**ORDINANCE NO. 2016-04**

**AN ORDINANCE OF THE CITY OF LA PINE AMENDING THE COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION FOR CERTAIN PROPERTY FROM PUBLIC FACILITIES TO MIXED USE COMMERCIAL.**

 WHEREAS, St. Charles Health System applied for a plan amendment (File No. SPR 2016-10CPA) to change the City of La Pine (“City”) Comprehensive Plan to re-designate certain property from Public Facilities (PF) to Mixed Use Commercial (CMX);

 WHEREAS, after notice was given in accordance with applicable law, a public hearing was held before the La Pine Planning Commission(the “Planning Commission”) on April 20, 2016; and

WHEREAS, the Planning Commission, after review conducted in accordance with applicable law, approved the plan amendment; and

WHEREAS, a draft of this Ordinance No. 2016-04 (this “Ordinance”) was available for public inspection seven days prior to the City Council’s May 18, 2016 meeting.

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

 1. Recitals. The above stated recitals are hereby adopted.

 2. Amendment. The City’s Comprehensive Plan is hereby amended to change the Comprehensive Plan map designation of 5.6 acres of certain real property depicted on Exhibit A, attached hereto and incorporated herein, identified as Tax Lot 115 on the Deschutes County Tax Assessor’s Map 22-10-00, and legally described on the attached Exhibit B, attached hereto and incorporated herein, from PF to CMX.

 3. Findings. The findings of fact and conclusions of law contained in the Planning Commission’s decision, attached hereto as Exhibit C, are hereby adopted and incorporated herein.

 4. Notice. The City’s Community Development Department 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 thereof, with a copy of the approved Ordinance.

 5. Severability; Savings; Corrections. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances existing at the time that such actions were filed will remain valid and in full force and effect for purposes of those actions. This Ordinance may be corrected by order of the La Pine 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 May 18, 2016.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Ken Mulenex, Mayor

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Richard L. Allen, Interim City Manager

EXHIBIT A

Map of Subject Property



EXHIBIT B

Legal Description of Subject Property

Lot 17 of the Dependent Resurvey of Sections 10 and 11 recorded in the County Surveyor's records as CS 16296, located in the northwest 1/4 of Section 11 of Township 22 South and Range 10 East of the Willamette Meridian, Deschutes County, Oregon fully described as follows:

Commencing at the west 1/4 corner of said Section 11; thence South 89°10'37" East 326.40 feet, along the south line of the northwest 1/4, to the point of beginning; thence leaving said south line, North 01 °39'46" West 535.79 feet; thence South 89°38'42" East 591.77 feet to the centerline of Huntington Road; thence following said centerline, 106.85 feet along the arc of a 1432.39 foot radius curve left (the long chord of which bears South 21 °20'01" West 106.83 feet); thence South 19°11'48" West 463.57 feet to said south line; thence leaving said centerline, North 89°10'37" West 384.87 feet to the point of beginning.

EXHIBIT C

Planning Commission Decision

[attached]