

City of La Pine
Comprehensive Plan Map Amendment and Zone Change
Burden of Proof Narrative – Supplement #2

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

Owner: Oregon 97 Investments LLC
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The purpose of this supplement is to address the following Staff's comment on Page 24 of the Staff Report, related to the La Pine Development Code Section 15.334.040.D.4.

Further evidence towards compliance with the criteria is necessary, and the Applicant is requested to provide this to the Planning Commission prior to their recommendation to City Council.

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.

Applicant Response: Given that the City is not allowing a trip cap to mitigate for traffic impacts, and is instead requiring a cash payment for transportation improvements, this section necessitates additional discussion. As established in this section, the additional discussion must address whether uses that are allowed in the CMX Zone have the potential to 1) destabilize the land use pattern in the area or 2) significantly adversely affect adjacent properties. Each of these items are addressed below.

1 - Land use pattern in the area

As detailed in the original narrative:

Surrounding Development –

An aerial image documenting the surrounding development is included below:



The property to the northwest is developed with the Moose Lodge. The remaining properties to the north, east, and south are vacant and undisturbed. The area to the northwest is vacant but has previously been cleared and the area to the southwest is developed with the La Pine Travel Center, including fuel stations, a convenience store, and a restaurant.

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

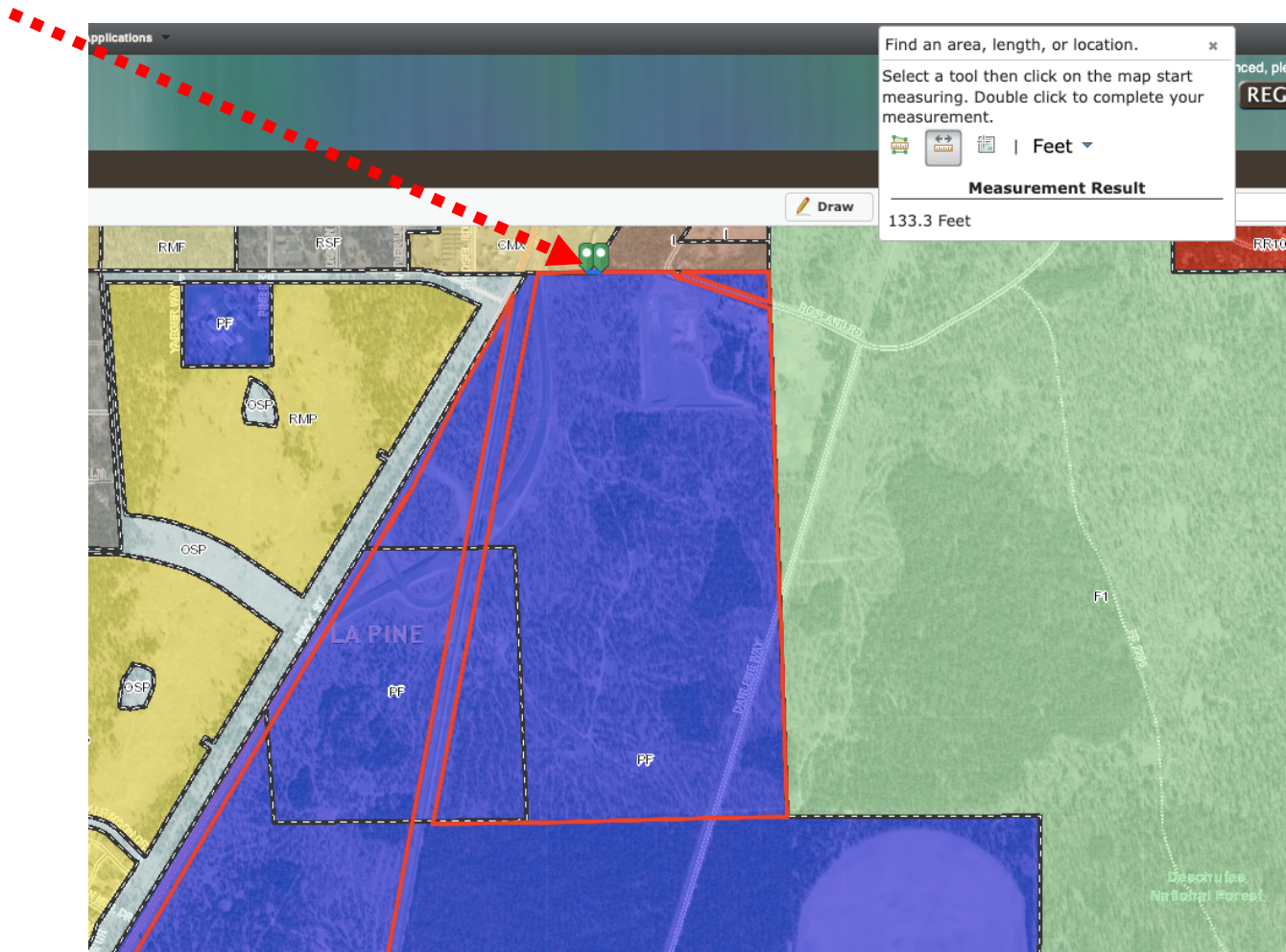
The property is adjacent to 6 properties



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.