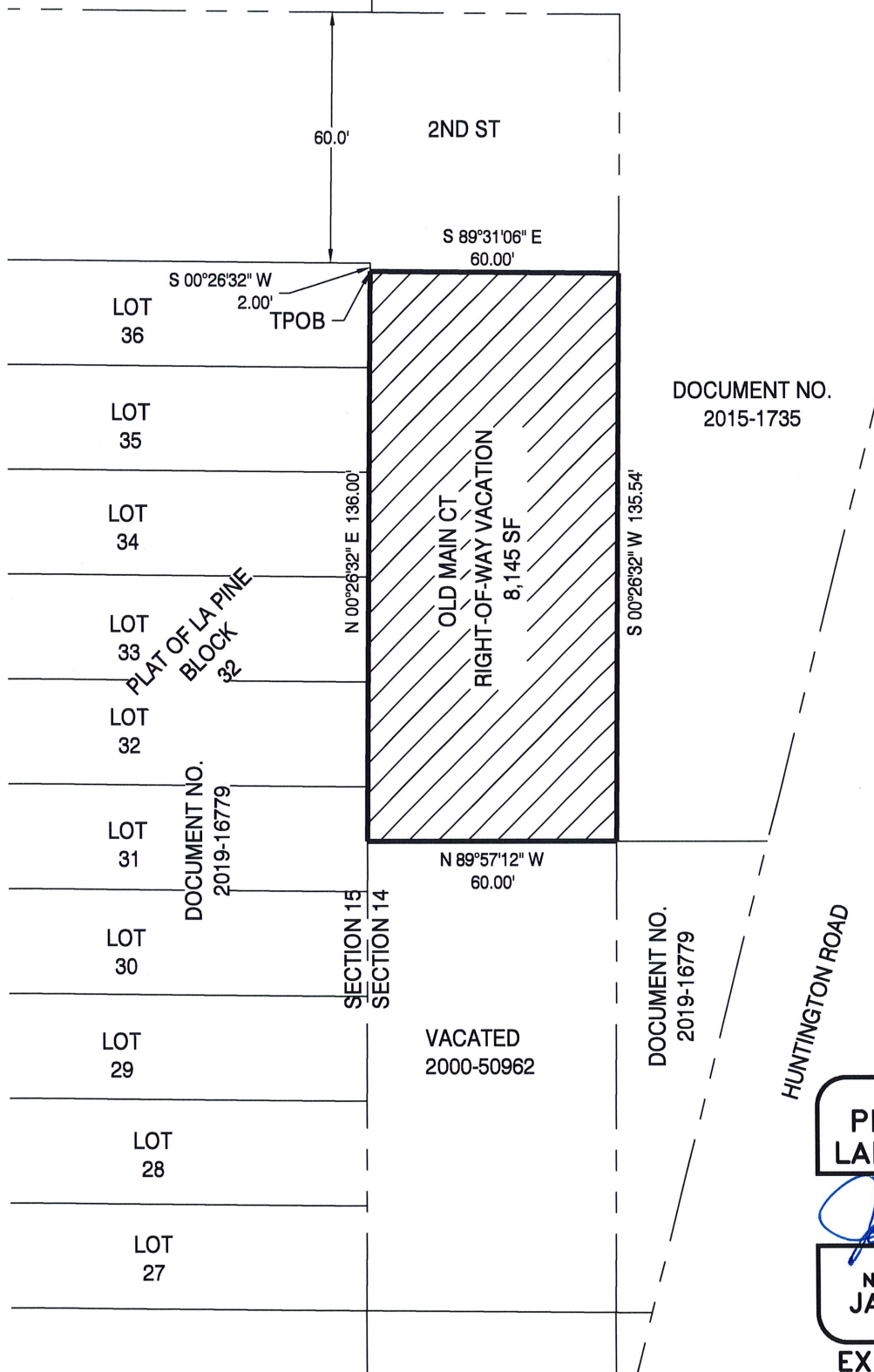
Jason L. Simes

OREGON
NOVEMBER 10, 2009
JASON L. SIMES
83256PLS

EXPIRATION DATE: 6-30-2020

EXHIBIT SKETCH

OF A RIGHT-OF-WAY VACATION IN A PORTION OF THE PLAT OF LA PINE
 LOCATED IN THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER
 OF SECTION 14, TOWNSHIP 22 SOUTH, RANGE 10 EAST, W.M., CITY OF LA PINE,
 DESCHUTES COUNTY, OREGON



SCALE: 1" = 40'

11-06-2019

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Jason L. Simes

OREGON
 NOVEMBER 10, 2009
 JASON L. SIMES
 83256PLS

EXPIRES 6/30/20

H.A. McCOY ENGINEERING &
 SURVEYING, LLC
 1180 SW LAKE ROAD, STE. 201
 REDMOND, OR 97756
 (541)923-7554

PROJECT: 51555 OLD MAIN COURT		
DESIGN: JLS	DATE: 11/6/2019	REV: JLS

After Recording Return To:

City of La Pine
16345 Sixth Street
La Pine, Oregon

IMPROVEMENT AGREEMENT

The City of La Pine (“City”) and Nathan S. Knott and Angie S. Knott, Co-Trustees of the Nathan & Angie Knott Family Trust dated August 9, 2017 (“Owner”) enter into this Improvement Agreement (this “Agreement”) effective as of this ___ day of _____, 2020 (the “Effective Date”).

Recitals

- A. Owner owns that certain property in La Pine, Oregon legally described in the attached Exhibit A (the “Property”).
- B. Owner petitioned City to vacate Old Main Court adjacent to the Property.
- C. To ensure the proposed vacation is in the public interest, City desires that Owner complete certain improvements to 2nd St. and provide easements to certain utility providers.
- D. Because Petitioner’s obligations in the foregoing recital cannot be completed until after the vacation is adopted, City conditioned approval of Ordinance No. 2020-01 (the “Vacation Ordinance”) upon Owner executing this Agreement.

Agreement:

In consideration of the mutual promises and obligations contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree to the following.

- 1. Upon mutual execution of this Agreement, City will record the Vacation Ordinance.
- 2. Immediately following City’s recording of the Vacation Ordinance, Owner will cause La Pine Park and Recreation District to convey any interest it may have in the Vacation Area (as defined in the Vacation Ordinance) to Owner.
- 3. Immediately following the recording of an instrument conveying La Pine Park and Recreation District’s interest in the Vacation Area to Owner, Owner agrees to execute and record easements in favor of TDS Broadband Service LLC and Qwest Corporation in substantially the form attached hereto as Exhibit B and Exhibit C. Until the easement instruments are recorded, Owner will grant temporary licenses to TDS Broadband Service

LLC and Qwest Corporation on the same terms and conditions as the respective Exhibit B and Exhibit C.

4. Within forty-five days after the Effective Date, Owner will file a complete property line adjustment application with the City to consolidate the entirety of the Vacation Area with the Property. Subject to City's approval of the property line adjustment application, Owner agrees to perfect the property line adjustment prior to expiration of the property line adjustment approval. Owner will be responsible for any and all costs associated with the property line adjustment including, without limitation, survey and application fees. Owner is responsible for all coordination with La Pine Park and Recreation District.
5. Within one year after the Effective Date, Owner will design and construct public improvements along 2nd Street from the western boundary of the Property to the Huntington Road right-of-way. These required improvements include 36 feet of pavement, striping for two-way travel and on street parking, and full frontage improvements (sidewalk, lighting, landscape strip, drainage, etc.) along the entirety of the southern edge of the project area. All such improvements must be constructed in accordance with City standards and otherwise in a manner acceptable to City. Owner is responsible for coordination with Bend Park and Recreation District for improvements on Bend Park and Recreation District property and/or dedication of right-of-way from Bend Park and Recreation District.
6. Prior to commencing any construction activities required under this Agreement, Owner must submit construction plans consistent with this Agreement for City review and must receive prior approval for such plans from the City. Owner will pay all applicable review, approval, and inspection fees.
7. Upon acceptance of the required improvements by City, Owner warrants that all work on the required improvements will be in a first class, workmanlike manner in conformance with all applicable legal requirements and guarantees all such work against deficiencies and defects in material, equipment, and workmanship for a period of 1 year from the date of acceptance of the required improvements by City.
8. If Owner fails to satisfy any of its obligations under this Agreement, Owner acknowledges and agrees that, after no less than 15 days written notice, City may perform the identified unsatisfied obligation on behalf of Owner and charge all expenses of such efforts (including, without limitation, staff time) to Owner. Such charges will accrue interest at the rate of 9% per annum if not paid within 30 days of written demand from City and shall constitute a lien on the Property (as may be reconfigured). Upon demand, Owner will execute such instruments and assign such plans, construction drawings, materials, contracts, and other property necessary for City to complete Owner's obligations. Owner further agrees that City will not be obligated to issue land use decisions or release building permits if Owner is then in default under this Agreement or if there are any outstanding monies owed to City under this Agreement. City's election to pursue any remedy herein,

shall not preclude City from pursuing any other remedy available at law or equity.

9. Unless otherwise specified in this Agreement, any notice required under this Agreement must be in writing. Any notice will be deemed given when personally delivered or delivered by electronic transmission, or will be deemed given three (3) business days following delivery of the notice by U.S. mail, postage prepaid, by the applicable party to the address of the other party shown below (or any other address that a party may designate by notice to the other party), unless that day is a Saturday, Sunday, or legal holiday, in which event it will be deemed delivered on the next following business day.

City:

c/o Melissa Bethel
City Manager
P.O. Box 2460
La Pine, OR 97739

Owner:

c/o Nathan S. Knott and Angie S. Knott
Co-Trustees
P.O. Pox 197
Otis, OR 97368

10. No provision of this Agreement may be modified, waived, or discharged unless such waiver, modification, or discharge is agreed to in writing by the parties. No waiver of either party at any time of the breach of, or lack of compliance with, any conditions or provisions of this Agreement will be deemed a waiver of other provisions or conditions hereof. This Agreement contains the entire agreement and understanding between the parties with respect to the subject matter of this Agreement and contains all of the terms and conditions of the parties' agreement and supersedes any other oral or written negotiations, discussions, representations, or agreements. Each party will pay and perform its obligations hereunder subject to and in accordance with applicable federal, state, and local laws, regulations, and ordinances. The parties will sign other documents and take other actions reasonably necessary to further effect and evidence this Agreement.
9. This Agreement shall run with land as to the Property (as may be reconfigured) and will be binding on and inure to the parties, their respective heirs, personal representatives, successors, and permitted assigns, and all future interest holders in the Property. "Owner" shall refer the then current owner of record for the Property (as may be reconfigured). City may, at Owner's expense, cause this Agreement to be recorded in the Official Records of Deschutes County, Oregon.
10. This Agreement will be governed by and construed in accordance with the laws of the State of Oregon, and venue for any action concerning this Agreement will lie in Deschutes County, Oregon.
11. All recitals, exhibits, schedules, instruments, and other documents referenced in this Agreement are part of this Agreement. All capitalized terms contained in such exhibits, schedules, instruments, and documents not otherwise defined therein will have the respective meanings assigned to them in this Agreement. This Agreement may be

amended only by a written agreement signed by each party.

12. If any litigation or arbitration is instituted to interpret, enforce, or rescind this Agreement, the prevailing party will be entitled to recover, in addition to any other relief awarded, the prevailing party's reasonable attorney fees and other fees, costs, and expenses of every kind, including, without limitation, the costs and disbursements specified in ORCP 68 A(2), incurred in connection with the arbitration, the litigation, any appeal or petition for review, the collection of any award, or the enforcement of any order, as determined by the mediator, arbitrator or court.
13. If any provision of this Agreement is found unenforceable in one respect or circumstance, such unenforceability shall not preclude enforcement of the provision in any other respect or circumstance nor impair the enforceability of the other provisions.
14. All pronouns contained herein 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.
15. This Agreement may be signed in counterparts.
16. Owner represents and warrants to City that Owner is the owner of the Property, that execution of this instrument does not breach any agreement, judgment, or arrangement to which Owner is a party, and that Owner is authorized to execute this Agreement without the consent of any other party to make this Agreement binding up the Property.

[signatures on next page]

IN WITNESS WHEREOF, the parties have caused this Agreement to be entered into and made effective for all purposes as of the Effective Date.

CITY:

City of La Pine,
an Oregon municipal corporation

OWNER

Nathan & Angie Knott Family Trust
dated August 9, 2017

Melissa Bethel, City Manager

Nathan S. Knott, Co-Trustee

Angie S. Knott, Co-Trustee

STATE OF OREGON, County of Deschutes) ss.

The foregoing instrument was acknowledged before me on this ___ day of _____, 2020 by Melissa Bethel as City Manager of the City of La Pine.

Notary Public for Oregon

STATE OF OREGON, County of _____) ss.

The foregoing instrument was acknowledged before me on this ___ day of _____, 2020 by Nathan S. Knott, Co-Trustee of the Nathan & Angie Knott Family Trust dated August 9, 2017.

Notary Public for Oregon

STATE OF OREGON, County of _____) ss.

The foregoing instrument was acknowledged before me on this ___ day of _____, 2020 by Angie S. Knott, Co-Trustee of the Nathan & Angie Knott Family Trust dated August 9, 2017.

Notary Public for Oregon

EXHIBIT A
LEGAL DESCRIPTION ON PROPERTY

Lots 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, Block 32, La Pine, Deschutes County, Oregon AND that portion of Parcel 1 of Partition Plat No. 1990-66 as filed in the Deschutes County Clerk's Office, situated in Government Lot 2 in the NW 1/4 of the NW 1/4 of Section 14, Township 22 South, Range 10 East of the Willamette Meridian, Deschutes County, Oregon, lying Westerly of the Westerly right of way line of Huntington Road AND that portion of vacated Main Street located in Government Lot 2 in the Northwest 1/4 of the Northwest 1/4 of Section 14, Township 22 South, Range 10 East of the Willamette Meridian, Deschutes County Oregon and more particularly described as follows:

Beginning at the Northwest corner of said Lot 2, said corner is located on the West line of Main Street; thence South 00°21'46" West along the West line of said Lot 2 a distance of 291.44 feet to the North line of 3rd Street as it presently exists; thence South 89°44'04" East along said North line a distance of 24.97 feet to the Westerly line of Huntington Road as it presently exists; thence North 14°03'53" East along said Westerly line a distance of 147.86 feet to the point of intersection with the East line of Main Street and the Westerly line of Huntington Road, said point of intersection is monumented with a 5/8 inch diameter rebar with yellow plastic cap marked "DEJARNATT LS 2208" as shown per Partition Plat No. 1990-66 as filed in the Deschutes County Clerk's Office; thence North 00°21'46" East along the East line of said Main Street a distance of 148.37 feet to the North line of the above mentioned Government Lot 2; thence South 89°45'41" West along the North line a distance of 60.00 feet to the Point of Beginning.

EXCEPTING THEREFROM that portion of said vacated Main Street and said portion of Parcel lying South of the following described line:

Beginning at the above mentioned 5/8 inch diameter rebar with yellow plastic cap; thence North 89°38'15" West a distance of 68.39 feet to a point on the West line of said vacated Main Street. Said point is witnessed by a 5/8 inch diameter rebar with red plastic cap marked "PROPERTY CORNER FRESHWATERS SURVEYING LS2235" marking the Southeast corner of the above mentioned Lot 27 and is the end of this description.

EXHIBIT B
TDS BROADBAND SERVICE LLC EASEMENT

[attached]

EXHIBIT C
QWEST CORPORATION EASEMENT

[attached]

**CORPORATE
CONVEYANCE OF
EASEMENT**

DOCUMENT NO. _____

FOR VALUABLE CONSIDERATION of _____ Dollars (\$_____) and other good and valuable consideration for themselves, their successors and assigns

_____ (“Grantor”) hereby grants and conveys to TDS Broadband Service Llc dba BendBroadband (Grantee), its successors and assigns, for a valuable consideration an easement to construct, use, maintain operate, alter, add to, repair, replace, and/or remove its facilities consisting of overhead cables, wires, guys upon, over, across, and along that certain real property in the Township of _____

_____ County, State of _____
described as follows:

Said easement being ten (10’) foot wide, centered on the cable being placed, as depicted on the attached Exhibit “A” attached hereto and made part hereof.

RETURN TO

Route Acquisition – Todd Naylor
TDS - BendBroadband
63070 Nels Anderson Rd.
Bend, OR 97703

Easement Address _____

Parcel Identification Number _____

SECTION _____ TOWNSHIP _____ RANGE _____ TOWNSHIP NAME _____

The Grantee, its successors and assigns, shall have the right to control the future growth of all trees and brush which may, in Grantee’s judgment, interfere with the operation of and access to facilities within said easement.

The Grantee, its successors, heirs and assigns, agrees to indemnify and hold harmless the Grantor from injuries and property damage arising from the rights herein granted.

The Grantee, for itself, its successors and assigns, agrees that it will pay the reasonable value of actual physical damage done to the property of the grantor, its heirs, successors and assigns, arising at any time out of the exercise by it of the rights herein granted. Furthermore, Grantee agrees that it will restore any disturbed lands within the easement area to their original state immediately following construction or use of the site.

Grantor covenants not to erect any structure upon the aforesaid real property that would interfere with Grantee’s use of said easement and this covenant shall be binding upon Grantor’s successors and assigns.

Grantor agrees that all facilities installed on above described lands at the Grantee’s expense shall remain the property of the Grantee, removable at the option of the Grantee.

Acknowledgement

The undersigned, Grantor with full right and authority hereof, hereby executes, grants and conveys said rights of easement herein to the Grantee as a free act of deed and agrees to be bound by all the covenants, terms and conditions herein, as evidenced by their signature below:

Name of Corporation

Dated: _____

By: _____

Printed Name

By: _____

Printed Name

<i>TDS TELECOM USE ONLY</i>
Contract Management No. _____
Easement No. _____
Exchange No. _____
WBS Element: _____
Coordinates: _____

State of _____

County of _____

I, _____ (name and style of officer) hereby certify that _____ whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand this _____ day of _____, 2019.

(Seal)

Notary Public in and for said
County in said State

The instrument was drafted by: TDS
Insertions by: TJN

EASEMENT

An easement being 10.00 feet wide, 5.00 feet on each side of the communication line as presently located in a portion of Lots 31, 32, 33, 34, 35, and 36, Block 32, Plat of La Pine in a portion of the Northeast one-quarter of the Northeast one-quarter of Section 15 and in a portion of the Northwest one-quarter of the Northwest one-quarter of Section 14, Township 22 South, Range 10 East, Willamette Meridian, City of La Pine, Deschutes County, Oregon more particularly described as follows:

BEGINNING at the Northeast corner of Lot 36, Block 32, Plat of La Pine; thence along the North line of said Lot 36 North 89°31'06" West 2.94 feet; thence leaving said North line South 6°41'25" East 12.65 feet; thence South 1°51'29" East 26.15 feet; thence South 1°48'27" West 48.00 feet; thence South 9°42'43" West 19.74 feet; thence South 0°55'48" East 31.88 feet; thence South 89°57'12" East 10.00 feet; thence North 0°55'48" West 31.12 feet; thence North 9°42'43" East 19.50 feet; thence North 1°48'27" East 49.01 feet; thence North 1°51'29" West 26.89 feet; thence North 6°41'25" West 9.80 feet to the South right-of-way line of Second Street; thence along said right-of-way line North 89°31'06" West 7.39 feet to the East line of said Lot 36; thence North 0°26'32" East 2.00 feet to the **POINT OF BEGINNING**;

Containing 1,369 square feet of land, more or less.

The basis of bearings of this description is South 89°31'06" East (North 89°31'06" West per CS18819) along the South line of 2nd Street per CS18819, records of the Deschutes County Surveyor's Office.

12/4/2019

REGISTERED
PROFESSIONAL
LAND SURVEYOR

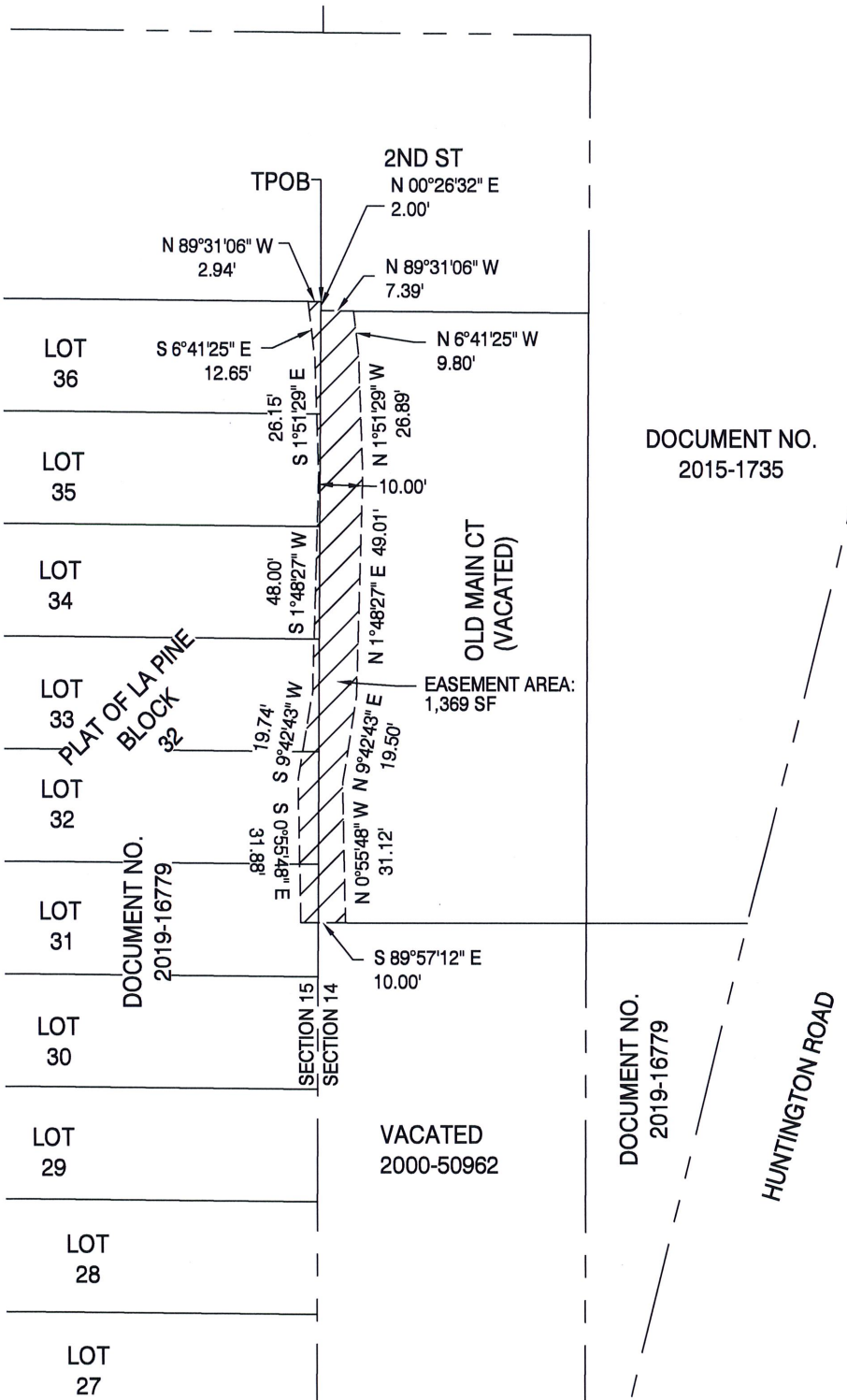
Jason L. Simes

OREGON
NOVEMBER 10, 2009
JASON L. SIMES
83256PLS

EXPIRATION DATE: 6-30-2020

EXHIBIT SKETCH

OF AN EASEMENT IN A PORTION OF LOTS 31, 32, 33, 34, 35, AND 36 OF BLOCK 32,
 THE PLAT OF LA PINE LOCATED IN THE NORTHEAST ONE-QUARTER OF THE
 NORTHEAST ONE-QUARTER OF SECTION 15 AND IN A PORTION OF THE
 NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE QUARTER OF SECTION 14,
 TOWNSHIP 22 SOUTH, RANGE 10 EAST, W.M., CITY OF LA PINE, DESCHUTES
 COUNTY, OREGON



DOCUMENT NO.
2015-1735

DOCUMENT NO.
2019-16779

DOCUMENT NO.
2019-16779

12/4/2019
**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

Jason L. Simes
**OREGON
 NOVEMBER 10, 2009
 JASON L. SIMES
 83256PLS**

EXPIRES 6/30/20

SCALE: 1" = 40'

H.A. McCOY ENGINEERING &
 SURVEYING, LLC
 1180 SW LAKE ROAD, STE. 201
 REDMOND, OR 97756
 (541)923-7554

PROJECT: 51555 OLD MAIN COURT		
DESIGN: JLS	DATE: 11/6/2019	REV: JLS

After recording please return to:
CenturyLink – Faulk & Foster
1811 Auburn Ave
Monroe LA 71201

Prepared by:
Brad Baker
P817670

RECORDING INFORMATION ABOVE

EASEMENT AGREEMENT

The undersigned (“Grantor”), for good and valuable consideration, the receipt and sufficiency of which are acknowledged, hereby grants and conveys to ***Qwest Corporation*** d/b/a CenturyLink QC, its successors, assigns, lessees, licensees, agents and affiliates (“Grantee”), having an address of 100 CenturyLink Drive, Monroe, Louisiana 71203, Attn: Construction Service, a perpetual, non-exclusive easement (“Easement”) to construct, operate, maintain, repair, expand, replace and remove ***Grantee’s communication facilities (including utility service if required to operate such facilities) and other appurtenant equipment and structures as Grantee may require from time to time (collectively, the “Facilities”)*** over, under and across the following property located in the County of Deschutes, State of Oregon, which Grantor owns (“Easement Tract”):

SEE THE DESCRIPTION SET FORTH ON **EXHIBIT A** ATTACHED TO, AND BY THIS REFERENCE MADE A PART OF, THIS AGREEMENT.

Grantor further grants and conveys to Grantee the following incidental rights:

- (1) The right of ingress and egress over and across Grantor’s lands to and from the Easement Tract; and
- (2) The right to clear all trees, roots, brush and other obstructions that interfere with Grantee’s use and enjoyment of the Easement Tract.

Grantor reserves the right to use and enjoy the Easement Tract so long as Grantor’s use does not materially interfere with the rights granted in this Easement Agreement. Grantor will not erect

EXHIBIT A TO EASEMENT AGREEMENT

Legal Description of Easement Tract

EXHIBIT A CONTINUED

Sketch or Drawing of Easement Tract

EASEMENT

An easement being 10.00 feet wide, 5.00 feet on each side of the communication line as presently located in a portion of lots 32, 33, 34, 35, and 36, Block 32, Plat of La Pine in a portion of the Northeast one-quarter of the Northeast one-quarter of Section 15 and in a portion of the Northwest one-quarter of the Northwest one-quarter of Section 14, Township 22 South, Range 10 East, Willamette Meridian, City of La Pine, Deschutes County, Oregon more particularly described as follows:

BEGINNING at the Northeast corner of Lot 36, Block 32, Plat of La Pine; thence along the North line of said Lot 36 North 89°31'06" West 8.46 feet; thence leaving said North line South 4°59'27" East 36.50 feet; thence South 0°26'32" West 69.41 feet; thence South 89°31'06" East 52.67 feet; thence North 0°26'32" East 20.00 feet; thence North 89°31'06" West 10.00 feet; thence South 0°26'32" West 10.00 feet; thence North 89°31'06" West 32.67 feet; thence North 0°26'32" East 59.89 feet; thence North 4°59'27" West 34.01 feet to the South right-of-way line of Second Street; thence North 89°31'06" West 1.78 feet to the East line of said Lot 36; thence North 0°26'32" West 2.00 feet to the **POINT OF BEGINNING**;

Containing 1,582 square feet of land, more or less.

The basis of bearings of this description is South 89°31'06" East (North 89°31'06" West per CS18819) along the South line of 2nd Street per CS18819, records of the Deschutes County Surveyor's Office.

12/4/2019

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jason L. Simes

OREGON
NOVEMBER 10, 2009
JASON L. SIMES
83256PLS

EXPIRATION DATE: 6-30-2020

ORDINANCE NO. 2020-02

AN ORDINANCE AMENDING THE LA PINE DEVELOPMENT CODE WITH RESPECT TO THE NEWBERRY NEIGHBORHOOD PLANNING AREA; ADJUSTING THE MAXIMUM LOT SIZE AND MINIMUM LOT WIDTH OF THE RESIDENTIAL GENERAL DISTRICT OF THE RESIDENTIAL MASTER PLAN ZONE; REPLACING DESCHUTES COUNTY CODE REFERENCES WITH LA PINE DEVELOPMENT CODE SECTIONS; AMENDING PROVISIONS ON THE SITING OF PARKS AND OPEN SPACE; AND REMOVING REQUIREMENTS FOR A RESIDENTIAL CENTER DISTRICT WITHIN QUADRANTS 1A, 1B, 1C, and 1D.

WHEREAS, the City of La Pine (“City”) adopted La Pine Development Code to establish land use and development regulations within the City;

WHEREAS, Sagebrush Development, LLC filed an application (Planning File No. 01TA-19) to amend the La Pine Development Code to promote flexibility in park/open space siting, increase the maximum lot size, reduce the minimum lot width of the residential master plan zone, and remove the requirement for a residential center district in quadrants 1a, 1b, 1c, and 1d of the Newberry Neighborhood Planning Area;

WHEREAS, City provided appropriate notice to the Department of Land Conservation and Development and all other parties entitled to notice of the proposed amendments;

WHEREAS, City’s Planning Commission, after receiving public testimony at a public hearing held November 20, 2019, and deliberating fully on the proposed amendments, voted to recommend that the La Pine City Council (the “Council”) approve the amendments with certain modifications proposed by City staff; and

WHEREAS, after receiving public testimony on the modified amendments during a scheduled public hearing on January 22, 2020, the Council voted to approve the modified amendments by adopting this Ordinance No. 2020-01 (this “Ordinance”).

NOW, THEREFORE, the City of La Pine ordains as follows:

1. Findings. The above-stated findings and the findings in the staff report for Planning File No. 01TA-19, attached as Exhibit A, incorporated herein by this reference, are hereby adopted.
2. Development Code Amendments. The amendments to the Development Code contained within the attached Exhibit B (the “Amendments”), incorporated herein by this reference, are hereby approved and adopted. The Amendments are hereby made part of the La Pine Development Code. The provisions of the La Pine Development Code that are not amended or modified by this Ordinance shall remain unchanged and in full force and effect. Staff is directed to take those steps necessary to incorporate the Amendments into the La Pine Development Code including, without limitation, renumbering and formatting changes. The Amendments supersede any ordinance, resolution, and/or policies in conflict with the Amendments.
3. Severability; Savings; Corrections. 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. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances existing at the time that such actions were filed will remain valid and in full force and effect for purposes of those actions. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors.

This Ordinance was PASSED and ADOPTED by the La Pine City Council by a vote of ___ for and ___ against and APPROVED by the mayor on _____, 2020.

Daniel Richer, Mayor

ATTEST:

Melissa Bethel, City Manager

Exhibit A

Staff Report for Planning File No. 01TA-19

EXHIBIT A - STAFF REPORT TO CITY COUNCIL

FILE: 01TA-19

**APPLICANT/
OWNER:** Sagebrush Development LLC
PO Box 2520
La Pine, OR 97739

PLANNER: Blackmore Planning and Development Services, LLC
19454 Sunshine Way
Bend, OR 97702

HEARING DATES: November 20, 2019, 5:30 pm, Planning Commission
January 22, 2020, 5:30 pm, City Council

REQUEST: Consider a proposal to amend the text of the La Pine Development Code, Article 4, Chapter 15.32, Newberry Neighborhood Planning Area

STAFF CONTACT: Tammy Wisco, PE, AICP, Planning Consultant, (210) 896-3432

I. INTRODUCTION

The Applicant proposed text amendments to the La Pine Development Code, particularly to the requirements of quadrant planning and design of Neighborhood 1 of the Newberry Neighborhood Planning Area (NNPA). Staff provided revised recommended text amendments that largely broaden the Applicant's text amendments to all the neighborhoods of the NNPA, with a few exceptions. Generally, the proposed text amendments increase the flexibility of design within the NNPA Overlay Zone by allowing more flexible siting of parks and trails, reducing open space buffer widths, increasing the maximum lot sizing in the residential general district, and providing the City and City Engineer discretion during the quadrant planning process. The proposed amendments also correct some of the outdated references to the Deschutes County Code. These proposed amendments are not a result of a full review of the NNPA code, but rather, a partial clean up based on the Applicant's proposed amendments.

II. APPLICABLE CRITERIA

City of La Pine Development Code

Article 7 - Procedures, 15.204 Application Procedures

Article 8 - Applications and Reviews, 15.334 Text and Map Amendments

City of La Pine Comprehensive Plan

III. PROPOSED AMENDED SECTIONS

Proposed Amendments to La Pine Development Code:

AMENDMENT 1: Section 15.32.020 General Standards

AMENDMENT 2: Section 15.32.100 Districts

IV. FINDINGS OF FACT

Proposed Amendments: The text amendments propose to amend the City of La Pine Development Code, particularly, the Newberry Neighborhood Planning Area (NNPA) Overlay Zone. The Applicant proposed amendments specific to Neighborhood 1 (Exhibit A); City staff propose to broaden some of the amendments to all neighborhoods within the NNPA (Exhibit B).

Public Notice and Comments: Public notices were posted on October 30, 2019 at the La Pine City Hall, Deschutes County Library - La Pine Branch, Ace Hardware Store and on the City's website. Notice was published in the local newspaper, *Wise Buys*, in their November 5, 2019 weekly edition and in *The Bulletin* on November 7, 2019.

Planning Commission Hearing: A public hearing was held before the City's Planning Commission meeting on November 20, 2019, at 5:30pm. Two public comments were provided; one person was concerned about the narrowing of the buffers, the other was concerned about the resizing and relocation of the parks. Other comment letters are provided in the record. The Planning Commission unanimously recommended approval of the staff recommended amendments to City Council.

V. CONCLUSIONARY FINDINGS

Conformance with the La Pine Development Code

Chapter 15.202 - Summary of Application Types and General Provisions

15.202.010 Purpose and Applicability

A. Purpose. The purpose of this chapter is to establish 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. Table 15.202-1 provides a key for determining the review procedure and the decision-making body for particular applications.

B. Applicability of Review Procedures. All land use and development permit applications, except building permits, shall be decided by using the procedures contained in this article as modified by any applicable application-specific procedures identified in Articles 8 and 9. The procedure "type" assigned to each application governs the decision-making process for that application. There are four types of review procedures as described in subsections 1-4 below. Table 15.202-1 lists the City's land use and development applications and corresponding review procedure(s).

...

4. Type IV Procedure (Legislative Review). The Type IV procedure applies to the adoption of law or policy applicable Citywide or to a broad geographical area of the City. Legislative actions provide for the establishment and modification of land use plans, policies, regulations, and guidelines. Type IV reviews are considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

FINDING: The subject application proposed text amendments to the La Pine Development Code, which would be applicable to the NNPA Overlay Zone, a special district within the City of La Pine. As such, this application is reviewed under a Type IV Procedure. At the first hearing, the Planning Commission voted unanimously to recommend that the City Council adopt the modified amendments proposed by staff. City Council will make the final decision through adoption of an ordinance, in compliance with the Type IV procedures.

Chapter 15.204 - Application Procedures

15.204.040 Type IV (Legislative Decisions)

A. Timing of Requests. The City Council may establish a schedule for when it will accept legislative code amendment or plan amendment requests, or the City Council may initiate its own legislative proposals at any time. Legislative requests are not subject to the 120-day review period under ORS 227.178.

FINDING: This proposal is a legislative code amendment, therefore, it is not subject to the 120-day review period under ORS 227.178.

B. Application Requirements.

- 1. Application forms.** Legislative applications shall be made on forms provided by the City Planning Official.
- 2. Submittal Information.** The application shall contain all of the following information:
 - a. The information requested on the application form;**
 - b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);**
 - c. The required fee, except when City of La Pine initiates request;**
 - d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards; and**
 - e. Evidence of neighborhood contact, if applicable pursuant to Section 15.202.050**

FINDING: The applicant submitted an application form and the required submittal information for these proposed text amendments to the La Pine Development Code. A neighborhood meeting was not required for this application, as the proposal is not a master plan, subdivision, zone change or major variance.

C. Procedure. Hearings on Type IV applications are conducted similar to City Council hearings on other legislative proposals, except the notification procedure for Type IV applications must conform to state land use laws (ORS 227.175), as follows:

- 1. The City Planning Official shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) at least 35 days before the first public hearing at which public testimony or new evidence will be received. The notice shall include a DLCD Certificate of Mailing.**

FINDING: DLCD was provided notice on October 16, 2019, in accordance with this procedure.

2. **At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any zone change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:**
 - a. **Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one Comprehensive Plan land use designation to another), see ORS 227.186 for instructions;**
 - b. **Any affected governmental agency;**
 - c. **Any person who requests notice in writing; and**
 - d. **For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.**

FINDING: In accordance with this procedural requirement, Measure 56 compliant notice was mailed to all property owners within the NNPA Overlay Zone, including Deschutes County. Notice was also provided to the City's regular agency list. No persons requested notice in writing. This application is not a zone change affecting a manufactured home or mobile home park.

3. **At least 10 days before the scheduled City Council public hearing date, public notice shall be published in a newspaper of general circulation in the city.**
4. **For each mailing and publication of notice, the City Planning Official shall keep an affidavit of mailing/publication in the record.**

FINDING: Notice was published in *Wise Buys*, the only La Pine area newspaper in general circulation, greater than 10 days before the hearing (in the November 5, 2019 weekly edition), and in *The Bulletin* on November 7, 2019, in accordance with this procedural requirement. Notice of the City Council hearing was posted in the *Bend Bulletin* on January 17, 2019. The City prepared an affidavit of all mailings/publications as part of the record.

D. Final Decision and Effective Date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance or, if not approved, upon mailing of the notice of decision to the applicant. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within 20 business days after the City Council decision is filed with the City Planning Official. The City shall also provide notice to all persons as required by other applicable laws.

FINDING: The final decision will be made by City Council. The foregoing final decision and effective date procedures apply to the subject application.

Chapter 15.334 - Text and Map Amendments

15.334.010 Purpose

The purpose of this chapter is to provide standards and procedures for legislative amendments to the Comprehensive Plan and Map and to this Code and Zoning Map.

Amendments may be necessary from time to time to reflect changing community conditions, to correct mistakes, or to address changes in the law.

15.334.020 Applicability

- A. Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plans, development code, or changes in zoning maps not directed at a small number of property owners. The following amendments are generally considered legislative.
 - 1. All text amendments to Development Code or Comprehensive Plan (except for corrections).**
 - 2. Amendments to the Comprehensive Plan Map and/or Zoning Map that affect more than a limited group of property owners.****
- B. Amendments to the Comprehensive Plan and/or Zoning Map (Zone Change) that do not meet the criteria under subsection A may be processed as Quasi-Judicial amendments. However, the distinction between legislative and quasi-judicial changes must ultimately be made on a case-by-case basis with reference to case law on the subject.**
- C. Requests for Text and Map amendments may be initiated by an applicant, the Planning Commission, or the City Council. The City Planning Official may request the Planning Commission to initiate an amendment. Initiations by a review body are made without prejudice towards the outcome.**

FINDING: This application was initiated by a property owner in the City and Staff provided recommended revised amendments. This application is processed as a Type IV legislative amendment, as the proposed text amendments involve broad policy decisions for the Newberry Neighborhood Planning Area (NNPA). As identified above, the NNPA is a special planned district that encompasses a large portion of the developable land within the City.

15.334.030 Procedure Type

- A. Legislative amendments are subject to Type IV review in accordance with the procedures in Article 7.**
- B. Quasi-judicial amendments are subject to Type III review in accordance with the procedures in Article 7 except that quasi-judicial Comprehensive Plan amendments and Zone changes which must be adopted by the City Council before becoming effective.**

FINDING: As noted above, this application proposes legislative amendments and is subject to Type IV review procedures.

15.334.040 Approval Criteria

Planning Commission review and recommendation, and City Council approval, of an ordinance amending the Zoning Map, Development Code, or Comprehensive Plan shall be based on all of the following criteria:

- A. The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with proposed changes in zoning). If the proposal involves an amendment to the Comprehensive Plan, the**

amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules; and

FINDING: Compliance with the Comprehensive Plan is detailed and demonstrated below. Based on the review herein, the proposal is compliant with the policies of the Comprehensive Plan. The proposal does not involve an amendment to the Comprehensive Plan.

B. The proposal must be found to:

- 1. Be in the public interest with regard to community conditions; or**
- 2. Respond to changes in the community, or**
- 3. Correct a mistake or inconsistency in the subject plan or code; and**

FINDING: The Newberry Neighborhood Planning Area (NNPA) Overlay Zone was developed prior to the City's incorporation and under Deschutes County jurisdiction, when the area was considered an Unincorporated Urban Community (UUC). Since the time the NNPA was established, the City of La Pine incorporated, established its own City Council, Planning Commission and land use regulations. Through these changes, the NNPA Overlay Zone was copied from County documents and not reviewed for its consistency with other City land use policies. There are numerous references to County codes, incorrect text with unknown origins, and prescriptive requirements to follow County planning maps, all of which limit creativity in design. The Applicant includes in their burden of proof:

“Collectively the proposed changes are in the public interest, as they allow for market demanded residential and commercial development, which will not place unnecessarily high costs on land. The changes are proposed to address a change in the community, namely that the property is now in an incorporated City, providing the ability for the local jurisdiction to establish the overall design intent of the site (instead of relying on an outdated County program).”

For numerous reasons, the proposal complies with these criteria, as the amendments will respond to changes in the community (incorporation as a City) and correct mistakes/inconsistencies in the code.

C. The amendment must conform to Section 15.344.060, Transportation Planning Rule Compliance; and

FINDING: The proposed text amendments do not directly relate to transportation. Rather, they provide increased flexibility in park siting, lot sizing, and multi-use path siting. The text amendments do not include changes in uses or zone changes that might increase transportation demands. The text amendments do not increase allowed densities within the NNPA. As such, the proposed amendments do not create any significant impacts on any existing or planned transportation facilities.

D. For a Quasi-Judicial Zone Change the applicant must also provide evidence substantiating that the following criteria are met:

- 1. Approval of the request is consistent with applicable Statewide Planning Goals;**
- 2. Approval of the request is consistent with the relevant policies of the Comprehensive Plan;**

3. **Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property;**
4. **For nonresidential changes, the proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.**

FINDING: This proposal is not a quasi-judicial zone change; therefore, these criteria are not applicable.

Conformance with the La Pine Comprehensive Plan

Chapter 2, Citizen Involvement Program

This chapter identifies State rules related to citizen involvement, along with the community's purpose and intent with regard to citizen involvement. This chapter identifies issues and goals, policies and programs, it establishes roles and responsibilities, and establishes specific Citizen Advisory Committees (CACs). One of the CACs identified in this chapter is a Planning Commission, which the City has established for planning and land use purposes.

FINDING: This application and request has been processed and reviewed in accordance with the public notification procedures that have been established in the La Pine Development Code. Pursuant to the La Pine Development Code, notice was provided and a hearing was held before the Planning Commission on November 20, 2019. As such, the application will be reviewed by the appropriately established CAC.

Chapter 3, Agricultural Lands

This chapter addresses agricultural lands within counties. Although La Pine is not required to plan for agricultural lands in the City, there continues to be agricultural uses in some areas within the city limits and the City's Comprehensive Plan sets out goals and policies related to agriculture.

FINDING: The proposed amendments do not impact the City's ability to achieve the goals and policies within this chapter, as the proposed amendments address uses on industrial lands, not agricultural lands.

Chapter 4, Forest Lands

Chapter 4 implements State Planning Goal 4, which defines "forest lands" and requires counties to inventory and conserve such lands. However, planning for forest lands is not required within city limits.

FINDING: This chapter does not apply to the proposed amendments.

Chapter 5, Natural Resources and Environment

This Comprehensive Plan chapter is intended to address Oregon Statewide Planning Goals 5, 6, and 7 which address natural resources, historic area, and open spaces, air water and land resources and protection from natural hazards. This chapter establishes that under Goal 5, the state identifies specific resources that are to be inventoried, and once inventoried, appropriately protected. The resources that require inventory by the state include:

- Riparian Corridors
- Wetlands

- Wildlife Habitat
- Federal and Wild Scenic Rivers
- State Scenic Waterways
- Groundwater Resources
- Approved Oregon Recreational Trails
- Natural Areas
- Wilderness Areas
- Mineral and Aggregate Resources
- Energy Sources
- Cultural Areas

FINDING: The proposed amendments do not impact the City’s ability to implement this chapter or Statewide Planning Goals 5, 6, or 7. The proposed amendments do not implicate natural resources, historic areas, air, water and land resources, or protection from natural hazards. The proposed amendments are related to open spaces, however, the amendments provide increased flexibility in siting of the open spaces in order to provide increased flexibility in neighborhood design. The property is not situated within an inventoried riparian corridor, wetlands, federal wild and scenic area, state scenic waterway, approved Oregon Recreational Trails, natural area, wilderness area, or mineral and aggregate resource. The property is currently vacant and is not listed as a site that contains cultural or historic significance.

Regarding wildlife habitat, the City’s Comprehensive Plan indicates that the City does not have an inventory, but rather utilizes a safe harbor and recognizes significant wildlife habitat as sites where:

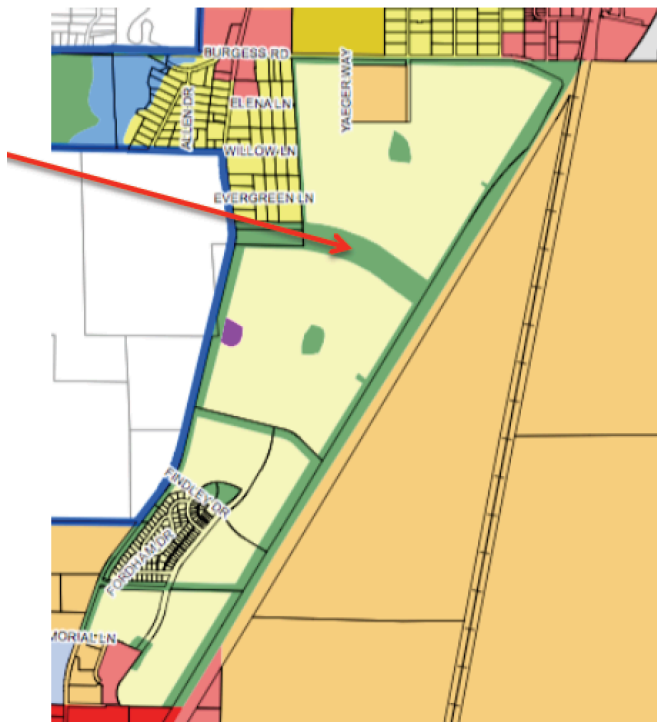
- The habitat has been documented to perform a life support function for a wildlife species listed by the Federal government as threatened or endangered species or by the State of Oregon as a threatened, endangered or sensitive species;
- The habitat has documented occurrences of more than incidental use by a wildlife species listed by the Federal government as a threatened or endangered species or by the State of Oregon as a threatened, endangered, or sensitive species;
- The habitat has been documented as a sensitive bird nesting, roosting, or watering resources site for osprey or great blue herons;
- The habitat has been documented to be essential to achieving policies or population objectives specified in a wildlife species management plan adopted by the Oregon Fish and Wildlife Commission pursuant to ORS Chapter 496; or
- The area is identified and mapped by ODFW as habitat for a wildlife species of concern (e.g. big game winter range and migration corridors, golden eagle and prairie falcon next sites, or pigeon springs).

To staff’s knowledge, the NNPA does not contain any of these protected wildlife features. Therefore, the proposed text amendments do not implicate or cause any non-compliance with Goal 5. However, the proposed amendments do reduce the width of an east-west open space corridor between neighborhoods 1 and 2 and between neighborhoods 2 and 3, from 500 feet to approximately 100 feet (existing 60-foot right of way plus 20 feet on each side). The origin of the 500-foot width is unknown to staff, however, the Comprehensive Plan supports such a corridor between neighborhoods 3 and 4 through one of its Chapter 5 general policies:

The City shall delineate open space and trail areas to serve as wildlife migration corridors. This will allow migrating deer and elk to cross US Highway 97. The Plan map shows where the primary corridor is to be located via a 500-foot green-color

strip running east-west through the Newberry Neighborhood. This location was jointly agreed upon with Deschutes County - the property owner in this case.

The City's zoning map includes a significantly wide swath of green space between neighborhoods 3 and 4, north of the subject property (see below). As this policy refers to only one "wildlife migration corridor" and notes that the property is owned by Deschutes County, it seems reasonable to staff that this northern east-west corridor is the only one intended by the Comprehensive Plan to be used as a wildlife corridor (and thus 500 feet in width). Staff suspects that the current code's 500-foot width requirement between all neighborhoods was an error as it appears to have been intended for the northern corridor only. The City's recommended amendments provides some flexibility in the siting of the 500 foot wildlife corridor, requiring it to be within either Neighborhood 3 or 4, and "aligned with an existing or planned wildlife Hwy 97 undercrossing to the extent practical."



In summary, related to Goal 5, the proposed amendments reduce the width of an open space corridor between neighborhoods 1 and 2 and between neighborhoods 2 and 3. However, these areas do not include any inventoried resources nor do either of them appear to be identified as the east-west wildlife corridor. Staff finds that the proposed amendments do not affect the City's ability to implement the goals and policies of the Comprehensive Plan Chapter 5.

In regard to Goals 6 and 7 (air, water, and land resources quality + areas subject to natural disasters and hazards), the proposed text amendments do not include development, nor do they allow increased density of development; as such, staff finds they do not negatively impact air, water, and land resources quality. The Comprehensive Plan notes that the "two most prominent natural hazard threats in La Pine are wildfire and flooding..." The NNPA Overlay Zone is not within the FEMA 100-year floodplain and the proposed text amendments have no effect on this fact. Wildfire is a threat throughout the City, however, the proposed text amendments do not

have any obvious impacts on the ability of properties within the NNPA Overlay Zone to mitigate impacts of fires and/or to prepare or respond to fires. While the proposed text amendments reduce the buffer width between neighborhoods 1 and 2 and neighborhoods 2 and 3, a minimum of 100 feet wide buffer still remains. It could be argued that a 100-foot buffer will be more likely to be maintained for fire management than a 500-foot buffer (current code). In addition, the proposed text amendments provide flexibility in the siting of parks throughout the neighborhoods, without reducing the total acreage of parks. Having multiple parks throughout the neighborhood, rather than one single park in the center, could increase the number of firebreaks between residences. For all these reasons, staff finds the proposed amendments support Goals 6 and 7, which are addressed in Chapter 5 of the City's Comprehensive Plan.

Chapter 6, Parks, Recreation and Open Space

This Chapter is intended to carry out Statewide Planning Goal 8, Parks, Recreation and Open Space. Recognizing that quality of life is impacted by the location and function of area parks, natural areas and open spaces, this chapter encourages cooperation between the City, the La Pine Park and Recreation District, County, State and Federal Agencies, in an effort to develop an appropriate park system for the City.

FINDING: The proposed text amendments address both parks and open space buffers within the NNPA Overlay Zone. These areas are currently shaded green on the City's zoning map, but the Applicant has submitted applications for Comprehensive Plan Map amendments and zone changes to remove these zones from neighborhood 1, and to regulate their locations through the proposed text amendments. The Comprehensive Plan Map amendments and zone changes will be addressed in a separate staff report for those applications. The proposed text amendments provide flexibility in the siting and sizing of neighborhood parks, rather than tying the developers to the prescriptive locations currently designated in the zoning map.

The La Pine Park and Recreation District Comprehensive Plan notes the following about the Neighborhood 1 park (emphasis added):

As to new Neighborhood 1, this location is very close to downtown and short walking distance to Bi-Mart and the High School. It is also but about 3 blocks from the unnamed 5 acre parcel that the District hopes can be developed into soccer and Lacrosse fields in partnership with the School District. The neighborhood is also walking distance to Heritage Park and the Community Center. Because of the closeness of these other neighborhood and District resources, at the present time there appears no discernable need to develop a complicated Neighborhood Park in this Neighborhood.

The proposed text amendments that provide increased flexibility to site parks throughout the neighborhood, rather than as one large park in the center, support the District's Comprehensive Plan statement above.

In summary, the proposed amendments do not negatively impact the City's ability to implement this chapter; in fact, the proposed amendments provide increased flexibility in the siting of neighborhood parks, with an emphasis on multi-modal connections to the parks. This flexibility, without loss of total park area, supports the intent of Chapter 6 to develop a park system for the City.

Chapter 7, Public Facilities and Services

This chapter is intended to carry out Statewide Planning Goal 11. Given the current population of 1,687 (PSU 2015 Population Estimate), Goal 11 does not apply to the City of La Pine.

Nonetheless, this Chapter includes goals and policies directed at coordination, provider details, expansion needs, development restrictions, along with conservation practices.

FINDING: The policies of this chapter do not apply directly to the proposed amendments, which are not associated with specific development or demands for specific public facilities and services.

Chapter 8, Transportation

This chapter is intended to carry out Statewide Planning Goal 12. This chapter provides details of the transportation elements of La Pine, including roads, bicycle ways, pedestrian routes, and public transit. Additionally, this chapter addresses long range planning needs, air and rail, pipelines, and funding.

FINDING: The majority of the policies of this section have been incorporated into the Development Code and implementing regulations, which are imposed upon subdivision application for land divisions. At this time, the policies of this chapter do not specifically apply to the proposed text amendments, however, they will be reviewed at time of comprehensive plan amendment, zone change, and subdivision applications.

Chapter 9, Economy

This Chapter is intended to carry out Statewide Planning Goal 9, Economic Development, which requires local jurisdictions to plan for and provide adequate opportunities for a variety of economic activities vital to the health, welfare and prosperity of its citizens. The overall intent is to ensure that there are adequate lands and infrastructure for new business and industry, as well as identifying any obstacles. This Chapter includes an analysis of the La Pine economy, noting that “La Pine’s focus on economic development is a key component of its vision to be a “complete” community.

FINDING: The goals of this chapter relate to strategic planning and land inventories to satisfy urban development needs of the City. While the proposed amendments do not relate specifically to these goals, the proposed amendments do provide some flexibility in design within the NNPA Overlay Zone, which may encourage an increase in housing opportunities within the City. This may indirectly support businesses by providing for increased housing options for employees.

Chapter 10, Housing

This chapter addresses housing and Statewide Planning Goal 10 to ensure the provision of appropriate types and amounts of land within the La Pine urban growth boundary - UGB (city limits in this case) to support a range of housing types necessary to meet current and future needs.

FINDING: The proposed text amendments support this chapter, as they provide increased flexibility in neighborhood design in the NNPA Overlay Zone. The current development code includes outdated references to County codes, excessive buffer requirements, and overly prescriptive requirements for the siting of parks and trails. The proposed text amendments should provide more flexibility in neighborhood design to encourage the development of housing in the NNPA Overlay Zone.

Selected Chapter 10 Goals and Policies:

Goal # 4: Promote and protect neighborhood qualities that reflect the small town appeal of La Pine and improve compatibility between various uses.

- ***New residential developments in areas without an established character or quality should be permitted maximum flexibility in design and housing type consistent with densities and goals and objectives of this Plan.***

The proposed text amendments increase flexibility in design by allowing parks to be sited throughout the neighborhood and not tied to the specific prescriptive location within the current code. This flexibility is in support of the above policy.

Chapter 11, Energy Conservation

This chapter carries out Oregon State Planning Goal 13. This chapter identifies issues with travel, existing development patterns, and energy supply opportunities. The policies of this chapter encourage increased residential density, along with development and design desires, aimed to reduce energy usage throughout the city.

FINDING: The proposed text amendments increase the flexibility of design within the NNPA Overlay Zone. The proposal does not impact the City's ability to achieve the goals and policies of this chapter.

Chapter 12, Urbanization

This chapter addresses Statewide Planning Goal 14 to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The chapter highlights the City's desire to create live-work neighborhoods within the mixed use commercial residential districts.

FINDING: The proposed text amendments do not impact the City's ability to provide an orderly and efficient transition from rural to urban land or to manage the balance of types of land. The proposed amendments create more flexibility for subdivision design with the NNPA Overlay Zone.

V. RECOMMENDATION and CONCLUSION

Conclusion

Based on the above findings, the proposed text amendments to the La Pine Development Code meet the La Pine Development Code Procedures criteria and the La Pine Comprehensive Plan goals and policies.

Recommendation

Based on findings and evidence available at the time this report was prepared, staff recommends that the City Council approve the proposed amendments, as modified by staff.

END of STAFF REPORT

Exhibit B
Development Code Amendments

[attached]

Double underlined words are words added

~~Strikethrough~~ words are words deleted

**Amendment #1: Amending La Pine Development Code, Article 4 Overlay Zones, Newberry
Neighborhood Planning Area (NNPA), Section 15.32.020**

15.32.020 General Standards

...

B. Transportation

1. Two perimeter collector and three neighborhood collector roads will provide access from Huntington Road into the neighborhoods.
2. ~~The central collector~~ Crescent Creek Drive and a perimeter collector will provide access from Burgess Road. The three perimeter collectors dividing the neighborhoods will be adjacent to open space corridors that provide buffers between the four Neighborhoods in the Neighborhood Planning Area.
3. Driveway access will not be allowed onto ~~the central collector~~ Crescent Creek Drive and the neighborhood collectors.
4. Rather than a continuous paved parking shoulder, parking in designated pullout areas can be provided along the collectors for access to open space, parks and residential lots.
5. Direct access from residential lots onto the local streets and perimeter collectors is permitted.
6. Shallow vegetated swales alongside ~~the~~ roads will provide for drainage.
7. A network of multi-use paths will be developed parallel to many of the collector roads ~~and in the~~ in open space buffer areas within the development ~~and~~ along Huntington Road ~~and~~ along the eastern perimeter collector parallel to Highway 97 or within the Highway 97 right of way, if sufficient right of way exists and ODOT authorizes the construction of a multi-use path in its right-of-way.
8. The precise layout of these roads and multi-use paths will occur during the Quadrant Plan approval process as each Neighborhood and Quadrant is planned.
9. Modifications to the layout and/or alignment of a path or trail outside of the Neighborhood/Quadrant process ~~shall follow~~ may be approved at the City Engineer's discretion through an administrative review process ~~as determined by the City.~~

10. Use of the term “collector” in this Chapter 15.32 means a street meeting the “collector” standard as defined in the City of La Pine Transportation System Plan. Crescent Creek Drive, Findlay Drive, Half Moon Drive , Campfire Drive, and Caldwell Drive are “collectors”. Notwithstanding anything herein to the contrary, the City Engineer may authorize a different street design standard through the Quadrant Planning Process.

Amendment #2: Amending La Pine Development Code, Article 4 Overlay Zones, Newberry Neighborhood Planning Area (NNPA), Section 15.32.100

G. Park District. The purpose of this district is to provide Neighborhood Parks in each of the four neighborhoods within the Neighborhood Planning Area. This district may also apply to an optional Regional Park that may be located in Neighborhood 2 ~~and~~ or 3 during Quadrant Plan approval process.

- a. **Size standard.** Each Neighborhood Parks shall Park must be a minimum of two acres and no more than five acres in size. Neighborhood Park areas do not need to be contiguous, so long as a multi-use path or sidewalks allow for pedestrian connection between the Neighborhood Park areas. If Neighborhood Parks are provided in a non-contiguous fashion, and notwithstanding anything herein to the contrary, each individual Neighborhood Park must be a minimum of one acre and the total Neighborhood Park area within an individual neighborhood must be a minimum of 3 acres.
- b. **Location.** Neighborhood Parks must be located at approximately the center of each Neighborhood or Quadrant, must front a public street on at least one side, and must have multi-use path connections to a public street other than a frontage street.
~~b. Location. Neighborhood Parks shall be located at the center of each Neighborhood and be fronted on at least three sides by public streets including the central collector and a neighborhood collector.~~
- c. **Boundary Determination.** The exact boundaries of the Neighborhood Parks ~~are generally depicted on the Neighborhood Planning Area Park Plan, Figure 17 in the Deschutes County Comprehensive Plan, DCC 23.36.052. The exact boundaries of the Neighborhood Parks shall will~~ be established at the time of approval of a Quadrant Plan ~~under DCC 18.61.050(J) until the City develops its own standards.~~
- d. **Platting.** Neighborhood Parks ~~shall will~~ be platted as part of the first phase ~~subdivision for each quadrant~~ in an approved Quadrant Plan.
- e. **Development.** The timing of Neighborhood Park development will be established through the Quadrant Plan approval process.

H. Open Space District. The purpose of this district is to provide two types of open space in the Neighborhood Planning Area. Perimeter Open Space is located adjacent to Huntington and Burgess Roads, Highway 97, and between existing residential lots west of Neighborhood 4. Perimeter Open Space will provide visual and noise screening and locations for multi-use paths. If Highway 97 provides sufficient width for a perimeter buffer, is or will be improved with an ODOT approved multi-use path

that includes a 10-foot buffer between the path and property line, the Planning Commission may allow for the Highway 97 right-of-way to serve as the eastern Perimeter Open Space as part of the Quadrant Plan approval process. Corridor Open Space divides the four Neighborhoods, helps to maintain a rural feeling, and contains multi-use paths.

The Quadrant Plan for each neighborhood must designate the following minimum areas as Open Space District, as applicable to each quadrant:

- (1) In addition to the required dedication of right-of-way, a minimum 20-foot-wide Corridor Open Space Buffer must be provided on either side of the right-of-way separating adjacent neighborhoods.
- (2) Minimum 200-foot-wide Perimeter Open Space adjacent to the Highway 97 right-of-way, unless through the Quadrant Plan approval process the Planning Commission determines that the Highway 97 right of way is sufficient to accommodate a multi-use path while providing adequate buffering between the path and adjacent properties lines. The applicant must have prior approval from ODOT to construct the multi-use path in the Highway 97 right-of-way in order to utilize this exception.
- (3) Minimum 75-foot-wide Perimeter Open Space adjacent to Huntington and Burgess Roads.
- (4) Minimum 50-foot-wide Perimeter Open Space on the west edge of Quadrants 4a and 4c.
- (5) A 500-foot wildlife corridor must be established in either Neighborhoods 3 or 4. The wildlife corridor must be unimproved and align with an existing or planned wildlife Highway 97 undercrossing to the extent practical.

...

I. Quadrant Plan.

Plan Approval Required. Prior to issuance of a building permit, approval of a tentative plan or initiation of development (including, without limitation, streets or placement of utilities) within a Neighborhood or Quadrant, a Quadrant Plan ~~shall~~ must be approved according to the ~~provisions of DCC 18.61.050 until the City develops its own standards~~ Type III Procedures of the La Pine Development Code Section 15.204.030 and the Quadrant Plan Approval criteria in 15.32.100.1.3.

...

3. Quadrant Plan Approval. Approval of a Quadrant Plan is a land use action ~~and shall be~~ reviewed under the ~~provisions of DCC 22.20.020 until the City develops its own standards. Notwithstanding the order of hearings bodies listed under DCC 22.24.020(A), Quadrant Plans shall be~~ Type III Procedures of LPDC Section 15.204.030. Quadrant Plans are subject to a public hearing before the City of La Pine Planning Commission. The Planning Commission ~~shall make~~ makes the decision to approve or deny an application for a Quadrant Plan. The ~~Board of County Commissioners~~ City Council will act as the hearings body on an appeal of such a decision. An appeal of a ~~quadrant plan decision shall be considered pursuant to DCC Chapter 22.32, Appeals~~ Quadrant Plan will be conducted in accordance La Pine Development Code Chapter 15.212. A Quadrant Plan may be approved subject to conditions with findings that the following criteria are met:

- a. The Quadrant Plan application contains all of the elements required in ~~DCC 18.61.050(J)(3) until the City develops its own standards~~ 15.32.100.1.2.

- b. The Quadrant Plan conforms to the relevant policies in the ~~Deschutes County~~ City of La Pine Comprehensive Plan, ~~DCC 23.36.052 until the City develops its own standards.~~
- c. There is adequate sewer and water capacity to serve the development planned for the Quadrant and agreements to provide service have been signed with appropriate water and sewer districts or providers.
- d. The streets proposed in the Quadrant Transportation Plan conform to the general location and connection requirements of the La Pine Neighborhood Street Plan, Figure 15 in the Deschutes County Comprehensive Plan, DCC 23.36.052. The ~~proposed~~ City Engineer must approve of the street design ~~conforms to the standards in DCC Title 17, Table 15.32-2 for the La Pine Neighborhood Planning Area.~~ Final locations of road rights-of-way approved under a ~~quadrant plan~~ Quadrant Plan will be determined through the process for approval of a tentative plat under ~~DCC Title 17 until the City develops its own standards.~~ LPDC Article 9.
- e. ~~The~~ Except as approved by the City through a Quadrant Plan, the multi-use paths ~~are~~ must be located within or adjacent to the Perimeter or Corridor Open Space as generally shown in the Non-Motorized Plan, Figure 16 in the Deschutes County Comprehensive Plan, DCC ~~23.36.052,~~ until the City develops its own standards. Path(s) and modifications of paths and/or trail alignments must be consistent with the intent of the Quadrant Plan as determined by the City through an administrative process. Any modifications of these locations must be in compliance with LPDC 15.32.020.B.7.
- f. ~~The~~ Except as approved by the City through a Quadrant Plan, the open space in the Open Space and Park Plan ~~conforms~~ must conform to the standards in Deschutes County Comprehensive Plan, DCC 23.36.020(D) and general location shown in the La Pine Neighborhood Parks and Open Space Plan, Figure 17 in the Deschutes County Comprehensive Plan, ~~DCC 23.36.052,~~ until the City develops its own standards. Any modifications of these locations must be in compliance with LPDC 15.32.100.I.G and LPDC 15.32.100.I.H.
- g. The Zoning Plan conforms to the following performance standards:
 - (1) Neighborhood Commercial District. A minimum of two and a maximum of four acres of Neighborhood Commercial District ~~shall~~ must be established in Quadrant 3a or 3c. Alternatively, if Quadrant Plans for Quadrant 3a and 3c are approved at the same time, the maximum area of Neighborhood Commercial District may be divided between the two Quadrants. The Neighborhood Commercial zone ~~shall~~ must be located at the intersection of Huntington Road and the neighborhood collector that bisects Neighborhood 3.
 - (2) Community Facility District. Quadrant 1c ~~shall~~ will be zoned as Community Facility District.
 - (3) Community Facility Limited District. The portion of Quadrant 3a that is located west of Huntington Road ~~shall~~ will be zoned Community Facility Limited. A maximum of 15 acres in the northwest section of Quadrant 4a may be zoned Community Facility Limited.
 - (4) Residential Center District. Each Quadrant except ~~Quadrant~~ Quadrants 1a, 1b, 1c and 1d ~~shall~~ must have a Residential Center District with a minimum of three acres and a maximum of six acres. The area of the Residential Center District is gross acres including public rights-

of-way. The Residential Center District ~~shall~~must be a contiguous area located so that it is adjacent to both ~~the central collector~~ Crescent Creek Drive and the collector street that bisects the Neighborhood.

- (5) Residential General District. The area zoned Residential General ~~shall~~will be the area in each Quadrant that remains after the mandatory minimum Residential Center, Neighborhood Parks and Open Space zoning is defined.

...

~~4. **Neighborhood Park District.** Where a Neighborhood Park is specified on the La Pine Neighborhood Parks and Open Space Plan (Figure 17 in the Deschutes County Comprehensive Plan, DCC 23.36.052, the Quadrant Plan shall zone a minimum of two acres and a maximum of five acres as Neighborhood Park District until the City develops its own standards. The Neighborhood Park District shall be located at the intersection of the central collector and the neighborhood collector that that bisects the Neighborhood.~~

- ~~5. **Open Space District.** The Quadrant Plan shall designate the following minimum areas as Open Space District:

 - (1) Minimum 500 foot wide Corridor Open Space Buffer between Neighborhoods 1 and 2; 2 and 3; and 3 and 4.
 - (2) Minimum 200 foot wide Perimeter Open Space adjacent to Highway 97.
 - (3) Minimum 75 foot wide Perimeter Open Space adjacent to Huntington and Burgess Roads.
 - (4) Minimum 50 foot wide Perimeter Open Space on the west edge of Quadrants 4a and 4c.~~

h. ~~6.~~ The proposed residential densities and lot sizes conform with the requirements of the Residential General and Residential Center Zones as further described as follows in Tables 15.32-1 and 15.32-2:

Table 15.32-1. La Pine Neighborhood Planning Area Density Standards

	Maximum Density	Minimum Density	Lot Size Range for Single- family
Neighborhood 1			
- Residential Center	12 units/acre	8 units/acre	2,400 – 4,500
- Residential General	6 units/acre	3 units/acre	4,000 – 7,000 <u>10,000</u>
Neighborhood 2, 3 & 4			
- Residential Center	12 units/acre	6 units/acre	2,400 – 7,000
- Residential General	6 units/acre	2 units/acre	7,000 – 15,000

Note: Density is calculated using gross acres, excluding collector street right-of-way.

Table 15.32-2. La Pine Neighborhood Planning Area Zoning Standards

	Residential General	Residential Center	Community Facility	Community Facility Limited	Neighborhood Commercial
Lot Size					
Single Family Neighborhood 1					

- Maximum sq. ft.	7,000 10,000	4,500	N/A	N/A	N/A
- Minimum sq. ft.	4,000	2,400	N/A	N/A	N/A
Single Family Neighborhood 2					
- Maximum sq. ft.	15,000	5,000	N/A	N/A	N/A
- Minimum sq. ft.	7,000	3,500	N/A	N/A	N/A
Townhome					
- Minimum sq. ft.	N/A	2,400	2,400	N/A	N/A
Duplex Triplex					
- Minimum sq. ft.	8,000	8,000	8,000	N/A	N/A
Multi-family					
- Maximum sq. ft.	no maximum	no maximum	no maximum	N/A	N/A
- Minimum sq. ft.	15,000	10,000	10,000	N/A	N/A
Other uses					
- Maximum sq. ft.	no maximum	no maximum	no maximum	no maximum	22,000
- Minimum sq. ft.	7,000	4,500	None	None	7,000
Lot Width					
Minimum (feet)	50 45' for detached dwellings-; lots on cul-de-sacs or bulbed corners may be 30' ; 24' for attached townhome	35' for detached single-family dwelling-; lots on cul-de-sacs or bulbed corners may be 30' ; 24' for attached townhome or zero lot line development	50'	50'	50'

...

ORDINANCE NO. 2020-03

AN ORDINANCE OF THE CITY OF LA PINE AMENDING THE ZONING MAP AND COMPREHENSIVE PLAN MAP TO CHANGE THE PARK/OPEN SPACE DESIGNATION TO RESIDENTIAL MASTER PLAN AND MIXED-USE COMMERCIAL AND TO CHANGE PORTIONS OF THE RESIDENTIAL MASTER PLAN DESIGNATION TO MIXED-USE COMMERCIAL FOR CERTAIN PROPERTIES PURSUANT TO LAND USE APPROVALS 02CA-19 and 02ZC-19.

WHEREAS, Sagebrush Development, LLC filed land use applications (File Nos. 02CA-19 AND 02ZC-19) to change the zoning and comprehensive plan designations for properties identified as Tax Lots 200 and 202 on Deschutes County Assessor's Map 22-10-11 and legally described on the attached Exhibit A (the "Properties") from Parks/Open Space to Residential Master Plan and Mixed-Use Commercial and to change portions of the Residential Master Plan to Mixed-Use Commercial on both the City of La Pine ("City") Zoning Map ("Zoning Map") and the City's Comprehensive Plan Map (the "Comprehensive Plan Map") (collectively, the "Amendments");

WHEREAS, after City provided notice in accordance with applicable law, a public hearing was held before the La Pine Planning Commission (the "Planning Commission") on November 20, 2019 and a second public hearing was held before La Pine City Council ("City Council") on January 22, 2020;

WHEREAS, the Planning Commission, after receiving public comment and fully deliberating the matter, recommended that the City Council approve the Amendments;

WHEREAS, a draft of this Ordinance No. 2020-03 (this "Ordinance") was available for public inspection seven days prior to the City Council meeting on January 15, 2020; and

WHEREAS, the City Council, after receiving public comment and fully deliberating the matter, desires to adopt this Ordinance to effectuate the Amendments.

NOW, THEREFORE, the City of La Pine ordains as follows:

1. Findings. The findings of fact and conclusions of law contained in the recitals above, and in the staff report attached hereto as Exhibit B, are hereby adopted and incorporated herein.
2. Zoning Map. The City's Zoning Map is hereby amended to change the partial zoning designation for the Properties from Parks/Open Space to Residential Master Plan and Mixed-Use Commercial and to change portions of the Residential Master Plan zone to Mixed-Use Commercial as shown on the attached Exhibit C. Staff is directed to take those steps necessary to incorporate the Amendments into the Zoning Map and other planning documents.
3. Comprehensive Plan Map. The Comprehensive Plan Map is hereby amended to change the comprehensive plan designation for the Properties from Residential Master Plan and Parks/Open Space to Mixed-Use Commercial and to change some Residential Master Plan to Mixed-Use Commercial as shown on the attached Exhibit D. Staff is directed to take those steps necessary to incorporate the Amendments into the Comprehensive Plan Map and other planning documents.

4. Notice. Staff shall provide the Oregon Department of Land Conservation and Development, the Deschutes County Assessor, the Deschutes County GIS Department, and any others who are entitled to notice of the Amendments, with a copy of this Ordinance.

5. Severability; Errors. The provisions of this Ordinance are hereby declared to be severable. 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 La Pine City Council by a vote of ___ for and ___ against and APPROVED by the mayor on January 22, 2020.

Daniel Richer, Mayor

ATTEST:

Melissa Bethel, City Manager

Exhibit A
Legal Description of Subject Properties

[attached]

**EXHIBIT A
LEGAL DESCRIPTION
PROPOSED RESIDENTIAL ZONE**

A parcel of land within Parcel 1 and Parcel 2, Partition Plat No. 2007-30, recorded May 7, 2007 in Cabinet 3 at Page 438 and as Instrument No. 2007-26178, Deschutes County Official Records, located in the East Half of Section 11, Township 22 South, Range 10 East, Willamette Meridian, City of La Pine, Deschutes County, more particularly described as follows:

Parcel 2, said Partition Plat No. 2007-30.

TOGETHER WITH

Parcel 1, said Partition Plat No. 2007-30.

EXCEPTING THEREFROM

That portion of Parcel 1, Partition Plat No. 2007-30, more particularly described as follows:

Beginning at the southwest corner of Parcel 1, said Partition Plat No. 2007-30; thence along the west line of Parcel 1, North 19°21'48" East a distance of 720.50 feet to the northwest corner of Parcel 1; thence along the north line of Parcel 1, South 89°02'19" East a distance of 107.59 feet; thence leaving said north line, South 07°50'28" West a distance of 551.42; thence 72.91 feet along the arc of a tangent curve, concave to the northwest with a radius of 363.00 feet, delta angle of 11°30'27" the chord of which bears South 13°35'42" East a distance of 72.78 feet; thence South 19°20'55" West a distance of 77.59 feet to the south line of said Parcel 1; thence along said south line, 150.73 feet along the arc of a curve, concave to the southwest with a radius of 1280.00 feet, delta angle of 06°44'50" the chord of which bears North 85°46'17" West a distance of 150.65 feet; thence continue along said south line, North 89°08'42" West a distance of 78.11 feet to the Point of Beginning.

Bearings are based on said Partition Plat No. 2007-30.

1-20-20

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Benjamin J. Hron

OREGON
SEPTEMBER 17, 2018
BENJAMIN J. HRON
92723

EXPIRES: 6/30/2021

**EXHIBIT A
LEGAL DESCRIPTION
PROPOSED COMMERCIAL ZONE**

A parcel of land within Parcel 1, Partition Plat No. 2007-30, recorded May 7, 2007 in Cabinet 3 at Page 438 and as Instrument No. 2007-26178, Deschutes County Official Records, located in the East Half of Section 11, Township 22 South, Range 10 East, Willamette Meridian, City of La Pine, Deschutes County, being more particularly described as follows:

Beginning at the southwest corner of Parcel 1, said Partition Plat No. 2007-30; thence along the west line of Parcel 1, North 19°21'48" East a distance of 720.50 feet to the northwest corner of Parcel 1; thence along the north line of Parcel 1, South 89°02'19" East a distance of 107.59 feet; thence leaving said north line, South 07°50'28" West a distance of 551.42; thence 72.91 feet along the arc of a tangent curve, concave to the northwest with a radius of 363.00 feet, delta angle of 11°30'27" the chord of which bears South 13°35'42" East a distance of 72.78 feet; thence South 19°20'55" West a distance of 77.59 feet to the south line of said Parcel 1; thence along said south line, 150.73 feet along the arc of a curve, concave to the southwest with a radius of 1280.00 feet, delta angle of 06°44'50" the chord of which bears North 85°46'17" West a distance of 150.65 feet; thence continue along said south line, North 89°08'42" West a distance of 78.11 feet to the Point of Beginning.

Bearings are based on said Partition Plat No. 2007-30.

1-20-20

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Benjamin J. Hron

OREGON
SEPTEMBER 17, 2018
BENJAMIN J. HRON
92723

EXPIRES: 6/30/2021

Exhibit B
Staff Report

[attached]

EXHIBIT A - STAFF REPORT TO CITY COUNCIL

- FILE:** 02CA-19 and 02ZC-19
- APPLICANT/
OWNER:** Sagebrush Development LLC
PO Box 2520
La Pine, OR 97739
- PLANNER:** Blackmore Planning and Development Services, LLC
Greg Blackmore
19454 Sunshine Way
Bend, OR 97702
- LOCATION:** East of Huntington Road, north of Victory Way, south of Caldwell Drive, west of Hwy 97. Tax lots 200 and 202 on Deschutes County Assessors Map 22-10-11.
- HEARING DATES:** November 20, 2020 5:30 pm, Planning Commission
January 22, 2020, 5:30 pm, City Council
- REQUEST:** Consider a proposal to amend the Comprehensive Plan Map and Zoning Map in Neighborhood 1 of the Newberry Neighborhood Planning Area (NNPA) Overlay Zone. The proposal includes:
- removal of all park/open space designations/zoning from Neighborhood 1 (instead, parks and reduced buffers to be required through development code), and
 - addition of 2.23 acres of mixed use commercial (CMX) along Huntington (by removing park/open space zone in this area and reducing the residential master plan zone acreage).

I. INTRODUCTION

The Applicant has proposed map amendments to the La Pine Comprehensive Plan Map and the Zoning Map, within Neighborhood 1 of the Newberry Neighborhood Planning Area (NNPA) Overlay Zone. The proposed map amendments would remove parks/open space from the Comp Plan and Zoning Maps for the subject properties, however, the change does not eliminate the requirement for parks in future developments within these properties. Instead, the enforcing mechanism would be the La Pine Development Code, which has specific requirements for park siting and sizing through the quadrant planning process. By removing the park/open space designation/zone from the maps and requiring them through the quadrant planning process, increased flexibility in design is provided rather than the park/open space locations being prescriptive and rigid.

The proposed map amendments also include the addition of 2.23 acres of mixed-use commercial (CMX) along the westernmost subject property's border with Huntington Road, by

removing the parks/open space zoning and reducing the residential master plan zoning in this area. The existing and proposed Comprehensive Plan mapping is in Exhibit A; existing and proposed Zone Maps are included in Exhibit B.

II. APPLICABLE CRITERIA

City of La Pine Development Code

Article 7 - Procedures, 15.204 Application Procedures

Article 8 - Applications and Reviews, 15.334 Text and Map Amendments

City of La Pine Comprehensive Plan

Oregon Revised Statutes

- ORS 197.610, Local Government Notice of Amendment or New Regulation
- ORS 197.250, Compliance with Goals Required
- ORS 197.763, Conduct of Local Quasi-Judicial Land Use Hearings; Notice Requirements

Oregon Administrative Rules (OARs)

660-012, Transportation Planning Rule

660-015, Oregon Statewide Planning Goals

III. FINDINGS OF FACT

LOCATION: The subject property is located east of Huntington Road, south of Caldwell Drive, north of Victory Way, and west of Highway 97. The property is identified as Tax Lots 200 and 202 on the Deschutes County Tax Assessor's Map 22-10-11 and the western parcel (Tax Lot 200) has been assigned an address of 51800 Huntington Road.



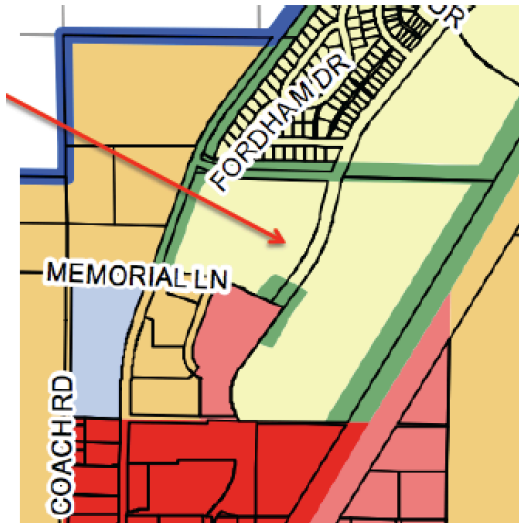
EXISTING ZONING AND COMPREHENSIVE PLAN DESIGNATIONS: The subject property is primarily designated Master Plan Residential (RMP) on the Comprehensive Plan Map and Zoning Map. The property also includes areas that are labeled as "Open Space and Park" on the Comprehensive Plan Map and Zoning Map. The property is also within the Newberry Neighborhood Planning Area Overlay Zone.

SITE DESCRIPTION AND SURROUNDING DEVELOPMENT: The subject property is 52.71 acres in size and trapezoidal in shape. It is vacant and populated with native vegetation,

including antelope bitterbrush and Idaho fescue, along with Lodge Pole Pine and Ponderosa Pine trees. Soils consist of NRCS 115A Soil – Shananan loamy coarse sand. The property is generally level with approximately 4 feet of grade change from the northeast property corner to the south boundary line at the Highway 97 right-of-way line. The site is unimproved, but intersected by a few informal trails, where there are signs of walking, bicycling and/or off-road vehicle use. The property is located outside of any FEMA designated floodway and/or floodplain.

Surrounding Zoning -

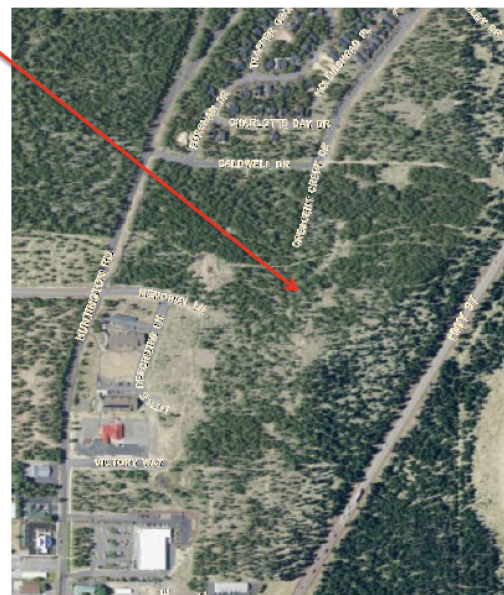
An excerpt surrounding Zoning is included below:



As shown on the map, the property to the north is zoned Master Plan Residential (MPR)/ Newberry Neighborhood Planning Area (NNPA) Overlay Zone, the property to the south is zoned Traditional Commercial (C) and the properties to the southwest are zoned Commercial Mixed Use (CMX) and Public Facilities (PF). To the west is Huntington Road and to the east is Highway 97.

Surrounding Development –

An aerial image of the surrounding area is included below:



As shown on the aerial image, the properties to the north(west) are developed with detached single-family homes in the Crescent Creek Subdivision, the property to the north(east) is vacant. The properties to the southwest are developed with an affordable senior living facility and a senior center, and developing with an affordable multi-family development, along with a Sunriver/ La Pine Habitat for Humanity Development. To the south is Bi-Mart and to the west is a recently developed St. Charles Medical Clinic. Also, the Bend-La Pine School Campus is situated in close proximity to the west.

LOT LEGALITY: The properties were created as Parcels 1 and Parcel 2 on Partition Plat PP 2007-30 and thus consist of 2 lots of record as defined by the La Pine Development Code.

PROPOSAL: The applicant is requesting a Comprehensive Plan Map Amendment and Zoning Map Amendment (Zone Change), along with Amendments to the Text of the Development Code, specifically related to the Newberry Neighborhood Planning Area (NNPA) Overlay Zone. The proposal removes all park/open space designations/zoning from the maps and replaces it with residential master plan (RMP) and 2.23 acres of mixed-use commercial (CMX) along the subject property's frontage with Huntington Road. Although parks/open space designations/zoning is proposed to be removed from the maps, they are still required through the quadrant planning process.

ASSOCIATED DEVELOPMENT PLANS / APPLICATIONS: The current proposal is the first step to entitle the property. Full entitlement for the planned uses will require a Quadrant Plan, Subdivision and Site Plan Applications for certain uses. Additional notes on the entitlement process are provided below:

Comprehensive Plan Map Amendment, Zone Change, and Development Code Text Amendments – The current application and narrative details conformance with applicable standard and criteria for these applications.

Quadrant Plan and Subdivision - Submitted subsequently and is being reviewed through a separate process.

Site Plan/Design Review – The applicant is working with a development team to finalize the design of the mixed-use development and the parks and will submit applications following approval of the Comprehensive Plan Map Amendment, Zone Change, Development Code Text Amendments, Quadrant Plan and Subdivision Applications.

Public Notice and Comments: Public notices were posted on October 30, 2019 at the La Pine City Hall, Deschutes County Library - La Pine Branch, Ace Hardware Store and on the City's website. Notice was published in the local newspaper, *Wise Buys*, in their November 5, 2019 weekly edition and in *The Bulletin* on November 2, 2019. Public notice was also posted prior to the Council hearing, in the usual places around town and in the *Bend Bulletin*. Written comments were received prior to the planning commission hearing and are included in the record.

V. CONCLUSIONARY FINDINGS

Conformance with the La Pine Development Code

Chapter 15.202 - Summary of Application Types and General Provisions

15.202.010 Purpose and Applicability

- A. Purpose.** The purpose of this chapter is to establish 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. Table 15.202-1 provides a key for determining the review procedure and the decision-making body for particular applications.

B. Applicability of Review Procedures. All land use and development permit applications, except building permits, shall be decided by using the procedures contained in this article as modified by any applicable application-specific procedures identified in Articles 8 and 9. The procedure “type” assigned to each application governs the decision-making process for that application. There are four types of review procedures as described in subsections 1-4 below. Table 15.202-1 lists the City’s land use and development applications and corresponding review procedure(s).

...

3. Type III Procedure (Quasi-Judicial Review – Public Hearing). Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council except for decisions on all quasi-judicial Comprehensive Plan amendments and Zone changes which must be adopted by the City Council before becoming effective. Quasi-Judicial decisions involve discretion but implement established policy. They involve the application of existing law or policy to a specific factual situation.

FINDING: The applications are for a Comprehensive Plan Map amendment and a zone change for two specific parcels within the Newberry Neighborhood Planning Area (NNPA) Overlay Zone, a specific area owned by the Applicant. As such, this application is being reviewed as a Type III Procedure. The first hearing and decision was before the Planning Commission, which resulted in a unanimous vote to recommend approval to City Council. City Council will make the final decision through adoption of an ordinance, in compliance with the Type III procedures for Comprehensive Plan amendments and Zone changes.

Chapter 15.204 - Application Procedures

15.204.030 Type III Procedure (Quasi-Judicial Review - Public Hearing)

Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council. Except that prior to becoming effective, all quasi-judicial Comprehensive Plan amendments and Zone changes shall be adopted by the City Council. In considering all quasi-judicial Comprehensive Plan amendments and Zone changes on which the Planning Commission has authority to make a decision, the City Council shall, in the absence of an appeal or review initiated by the Council, adopt the Planning Commission decision. No argument or further testimony will be taken by the Council.

A. Application Requirements.

- 1. Application Forms.** Applications requiring Quasi-Judicial review shall be made on forms provided by the City Planning Official.
- 2. Submittal Information.** The City Planning Official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:
 - a. The information requested on the application form;**
 - b. Plans and exhibits required for the specific approval(s) being sought;**
 - c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;**

- d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;
- e. The required fee; and
- f. Evidence of neighborhood contact, as applicable, pursuant to Section 15.202.050.

FINDING: This proposal is being reviewed through a quasi-judicial process. The Applicant submitted the appropriate application materials and supporting documentation to the City for the review of the application.

B. Mailed and Posted Notice of a Public Hearing.

1. The City shall mail public notice of a public hearing on a Quasi-Judicial application at least 20 days before the hearing date to the individuals and organizations listed below. The City Planning Official shall prepare an affidavit of notice, which shall be made a part of the file. The affidavit shall state the date that the notice was mailed. However, the failure of a property owner to receive mailed notice shall not invalidate any land use approval if the Planning Official can show by affidavit that such notice was given. Notice shall be mailed to:

- a. The applicant;
- b. Owners of record of property as shown on the most recent property tax assessment roll of property located within 100 feet of the property that is the subject of the notice where any part of the subject property is within an urban growth boundary;
- c. The owner of a public use airport if the airport is located within 10,000 feet of the subject property;
- d. The tenants of a mobile home park when the application is for the rezoning of any part or all of a mobile home park;
- e. The Planning Commission;
- f. Any neighborhood or community organization formally recognized by the City Council, whose boundaries include the site;
- g. Any person who submits a written request to receive a notice; and
- h. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the City Planning Official shall notify the road authority if different than the City of La Pine. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

FINDING: Notice was mailed to all parties entitled to notice on October 25, 2019, including property owners within 500 feet, the Crescent Creek Homeowners Association, the Planning Commission, and the standard City agency land use notification list.

2. In addition to notice by mail and posting, notice of an initial hearing shall be published in a newspaper of general circulation in the County at least 10 days prior to the hearing.

FINDING: Notice was posted in *The Bulletin* on November 2, 2019 and in *Wise Buys* in the November 5, 2019 weekly edition, greater than 10 days prior to the hearing. Notice of the Council hearing was posted in *The Bulletin* on January 17, 2020.

3. **At least 14 days before the first hearing, the City shall post notice of the hearing on the project site in clear view from a public right-of-way.**

FINDING: Notice was posted on site on October 30, 2019, in clear view from a public right of way.

4. **Notice of a Quasi-Judicial hearing to be mailed and published per subsection 1 above shall contain all of the following information:**
 - a. **A summary of the proposal and the relevant approval criteria, in sufficient detail to help the public identify and locate applicable code requirements;**
 - b. **The date, time, and location of the scheduled hearing;**
 - c. **The street address or other clear reference to the location of the proposed use or development;**
 - d. **A disclosure statement that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the City Council, Land Use Board of Appeals, or Circuit Court, as applicable, on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;**
 - e. **A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards shall be available for review at the office of the City Planning Official, and that copies shall be provided at a reasonable cost;**
 - f. **A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;**
 - g. **A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and**
 - h. **A statement that after the public hearing closes, the City will issue its decision, and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.**

FINDING: Notice was mailed to all parties entitled notice on October 25, 2019 and included all the above required information.

C. Setting the hearing.

...

D. Ex Parte Contact, Personal Knowledge and Bias.

...

E. Conduct of a Quasi-Judicial Public Hearing.

...

F. Close of the record.

...

G. Continuances or record extensions.

...

H. Reopening the record.

...

FINDING: Quasi-Judicial hearing procedures will be followed at both the Planning Commission and City Council hearings.

I. Notice of Quasi-Judicial Decision. A Hearings Body's decision shall be in writing and mailed to all parties; however, one person may be designated by the Hearings Body to be the recipient of the decision for a group, organization, group of petitioners or similar collection of individual participants. The Notice of Quasi- Judicial Decision shall contain all of the following information:

1. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the record;
2. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);
3. A statement of where the City's decision can be obtained;
4. The date the decision shall become final, unless appealed; and
5. A statement that all persons entitled to notice may appeal the Planning Commission's decision to City Council pursuant to Subsection K or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.

FINDING: Notice of the decision will be in writing and mailed to all parties as required, including the required information and statements above.

J. Effective Date of Decision. Unless the conditions of approval specify otherwise, a Quasi-Judicial Decision becomes effective 12 days after the City mails the decision notice, unless the decision is appealed pursuant to Subsection K or unless the decision is called up for review by the City Council pursuant to Section 15.204.020(G). No building permit shall be issued until a decision is final. Appeal of a final decision to LUBA does not affect the finality of a decision at the local level for purposes of issuing building permits, but any development that occurs during the pendency of appeals beyond the local level are at the sole risk of the applicant and the City may require execution of an instrument acknowledging such fact prior to issuance of any building permits.

FINDING: The decision will be effective 12 days after the City mails the decision notice, unless an appeal is received in accordance with Subsection K. Council will adopt the changes through an ordinance, so Council will not call up the decision for review.

Chapter 15.334 - Text and Map Amendments

15.334.010 Purpose

The purpose of this chapter is to provide standards and procedures for legislative amendments to the Comprehensive Plan and Map and to this Code and Zoning Map. Amendments may be necessary from time to time to reflect changing community conditions, to correct mistakes, or to address changes in the law.

15.334.020 Applicability

- A. Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plans, development code, or changes in zoning maps not directed at a small number of property owners. The following amendments are considered generally considered legislative.

1. All text amendments to Development Code or Comprehensive Plan (except for corrections).
2. Amendments to the Comprehensive Plan Map and/or Zoning Map that affect more than a limited group of property owners.

B. Amendments to the Comprehensive Plan and/or Zoning Map (Zone Change) that do not meet the criteria under subsection A may be processed as Quasi-Judicial amendments. However, the distinction between legislative and quasi-judicial changes must ultimately be made on a case-by-case basis with reference to case law on the subject.

C. Requests for Text and Map amendments may be initiated by an applicant, the Planning Commission, or the City Council. The City Planning Official may request the Planning Commission to initiate an amendment. Initiations by a review body are made without prejudice towards the outcome.

FINDING: This application was initiated by a property owner in the City and requests a site-specific Comprehensive Plan Map amendment and Zone change. In accordance with these procedures, this application is being processed as a Type III Quasi-Judicial amendments.

15.334.030 Procedure Type

A. Legislative amendments are subject to Type IV review in accordance with the procedures in Article 7.

B. Quasi-judicial amendments are subject to Type III review in accordance with the procedures in Article 7 except that quasi-judicial Comprehensive Plan amendments and Zone changes which must be adopted by the City Council before becoming effective.

FINDING: As noted above, these applications are being reviewed as quasi-judicial amendments and are subject to Type III review procedures.

15.334.040 Approval Criteria

Planning Commission review and recommendation, and City Council approval, of an ordinance amending the Zoning Map, Development Code, or Comprehensive Plan shall be based on all of the following criteria:

A. The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with proposed changes in zoning). If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules; and

FINDING: Compliance with the Comprehensive Plan is detailed and demonstrated below. Based on the review herein, the proposal is compliant with the policies of the Comprehensive Plan. Because the proposal includes an amendment to the Comprehensive Plan (02CA-19), compliance with the Statewide Planning Goals is also demonstrated below.

B. The proposal must be found to:

1. Be in the public interest with regard to community conditions; or

- 2. Respond to changes in the community, or
- 3. Correct a mistake or inconsistency in the subject plan or code; and

FINDING: The Newberry Neighborhood Planning Area (NNPA) Overlay Zone was developed prior to the City's incorporation when Deschutes County held jurisdiction over planning functions. At the time, the subject property was part of an Unincorporated Urban Community (UUC). Since the time the NNPA was established, the City of La Pine incorporated, established its own City Council, Planning Commission and land use regulations. Through these changes, the NNPA Overlay Zone code and mapping was copied from County documents and not reviewed for its consistency with other City land use policies. The code includes numerous references to County codes, incorrect text with unknown origins, and prescriptive requirements to follow County planning maps, all of which limit creativity in design; these are being addressed through a separate application - 01TA-19. The designations and zones are addressed through this application.

Park/ Open Space Zone

The current designation and zones on the subject property were carried over from County planning efforts prior to the City's incorporation. This included specific park designations/zones which result in prescriptive locations for these uses, rather than providing allowances for refining their locations during quadrant and subdivision planning. While well-intended to create a neighborhood of parks and buffers, this prescriptive approach limits the creativity in design and Staff suggests that this was an oversight/inconsistency when the County planning maps were adopted as designations and zones into the City mapping. Further, staff also suggests that the removal of these zones from the Comp Plan and Zoning maps, while continuing to enforce similar acreage of parks through the Development Code is a public benefit, as it will result in increased flexibility, creativity in design of future subdivisions in this area, and ultimately, the provision of needed housing.

Mixed Use Commercial (CMX)

The Applicant is also proposing to replace the Park/Open Space designation/zone and some of the Residential Master Plan (RMP) zone along Huntington Road with 2.23 acres Mixed Use Commercial (CMX). As the City desires to revitalize downtown along Huntington Road and engage the street front along Huntington Road by bringing commercial buildings closer to the street, staff finds this proposal to be a public benefit by continuing to activate the street front with mixed uses. The Applicant will still be required to construct a multi-use path along Huntington as required in the existing code.

The Applicant includes in their burden of proof:

“Collectively the proposed changes are in the public interest, as they allow for market demanded residential and commercial development, which will not place unnecessarily high costs on land. The changes are proposed to address a change in the community, namely that the property is now in an incorporated City, providing the ability for the local jurisdiction to establish the overall design intent of the site (instead of relying on an outdated County program).”

For numerous reasons, the proposal complies with these criteria, as the amendments

1. are in the interest of the public (facilitate provision of housing by increasing flexibility and creativity in neighborhood design and inclusion of mixed-use development along Huntington),
2. respond to changes in the community (incorporation as a City and development of surrounding lands), and
3. and correct mistakes/inconsistencies in the code (adoption of Park/ Open space as zone rather than text requirements).

C. The amendment must conform to Section 15.344.060, Transportation Planning Rule Compliance; and

FINDING: The Applicant submitted a TPR analysis, prepared by Transight Consulting, documenting the amendments' compliance with the Transportation Planning Rule. OAR 660-012-0060 of the Transportation Planning Rule (TPR) sets forth the relative criteria for evaluating plan and land use regulation amendments. In particular, it is necessary to determine if a proposed land use action results in a significant impact, which is defined in the OAR and in the Applicant's TPR analysis (Applicant's Exhibit 10) as:

OAR 660-012-0060 (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule, to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume-to-capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

*(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standard identified in the TSP or comprehensive plan;
or*

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standard identified in the TSP or comprehensive plan.

The Applicant's analysis states:

The proposed rezone does not change the allowable uses within the overall property, but shifts the commercial uses from the center of Neighborhood #1 to the Huntington Road frontage. This will retain the commercial uses within walking distance of the surrounding uses (to include the new affordable housing units) and pathways will provide a relatively direct route. With uses that would conform to the "Neighborhood Commercial" definition as allowed within the existing zoning there is no change to the functional classification of nearby roads, the implementing standards, or levels of travel in comparison to what could be provided on the site with the current zoning, and a significant effect does not occur.

No change to the transportation system will occur with the inclusion of the undefined Parks and Open Space zoning into the Master Planned Residential zone, with the condition that parks and open space that carry out the intent of the NNPA be retained, along with the transportation corridors included within the general vicinity of the identified green space. This change will define lands within La Pine within a specific zoning designation and provide specific Development Code standards around these lands.

Staff finds that the submitted TPR analysis and the above summary demonstrate compliance with OAR 660-012-0060.

D. For a Quasi-Judicial Zone Change the applicant must also provide evidence substantiating that the following criteria are met:

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

FINDING: Compliance with the Statewide Planning Goals is demonstrated below.

- 2. Approval of the request is consistent with the relevant policies of the Comprehensive Plan;**

FINDING: Compliance with the Comprehensive Plan is demonstrated below.

- 3. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property;**

FINDING: Future development applications (Quadrant Plan, Subdivision Plan) will be reviewed in detail for compliance with City standards for provision and capacity of public facilities, services and transportation networks. The City Public Works Manager has confirmed that adequate water and sewer services are available in the area of the property and can be extended to the future development. Similarly, the area is bounded by multiple streets that can be extended for multiple future access points during development.

- 4. For nonresidential changes, the proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.**

FINDING: The proposed map changes include an increase in residential master plan (RMP) zone area and mixed-use commercial (CMX) zone area. However, the existing

RMP zone includes required and allowable districts within each neighborhood (e.g. Residential Center, Neighborhood Center) that are higher density than the Residential General District. The integration of the CMX zone along Huntington relocates some of the planned density to an area along a major transportation corridor. The proposed map amendments also provide increased flexibility in design, which may result in more creative neighborhood designs, integrating parks and mixed uses in a way that creates a walkable/bikeable neighborhood, slightly reducing reliance on the internal public streets.

The proposed map amendments do not destabilize the land use pattern of the area, in fact, they should encourage the integration of neighborhood-scale mixed uses that will benefit the future subdivision on the subject property as well as surrounding subdivisions. All development will be reviewed for compatibility and land use through quadrant planning, subdivision plans and site plans, to ensure that the land use patterns and infrastructure are not destabilized.

Conformance with the La Pine Comprehensive Plan

Chapter 1 - Community Characteristics

After detailing La Pine's history, from demographics, to development groups, and land use patterns, this chapter goes on to note that, "These historic types of land uses do not currently support sustainability and the reduction of vehicle miles traveled." (Page 18 – La Pine Comprehensive Plan). The chapter ends with a series of bullet points, identifying imbalances that the community wants to correct, to improve neighborhoods. The stated imbalances that relate to the current proposal include the following:

- ***Better access and pedestrian ways that connect people to open spaces, parks, and recreational lands closer to where they live***
- ***Additional employment and commercial service nodes closer within neighborhood areas so that people do not have to drive long distances to get "a gallon of milk" or other daily consumable items.***
- ***Schools that are within shorter walking distances from residential areas***
- ***Reduce reliance on energy consumption***

FINDING: The Applicant notes in the burden of proof:

Allowing a Comprehensive Plan Map Amendment, Zone Change and Development Code Text Amendments is the first step to entitle the property for future development. If the entitlement process is successful, the applicant intends to proceed with the development within the next 12 months. Development will result in services provided to and through the property, including access and pedestrian ways, in accordance with adopted development standards. Furthermore, the planned CMX zone provides for a wide variety of uses, including many employment and commercial uses, which, upon development, could address the second bullet point above (employment and commercial service nodes). Also, providing a residential development within close proximity to the Bend La Pine School District property allows for short walking distances to schools. Ultimately the development and planned mixed-use zone provide options for a market driven, innovative design with a variety of uses in one area, which reduces reliance on vehicles and reduces reliance on energy consumption. The proposal is therefore

consistent with all elements of this Section of the Comprehensive Plan.

Staff finds that this demonstrates compliance with general visions outlined in Chapter 1.

Chapter 2, Citizen Involvement Program

This chapter identifies State rules related to citizen involvement, along with the community's purpose and intent with regard to citizen involvement. This chapter identifies issues and goals, policies and programs, it establishes roles and responsibilities, and establishes specific Citizen Advisory Committees (CACs). One of the CACs that are identified in this chapter is a Planning Commission, which the City has established for planning and land use purposes.

FINDING: These applications has been processed and reviewed in accordance with the public notification procedures that have been established in the Procedures Ordinance, and a hearing will be held before the Planning Commission on November 20, 2019. As such, the application will be reviewed by the appropriately established citizen advisory committee, in accordance with the adopted notification procedures, and will be consistent with this chapter.

Chapter 3, Agricultural Lands

This chapter addresses agricultural lands within counties. Although La Pine is not required to plan for agricultural lands in the City, there continues to be agricultural uses in some areas within the city limits and the City's Comprehensive Plan sets out goals and policies related to agriculture.

FINDING: The proposed map amendments do not impact the City's ability to achieve the goals and policies within this chapter, as the proposed amendments address uses on non-agricultural lands.

Chapter 4, Forest Lands

Chapter 4 implements State Planning Goal 4, which defines "forest lands" and requires counties to inventory and conserve such lands. However, planning for forest lands is not required within city limits.

FINDING: This chapter does not apply to the proposed map amendments.

Chapter 5, Natural Resources and Environment

This Comprehensive Plan chapter is intended to address Oregon Statewide Planning Goals 5, 6, and 7 which address natural resources, historic area, and open spaces, air water and land resources and protection from natural hazards. This chapter establishes that under Goal 5, the state identifies specific resources that are to be inventoried, and once inventoried, appropriately protected. The resources that require inventory by the state include:

- Riparian Corridors
- Wetlands
- Wildlife Habitat
- Federal and Wild Scenic Rivers
- State Scenic Waterways
- Groundwater Resources
- Approved Oregon Recreational Trails
- Natural Areas
- Wilderness Areas
- Mineral and Aggregate Resources
- Energy Sources

- Cultural Areas

FINDING: The proposed amendments do not impact the City’s ability to implement this chapter or Statewide Planning Goals 5, 6, and 7, as they are not related to natural resources, historic areas, air, water and land resources protection from natural hazards. The proposed map amendments are related to open spaces, however, the amendments provide increased flexibility in siting of the open spaces in order to provide increased flexibility in neighborhood design. The amendments do not result in a loss of open space because open space will now be required by the Development Code instead of designated as a zoning district.

The property is not situated within an inventoried riparian corridor, wetlands, federal wild and scenic area, state scenic waterway, approved Oregon Recreational Trails, natural area, wilderness area, or mineral and aggregate resource. The property is currently vacant and is not listed as a site that contains cultural or historic significance.

Regarding wildlife habitat, the City’s Comprehensive Plan indicates that the City does not have an inventory, but rather utilizes a safe harbor and recognizes significant wildlife habitat as sites where:

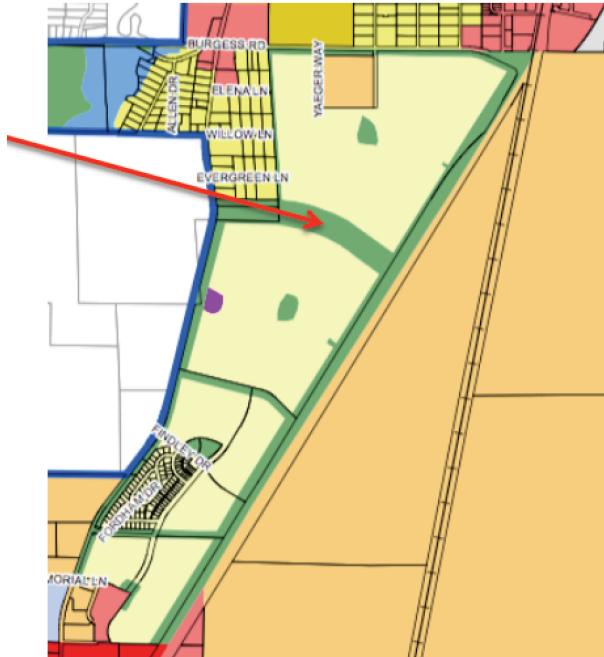
- The habitat has been documented to perform a life support function for a wildlife species listed by the Federal government as threatened or endangered species or by the State of Oregon as a threatened, endangered or sensitive species;
- The habitat has documented occurrences of more than incidental use by a wildlife species listed by the Federal government as a threatened or endangered species or by the State of Oregon as a threatened, endangered, or sensitive species;
- The habitat has been documented as a sensitive bird nesting, roosting, or watering resources site for osprey or great blue herons;
- The habitat has been documented to be essential to achieving policies or population objectives specified in a wildlife species management plan adopted by the Oregon Fish and Wildlife Commission pursuant to ORS Chapter 496; or
- The area is identifies and mapped by ODFW as habitat for a wildlife species of concern (e.g. big game winter range and migration corridors, golden eagle and prairie falcon next sites, or pigeon springs).

To staff’s knowledge, the NNPA does not contain any of these protected wildlife features; therefore, the proposed amendments do not affect these resources, complying with the Goal 5 requirement. However, the proposed amendments do reduce the width of an east-west open space corridor between neighborhoods 1 and 2, from the 500 feet to approximately 100 feet (existing 60-foot right of way plus 40 feet each side). The origin of the 500-foot width is unknown to staff, however, the Comprehensive Plan offers a glimpse into its origin through one of its Chapter 5 general policies:

The City shall delineate open space and trail areas to serve as wildlife migration corridors. This will allow migrating deer and elk to cross US Highway 97. The Plan map shows where the primary corridor is to be located via a 500-foot green-color strip running east-west through the Newberry Neighborhood. This location was jointly agreed upon with Deschutes County - the property owner in this case.

The City’s zoning map does include a significantly wider swath of green space between neighborhoods 3 and 4, north of the subject property (see below). As this policy refers to only one “wildlife migration corridor” and notes that the property is owned by Deschutes County, it

seems reasonable to staff that this northern east-west corridor is the only one intended by the Comp Plan to be a wildlife corridor. Given these facts, staff suspects that the park/open space designations/zones on the subject properties are not the identified wildlife corridors. As such, the property would not be identified as serving a wildlife migration purpose.



In summary, related to Goal 5, the proposed map amendments do propose an open space corridor between neighborhoods 1 and 2. However, this area does not include any inventoried resources nor does it appear to be identified as the east-west wildlife corridor. The subsequently submitted text amendments (01TA-19) result in the City still requiring an open space buffer between the two neighborhoods, albeit at a narrower width (40 feet each side of the right of way for a total 100 foot width). Staff finds that the proposed map amendments do not affect the City's ability to implement the goals and policies of the Comprehensive Plan Chapter 5.

In regard to Goals 6 and 7 (air, water, and land resources quality + areas subject to natural disasters and hazards), the proposed map amendments do not include development, nor do they allow a significant increase in density of development; as such, staff finds they do not negatively impact air, water, and land resource quality. The Comprehensive Plan notes that the "two most prominent natural hazard threats in La Pine are wildfire and flooding..." The NNPA Overlay Zone is not within the FEMA 100-year floodplain and the proposed map amendments have no effect on this fact. Wildfire is a threat throughout the City, however, the proposed map amendments do not have an obvious impact on properties within NNPA Overlay Zone to mitigate impacts of fires and/or to prepare or respond to fires. While the proposed map amendments, combined with the text amendments of 01TA-19 do reduce the buffer width between neighborhoods 1 and 2, a minimum of 100 feet wide buffer still remains. It could be argued that a 100-foot buffer will be more likely to be maintained for fire management than a 500-foot buffer (current code). In addition, the proposed map amendments provide flexibility in the siting of parks throughout the neighborhoods, without reducing the total acreage of parks. Having multiple parks throughout the neighborhood, rather than one single park in the center, could increase the firebreaks between residences. For all these reasons, staff finds the proposed amendments to support Goals 6 and 7, which are addressed in Chapter 5 of the City's Comprehensive Plan.

Chapter 6, Parks, Recreation and Open Space

This Chapter is intended to carry out Statewide Planning Goal 8, Parks, Recreation and Open Space. Recognizing that quality of life is impacted by the location and function of area parks, natural areas and open spaces, this chapter encourages cooperation between the City, the La Pine Park and Recreation District, County, State and Federal Agencies, in an effort to develop an appropriate park system for the City.

FINDING: The proposed map amendments remove park/ open space designations/zones on the subject properties. However, the subsequently submitted text amendments require parks/open spaces to be sited and sized through the quadrant planning process (rather than through prescriptive zoning). The code-required park siting and sizing will result in parks at least equal in size to the centrally-located park/open space zone currently on the maps. By requiring the parks through the Development Code, rather than the Zoning Map, the City will encourage more flexibility and creativity in design, which should result in more usable and more desirable parks when integrated appropriately into the neighborhood and connected by multi-use paths. Open space buffers are, however, proposed to be reduced in size along Highway 97, Caldwell Drive and Huntington Road, as they are currently excessive in width and not identified as a resource that would require such widths. Adequate open space buffers would still be provided along Caldwell Drive (additional 20 feet outside of right of way) and the existing Highway 97 right of way already includes approximately 180 feet of open space beyond the edge of pavement. A multi-use trail designed to City standards will still be required in (or adjacent to) all areas currently designated as open space: along Huntington Road, Caldwell Drive and within the ODOT right of way.

The La Pine Park and Recreation District Comprehensive Plan notes the following about the Neighborhood 1 park (emphasis added):

As to new Neighborhood 1, this location is very close to downtown and short walking distance to Bi-Mart and the High School. It is also but about 3 blocks from the unnamed 5 acre parcel that the District hopes can be developed into soccer and Lacrosse fields in partnership with the School District. The neighborhood is also walking distance to Heritage Park and the Community Center. Because of the closeness of these other neighborhood and District resources, at the present time there appears no discernable need to develop a complicated Neighborhood Park in this Neighborhood.

The proposed map amendments that provide increased flexibility to site parks throughout the neighborhood, rather than as one large park in the center, support the District's Comprehensive Plan statement above.

In summary, the proposed amendments do not negatively impact the City's ability to implement this chapter; in fact, the proposed amendments provide increased flexibility in the siting of neighborhood parks, with an emphasis on multi-modal connections to the parks. This flexibility, without loss of total park area, supports the intent of Chapter 6 to develop a park system for the City.

Chapter 7, Public Facilities and Services

This chapter is intended to carry out Statewide Planning Goal 11. Given the current population of 1,840 (PSU 2018 Population Estimate), Goal 11 does apply to the City of La Pine. Nonetheless, this Chapter includes goals and policies directed at coordination, provider details, expansion needs, development restrictions, along with conservation practices.

FINDING: The policies of this chapter do not apply directly to the proposed amendments, which are not associated with specific development or demands for specific public facilities and services.

Chapter 8, Transportation

This chapter is intended to carry out Statewide Planning Goal 12. This chapter provides details of the transportation elements of La Pine, including roads, bicycle ways, pedestrian routes, and

public transit. Additionally, this chapter addresses long range planning needs, air and rail, pipelines, and funding.

FINDING: The majority of the policies of this section have been incorporated into the Development Code and implementing regulations, which are imposed upon subdivision application for land divisions. At this time, the policies of this chapter and the implementing ordinances do not specifically apply to the proposed map amendments, however, they will be reviewed at time of subdivision applications.

Chapter 9, Economy

This Chapter is intended to carry out Statewide Planning Goal 9, Economic Development, which requires local jurisdictions to plan for and provide adequate opportunities for a variety of economic activities vital to the health, welfare and prosperity of its citizens. The overall intent is to ensure that there are adequate lands and infrastructure for new business and industry, as well as identifying any obstacles. This Chapter includes an analysis of the La Pine economy, noting that “La Pine’s focus on economic development is a key component of its vision to be a “complete” community.

This chapter also specifically addresses Commercial/Mixed Use opportunities; noting that

“There are many opportunities to add commercial or mixed use zone designations to various area throughout the community in an effort to balance neighbors and improve mixed uses as well as deepen existing areas so redevelopment can easily accommodate new commercial centers” (La Pine Comprehensive Plan, Page 113).

Further, this Chapter notes:

“... commercial or mixed-use designations within the City Limits will occur as a result of the following actions:

- ***Addition of new commercial/mixed-use lands to deepen the strip commercial areas***
- ***Addition of commercial/mixed lands to serve neighborhoods and employment areas.”***

FINDING: The goals of this chapter relate to strategic planning and land inventories to satisfy urban development needs of the City. The proposed map amendments provide flexibility in design within the NNPA Overlay Zone, including the integration of a mixed use area along Huntington. This directly supports the Chapter’s direction for the addition of commercial/mixed use lands to serve neighborhoods. The allowance of both commercial and residential uses along with the intent of constructing an integrated community, will contribute to a complete community as desired in this chapter.

Chapter 10, Housing

This chapter addresses housing and Statewide Planning Goal 10 to ensure the provision of appropriate types and amounts of land within the La Pine urban growth boundary - UGB (city limits in this case) to support a range of housing types necessary to meet current and future needs.

FINDING: The proposed map amendments support this chapter, as they provide increased flexibility and creativity in neighborhood design in the NNPA Overlay Zone. The current development mapping includes excessive buffer requirements and overly prescriptive requirements for the siting of parks and trails, restricting the flexibility of residential

neighborhood design. The proposed map amendments should provide more flexibility in neighborhood design to encourage the development of housing in the NNPA Overlay Zone. In addition, while the proposal will change the zone of 2.23 acres of land from RMP to Mixed Use Commercial (CMX), the RMP zone includes various districts that allow for development other than residential uses. Additionally, the CMX zone allows for residential uses in addition to a wide range of other uses. In addition, the proposed reduced open space buffers along Huntington, Caldwell, and Hwy 97 will result in an increase of land available for housing.

Selected Chapter 10 Goals and Policies:

Goal # 1: Encourage a wide range housing types satisfying the urban development needs of the La Pine community.

Policies

- ***It is essential to develop strategies that increase the variety of housing choices in the community. These strategies must include an inventory and analysis of needed housing types, existing housing supplies, and strategies for meeting the changing community demographic.***

The Applicant conducted market research and determined that an integrated neighborhood product will accommodate an unmet need in the City of La Pine. The current proposal will provide zoning that can facilitate a residential development that is integrated with nearby parks and a closely located commercial area, in support of Goal #1.

- ***Residential developments shall be located in close proximity to employment and shopping opportunities.***

The integration of a 2.23-acre mixed use zone within the subject property can provide employment and neighborhood-scale shopping area, within walking/biking distance of residences, both within and adjacent to the subject properties.

Goal # 4: Promote and protect neighborhood qualities that reflect the small town appeal of La Pine and improve compatibility between various uses.

...

- ***New residential developments in areas without an established character or quality should be permitted maximum flexibility in design and housing type consistent with densities and goals and objectives of this Plan.***

The proposed map amendments increase flexibility in design by allowing parks to be sited throughout the neighborhood and not tied to the specific prescriptive location within the current code. This flexibility is in support of the above policy.

Chapter 11, Energy Conservation

This chapter carries out Oregon State Planning Goal 13. This chapter identifies issues with travel, existing development patterns, and energy supply opportunities. The policies of this chapter encourage increased residential density, along with development and design desires, aimed to reduce energy usage throughout the city.

FINDING: The proposed map amendments increase the flexibility of design within the NNPA Overlay Zone, but no specific development is proposed and energy conservation is not a focus

of the amendments. The proposal does not impact the City's ability to achieve the goals and policies of this chapter.

Chapter 12, Urbanization

This chapter addresses Statewide Planning Goal 14 to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The chapter highlights the City's desire to create live-work neighborhoods within the mixed use commercial residential districts.

Selected goals/policies of Chapter 12:

Goal #2: Land within the City limits is adequate to serve as the La Pine Urban Growth Boundary unless special circumstances are identified and established as reasonable, supportable, and consistent with State law.

Policies

Land use patterns shall enhance the development of "Complete Neighborhoods."

- ***Compact Development, which promotes the efficient provision of public services and infrastructure;***
- ***Mixed-Use, which places homes, jobs, stores, parks, and services within walking distance of one another;***
- ***Full Utilization of Urban Services (e.g., water, sewer, storm drainage, parks, and transportation facilities), which maximizes the return on public investments in infrastructure; Transportation Efficiency, or development of an interconnected street system***
- ***supporting multiple modes of transportation, which yields more direct routes (shorter distances) between local destinations, conserves energy, reduces emergency response times, and provides alternatives to the automobile for those who are unable or choose not to drive a car;***
- ***Human-Scale Design, or development in which people feel safe and comfortable walking from place to place because buildings, streetscapes, parking areas, landscaping, lighting, and other components of the built environment are designed foremost with pedestrians in mind; and***

...

FINDING: The proposed map amendments do not impact the City's ability to provide an orderly and efficient transition from rural to urban land or to manage the balance of types of land. The proposed amendments create more flexibility for subdivision design with the NNPA Overlay Zone and will ultimately encourage more housing. In support of the policies of goal #2, the proposed map amendments encourage the development of "Complete Neighborhoods" by increasing the flexibility in the siting and sizing of neighborhood parks, so they can be creatively integrated at a proper scale with the neighborhood. The integration of a mixed-use area and multi-use trails supports goals for a walkable/ bikeable neighborhood.

Conformance with the State Administrative Rules (OARs)

OAR 660-015, Statewide Planning Goals

Goal 1 - Citizen Involvement, "To develop a citizen involvement program that insures the

opportunity for citizens to be involved in all phases of the planning process.” Statewide planning Goal 1 requires that the City provide the opportunity for citizens to be involved in the planning process.

FINDING: Notice of the public hearing to consider the proposed zoning ordinance amendments was posted on October 30, 2019 at La Pine City Hall, Deschutes County Library - La Pine Branch, Ace Hardware Store and on the City’s website. Notice was also published in the local newspaper, *Wise Buys*, in the November 5, 2019 weekly edition and in *The Bulletin* on November 2, 2019. Mailed notice was provided on October 25, 2019 to property owners within 500 feet, as well as the City’s standard agency notice list. Citizens are provided the opportunity to comment on the proposed map amendments at the public hearings before the Planning Commission and the City Council, or in writing in advance of the hearings.

Goal 2 - Land Use Planning, ***“To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”*** Goal 2 outlines the basic procedures of Oregon’s statewide planning program. Land use decisions are to be made in accordance with a comprehensive plan, and that suitable “implementation ordinances” to put the plan’s policies into effect must be adopted. It requires that plans be based on “factual information”; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed.

FINDING: As required by Goal 2, the City adopted criteria and procedures through the La Pine Development Code to evaluate and make land use decisions. Goal 2 requires periodic review and amendments to ordinances as needed and in accordance with the Comprehensive Plan. The proposed amendments meet the requirements of Goal 2 by following the appropriate procedures for amendments and by considering the goals and policies outlined in the Comprehensive Plan. The proposal will be reviewed according to the established local land use regulations, including the City’s Development Code and the Comprehensive Plan.

Goal 3 - Agricultural Lands

Goal 3 requires counties to inventory agricultural lands and to “preserve and maintain” them through farm zoning outside of urban growth boundaries.

FINDING: Goal 3 is not required for compliance within the Urban Growth Boundary. Additionally, the proposed map amendments do not adversely impact the ability of the City to plan for agricultural transition opportunities within the City.

Goal 4 - Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will “conserve forest lands for forest uses.”

FINDING: The proposed map amendments are consistent with Forest Lands (Goal 4) and Goal policies, as they do not adversely impact the ability of the City to plan for the appropriate transition of Forest lands within La Pine.

Goal 5 - Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between

the resource and the uses that would conflict with it.

FINDING: The proposed map amendments are consistent with Goal 5 and the Goal policies, as they do not adversely impact the ability of the City to protect the important natural resource and environmental elements within the City. The subject properties have not been identified or listed as a Goal 5 resource.

Goal 6 - Air, Water and Land Resources Quality

This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution. All waste and process discharges from future development, when combined with such discharges from existing development shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards.

FINDING: The proposed map amendments are consistent with Goal 6 and the Goal policies, as they do not adversely impact the ability of the City to protect air, water, and land resource quality. Any future development of the subject properties will be required to submit a quadrant plan and subdivision tentative plan applications, which are reviewed for compliance with water, sewer, stormwater, and transportation requirements.

Goal 7 - Natural Hazards

Goal 7 focuses on local government planning to protect people and property from natural hazards.

FINDING: The proposed amendments do not impact the City's ability to plan for natural hazards and mitigate risks. The subject property is not within the 100-year floodplain. Staff is not aware of any geologic faults on the property. There is no particular attribute that makes the subject property more hazardous than any other properties in the area. The proposed map amendments will result in increased flexibility in park siting (rather than prescriptive requirements for it to be one centrally located park). This flexibility could result in increased parks throughout the neighborhood, arguably increasing the number of firebreaks in the area. Staff finds the proposal is consistent with this goal.

Goal 8 - Recreational Needs

This goal calls for each community to satisfy the recreational needs of the citizens and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

FINDING: The proposed amendments do not impact the City's ability to plan for the recreational needs of the citizens and visitors. Additionally, the subject property has not been listed in any inventory of recreational needs, is not needed to provide recreational needs of the citizens of the state, and is not identified as a Goal 8 resource. Therefore, Goal 8 is not directly applicable to this proposal.

Goal 9 - Economic Development

Goal 9 calls for diversification and improvement of the economy. It requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

FINDING: The proposed amendments are consistent with Economic Development (Goal 9) and Goal policies as there is no net loss in employment lands. If anything, the proposed zone

change and plan amendment will encourage economic development by locating lands suitable for commercial development in a more appropriate location and encouraging the development of housing that may be used by employees of central Oregon businesses.

Goal 10 - Housing

This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

FINDING: The proposed amendments support and improve the City's ability to provide for the housing needs of its citizens through increased flexibility in neighborhood design. The proposed amendments will not reduce residential inventories, but rather, will facilitate housing development by allowing greater creativity in neighborhood design. Specifically, the proposed amendments accommodate a variety of housing needs, with integrated parks and mixed-use areas.

Goal 11 - Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs. OAR 660-11 implements Goal 11, and notes, "Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons..."

FINDING: The proposed amendments do not adversely impact the City's ability to plan and develop a timely, orderly and efficient arrangement of public facilities. Additionally, the most recent July 1, 2018 Portland State University population forecast for La Pine documents a population of 1,840. The population is less than 2,500. Therefore, this goal does not apply to the City of La Pine at this time.

Goal 12 - Transportation

The goal aims to provide "a safe, convenient and economic transportation system." It requires communities to address the needs of the "transportation disadvantaged." Goal 12 is implemented through the Transportation Planning Rule (TPR), OAR 660-012-0060, in addition to local land use regulations.

FINDING: The proposed amendments do not adversely impact the City's ability to provide a safe convenient and economic transportation system. The Applicant submitted a TPR analysis, prepared by Transight Consulting. As detailed above, the TPR analysis concluded that:

The proposed rezone does not change the allowable uses within the overall property, but shifts the commercial uses from the center of Neighborhood #1 to the Huntington Road frontage. This will retain the commercial uses within walking distance of the surrounding uses (to include the new affordable housing units) and pathways will provide a relatively direct route. With uses that would conform to the "Neighborhood Commercial" definition as allowed within the existing zoning there is no change to the functional classification of nearby roads, the implementing standards, or levels of travel in comparison to what could be provided on the site with the current zoning, and a significant effect does not occur.

No change to the transportation system will occur with the inclusion of the undefined Parks and Open Space zoning into the Master Planned Residential zone, with the condition that parks and open space that carry out the intent of the NNPA be retained, along with the transportation corridors included within the general vicinity of the identified green space. This change will define lands within La Pine within a specific zoning designation and provide specific Development Code standards around these lands.

Based on this report, Staff finds Goal 12 to be met.

Goal 13 - Energy Conservation

Goal 13 requires that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

FINDING: The proposed amendments do not adversely impact the City's ability to create an arrangement and density of land uses to encourage energy conservation. In fact, the proposed map changes provide flexibility in neighborhood design that should foster increased creativity and efficiencies in the subdivision layout. These efficiencies with integrated parks and mixed-use areas could result in a more walkable/bikeable community. As such, compliance with Goal 13 is maintained.

Goal 14 - Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It requires cities to provide for an orderly and efficient transition from rural to urban land uses, and to accommodate urban population and employment inside urban growth boundaries, while ensuring efficient use of land.

FINDING: The proposed amendments do not adversely impact the City's ability to accommodate urban populations and employment inside the urban growth boundary, but rather, they increase the flexibility in design of the subject properties that should foster increased efficiencies in the subdivision layout and integration of residential, park and mixed uses. The management of the City's land use inventories is unaffected by the proposed amendments and therefore compliance with Goal 14 is maintained.

Goals 15-19

FINDING: These goals pertain only to areas in western Oregon and are not applicable to these amendments.

V. RECOMMENDATION and CONCLUSION

Conclusion

Based on the above findings, the proposed map amendments to the La Pine Comprehensive Plan Map and the Zoning Map meet the applicable criteria within the La Pine Development Code, La Pine Comprehensive Plan goals and policies, and Oregon Administrative Rules.

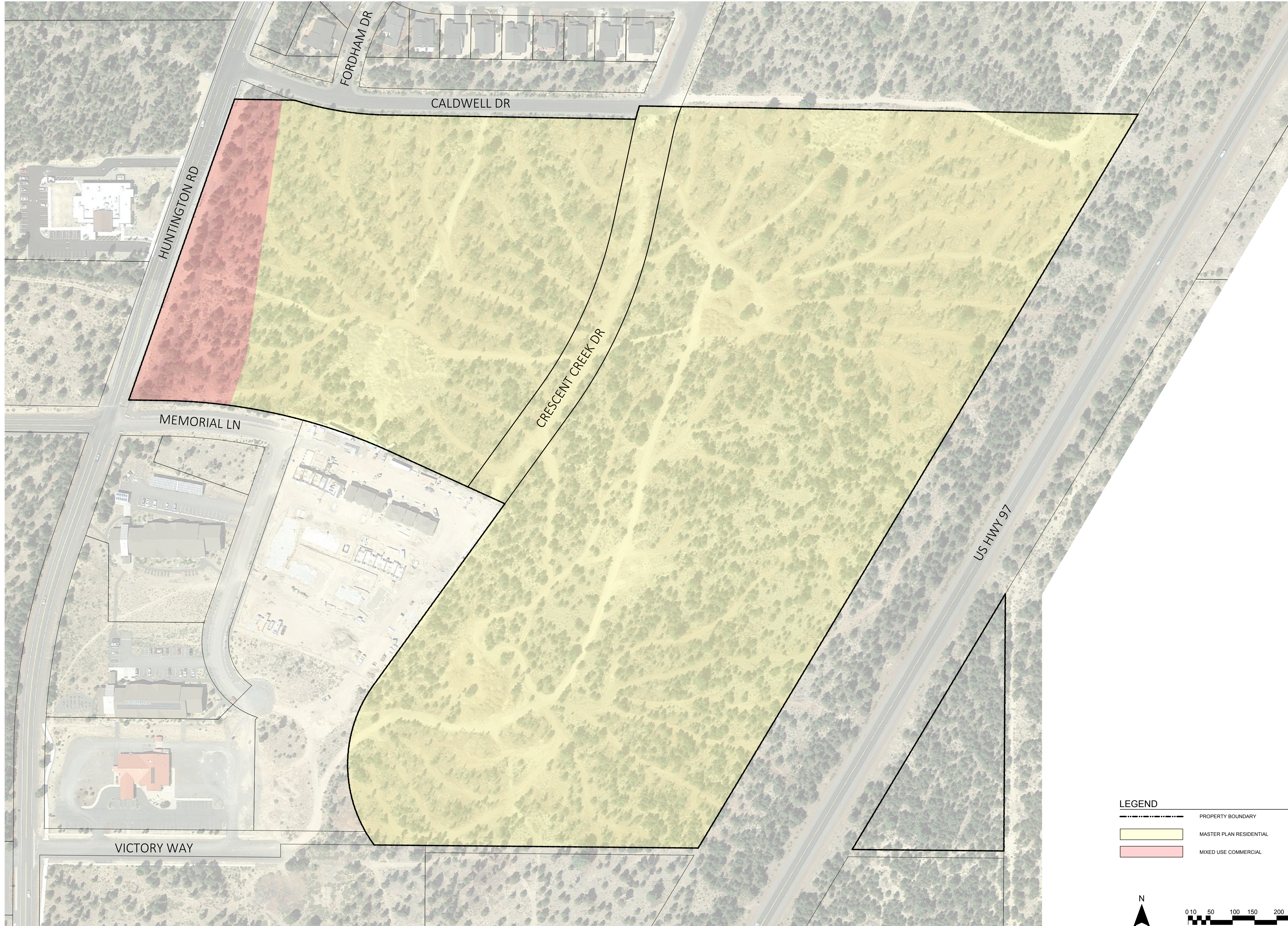
Recommendation

Based on findings and evidence available at the time this report was prepared, staff recommends that the City Council approve the proposed map amendments.

Exhibit C
Amended Zoning Map

[attached]

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LEGEND

- PROPERTY BOUNDARY
- MASTER PLAN RESIDENTIAL
- MIXED USE COMMERCIAL

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SCALE: 1" = 100'

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PRELIMINARY

THE RESERVE IN THE PINES

PROPOSED ZONING PLAN
LA PINE, OREGON

REVISIONS:

HWA
CIVIL ENGINEERING | SURVEYING | PLANNING
60200 O.E. RILEY ROAD, STE. 100, BEND, OR 97703
WWW.HWAHWA.COM

DESIGNED BY: SCP
 DRAWN BY: SCP
 CHECKED BY: GMH
 SCALE: AS NOTED
 FILE: 181204_Comp_Plan.dwg
 DATE: 07/19/2019

VERIFY SCALES
0 1" BAR EQUALS ONE INCH ON ORIGINAL DRAWING

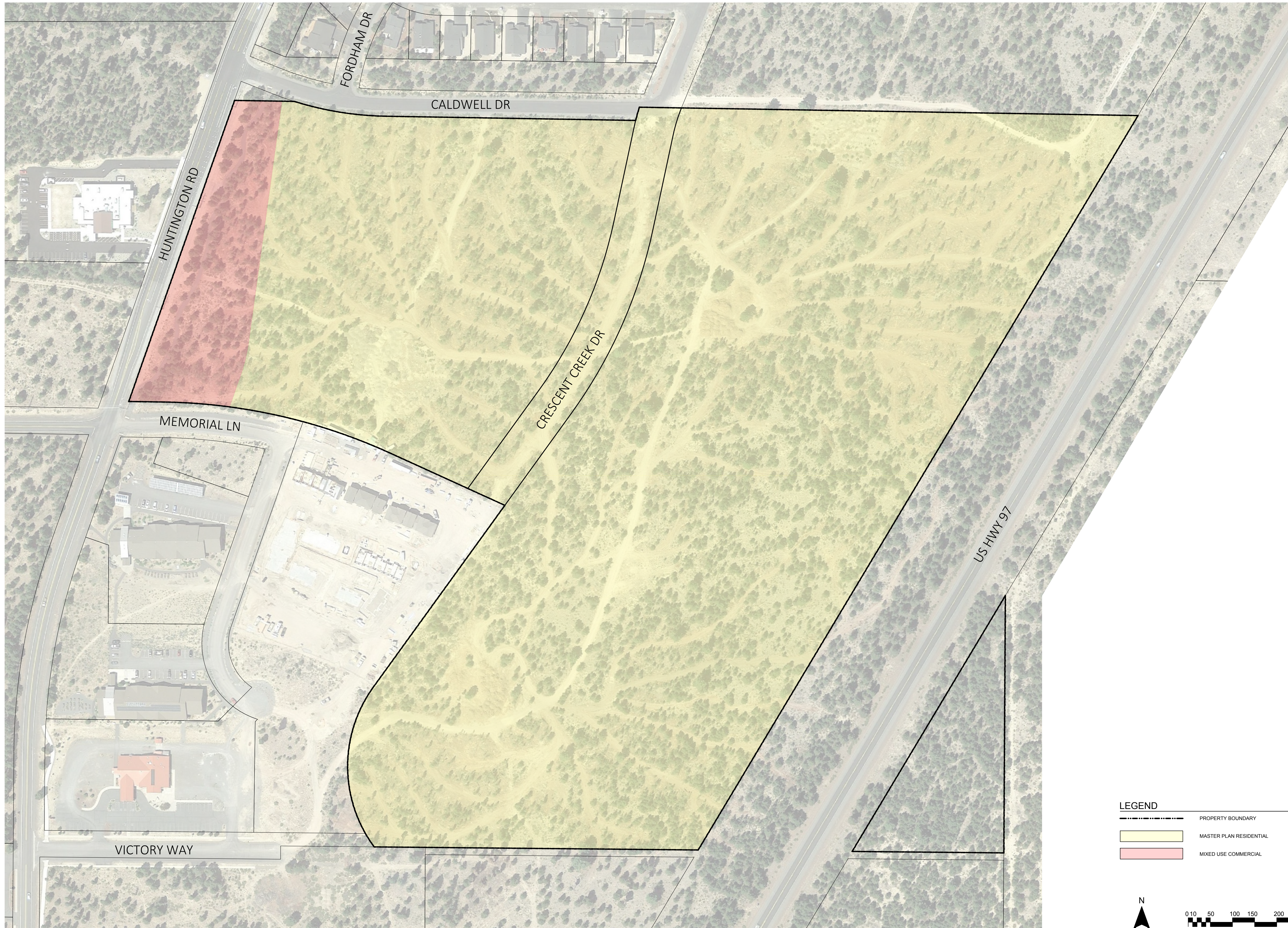
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HWA # 181204


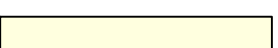

Exhibit D
Amended Comprehensive Plan Map

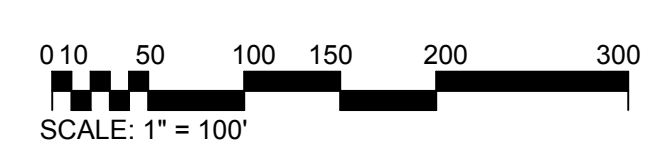
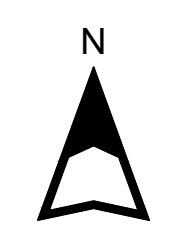
[attached]

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LEGEND

-  PROPERTY BOUNDARY
-  MASTER PLAN RESIDENTIAL
-  MIXED USE COMMERCIAL



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PRELIMINARY

THE RESERVE IN THE PINES

PROPOSED COMPREHENSIVE PLAN

LA PINE, OREGON

REVISIONS:

HWA
 CIVIL ENGINEERING | SURVEYING | PLANNING
 62200 O.E. RILEY ROAD, STE. 100, BEND, OR 97703
 WWW.HWAHWA.COM

DESIGNED BY: SCP
 DRAWN BY: SCP
 CHECKED BY: GMH
 SCALE: AS NOTED
 FILE: 181204_Comp_Plan.dwg
 DATE: 07/19/2019

VERIFY SCALES
 0 1"
 BAR EQUALS ONE INCH
 ON ORIGINAL DRAWING

SHEET:
PA1.1

HWA # 181204



CITY OF LA PINE

STAFF REPORT

Meeting Date: January 22, 2020
TO: La Pine City Council and Staff
FROM: Jake Obrist, Staff
SUBJECT: Wastewater Design-Septic Tank Relocation

TYPE OF ACTION REQUESTED (Check one):

- | | | | |
|-------------------------------------|-------------------------|--------------------------|------------------|
| <input type="checkbox"/> | Resolution | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | No Action – Report Only | <input type="checkbox"/> | Public Hearing |
| <input checked="" type="checkbox"/> | Formal Motion | <input type="checkbox"/> | Other/Direction: |

Background:

The City of La Pine has actively pursued projects to improve its Water and Wastewater systems to suffice master plans and to expand these utilities into neighborhoods with current private utilities with known issues. The total projects cost has been estimated to be just under \$25 million and the City has secured \$9.6 million in grants and the rest in low interest loans through USDA and DEQ.

The City has held numerous Open Houses discussing project details such as funding sources, anticipated customer utility bills, “free” hook-up costs, and placement of utilities. Original plans in 2016 were to utilize existing location of tanks and possibly re-use tanks if applicable; the City budgeted new tanks for every location for a conservative approach. During each Open House the City also verified to its residents that the City would maintain these septic tanks.

In 2017-18 the City began investigating funding requirements and preliminary engineering efforts. There was major concern during this time about acquiring the needed permanent easements for placement of septic tanks on private property and that a majority of the septic tanks were not sufficient to meet City specifications and standards. Early in 2019, the City sent out Temporary Construction Easement Letters to its customers to perform necessary survey work and to allow access during construction. Engineering efforts for the Wastewater Design was accomplished and completed in September of 2019, fulfilling the requirements and the use of the Community Development Block Grant. The City anticipates the Water system design engineering to be completed by the end of February 2020.

With the completion of both these design efforts, the City will be ready to bid construction of these projects in Spring or early Summer.

The opportunity to re-design the Wastewater project has presented itself. Currently, the design has the placement of septic tanks in the right of way. Re-design would place the septic tanks onto the customers property. Both options present both pro's and cons.

Pro's with Re-design to move septic tanks

- Cleans up the right of way for future street and pathway projects.
- Allows more flexibility for placement of septic tanks to avoid potential utility conflicts
- Places the septic tank on private property which would allow for future transfer of ownership from City to private property owner. This would also transfer maintenance responsibility towards the customer, allowing Public Works to focus on other maintenance responsibilities.

Con's with Re-design to move septic tanks

- Estimated reedesign cost of \$45k, not covered with grant or loan funding
- Placing the septic tanks onto the private property would create the need for permanent easements. The City would need to re-send the temporary construction easement letters to include this language for permanent easements to affected customers and get a majority returned prior to bidding construction.
- This would add time to the overall project.

The City would like the Council's recommendation on moving forward with, 1. Re-Design for the Wastewater project to include relocation of septic tanks onto the customers property or 2. Move forward with the Wastewater project as status quo with placement of these septic tanks in the right of way.