



CITY OF LA PINE, OREGON

REGULAR CITY COUNCIL MEETING

Wednesday, June 24, 2020 at 5:00 PM

La Pine Senior Center: 16450 Victory Way, La Pine, OR 97739

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.

AGENDA

1. CALL TO ORDER

2. ESTABLISH A 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. 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. City Council Minutes

[1.](#) 6.10.2020 Regular City Council Meeting Minutes

6. PLANNING FILES: 03ZC-19 & 03CA-19 CONCERNING CHANGE IN ZONING FROM PUBLIC FACILITY TO COMMERCIAL MIXED USE- PUBLIC HEARING & ORDINANCE ADOPTION

a. Open Public Hearing

b. Staff Report

c. Public Testimony

d. Council Deliberations

e. Close Hearing

f. Ordinance No. 2020-07- An Ordinance of the City of La Pine Amending the Zoning Map and Comprehensive Plan Map to Change the Public Facilities Designation to Commercial Mixed-Use For A Certain Property Pursuant to Land Use Approvals 03CA-19 and 03ZC-19- Action Item

7. GAS TAX BALLOT MEASURE- DISCUSSION

8. OTHER MATTERS

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

9. PUBLIC COMMENTS

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

10. STAFF COMMENTS

11. MAYOR & COUNCIL COMMENTS

12. ADJOURNMENT

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.

CITY OF LA PINE, OREGON
REGULAR CITY COUNCIL MEETING

Wednesday, June 10, 2020 at 5:30 PM
La Pine City Hall: 16345 Sixth Street, La Pine, Oregon 97739

MINUTES

1. CALL TO ORDER

Mayor Richer opened the meeting at 5:30 pm.

2. ESTABLISH A QUORUM

PRESENT

Mayor Daniel Richer
Council President Don Greiner
Councilor Connie Briese (telephonically)
Councilor Colleen Scott
Councilor Mike Shields
Student Councilor Max Miller

STAFF

City Manager Melissa Bethel
Public Works Manager Jake Obrist
City Recorder Robin Neace

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. 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. 5.27.20 Regular City Council Meeting Minutes
- b. 5.27.20 Budget Committee Meeting Minutes
- c. 3.18.20 Planning Commission Meeting Minutes- Approved

Motion made by Council President Greiner, Seconded by Councilor Shields

Voting Yea: Council President Greiner, Councilor Briese, Councilor Scott, Councilor Shields, Student Councilor Miller

6. BUDGET HEARING ON THE FY 2020-21 FISCAL YEAR BUDGET

a. Open Public Hearing

Mayor Richer opens the Public Hearing.

b. Staff Comments

Bethel explains that this is the final hearing for the budget where the council will approve the 20-21 FY budget and resolution to receive state revenues.

c. Public Comments on Budget Hearing

None.

d. Close the Public Hearing

e. Council Deliberation

Councilor Briese thanks staff for making a conservative budget due to Covid-19. Councilor Scott thanks city staff for a conservative budget and making everything understandable. Council President Greiner notes that he is happy with the budget. Mayor Richer thanks staff for conservative view of the budget.

ROLL CALL VOTE

Council President Greiner- Yea

Councilor Briese- Yea

Councilor Scott- Yea

Councilor Shields- Yea

7. RESOLUTION NO. 2020-06 – A RESOLUTION DECLARING THE CITY’S ELECTION TO RECEIVE STATE REVENUES – ACTION ITEM

Staff report from Bethel, stating that the City is required to pass this resolution for the state.

Motion made by Council President Greiner. Second by Scott

Voting Yea: Council President Greiner, Councilor Briese, Councilor Scott, Councilor Shields, Student Councilor Miller

8. RESOLUTION NO. 2020-07 – A RESOLUTION ADOPTING THE FY 2020-21 FISCAL YEAR BUDGET AND APPROPRIATING FUNDS FOR THE CITY OF LA PINE- ACTION ITEM

Motion made by Council President Greiner, Seconded by Councilor Shields

ROLL CALL VOTE

Council President Greiner- Yea

Councilor Briese- Yea

Councilor Scott- Yea

Councilor Shields- Yea

9. ASSIGNMENT OF WILDERNESS GARBAGE FRANCHISE- ACTION ITEM

Staff report from Bethel stating that this agenda item was left it on as a place holder. The City did not get the amended franchise ordinance in time, and everyone will be getting it tomorrow. Bethel suggests to take the matter up at a special meeting next week.

Item set aside the franchise action item until next meeting. 10 am on Wednesday the 17th.

10. APPROVAL OF PURCHASE OF PLEXIGLASS SAFETY PARTITION FOR ADMINISTRATION DESKS- ACTION ITEM

Staff report from Bethel stating that we need to protect staff when opening City Hall and protect front line employees with plexiglass partitions. The total estimate was between \$600- \$680.

Councilor Scott asked if the lobby is open. Bethel noted that the doors were unlocked, but that staff has not made an announcement that the lobby is open in order to protect staff. Council President Greiner noted that the estimate They are expensive. Is there a cheaper way to do this? Bethel notes that she is unclear if the amount was for all the plexiglass or for each one. Bethel notes that she will make sure to send a final total before purchase. Councilor Briese noted that if the plexiglass is necessary to protect staff it is important to fund.

Motion made by Council President Greiner, Seconded by Councilor Briese

Voting Yea: Council President Greiner, Councilor Briese, Councilor Scott, Councilor Shields, Student Councilor Miller

11. APPROVAL OF SALARY SURVEY REPORT & LADDER

Staff report from Bethel noting that this project was budgeted last year. Historically, La Pine hasn't had a salary schedule or ladder for employees. Employees didn't know where they were going or how much they were going to make. The City contracted with McGrath, who was highly recommended. The report is in the packet. Employees will be on salary schedule on July 1, 2020. Raises will be minimal. Goal is to get employees on salary schedule and if work is being performed at adequate level, they will move up. Every five years the schedule will be updated. There are other positions on the report that the city currently does not have, but that might be needed in the future.

Councilor Shields noted that looks like it fits in well with the demographics here with wages. Councilor Briese commented that she appreciates staff for getting this done. She believes it will reduce turnover and give employees some direction as to where they can go in the future with the city. Council President Greiner remarked that he had a hard time understanding how it worked and then got an explanation and the City needs it to get on it so that city employees know where they stand, and that they get a higher wage the more they stay with the work.

Motion made by Councilor Scott, Seconded by Council President Greiner

Voting Yea: Council President Greiner, Councilor Briese, Councilor Scott, Councilor Shields, Student Councilor Miller

12. APPROVAL OF SOCIAL MEDIA ARCHIVING CONTRACT- ACTION ITEM

Staff report from Bethel explaining that the City is required to document its social media usage under open records laws, and this service is what the research shows is best for the City.

Council President Greiner objected to the state forcing another requirement on the City, but acknowledged that the City must comply with open records rules.

Motion made by Council President Greiner, Seconded by Councilor Briese

Voting Yea: Council President Greiner, Councilor Briese, Councilor Scott, Councilor Shields, Student Councilor Miller

13. COMMITTEE TO REVIEW COUNCIL RULES & PROCEDURES

Mayor Richer gave a report noting that the Rules and Procedures have not been updated since 2011. Mayor Richer has asked six citizens to serve on the committee: three men and three women; four in city, two outside of city; no one with business interests inside the City. Advisory Committee Applicants are: Larry Baker, Teri Meyers, Brian Schmidt, Suzanne Rhoades, Sharon Reeder, Dennis Scott.

Councilor Briese wondered if it was normal to not have council members on the committee. Mayor Richer indicated that he had asked legal counsel, who stated it did not matter and that generally, Council people usually do not make their own rules. Councilor Briese stated that it seems like most committees have members of the council on it and that she would prefer that there be someone on the committee. Mayor Richer noted that former City of La Pine Mayor Dennis Scott was on the committee and would be able to explain things to the committee. Council President Greiner offered to make sure that the committee was apprised of the history of the City, how it was formed, how the rules were made before, and why a certain rule was developed; as well as offering to review the final product. Councilor Briese agrees to let Council President Greiner do that.

Motion made by Council President Greiner, Seconded by Councilor Shields

Voting Yea: Council President Greiner, Councilor Briese, Councilor Scott, Councilor Shields, Student Councilor Miller

11. OTHER MATTERS

Only Items that were previously added above in the approval of Agenda will be Discussed.

a. La Pine Chamber of Commerce Breakfast at Frontier Days

Jeremy Johnson, the La Pine Chamber of Commerce president, wants to get business community back together and get the breakfast going. The Chamber wants to hold the breakfast at Frontier Days property, but apparently there is some question as to whether this could be done.

Ann Gawith, President of Frontier Days, reads a letter to the City Council, noting that she believes she is permitted to have this event, because of the state opening back up after the COVID-19 closings. She believes that she is like any other private property owner and allowed to have events up to 100 people.

Bethel noted that the issue is not COVID-19 limitations, but that Gawith is operating the space as an event venue and she is not currently permitted to do so.

Council could not come to a resolution as to whether they would approve a one-time use permit for the Chamber breakfast. Several members suggested alternate locations for the breakfast, including permitting the event to take place in the City Hall parking lot.

12. PUBLIC COMMENTS

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

Mark Sperling- Plexiglass

13. STAFF COMMENTS

Bethel asks if council agrees to re-appoint Scott Morgan to the Bicycle Pedestrian Advisory Committee for Deschutes County. Council agrees.

Bethel points councilors to the LOC Lobbying survey, asks them to take them home, complete them, and bring them back. Each city is only allowed to send in one form. Get them back by June 17-workshop for meeting for June 24.

Bethel gives an update on hiring the new Office/Account Clerk. There are 54 applicants for the position.

Obrist thanks council for approving the budget and salary schedule.

14. MAYOR & COUNCIL COMMENTS

Councilor Briese noted she was glad budget got approved, and thanked staff for their work on it.

Councilor Scott noted the park by Newberry Hotel looked like someone had mowed the park and weed-eated it. She also remarked that Highway 97 is looking nice. Flags look great. Making key areas of the city look good is key.

Councilor Shields notes that Deschutes County Commissioners are planning on face to face meeting for next meeting.

15. ADJOURNMENT

Adjourned at 7:01 pm.

MEMBERS OF THE PUBLIC PRESENT

Mark Sperling

Gerald Gawith

Ann Gawith

Rex Lesueur

Jeremy Johnson

Terrence O'Sullivan

ORDINANCE NO. 2020-07

AN ORDINANCE OF THE CITY OF LA PINE AMENDING THE ZONING MAP AND COMPREHENSIVE PLAN MAP TO CHANGE THE PUBLIC FACILITIES DESIGNATION TO COMMERCIAL MIXED-USE FOR A CERTAIN PROPERTY PURSUANT TO LAND USE APPROVALS 03CA-19 and 03ZC-19.

WHEREAS, K Huntington, LLC filed land use applications (File Nos. 03CA-19 and 03ZC-19) to change the zoning and comprehensive plan designations for the property identified as Tax Lot 100 on Deschutes County Assessor's Map 22-10-11CB and legally described on the attached Exhibit A (the "Property") from Public Facilities to Commercial Mixed-Use 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 May 28, 2020 and a second public hearing was held before La Pine City Council ("City Council") on June 24, 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. 2020-07 (this "Ordinance") was available for public inspection seven days prior to the City Council meeting on June 17, 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. Conditions of Approval. The conditions of approval for File Nos. 03CA-19 AND 03ZC-19 attached hereto as Exhibit C are hereby adopted and incorporated herein.
3. Zoning Map. The City's Zoning Map is hereby amended to change the zoning designation for the Property from Public Facilities to Commercial Mixed-Use as shown on the attached Exhibit D. Staff is directed to take those steps necessary to incorporate the Amendments into the Zoning Map and other planning documents.
4. Comprehensive Plan Map. The Comprehensive Plan Map is hereby amended to change the comprehensive plan designation for the Property from Public Facilities to Commercial Mixed-Use as shown on the attached Exhibit E. Staff is directed to take those steps necessary to incorporate the Amendments into the Comprehensive Plan Map and other planning documents.
5. 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.

6. 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 June 24, 2020.

Daniel Richer, Mayor

ATTEST:

Melissa Bethel, City Manager

Exhibit A
Legal Description of Subject Property

[attached]

Exhibit B
Staff Report

[attached]

**CITY OF LA PINE PLANNING DIVISION
Staff Report to Planning Commission
Plan Amendment/Zone Change**

File Nos. 03CA-19 & 03ZP-19

- OWNER/APPLICANT:** K Huntington LLC
c/o Kodiak Malmstrom
409 NE Greenwood Avenue, Suite 200
Bend, OR 97701
- ENGINEER:** HWA
Grant Hardgrave, PE
62930 O.B. Riley Road, Suite 100
Bend, OR 97701
- TRAFFIC ENGINEER:** Transight Consulting, LLC
Joe Bessman, Principal
61271 Splendor Lane
Bend, OR 97702
- LAND USE CONSULTANT:** Blackmore Planning and Development Services, LLC
Greg Blackmore, Principle Planner
19454 Sunshine Way
Bend, OR 97702
- LOCATION:** The subject property does not have an assigned address but is identified as tax lot 100 on Deschutes County Assessor's Map 22-10-11CB. It is located northwest of the intersection of Huntington Road and Memorial Lane.
- REQUEST:** The applicant is requesting a Comprehensive Plan Map Amendment and a Zoning Map Amendment to change the designation and zone of the subject property from Public Facility (PF) to Commercial Mixed-Use (CMX).

I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA:

City of La Pine Development Code

- Article 3 – Zoning Districts
 - Chapter 15.22 – Commercial and Mixed-Use Zones
 - Chapter 15.24 – Industrial and Public Facility Zones
- Article 5 – Development Standards
 - Chapter 15.90 – Public Facilities
 - Section 15.90.080 – Traffic Impact Analysis
- Article 7 – Procedures

- Chapter 15.202 – Summary of Application Types and General Provisions
- Chapter 15.204 – Application Procedures
- Article 8 – Applications and Reviews
 - Chapter 15.334 – Text and Map Amendments

La Pine Comprehensive Plan

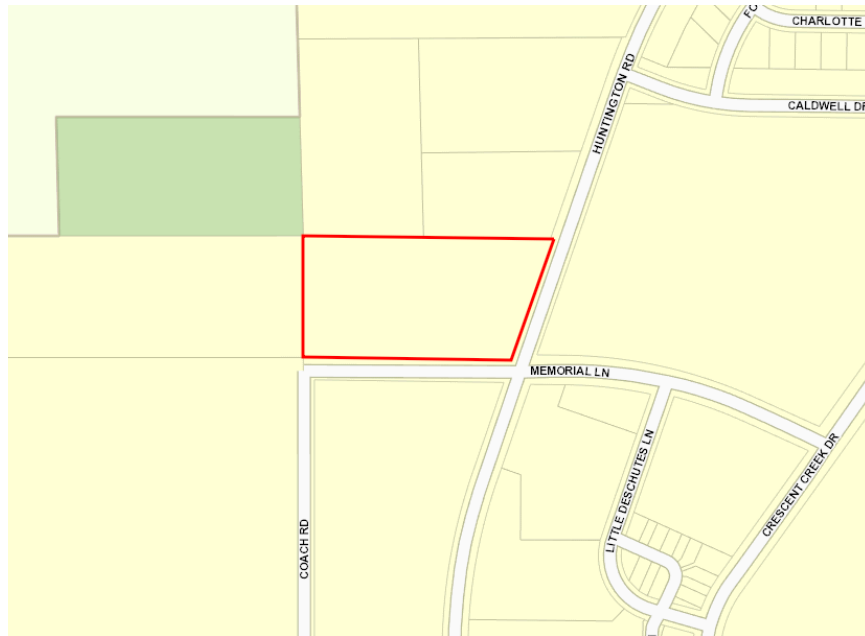
City of La Pine Transportation System Plan (TSP)

Oregon Administrative Rules (OAR)

- Chapter 660 – Land Conservation and Development
 - Division 12 (660-012) – Transportation Planning
 - Division 15 (660-015) – Statewide Planning Goals and Guidelines

II. FINDINGS OF FACT:

LOCATION: The subject property does not have an assigned address but is identified as tax lot 100 on Deschutes County Assessor’s Map 22-10-11CB. It is located northwest of the intersection of Huntington Road and Memorial Lane.



ZONING: The subject property is currently within the Public Facility (PF) Zone and is designated Public Facility in the City of La Pine Comprehensive Plan.

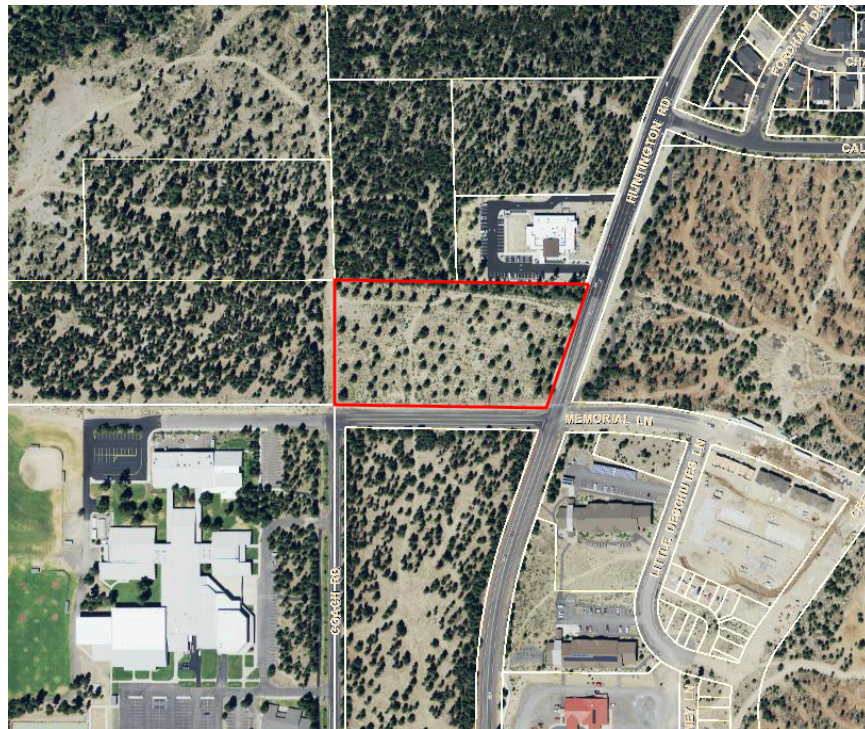
SITE DESCRIPTION & SURROUNDING USES: The property is approximately 4.7 acres in size, is trapezoidal in shape, and has frontage on Huntington Road to the east and Memorial Lane to the south. The property is undeveloped and contains natural vegetation.

Surrounding Zoning:

Two tax lots to the north (east) are zoned Commercial Mixed-Use (CMX). A recent Plan Amendment and Zone Change approval¹ resulted in a portion of the property across Huntington Road to the east also zoned CMX. Further east and northeast are properties in the Residential Master Plan (RMP) Zone. Properties to the southeast across the road intersection, to the north (west), west, and southwest are in the Public Facility (PF) Zone. The property to the south is in the Commercial/Residential Mixed-Use (CRMX) Zone.

Surrounding Development:

The property to the north (east) is developed with the St. Charles Family Care Clinic. Further to the northeast and across Huntington Road is the Crescent Creek residential subdivision. To the southeast is the Little Deschutes Lodge, an affordable housing development for seniors, as well as a Habitat for Humanity subdivision, affordable housing apartments, and a senior center. To the southwest is a property owned by the Bend-La Pine Schools district, containing the La Pine Elementary, Middle, and High Schools.



LOT LEGALITY: The subject property is Lot 1 of the Newberry Neighborhood subdivision and is therefore a legal lot.

PUBLIC NOTICE AND COMMENTS: Notice of the application and public hearing was mailed to neighbors within 250 feet, to the Crescent Creek Homeowners Association, the Planning Commission and to the City's standard agency notice list on 4/27/20. Notice was posted in the local paper, *Wisebuys*, in the 5/5/20 weekly edition. No public comments were received.

¹ 02CA/ZC-19. A related proposal (File Nos. 01QP-19, 02SUB-19) for a Subdivision and Quadrant Plan would divide this area in the CMX Zone into two lots.

AGENCY/DEPARTMENT COMMENTS: Notice of the application and public hearing was sent to the City’s standard agency notice list on 4/27/20. Notice was provided to DLCD via the PAPA online submittal website on 4/17/20.

PLANNING COMMISSION HEARING: The Planning Commission held a hearing on May 28, 2020, via a Zoom conference call. Following testimony and deliberation, the Planning Commission voted unanimously to recommend the proposed zone change and comprehensive plan map amendment to City Council for adoption.

III. **APPLICATION OF THE CRITERIA:**

CONFORMANCE WITH CITY OF LA PINE DEVELOPMENT CODE

Article 3 – Zoning Districts

- **Chapter 15.22 – Commercial and Mixed-Use Zones**

15.22.100 Purpose

Chapter 15.22 regulates allowed land uses (“uses”) and sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development in the commercial and mixed-use zones. The regulations of this chapter are intended to implement the City Comprehensive Plan.

15.22.200 Characteristics of the Commercial and Mixed-Use Zones

Commercial zones accommodate a mix of commercial services, retail, and civic uses, along with residential uses permitted in some circumstances. Four commercial zones provide for the full range of commercial land uses within the city. The zoning district regulations are intended to promote the orderly development and improvement of walkable commercial areas; facilitate compatibility between dissimilar land uses; provide employment opportunities in proximity, and with direct connections, to housing; and to ensure efficient use of land and public facilities.

...

- C. Commercial Mixed-Use Zone (CMX).** The CMX zone is intended to allow for a wide range of both commercial and residential uses. Unlike the CRMX zone, residential uses are not limited and are allowed to be developed on standalone sites. Some commercial uses that may not be compatible with residential uses are prohibited or limited. The CMX zone allows for flexible uses that can respond to market demand.

FINDING: The proposal includes amending the Comprehensive Plan Map and Zoning Map designations of an approximately 4.7-acre property to change from Public Facility (PF) to Commercial Mixed-Use (CMX). No specific development is proposed at this time. Future proposals will be reviewed for conformance with the La Pine Development Code when specific development is proposed.

The Applicant states the reasons for the requested amendments are due to the history of the PF Zone, that the property is held in private ownership, and the current land needs within the City of La Pine. The Applicant elaborates on these reasons in the below excerpt from the Applicant’s burden of proof materials:

The subject property currently has a Public Facilities (PF) Comprehensive Plan designation and zone; however it was previously zoned Forest (F-1), which was a remnant of prior Deschutes County Zoning (prior to incorporation). In April of 2017 the City of La Pine conducted a Legislative rezone, to make all zoning consistent with the Comprehensive Plan designations. The Legislative rezone resulted in all F-1 zoned properties in the City of La Pine being rezoned to PF.

The history and need for F-1 zoned lands and PF zoned lands are detailed in Chapter 4 of the Comprehensive Plan. As detailed in that Chapter, La Pine is not required to plan for forest lands in the City, nonetheless historic Deschutes County Forest Zoning areas existed on properties that were located within the Urban Growth Boundary; the City established provisions to allow for historic uses and to plan for the future. Chapter 4 notes:

It is expected that as the City grows, the forest lands will be converted to Public Facility uses. It is the intent of this plan to recognize the potential transition of such lands to other uses more appropriate within an incorporated community. Such uses may include sewer treatment plant expansion, cemetery, energy production, wildfire buffers, and highway 97 expansion uses. However, due to the rural nature of the community, and the desire for the residents to retain this character, forest lands may also transition to designated natural areas, open spaces, wilderness areas and wildlife habitat. The link between forest lands and the natural environment will be important to define and plan for as La Pine transitions these lands to PF uses. This element is explored in greater detail in the Natural Resources Chapter of the Comprehensive Plan.

This section indicates that the prior “forest” land conversion is expected as the community changes. It is the intent of this chapter to recognize uses that are more appropriate within the community and to plan for the changes accordingly. The current proposal recognizes a changing community; properties to the north and south are zoned for mixed use developments, the property to the north is developed with a St. Charles Clinic. Also, the property to the east is being developed as a Master Planned area, which will include commercial and residential components. The downtown core is expanding north along Huntington Road, and the subject property (being privately owned) has not been identified as being needed to accommodate a public use in La Pine.

In addition to providing appropriately zoned land in a changing community, this section establishes a desire to retain a rural character and transition areas between urban and rural areas. With the prior Legislative Zone Change (which changed F-1 lands to PF), the abutting properties to the west and north can ensure the desired transitions:

- The abutting privately held 4-acre property to the north is zoned PF and there is a 4.9-acre property owned by the La Pine Park and Recreation District that is PF to the northwest, which can provide a transition to the abutting rural properties.*
- There [is] a 10 acre property to the west [that] is zoned PF and owned by the Bend La Pine School District. This publicly owned property provides provide [sic] the needed buffer and, given its size, sufficient transitions could continue to be provided through any future development of this site.*

- *Beyond those properties and beyond the UGB, is publicly held F-1 zoned property that is situated outside of the City of La Pine. This public property can continue to provide a buffer.*

Overall, the existing conditions, including public and privately held properties all around the subject property, along with County Zoned F-1 properties will maintain the rural character in this area and will sustain the desired transitions to forest land outside of the UGB, in accordance with this section.

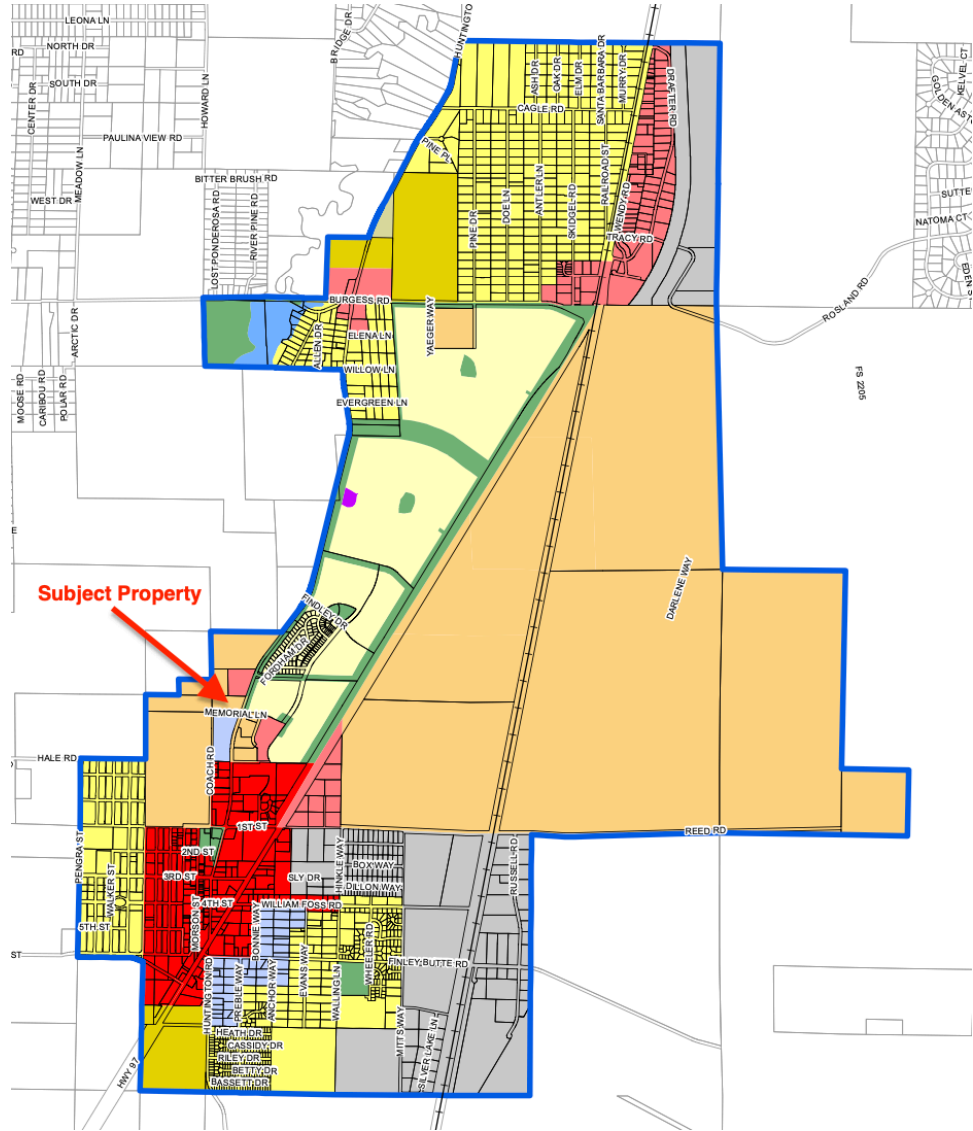
The property currently has a Public Facilities (PF) Comprehensive Plan designation. The current proposal includes changing this designation to Mixed Use Commercial (CMX). The Comprehensive Plan states that within La Pine, there are over 1000 acres of public land (these are generally undeveloped) that will continue to have a PF designation, even after removing this property from the available supply. The inventory of PF designated land is significantly more than is typically reserved for Cities across in Oregon [sic]. Furthermore, through this review process, City Staff, the Planning Commission and the City Council will have the opportunity to review the proposal and the impact to public facilities land needs, and determine if the property is needed for a specific public purpose. Because the City has more than an adequate supply of Public Facilities (PF) designated lands, and because there are no specifically documented needs for the subject property for a public use, the proposed Comprehensive Plan Map amendment and Zone Change will not be impactful to ensuring adequate public uses can be provided throughout the community.

Given the development pattern along Huntington Road, the fact that properties to the north and south are zone[d] for Mixed Use, the anticipated development of the property to the east, and the site's proximity to downtown, this area is also an extension of an overall City's commercial corridor and the downtown core. Therefore, CMX zone provides an appropriate zone and range of uses, which achieves the development pattern in the area

Future Site Plan and Land Division Applications will detail the final uses, lot sizes, dimensions, and facilities that are necessary to accommodate a variety of uses that are allowed in CMX zone. Also, once a design is finalized and/or users of the area are secured, development of the CMX site will be required to apply for a Site Plan / Design Review application, where specific buildings and site designs will be reviewed. The location and proximity of the planned CMX Zone to the downtown core and nearby residential areas can both 1) provide employment opportunities and 2) provide for vibrant commercial uses that will be available to nearby residents and the broader community. Furthermore, the size of the site, CMX Zone requirements, and allowed uses ensure that development upon the CMX zoned property will be compatible with the surrounding uses.

Staff has included the above explanation for reference and accepts the Applicant's conclusions regarding the discussion of County-zoned F-1 property being reassigned the PF designation and zone. For illustrative purposes and convenience, an excerpt of the City of La Pine Zoning map is included below, with areas in the PF Zone noted in orange shading. It can be seen that a large amount of land within the city limits is zoned PF including relatively smaller lots near the subject property and relatively larger lots in the central eastern portion of the City.

In addition to the applicant's statements regarding the rezoning to the CMX Zone to allow for employment opportunities and commercial uses, it is noted that a range of residential uses are also allowed in the CMX Zone, where they are not permitted in the PF Zone. The Applicant's transportation analysis takes this into account and is discussed in detail in sections below in this Staff Report.



15.22.300 Use Regulations

Uses may be designated as Permitted, Limited, Conditional, or Prohibited in the commercial and mixed-use zones. As noted in Table 15.22-1, a use may also be subject to Special Use Standards of Article 6.

...

FINDING: The CMX Zone allows for a variety of residential, commercial, and institutional uses, as outlined in Table 15.22-1. No specific development or uses are proposed at this time.

However, future proposals will be reviewed for conformance with the La Pine Development Code when development is proposed.

15.22.400 Development Standards

- A. Purpose.** The development standards for commercial and mixed-use zones allow development flexibility, within parameters, that supports the intended characteristics of the specific zone. In addition, the regulations provide guidance to property owners, developers, and neighbors about the limits of what is allowed[.]
- B. Development Standards.** The development standards for commercial and mixed-use zones are presented in Table 15.22-2. Development standards may be modified as provided by Chapter 15.320, Variances. Additional standards may apply to specific zones or uses, see Section 15.22.500.

Table 15.22-2 — Development Standards in the Commercial and Mixed-Use Zones

Standard	CMX
Minimum lot width	None
Minimum setbacks	—
-Front or street-side yard	20 feet
-Side yard	10 feet None for townhomes
-Rear Yard	10 feet
Maximum building height	45 feet
Maximum lot coverage	60%
Minimum landscaped area	See 15.18.500.B and Chapter 15.82
Minimum and maximum density	Residential and mixed-use developments are subject to the minimum and maximum density standards of the RMF zone (see Section 15.18.500).

FINDING: No specific development, uses, or land divisions are proposed at this time. However, future proposals will be reviewed for conformance with the Development Code when development is proposed.

15.22.500 Additional Standards

- A. Corner Lot Frontages.** For commercial uses located on corner lots where one street is predominantly residential, and one street is predominantly commercial, any commercial structure shall front on the street that is predominantly commercial.
- B. Landscaping Standard.** Any portion of a lot developed for commercial uses which are not used for buildings, other structures, parking or loading spaces, or aisles, driveways, sidewalks, and designated storage areas shall be planted and maintained with grass or other all-season groundcover vegetation. Grass shall be kept neatly mowed.

Landscaping with trees and shrubs is permitted and encouraged. See additional landscaping and buffering standards in Article 5.

C. Screening Requirements.

1. Outdoor activities. Any business, servicing, or processing shall be conducted within a completely enclosed building, except for parking and loading facilities and for “drive-in” type establishments offering goods or services to customers waiting in parked motor vehicles.
2. Outdoor storage. All areas of a site containing or proposed to contain outdoor storage of materials, equipment, and vehicles, and areas containing junk, salvage materials, or similar contents, shall be screened from view from adjacent rights-of-way and residential uses by a sight-obscuring fence, wall, landscape screen, or combination of screening methods. See additional buffering and fence standards in Article 5.
3. Outdoor merchandise display. The outdoor display of merchandise for sale is not required to be screened from view, provided that all merchandise is located behind building setback lines unless otherwise approved by the City (e.g., to allow sidewalk sales).

D. Vehicle Access. Access driveways and entrances shall be permitted in a number and locations in which sight distance is adequate to allow safe movement of traffic in or out of the driveway or entrance, the free movement of normal highway traffic is not impaired, and the driveway or entrance will not create a hazard or an area of undue traffic congestion on highways to which it has access. The City may require the permit applicant to submit engineering data and/or traffic analyses to support its proposed plan of access driveways and entrances. See additional access and circulation standards in Article 5.

E. Emissions. No use shall emit any noxious, toxic, or corrosive fumes or gases nor shall it emit any offensive odors.

F. Noise. All uses shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment or uses or processes with electrical apparatus.

G. Lighting. All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.

FINDING: No specific development or uses are proposed at this time. However, future proposals will be reviewed for conformance with the Development Code when development is proposed.

Article 3 – Zoning Districts

- **Chapter 15.24 – Industrial and Public Facility Zones**

15.24.100 Purpose

Chapter 15.24 regulates allowed land uses (“uses”) and sets forth lot and development standards, including without limitation minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development in the industrial and public facility zones. The regulations of this chapter are intended to implement the City of La Pine Comprehensive Plan.

15.24.200 Characteristics of the Industrial and Public Facility Zones

Industrial and Public Facility zones accommodate a mix of intensive and less intensive uses engaged in manufacturing, processing, warehousing, distribution, and similar activities. Two industrial zoning districts, one for light industrial uses and one for general industrial uses, provide for the full range of planned industrial land uses within the city. Both districts are intended to provide for efficient use of land and public services, provide a high-quality environment for business, offer a range of parcel sizes and locations for industrial site selection, avoid encroachment by incompatible uses, provide transportation options for employees and customers, and facilitate compatibility between dissimilar uses.

...

- C. Public Facility Zone (PF).** The PF zone is intended to provide areas for large-scale public facility and utility uses that require separation from residential and commercial uses. Additionally, the PF zone accommodates industrial uses that are compatible with large-scale public facilities.

FINDING: The subject property is currently zoned PF and is privately owned. No public facility or utility uses are planned for the site. The property to the north is zoned CMX and is developed with a medical center. The property to the east has a portion of it zoned CMX and the property to the south is zoned Commercial/Residential Mixed Use (CRMX). The Applicant notes that the location of the property in relation to other close by properties that are developed and/or zoned for a mix of commercial and residential uses indicates the current PF zoning of the property does not provide the intended separation as described in (C) above. If the proposed Plan Amendment and Zone Change are approved, this chapter will no longer apply.

15.24.300 Use Regulations

Uses may be designated as Permitted, Limited, Conditional, or Prohibited in the industrial and public facility zones. As noted in Table 15.24-1, a use may also be subject to Special Use Standards of Article 6.

FINDING: The PF Zone allows for a limited range of industrial and institutional uses, as outlined in Table 15.24-1. If the proposed Plan Amendment and Zone Change are approved, this chapter will no longer apply.

Article 7 Procedures

- **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.

Table 15.202-1 – Summary of Approvals by Type of Review Procedure

Application*	Review Procedures	Applicable Regulations
Map Amendment (quasi-judicial zone change)	Type III	Chapter 15.344

FINDING: In accordance with Section 15.344, a quasi-judicial amendment shall be processed as a Type III application. The Applicant has applied for a Type III application, requesting amendments to the Comprehensive Plan Map and Zoning Map.

15.202.020 Time Limit and Consolidated Review

C. Consolidated Review of Applications. When an applicant applies for more than one type of application for the same one or more contiguous parcels of land, the proceedings shall be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.

FINDING: The Applicant has applied for two applications, a Comprehensive Plan Map amendment and a Zoning Map amendment (zone change). The two applications have been consolidated for review pursuant to this provision.

15.202.040 Pre-application conference

A. A pre-application conference is encouraged for complex applications or for applicants who are unfamiliar with the land use process and is required for all Type III applications. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the applicable land use codes, to provide for an exchange of information regarding applicable requirements of the comprehensive plan, zoning code or land division code and to identify issues likely to arise in processing an

application. The applicable zoning code may require that a pre-application conference be held for particular types of applications.

- B. Required pre-application conferences must be held no more than one year prior to the submittal of a Type III land use application. Requests for pre-application conferences shall be made on a form provided by the City.

FINDING: This section requires a pre-application conference for the subject proposal. Pre-application conversations and phone calls occurred in the fall on 2019, in lieu of a single meeting. Staff finds this to meet the intent of the requirement.

15.202.050 Neighborhood Contact

- A. **Purpose and Applicability.** Unless waived by the City Planning Official, applicants for master plans, subdivisions with more than 10 lots, major variances and property owner-initiated for zone changes are required to contact neighboring property owners and offer to a hold meeting with them prior to submitting an application. This is to ensure that affected property owners are given an opportunity to preview a proposal and offer input to the applicant before a plan is formally submitted to the City, thereby raising any concerns about the project and the project's compatibility with surrounding uses early in the design process when changes can be made relatively inexpensively.
- B. **Notice.** Notice of the meeting must be given in writing to all property owners whose property is located within 100 feet of the site, at their addresses of record at the Deschutes County Assessor's office, at least 14 days before the meeting and at least 21 days before submitting the application to the City. The notice must state the time, place, and purpose of the meeting, including a description of the proposed development.
- C. **Meeting place, date, and time.** The meeting must be held within the City limits at a location obtained or provided by the applicant with sufficient room for the expected attendance. The meeting place must be accessible to persons with disabilities. It must be scheduled at a date and time reasonably calculated to allow maximum participation by interested property owners.
- D. **Conduct of meeting.** At the meeting, the applicant, or the applicant's agent, must present sufficient information about the proposed development to inform the property owners in attendance of the nature of the proposal and impacts it may have on neighboring properties, including transportation impacts. Persons attending must be allowed to ask questions and make comments. The applicant, or the applicant's agent, shall complete a form prescribed by the City to certify the occurrence of the meeting.
- E. **Filing requirements.** The meeting certification form, even if no affected property owners attend, is required and must be submitted to the City with a land use application for the application to be deemed complete. Copies of the following information must accompany the meeting certification form: a copy of the notice mailed, all addresses for which notice was mailed (e.g., copy of mailing labels),

and copies of all other written materials provided prior to or distributed at the meeting.

FINDING: As this proposal is an owner-initiated zone change (and Comprehensive Plan Map amendment) a neighborhood contact meeting is required. The Applicant reported that they held a meeting on February 6, 2020 at the La Pine Senior Center. The required documentation has been submitted. The meeting was conducted after the Applicant applied for the Zone Change, as it was held in response to the request for missing information in the August 20, 2019 “incomplete letter” sent by the City. These criteria have been met.

Article 7 Procedures

- **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.

FINDING: A hearing before the Planning Commission has been scheduled and the Commission has the authority to make a decision on the subject proposal. To become effective, the proposed amendments must be adopted by City Council. In the absence of an appeal or review initiated by City Council, the Council shall adopt the decision of the Planning Commission.

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: The Applicant has submitted the required application materials, including a written statement, exhibits, and the required fee.

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.
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.

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.
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 of this application was sent to the required agencies and individuals, including to those owners of property within 250 feet of the subject property, on 4/27/20. Notice of the hearing was posted in the *Wisebuys* newspaper in the 5/5/20 weekly edition and on the subject property on 4/27/20. No public comments were received.

C. Setting the hearing.

- A. After an application is deemed accepted a hearing date shall be set. A hearing date may be changed by the City staff, or the Hearings Body up until the time notice of the hearing is mailed. Once the notice of hearing is mailed any changes in the hearing date shall be processed as a continuance in accordance with Subsection G.
- B. If an applicant requests that a hearing date be changed, such request shall be granted only if the applicant agrees that the extended time period for the hearing shall not count against the 120-day time limit set forth in Section 15.202.020.

FINDING: A hearing date has been set for 5/28/20. Not requests for a continuance have been received as of the date of this Staff Report.

D. Ex Parte Contact, Personal Knowledge and Bias.

- 1. The public is entitled to an impartial hearing body as free from potential conflicts of interest and pre- hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the hearing body shall follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the hearing body shall individually disclose their relationship to the parties in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall be excused from the proceedings.

Prior to making a decision, the Hearings Body or any member thereof shall not communicate directly or indirectly with any party or his representative in connection with any issue involved in a pending hearing except upon notice and opportunity for all parties to participate. Should such communication whether written or oral occur, the Hearings Body member shall:

- a. Publicly announce for the record the substance of such communication; and
 - b. Announce the parties' right to rebut the substance of the ex parte communication during the hearing. Communication between City staff and the Hearings Body shall not be considered to be an ex parte contact.
- 2. If the Hearings Body or any member thereof uses personal knowledge acquired outside of the hearing process in rendering a decision, the Hearings Body or member thereof shall state the substance of that knowledge on the record and allow all parties the opportunity to rebut such statement on the record. For the purposes of this section, a site visit by the Hearings Body shall be deemed to fall within this rule. After the site visit has concluded, the Hearings Body must disclose its observations and conclusions gained from the site visit in order to

allow for rebuttal by the parties.

3. Prior to or at the commencement of a hearing, any party may challenge the qualification of the Hearings Body, or a member thereof, for bias, prejudgment or personal interest. The challenge shall be made on the record and be documented with specific reasons supported by facts. Should qualifications be challenged, the Hearings Body or the member shall disqualify itself, withdraw or make a statement on the record of its capacity to hear.

E. Conduct of a Quasi-Judicial Public Hearing. A hearing shall be conducted as follows:

1. The Hearings Body shall explain the purpose of the hearing and announce the order of proceedings, including reasonable time limits on presentations by parties.
2. A statement by the Hearings Body regarding pre-hearing contacts, bias, prejudice or personal interest shall be made.
3. Any facts received, noticed or recognized outside of the hearing shall be stated for the record.
4. Challenges to the Hearings Body's qualifications to hear the matter shall be stated and challenges entertained.
5. The Hearings Body shall list applicable substantive criteria, explain that testimony and evidence must be directed toward that criteria or other criteria in the comprehensive plan or land use regulations that the person believes to apply to the decision, and that failure to address an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond precludes appeal to LUBA based on that issue.
6. Order of presentation:
 1. Open the hearing.
 2. Staff report.
 3. Proponents' presentation.
 4. Opponents' presentation.
 5. Proponents' rebuttal.
 6. Opponents' rebuttal may be allowed at the Hearings Body's discretion.
 7. Staff comment.
 8. Questions from or to the chair may be entertained at any time at the Hearings Body's discretion.
 9. Close the hearing.
7. The record shall be available for public review at the hearing.
8. At the conclusion of the initial evidentiary hearing, the hearing body shall

deliberate and make a decision based on the facts and arguments in the record.

9. Throughout all local land use proceedings, the burden of proof rests on the applicant.
10. Any interested person may appear and be heard in a land use action hearing, except that in appeals heard on the record, a person must have participated in a previous hearing on the subject application. Any person appearing on the record at a hearing (including appeals) or presenting written evidence in conjunction with an administrative action or hearing shall have standing and shall be a party. A person whose participation consists only of signing a petition shall not be considered a party.

F. Close of the record.

1. Except as set forth herein, the record shall be closed to further testimony or submission of further argument or evidence at the end of the presentations before the Hearings Body.
2. If the hearing is continued or the record is held open under Subsection G, further evidence or testimony shall be taken only in accordance with the provisions of Subsection G.
3. Otherwise, further testimony or evidence will be allowed only if the record is reopened under Subsection H.
4. An applicant shall be allowed, unless waived, to submit final written arguments in support of its application after the record has closed within such time limits as the Hearings Body shall set. The Hearings Body shall allow applicant at least seven days to submit its argument, which time shall be counted against the 120-day time limit for decision.

G. Continuances or record extensions.

A. Grounds.

- a. Prior to the date set for an initial hearing, an applicant shall receive a continuance upon any request if accompanied by a corresponding suspension of the 120 day limit for decision. If a continuance request is made after the published or mailed notice has been provided by the City, the Hearings Body shall take evidence at the scheduled hearing date from any party wishing to testify at that time after notifying those present of the continuance.
- b. Any party is entitled to a continuance of the initial evidentiary hearing or to have the record left open in such a proceeding in the following instances:

- i. Where additional documents or evidence are submitted by any party; or
- ii. Upon a party's request made prior to the close of the hearing for time to present additional evidence or testimony.

For the purposes of subsection (i), "additional documents or evidence" shall mean documents or evidence containing new facts or analysis that are submitted after notice of the hearing.

- c. The grant of a continuance or record extension in any other circumstance shall be at the discretion of the Hearings Body.

2. Continuances.

- a. If the Hearings Body grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial hearing.
- b. An opportunity shall be provided at the continued hearing for persons to rebut new evidence and testimony received at the continued hearing.
- c. If new written evidence is submitted at the continued hearing, any person may request prior to the conclusion of the continued hearing that the record be left open for at least seven days to allow submittal of additional written evidence or testimony. Such additional written evidence or testimony shall be limited to evidence or testimony that rebuts the new written evidence or testimony.

3. Leaving record open. If at the conclusion of the hearing the Hearings Body leaves the record open for additional written evidence or testimony, the record shall be left open for at least 14 additional days, allowing at least the first seven days for submittal of new written evidence or testimony and at least seven additional days for response to the evidence received while the record was held open. Written evidence or testimony submitted during the period the record is held open shall be limited to evidence or testimony that rebuts previously submitted evidence or testimony.

- D. [sic]A continuance or record extension granted under Section XX shall be subject to the 120-day time limit unless the continuance or extension is requested or otherwise agreed to by the applicant. When the record is left open or a continuance is granted after a request by an applicant, the time period during which the 120-day time limit is suspended shall include the time period made available to the applicant and any time period given to parties to respond to the applicant's submittal.

H. Reopening the record.

- A. The Hearings Body may at its discretion reopen the record, either upon request or on its own initiative. The Hearings Body shall not reopen the record at the request of an applicant unless the applicant has agreed in writing to a suspension of the 120-day time limit.
- B. Procedures.
 - 1. Except as otherwise provided for in this section, the manner of testimony (whether oral or written) and time limits for testimony to be offered upon reopening of the record shall be at the discretion at the Hearings Body.
 - 2. The Hearings Body shall give written notice to the parties that the record is being reopened, stating the reason for reopening the record and how parties can respond. The parties shall be allowed to raise new issues that relate to the new evidence, testimony or criteria for decision-making that apply to the matter at issue.

FINDING: These procedural requirements will be complied with during the hearing process. The Planning Commission Chair will explain the purpose of the hearing, announce the order of the hearing, allow appropriate time for all parties and remind attendees that failure to address an issue with sufficient specificity precludes appeal to LUBA based on that specific issue. The City Staff will list and review all applicable substantive criteria. The Planning Commission has been notified of the process, timing, and procedural requirements that are detailed in these sections. Throughout the review and hearing process, the City will comply with these sections, as necessary and applicable.

- 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:
 - a. 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;
 - b. 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);
 - c. A statement of where the City's decision can be obtained;
 - d. The date the decision shall become final, unless appealed; and
 - e. 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: The Notice of Quasi-Judicial Decision standards will be complied with.

- 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.
- K. Appeal of Planning Commission Decision.** The Planning Commission's decision may be appealed to the City Council as follows:
1. Who may appeal. The following people have legal standing to appeal:
 - a. The applicant or owner of the subject property; and
 - b. Any other person who testified orally or in writing during the subject public hearing before the close of the record.
 2. Appeal filing procedure. Appeals shall be filed in accordance with Chapter 15.212.

FINDING: The effective date and appeal procedures will be complied with.

Article 8 Application Types

- **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: The Applicant is requesting a Comprehensive Plan Map Amendment and Zoning Map Amendment (Zone Change) for a single property. Staff has determined the proposal will be reviewed through the quasi-judicial process as it does not rise to the level of a legislative action.

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: The proposal will be reviewed through the quasi-judicial process in accordance with Type III applications, but will be adopted by the City Council before becoming effective.

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: The proposal is for amendments to the Comprehensive Plan Map and Zoning Map (Zone Change). Consistency with the Comprehensive Plan, Statewide Planning Goals, and

relevant Oregon Administrative Rules is reviewed in findings 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 Applicant argues that a CMX zoning designation would be more appropriate than the PF Zone for the subject property due to existing development, zoning, and projected uses in the proximity. The application materials state:

The current PF Zoning is a remnant of the F-1 Deschutes County Zoning that was in place on the property when it was under Deschutes County jurisdiction (prior to City of La Pine Incorporation). Since that time, the City of La Pine became its own City, La Pine established a City Council, a Planning Commission, a Comprehensive Plan and a Development Code. Furthermore the surrounding area is developed or developing; the property to the south is zoned CRMX, the property to the north is zoned CMX and developed with a medical clinic, the area to the southeast has been improved to include the Little Deschutes Lodge, a Housing Works apartment complex and (Habitat for Humanity) single family homes. Furthermore, through recent applications the property to the east is expected to be developed with a mixed use development that include nearly 200 single family homes and a commercial corridor along Huntington Road.

The subject property is privately owned and has not been identified to accommodate any specific public need. The applicant is trying to develop the site in a manner that is consistent with the area and addresses the current market demand. The PF Zone on the privately held property does not meet the Development Code stated characteristics of the PF Zone and is inappropriate for the site (given the surrounding development pattern). The impact of the PF Zone is that the subject property is extremely limited in its developability under the PF provisions, as currently written. The current PF Zone would limit needed uses in the community, employment opportunities, impose significantly higher development costs, decrease affordability, limit creativity in design, limit the ability to address current market demands, and create buffers that far exceed a standard in urban environments.

Overall, the proposed Zone Change is in the public interest, as it allows for market demanded uses and employment opportunities, in a manner that will not place unnecessarily high costs on land, or excessively limit the uses. The CMX zone that is proposed also addresses a changed development pattern in the community, namely that the property is now in an incorporated City and surrounded by lands zoned for mixed use. Also, the land is not needed for public uses and there is a demand for CMX allowed uses in the City of La Pine.

It appears the Applicant can satisfy these criteria as it has: demonstrated a mix of uses and flexibility in design and development would be in the public interest; that the community of La Pine has changed significantly and has different needs now than when it incorporated, and; that although the current PF Zone may not be a “mistake”, it is inconsistent with the progressive development of the area in which the subject property is located. Staff accepts the Applicant’s reasoning and believes these criteria are met.

- C. The amendment must conform to Section 15.[334.050], Transportation Planning Rule Compliance; and

FINDING: Compliance with Section 15.334.050, the Transportation Planning Rule (TPR) of OAR 660-012-060, is reviewed in findings below.

- 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: Consistency with the Statewide Planning Goals is detailed in findings below under the section heading, “CONFORMANCE WITH OREGON STATEWIDE PLANNING GOALS”.

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

FINDING: Consistency with the relevant policies of the Comprehensive Plan is detailed in findings below under the section heading, “CONFORMANCE WITH CITY OF LA PINE 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;

FINDING: The Applicant submitted an Existing Conditions Plan. The plan identifies an existing sewer main extending approximately to the northeast corner of the subject property, and existing water main, an existing overhead power line, an existing communications trench, and an existing gas line, are all located within or adjacent to the right-of-way for Huntington Road. A sidewalk is developed along the frontage of the medical clinic property to the north. There is an existing overhead power line along Memorial Lane and a fire hydrant on the northwest corner of the Huntington Road and Memorial Lane intersection.

The Applicant correctly explains that in order to develop and/or divide the property in the future, those proposals will be reviewed for conformance with the La Pine Development Code. Those provisions require that adequate facilities, services, and transportation networks exist prior development of the property. If adequate infrastructure does not exist, then the applicant/developer for those proposals will be required to develop those facilities or provide suitable mitigation.

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 current PF Zone does not allow for residential uses. The proposed CMX Zone allows for a range of residential uses as well as certain commercial and institutional uses. Generally, the CMX Zone allows for a greater number of uses which could lead to more intensive use of the subject property once it is further divided and developed, therefore, this criterion applies. However, the PF Zone allows for a limited range of intensive permitted and conditional uses, such as manufacturing and production, freight movement, and waste treatment.

Many of the surrounding properties are developed or able to be developed with uses that are allowed in the CMX and CRMX Zones. No comments alleging adverse impacts were received from adjacent property owners or the general public. Given surrounding development, and the ability to more intensely develop surrounding properties, the change in zone is not anticipated to destabilize the land use pattern in the area nor is it expected to adversely affect adjacent properties.

15.334.050 Transportation Planning Rule Compliance

Proposals to amend the Comprehensive Plan or Zoning Map shall be reviewed to determine whether they significantly affect a transportation facility pursuant to Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule – TPR). Where the City, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the City shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

FINDING: The applicant has submitted a TPR analysis prepared by Transight Consulting LLC, a transportation planning firm. Consistency with the TPR and recommended mitigation is detailed in findings below under the section heading, “CONFORMANCE WITH OREGON ADMINISTRATIVE RULES”.

CONFORMANCE WITH CITY OF LA PINE COMPREHENSIVE PLAN

I. Introduction

FINDING: This chapter highlights basic information related to comprehensive plans, including the history of La Pine, the definition of a comprehensive plan, a summary of Oregon’s Statewide Planning Goals, the purpose and intent of the Comprehensive Plan, the process and the methodology, along with a summary, recommendations, and a process for amending the plan. This Introduction section of the Plan does not include any policy directives, thus does not include any elements by which measure the proposal’s conformance. Notably, through the visioning process, the City indicated that while citizens want to maintain their small-town feel, they would like to increase “the degree of basic public services and amenities for their everyday needs. These include better access to health care/hospital, increased employment opportunities, enhanced recreational opportunities and other elements common to everyday life.” (Page 11 La Pine Comprehensive Plan). The proposed Comprehensive Plan Map

amendment is intended to address at least one of the specifically stated community needs, by providing increased opportunities for employment through the creation of developable employment land.

V. Amendments to the Plan

Amendments to the La Pine Comprehensive Plan may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, add newer information, or to address changes in the law. An amendment or revision to the Plan may be initiated by the La Pine City Council, the La Pine Planning Commission, or the owner of the land, which is the subject of the proposed amendment or revision. In the case of a Council or Planning Commission initiated change, the change must be found to be consistent with all applicable State of Oregon requirements, including Oregon Revised Statutes and Oregon Administrative Rules. In the case of an owner initiated amendment to the Plan, the owner must, in addition to compliance with State laws, demonstrate that:

1. There was a mistake when the Plan designation was applied to the subject property; or,
2. The proposed change would result in a public need and benefit, and/or would result in a more efficient use of land.

FINDING: The Comprehensive Plan was drafted to understand and expect that the planning of a city adapts and changes to meet new circumstances and opportunities, necessitating amendments to the Plan, including the Comprehensive Plan map. This section establishes that an applicant-initiated amendment, as is the case here, requires that the Applicant demonstrates that either there was a mistake in the plan designation, or the amendment would result in a more efficient use of the land and/or result in a public benefit. In addition, the Applicant must demonstrate compliance with all applicable State laws.

The Applicant has addressed the applicable sections of the ORS, OAR, Comprehensive Plan, and documented that the proposed change will benefit the public and result in a more efficient use of the land. These criteria are reviewed and discussed throughout this report.

Chapter 1 – Community Characteristics

FINDING: After detailing the history of La Pine, from demographics, to development groups, and land use patterns, this chapter goes on note that, “These historic types of land uses do not currently support sustainability and the reduction of vehicle miles travels.” (Page 19 – 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
- Opportunities for additional tourism support services and activities

- Reduce reliance on energy consumption in an effort to make the community energy neutral.

The requested Comprehensive Plan Map Amendment and Zone Change is the first step to entitle the subject property for future development. If the entitlement process is successful, the Applicant has stated their intent to proceed with the development the property in a timely manner. A range of development opportunities exist if the property were to be zoned CMX, including employment opportunities and the provision of a neighborhood commercial services node. Existing residential uses, planned residential developments, and schools are all in close proximity to the site. With a variety of uses possible on the site, it could contribute to reducing vehicle miles traveled and reducing energy consumption. The proposal is in alignment with the goals and policies of this chapter.

Chapter 2 – Citizen Involvement Program

FINDING: This chapter addresses Statewide Planning Goal 1 and identifies the State rules related to citizen involvement, along with the community’s purpose and intent for citizen involvement. Furthermore, this chapter identifies issues and goals, policies and programs, establishes roles and responsibilities, and establishes Citizen Advisory Committees, including the Planning Commission. As outlined in above sections, notice of this application has been publicized and hearings will be held before the Planning Commission and City Council. Compliance with notification and public involvement requirements will be ensured by the compliance with the La Pine Development Code procedures throughout the review process.

Chapter 3 – Agricultural Lands

FINDING: This chapter addresses agricultural lands. The subject property is not identified as agricultural land; therefore, this chapter does not apply.

Chapter 4 – Forest Lands

FINDING: This chapter addresses forest lands. The subject property is not identified as forest land; therefore, this chapter does not apply.

Chapter 5 – Natural Resources and Environment

FINDING: This chapter addresses Statewide Planning Goals 5, 6, and 7, which in turn address: natural resources; scenic and historic areas; open space; air, water, and land resources; and natural hazards. The subject property contains no identified Goal 5 resources, has no known natural hazards (e.g. floodplain), and the amendment itself would not have any impact to air, water, or land resource qualities. Since no known natural resource or environmental concerns are present, the proposal appears to be in alignment with the goals and policies of this chapter.

Chapter 6 – Parks, Recreation, and Open Space

FINDING: This chapter addresses Statewide Planning Goal 8, which in turn address recreational needs. The La Pine area benefits from the La Pine Park District’s Comprehensive Plan that identifies the primary services, facilities, programs, and direction provided by the District, and provides a master plan to guide the acquisition and development of park facilities. It is noted that the Park District owns the property to the northwest of the subject property, tax lot 700. The subject property has not been identified as being needed to meet park, recreation, or

open space needs for the City. Therefore, the proposed amendment is in alignment with the goals and policies of this chapter. Review and assessment of future development or subdivision of the property may include the need for the developer to provide or financial contribute towards park and/or open space in conformance with the La Pine Development Code.

Chapter 7 – Public Facilities and Services

FINDING: This chapter addresses Statewide Planning Goal 11, which requires local governments to plan for and develop public facilities and services (e.g. transportation, water, sewer, etc.). Transportation impacts in association with the proposed amendment are reviewed specifically in other sections of this report. Impacts to public facilities associated with development and/or subdivision of the subject property will be assessed during review of those proposals in conformance with the La Pine Development Code.

Chapter 8 – Transportation

FINDING: This chapter addresses Statewide Planning Goal 12, which in turn addresses planning for a safe, convenient, and economic transportation system. In addition to the La Pine Comprehensive Plan, Development Code, and Transportation System Plan, transportation must be planned in compliance with relevant state requirements, including the Transportation Planning Rule (OAR 660-012). Assessments of conformance with these requirements are included in this report. Additionally, review and assessment of future development or subdivision of the property will include determining the limit and extent of impacts to the transportation system, and if improvements and/or mitigation measures are required.

Chapter 9 – Economy

FINDING: This chapter addressed Statewide Planning Goal 9, which in turn addresses planning for and providing opportunities for economic development. In support of its proposal, the Applicant states:

The proposed Comprehensive Plan Map Amendment and Zone Change will allow for an integrated design, a Mixed Use area, and the continuation of the downtown core. The allowance of both commercial and residential uses (both allowed in the CMX Zone) along with the anticipated integrated community to the east, will contribute to a complete community area as desired in this chapter. This chapter further provides reasons why La Pine is desirable for economic development, it identifies key industrial areas, commercial areas, addresses mixed-use areas, drivers of the economy, existing conditions, trends statistics industries and employers, along with desired industries. Beyond those elements, the chapter provides details of land inventory and needs. Ultimately, the chapter concludes that there is an adequate supply of employment lands within the City to meet the 20-year need.

This chapter also specifically addresses Commercial/Mixed Use opportunities; noting “There are many opportunities to add commercial or mixed use zone designations to various area[s] throughout the community in an effort to balance neighbor[hood]s and improve mixed uses as well as deepen existing areas so redevelopment can easily accommodate new commercial centers” (La Pine Comprehensive Plan, Page 113).

“... 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*

The subject property, situated on the west side of town, is located away from the primary Highway 97 commercial strip. There is a developed residential area nearby, along with anticipated future residential, in addition to the St. Charles Medical clinic, a senior center, the Little Deschutes Lodge, and the school campus. Other surrounding properties are undeveloped but planned for residential and/or commercial uses. The proposed Comprehensive Plan Map Amendment and Zone Change will enhance and broaden the community base in this area, and provide the potential for a variety of services to the existing and future residential uses, enhancing the “complete community” concept in this area of town, in accordance with this chapter.

In addition, one policy specifically states (p. 115):

Frequent updates to the inventories may be required in response to redevelopment, proposed zone changes, mixed-use development techniques and planned unit developments that enable “Complete Neighborhood” concepts and economic development opportunities.

The Applicant’s above statements are acceptable in demonstrating conformance with the goals and policies of this chapter.

Chapter 10 – Housing

FINDING: This chapter addresses Statewide Planning Goal 10, which requires planning to provide housing for both existing citizens and anticipated growth. Some of the relevant housing policies include (pp. 139-143):

- It is necessary to accommodate growth and provide mechanisms to ensure that a variety of housing options for all income levels are available in both existing and new residential areas.
- Residential developments shall be located in close proximity to employment and shopping opportunities.
- The community should maintain the feel of a small community through careful design of new and redeveloping residential areas. Mixed-use and “Complete Neighborhood” design techniques can accomplish this objective.
- A range of housing types, including housing for the elderly, disabled, developmentally challenged and low-income citizens of the community should be dispersed throughout those residential neighborhoods, which are close to schools, services, parks, shopping and employment centers rather than concentrating these dwellings in just a few areas.
- A lack of particular housing choices create traffic congestion as people commute from one community to another, increase costs for businesses related to employee travel time, employee absences, unnecessary street expansions and parking demand, reduced mobility for certain disadvantaged groups, and unnecessary community subsidy to remedy these and other impacts.

The proposed CMX Zone allows for a wide range of both commercial and residential uses. Included in the allowable residential uses are single-family dwellings, duplexes, townhomes, multifamily development, manufactured dwellings parks, residential care homes, and other residential use categories. If the Plan Amendment and Zone Change are approved, it would allow the subject property to be developed with a range of residential development and housing options, in alignment with the policies of Chapter 10.

Chapter 11 – Energy Conservation

FINDING: This chapter addresses Statewide Planning Goal 13, which in turn addresses conserving energy. It focuses on transportation, urban development patterns, and energy supply. The policies encourage land use patterns for greater residential development where appropriate, taking advantage of energy-saving design, energy production, and encouraging energy savings in the form of multimodal transportation options.

Transportation is addressed in detail in other sections of this report. The relevant policies in this chapter will be applied to future development and/or subdivision of the property as implemented in the La Pine Development Code.

Chapter 12 – Urbanization

FINDING: This chapter addresses Statewide Planning Goal 14, which requires cities to provide for an orderly and efficient transition from rural to urban land uses, accommodate urban population and urban employment inside urban growth boundaries, ensure efficient use of land, and provide for livable communities. The chapter discusses land inventories and assessments, including residential land needs and supply, commercial lands, and land for transportation and public facilities. The chapter concludes that lands supplies within the UGB are of a sufficient quantity.

Some of the relevant policies in this chapter include (pp. 164-165):

- Land use patterns shall enhance the development of “Complete Neighborhoods” and development regulations should promote the following principles:
 - 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;
 - ...
 - 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;
- The need for new mixed-use areas within the City shall be explored on an as needed basis for the purpose of furthering the Complete Neighborhood planning concepts envisioned by the Plan.

In support of its proposal, the Applicant states:

The property is situated on the west side of town away from the primary Hwy 97 strip of commercially zoned and developed properties. There is a developed residential area nearby along with a medical clinic, a senior center, the Little Deschutes Lodge and the school campus. Furthermore, the property to the east [is] planned to accommodate residential development. The planned Comprehensive Plan Map Amendment, Zone Change, and future mixed uses will enhance and broaden the community base in this area and provide for a variety of services to the existing and future residential uses, enhancing the “complete community” concept in this area of town, in accordance with these policies.

The proposal appears to be in alignment with the relevant policies of this chapter.

CONFORMANCE WITH OREGON ADMINISTRATIVE RULES

As noted above, Oregon Administrative Rules (OAR) have been developed by the Department of Land Conservation and Development (DLCD). The City of La Pine has developed a land use program that is based upon the adopted OARs. The City of La Pine local land use program includes the Comprehensive Plan, along with implementing ordinances included the La Pine Development Code (LPDC). DLCD has reviewed the Comprehensive Plan and implementing ordinances and “acknowledged” them as being consistent with the OAR and Statewide Planning Goals. The review process for the proposed Comprehensive Plan Map amendment considers the proposed amendment’s compliance with the acknowledged Comprehensive Plan and implementing ordinances, thus conformity with applicable OARs is understood.

The Administrative Rules that apply to this application include:

- 660-012 Transportation Planning Rule (TPR)
- 660-015 Oregon Statewide Planning Rule

OAR 660-015 is addressed in the section “CONFORMANCE WITH OREGON STATEWIDE PLANNING GOALS” below.

OAR 660-012, Transportation Planning

660-012-0060 Plan and Land Use Regulation Amendments

(1) If 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, then 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. 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) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the

amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) 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 standards 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 standards identified in the TSP or comprehensive plan.

FINDING: The applicant has submitted a TPR analysis and subsequent supporting documentation prepared by Transight Consulting LLC, a transportation planning firm, and is incorporated herein by reference. The findings of the TPR analysis conclude that the Plan Amendment and Zone Change would affect an existing transportation facility. Details of appropriate mitigation under the Transportation Planning Rule will be provided at the public hearing.

CONFORMANCE WITH OREGON STATEWIDE PLANNING GOALS

There are 19 Statewide Planning Goals that express Oregon’s land use policies. Each local government throughout Oregon, including the City of La Pine, must adopt a Comprehensive Plan to implement the Statewide Planning Goals. The City of La Pine has adopted the La Pine Comprehensive Plan and as detailed below, the proposed Comprehensive Plan Map Amendment and Zone Change conform to all applicable policies and other elements of that plan. Additionally, the City of La Pine has adopted local land use regulations including the La Pine Development Code to implement the policies of the Comprehensive Plan. The Applicant’s request and application conform to the approval criteria of the applicable ordinances, and it is consistent with the relevant policies of the Comprehensive Plan; therefore, the proposal is consistent with the relevant Statewide Planning Goals.

Of the 19 Statewide Planning Goals, Goals 1, 2, 9, 11, and 12 are relevant for additional discussion in this Comprehensive Plan Map Amendment and Zone Change. All other goals have been determined to either not apply to this application or are clearly satisfied through the City’s acknowledged Comprehensive Plan and local land use regulations. Regardless of the above, several other goals are addressed below in order to mitigate any improbable future finding that one or more of these goals apply to the proposal.

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.”

FINDING: The request includes a quasi-judicial review process, so ensuring the opportunity for citizen involvement is necessary.

Compliance with Goal 1 is achieved through Chapter 2, Citizen Involvement Program of La Pine's Comprehensive Plan and through the process procedures that have been adopted in the La Pine Development Code (LPDC). The City Council adopted the procedures in the LPDC, which has been acknowledged by the Land Conservation and Development Commission (LCDC). The adopted LPDC contains provisions to ensure an appropriate level of citizen involvement is achieved for the application type.

The City sent notice of the public hearings to all property owners within 250 feet of the property, the property owner, the Applicant, the Planning Commission and the Crescent Creek Homeowners Association, etc. In addition to mailed notice, public notice was published in the local newspapers (*Wisebuys*) in the 5/5/20 weekly edition. The notices informed citizens about the hearing and indicated that any interested parties may participate by submitting written or verbal testimony. The Applicant submitted an application form and stated their understanding that any public hearings before the Planning Commission and the City Council will be noticed and held in conformance with the public involvement procedures in the LPDC. These adopted procedures will therefore ensure consistency with Statewide Planning Goal 1.

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.”

FINDING: Goal 2 is relevant because the proposal for a Comprehensive Plan Map Amendment and Zone Change includes a planning review and recommendation, which must have a factual basis. The proposal has been reviewed in accordance with the planning processes and policies that were established in the acknowledged local land use regulations: the La Pine Comprehensive Plan and La Pine Development Code. The proposed Comprehensive Plan map amendment has followed the established local planning process and will neither alter the process for administration of the local land use regulations, nor the acknowledged procedural requirements (which ensure a factual base for all decisions). By following the adopted procedures, the review of the proposal will be consistent with Statewide Planning Goal 2.

Goal 3, Agricultural Lands

FINDING: Goal 3 is not applicable because the subject property is within the La Pine Urban Growth Boundary and intended for urban development. It is not agricultural land that requires additional protection pursuant to Goal 3.

Goal 4, Forest Lands

FINDING: Goal 4 is not applicable because the subject property is within the La Pine Urban Growth Boundary and intended for urban development. It is not forest land that requires additional protection pursuant to Goal 4.

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

FINDING: Pursuant to Goal 5, cities are required to establish inventories and adopt protections for natural, scenic, and historic areas along with open spaces. The City of La Pine has conducted the required process and the subject property has not been identified as a Goal 5 area, thus Goal 5 is not applicable to the current proposal.

Goal 6, Air, Water and Land Resources

FINDING: Goal 6 is not applicable because the proposal only amends the Comprehensive Plan Map and Zoning Map; it does not include development and will not have any impacts on air, water or land resources. Through future development applications, the Applicant will be required to demonstrate that sewage treatment and water service will be supplied in accordance with the adopted design standards, thus maintaining water and land resource quality on and around the property. Additionally, there are no streams or other water resources in the vicinity that would be adversely affected by future development. For the above stated reasons, the Goal 6 is not applicable to the current proposal.

Goal 7, Areas Subject to Natural Hazards

FINDING: The intent of Goal 7 is to protect people and property from the dangers of natural disasters. The proposal does not include any development and the property is not subject to significant natural hazards, including those identified under Goal 7. The site is not within the 100-year flood plain of the Little Deschutes (or another waterway), there are no known geologic faults in the area, and the earthquake hazard is considered to be moderate. There is no designation of the property that make it more of a hazard than other properties in the area, thus the proposal is consistent with this goal and additional assessment is not necessary.

Goal 8, Recreational Needs

FINDING: The property is not designated for a recreational purpose or a destination resort within the Comprehensive Plan, other community plans, or any implementing ordinances. The adopted long-range planning efforts do not identify the property as necessary to meet recreational needs of the City, thus the requested amendment does not conflict with this statewide planning goal and additional assessment is not required.

Goal 9 – Economic Development, “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”

FINDING: The request is to change the Comprehensive Plan designation and zone of the subject property from its current Public Facilities (PF) designation to Commercial Mixed-Use (CMX). This request is the first step to entitle the property for a range of uses; additional steps will include Site Plan Reviews for development of the property and Tentative Plan reviews for subdivision of the property. The Comprehensive Plan Map Amendment, Zone Change, and subsequent steps will result in development occurring on the site and will add Economic Lands to the City, which will improve economic opportunities in La Pine, in conformance with this goal.

Goal 10 – Housing, “To provide for the housing needs of Citizens of the state.”

FINDING: The requested map amendment does not add or remove residential lands from the La Pine Urban Growth Boundary, thus will not impact the availability of residential lands or Goal 10. Therefore, this goal is not applicable. Although this goal is not applicable, the Applicant noted that the proposed designation, Commercial Mixed-Use (CMX) includes a wide range of allowable uses, including the potential for residential uses. If the land was ultimately developed with a residential component, the property could increase the availability of residential lands in La Pine, which would contribute to an increased supply of housing lands, and improved consistency with the goal. Thus, because the proposal potentially adds to the residentially developable lands (if developed as a mixed-use development), and because the proposal is

being reviewed in accordance with the City of La Pine implementing ordinances, the proposal is consistent with this Statewide Planning Goal.

Goal 11- Public Facilities and Services, “To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”

FINDING: OAR 660-011 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...” The most recent July 1, 2019 Portland State University population forecast for La Pine documents a population of 1,900. The population is less than 2,500; therefore, this goal does not apply to La Pine at this time. However, as part of the site planning process, the Applicant will be required to demonstrate the ability to serve the property with adequate public facilities for the proposed uses.

Goal 12 – Transportation, “To provide and encourage a safe, convenient and economic transportation system.”

FINDING: Goal 12 is implemented through the Transportation Planning Rule, OAR 660-12-0060, in addition to local land use regulations. The Applicant submitted a TPR analysis, which is incorporated herein by reference. As discussed under the TPR section above, the analysis and subsequent documentation states that the requested Comprehensive Plan Map Amendment and Zone Change will impact a transportation facility. Details of appropriate mitigation under the Transportation Planning Rule will be provided at the public hearing.

In regards to the local land use regulations, the City of La Pine has adopted a Transportation System Plan (TSP) and the La Pine Development Code; conformance with these documents ensures compliance with Goal 12. The La Pine Development Code includes requirements that transportation capacity exists, or be provided, in association with new developments and/or land division and that it be consistent with the TSP. The application and review processes that will occur in association with future development will further ensure compliance with Goal 12.

Detailed review of future development’s compliance with the transportation requirements of the La Pine Development Code and the TPR analysis (with appropriate mitigation) therefore provides the consistency with this Statewide Planning Goal.

Goal 13 Energy – “To conserve energy.”

FINDING: The proposal does not include any development, energy production, or energy consumption elements. Because no development is planned, this goal is not relevant to the proposed Comprehensive Plan Map Amendment and Zone Change, as the proposal will not have an impact on energy conservation.

Goal 14 Urbanization – “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.”

FINDING: Goal 14 requires local governments 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. The subject property is located

within the urbanized city limits and the proposal will facilitate future development that will use existing public facilities and services (which will be reviewed in subsequent site development applications) in an efficient and functional land use pattern. Given that the proposal does not expand the urban growth boundary, this goal is not relevant to the proposed amendment.

Goals 15 through 19

FINDING: These goals only pertain to areas in western Oregon and are not applicable for this application.

IV. CONCLUSION AND RECOMMENDATION:

Based on the above findings, the Applicant has demonstrated, with the suggested conditions of approval, that the request to amend the Comprehensive Plan Map and a Zoning Map to change the designation and zone of the subject property from Public Facility (PF) to Commercial Mixed-Use (CMX) meets all applicable approval criteria. Staff recommends that, after public hearings and review, the Planning Commission and City Council approve the proposed amendments as conditioned.

Conditions of Approval:

Details of appropriate mitigation under the Transportation Planning Rule will be provided at the public hearing. This mitigation will be recommended as a condition of approval.

CITY OF LA PINE PLANNING DIVISION

Addendum to Staff Report

Plan Amendment/Zone Change: File Nos. 03CA-19 & 03ZP-19

Addendum Part 1

As noted in the staff report, mitigation under the Transportation Planning Rule is necessary due to the finding of a significant impact associated with the proposed rezone of the subject property (4.70 acres) located on the west side Huntington Road immediately north of Memorial Lane.

As outlined within the December 13, 2019 analysis submitted by the applicant, recent development, coupled with increasing traffic from the west side of Huntington Road results in the Huntington Road/Memorial Lane intersection exceeding the City's adopted performance thresholds in the year 2032 planning horizon.

Section (2) of the Transportation Planning Rule section on Plan and Land Use Regulation Amendments (OAR 660-12-0060) includes five options to mitigate the finding of a significant impact:

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if the provider of the affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect,

providers at other locations being improved provide written statements of approval, and the local jurisdiction provides written statements of approval.

FINDING: In accordance with option (d), capacity improvements can be provided at the Huntington Road/Memorial Lane intersection, in the form of a roundabout. The Applicant requested that “a pro-rata funding be applied toward the intersection needs” and provided a proposed conditions of approval:

- *Right-of-way at the Huntington Road/Memorial Lane intersection should be provided to the City of La Pine (or other parties responsible for its construction) to support the preferred long-term intersection capacity treatment.*
- *A pro-rata payment should be provided to the City of La Pine as part of future development applications. This should be based on a total projected volume of 1,108 weekday p.m. peak hour trips with the rezone, with the subject property contributing up to 82 more trips in a comparative “worst-case” development scenario (for a total of 126 weekday p.m. peak hour trips).*
 - *Roundabout improvement cost of \$2,200,000*
 - *Rezone Contribution of 7.4% (+82 / 1,108 PM trips)*
 - *Rezone Cost of \$162,816*
 - *Per Trip fee of \$1,292.19 (\$162,816 / 126 total PM trips)*

The City Engineer has reviewed and accepts the methodology for determining the pro-rata share. In addition, staff recommends that the condition of approval require an escalation factor for inflation, as the contribution will be paid overtime, at the time of building permits. Accordingly, staff recommends the following revised conditions of approval are:

- **Prior to receipt of a building permit, all development on the subject property must submit to the City of La Pine a payment of \$1,292 per PM peak hour trip, which amount shall increase on the first day of each calendar year by an amount proportionate to the yearly change in the Consumer Price Index for All Urban Consumers for the West Region, as published by the U.S. Bureau of Labor Statistics.**
- **Prior to issuance of any land use approvals or building permits on the subject property, applicant must execute a deed of dedication acceptable to City that dedicates right-of-way to the City of La Pine sufficient to accommodate a 200-foot diameter roundabout, measured from the current intersection of the centerlines of Huntington Road and Memorial Lane.**
- **Within 30 days after this decision becomes final, and prior to issuance of any land use approvals or building permits on the subject property, applicant must record a conditions of approval agreement acceptable to City to memorialize the conditions of approval applicable to development on the subject property and provide record notice of such conditions to future owners.**

Addendum Part 2

A public comment letter was submitted by the Housing Land Advocates and Fair Housing Council of Oregon, encouraging additional findings for Goal 10 (Housing). The City's Comprehensive Plan (p. 135), based on the City's acknowledged Housing Needs Analysis and Buildable Lands Inventory, concludes that the City has an existing surplus of residentially designated lands and the proposed amendment has no effect on the City's supply of residentially designated lands.

Additional Goal 10 FINDING: The PF zone does not allow for residential uses and such lands are not identified as available for residential development under either the Housing Needs Analysis or Buildable Lands Inventory, which have been acknowledged and reveal a surplus of lands available for residential development. Accordingly, changing the zoning designation of the subject property from PF to CMX has no impact on the City's inventories of lands available for residential development. Because the CMX zone allows for residential uses, the proposed zone change in fact expands opportunities for residential development. Because the zone change has no impact on the City's ability to provide for housing, the proposal complies with Goal 10.

Exhibit C
Conditions of Approval

[attached]

CITY OF LA PINE PLANNING DIVISION

File Nos. 03CA-19 & 03ZP-19: *Conditions of Approval*

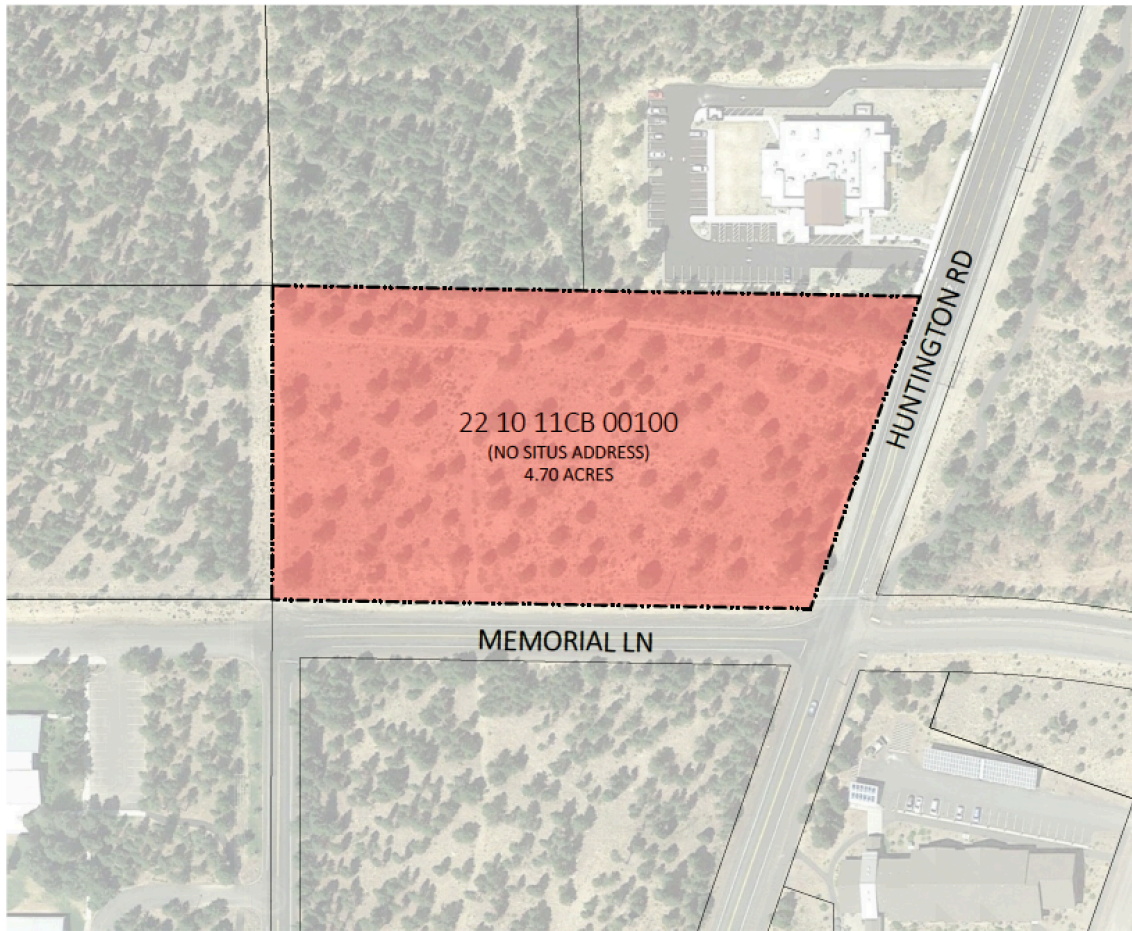
Based upon the submitted application package and staff report, the following revised conditions of approval for the above referenced file numbers are:

- As a condition to building permit issuance, all development on the subject property must submit to the City of La Pine a payment of \$1,292 per PM peak hour trip generated by the development subject to the building permit as determined by City, which amount shall increase on the first day of each calendar year by an amount proportionate to the yearly change in the Consumer Price Index for All Urban Consumers for the West Region, as published by the U.S. Bureau of Labor Statistics.
- Prior to issuance of any land use approvals or building permits on the subject property, applicant must execute a deed in a form acceptable to City that dedicates right-of-way to the City of La Pine sufficient to accommodate a 200-foot diameter roundabout, measured from the current intersection of the centerlines of Huntington Road and Memorial Lane.
- Within 30 days after this decision becomes final, and prior to issuance of any land use approvals or building permits on the subject property, applicant must record a conditions of approval agreement acceptable to City to memorialize the conditions of approval applicable to development on the subject property and provide record notice of such conditions to future owners.

Exhibit D
Amended Zoning Map

[attached]

AMENDED ZONING MAP FOR SUBJECT PROPERTY



LEGEND



PROPERTY BOUNDARY

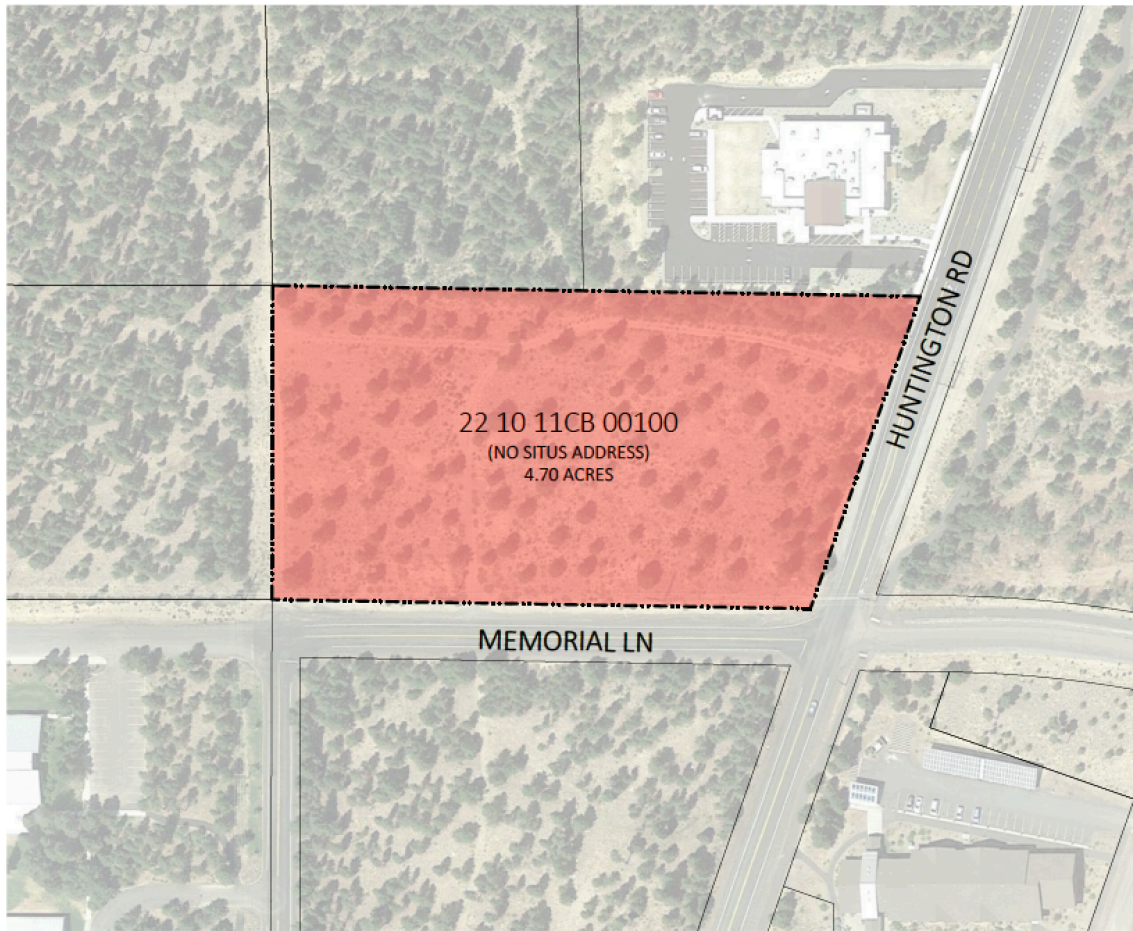


AMENDED ZONE - CMX (MIXED USE COMMERCIAL)

Exhibit E
Amended Comprehensive Plan Map

[attached]

AMENDED COMPREHENSIVE PLAN MAP FOR SUBJECT PROPERTY



LEGEND



PROPERTY BOUNDARY



AMENDED COMPREHENSIVE PLAN MAP DESIGNATION
(CMX - COMMERCIAL MIXED-USE)



CITY OF LA PINE

STAFF REPORT

Meeting Date: June 16, 2020
TO: La Pine City Council
FROM: Melissa Bethel, Staff
SUBJECT: Gas Tax Discussion Revisited

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 type="checkbox"/> | Formal Motion | <input checked="" type="checkbox"/> | Other/Direction: |

Councilors:

Over the last year the Council made a decision to place a 3-cent gas tax on the November 2020 ballot. However, when COVID-19 impacted our Country, the economic impact was unknown and Council made the decision to delay the ballot measure. Although we are still unclear as to what impact the virus will have on our Community, staff is offering the Council one last opportunity to discuss whether or not it is appropriate to put the 3-cent gas tax back on the ballot for November.

Construction has not slowed; travel and the job market are all starting to see increases. I have attached the gas tax referral memo again for your review. If Council agrees to move forward, we would need to adopt the gas tax Ordinance fairly quickly at a special meeting.

Memorandum

To: Melissa Bethel, City Manager

From: Jeremy M. Green and Katie Clason, Bryant, Lovlien, & Jarvis, P.C.

Date: October 8, 2019

Re: City of La Pine – Gas Tax Referral Procedures

Brief Background

The La Pine City Council (the “council”) desires to impose a tax on vehicle fuel sold within City of La Pine (“City”). Under ORS 319.950, a gas tax requires voter approval. There are no special state-imposed procedural requirements applicable to a gas tax ballot referral other than electoral approval. This memorandum summarizes the legal procedures applicable to implementation of a gas tax to be considered at the November 3, 2020 general election. This memorandum is not intended to be exhaustive.

Procedure

The dates below include an approximately 30-day buffer to provide adequate time for the council to refer the ballot to the voters. Additionally, because a tax ordinance may not be adopted by emergency, the council should target adopting the gas tax ordinance in June 2020.

1. The council refers a ballot measure to the voters via council resolution. Once the council adopts the resolution, the ballot measure referral text is filed with City’s elections official (i.e., the city recorder). Assuming a 30-day buffer for the November 3, 2020 election, this step must be completed no later than Wednesday, July 15, 2020.
2. The elections official forwards a copy of the referral text to the city attorney for preparation of the ballot title the next business day after the elections official receives the referral text (i.e., Thursday, July 16, 2020). The ballot title is then filed with the elections official for publication (a copy is to be provided to the council). This step must be completed no later than the fifth business day after the city attorney receives the referral text. Thus, if the council adopts the resolution and files the referral text with the city elections official on Wednesday, July 15, 2020, this step must be completed no later than Thursday, July 23, 2020.

Generally, we (the city attorney’s office) prepare the ballot title in advance of the council’s approval (as opposed to preparing the ballot title after we’ve received the referral from the city elections official). This is a more efficient process than waiting for the council to approve the referral and then drafting the ballot title language. The ballot title consists of a caption describing the subject of the referral, a question plainly phrasing the main purpose of the referral, and a summary describing the major effect of the referral.

3. After receiving the completed ballot measure, the city elections official must publish the ballot title in the next available edition of a newspaper of general circulation. Notice may also be published on City’s website for seven days.
4. Any registered voter who is dissatisfied with the ballot title may petition the circuit court for review. The challenge period is seven business days after the ballot title is filed. The city elections official must be notified within a day of any petition being filed in circuit court challenging the ballot title.
5. If no challenge is filed within the seven-day period, the city elections official must file the referral text (along with the final ballot title and explanatory statement) with the Deschutes County Clerk (on the eighth

business day, preferably). In connection with this filing, the City must file Form SEL 802 “Notice of Measure Election – City” along with the explanatory statement. This step must be completed no later than Tuesday, August 4, 2020.

6. The county elections official will then assign a ballot measure number. The ballot measure will then be submitted to the electors on November 3, 2020.

Additional Considerations

1. Political Advocacy. Restrictions on political advocacy for a ballot measure referred by a governing body are triggered as soon as the measure is certified to the ballot. A city measure is “certified” when the elections official files the referral with the county election office. Elected officials are not subject to the prohibitions found under ORS 260.432 concerning political advocacy.

For practical purposes, this means that the council (or a political action committee) will primarily be responsible for advocacy relating to the referral. Councilors may advocate for or oppose a particular ballot measure. An elected official may not, however, request a public employee, whether the public employee is on or off duty, to perform any political activity.

2. Material Produced by Governing Bodies. Political materials produced by public employees while on the job during work hours must be impartial. The Oregon Secretary of State, Elections Division, will review materials prior to publication to ensure compliance with the impartiality requirement. Approval by the Elections Division provides a safe harbor for compliance with ORS 260.432.

If material is submitted to the Elections Division and approved in writing, there will be no violation of ORS 260.432 provided the printed material does not deviate from the approved material. The Elections Division will complete the review process within five business days of the submission of the material. The Elections Division’s response will either state that the document is acceptable as submitted or provide recommendations about how to make the document more impartial. The jurisdiction may re-submit the material with incorporated changes as many times as is necessary.



Date:	May 21, 2020
To:	Tammy Wisco
From:	Joe Bessman, PE
Project Reference No.:	1353
Project Name:	Memorial Lane Rezone



The purpose of this memorandum is to identify potential mitigation options for the finding of a significant impact associated with the proposed rezone of the 4.70-acre parcel located on the west side of Huntington Road immediately north of Memorial Lane. As outlined within the December 13, 2019 analysis the inclusion of trips from the master planned Reserve in the Pines development and recently constructed affordable housing project coupled with increasing traffic from the west side of Huntington Road results in the Huntington Road/Memorial Lane intersection exceeding the City’s adopted performance thresholds in the year 2032 planning horizon.

Within Section (2) of the Transportation Planning Rule section on Plan and Land Use Regulation Amendments (OAR 660-12-0060) there are five options available to mitigate the finding of a significant impact:

- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
- (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
- (c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- (d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.
- (e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if the provider of the affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, providers at other locations being improved provide written statements of approval, and the local jurisdiction provides written statements of approval.

Consistent with option (d), there are two mitigation measures that were identified within the traffic study, either of which could address this finding of a significant impact:

- Crescent Creek Drive could be extended south to 1st Street. By providing a direct connection to 1st Street there are less conflicting westbound left-turns at Memorial Lane, allowing the intersection to operate acceptably.
- Capacity improvements could be provided directly at the Huntington Road/Memorial Lane intersection in the form of a traffic signal or roundabout. Based on discussions with City staff and the City's draft Capital Improvement Program list the preference at this location is for a roundabout. This is expected to be a recommendation of the on-going Wickiup Refinement Plan that is currently underway.

In addition to these mitigation options of constructing "minor" transportation improvements, Option (b) also allows this finding of a significant impact to be mitigated through updates to the draft plans. If the City adopts the draft recommendation to include a roundabout at the Huntington Road/Memorial Lane intersection through its Capital Improvement Program or as part of the Wickiup Refinement Plan along with a funding mechanism (such as a Transportation System Development Charge) this would also constitute adequate mitigation for the finding of a significant impact and future contributions of development would help to pay for these improvements. However, these plans are not adopted at this time, and if approved by the City would likely not be adopted until early fall 2020.

No development of the subject property is proposed at this time, nor is any development anticipated prior to 2021. In addition, while the rezone provides the potential to increase trips on the transportation system the rezone without a commensurate development application provides no additional impacts. To provide an equitable and scaled mitigation measure that contributes to the area's long-term needs, the following is recommended as a condition of rezone approval:

Option 1: Initiate a Trip Cap

If a trip cap were initiated on the property at a level that allowed the intersection of Huntington Road/Memorial Lane to operate acceptably the finding of a significant impact would not occur as shown in the "worst-case" scenario. Based on a sensitivity analysis of year 2032 conditions, this trip cap should be established at 90% of the "worst-case" trip generation scenario, or 113 net new weekday p.m. peak hour trips. The following conditions could support compliance with the TPR:

- To eliminate the finding of a significant impact, the subject property should be limited to generate no more than 113 weekday p.m. peak hour trips. At this level of trips the intersection is shown to operate acceptably per City of La Pine standards. This "trip cap" should be enforced through submittal of a debiting letter with any subsequent land use applications as an enforceable, ongoing requirement as allowed within subsection (1)(c).
- In order to remove the trip cap, one of the following will be required:
 - Capacity improvements must be installed at the intersection by the applicant or others. With installation of capacity improvements (such as a traffic signal or roundabout) the finding of a significant impact will be mitigated.
 - The City of La Pine must amend its Transportation System Plan and/or Capital Improvement Plan to identify the need for capacity improvements at the Huntington Road/Memorial Lane intersection. In addition, a funding plan or mechanism must be established to ensure that the improvement is provided by the end of the planning period. This is satisfied with the inclusion of the project on an SDC or similar list.

- Right-of-way at the Huntington Road/Memorial Lane intersection should be provided to the City of La Pine (or other parties responsible for its construction) to support the preferred long-term intersection capacity treatment.

As the trip cap “may diminish or completely eliminate the significant effect of the amendment” a pro-rata or other type of funding would be unnecessary with the rezone application.

Option 2: Provide “Other Measures as a Condition of Development”

Subsection (2)(d) of the TPR allows “Other measures as a condition of development or through a development agreement or similar funding method, including but not limited to transportation system management measures or minor transportation improvements. As the installation of a traffic signal at the intersection could cost approximately \$500,000 (with turn lane widening) and a roundabout could cost \$2,200,000, either project serves a more regional purpose and would be unfairly applied to the subject property. As an “other measure or condition” it is requested that pro-rata funding be applied toward the long-term intersection needs. The following conditions could support compliance with the TPR:

- Right-of-way at the Huntington Road/Memorial Lane intersection should be provided to the City of La Pine (or other parties responsible for its construction) to support the preferred long-term intersection capacity treatment.
- A pro-rata payment should be provided to the City of La Pine as part of future development applications. This should be based on a total projected volume of 1,108 weekday p.m. peak hour trips with the rezone, with the subject property contributing up to 82 more trips in a comparative “worst-case” development scenario (for a total of 126 weekday p.m. peak hour trips).
 - Roundabout improvement cost of \$2,200,000
 - Rezone Contribution of 7.4% (+82 / 1,108 PM trips)
 - Rezone Cost of \$162,816
 - Per Trip fee of \$1,292.19 (\$162,816 / 126 total PM trips)
- In order to remove the trip cap, one of the following will be required:
 - Capacity improvements must be installed at the intersection by the applicant or others. With installation of capacity improvements (such as a traffic signal or roundabout) the finding of a significant impact will be mitigated.
 - The City of La Pine must amend its Transportation System Plan and/or Capital Improvement Plan to identify the need for capacity improvements at the Huntington Road/Memorial Lane intersection. In addition, a funding plan or mechanism must be established to ensure that the improvement is provided by the end of the planning period. This is satisfied with the inclusion of the project on an SDC or similar list.

This Option could be beneficial to the project should development levels beyond the trip cap be desired by the applicant prior to the City amending its Transportation System Plan or should future plans exclude this specific project from its finance plan. The City would need to find that the payments would adequately offset the impact of the proposed rezone.

NEXT STEPS

I trust that these supplemental materials provide the City of La Pine with adequate information to show that the proposed rezone complies with the transportation planning rule. Please let me know if you have any additional questions or comments at (503) 997-4473 or via email at joe@transightconsulting.com.

Attachments: Level of Service Worksheets

Intersection												
Int Delay, s/veh	7.9											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕		↕	↕		↕	↕	
Traffic Vol, veh/h	28	12	25	97	9	34	28	315	98	16	399	34
Future Vol, veh/h	28	12	25	97	9	34	28	315	98	16	399	34
Conflicting Peds, #/hr	1	0	0	0	0	1	3	0	2	2	0	3
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	75	-	-	75	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	20	0	12	11	50	0	11	6	6	0	2	0
Mvmt Flow	31	13	28	108	10	38	31	350	109	18	443	38

Major/Minor	Minor2		Minor1		Major1			Major2				
Conflicting Flow All	993	1024	465	988	989	408	484	0	0	461	0	0
Stage 1	501	501	-	469	469	-	-	-	-	-	-	-
Stage 2	492	523	-	519	520	-	-	-	-	-	-	-
Critical Hdwy	7.3	6.5	6.32	7.21	7	6.2	4.21	-	-	4.1	-	-
Critical Hdwy Stg 1	6.3	5.5	-	6.21	6	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.3	5.5	-	6.21	6	-	-	-	-	-	-	-
Follow-up Hdwy	3.68	4	3.408	3.599	4.45	3.3	2.299	-	-	2.2	-	-
Pot Cap-1 Maneuver	208	237	577	218	205	648	1034	-	-	1111	-	-
Stage 1	520	546	-	558	488	-	-	-	-	-	-	-
Stage 2	526	534	-	524	461	-	-	-	-	-	-	-
Platoon blocked, %								-	-	-	-	-
Mov Cap-1 Maneuver	181	225	575	191	195	646	1031	-	-	1109	-	-
Mov Cap-2 Maneuver	181	225	-	191	195	-	-	-	-	-	-	-
Stage 1	503	536	-	540	472	-	-	-	-	-	-	-
Stage 2	470	517	-	478	452	-	-	-	-	-	-	-

Approach	EB		WB		NB		SB	
HCM Control Delay, s	24.3		47.7		0.5		0.3	
HCM LOS	C		E					

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1031	-	-	258	231	1109	-	-
HCM Lane V/C Ratio	0.03	-	-	0.28	0.673	0.016	-	-
HCM Control Delay (s)	8.6	-	-	24.3	47.7	8.3	-	-
HCM Lane LOS	A	-	-	C	E	A	-	-
HCM 95th %tile Q(veh)	0.1	-	-	1.1	4.3	0	-	-



Date:	December 13, 2019
To:	Melissa Bethel, City of La Pine
From:	Joe Bessman, PE
Project Reference No.:	1353
Project Name:	Memorial Lane Rezone

This memorandum provides materials to support the proposed zone change application for the property west of Huntington Road and north of Memorial Lane. This memorandum follows the requirements of Oregon Administrative Rule 660-12 (commonly referred to as the *Transportation Planning Rule*, and more specifically addresses subsection -0060, *Plan and Text Amendments*. There is no specific development plan for the property at this time.

PROJECT BACKGROUND

Tax Lot 221011CB00100 is a 4.70-acre parcel currently zoned *La Pine Public Facility (LPPF)*. It is located in the northwest corner of the intersection of Huntington Road and Memorial Lane. The city’s Transportation System Plan identifies the functional classification of Huntington Road as an *Arterial* and Memorial Lane as a *local street*. A rezone to *Mixed-Use Commercial (CMX)* is requested. A site vicinity map is included in Figure 1 below to show the location of the property.



Figure 1. Site Vicinity Map. (Source: Deschutes County Property Information.)

To comply with Transportation Planning Rule, the first step in determining the impact of a rezone proposal is to assess the impact of the zone change on the transportation system. This is provided as a comparative

analysis showing what could occur within the existing and proposed zoning designations within a reasonable development scenario. If the rezone increases the trip generation potential of the property, then additional analysis and review is required to show that a significant effect does not occur, or that appropriate mitigation is provided with the rezone.

City of La Pine Development Code (LPDC) section 15.24.200(C) describes the existing *Public Facility* zoning district as follows:

The PF zone is intended to provide areas for large-scale public facility and utility uses that require separation from residential and commercial uses. Additionally, the PF zone accommodates industrial uses that are compatible with large-scale public facilities.

City of La Pine Development Code (LPDC) section 15.24.200(C) describes the proposed *Commercial Mixed-Use* (CMX) zoning district as the following:

The CMX zone is intended to allow for a wide range of both commercial and residential uses. Unlike the CRMX zone, residential uses are not limited and are allowed to be developed on standalone sites. Some commercial uses that may not be compatible with residential uses are prohibited or limited. The CMX zone allows for flexible uses that can respond to market demand.

Table 1 contains a comparison of permitted uses within the two zones.

Table 1. Permitted Uses within La Pine Zoning Districts

Existing Public Facilities Zone	Proposed Commercial Mixed-Use Zone
<ul style="list-style-type: none"> • Self-Service Storage • Artisanal and Light Manufacturing • General Manufacturing and Production • Wholesale Sales • Warehouse and Freight Movement • Basic Utilities • Forestry • Wireless Telecommunication Facilities 	<ul style="list-style-type: none"> • Single-family dwelling • Cottage cluster development • Townhome • Duplex • Multi-family development • Manufactured dwelling • Manufactured dwelling park • Accessory dwelling unit • Residential care home • Residential care facility • Commercial Lodging • Commercial Parking • Commercial Recreation • Eating and Drinking Establishments • Marijuana Dispensary • Office • Self-Service Storage • Basic Utilities • Colleges • Community Services • Daycare Centers • Parks and Open Areas • Religious Institutions • Schools • Agriculture • Forestry

TRIP GENERATION COMPARISON

Existing Zoning Potential

Development of an analysis scenario for the existing zoning designation will require a reasonable worst-case assumption for development from the outright permitted uses. With the *Public Facility* designation, review of the allowable land uses shows that a reasonable “worst-case” development scenario would be development of the property with *General Manufacturing* uses. This land use is best described by the Institute of Transportation Engineers (ITE) standard reference *Trip Generation, 10th Edition* with Land Use Category 140:

A manufacturing facility is an area where the primary activity is the conversion of raw materials or parts into finished products. Size and type of activity may vary substantially from one facility to another. In addition to the actual production of goods, manufacturing facilities generally also have office, warehouse, research, and associated functions.

Manufacturing facilities are typically more land intensive single-story buildings. While employee parking is limited, these facilities typically require expansive access areas to accommodate trucks. An assumed Floor-

to-Area-Ratio (FAR) of 0.30 was applied to the overall site, which would result in a 61,500 overall square-feet of building space.

Proposed Zoning Potential

As described in the LPDC, the proposed zoning has a very broad range of potential development options allowing market demands to influence development. With the location of the site adjacent to La Pine High School uses such as a dispensary would not be allowed, and commercial uses would be limited in size and scale to support the surrounding “off-highway” market. This could include small coffee or dining options, with much of the trips associated with this use traveling from the adjacent school or pass-by trips from Huntington Road.

Within this zoning various types of commercial uses would be allowed. This could include small restaurant or café space, general or medical office, with more general retail sales/service only allowed as a conditional use. With the location along Huntington Road it was assumed that the site would contain a single restaurant comprising 0.7 acres, with the remaining 4.0 acres split with a mix of medical office and multifamily residential uses. While more intense scenarios could be prepared with multiple on-site restaurants, this was not considered a *reasonable* scenario given surrounding land use patterns.

Land use scenario assumptions:

- Restaurant: 0.7 acres (based on similar sized restaurant and parking areas)
- Medical office: FAR of 0.20 on two acres to support parking demands
- Multifamily: Overall density of 25 units per acre on two remaining acres

Trip generation estimates were prepared based on the development scenarios summarized above and are presented below in Table 2. These trip generation estimates reflect the current edition of the Institute of Transportation Engineers’ (ITE) standard reference *Trip Generation Manual* (ITE 10th Edition).

Table 2. Trip Generation Estimates (ITE 10th Edition)

Land Use	ITE Code	Metric	Weekday Daily Trips	Weekday PM Peak Hour		
				Total	In	Out
Current Zoning						
Manufacturing	140	61,500 SF	242	41	13	28
Proposed Zoning						
High-Turnover (Sit-Down) Restaurant	932	4,000 SF	449 -193	39 -17	24 -10	15 -6
Medical-Dental Office	720	21,780 SF	758	75	21	54
Multifamily Housing (Low-Rise)	221	50 Units	366	28	18	10
Total Trips			1,573	142	63	79
Pass-by Trips			-193	-17	-10	-6
Net New Trips			1,380	126	53	73
Trip Difference (Proposed – Existing)						
Change in Trips			+1,138	+85	+40	+45

As summarized in Table 2, the rezone increases the trip generation potential of the site on both a daily and weekday p.m. peak hour basis. This will require additional analysis to show that a “significant impact” does not occur.

TRIP DISTRIBUTION AND ASSIGNMENT

Trip distribution from the site is expected to reflect a regional pattern regardless of the zoning designation. Both employment and residential trips will have similar regional distribution patterns, and neighborhood commercial uses will generally only serve the surrounding area.

The trip distribution patterns for employment and industrial uses were developed based on current turning movement patterns collected at Memorial Lane. These counts reflect the medical and residential uses, both of which are expected to reflect the non-commercial trips of the site. The commercial trip distribution patterns were separately developed based on the existing travel pattern for trips using Huntington Road, which are almost evenly split between northbound and southbound travel.

These two patterns are illustrated in Figure 2, along with the assignment of the trip difference onto the transportation system. This shows that any potential system impacts will only occur at the Huntington Road/Memorial Lane intersection, the signalized 1st Street/Huntington Road intersection, or the signalized Huntington Road/Burgess intersection; beyond these locations the traffic impacts are minimal.

STUDY INTERSECTIONS

Based on the trip assignment shown in Figure 2 it is proposed that the following three intersections be included as *Study Intersections*:

- Huntington Road/Burgess Road
- Huntington Road/Memorial Lane
- Huntington Road/1st Street

ADOPTED TRANSPORTATION PLANS

The long-range analysis that is conducted as part of a zone change is intended to identify whether changes need to occur within the agency’s adopted Transportation System Plan so that transportation facilities continue to support their intended role and function. The study intersections only include intersections within the City of La Pine and Deschutes County and therefore should only be required to assess conditions consistent with the (longer) horizon year of the adopted Transportation System Plan (2032).

City of La Pine standards are identified within the Transportation System Plan. This identify a volume-to-capacity ratio of 0.90 or better and Level of Service “D” for signalized and all-way stop-controlled intersections, and a volume-to-capacity ratio of 0.90 and Level of Service “E” for the critical movement at unsignalized intersections.

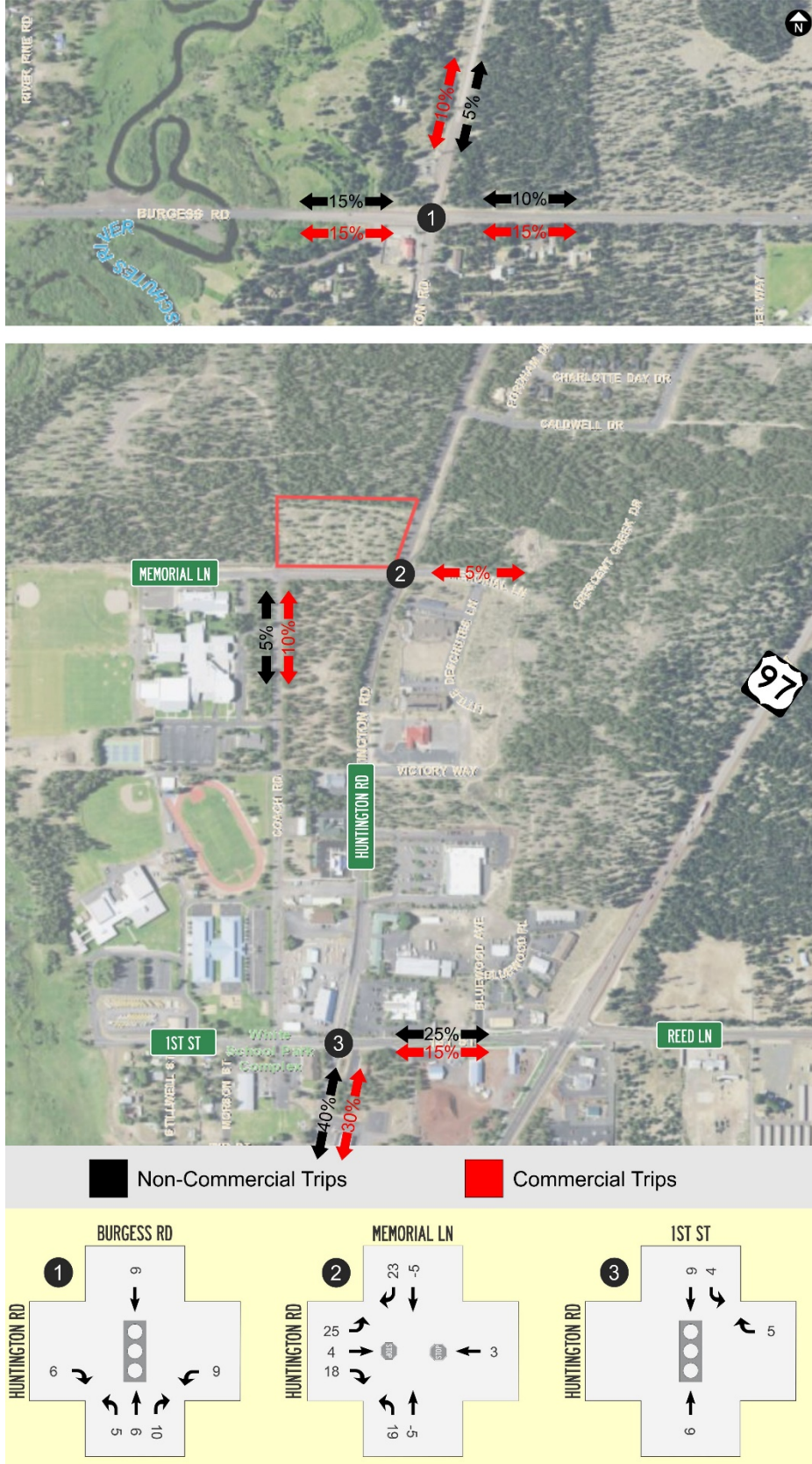


Figure 2. Estimated Trip Distribution Pattern and Assignment, Weekday PM Peak Hour.

TRAFFIC OPERATIONS

Operations Standards

The City of La Pine Transportation System Plan (Appendix 2) outlines the City operational requirements for intersections. Performance standards in the City of La Pine vary based on intersection control type as summarized below:

- LOS “D” and a volume-to-capacity ratio less than 0.90 for signalized and all-way stop-controlled intersections.
- LOS “E” and a volume to capacity ratio less than 0.90 for the critical movement at unsignalized and at roundabout – controlled intersection.
- A queuing analysis must be performed to assess whether existing turn lane storage is adequate to accommodate 95th percentile vehicular queuing during the peak hour.

Study intersections, traffic control, roadway jurisdiction, and operational standards (or mobility targets) throughout the study area are summarized in Table 3.

Table 3. Study Area Intersection Operational Standards

Intersection	Traffic Control	Jurisdiction	Performance/ Mobility Standard
1: Huntington Road / Burgess Road	Signalized	City of La Pine	LOS “D” or Better v/c < 0.90
2: Huntington Road / Memorial Lane	Two-Way Stop-Control	City of La Pine	LOS “E” or Better v/c < 0.90
3: Huntington Road / 1 st Street	Signalized	City of La Pine	LOS “D” or Better v/c < 0.90

Year 2019 Existing Traffic Conditions

The existing traffic conditions reflect the current operations throughout the study area during the weekday p.m. peak hour. This analysis is used to calibrate operational models to field conditions, and in conjunction with historical safety information is intended to help understand and prioritize transportation system improvement needs. Study area intersections and roadways were visited and inventoried in November 2019 to observe current intersection control configurations and operations.

Traffic counts were collected throughout the study area in March 2019. These counts reflect typical conditions on surrounding roads with area schools in session. The counts on 1st Street and Burgess Road included an extended time period from 2:00 p.m. to 6:00 p.m. to capture the impact of the nearby schools. Figure 3 illustrates the existing counts throughout the study area intersections.

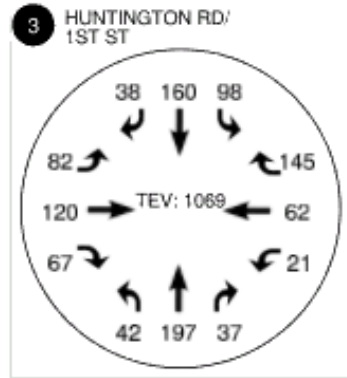
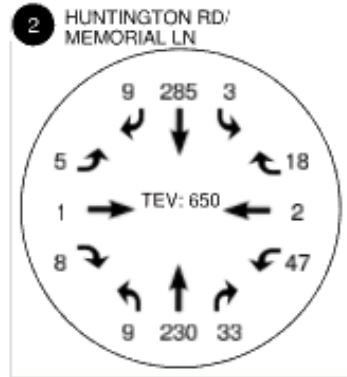
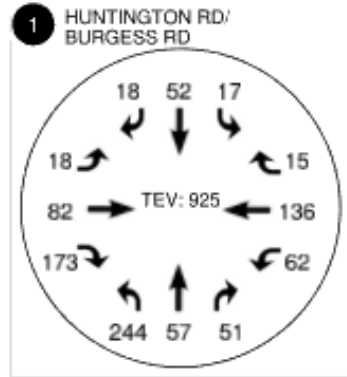
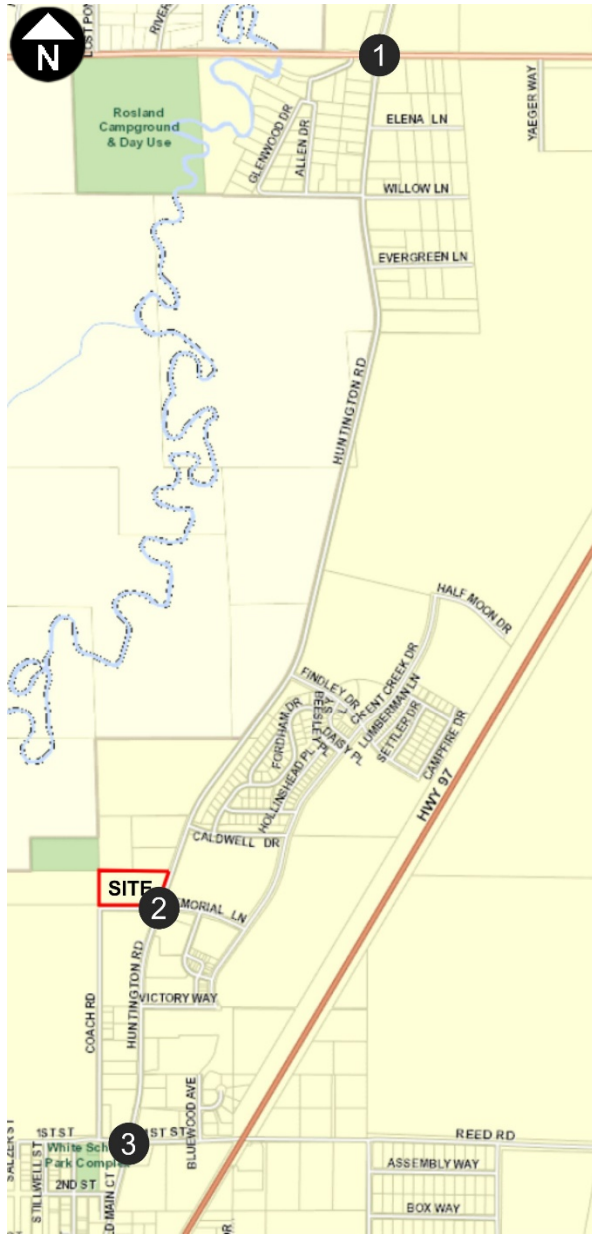


Figure 3. Year 2019 Existing Traffic Volumes
Weekday PM Peak Hour

Table 4. Year 2019 Existing Conditions Intersection Operations Summary, Weekday PM Peak Hour

Intersection	Performance Standard	LOS	Delay (s)	v/c Ratio	95% Queue	Acceptable?
1: Huntington Road / Burgess Road	LOS "D" or Better, or v/c < 0.90	LOS B	12.0 s	0.49	EB L: 25 ft EB T: 75 ft EB R: 50 ft WB L: 75 ft WB TR: 100 ft NB L: 125 ft NB TR: 50 ft SB L: 25 ft SB TR: 50 ft	Yes
2: Huntington Road / Memorial Lane	LOS "E" or Better v/c < 0.90	WB LOS C	15.1 s	0.17	WB LTR: 25 ft	Yes
3: Huntington Road / 1 st Street	LOS "D" or Better v/c < 0.90	LOS B	10.8 s	0.33	EB L: 50 ft EB TR: 75 ft WB L: 25 ft WB TR: 50 ft NB L: 25 ft NB TR: 75 ft SB L: 50 ft SB TR: 75 ft	Yes

Traffic Forecasts

Traffic forecasts are prepared to assess the impact of the ODOT does not maintain a specific regional travel demand model for La Pine. The City is located in the southern boundary of the Deschutes County model, providing less accurate results and a low model resolution. Similar to the analysis provided within the City’s Transportation System Plan, an annual growth factor was applied throughout the City to assess projected future needs.

Review of Automatic Traffic Recorder data for the past ten years at the south edge of Bend shows that growth in US 97 travel has averaged 2.3-percent annually. This growth rate is slightly higher than was assumed in the adopted Transportation System Plan (the TSP assumed 2 percent annual growth) but reflects much of the post-recession travel increases in the system that may not be sustainable over a long-term planning horizon.

The forecasts also include manual input of traffic from the submitted *The Reserve in the Pines* subdivision as these trips would not be reflected based on direct application of a growth rate to the existing counts. A summary of the existing peak hour traffic volumes, future (existing zoning) volumes, and “with rezone” volumes are shown in Figure 3.

Planned and Funded Projects

The primary project planned near the study area is the grade-separation of the Burlington-Northern Santa Fe mainline railroad at the Wickiup Junction that was intended to grade-separate the railroad crossing. Due to foundation settlement issues this project is currently on hold, and ODOT has funded a separate study to

consider other improvement options in this area. The ODOT project website¹ identifies the following project components:

- Refinement Planning Study (\$295,000)
- Preliminary Engineering (\$700,000)
- Right-of-Way (\$200,000)
- Construction Phase (\$500,000)

The construction phase is planned to include illumination at Rosland Road and Burgess Road, with remaining funding applied towards needs identified in the refinement plan. It is unclear if additional funding will be made available for construction of any identified improvements following completion of the refinement plan.

Year 2032 Existing Zoning Conditions

An assessment of current year 2032 projections was prepared to identify how the surrounding area roadways and intersections will operate if no changes are made to the zoning. This scenario includes the impact of funded projects and traffic from approved developments and is used as the basis of comparison to conditions with the proposed rezone.

Figure 4 illustrates the travel forecasts in the area with the current zoning designation of the property and Table 5 summarizes the forecast traffic conditions. The operational analysis shows that in the future horizon year all of the study area intersections will operate acceptably.

This scenario shows that even without the rezone the westbound approach of Memorial Lane is beginning to experience high delays. These delays are a result of most trips at the intersection turning left to travel south back into the City core area. The City is working to develop additional roadway connections south to 1st Street through the Bluewood Avenue corridor to help relieve these demands, likely as an extension of Crescent Creek Drive through the County-owned properties.

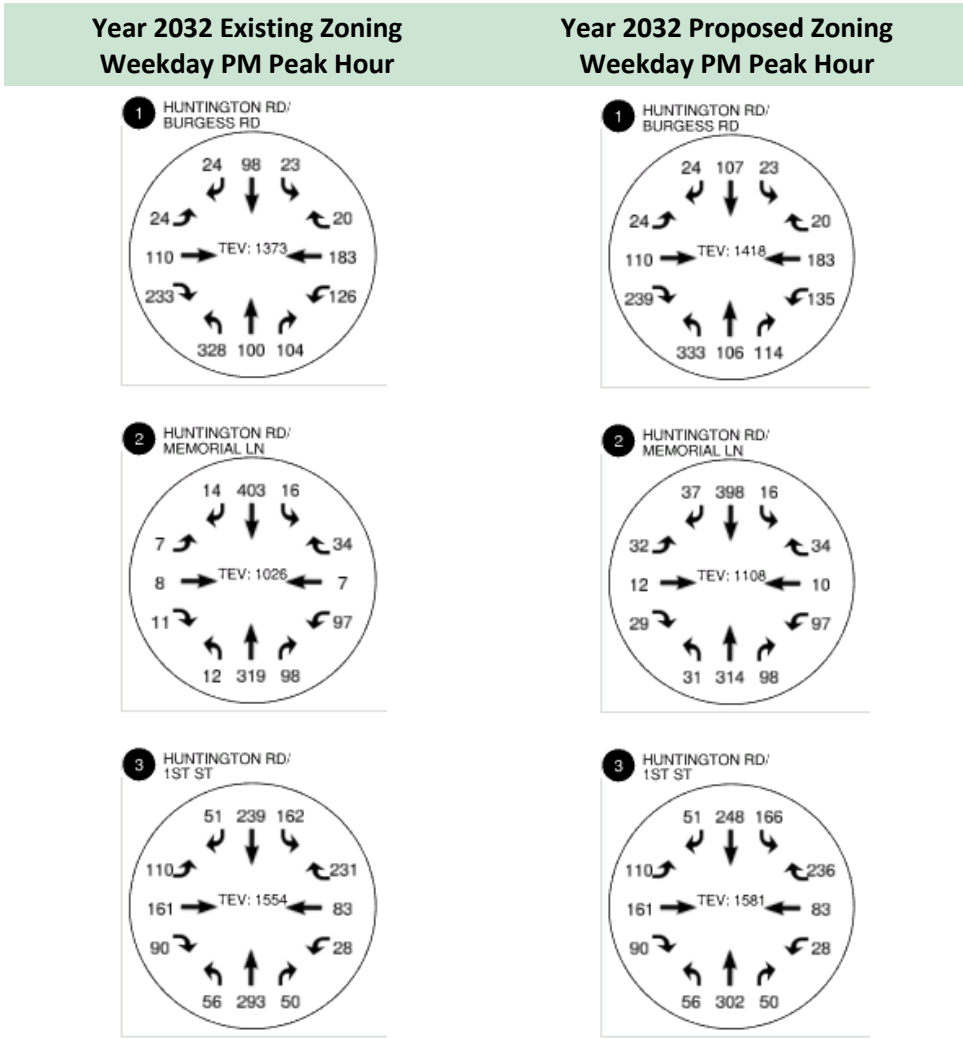
¹ Source: https://www.oregon.gov/odot/projects/pages/project-details.aspx?project=Wickiup_Refinement_Plan

Table 5. Intersection Operations Summary, Weekday PM Peak Hour

Intersection	Performance Standard	Year 2032 Existing Zoning Conditions				Year 2032 Proposed Zoning Conditions				Acceptable?
		LOS	Delay (s)	v/c Ratio	95% Queue	LOS	Delay (s)	v/c Ratio	95% Queue	
1: Huntington Rd/ Burgess Road	LOS "D" or Better, or v/c < 0.90	LOS B	18.0 s	0.67	EB L: 50 ft EB T: 75 ft EB R: 50 ft WB L: 150 ft WB TR: 125 ft NB L: 250 ft NB TR: 75 ft SB L: 25 ft SB TR: 75 ft	LOS B	19.2 s	0.68	EB L: 50 ft EB T: 75 ft EB R: 50 ft WB L: 150 ft WB TR: 125 ft NB L: 250 ft NB TR: 75 ft SB L: 25 ft SB TR: 75 ft	Yes
2: Huntington Rd/ Memorial Lane	LOS "E" or Better v/c < 0.90	WB LOS E EB LOS C	37.5 s 18.6 s	0.59 0.10	WB LTR: 100 ft EB LTR: 25 ft	WB LOS F EB LOS D	52.6 s 25.8 s	0.71 0.32	WB LTR: 125 ft EB: 50 ft	No
3: Huntington Rd/ 1 st Street	LOS "D" or Better v/c < 0.90	LOS B	14.2 s	0.54	EB L: 75 ft EB TR: 100 ft WB L: 25 ft WB TR: 75 ft NB L: 50 ft NB TR: 150 ft SB L: 100 ft SB TR: 125 ft	LOS B	12.6 s	0.43	EB L: 75 ft EB TR: 100 ft WB L: 25 ft WB TR: 75 ft NB L: 50 ft NB TR: 150 ft SB L: 100 ft SB TR: 125 ft	Yes



Figure 4. Study Intersections



Year 2032 Proposed Zoning Conditions

Year 2032 scenario with the proposed rezone shows an incremental increase in the opposing westbound approach delays at Memorial Drive. Due to the traffic volumes on Huntington Road the long-term operations from the Quadrant Plan lands on the east side of Huntington Road will experience high delays for the left-turn movements as the area fully builds out.

Mitigation Options

There are several options that could be provided to mitigate these long-term conditions, with the preferred option being the completion of parallel north-south connections as previously identified in County plans (see Figure 5). Right-of-way is already provided throughout the area to support these new connections, allowing local trips to disperse between the various east-west connections. In addition, as the subject property (or as the Reserve in the Pines) is developed Huntington Road will be widened to a three-lane cross-section, providing new center left-turn lanes to separate through and turning traffic.

If delays along Huntington Road increase traffic from the proposed development site will shift onto Coach Road. This parallel route is already in place connecting Memorial Lane west of Huntington Road to area schools and south to services. Other than completion of the local grid network, no additional improvements are recommended to support the rezone. As these improvements are already identified and nearly all necessary right-of-way is available for these connections this is not considered a change to the planned transportation system but rather reflects the required build-out of the planned system that is necessary to support area growth.

The operations analysis shows that with center left-turn lanes along Huntington Road it would only require that 10 of the 97 projected left-turns at Memorial Lane shift south to Victory Way or down the Bluewood Avenue corridor to 1st Street. This rerouting will easily be accommodated as the planned local street connections are made.



Figure 5. Crescent Creek – Bluewood Avenue connection.

TRANSPORTATION PLANNING RULE COMPLIANCE

OAR Section 660-012-0060 of the Transportation Planning Rule (TPR) sets forth the relative criteria for evaluating plan and land use regulation amendments. Table 2 summarizes the criteria in Section 660-012-0060 and the applicability to the proposed rezone application.

Table 6. Summary of Criteria in OAR 660-012-0060

Section	Criteria	Applicable?
1	Describes how to determine if a proposed land use action results in a significant impact.	Yes, see response below
2	Describes measures for complying with Criterion #1 where a significant impact is determined.	No
3	Describes measures for complying with Criteria #1 and #2 without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility.	No
4	Determinations under Criteria #1, #2, and #3 are coordinated with other local agencies.	Yes (Application will require coordination with Deschutes County)
5	Indicates that the presence of a transportation facility shall not be the basis for an exception to allow development on rural lands.	No
6	Indicates that local agencies should credit developments that provide a reduction in trips.	No
7	Outlines requirements for a local street plan, access management plan, or future street plan.	No
8	Defines a mixed-use, pedestrian-friendly neighborhood.	No
9	Outlines requirements under which a local government may find that an amendment to a zoning map does not significantly affect an existing and planned transportation facility.	No
10	Outlines requirements under which a local government may amend a plan without applying performance standards related to motor vehicle traffic congestion, delay or travel time.	No
11	Outlines requirements under which a local government may approve an amendment with partial mitigation.	No

As indicated in Table 6, there are eleven criteria that apply to Plan and Land Use Regulation Amendments. Of these, Criteria #1 and #4 are applicable to the proposed land use action. These criteria are provided below in italics with responses shown in standard font.

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.

Response: This review shows that the proposed rezone does not create a significant impact on the surrounding transportation. High delays for left-turns are experienced at the stop-sign controlled approaches to Huntington Road long term; the appropriate mitigation is to provide parallel local street connections south. The City (and County) identified this need within the area's Quadrant Plan, and right-of-way is available along Crescent Creek Drive to support this required roadway ("Central Collector"). The City is obtaining right-of-way to further extend this route to 1st Street along the Bluewood Avenue alignment.

On the west side of Huntington Road this parallel system is already provided by Coach Road. The proposed property will have access to this alternative route, and the eastbound connection to the site will operate acceptably long-term. Accordingly, no additional changes or mitigation measures are recommended. As the necessary improvements are already included within adopted plans a significant affect does not occur.

NEXT STEPS

I trust that this report provides adequate information to support the proposed rezone of the Memorial Lane property from the City's *Public Facilities* designation to the *Commercial Mixed-Use* designation. Thank you for your time and assistance, please let me know if you have any questions related to this project at (503) 997-4473 or via email at joe@transightconsulting.com.



Community Development Department
 PO Box 2460 16345 Sixth Street
 La Pine, Oregon 97739
 Phone: (541) 536-1432 Fax: (541) 536-1462
 Email: info@lapineoregon.gov

Zone Change/Comp Plan Amendment Application

Zoning Map Amendment Fee \$6,000.00

File Number # _____

Applicant Name K Huntington LLC / Kodiak Malmstrom Phone 541-390-4705 Fax _____
 Address 409 NE Greenwood Ave, Suite 200 City Bend State OR Zip Code 97701
 Email kodiak@kodiakcre.com
 Property Owner same Phone same Fax _____
 Address same City same State same Zip Code same
 Email (optional) _____

ZONE CHANGE/ COMP PLAN DESCRIPTION

Property Location (address, intersection of cross street, general area)

~~The subject property is located on the west side of Huntington Road, north of Memorial Lane. The property does not have an address but is identified as Tax Lot 100 on the Deschutes County Tax Assessor's Map 22-10-11CB.~~

Map and Taxlot: 221011CB00100

Assessors Parcel Number ~~T 15, R 13, Section~~ _____ Tax Lot(s) _____



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La Pine, Oregon 97739
Phone: (541) 536-1432 Fax: (541) 536-1462
Email: info@lapineoregon.gov

Present Zoning PF Total Land Area _____ (Square Ft.) 4.7 (acres)

Present Land Use vacant _____

Proposed Zoning CMX Total Land Area _____ (Square Ft.) 4.7 (acres)

Attach a statement explaining evidence you plan to present to the Planning Commission to enable them to make a decision (See Attached). Applications will not be accepted without a detailed preliminary site plan drawn to scale. I understand that false statements made on this application may cause subsequent approval to be NULL AND VOID.

FOR OFFICE USE ONLY

Received By: _____

Amendment Fee Paid: _____

Receipt #: _____

AMENDMENTS

Authorization to Initiate Amendments. An amendment to the text of these standards, or to a zoning or plan map may be initiated by either City Council or the Planning Commission. A property owner may initiate a request for a map or text amendment by filing an application with the City using the form(s) prescribed.

Zone/Plan Map Amendments. The City shall, within 45 days after filing of a petition by a property owner for a zone change/plan amendment hold a public hearing in accordance with the



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La Pine, Oregon 97739
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provisions of the procedures. Prior to the hearing the City shall refer the proposed amendment to the Planning Commission for their review and a recommendation; the recommendation of the Commission shall be made a part of the record at the hearing.

Justifying the zone change or plan amendment. The burden of proof is upon the applicant to show how the proposed zone change or plan amendment is:

- (1) In conformity with all applicable State statutes
- (2) In conformity with the State-wide planning goals where applicable
- (3) In conformity with the Comprehensive Plan, land use requirements and policies;
- (4) Needed due to a change of circumstances or a mistake in the original zoning .

Tentative Approval. Based on the facts presented at the hearing and the recommendation of the Planning Commission, if the City determines that the applicant has met all applicable criteria for the proposed change, the City shall give tentative approval of the proposed change. Such approval shall include any conditions, stipulations or limitations which the City determines to be necessary to meet the criteria. An appeal of the City's decision shall be effected in the manner provided for in the standards. Upon completion of hearings process, the council shall, by order, effect the zone reclassification of the property. Provided, however, if the applicant fails to abide by the conditions attached to the rezoning the Council may, at a later date, rezone the affected property to its original zoning by order.

Public Hearing on Amendments. If a map change is initiated by the Planning Commission or City Council, or if an amendment to the text of these standards is to be considered, the City Council shall hold a public hearing on the proposed change. Notice of the hearing shall be



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published in a newspaper of general circulation in the City the week prior to the hearing. Before establishing a map change, the Council shall make findings that the proposed change meets the criteria set forth in code. Any change affected under this section shall be by ordinance.

By signing, the undersigned certifies that he/she has read and understood the requirements outlined above, and that he/she understands that omission of any listed item may cause delay in processing this application.

I (We) the undersigned acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

Applicant: Same as Owner Date: _____

Signature

Owner/Agent: _____ Date: January 16, 2020

(Circle One)

Signature

If you are the authorized agent, please attach the letter of authorization signed by the owner.

NOTE: This may not be a complete list of information required to process and decide this request, and additional information may be required after further

ScanP_S:\Land Projects\190907-Kodiak Zone Change_La Pine\dwg\190907_TP.dwg, Thu Sep 19, 2019 - 3:27pm






22 10 11CB 00100
(NO SITUS ADDRESS)
4.70 ACRES

EXISTING COMP PLAN DESIGNATION & ZONING
SCALE: 1"=100'

22 10 11CB 00100
(NO SITUS ADDRESS)
4.70 ACRES

PROPOSED COMP PLAN DESIGNATION & ZONING
SCALE: 1"=100'

LEGEND

-  PROPERTY BOUNDARY
-  EXISTING ZONE - LPPF (PUBLIC FACILITY - LA PINE UGB)
-  PROPOSED ZONE - CMX (MIXED USE COMMERCIAL)

VERIFY SCALES

0 1" BAR EQUALS ONE INCH ON ORIGINAL DRAWING

 SCALE: 1" = 100'

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KODIAK COMMERCIAL REAL ESTATE INC.
ZONE CHANGE PLAN AMENDMENT

COMP PLAN DESIGNATION & ZONING PLAN
LA PINE, OREGON

REVISIONS:

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

DESIGNED BY: SCP
 DRAWN BY: SCP
 CHECKED BY: GMH
 SCALE: AS NOTED
 FILE: 190907_TP.dwg
 DATE: 09/19/2019

SHEET: PA2.1

HWA # 190907

ZONE CHANGE PLAN AMENDMENT



CITY OF LA PINE

STAFF REPORT

Meeting Date: June 16, 2020
TO: La Pine City Council
FROM: Melissa Bethel, Staff
SUBJECT: Gas Tax Discussion Revisited

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 type="checkbox"/> | Formal Motion | <input checked="" type="checkbox"/> | Other/Direction: |

Councilors:

Over the last year the Council made a decision to place a 3-cent gas tax on the November 2020 ballot. However, when COVID-19 impacted our Country, the economic impact was unknown and Council made the decision to delay the ballot measure. Although we are still unclear as to what impact the virus will have on our Community, staff is offering the Council one last opportunity to discuss whether or not it is appropriate to put the 3-cent gas tax back on the ballot for November.

Construction has not slowed; travel and the job market are all starting to see increases. I have attached the gas tax referral memo again for your review. If Council agrees to move forward, we would need to adopt the gas tax Ordinance fairly quickly at a special meeting.