



CITY OF LA PINE, OREGON REGULAR CITY COUNCIL MEETING

Wednesday, August 14, 2024, 5:30 p.m.

La Pine City Hall: 16345 Sixth Street, La Pine, Oregon 97739

Available online via Zoom: <https://us02web.zoom.us/j/84867082272>

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.

The Regular City Council meeting is a business meeting of the elected members of the La Pine City Council, in which matters that have come before the City in application, or legislatively/judicially by process can be acted upon under Old and New business. Matters that are not formally before the City or have yet to be initiated by application cannot be officially acted upon. If any party would like to initiate an action through process or application, city administrative staff are available during the regularly scheduled business hours of City Hall to provide assistance.

AGENDA

CALL TO ORDER

ESTABLISH A QUORUM

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

1. 01ZC-23 Oregon 97 Investments
 - a. Staff Report3
 - b. Ordinance 2024-014
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 - f. Supplement Staff Report45
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REGULAR COUNCIL MEETING

PUBLIC COMMENTS

Public Comments provide an opportunity for members of the community to submit input on ongoing matters within the city.

Public Comments are limited to three (3) minutes per person; when asked to the podium, please state your name and address. This helps the City Council and staff determine if you are a city resident. The acting chair may elect

to respond to comments if the matter is within the jurisdiction of the city or defer to city staff for response. Any matter that warrants testimony and rebuttal may be debated only during a Public Hearing on the matter.

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.

- 1. 07.24.2024 Regular City Council Meeting Minutes.....50
 - a. Public Comment – Bernie Brader56
 - b. Public Comment – Becca Rohleder57
 - c. Public Comment – Wes Elliott58
 - d. Public Comment – Stu Martinez.....59
- 2. Financial Report.....60
- 3. Interest Report64

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

OLD BUSINESS:

None.

NEW BUSINESS:

- 1. Resolution 2024-14 Adopting a Policy for Partial and Full Transportation SDC Exemptions
 - a. Staff Report65
 - b. Resolution 2024-1466

OTHER MATTERS

PUBLIC COMMENTS

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STAFF COMMENTS

MAYOR & COUNCIL COMMENTS

EXECUTIVE SESSION: per ORS 192.660 if necessary

ADJOURNMENT



CITY OF LA PINE
STAFF REPORT

DATE: August 14, 2024
TO: La Pine City Council
FROM: Principal Planner, Brent Bybee
SUBJECT: Oregon 97 Investments LLC Zone Change

TYPE OF ACTION REQUESTED (Check one):

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

Councilors:

On December 6, 2023 Oregon 97 Investments, applied for a Zone Change. The subject property is identified as Tax Lot 107 on Deschutes County Assessor’s Map 21-10-36.

On July 17, 2024, a public hearing was held and the Planning Commission recommended approval of the Zone Change. The proposed Zone Change would change the zoning of the subject property which is 2.88 acres from the Industrial Zone to the Commercial Mixed-Use Zone.

Ordinance:

The Planning Commission recommends the City Council adopt Ordinance No. 2024-01 to record the subject Zone Change, Planning File No. 01ZC-23.

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE CITY OF LA PINE AMENDING THE ZONING MAP AND COMPREHENSIVE PLAN MAP TO CHANGE THE INDUSTRIAL DESIGNATION TO COMMERCIAL MIXED-USE FOR A CERTAIN PROPERTY PURSUANT TO LAND USE APPROVALS 01ZC-23.

WHEREAS, Oregon 97 Investments LLC, filed land use application (File No. 01ZC-23) to change the zoning and comprehensive plan designations for the property identified as Tax Lot 107 on Deschutes County Assessor’s Map 21-10-36 and legally described on the attached Exhibit A (the “Property”) from Industrial 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 July 17, 2024;

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. 2024-01 (this “Ordinance”) was available for public inspection seven days prior to the City Council meeting on August 14, 2024; 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 No. 01ZC-24 attached hereto as Exhibit B 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 Industrial to Commercial Mixed-Use as shown on the attached Exhibit C. Staff is directed to take those steps necessary to incorporate the Amendments into the Zoning Map and other planning documents.
4. Comprehensive Plan Map. The Comprehensive Plan Map is hereby amended to change the comprehensive plan designation for the Property from Industrial 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 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 August 14, 2024.

Daniel Richer, Mayor

ATTEST:

Geoff Wullschlager, City Manager

Exhibit A
Legal Description of Subject Property

[attached]

Exhibit B
Staff Report

[attached]

Exhibit C
Amended Zoning Map

[attached]

Exhibit D
Amended Comprehensive Plan Map

[attached]



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www.lapineoregon.gov

**CITY OF LA PINE PLANNING DIVISION
 PLANNING COMMISSION RECOMMENDATION TO THE LA PINE CITY COUNCIL**

DATE: August 7, 2024

FILE NUMBER: 01ZC-23

OWNER: Oregon 97 Investments LLC
 Rajinder Singh Dhote
 2368 Kokanee Way
 Lebanon, OR 97355

APPLICANT: Oregon 97 Investments LLC
 C/O MAA Group LLC
 2095 Fairmont Blvd
 Eugene, OR 97403

ENGINEER: Ashley and Vance Engineering, Inc.
 Jack Mitchell
 33 NW Franklin Avenue, Suite 110
 Bend, OR 97702

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

LOCATION: The subject property address is 17125 Rosland Rd, and is identified as Tax Lot 107 on Deschutes County Assessor’s Map 21-10-36.

ZONING: Industrial Zone (I)

REQUEST: Approval of a Comprehensive Plan Map amendment and Zoning Map amendment, changing the zoning of the property from Industrial (I), to Mixed Use-Commercial (CMX).

STAFF CONTACT: Brent Bybee, Principal Planner
 Email: bbybee@lapineoregon.gov
 Phone: (541)668-1135

I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA:

PART III – CITY OF LA PINE DEVELOPMENT CODE

ARTICLE 3 - ZONING DISTRICTS

CHAPTER 15.22. - COMMERCIAL AND MIXED USE-ZONES

Sec. 15.22.100. - Purpose.

Sec. 15.22.200. - Characteristics of the commercial and mixed-use zones.

ARTICLE 7 - PROCEDURES

CHAPTER 15.202. - SUMMARY OF APPLICATION TYPES AND GENERAL PROVISIONS

Sec. 15.202.010. - Purpose and applicability.

CHAPTER 15.204. - APPLICATION PROCEDURES

Sec. 15.204.030. - Type III procedure (quasi-judicial review - public hearing).

ARTICLE 8 - APPLICATIONS AND REVIEWS

CHAPTER 15.334. - TEXT AND MAP AMMENDMENTS

Sec. 15.334.010. - Purpose.

Sec. 15.334.020. - Applicability.

Sec. 15.334.030. - Procedure type.

Sec. 15.334.040. - Approval criteria.

Sec. 15.334.050. - Transportation planning rule compliance.

OREGON ADMINISTRATIVE RULES

CHAPTER 660

DIVISION 9 - ECONOMIC DEVELOPMENT

660-009-0010 Application

II. BACKGROUND INFORMATION:

PROPERTY DESCRIPTION: The subject property is 3.26 acres in size. It is undeveloped with trees and vegetation covering the property. The property is generally level and located outside of any FEMA designated floodway and/or floodplain.

SURROUNDING ZONING AND USES: Lots adjacent to the north, south, east, and west are also Industrial (I). Properties to the west are zone Commercial Mixed Use (CMX), with one property containing a travel center with fuel station and restaurant.

PUBLIC NOTICE AND COMMENTS: The City of La Pine sent notice of the application to the City Council, Planning Commission and property owners within 100 feet of the subject property. No public comments were received. The City will mail the notice of decision to the same distribution list.

AGENCY/DEPARTMENT COMMENTS: The City of La Pine requested review and comments from the following departments: City Fire Chief, ODOT, Republic Services, Deschutes County Building, Deschutes County Roadway, City Engineer Consultant, City Public Works Manager, and the Office of the State Fire Marshal. All comments received are incorporated herein.

III. FINDINGS OF FACT:**PART III – CITY OF LA PINE DEVELOPMENT CODE****ARTICLE 3 - ZONING DISTRICTS****CHAPTER 15.22. - COMMERCIAL AND MIXED-USE ZONES****Sec. 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.

Sec. 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 request is for a zone change to change the underlying zoning on the subject property from Industrial (I), to the Commercial Mixed-Use (CMX). Changing to the Commercial Mixed-Use zone would accommodate a mix of commercial services, retail, and civic uses, along with residential uses permitted in some circumstances. It is important to note as stated above that the Commercial Mixed-Use 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. Any development proposed after the zoning of the properties has been changed would be subject to the criteria of the CMX zoning, ensuring any commercial or residential uses comply with the applicable standards. Criteria met.

CHAPTER 15.24. - INDUSTRIAL AND PUBLIC FACILITY ZONES**Sec. 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.

Sec. 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.

- B. Industrial Zone (I). The I zone allows for the same uses as the LI zone, but also provides suitable locations for more intensive industrial uses, such as those with processing, manufacturing, assembly, packaging, distribution, or other activities.*

FINDING: The request is for a zone change to change the underlying zoning on the subject property from Industrial (I), to the Commercial Mixed-Use (CMX). Industrial and public facility zones accommodate a mix of intensive and less intensive uses engaged in manufacturing, processing, warehousing, distribution, and similar activities. As stated above, the zone is 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. Any development proposed after the zoning of the properties has been changed would be subject to the criteria of the CMX zoning, no longer requiring compliance with the I zoning. Criteria does not apply.

ARTICLE 7 - PROCEDURES**CHAPTER 15.202. - SUMMARY OF APPLICATION TYPES AND GENERAL PROVISIONS****Sec. 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.*

Legislative text or map amendment	Type IV	Chapter 15.344 [15.334]
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FINDING: The request is for a zone change to change the underlying zoning on the subject property from Industrial (I), to the Commercial Mixed-Use (CMX). As identified above, the applicable review procedure is a Type IV review. However, Chapter 15.334 allows for zone changes to be reviewed through the Type III procedures if the proposal only affects a limited group of property owners. Since the zone change will only affect the owners of the subject property and limited number of neighboring properties, the proposal is being reviewed through the Type III procedures. Chapter 15.334 is also addressed in this report where the use is found to comply. Criteria met.

CHAPTER 15.204 APPLICATION PROCEDURES

Sec. 15.204.030. - Type III procedure (quasi-judicial review - public hearing).

Type III decisions are made by the planning commission after a public hearing, with an opportunity for appeal to the city council. Except that prior to becoming effective, all quasi-judicial comprehensive plan amendments and zone changes shall be adopted by the city council. In considering all quasi-judicial comprehensive plan amendments and zone changes on which the planning commission has authority to make a decision, the city council shall, in the absence of an appeal or review initiated by the council, adopt the planning commission decision. No argument or further testimony will be taken by the council.

A. Application requirements.

1. *Application forms. Applications requiring quasi-judicial review shall be made on forms provided by the city planning official.*
2. *Submittal information. The city planning official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:*
 - a. *The information requested on the application form;*
 - b. *Plans and exhibits required for the specific approval(s) being sought;*
 - c. *A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;*
 - d. *Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;*

- e. *The required fee; and*
- f. *Evidence of neighborhood contact, as applicable, pursuant to [section 15.202.050](#).*

FINDING: The above criteria addresses the required elements of an application submitted for review. At the time of submittal, an application form provided by the planning department was submitted. All of the applicable information requested on the application form was addressed. A concept plan was submitted detailing the approval being sought, as well as a burden of proof explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail. No prior decisions or conditions of approval exist for the subject property. The required fee was submitted, and evidence of neighborhood contact was provided. Criteria met.

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 Development 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 ten 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:*
 - i. *A summary of the proposal and the relevant approval criteria, in sufficient detail to help the public identify and locate applicable Development Code requirements;*
 - ii. *The date, time, and location of the scheduled hearing;*
 - iii. *The street address or other clear reference to the location of the proposed use or development;*
 - iv. *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;*
 - v. *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;*
 - vi. *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;*
 - vii. *A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and*
 - viii. *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: Subsection B above addresses the criteria for mailed and posted notices of hearing. On June 27, 2024, notice of the hearing was mailed to the applicant, owners of property within 100 feet of the subject property, the Planning Commission, any individuals who have requested to receive notice, and all government agencies entitled to notice. No airports are located within 10,000 feet, the property requested for the zone change does not contain a mobile home park, the property is not located within the boundaries of a neighborhood or community organization. The notice sent contained all of the required elements listed in Subsection 4 above.

Notice was posted in the Bend Bulletin on July 7, 2024, at least 10 days before the hearing. Notice was also posted 14 days before the hearing on July 2, 2024, at the project site in clear view from a public right of way.

With those findings, criteria met.

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: No requests have been received to change the date of the hearing. If one is requested and approved after the notice has been mailed, it shall be processed as a continuance. If the applicant requests the hearing date to be changed, written agreement to extend the 120-day review timeline shall be provided.

*(***)*

- 1. 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: If approved by the commission, the decision shall be in writing and mailed to all parties. The notice shall contain all of the required elements above. Criteria met.

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

FINDING: Upon the issuance of a decision by the Planning Commission, The above criteria will apply. There will be an appeal period of 12 days after the decision is mailed, No building permits shall be issued until after the decision is final. No development is proposed at this time. Criteria met.

- 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: If the decision is appealed, the criteria addressed above shall apply. Criteria met.

ARTICLE 8. APPLICATIONS AND REVIEWS

CHAPTER 15.334. - TEXT AND MAP AMENDMENTS

Sec. 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 Development 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.

Sec. 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.

FINDING: The request is for a zone change to change the underlying zoning on the subject property from Industrial (I), to the Commercial Mixed-Use (CMX). This involves a zoning map amendment and comprehensive plan map amendment. The proposal does not meet the applicability criteria for legislative amendments above. This is based on the fact that the request does not involve text amendments to the development code or comprehensive plan, and the amendment to the comprehensive plan map and zoning map would affect a limited group of property owners. Therefore, the request is being reviewed quasi-judicially. Criteria met.

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 map amendment was submitted by the applicant, not the Planning Commission or City Council. Criteria met.

Sec. 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 request is being processed quasi-judicially subject to a Type II review. As previously addressed in the findings for Article 7, the request complies with those criteria. Since the request involves a zone change, final approval shall be granted by the City Council. Criteria met.

Sec. 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 burden of proof submitted by the applicant addresses the above criteria.

“The proposal does not include an amendment to the Comprehensive Plan document (only the map); therefore while consistency with Statewide Planning Rules applies (detailed below), consistency with other Oregon Administrative rules do not directly apply to the review. A complete review of consistency with the Comprehensive Plan and Statewide Planning Goals is included below.”

Although the above criteria requires compliance with only the comprehensive plan, Sec. 15.334.040.D requires compliance with both the comprehensive plan and Oregon Statewide Planning Goals for quasi-judicial zone changes. As evidenced by findings in this report, the proposal is found be consistent with the comprehensive plan and statewide planning goals, and the criteria is met.

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 burden of proof submitted by the applicant addresses subsection 1 and 2 specifically. As stated in the application,

“As written in this section, the proposal only needs to meet one of these criteria. The criterion that the proposal most broadly adheres to is #2. Historically, the I Zone has extended to the western edge of ODOT controlled land and planned facility; such a zoning condition would have allowed for the area to the west of the ODOT facility to be CMX and the area to the east of the ODOT facility be I. Differing zones and uses in these distinctly different (and separated) areas would have been divided by a substantial ODOT facility. When considering facility needs in the area, ODOT has recently determined that the land needed for their facility is less than originally planned. As such, in 2016, ODOT sold the 100 foot wide strip of property (west side of the planned facility), retaining the eastern 200 feet. With the sale of the property, there now is a narrow (100 foot wide) strip of I zoned land that abuts the CMX Zone to the west and a future ODOT facility to the east. However, this I zoned land is separated from other developable I zoned land by over 200 feet, which is anticipated to accommodate a rather large ODOT facility. This change in and of itself ensures conformance with this provision (#2).”

“Furthermore, it could also be argued that changing the 100 foot wide strip of I zoned land to CMX would also be in the public interest (#1). With an I zone, the employment opportunities provided on the property are less than those in the CMX Zone. Furthermore, with an I zone, the allowed uses often necessitate larger piece of land, so that larger uses and buildings can occupy the space. Development of larger uses and buildings on the narrow strip of land is challenging, given the need for access (possibly a road), parking, and building space requirements.”

“Changing the designation and zone to CMX will provide greater development options (in terms of uses) and also allow for uses that could effectively and efficiently be developed on the otherwise restricted property (due to location and shape). The proposed Comprehensive Plan Map Amendment and Zone Change will allow for development, which will provide employment opportunities in the City of La Pine, it will increase the tax base, it will enhance the tourist opportunities in the City (which the Comprehensive Plan establishes as a Target Industry), and the added tourists will have in indirect (multiplier) economic effect, by shopping at

local stores, eating at local restaurants, buying fuel, etc. Overall, approving the Comprehensive Plan Map Amendment and Zone Change, will allow for future development to occur, which will benefit the public in multiple ways, and thus be in the public's interest."

Compliance is required with only one of the above-listed criterion. The applicant has chosen to address compliance with subsection 1 and 2, which requires the proposal to be in the public interest with regard to community conditions and the proposal is a response to changes in the community.

For subsection 1, the applicant has made the argument that the current Industrial zoning designation is more restrictive than the proposed Commercial Mixed-Use zoning. They also state that the Industrial zoning typically requires larger lots, and buildings to accommodate those uses, and the narrow strip of property would be prohibitive towards that. The change in zoning would allow for more uses to be applied for, meaning more options for different types of businesses in the community. They go on to state that the zone change would enhance tourist opportunities, which will have an economic effect on the local stores, eating establishments, fuel, etc. Staff primarily agrees with the applicant's argument, with exception to the lot size discussion. Changing the zoning of a smaller piece of land is not generally considered in the public best interest, only that of the individual landowner. That portion of the argument is dismissed by staff, and find that the remaining portion of the argument serves the public's best interest.

For subsection 2, the applicant states that the proposal most broadly adheres to this criteria. They state that the Industrial zone has historically extended to the western edge of ODOT controlled land, and that everything west of that designation should be zoned Commercial Mixed-Use. They state that due to the sale of the strip of land from ODOT, the underlying zoning designation is not representative of the zoning designations in the area. Staff agrees with the applicant's argument, and finds the proposal to be in compliance with subsection 2, based on the fact that ODOT decided to sell land within the community to a private landowner, causing a change in public versus private ownership, and the proposed zone change is a response to those changes. Criteria met.

C. The amendment must conform to section 15.344.060 [15.334.050], transportation planning rule compliance; and

FINDING: The burden of proof submitted by the applicant states, "As detailed in the TPR Analysis and Traffic Report, and the referenced section, the proposal conforms to the Transportation Planning Rule; therefore the proposal conforms to this reference provision."

Although the applicant's argument lacks substance when addressing this criteria, when referencing the TPR Analysis and Traffic Report in the application materials submitted, page 8 of the TPR Analysis addresses transportation planning rule compliance. Compliance with this criteria is addressed further in Sec. 15.334.050., where the use is found to comply.

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: The burden of proof submitted by the applicant addresses the individual Oregon Statewide Planning Goals. Each goal is addressed below for consistency in relation to the proposal.

Goal 1 - Citizen Involvement

In addressing the Statewide Planning Goal, the applicant stated the following,

“Conformance with Goal 1 is achieved in La Pine through *Chapter 2, Citizen Involvement Program* of the Comprehensive Plan and through the implementation procedures that have been adopted in the Development Code. Chapter 2 of the Comprehensive Plan identifies various Citizen Involvement Committees for the City, including the Planning Commission and the City Council. The City Council adopted the procedures in the Development Code, and the procedures have been acknowledged by the Land Conservation and Development Commission (LCDC). The adopted procedures of the Development Code contain provisions to ensure an appropriate level of citizen involvement is achieved for the application type, including the Type III procedures for Quasi-judicial Comprehensive Plan Map Amendment / Zone Change applications, which require hearings before both the Planning Commission and the City Council.”

“Also, prior to submittal of the application, the applicant is required to notify and hold a Neighborhood Meeting, which (as documented in the record) has been completed. Upon submittal, it is anticipated that the City will hold hearings before the Planning Commission and the City Council. Prior to the public hearings, the City will send notice to all property owners within 500 feet of the property, along with interested agencies. In addition to mailed notices, it is anticipated that public notice will be published in a local newspaper. The published and posted notices inform citizens about the hearings and indicate that any interested parties may participate by submitting written or verbal testimony. The applicant held the required Neighborhood Meeting and submitted an application form; the applicant understands that public hearings, before the Planning Commission and the City Council, will be noticed and held in conformance with the public involvement procedures of the Development Code. The adopted procedures will therefore ensure consistency with Statewide Planning Goal 1.”

The factors outlined by the applicant above demonstrate compliance with the Citizen Involvement Goal. The review of the application is processed as a Quasi-Judicial review, which includes public involvement. As evidenced by the application materials, a neighborhood meeting was also held. Since the request has adequately incorporated citizen involvement, the request complies with Goal 1.

Goal 2 - Land Use Planning

In addressing the Statewide Planning Goal, the applicant stated the following,

“The proposal includes a plan to amend the Comprehensive Plan Map and Zoning Map. The proposal will be reviewed in accordance with the planning processes and policy framework that have been established in the adopted La Pine Comprehensive Plan, along with the Development Code (an acknowledged local land use regulation). It is anticipated that the proposed Comprehensive Plan Map Amendment and Zoning Map Amendment will follow the established local planning processes, 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 of the Development Code, the review of the proposal will be consistent with Statewide Planning Goal 2.”

The factors outlined by the applicant above demonstrate compliance with the Land Use Planning Goal. The review of the application is processed as a Quasi-Judicial review, which includes reviewing the use in accordance with the land use procedures for the City of La Pine. Since the request has adequately incorporated land use planning, the request complies with Goal 2.

Goal 3 - Agricultural Lands

The proposal does not involve the utilization of agricultural lands, nor are the lands being used for agricultural purposes. Goal 3 does not apply to the request.

Goal 4 - Forest Lands

The proposal does not involve the utilization of forest lands, nor are the lands being used for forestry purposes. Goal 4 does not apply to the request.

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

In addressing the Statewide Planning Goal, the applicant stated the following,

“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 being a Goal 5 resource or containing a Goal 5 resource; therefore Goal 5 is not applicable to the current proposal.”

Staff agrees with the applicant’s argument, the site is not within the jurisdiction of any Goal 5 resources, nor does the property contain any Goal 5 resources. Goal 5 does not apply to the request.

Goal 6 - Air, Water and Land Resources Quality

In addressing the Statewide Planning Goal, the applicant stated the following,

“Goal 6 is not applicable because the proposed Comprehensive Plan Map Amendment and Zone Change only amend a map; it does not include development and will not have any impacts on air, water or land resources. In association with Map Amendments, the applicant has begun to plan anticipated development on the property. With submittal of a future project, it will be required to be shown that sewage treatment and water supply can and will be supplied in accordance with the adopted design standards, thus maintaining water and land resource quality on and around the property. Also, there are no streams or other water resources in the vicinity that would be adversely affected by the associated development. For the above stated reasons, the Goal 6 is not applicable to the current proposal.”

Staff agrees with the applicant’s argument, the request is for a zone change. Any future uses identified or permitted in the new Commercial Mixed-Use zone will be uses that already comply with the Statewide Planning Goals, as the adopted comprehensive plan and code have been reviewed by the Department of Land Conservation and Development for compliance. Goal 6 does not apply to the request.

Goal 7 - Areas Subject to Natural Hazards

In addressing the Statewide Planning Goal, the applicant stated the following,

“The intent of Goal 7 is to protect people and property from the dangers of natural disasters. The Comprehensive Plan Map Amendment and Zone Change elements of the proposal do not include the development and property is not subject to any 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 Oregon 97 Investments Comprehensive Plan Map Amendment / Zone Change Page 26 of 36 that other properties in the area, thus the proposal is consistent with this goal and additional assessment is not necessary.”

Staff agrees with the applicant's argument, the request is for a zone change. The request would not be affected by a Natural hazard, and the subject property is not within any areas subject to natural hazards. Goal 7 does not apply to the request.

Goal 8 - Recreational Needs

In addressing the Statewide Planning Goal, the applicant stated the following,

"The property is not designated for a recreational purpose or a destination resort within the Comprehensive Plan, other community plans, or any implementing ordinances. Through adopted long range planning efforts, the property has not been identified as necessary to meet recreational needs of the City of La Pine, thus the planned amendments do not conflict with this statewide planning goal and additional assessment is not required."

Staff agrees with the applicant's argument, the request is for a zone change. The subject property has not been identified as a recreational resource, and no recreational uses currently exist on the subject property. Goal 8 does not apply to this request.

Goal 9 - Economic Development

In addressing the Statewide Planning Goal, the applicant stated the following,

"The proposal will change the Comprehensive Plan designation and zone of the property from its current Industrial (I) designation and zone to Mixed Use Commercial (CMX). As I zoned and designated land, the property is extremely challenging to develop, because it is narrow, not able to support uses to the west, not able to accommodate needed drives (or roads), parking, building sizes and other design requirements of the I Zone, whereas the CMX Zone is consistent with the zoning of the properties to the west, it allows the property to be combined / consolidated with the property to the northwest, and for the combined property to be developed with a use that is needed and desired in the community (namely tourism supportive). The Comprehensive Plan Map Amendment and Zone Change element of the proposal is the first step to entitle the property for a commercial use. The proposal and future Development review, will ultimately result in development occurring on the site, it will add economic opportunities to the City, will draw in and serve tourist, who will benefit the local economy and employment sector (visiting restaurants, retail store, etc.), which will ultimately improve economic opportunities in La Pine, in conformance with this goal."

The applicant intends to improve the economic vitality of the property through the zone change request. Their argument addresses the size of the property, the difficulty in utilizing an industrial use on a property that size, and its consistency with the zoning of the property to the West, which would be combined with the subject property in the future. They argue that allowing the zoning to be changed to commercial would allow a larger range of potential uses that would meet the economic goals of the City. Staff agrees with the portion of their argument regarding economic vitality of the property, and how the subject property could be utilized with other neighboring properties zoned for commercial uses. Changing the zoning would meet the economic goals of the city, and the commercial zoning would allow for that. OAR 660-009-0010(4) requires that properties in excess of two acres switching from an industrial designation to a non-industrial designation, must meet all planning requirements and meet one of three sub criteria. Findings for OAR 660-009-0010(4) are addressed herein where the request is found to comply. The request complies with Goal 9.

Goal 10 - Housing

In addressing the Statewide Planning Goal, the applicant stated the following,

“The proposal does not add or remove any 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.”

Staff agrees with the applicant’s argument, the request is for a zone change. One component to address is that currently the Industrial zone has limited options for housing, while the Commercial Mixed-Use zone allows more options for housing. The request complies with Goal 10.

Goal 11 - Public Facilities and Services

In addressing the Statewide Planning Goal, the applicant stated the following,

“OAR 660-11 implements Goal 11, and notes, “Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons...” The most recent 2022 Portland State University population forecast for La Pine documents a population of 2,838. While the population is over 2,500; the City has not yet developed Water or Sewer Public Facilities Plans (PFPs). Even though the City does not have water and sewer PFPs to analyze consistency with, the future Site Plan and CUP will include Utility Plans that assess public facility availability in the area, and the future plans will be required to document how public facilities can and will be extended to the site in a timely, orderly and efficient manner.”

In coordination with the Contract Engineer for the City, Erik Huffman, the effect of the project on public facilities and services was discussed, and comments were provided. In response, Huffman recommended the following conditions of approval to ensure the development does not burden any existing facilities.

The property is within 300 feet of a public sewer. Prior to zone change approval, the applicant shall design and construct an extension of the sewer main which currently terminates in Rosland Road at the intersection with Drafter Road, and extend the sewer main to the easterly boundary of the subject property along the frontage of Rosland Road. Minimum gravity sewer main diameter is 8-inches. Construction plans shall be submitted to the City of La Pine for review and approval. Prior to construction, the developer shall submit a performance bond in the amount of 120% of the value of public improvements. The developer shall submit a cost estimate to the City for approval prior to submitting the performance bond.

The area in the subject property under the proposed zoning represents approximately 20 EDU of sewer capacity, and sewer capacity in this basin is limited. The 20 EDU represents an increase of approximately 8 EDU from current zoning. The estimated cost to increase capacity in the basin is \$750,000 and the estimated existing quantity of EDUs available in the basin is 424. The increase of 8 EDUs represents a prorated share of \$14,150 toward capacity improvements created by this zone change. Prior to zone change approval, the developer shall provide the City with a cash contribution toward future sewer capacity improvements in the amount of \$14,150.

With those conditions of approval, compliance with Statewide Planning Goal 11 is ensured, and the criteria is met.

Goal 12 - Transportation

In addressing the Statewide Planning Goal, the applicant stated the following,

“Goal 12 is implemented through the Transportation Planning Rule, OAR 660-12-0060, in addition to local land use regulations. The proposal includes a TPR analysis (attached as an Exhibit), which has been prepared by Transight Consulting LLC; detailed findings of the TPR analysis are included below and in the attached

Exhibit. As detailed therein, with the proposed limit on PM peak hour trips, the proposed Comprehensive Plan Map Amendment and Zone Change will not significantly impact any transportation facility and thus will comply with the TPR (OAR 660-12-0060). In regards to the local land use regulations, the City of La Pine has adopted a Transportation System Plan (TSP) and a Development Code; conformance with these documents ensures compliance with Goal 12. The Development Code includes requirements that transportation capacity exist, or be provided, in association with new developments and/or land division, and that improvements be consistent with the TSP. The application and review processes that will occur in association with Site Plan and CUP review (below) ensure compliance with Goal 12. The detailed review of the TPR and associated development's compliance with the transportation section of the Development Code therefore provide consistency with this statewide planning goal."

The Applicant states that development is not subject to Statewide Planning Goal 12, since no development is proposed at this time. This statement is in contrast to the statements later on in their burden of proof, and TPR Analysis provided which states the proposal would have a significant impact. As discussed in Sec. 15.334.050 of this report, the Applicant has requested a trip cap mitigation measure to mitigate the significant impact. Staff does not support this mitigation measure, and a condition of approval requiring a cash contribution to mitigate the effects of the proposal is included in this report. With that condition, and findings within this report addressing transportation system effects, compliance with the policies of Chapter 8 is ensured. Criteria met.

Goal 13 - Energy Conservation

In addressing the Statewide Planning Goal, the applicant stated the following,

"The proposal includes an amendment to the Comprehensive Plan Map and Zoning Map, thus this goal is addressed. Development will be reviewed in the future (Site Plan and CUP) and with said review, the design will be required to conform to the applicable Development Code standards. The Development Code has been designed and acknowledged to be consistent with this Goal, thus the Comprehensive Plan Map Amendment and Zone Change is consistent with this Goal."

Staff agrees with the applicant's argument, the request is for a zone change. Energy conservation will be addressed through the development review process for uses that have been adopted in accordance with the adopted comprehensive plan. Goal 13 does not apply to the request.

Goal 14 - Urbanization

In addressing the Statewide Planning Goal, the applicant stated the following,

"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, which will use existing public facilities and services (which are reviewed with the future site development and CUP applications below) in an efficient and functional land use patterned. Given that the proposal does not expand the urban growth boundary, this goal is not relevant to the proposed amendment."

Staff agrees with the applicant's argument, the request is for a zone change. Rural lands will not be brought into the urban growth boundary through the request. Goal 14 does not apply to the request.

Goals 15 - 19

Goals 15 through 19 address either coastal or Willamette Valley goals, which do not apply to the City of La Pine. Goals 15 through 19 do not apply to the request.

2. *Approval of the request is consistent with the relevant policies of the comprehensive plan;*

FINDING: In reviewing the relevant policies of the comprehensive plan, all relevant policies must be analyzed to ensure compatibility with the goals of the City. Each chapter is reviewed below for conformity.

Chapter 1 - Community Characteristics

In addressing this chapter of the La Pine Comprehensive Plan, the applicant stated the following,

“After detailing the history of the City of La Pine, from demographics, to development groups, and land use patterns, this chapter goes on to note that, “These historic types of land uses do not currently support sustainability and the reduction of vehicle miles traveled.” (Page 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:

- Planned growth with commensurate infill policies that permit increased density but recognize that compatibility is an essential feature of maintaining and improving La Pine’s livability
- Opportunities for additional tourism support services and activities

The area around this development contains the La Pine Travel Center and is generally focused around tourism services. Allowing a Comprehensive Plan Map Amendment and Zone Change from I to CMX is the first step to entitle the property for development, so that it can be developed with a use that is consistent with the surrounding area and a desire of the community. If the entitlement process is successful, the applicant will be proceeding with the development on the property. The future development will result in facilities and services provided to and through the property, including access and pedestrian ways, in accordance with adopted development standards. Furthermore, the planned CMX zone allows for the future development, which will provide additional employment and commercial opportunities in the area, allow for efficient infill development, consistent with the nearby uses and provide opportunities for tourists to stay in La Pine. The proposal is consistent with the applicable elements of this chapter.”

The applicant accurately identified the applicable policies of Chapter 1. Their argument is generally centered around two factors. That the general area abutting the property is used for tourism purposes, and the planned zone change will allow for efficient infill of development that is consistent with nearby uses and would allow opportunities for more tourism. Staff agrees with the applicant’s arguments. Changing the zoning from Industrial to Commercial Mixed Use will certainly allow for more tourism support services and activities. Potential tourism support services permitted in the Commercial Mixed-Use zone include campgrounds and rv parks, commercial lodging, eating and drinking establishments, retail sales and service, and other potential tourism supporting services. Changing the zoning would also allow uses that do not require as much area as industrial uses, addressing the infill policies and creating more density. The request complies with the policies of Chapter 1

Chapter 2 - Citizen Involvement Program

In addressing this chapter of the La Pine Comprehensive Plan, the applicant stated the following,

“This chapter identifies State rules related to citizen involvement, along with the community’s purpose and intent with regard to citizen involvement. Furthermore, this chapter identifies issues and goals, policies and

programs, it establishes roles and responsibilities, and establishes specific Citizen Advisory Committees (CACs). One of the CACs that are identified in this chapter is a Planning Commission, which the City has established for Planning and Land Use purposes. It is understood that the proposal will be processed and reviewed in accordance with the public notification procedures that have been established in the Development Code, and that hearings will be held before both the Planning Commission and the City Council. Ultimately, it is anticipated that the application will be review by the City established citizen advisory committees, and in accordance with the adopted notification procedures, thus will be consistent with this chapter.”

The applicant states that the proposal is in compliance with Chapter 2, mainly in part to the fact that the review is a Quasi-Judicial Review, which involves a public hearing, allowing for citizen involvement. Staff agrees, the review of the zone change will follow the public process, adequately addressing the citizen involvement. The request complies with Chapter 2.

Chapter 3 - Agricultural Lands

The proposal does not involve the utilization of agricultural lands, nor are the lands being used for agricultural purposes. Goal 3 does not apply to the request.

Chapter 4 - Forest Lands

In addressing this chapter of the La Pine Comprehensive Plan, the applicant stated the following, The proposal does not involve the utilization of forest lands, nor are the lands being used for forestry purposes. Goal 4 does not apply to the request.

Chapter 5 - Natural Resources and Environment

In addressing this chapter of the La Pine Comprehensive Plan, the applicant stated the following,

“This Comprehensive Plan chapter is intended to address Oregon Statewide Planning Goals 5, 6, and 7 which address natural resources, historic area, and open spaces, air water and land resources and protection from natural hazards. The subject property is a vacant 2.88 acre area that has not been identified as having any protected natural resources, historic elements, or designated open spaces. Furthermore, the proposal changes the Comprehensive Plan Map and Zoning Map, and the associated development (not directly subject to this chapter) will not result in any impacts to air, water or land resources. Also, the property is not subject to any 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) and 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 and the City, thus the proposal is consistent with this chapter.”

Staff agrees with the applicant’s argument, the request is for a zone change. Any future uses identified or permitted in the new Commercial Mixed-Use zone will be uses that already comply with the Comprehensive Plan, as adopted in 2010. The request would not be affected by a Natural hazard, and the subject property is not within any areas subject to natural hazards. Chapter 5 does not apply to the request.

Chapter 6 - Parks, Recreation, and Open Space

In addressing this chapter of the La Pine Comprehensive Plan, the applicant stated the following,

“This Chapter is intended to carry out Statewide Planning Goal 8, Parks, Recreation and Open Space. Recognizing that quality of life is impacted by the location and function of area parks, natural areas and

open spaces, this chapter encourages corporation between the City, the La Pine Park and Recreation District, County, State and Federal Agencies, in an effort to develop an appropriate park system for the City. In the La Pine area, the La Pine Park District has existed since 1990. This district has an adopted Master Plan, which identifies park needs, locational needs, desires and deficiencies. The Park District does not identify a park need on or around the subject property. Because the property has not been identified as being needed to meet recreational needs of the City, the planned map amendments do not conflict with this chapter.”

“Additional vehicular, bicycle and pedestrian connections, and development standards will be reviewed in association with land development (Site Plan Review and CUP) below. Given that there are no identified park, recreation or open space needs on the property and given that development will be required to make connections as established in the Development Code, the applicant concludes that the policies in this section do not apply to Comprehensive Plan Map Amendment and Zone Change.”

The Applicant states that the La Pine Parks and Rec Department has not included the subject properties in its Master Plan, and that since there are no identified park, recreation, or open space needs, the policies of Chapter 6 do not apply. Staff agrees, No policies within this chapter of the comprehensive plan exist that would relate to the proposed zone change. Chapter 6 does not apply to the request.

Chapter 7 - Public Facilities and Services

In addressing this chapter of the La Pine Comprehensive Plan, the applicant stated the following,

“This chapter is intended to carry out Statewide Planning Goal 11. While the City has not yet developed Water or Sewer Public Facilities Plans, it is anticipated that water and sewer availability will be reviewed through the subsequent Site Plan/CUP review. The policies of this Chapter are directed at development and are carried out through the implementing Development standards (which apply to Site Plan and CUP review). The policies of this section do not apply to Comprehensive Plan Map Amendment and Zone Change, and instead only apply to development, via the adopted Development Code provisions. It is anticipated that the elements of this chapter that have been Oregon 97 Investments Comprehensive Plan Map Amendment / Zone Change Page 31 of 36 incorporated into the Development Code will be imposed upon development review, which will ensure consistency with this Chapter.”

In coordination with the Contract Engineer for the City, Erik Huffman, the effect of the project on public facilities and services was discussed, and comments were provided. In response, Huffman recommended the following conditions of approval to ensure the development does not burden any existing facilities.

The property is within 300 feet of a public sewer. Prior to zone change approval, the applicant shall design and construct an extension of the sewer main which currently terminates in Rosland Road at the intersection with Drafter Road, and extend the sewer main to the easterly boundary of the subject property along the frontage of Rosland Road. Minimum gravity sewer main diameter is 8-inches. Construction plans shall be submitted to the City of La Pine for review and approval. Prior to construction, the developer shall submit a performance bond in the amount of 120% of the value of public improvements. The developer shall submit a cost estimate to the City for approval prior to submitting the performance bond.

The area in the subject property under the proposed zoning represents approximately 20 EDU of sewer capacity, and sewer capacity in this basin is limited. The 20 EDU represents an increase of approximately 8 EDU from current zoning. The estimated cost to increase capacity in the basin is \$750,000 and the estimated existing quantity of EDUs available in the basin is 424. The increase of 8 EDUs represents a prorated share of \$14,150 toward capacity improvements created by this zone change. Prior to zone change

approval, the developer shall provide the City with a cash contribution toward future sewer capacity improvements in the amount of \$14,150.

With those conditions of approval, compliance with Chapter 7 of the Comprehensive Plan is ensured, and the criteria is met.

Chapter 8 - Transportation

In addressing this chapter of the La Pine Comprehensive Plan, the applicant stated the following,

“This chapter is intended to carry out Statewide Planning Goal 12. This chapter provides details of the transportation elements in the City of La Pine, including roads, bicycle ways, pedestrian routes, and public transit. Furthermore, this chapter addresses long range planning needs, air and rail, pipelines, and funding. The majority of the policies of this section have been incorporated into the Development Code and implementing regulations, which will be imposed upon development, via the applicable Site Plan and CUP provisions (addressed in the future). The Comprehensive Plan Map Amendment and Zone Change are not themselves development. Therefore, the policies of this chapter do not apply to the Comprehensive Plan Map Amendment and Zone Change portion of the proposal and instead are imposed upon development, via the Site Plan and CUP provisions, as adopted into the applicable implementing regulations.”

The Applicant states that development is not subject to Chapter 8 of the Comprehensive Plan, since no development is proposed at this time. This statement is in contrast to the statements later on in their burden of proof, and TPR Analysis provided which states the proposal would have a significant impact. As discussed in Sec. 15.334.050 of this report, the Applicant has requested a trip cap mitigation measure to mitigate the significant impact. Staff does not support this mitigation measure, and a condition of approval requiring a cash contribution to mitigate the effects of the proposal is included in this report. With that condition, and findings within this report addressing transportation system effects, compliance with the policies of Chapter 8 is ensured. Criteria met.

Chapter 9 - Economy

In addressing this chapter of the La Pine Comprehensive Plan, the applicant provided an initial response to the Economic chapter of the Comprehensive Plan. They stated the following,

“The proposal will change the Comprehensive Plan designation and zone of the property from its current Industrial (I) designation and zone to Mixed Use Commercial (CMX). As I zoned and designated land, the property is extremely challenging to develop, because it is narrow, not able to support uses to the west, not able to accommodate needed drives (or roads), parking, building sizes and other design requirements of the I Zone, whereas the CMX Zone is consistent with the zoning of the properties to the west, it allows the property to be combined / consolidated with the property to the northwest, and for the combined property to be developed with a use that is needed and desired in the community (namely tourism supportive). The Comprehensive Plan Map Amendment and Zone Change element of the proposal is the first step to entitle the property for a commercial use. The proposal and future Development review, will ultimately result in development occurring on the site, it will add economic opportunities to the City, will draw in and serve tourist, who will benefit the local economy and employment sector (visiting restaurants, retail store, etc.), which will ultimately improve economic opportunities in La Pine, in conformance with this goal.”

Once the PAPA was submitted to DLCD, they provided comments which notified the Applicant of the need to address OAR 660-009-0010(4). The Applicant provided a response to the cited administrative rule, which is addressed further on in this report, and the use is found to comply. In terms of overall compliance with the

policies of the Comprehensive Plan, staff agrees with the applicant that the proposal will be a better fit for the subject properties, and will ultimately result in development occurring on the site that will add economic opportunities to the City, drawing in and serving tourists, who will provide a benefit to the local economy and employment sector. Criteria met

Chapter 10 - Housing

In addressing this chapter of the La Pine Comprehensive Plan, the applicant stated the following,

“This chapter addresses housing and State Planning Goal 10. The proposed Comprehensive Plan Map Amendment and Zone Change will not alter the availability of housing or residential lands in the City of La Pine. The property does not exist as a residentially designated parcel, and the planned designation is Commercial Mixed Use (CMX), which is not primarily residential. The proposal does not add or remove any residential lands from the La Pine Urban Growth Boundary, thus will not impact the availability of residential lands, Goal 10, or this chapter.”

The Applicant states that the request will not alter the availability of housing or residential lands in the city. They state that the properties are not zoned residential, and that the proposed zone change will change the zoning of the properties to Commercial Mixed Use, which is not a residential zoning. Staff agrees, No policies within this chapter of the comprehensive plan exist that would relate to the proposed zone change. Chapter 10 does not apply to the request.

Chapter 11 - Energy Conservation

In addressing this chapter of the La Pine Comprehensive Plan, the applicant stated the following,

“This chapter carries out Oregon State Planning Goal 13. After providing background, purpose and intent, this Chapter identifies issues with travel, existing development patterns, and energy supply opportunities. The policies of this chapter address residential density, along with development and design desires. The Comprehensive Plan Map Amendment and Zone Change element of the proposal does not include any development, thus the policies of this chapter do not apply to Comprehensive Plan Map Amendment and Zone Change element proposal. It is anticipated that some of the policies of this section will be imposed upon site development, as reviewed with the Site Plan and CUP, as implemented through adopted Development Code provisions.”

The Applicant states that since no development is proposed through the zone change request, the policies of Chapter 11 do not apply to the request. They state that when site development occurs, some of the policies will apply through the adopted development code criteria. Staff agrees, No policies within this chapter of the comprehensive plan exist that would relate to the proposed zone change. Chapter 11 does not apply to the request.

Chapter 12 - Urbanization

In addressing this chapter of the La Pine Comprehensive Plan, the applicant stated the following,

“This chapter carries out State Planning Goal 14, which requires that cities 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 Oregon 97 Investments Comprehensive Plan Map Amendment / Zone Change Page 33 of 36 use of land, and to provide for livable communities. This chapter provides details of Buildable Lands, residential and commercial land needs, ultimately determining that the amount of land within the City Limits is sufficient to accommodate the 20 year land needs. In addition to

detailing land needs, this chapter provides guidance and direction on future development within the UGB area. This chapter notes, “The City of La Pine currently contains over a thousand acres of forest and BLM lands. These acres are located on the eastern part of the community and mostly east of the BNSF rail line. These acres will be used for public facilities such as sewer expansion ROW for the ODOT overpass, energy production and other public use.” It is possible that some of these lands could be converted to I zoning. This rezoning has already occurred. With a substantial amount of I Zoned Lands in the City, the City has a substantial oversupply of Industrial lands.”

The Applicant states that Chapter 12 highlights that there is sufficient land to accommodate the 20 year land needs. They also cite a section that states there is large amounts of federally owned land that is zoned for public facilities. They then simply state that there is a sufficient amount of Industrial zoned lands. Although the applicant’s argument towards compliance with Chapter 12 lacks specificity, findings for Chapter 9 provide additional arguments towards compliance. Staff agrees that the city currently contains an adequate amount of Industrial land, with findings incorporated from Chapter 9. Criteria met.

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 burden of proof submitted by the applicant states, “With this Comprehensive Plan Map Amendment and Zone Change Application the applicant has begun to plan for tourism related uses on the property. The anticipated use is a very specific use, whereby water, sewer and transportation needs can be considered and analyzed. With future development applications, the project will extend water and sewer mains to serve the property and surrounding area. The improvements will be coordinated with the City Engineer and Public Works director, such that adequate capacity can be determined. Furthermore, the design will extend franchise utilities to the property, as needed to serve the site and surrounding area. Lastly, the Site Plan / CUP design will include right-of-way dedication and improvements, including water and sewer main in Rosland Road. Overall, the existing conditions, along with the improvements that are planned with the Site Plan / CUP will ensure that adequate facilities, services and transportation networks are extended to the site and to the surrounding area.” The closest sewer and water connections are located at the northwest corner of Rosland Rd and Drafter Rd, approximately 340 feet from the subject property. At this time, with the current proposal, no improvements are required. However, at the time of land use review for any uses proposed on the property, the existing systems may require upgrades to ensure the carrying capacity meets the needs of the development for the subject property and potential neighboring future uses. Transportation will also be addressed once an actual use is proposed for the subject property, with the use dictating the effect on the road system. Based on the fact that no development is proposed through this request, and services exist in the direct vicinity, criteria met.

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 burden of proof submitted by the Applicant includes the following statement

If considering a worst case scenario, the CMX Zone would allow more intensive uses than the I Zone, however the Comprehensive Plan Map Amendment and Zone Change is planned to limit trips (include a 36 pm peak hour trip cap). If a worst case scenario were being considered without a trip cap (any CMX allowed use could occur on the property) then an additional analysis of whether the use would destabilize the land use pattern of the area would be needed, however given that the Comprehensive

Plan Map Amendment and Zone Change will limit the development (on the I zoned property) to 36 pm peak our trips, the Comprehensive Plan Map Amendment and Zone Change will be no more intensive than retaining the I zone; therefore the Comprehensive Plan Map Amendment / Zone Change (with the trip cap) will not destabilize the land use pattern in the area.

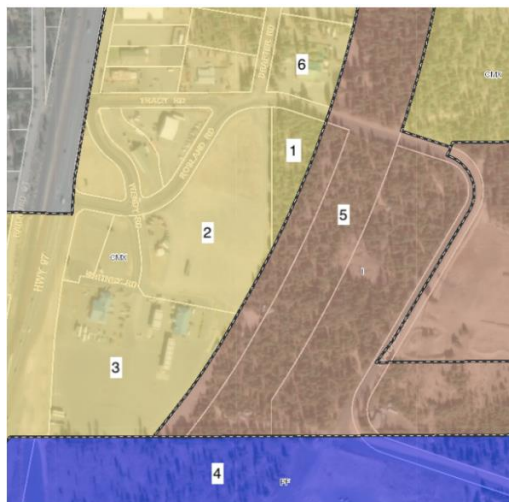
As discussed in findings for LPDC Sec. 15.334.050, a trip cap shall not be instituted to mitigate the significant impacts of the proposal. Instead, the Applicant shall pay a cash contribution to offset the effects of the proposal.

In response to findings from staff provided in the staff report provided on July 10, 2024, The Applicant stated the following:

The land use pattern in the area (which is east of Hwy 97 and west of the planned ODOT facility) could be described as undeveloped, underdeveloped and/or developing CMX zoned lands. The broader area is generally developed with tourism focused uses between Hwy 97 to the west and the ODOT land to the east. The fact is that ODOT's disposition of the "I" Zoned land on the west side of the planned ODOT facility created a strip of privately owned and developable "I" Zoned land (and associated uses that are allowed in the zone) on the west side the ODOT planned facility. This has become the only privately owned "I" zoned land on the west side of this planned facility, and this action created the potential for inconsistent uses and potential instability in this area. Before the ODOT disposition, while zoned "I", the area was anticipated to be an ODOT transportation facility. With the disposition of the strip of land, this area has become the only location in the entire City where privately owned (and developable) "I" zoned land is located on the west side of the ODOT Hwy 97 system (existing and or planned). The proposed CMX zone will correct this action, it will allow for consistency with the zones and thus similarity of uses amongst the lands on the west side of the planned ODOT facility; it will not result in the potential for differing uses, and/or the potential differing impacts (such as noise, dust, emissions vehicle types) that currently could occur, with privately owned and developable "I" zoned land abutting CMX zoned land.

Overall, instead destabilizing the land use pattern in the area, the proposed Comprehensive Plan Map Amendment and Zone Change from "I" to "CMX" is expected to allow for a stable mix of similar uses on the west side of the planned ODOT facility.

Adjacent Properties The property is adjacent to 6 properties



Properties 1, 2 and 3 abut the subject property and are zoned CMX. Given that the new uses that will be allowable on the subject property are consistent with the uses that are allowed on these abutting properties, it is not expected that their level of intensity will result in any significantly adverse effects. Furthermore, the applicant also owns these properties and sees the zone change as stabilizing the area and adding positive effects to the area, allowing consistency of uses, rather than creating any adverse effects.

Property 4 is a large piece of property that is owned by the USA. Given its size and location, it currently abuts a number of different zones (and jurisdictions). The variety of jurisdictions and zones allow for a very large range of uses. Widening the distance that this USA owned property abuts CMX zoned land (and the associated uses that are permitted in the CMX zone) by approximately 130 feet will be insignificant and is not be expected to result in any significantly adverse effects to that property.

Property 5 is owned by ODOT, zoned "I". Furthermore, this land has been planned for an transportation facility. Regardless of the zone or allowed uses, it is not expected that any development of the subject property will be permitted direct access onto the ODOT facility. Given the planned use of the ODOT property and lack of access thereto, it is not expected that uses that will be allowed on the land with the new CMX Zone will result in a significant adverse effect to the ODOT property.

Property 6 is the Moose Lodge, it is located to the northwest and may or may not be considered adjacent. If determined to be adjacent, then it should also be considered. Being zoned CMX, this property can be developed with a wide variety of uses. The planned zoned change will bring consistency, such that uses allowed on the subject property are consistent with uses that are allowed on the Moose Lodge property. Furthermore this property is located on the other side (the northside) of the abutting street, which is developed within 60 feet of right-of-way. Given the location and distance, along with the fact that the Comprehensive Plan Map Amendment and Zone Change will result in the same suite of allowed uses, the proposal is not expected to result in any significantly adverse effects to this property.

Lastly, as in regards to water, sewer and transportation, all of these facilities have previously been addressed. As noted elsewhere, the applicant will be making improvements and/or financial contributions to these systems so that they have adequate capacity to accommodate the uses that are allowed in the CMX Zone. With adequate capacity, the proposal will not result in any significantly adverse effects to the adjacent properties.

Overall, the proposed CMX zone (and associated allowed uses) is the appropriate designation for this property. Given that the CMX Zone is the appropriate designation for the property, it will neither destabilize the land use pattern in the area nor have any significantly adverse effects on any adjacent properties. Therefore, the proposal conforms to this approval criterion.

Analyzing the Applicant's evidence submittal, they elaborate on a number of factors towards compliance with the criteria. They state that surrounding lands are zoned CMX, and changing the zoning would not cause potential for differing uses or differing impacts. The property to the south which is zoned Public Facility (PF), borders multiple different zones, borders the subject property for 130 feet, is owned by the federal government, and is not expected to be impacted. The property to the east is owned by ODOT, has been planned for a transportation facility, and access to the property from the subject property will not be allowed. The property to the north contains the Moose Lodge, is zoned CMX, allowed uses for the subject property would be the same for that property, the proposal would therefore not have an effect. They also state that the Applicant will be providing improvements, or financial contributions towards the water, sewer, and transportation infrastructure

in the direct vicinity. They finally state that due to the zoning changing to a similar zoning that is adjacent to the subject property, the proposal will not destabilize the land use pattern in the area nor have any significantly adverse effects on any adjacent properties.

Staff agrees with the Applicant's statements. Changing the zoning to a similar zoning as properties adjacent to the west, and the mitigation measures conditioned in the staff report towards water, sewer, and transportation will help to alleviate any effects on neighboring properties. With those findings, and conditions included in this report, criteria met.

Sec. 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 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 burden of proof submitted by the applicant states, "In association with this proposal, a Transportation Planning Rule (TPR) Analysis was conducted by Transight Consulting, LLC. The TPR Analysis is included in this proposal as an Exhibit. The findings of the TPR analysis indicate that by utilizing a PM peak hour trip cap, that the Comprehensive Plan Map Amendment and Zone Change from Industrial (I) to Mixed Use Commercial (CMX) will not significantly affect any existing or planned transportation facility, thus the proposal is in conformance with the TPR. The complete analysis is included in the referenced Exhibit, findings of which are incorporated herein."

The Applicants statements do not accurately represent what was addressed in the Analysis provided by Transight Consulting, LLC. Page 14 of the TPR Analysis states that "As summarized in Table 6, 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, limitations of allowable land uses, or other measures to show that a "significant impact" does not occur."

The analysis then again recognizes a finding of significant impact, and goes on to address potential mitigation measures that could be implemented through OAR 660-012-0060(1).

The Applicant has proposed a trip cap as their mitigation option. They state on Page 18 of the analysis that,

"The proposed application involves rezoning the 2.88-acre property from La Pine Industrial to Commercial Mixed-Use, and a trip cap based on the intensity of the current zoning potential is proposed to avoid the finding of a significant impact at the surrounding highway intersections. With the trip cap in place, any proposed uses will be the same or less intense than uses allowed outright within the industrial zoning, so the project complies with OAR 660-012-0060 requirements for a Plan and Land Use Regulation Amendment. This trip cap is expected to accommodate the plans for the site, and the trip cap should only remain in place until funded improvements or a specific funding plan for the US 97/Rosland Road intersection are established.

The following is recommended to support this rezone application:

- Due to identified deficiencies at the US 97/Rosland Road intersection, a trip cap should be implemented on the property limiting its uses to those that generate 36 or fewer weekday p.m. peak hour trips.
- Additional transportation analysis will be required for any future site plan application. This analysis will need to comply with the City of La Pine (and ODOT's) transportation analysis requirements.
- It is recommended that the City work collaboratively with ODOT to establish improvement funding mechanisms as the next step on the Wickiup Refinement Plan. The identification of deficiencies and lack of a funding mechanism to resolve this need creates somewhat of a moratorium on future redevelopment plans."

The proposed mitigation measure proposed by the Applicant is an optional mitigation measure that the City is not required to adopt. In the past, the City has not historically adopted a trip cap for any properties or projects within La Pine. In coordination with City leadership, tracking a trip cap for a property is not something that is within the ability of the City. In analyzing the effectiveness of a trip cap, the benefits of adopting the mitigation measure seems to only benefit the Applicant. A trip cap would limit the ability for more types of businesses to establish within the community, and if the property were to be sold in the future, any potential developers would be subject to the trip cap as well. Without a means for the City to track a trip cap, and the development limitations it would impose on the property, staff does not support the proposed mitigation measure.

Staff discussed the proposed trip cap with the Contract Engineer for the City, Erik Huffman. Through coordination with him towards a solution on what could be required in place of a trip cap, he stated that "the area in the subject property under the proposed zoning represents an approximate increase in 63 potential PM peak hour vehicle trips over current zoning according to submitted documents, primarily impacting the US97 Rosland Road intersection. According to the City of La Pine TSP Refinement Plan, future improvements to the US97 Rosland Road intersection have a cost of \$3,000,000. The refinement plan area has a potential for approximately 6,120 PM peak hour vehicle trips currently, and the increase of 63 potential PM peak hour vehicle trips represents a prorated share of \$30,882 toward capacity improvements created by this zone change." A condition of approval is included stating that prior to zone change approval, the developer shall provide the City with a cash contribution toward future transportation system improvements in the amount of \$30,882.

In addressing the significant impact, the cash contribution towards future transportation system improvements will meet the requirements of OAR 660-012-0060(2)(d). With the included condition, staff finds the request has mitigated the impacts in accordance with the TPR and applicable law. Criteria met.

OREGON ADMINISTRATIVE RULES

CHAPTER 660

DIVISION 9 - ECONOMIC DEVELOPMENT

660-009-0010 Application

*(***)*

(4) *For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:*

- (a) *Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or*
- (b) *Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or*
- (c) *Adopt a combination of the above, consistent with the requirements of this division.*

FINDING: After the PAPA was submitted to DLCD, comments from that agency were received directed towards the need for additional evidence for compliance with OAR 660-009-0010(4). In addressing the administrative rule, the applicant stated the following,

“In light of DLCD’s review comments, the applicant is taking a deeper dive into Chapter 9 of the City of La Pine Comprehensive Plan. Particularly, this narrative focuses on industrial land supply and industrial land demand. On page 107, *Section VI - Land Inventory Analysis*, the Comprehensive Plan indicates that (at the time of the Comprehensive Plan drafting), there was 508.5 gross acres of industrial land in the City and 234 acres of **net vacant / redevelopable** industrial land in the City. The Comprehensive Plan does not provide data/information on what lands were included in these calculation and/or what deductions were taken out to get the net number, thus some assumptions need to be made.

An important assumption that need to be determined, is whether railroad right-of-way and planned ODOT facility land area were deducted in the net calculation. In the La Pine Industrial Park area, there is railroad right-of-way that is approximately 5,350 feet long x 300 feet wide; approximately 37 acres:

If this area was deducted from the gross acres of “I” land; then it would not be part of the 234 acres “Net Vacant/Redevelopable” acres, that was determined to be available to serve La Pine’s industrial land need.

Similarly, at the time of drafting the City of La Pine Comprehensive Plan, the 2.88 acre area that is subject to the current application was part of a roughly 5,400 foot long by 300 foot wide (37 acre) area on the north end of the City that was owned by the Oregon Department of Transportation and planned for an ODOT Facility.

If the railroad right-of-way and the ODOT property were not included in the “Net Vacant/Redevelopable Acreages” then changing the designation of the subject land (which was part of the ODOT property) to something other than Industrial (I), would have no effect on the 234 acre supply of industrial lands that was determined to be available in the City of La Pine.

This, by itself would be sufficient to document that the currently proposed amendment is consistent with its most recent Economic Opportunities Analysis of the City of La Pine and the parts of its acknowledged comprehensive plan which address the requirements of this division.

In addition to the above analysis, given that the Comprehensive Plan does not provide details how it calculated its gross and net numbers, we cannot establish the above described assessment with 100% certainty. As such, this analysis is taking the “belt and suspenders approach” and will also consider the change as if the above denoted areas were not included in the gross / net deductions. This additional analysis is being provided in the unlikely event that the City or DLCD do not agree with the assessment above.”

The Applicant then goes on to address portions of the Comprehensive Plan, specifically pages 92-93. The portions of the Comprehensive Plan are included below with their responses.

Key Industrial Areas –The vision of LIGI

Led by community-based LIGI – the La Pine Industrial Group, Inc., efforts to develop three county-owned parcels east of the highway into industrial and business park sites are opening eyes in the Central Oregon business community. As development spreads from rapidly growing Bend outward, newly incorporated La Pine is high on the list of communities ripe for investment and development opportunities. Water and sewer districts have brought municipal services to the community core. In 2008, the City of La Pine was designated as an enterprise zone by the State of Oregon. This allows qualified companies to forego paying property taxes for 3 to 5 years. La Pine is located on US Hwy 97, the primary route between California and the Canadian border on the east side of the Cascades. Hwy 97 has been designated as an Expressway by the Oregon Department of Transportation and will be upgraded to four lanes between California and Washington. It connects with I-5 in northern California, I-84 in northern Oregon, and I-90 in central Washington. Three major highway routes link La Pine with Eugene, Salem, Portland, and other Willamette Valley cities. Electricity is provided by Midstate Electric Cooperative headquartered in La Pine. Midstate is a preferred customer of the Bonneville Power Administration, giving it first right to low cost, federally owned hydro-electric resources and a significant cost advantage to new firms locating in its service area.

The Applicant states that “It is clear from the text of the Comprehensive Plan that at the time of drafting the Comprehensive Plan, there was a desire and interest to attract Industrial Development to the City of La Pine; bare land that has services and capacity has been available, and it has been actively marketed and promoted. However, as detailed in the sections below, the amount of development has not proved to occur at the level that was originally forecast/anticipated.”

The La Pine Industrial Park

The La Pine Industrial Park consists of three segments: The Newberry Business Park, Finley Butte Industrial Park and an 80-acre, shovel-ready, certified site. Development of the 327-acre La Pine Industrial Park is a cooperative effort undertaken by the land-owner Deschutes County and the La Pine Industrial Group, Inc. a non-profit organization. LIGI can provide a range of site options including fully-serviced ready-to-build lots, build-to suit facilities for purchase or lease, and multi-tenant space for lease. Financing can also be arranged for qualified companies.

Newberry Business Park

Newberry Business Park is owned by Deschutes County and is developed and marketed by the La Pine Industrial Group, Inc., a 501(c)(3) non-profit civic organization in La Pine. Newberry Business Park opened in 2002 with 40 acres of developed sites. All utilities are installed underground. NBP is designed to provide an attractive environment for light industrial firms and protection of property values. It has its own zoning ordinance and CC&R’s. Lot sizes range from 0.4 acres (18,760 sq. ft.) to 0.6 acres (25,000 sq. ft.). Lots can be combined for larger requirements. Generous building standards allow maximum site coverage. The La Pine Industrial Group also provides assistance to arrange build-to-suit construction and financing for qualified

companies. Newberry Business Park has been designed with higher development standards than the older areas of the industrial park. It is intended to provide an attractive and functional environment for smaller companies that provide services and supplies to other industries, commercial businesses, and the public. LIGI's objective in developing Newberry Business Park is to generate family-wage job opportunities for workers in La Pine and the surrounding area. Minimum employment standards will be imposed, making these lots unsuitable for uses that provide minimal or no employment such as self-storage units. Remaining lots range from 9,000 square feet to 25,200 square feet. Lots can be combined for larger requirements. Streets, curbs, and underground utilities are included. Current pricing is at \$2.50 per square foot with higher premium for corner lots.

That Applicant addresses the Newberry Business Park stating that, "Originally platted with 79 lots, aerial imagery appears to identify that 56 lots (70%) are undeveloped."

The 80-acre Rail Site

This key parcel is located on the east side of La Pine abutting the main line of BNSF Railroad and approved for rail siding or drill track to interior of site. The parcel is certified as "shovel ready" by the State of Oregon and is available for a single rail user or can be subdivided. The current pricing is at \$1.50 per square foot depending on level of employment.

That Applicant addresses the 80-acre Rail Site stating that, "This lot remains undeveloped and available for development."

Finley Butte Industrial Park

Finley Butte Industrial Park is 90 acres subdivided into one-acre to three-acre lots. Larger lots are available by combining the sites shown on this map. Rail access is planned using two easements to common loading docks. Lots are available and include water, sewer, and underground electric power, natural gas, telephone, DSL and other broadband communications. Initial prices have been set at \$108,900 per acre or about \$2.50 per square foot.

That Applicant addresses the Finley Butte Industrial Park stating that, "Based upon aerial imagery, it appears that only one of these lots have developed. Also, there is a 38.73 acre property immediately west of this platted subdivision, which is understood to be market along with the Finley Butte lots."

The Applicant then provides an overall argument in response to the above cited sections of the Comprehensive Plan stating,

"The Comprehensive Plan does not provide any additional information or direction regarding the other Industrial zoned lands throughout the City in the EOA.

When forecasting future land needs, the Comprehensive Plan established the following table:

Employment Land Breakdown and Projection of Needed Acres Over 20-year Period⁷		
Employment Land Type	Zoning Required	Acres
Neighborhood Commercial and Service Nodes	Mixed Use, Industrial, Commercial	12
Middle sized, 20-acre minimum parcels	Industrial	200
Smaller sized incubator/light industrial type parcels	Mixed-use, Industrial, Commercial	50
Shopping Centers	Mixed-use or Commercial	80
	Total Land Needed Net	342.0
	Total Employment Land in UGB Gross	450.0
	Reserve	108.0

⁷ Approximately 3 new commercial nodes 4 acres each, 1 mid-size 20 acre industrial project every 2 years, 5, ½ acre projects every year, 2 40- acre shopping centers

As detailed above, the City has not had a need for one 20 acre parcel every 2 years and it currently has over 150 acres of available land in the La Pine Industrial Park, along other properties around the City. Based upon interviews with local realtors and economic development professional, along with correspondence with the City Manager the general perspective is that the City of La Pine has an ample amount of Industrial lands, but not enough Commercial / Mixed-Use lands. The Mayor has recently expressed this sentiment; see attached news article where the City of La Pine Mayor states, "We have a lot of industrial area that's available, but we really don't have very much commercial space that's available."

Based upon the above materials it can be determined that 1) it is unlikely that the subject property was even identified as land that would provide Industrial land (it was likely excluded from the net acreage) and 2) even if the subject property was included as part of the net acreage to accommodate the Industrial Land needs, the City continues to retain an adequate supply of Industrial lands that are development ready, with roads, water and sewer that are available, while the City has a limited amount of commercial and mixed-use lands.

For the aforementioned reasons, the applicant concludes that the proposed Comprehensive Plan Map Amendment and Zone Change, which converts a piece of property that is not easily developed with an Industrial designation, to a Commercial Mixed-Use designation, where it can be combined with and developed with land to the west and be easily developed, is consistent with its most recent economic opportunities analysis of the City of La Pine and the parts of its acknowledged comprehensive plan which address the requirements of OAR 660-009-0010 (4).

Attachments

- Commercial Broker Correspondence
- City Manager Correspondence
- KTVZ News Article
- La Pine Business Webpage
- La Pine Industrial Park Spec Sheet"

In responding to the criteria, the Applicant relies upon the fact that the City has over 150 acres of available land in the La Pine Industrial Park; there is instead a lack of commercially zoned land; the subject properties were not identified as being necessary for Industrial development in the Comprehensive Plan; and the City continues to retain an adequate supply of Industrial lands. Staff agrees with the Applicant, the subject properties were not originally identified in the most recent economic opportunities analysis or parts of the acknowledged

comprehensive plan that the lands were necessary for Industrial Development. A change in zoning of these properties would not unduly impair the availability of Industrial lands, and as evidenced by findings within this report, the proposal complies with all other statewide planning goals, and applicable portions of the acknowledged City of LA Pine Comprehensive Plan. Criteria met.

IV. RECOMMENDATION:

Staff recommends submittal of additional evidence demonstrating compliance with 15.334.040(D)(4) of this report.

V. CONDITIONS OF APPROVAL:

GENERAL:

1. The subject property is not a legal lot of record. Prior to site plan submittal, the applicant shall submit for and complete a lot line adjustment so that the subject property is contiguous with either tax lot 100, 300, or 800.
2. The property is within 300 feet of a public sewer. Prior to zone change approval, the applicant shall design and construct an extension of the sewer main which currently terminates in Rosland Road at the intersection with Drafter Road, and extend the sewer main to the easterly boundary of the subject property along the frontage of Rosland Road. Minimum gravity sewer main diameter is 8-inches. Construction plans shall be submitted to the City of La Pine for review and approval. Prior to construction, the developer shall submit a performance bond in the amount of 120% of the value of public improvements. The developer shall submit a cost estimate to the City for approval prior to submitting the performance bond.
3. The area in the subject property under the proposed zoning represents approximately 20 EDU of sewer capacity, and sewer capacity in this basin is limited. The 20 EDU represents an increase of approximately 8 EDU from current zoning. The estimated cost to increase capacity in the basin is \$750,000 and the estimated existing quantity of EDUs available in the basin is 424. The increase of 8 EDUs represents a prorated share of \$14,150 toward capacity improvements created by this zone change. Prior to zone change approval, the developer shall provide the City with a cash contribution toward future sewer capacity improvements in the amount of \$14,150.
4. The area in the subject property under proposed zoning represents an approximate increase in 63 potential PM peak hour vehicle trips over current zoning according to submitted documents, primarily impacting the US97 Rosland Road intersection. According to the City of La Pine TSP Refinement Plan, future improvements to the US97 Rosland Road intersection have a cost of \$3,000,000. The refinement plan area has a potential for approximately 6,120 PM peak hour vehicle trips currently, and the increase of 63 potential PM peak hour vehicle trips represents a prorated share of \$30,882 toward capacity improvements created by this zone change. Prior to zone change approval, the developer shall provide

the City with a cash contribution toward future transportation system improvements in the amount of \$30,882.

5. Site plan approval is required prior to site clearing and issuance of a building permit.

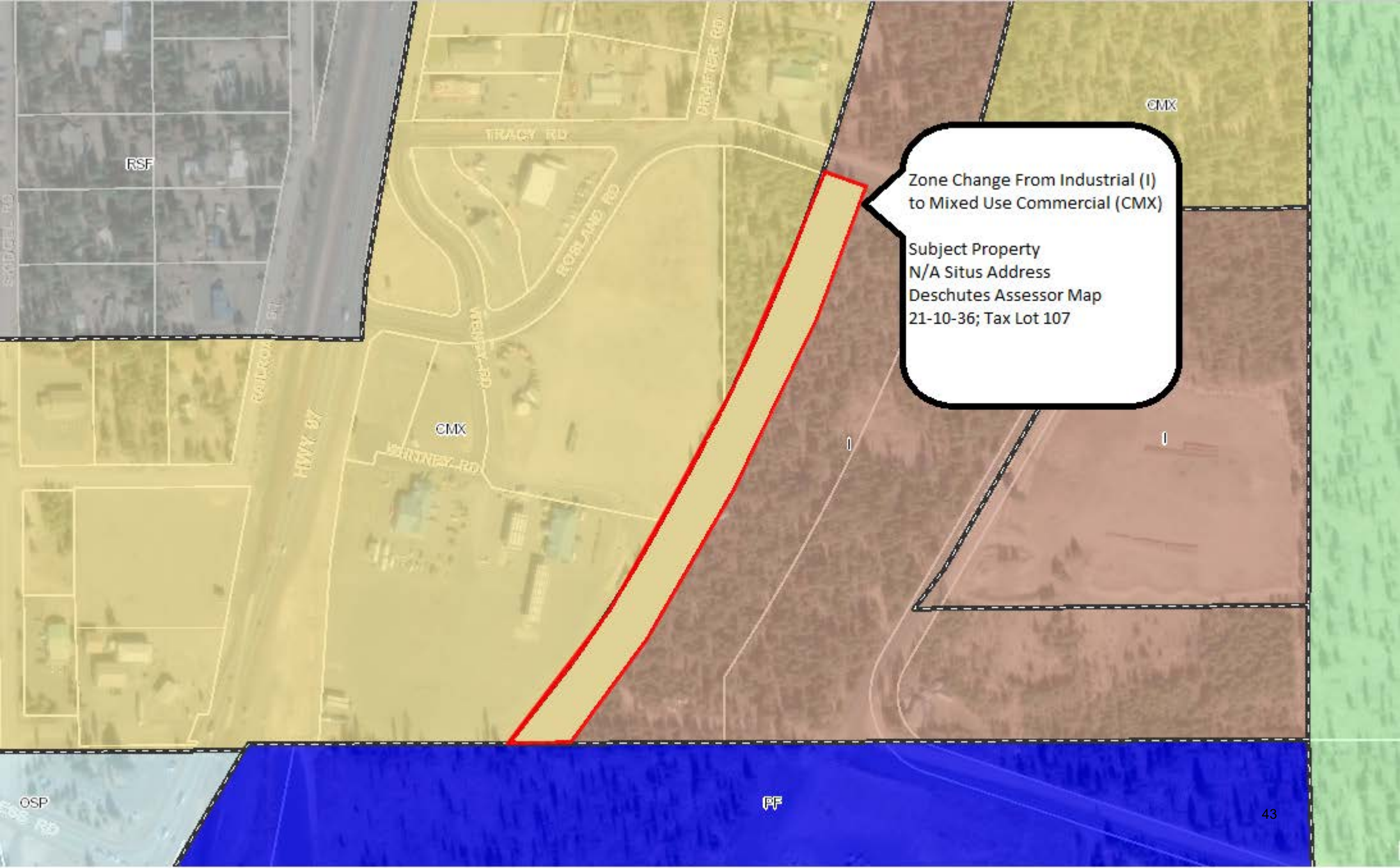
DURATION OF APPROVAL: This approval shall lapse, and a new approval shall be required, if the use approved in this permit is not initiated within two (2) years of the date that this decision becomes final, or if development of the site is in violation of the approved plan or other applicable codes.

THIS DECISION BECOMES FINAL TWELVE (12) DAYS AFTER THE DATE MAILED, UNLESS APPEALED BY THE APPLICANT OR A PARTY OF INTEREST IN ACCORDANCE WITH ARTICLE 7 OF THE CITY OF LA PINE LAND DEVELOPMENT CODE.

PLANNING COMMISSION ACTION

- A. The Planning Commission may either:
 1. Approve the application and adopt findings contained in the staff report;
 2. Approve the application with modified findings; or
 3. Deny the application, specifying reasons why the applicant has not met the criteria.
 4. Continue the hearing to a date and time certain for the consideration of additional evidence.

- B. Staff will prepare an Order for the Chair's signature based on the Commission's decision.



CMX

Zone Change From Industrial (I)
to Mixed Use Commercial (CMX)

Subject Property
N/A Situs Address
Deschutes Assessor Map
21-10-36; Tax Lot 107

RSF

TRACY RD

ROBLAR RD

ROBLAR RD

WHITNEY RD

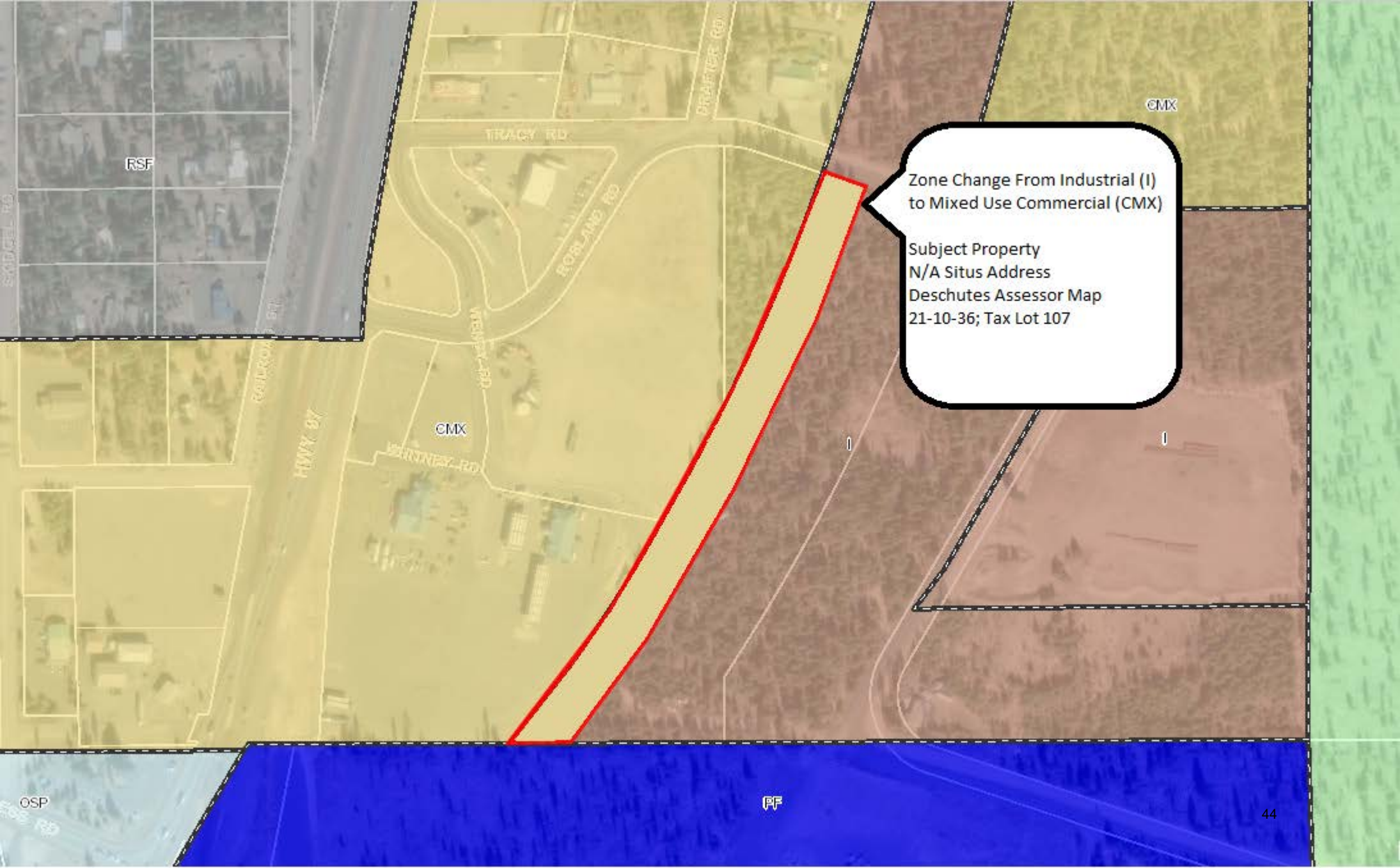
CMX

WHITNEY RD

Hwy 87

OSP

PF



CMX

Zone Change From Industrial (I)
to Mixed Use Commercial (CMX)

Subject Property
N/A Situs Address
Deschutes Assessor Map
21-10-36; Tax Lot 107

RSF

TRACY RD

DRAPER RD

EOBLAND RD

WHITNEY RD

CMX

WHITNEY RD

HVR BT

OSP

PF



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**CITY OF LA PINE PLANNING DIVISION
Staff Report Supplement to La Pine City Council**

FILE NO. 01ZC-23

August 7, 2024

The following is intended to supplement the Planning Commission recommendation provided to the City Council on August 7, 2024. It is in response to a submittal by ODOT on July 29th, 2024, addressing the recommendation of a trip cap for the proposed use. Ken Shonkwiler, Region 4 Principal Planner with ODOT stated in their comment letter:

Thank you for the opportunity to comment on the Transportation Planning Rule (TPR) assessment for the Land Use File 01ZC-23 and subsequent rezone application. ODOT Region 4 Planning has reviewed the application documents and has the following comments with regards to OAR 660-012-0060.

The Transportation Planning Rule (OAR 660-012-0060) requires that local governments amending adopted plans and regulations demonstrate that the amendment will not significantly affect existing or planned transportation facilities. A significant effect is defined in OAR 660-012-0060(1)(a-c). The determination of a significant effect relies on a reasonable worst case land use scenario in both the existing and proposed zoning within the local government's zoning code. Guidance for analyzing a significant effect is included in the ODOT Development Review Guidelines.

The 01ZC-23 Rezone proposes a rezone on the 2.88 acre Tax Lot 2110360000107 property from the current zoning La Pine Industrial (LPIND) to Commercial Mixed-use (CMX). The application includes a proposed RV Park site plan to accompany the zone change. The applicant first submitted a TIA/TPR Assessment for the land use application in December of 2023 and a revised TPR Assessment in January of 2024. The TPR assessment in January of 2024 adequately demonstrated the differences between land uses in both the LPIND and CMX zone.

The TPR Assessment in January of 2024 recommended a trip cap as mitigation for transportation impacts as described under OAR 660-012-0060(1)(a-c). This recommendation was due to the additional outright-permitted uses allowed under La Pine's CMX zone; various uses in the CMX zone, including a Shopping Plaza, were shown to generate substantially more trips than the LPIND zone and would be inconsistent with the existing planned transportation system. The applicant identified a trip cap of 36 PM Peak Hour trips which is the maximum PM peak hour generation under the LPIND industrial zone. The applicant has recommended a trip cap as a way to limit uses that otherwise would have a significant effect under the rezone, thereby satisfying OAR 660-012-0060. No additional analysis on the transportation system was conducted to demonstrate how allowed uses under the CMX zone would impact the system.

ODOT recommends that the rezone include a trip cap of 36 PM peak hour trips on the property as a condition of the land use application. The trip cap limits future uses that may have a significant effect on the

system and is an appropriate transportation mitigation method to address impacts under OAR 660-012-0060.

Thank you for the opportunity to comment on this application.

STAFF RESPONSE: Staff acknowledges the comments provided by Shonkwiler, and through coordination with the City's Contract Engineer, Erik Huffman, these concerns were discussed early in the application review. The cash contribution that has been conditioned is based upon the current proposal, and the projected trip rates. As discussed, any future uses that are applied for upon the subject property undergoing the zone change, must provide a traffic analysis which is then utilized to determine if additional cash contributions are necessary for the proposed level of development. Although the trip cap proposal is an alternative option, it is not a feasible option for the City with no means proposed for tracking the restriction. Tracking the trip cap option creates an undue burden upon the city to create a unique path forward, which the City has not done for any Applicants in the past. Staff recommends that the La Pine City Council approve the application as recommended by the Planning Commission on August

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF LA PINE**

ZONE CHANGE
FILE 01ZC-23
FINAL ORDER

NATURE OF THE APPLICATION

The Applicant is requesting a Zoning Map Amendment to change the designation and zone of the subject property from Industrial (IND) to Commercial Mixed-Use (CMX).

1. The subject property address is 17125 Rosland Rd, and is identified as Tax Lot 107 on Deschutes County Assessor's Map 21-10-36.
2. The subject property is zoned Industrial (IND) and is designated Industrial on the La Pine Comprehensive Plan Map.
3. Timely and sufficient notice of the public hearing was provided pursuant to Article 7 of the La Pine Development Code.
4. The La Pine Planning Commission conducted a public hearing on July 17, 2024, to accept testimony on the request. The Planning Department Staff Report and recommendations, together with testimony and submittals of the persons testifying at this hearing, were considered and are part of the record of this proceeding. At the conclusion of the hearing, the Planning Commission voted to approve the Zone Change.

CONCLUSION

On the basis of this record, the application file, 01ZC-23, for a Zoning Map Amendment on Tax Lot 107 on Deschutes County Assessor's Map 22-10-36, is consistent with the applicable criteria of the La Pine Development Code. This conclusion is supported by the specific findings of fact contained in the Staff Report to the Planning Commission.

RECOMMENDATION

- A. This application is unusual in that an approval provides land for employment needs, residential development, or both. As commercial land, the identified employment needs of the City will be met without impacting the employment land reserve.
- B. On balance, staff concludes the zone change from Industrial to Commercial Mixed Use will have insignificant impact on the City's ability to provide land to meet employment requirements while creating the potential for additional entry-level housing. Based on the above findings, the proposal complies with the applicable decision criteria. Therefore, City staff recommends Planning Commission approval of the proposed zone change.

Based on the above findings, the proposal complies with the applicable decision criteria. Therefore, City staff recommends Planning Commission approval of the proposed zone change.

ORDER

It is ORDERED by the La Pine Planning Commission to adopt Staff's findings and approve the application for Zone Change 01ZC-23, subject to the following conditions of approval:

GENERAL:

1. The subject property is not a legal lot of record. Prior to site plan submittal, the applicant shall submit for and complete a lot line adjustment so that the subject property is contiguous with either tax lot 100, 300, or 800.
2. The property is within 300 feet of a public sewer. Prior to zone change approval, the applicant shall design and construct an extension of the sewer main which currently terminates in Rosland Road at the intersection with Drafter Road, and extend the sewer main to the easterly boundary of the subject property along the frontage of Rosland Road. Minimum gravity sewer main diameter is 8-inches. Construction plans shall be submitted to the City of La Pine for review and approval. Prior to construction, the developer shall submit a performance bond in the amount of 120% of the value of public improvements. The developer shall submit a cost estimate to the City for approval prior to submitting the performance bond.
3. The area in the subject property under the proposed zoning represents approximately 20 EDU of sewer capacity, and sewer capacity in this basin is limited. The 20 EDU represents an increase of approximately 8 EDU from current zoning. The estimated cost to increase capacity in the basin is \$750,000 and the estimated existing quantity of EDUs available in the basin is 424. The increase of 8 EDUs represents a prorated share of \$14,150 toward capacity improvements created by this zone change. Prior to zone change approval, the developer shall provide the City with a cash contribution toward future sewer capacity improvements in the amount of \$14,150.
4. The area in the subject property under proposed zoning represents an approximate increase in 63 potential PM peak hour vehicle trips over current zoning according to submitted documents, primarily impacting the US97 Rosland Road intersection. According to the City of La Pine TSP Refinement Plan, future improvements to the US97 Rosland Road intersection have a cost of \$3,000,000. The refinement plan area has a potential for approximately 6,120 PM peak hour vehicle trips currently, and the increase of 63 potential PM peak hour vehicle trips represents a prorated share of \$30,882 toward capacity improvements created by this zone change. Prior to zone change approval, the developer shall provide the City with a cash contribution toward future transportation system improvements in the amount of \$30,882.
5. Site plan approval is required prior to site clearing and issuance of a building permit.

This ORDER was presented and approved by the La Pine Planning Commission on July 17, 2024.


Teri Myers
Planning Commission Chair

Ayes: 5
Nays: 0
Absent: 0



CITY OF LA PINE, OREGON
REGULAR CITY COUNCIL MEETING

Wednesday, July 24, 2024, 5:30 p.m.

La Pine City Hall: 16345 Sixth Street, La Pine, Oregon 97739

Available online via Zoom: <https://us02web.zoom.us/j/85036525538>

MINUTES

CALL TO ORDER

Mayor Richer called the meeting to order at 5:30 p.m.

ESTABLISH A QUORUM

Council

Mayor Richer

Council President Van Damme

Councilor Shields

Councilor Ignazzitto

Councilor Morse

Student Councilor Marston – Excused

Staff

Geoff Wullschlager – City Manager

Ashley Ivans – Finance Director

Kelly West – Public Works Director

Brent Bybee – Principal Planner

Rachel Vickers – Associate Planner

Amanda Metcalf – City Recorder

PLEDGE OF ALLEGIANCE

Mayor Richer led the Pledge of Allegiance.

PUBLIC COMMENTS

Bernie Brader, that lives on Bristlecone, made a comment on the usage of wetlands in La Pine. He asked why one owner can do one thing and a different owner can't do the same thing. He asked that if it is not within the City's jurisdiction then can staff do more research on the subject.

Becca Rohleder that lives on Glenwood Dr. made a comment on the un-homed situation surrounding La Pine. She stated that she conducted a survey of the un-homed population who visited St. Vincent's seeking resources. She explained her results with the Council. She stated her concern for the safety of residents of the un-homed population on public land. She asked the Council why the City has not applied for state and county grants to help this population that was displaced by the fire.

Wes Elliot, that lives on Lowell Way, made a comment about a fundraiser that was scheduled to raise funds for the Activity Center. He stated that in past years they have not been asked to provide permits to serve and sell food. He also explained that the City asked for documentation including an insurance policy to conduct other fundraisers. He wanted the Council to be aware that the current regulations in place can hinder nonprofits from fundraising.

CONSENT AGENDA

1. 06.12.2024 Regular City Council Meeting Minutes
 - a. Public Comment Form – John Heylin
 - b. Public Comment Form – Kylan Kerr
2. 06.26.24 Regular City Council Meeting Minutes
 - a. Public Comment Form – Sue Gabriel
 - b. Public Comment Form – Zorba Stathakis
3. Financial Reports
 - a. May Financial Summary
 - b. May Interest Report
4. George Potter and Christy Clark Correspondence

Councilor Van Damme abstained from the approval of the consent agenda due to her absence at the June 26, 2024, meeting.

Councilor Ignazzitto made a motion to approve the consent agenda. *Councilor Morse seconded the motion.* Motion passed unanimously.

ADDED AGENDA ITEMS

City Manager Wullschlager added to the agenda Resolution 2024-13 extending an emergency declaration due to the current state of imminent threat of wildfire.

OLD BUSINESS:

1. COIC – IGA for Construction Management

City Manager Wullschlager presented the associated staff report stating that Central Oregon Intergovernmental Council (COIC) provided an explanation of coverage which extends to \$10,000,000.00 and includes errors and omissions coverage.

He asked the Council to approve the IGA for the construction management of the spec building in the industrial park.

Councilor Morse made a motion to approve the Intergovernmental Agreement for Management of the La Pine Small Business Incubator Building Project. *Councilor Ignazzitto seconded the motion.* Motion passed unanimously.

NEW BUSINESS:

1. Petition

Finance Director Ivans presented the associated staff report stating that the City received a petition from seven citizens concerned about the national movement to cut back on quality-of-life policing methods. She stated that the petition was not signed by the citizens that were listed. She said that the City's charter does not address petitions. If the Council were to consider a referendum the state requires 15% of City registered voters validated signatures. No other actions were needed.

Mayor Richer read the petition aloud for the citizens in attendance of the meeting.

2. Fire Restriction and Enforcement (Letters)

City Manager Wullschlager presented the associated staff report asking the Council to sign letters of support for both the Board of County Commissioners (BoCC) and the Deschutes County Sheriff's Office (DCSO). These letters are in support of our ongoing and combined efforts of ensuring public safety as it relates to wildland fire.

Councilor Ignazzitto made a motion to approve the fire restriction and enforcement letter(s). *Councilor Morse seconded the motion.* Motion passed unanimously.

3. Transportation Growth Management Grant Letter of Support

Principal Planner Bybee presented the associated staff report asking the Council for a letter of support as Planning staff is applying for the Transportation Growth Management (TGM) grant. He stated that if awarded the grant, it would potentially fully fund the Transportation System Plan (TSP) update.

Councilor Van Damme made a motion to approve the transportation growth management letter of support as presented by Planning Staff. *Councilor Ignazzitto seconded the motion.* Motion passed unanimously.

OTHER MATTERS

City Manager presented Resolution 2024-13 extending an emergency declaration due to the current state of imminent threat of wildfire. This extends the state of emergency until August 28, 2024.

Councilor Morse made a motion to adopt Resolution 2024-13, a resolution extending an emergency declaration due to the current state of imminent threat of wildfire. *Councilor Shields seconded the motion.* Mayor Richer asked for a roll call vote.

Councilor Van Damme – Aye

Councilor Shields – Aye

Councilor Ignazzitto – Aye

Councilor Morse – Aye

Motion passed unanimously.

PUBLIC COMMENTS

Stu Martinez, that lives on Morson St., thanked the Council for extending the state of emergency with Resolution 2024-13. He suggested that the City publicize how much the City has done for the

firefighting efforts, so the citizens of La Pine are aware. He stated that he would have liked an update from the Mayor or City Staff on social media or another form of public communication.

Mayor Richer informed the public that staff did have an update during the public briefing on a Facebook live update.

Mr. Martinez thanked the staff and the City Council.

STAFF COMMENTS

Associate Planner Vickers gave an update on the current land use applications. She stated that the Type I permits have been completed, with the exception of one lot line adjustment that is related to a zone change.

She gave an update on the Type II applications which include a zone change that was recently approved by the Planning Commission at their last public hearing. She stated that it will be presented to the Council at the August 14th meeting. There are three partitions in the Cagle subdivision. There is a site plan review for storage unit expansion. She stated that the Planning Commission will have public hearings in August regarding subdivisions. Once the Commission makes a recommendation it will be presented to the Council. St. Charles is asking to increase their parking lot, which needs to be reviewed so they do not exceed their allotted amount. Lastly, there is a new site plan review for a 3 story 40,000 square foot 39-unit multifamily development on Drafter Rd.

Finance Director Ivans informed the Council that she is working with the auditors as they audit our last fiscal year.

She stated that she is working with public works and administration on the finalization of the water and wastewater expansion project.

City Recorder Metcalf did not have any comments.

Principal Planner Bybee gave an update on the planning department and how busy they have been. He gave a schedule of the upcoming public hearings being presented to the Planning Commission.

He updated the Council on La Pine 2045 and stated that there will be another community summit in the fall.

He explained that staff and 3J have been working closely together as they finalize their application for the TGM grant that is due on July 31st.

He gave an update on Community Planning Assistance for Wildfire (CPAW) and listed the local organizations staff has been working with to present their efforts related to community planning and CPAW. He stated that the Planning Staff will be presenting at meetings for Rotary and the Chamber of Commerce, and asked for any other recommendations where staff can speak at. He clarified that the State has released their revised draft wildfire hazard maps and stated that much of the City of La Pine is considered a high hazard. He will be working with CPAW regarding the revised map.

Public Works Director West informed the Council that he has been working with GSI Water Solutions in updating our Water Management and Conservation Plan (WMCP).

He stated that well 1 is online and there are plans to upgrade well 2 in August. The new generator has been installed at the wells and will be online soon.

He said that all the required OHA samplings have been completed.

He updated the Council that Public Works have been working on replacing all the older water meters and replacing fire hydrant flags around the city.

He gave an update on the lift stations and how staff have been addressing issues until the stations can be upgraded.

He stated that staff have been performing inspections for new developments. In addition to pumping tanks in Crescent Creek Phase 1 for their scheduled maintenance.

He said that the City's recycled water use plan has been submitted to the Department of Environmental Quality (DEQ) for final review.

Public Works Staff have been working with the City's engineer to figure out the proper placement of the Newberry lift station. And that the water and wastewater project is finalizing on Burgess and Huntington which will allow for lift station 3 to come online.

Lastly he gave an update on streets and stated that staff have completed crack sealing on Apache Tears and in the Crescent Creek neighborhoods. Staff will commence again in September on other roads within the city.

City Manager Wullschlager gave a comment on the memorandum that was sent to the Council and explained how the City assisted local and state firefighters in handling the wildfires. He clarified that website updates that were posted were centered around safety for citizens and did not include the City's efforts. He also gave positive feedback for the State Fire Marshal's Office and how they worked effectively and efficiently during the emergency.

He gave an update on the water and wastewater expansion project stating that the completion date will be in the fall of 2024. He stated that there was a delay due to an inadvertent discovery on Glenwood which halted construction for the neighborhood. He stated that there were four months of negotiation and listed all the organizations that were involved. In conclusion, a cultural monitor has been present on site since April which the City has funded with the USDA project financing. A sight assessment will be done in September.

He reminded the Council that there will be a Newberry Regional Partnership (NRP) meeting on July 29th at the Activity Center.

He stated that he has had conversations with Commissioner Adair regarding land within the City's limits and its possible uses. He explained there is an area of land consisting of 400+ acres that is currently restricted for public works use. He stated that there may be possible avenues to changing the restrictions in the future.

Lastly, he stated that he met with Captain Baily and the DCSO regarding the collaboration of the distribution of fire extinguishers to the unhoused.

MAYOR & COUNCIL COMMENTS

Councilor Morse thanked everyone for attending the meeting.

Councilor Ignazzitto thanked the public for attending the meeting. She stated that she is thankful for how responsive all the organizations have been with the wildfires in our community. She asked the community to keep working together to seek solutions in the future.

Councilor Shields thanked Staff and Mayor Richer for keeping things running smoothly during the wildfires.

Councilor Van Damme thanked the citizens for attending the meeting. She thanked staff for working together with the other organizations as the fires were extinguished.

Mayor Richer thanked everyone for attending the meeting. He stated that he was thankful for the planning that occurred towards the City’s infrastructure which allowed for water availability during the fires. He asked the community to provide the Council with their comments so we all can work together in building La Pine.

EXECUTIVE SESSION: per ORS 192.660 if necessary

ADJOURNMENT

Mayor Richer adjourned the meeting at 6:28 p.m.

Date: _____

Daniel Richer, Mayor

ATTEST:

Date: _____

Amanda Metcalf, City Recorder

1st



L A P I N E
C O U N T Y

PUBLIC COMMENT FORM

Completed forms will be collected prior to the start of the meeting. Comments will be limited to 3 minutes and restricted to the topics indicated below. All remarks and questions must be addressed to the presiding officer, only. Comments will be respectful. Harsh and/or abusive language will not be permitted. (This document is a public record)

Name: BERNIE BRADER Phone Number: 541 536 8877

Address: 15074 BRISTLEWOOD

Email: SLINGSHOT1947@HOTMAIL Resident Non Resident Other

Agenda Item Topic #: WETLAND in support of in opposition to as an interested party

Non-Agenda Item Topic (Provide brief description): USAGR OF WETLAND

Organization (if applicable): _____ Would you like to be contacted for follow up?
 Yes No

1st



LAPINE
COUNTY

PUBLIC COMMENT FORM

Completed forms will be collected prior to the start of the meeting. Comments will be limited to 3 minutes and restricted to the topics indicated below. All remarks and questions must be addressed to the presiding officer, only. Comments will be respectful. Harsh and/or abusive language will not be permitted. (This document is a public record)

Name: Becca Kohleder Phone Number: 530-599-0274

Address: 52333 Glenwood Dr

Email: thatsnotbecca811@gmail.com Resident Non Resident Other

Agenda Item Topic #: _____ in support of _____ in opposition to _____ as an interested party

Non-Agenda Item Topic (Provide brief description): _____

unhomed & public safety

Organization (if applicable): _____ Would you like to be contacted for follow up?

Yes No

1st



LAPINE
OREGON

PUBLIC COMMENT FORM

Completed forms will be collected prior to the start of the meeting. Comments will be limited to 3 minutes and restricted to the topics indicated below. All remarks and questions must be addressed to the presiding officer, only. Comments will be respectful. Harsh and/or abusive language will not be permitted. (This document is a public record)

Name: Des Gilla Phone Number: 541-747-1682

Address: _____

Email: _____ Resident Non Resident Other

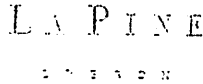
Agenda Item Topic #: _____ in support of _____ in opposition to _____ as an interested party

Non-Agenda Item Topic (Provide brief description): FUND RAISING

PERMITS

Organization (if applicable): _____ Would you like to be contacted for follow up?
 Yes No

undecided



PUBLIC COMMENT FORM

Completed forms will be collected prior to the start of the meeting. Comments will be limited to 3 minutes and restricted to the topics indicated below. All remarks and questions must be addressed to the presiding officer, only. Comments will be respectful. Harsh and/or abusive language will not be permitted. (This document is a public record)

Name: STU Martinez Phone Number: 541-410-6938

Address: PO Box 1742 Lapine

Email: _____ Resident Non Resident Other

Agenda Item Topic #: _____ in support of _____ in opposition to _____ as an interested party

Non-Agenda Item Topic (Provide brief description):

CITY BROADCAST COMMUNICATIONS
CONCERNING CONDITIONAL UPDATES

Organization (if applicable): _____ Would you like to be contacted for follow up?
____ Yes _____ No



FINANCIAL SUMMARY June 30, 2024

TOTAL RESOURCES - BUDGET TO ACTUAL

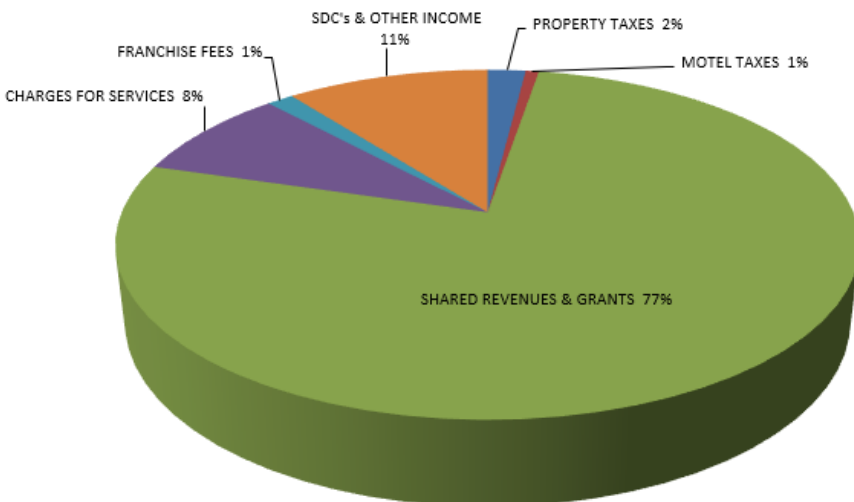
AS OF JUNE 30, 2024

	Year To Date	FY 2022-23 Budget	Budget Remaining	(100% lapsed) % Earned
BEGINNING FUND BALANCE	11,262,680	11,262,680	-	100.0%
PROPERTY TAXES	466,387	477,330	10,943	97.7%
MOTEL TAXES	161,497	175,000	13,503	92.3%
SHARED REVENUES & GRANTS	18,159,745	22,025,026	3,865,281	82.5%
CHARGES FOR SERVICES	2,009,747	1,798,850	(210,897)	111.7%
FRANCHISE FEES	328,576	301,300	(27,276)	109.1%
SDC's & OTHER INCOME	2,486,734	1,099,083	(1,387,651)	226.3%
	34,875,366	37,139,269	2,263,903	93.9%

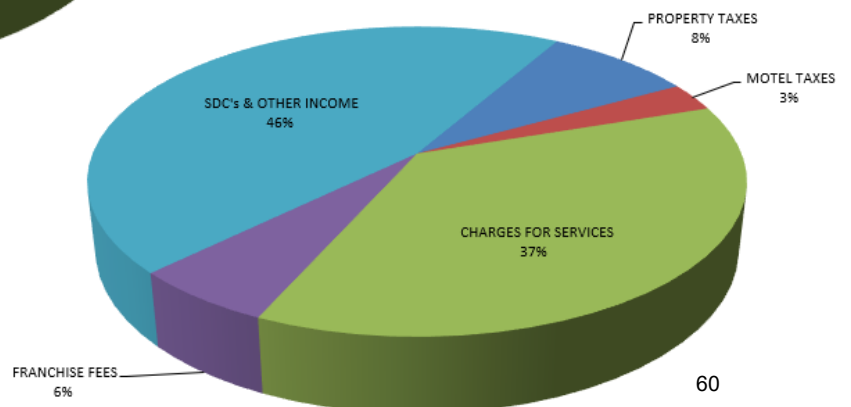
FINANCIAL HIGHLIGHTS – RESOURCES

- The City’s revenues are all over budget, except for shared revenues and motel taxes. Shared Revenues was over budgeted due to a misclassification during the prior fiscal year.
- The City collected more than double the amount of SDC’s than was expected.
- Shared Revenues and Grants are lower than projected due to the slowing of the Water and Wastewater Expansion.

RESOURCES BY TYPE EXCLUDING FUND BALANCE



RESOURCES BY TYPE EXCLUDING GRANTS



RESOURCES - BUDGET TO ACTUAL BY FUND

AS OF JUNE 30, 2024

	Year To Date	FY 2022-23 Budget	Budget Remaining	(100% lapsed) % Earned
GENERAL FUND				
BEGINNING FUND BALANCE	2,562,172	2,562,172	-	100.0%
PROPERTY TAXES	466,387	477,330	10,943	97.7%
SHARED REVENUES & GRANTS	173,363	1,200,000	1,026,637	14.4%
MOTEL TAXES (30%)	48,449	55,000	6,551	88.1%
CHARGES FOR SERVICES	9,984	17,700	7,716	56.4%
FRANCHISE FEES	101,754	90,775	(10,979)	112.1%
MISCELLANEOUS & OTHER INCOME	709,772	115,500	(594,272)	614.5%
	<u>4,071,881</u>	<u>4,518,477</u>	<u>446,596</u>	<u>90.1%</u>
CEMETERY FUND				
BEGINNING FUND BALANCE	48,422	48,422	-	100.0%
CHARGES FOR SERVICES	5,960	1,200	(4,760)	496.7%
INTERFUND TRANSFERS - IN	20,000	20,000	-	
MISCELLANEOUS & OTHER INCOME	-	700		
	<u>74,382</u>	<u>70,322</u>	<u>(4,760)</u>	<u>105.8%</u>
STREETS FUND				
BEGINNING FUND BALANCE	1,456,315	1,456,315	-	100.0%
SHARED REVENUES & GRANTS	213,463	175,000	(38,463)	122.0%
FRANCHISE FEES	226,822	210,525		
MISCELLANEOUS & OTHER INCOME	27,880	16,000	(11,880)	174.3%
	<u>1,924,480</u>	<u>1,857,840</u>	<u>(50,343)</u>	<u>103.6%</u>
TOURISM FUND				
BEGINNING FUND BALANCE	302,150	302,150	-	100.0%
MOTEL TAXES	113,048	120,000	6,952	94.2%
MISCELLANEOUS & OTHER INCOME	-	3,600	3,600	
	<u>415,198</u>	<u>425,750</u>	<u>10,552</u>	<u>97.5%</u>
COMMUNITY DEVELOPMENT FUND				
BEGINNING FUND BALANCE	724,359	724,359	-	100.0%
CHARGES FOR SERVICES	86,054	55,000	(31,054)	156.5%
ADVANCED PLANNING FEES	126,512	70,000	(56,512)	180.7%
MISCELLANEOUS & OTHER INCOME	3,022	8,100	5,078	37.3%
	<u>939,947</u>	<u>857,459</u>	<u>(82,488)</u>	<u>109.6%</u>
INDUSTRIAL/ECONOMIC DEVELOPMENT				
BEGINNING FUND BALANCE	533,100	533,100	-	
INDUSTRIAL SITE LEASES / SALES	43,228	120,000	76,772	36.0%
MISCELLANEOUS & OTHER INCOME	29,771	52,200	22,429	57.0%
	<u>606,099</u>	<u>705,300</u>	<u>99,201</u>	<u>85.9%</u>
RESERVE FUND - WATER/SEWER				
BEGINNING FUND BALANCE	126,000	126,000	-	100.0%
INTERFUND TRANSFERS - IN	300,000	300,000	-	100.0%
	<u>426,000</u>	<u>426,000</u>	<u>-</u>	<u>100.0%</u>
DEBT RESERVE FUND				
BEGINNING FUND BALANCE	193,503	193,503	-	100.0%
	<u>193,503</u>	<u>193,503</u>	<u>-</u>	<u>100.0%</u>
SDC FUND				
BEGINNING FUND BALANCE	2,845,840	2,845,840	-	100.0%
SYSTEM DEVELOPMENT CHARGES	1,680,937	765,983	(914,954)	219.4%
INTERFUND TRANSFERS - IN	350,000	350,000		100.0%
	<u>4,526,777</u>	<u>3,961,823</u>	<u>(914,954)</u>	<u>114.3%</u>
WATER FUND				
BEGINNING FUND BALANCE	809,725	809,725	-	100.0%
GRANT REVENUE	6,113,747	9,347,526	3,233,779	65.4%
CHARGES FOR SERVICES	936,467	804,950	(131,517)	116.3%
MISCELLANEOUS & OTHER INCOME	28,515	56,500	27,985	50.5%
INTERFUND TRANSFERS - IN	400,000	400,000	-	100.0%
	<u>8,288,454</u>	<u>11,418,701</u>	<u>3,130,247</u>	<u>72.6%</u>
SEWER FUND				
BEGINNING FUND BALANCE	1,661,094	1,661,094	-	100.0%
GRANT REVENUE	10,032,660	11,302,500	1,269,840	88.8%
CHARGES FOR SERVICES	928,054	800,000	(128,054)	116.0%
MISCELLANEOUS & OTHER INCOME	6,837	10,500	3,663	65.1%
	<u>12,628,645</u>	<u>13,774,094</u>	<u>1,145,449</u>	<u>91.7%</u>



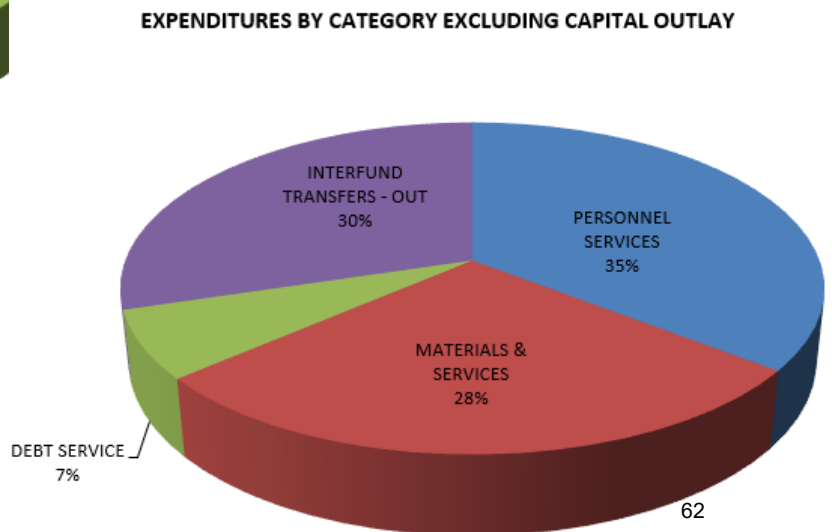
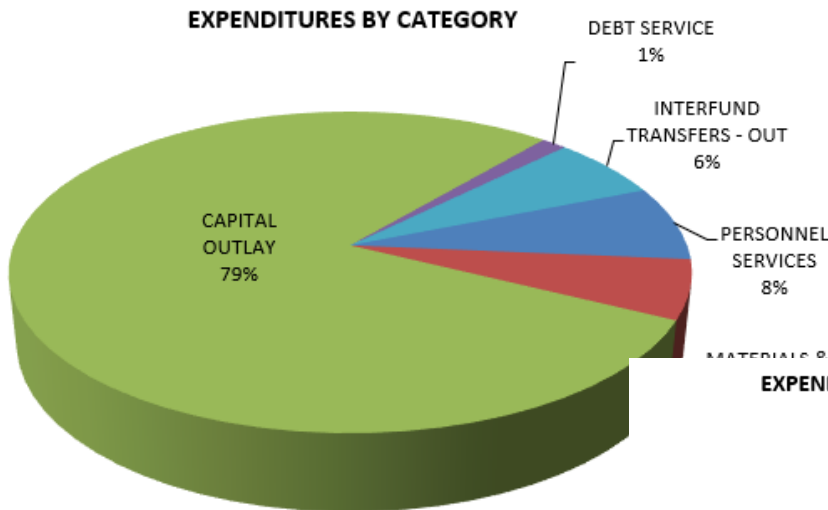
FINANCIAL SUMMARY
June 30, 2024

TOTAL EXPENDITURES - BUDGET TO ACTUAL
 AS OF JUNE 30, 2024

	Year To Date	FY 2022-23 Budget	Budget Remaining	(100% lapsed)
PERSONNEL SERVICES	1,279,670	1,563,327	283,657	81.9%
MATERIALS & SERVICES	1,013,077	1,750,604	737,527	57.9%
CAPITAL OUTLAY	13,443,508	22,735,026	9,141,518	59.1%
DEBT SERVICE	239,082	231,768	(7,314)	103.2%
INTERFUND TRANSFERS - OUT	1,070,000	1,070,000	-	100.0%
	17,045,337	27,350,725	10,155,388	62.3%

FINANCIAL HIGHLIGHTS – EXPENDITURES:

- All interfund transfers have been made for the year.
- Staff is happy to report that expenditures are much lower than projected.
- Debt Service amounts are higher than projected, this is to the transferring of loans between commercial lenders for the water and wastewater project.



EXPENDITURES - BUDGET TO ACTUAL BY FUND

AS OF JUNE 30, 2024

	Year To Date	FY 2022-23 Budget	Budget Remaining	(100% lapsed) % Expended
GENERAL FUND				
PERSONNEL SERVICES	172,595	220,895	48,300	78.1%
MATERIALS & SERVICES	149,764	323,500	173,736	46.3%
CAPITAL OUTLAY	279,279	1,075,000	795,721	26.0%
DEBT SERVICE	44,482	38,695	(5,787)	115.0%
INTERFUND TRANSFERS - OUT	420,000	420,000	-	100.0%
	<u>1,066,120</u>	<u>2,078,090</u>	<u>1,011,970</u>	<u>51.3%</u>
CEMETERY FUND				
MATERIALS & SERVICES	10,518	34,900	24,382	30.1%
CAPITAL OUTLAY	9,123	10,000	877	91.2%
	<u>19,641</u>	<u>44,900</u>	<u>25,259</u>	<u>43.7%</u>
STREETS FUND				
PERSONNEL SERVICES	117,655	152,606	34,951	77.1%
MATERIALS & SERVICES	167,516	293,235	125,719	57.1%
CAPITAL OUTLAY	64,796	230,000	165,204	28.2%
	<u>349,967</u>	<u>675,841</u>	<u>325,874</u>	<u>51.8%</u>
TOURISM FUND				
MATERIALS & SERVICES	81,689	120,700	39,011	67.7%
CAPITAL OUTLAY		75,000	75,000	0.0%
INTERFUND TRANSFERS - OUT	-	-	-	0.0%
	<u>81,689</u>	<u>195,700</u>	<u>114,011</u>	<u>41.7%</u>
COMMUNITY DEVELOPMENT FUND				
PERSONNEL SERVICES	271,000	321,270	50,270	84.4%
MATERIALS & SERVICES	93,287	101,463	8,176	91.9%
CAPITAL OUTLAY	34,088	75,000	40,912	45.5%
	<u>398,375</u>	<u>497,733</u>	<u>99,358</u>	<u>80.0%</u>
INDUSTRIAL AND ECONOMIC DEVELOPMENT				
MATERIALS & SERVICES	65,004	233,225	168,221	27.9%
CAPITAL OUTLAY		150,000		
	<u>65,004</u>	<u>383,225</u>	<u>168,221</u>	<u>17.0%</u>
WATER FUND				
PERSONNEL SERVICES	358,769	432,770	74,001	82.9%
MATERIALS & SERVICES	163,045	286,395	123,350	56.9%
CAPITAL OUTLAY	6,196,097	9,752,526	3,556,429	63.5%
DEBT SERVICE	194,600	193,073	(1,527)	100.8%
	<u>6,912,511</u>	<u>10,664,764</u>	<u>3,752,253</u>	<u>64.8%</u>
SEWER FUND				
PERSONNEL SERVICES	359,651	435,786	76,135	82.5%
MATERIALS & SERVICES	282,254	357,186	74,932	79.0%
CAPITAL OUTLAY	6,860,125	11,367,500	4,507,375	60.3%
INTERFUND TRANSFERS - OUT	650,000	650,000	-	0.0%
	<u>8,152,030</u>	<u>12,810,472</u>	<u>4,658,442</u>	<u>63.6%</u>

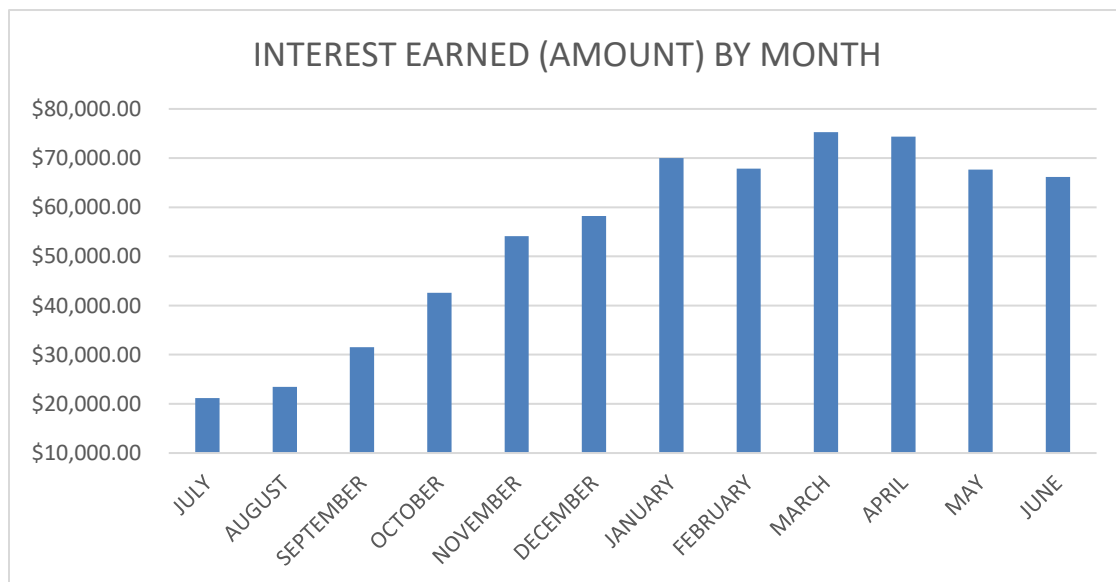
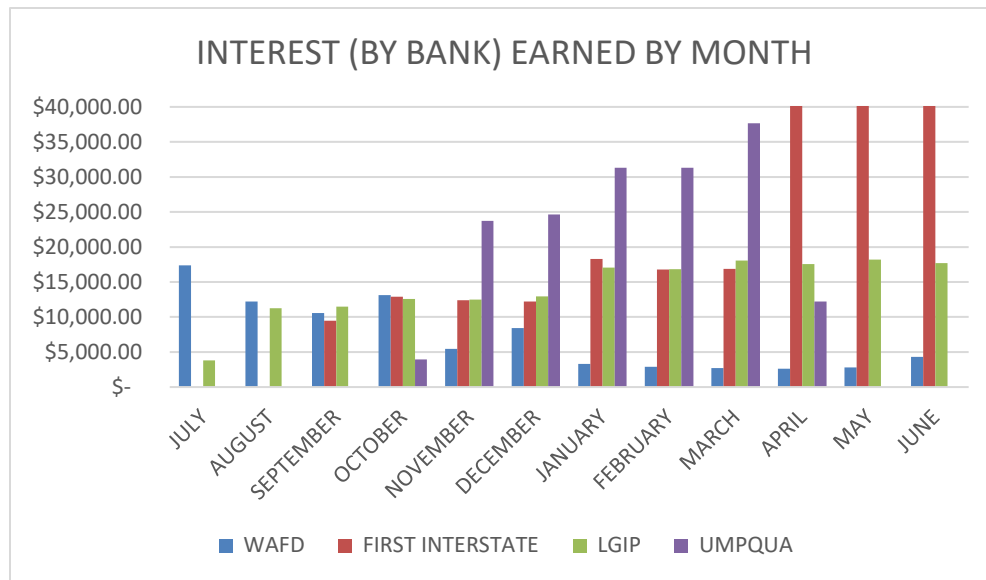


City Interest Income Revenue Report

July 2023 – June 2024

City Bank Balances – 06/27/2024

Bank	6/27/2024	Rate
LGIP	\$ 4,152,294.04	5.20%
FIB	\$ 11,934,651.32	5.20%
FIB Checking	\$ 2,090,699.03	0.00%
WAFD	\$ 1,826,609.89	2.94%
WAFD Checking	\$ 710,435.53	
Xpress	\$ 40,106.08	0.00%
	\$ 20,754,795.89	





CITY OF LA PINE

STAFF REPORT

Meeting Date: August 14, 2024
TO: City Council
FROM: Ashley Ivans, Assistant City Manager
SUBJECT: Transportation SDC Credits

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

Councilmembers,

As you are aware, staff have been working on a method in which to credit Transportation System Development Charges (SDC’s) for existing users that are re-locating. After discussions with our predecessor, Deschutes County Road Department, and legal counsel the resolution before you is the solution to this issue. If the Council chooses to adopt this resolution, it will allow the following SDC credit off-sets to commercial uses only if:

- The use was established 10 years prior to August 26, 2020. This date is the adoption date of the Resolution 2020-08, the resolution adopting the City’s Transportation SDC.
- The calculation will be the difference between trips at the proposed development and the new development.
- Credit offsets must be applied for by the applicant and are not City initiated.
- All such credits must be used within 1 year or be forfeited.

If the council chooses to adopt this resolution the following motion should be made:

“I move to approve Resolution 2024-14, a resolution adopting policy for partial and full transportation system development charge exemptions.”

Followed by a standard or roll call vote. Staff has no preference.

CITY OF LA PINE

RESOLUTION NO. 2024-14

**A RESOLUTION OF THE CITY OF LA PINE ADOPTING A POLICY FOR PARTIAL AND FULL
TRANSPORTATION SYSTEM DEVELOPMENT CHARGE EXEMPTIONS**

WHEREAS, on August 26, 2020, the City of La Pine ("City") City Council adopted Resolution No. 2020-08, adopting a system development charge (SDC) methodology and schedule of SDC fees for the City's transportation system; and

WHEREAS, Resolution No. 2020-08 adopted the Transportation System Development Charge Update, June 2020, prepared by Donovan Enterprises, Inc.; and

WHEREAS, Deschutes County Resolution 2023-020 identifies a methodology for partial and full transportation SDC improvement fee exemptions; and

WHEREAS, by adoption of this Resolution 2024-11 (this "Resolution"), the Council desires to adopt a methodology similar to that available in the greater Deschutes County to allow for full or partial transportation improvement fee exemptions.

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

1. Findings. The above-stated findings are hereby adopted as support for the existing use exemption adopted herein.
2. Definitions.
 - a. "Building" shall mean any structure, built for the support, shelter or enclosure of Persons, chattels or property of any kind.
 - b. "Building Permit" shall mean an official document or certificate authorizing the construction or siting of any building.
 - c. "Capital Improvement" shall mean a public facility or asset used for transportation in the City of La Pine.
 - d. "City" shall mean City of La Pine, Oregon.
 - e. "Development" shall mean a building or other land construction, or making a physical change in the use of a structure or land, in a manner which increases the usage of any capital improvements or which may contribute to the need for additional or enlarged capital improvements.
 - f. "Improvement Fee" shall mean the portion of the City's transportation SDC calculated to pay for costs associated with capital improvements identified in the City's CIP.
 - g. "Owner" shall mean the Person holding legal title to the real property upon which development is to occur.

- h. "Person" shall mean an individual, a corporation, including without limitation, limited liability corporation, a partnership, an incorporated association, or any other similar entity.
- i. "Reimbursement fee" means a fee for costs associated with capital improvements constructed or under construction by the City on the effective date of this resolution.
- j. "System Development Charge" or "SDC" shall mean a reimbursement fee, an improvement fee, or a combination thereof and an administrative recovery charge, assessed or collected at the time of increased usage of a capital improvement or issuance of an occupancy permit. System development charges are separate from and in addition to any applicable tax, assessment, fee in lieu of assessment, or other fee or charge provided by law or imposed as a condition of development.

3. Existing Uses.

a. Existing Use Exemption

- 1. If construction, alteration, expansion, replacement, or change-of-use results in an increase in the calculated number of peak hour trips generated by the development or the property on which the development is located, as compared to the pre-development number of calculated peak hour trips, then the increased use requires payment of a transportation SDC. The SDC to be paid shall be the difference between the calculated trips generated from the proposed development and the calculated trips generated from the property prior to the construction, alteration, expansion or replacement. If the change in use decreases peak hour trips, as compared against the peak hour trips of the pre-development use, no new or additional transportation SDC shall be assessed and no refund or exemption shall apply.
- 2. If transportation SDCs were never paid for the pre-development or prior use of the property and such development or use has been abandoned for over two (2) consecutive years, then no consideration of existing use shall occur and the full or partial exemption authorized by Section 3.a.1 of this Resolution shall not apply. However, if the prior development or use of the property was discontinued due to fire or natural disaster, then the two-year abandonment allowance set above will increase to ten (10) consecutive years.
- 3. Previously paid SDCs shall be credited to the property regardless of any period of abandonment. The credit shall be based on the number of peak hour trips generated by the development at the time of original SDC assessment.

b. Existing Commercial Use Exemption Transfers

Commercial uses established and in continued existence for ten (10) years prior to the effective date of Resolution No. 2020-08 are entitled to a one-time transfer of any existing transportation SDC exemption associated with the existing use's peak hour trips to a new property where the existing use will continue or expand. The SDC to be paid for development on the new site shall be the difference between the calculated trips generated by the proposed development and the calculated trips generated by the existing use at its original site. If the continued use at the new site will decrease peak hour trips, as compared against the peak hour trips of the existing use, then no new or additional SDC shall be assessed, and no refund or exemption SDC credit shall be granted. Any such requested transfer granted by the City must be used within one (1) year or will be forfeited. Further, upon transfer grant, the existing site of a qualifying use will lose its exempt status and will be subject to full SDCs at the time of construction, alteration, expansion, replacement, or change-of-use, with no offset.

4. Miscellaneous. The provisions of this Resolution are severable. If any section, subsection, sentence, clause and/or portion of this Resolution is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or constitutionally of the remaining portion of will (a) yield to constriction 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 Resolution. This Resolution will be in full force and effect from and after its passage and adoption.

APPROVED and ADOPTED by the La Pine City Council on August _____, 2024.

Daniel Richer, Mayor

ATTEST:

Amanda Metcalf, City Recorder