



CITY OF LA PINE

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**CITY OF LA PINE PLANNING DIVISION
Staff Report Supplement to Planning Commission**

FILE NO. 01ZC-23

July 17, 2024

The following is intended to supplement the Staff Report provided to the Planning Commission on July 10, 2024. It is in response to a submittal by the Applicant on July 15, 2024, addressing criteria in which staff recommended additional evidence demonstrating compliance with Sec. 15.334.040(D)(4). Staff recommends including in the final motion the adoption of the following finding, replacing the finding from the July 10, 2024 Staff Report.

ARTICLE 8. APPLICATIONS AND REVIEWS

CHAPTER 15.334. - TEXT AND MAP AMENDMENTS

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:

*(***)*

D. For a quasi-judicial zone change the applicant must also provide evidence substantiating that the following criteria are 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

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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.

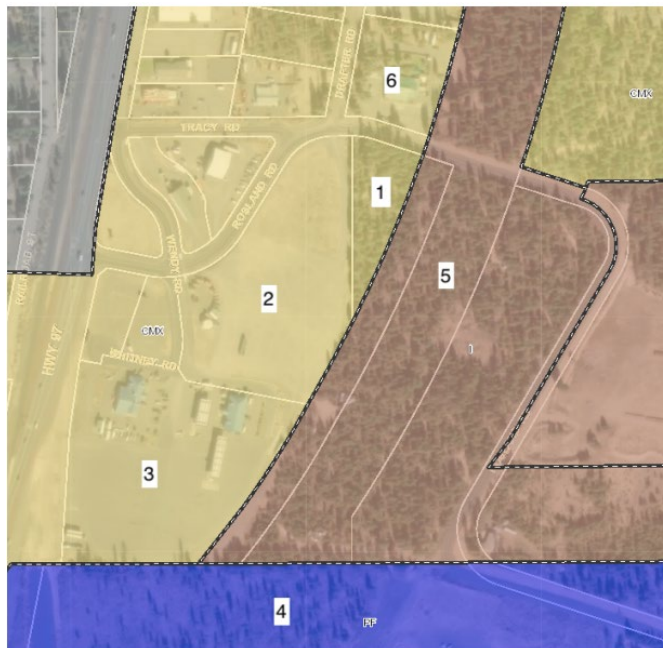
As discussed in findings for LPDC Sec. 15.334.050, a trip cap shall not be instituted to mitigate the significant impacts of the proposal. Instead, the Applicant shall pay a cash contribution to offset the effects of the proposal.

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 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 east, 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.