

City of La Pine Planning Commission



L A P I N E

O R E G O N

PUBLIC HEARING | August 21, 2024

Hearing Procedure

The Planning Commission's decision on this application will be based upon the record, the staff report, and the testimony and evidence presented at this hearing and following the hearing, if the record should be left open.

HEARING ORDER – The hearing will be conducted in the following order:

1. Staff will provide a brief report
2. The applicant will present their testimony and evidence
3. Interested persons and agencies will present testimony and evidence
4. The applicant presents rebuttal testimony
5. Closing remarks from Staff

Oral Testimony Time Limits

The following time are recommended to apply to tonight's oral testimony

- Applicant: 15 minutes
- Public Agencies: 5 minutes
- Public Comments: 3 minutes
 - Applies for neutral, support, and opposition testimony
- Applicant Rebuttal: 10 minutes

In-Person and Remote Participants

In Person

Please fill out a sign-up sheet and submit it to the City Recorder, Amanda, to the right of the dais. The Chair will call up in-person participants for testimony.

Remote

During the public testimony portion, please raise you hand to testify

- Computer attendees: raise hand feature
- Phone attendees
 - *9 to raise hand
 - *6 to mute/unmute

Please state you first and last name and mailing address for the record before you begin your testimony

Hearing Procedure

Orderly hearing

Written testimony can be submitted to staff:

- Hand directly to staff
- Email to staff: bbybee@lapineoregon.gov

Hearing Procedure

Objections to the Hearing Format?

If you would like to object to the hearing format, please notify us now.

Staff Report

Applicable Criteria

PART III – CITY OF LA PINE DEVELOPMENT CODE

ARTICLE 3 - ZONING DISTRICTS

CHAPTER 15.20 RESIDENTIAL MASTER PLAN ZONE

ARTICLE 4 - OVERLAY ZONES

CHAPTER 15.32. - NEWBERRY NEIGHBORHOOD PLANNING AREA (NNPA) OVERLAY ZONE

ARTICLE 5 - DEVELOPMENT STANDARDS

CHAPTER 15.80. - DEVELOPMENT STANDARDS, GENERALLY

CHAPTER 15.88. - ACCESS AND CIRCULATION

CHAPTER 15.90. - PUBLIC FACILITIES

CHAPTER 15.92. - ADDITIONAL STANDARDS FOR LAND DIVISIONS

CHAPTER 15.94. - IMPROVEMENT PROCEDURES AND GUARANTEES

ARTICLE 6 - SPECIAL USE STANDARDS

CHAPTER 15.105. - SPECIAL USE STANDARDS - RESIDENTIAL USES AND ACCESSORY USES

ARTICLE 7 - PROCEDURES

CHAPTER 15.202. - SUMMARY OF APPLICATION TYPES AND GENERAL PROVISIONS

CHAPTER 15.204. - APPLICATION PROCEDURES

ARTICLE 9 - LAND DIVISIONS

CHAPTER 15.402. - GENERAL PROVISIONS

CHAPTER 15.406. - SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS (PUD)

CHAPTER 15.418. - PROCESSING AND RECORDING PROCEDURES

Noticing and Public Testimony

The Public Hearing was adequately noticed:

- Mailing date: July 18th, 2024
- Bend Bulletin Date: July 30th, 2024
- Posting Date: July 24th, 2024
 - East side of subject property along Crescent Creek Drive.

Public comments received are addressed in this presentation.

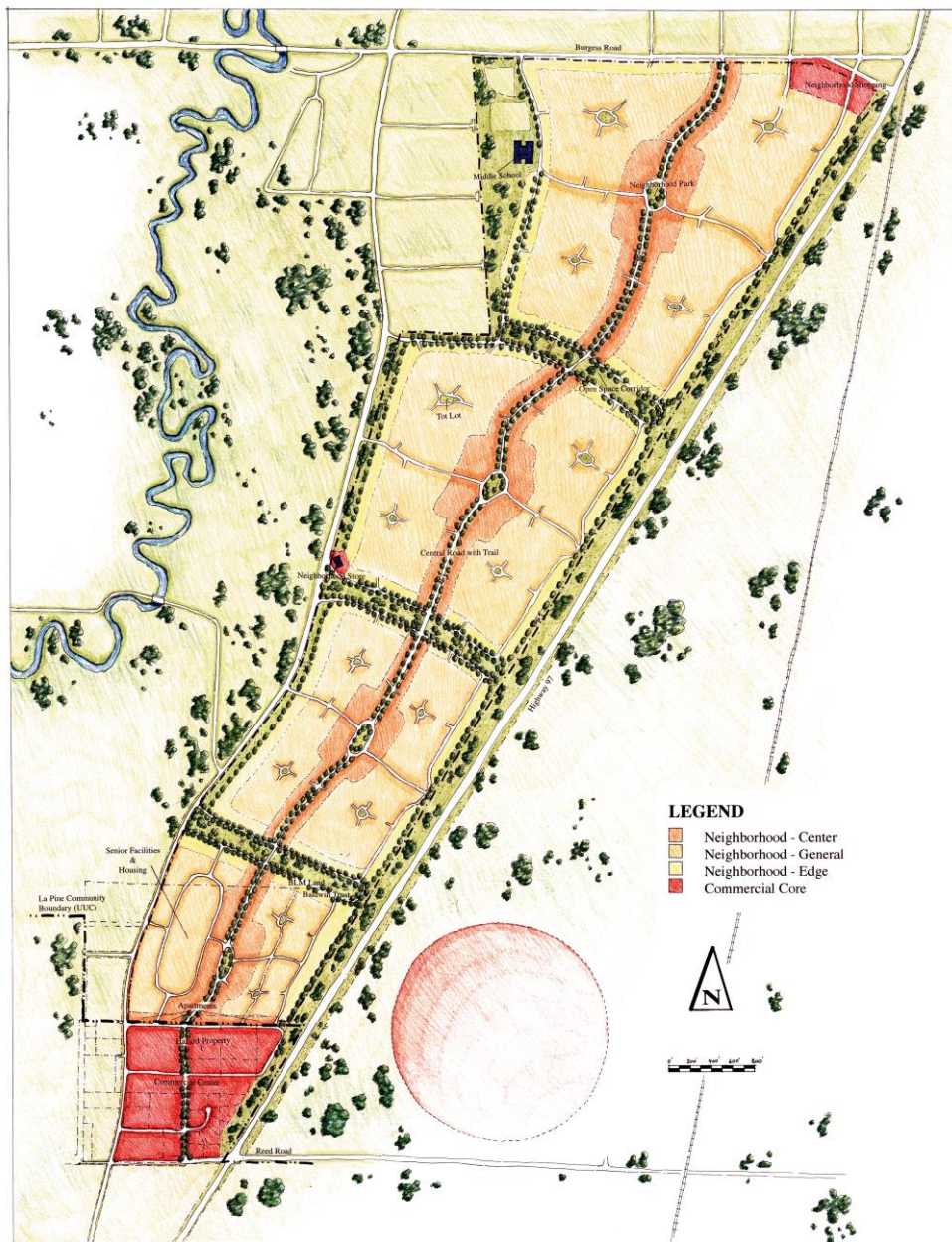
The full written record has been available on the project website, from the staff planner, or at City Hall.

Hearing Property Notice – LPDC Sec. 15.204.030.B.3

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.

Newberry Neighborhood

- Master planned neighborhood created by the County prior to city incorporation in 2006.
- Falls under LPDC Chapter 15.32. – Newberry Neighborhood Planning Area (NNPA) Overlay Zone.
- The criteria of that Chapter outlines the development standards for all proposals within the County master planned area.
- All larger undeveloped properties are owned solely by Deschutes County, and sold to developers upon request.



- LEGEND**
- Neighborhood - Center
 - Neighborhood - General
 - Neighborhood - Edge
 - Commercial Core

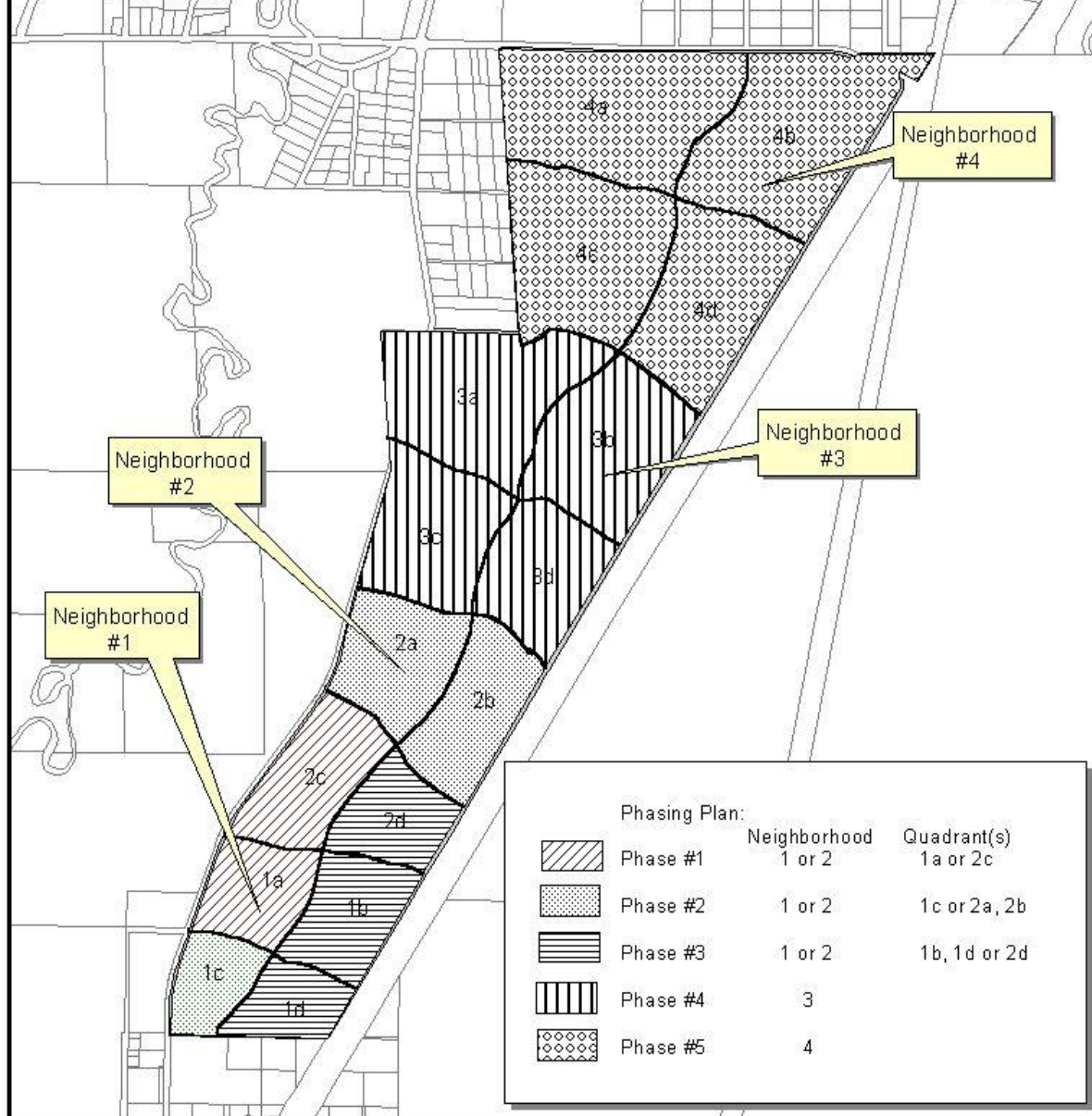
Deschutes County
 Regional Problem Solving
 Lennertz Coyle & Associates
 Kimley Horn & Associates
 W & H Pacific
 Shapiro & Associates

LA PINE NEW NEIGHBORHOODS

Revised Plan
 08 April 1999



Neighborhood Vs. Quadrant



SYMBOLS

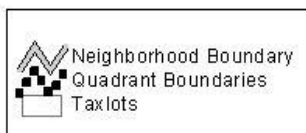


Figure 18
Neighborhood Planning Area
Phasing Plan



Newberry Neighborhood

- Components
 - Residential General District
 - Residential Center District
 - Community Facility District
 - Neighborhood Commercial District
 - Park District
 - Open Space District

Residential General Vs. Center District

LPDC Sec. 15.32.100.A & B

Residential General District

Purpose. The residential general district is the largest area of neighborhood planning area. The district is primarily for single-family residential uses with a variety of lot sizes and housing styles. Some higher density housing is allowed in specified locations.

Residential Center District

Purpose. The residential center district is a location for social activities and small mixed-use residential/commercial businesses. It is located near the geographical center of each neighborhood. This district is the location for more compact housing types such as townhomes and apartment buildings that activate the center and allow a greater number of people the option to walk for their daily needs.

Residential General and Center District Requirements LPDC Sec. 15.32.100.I.3.g

(4) *Residential center district.* Each quadrant except quadrants 1a, 1b, 1c and 1d must have a residential center district with a minimum of three acres and a maximum of six acres. The area of the residential center district is gross acres including public rights-of-way. The residential center district must be a contiguous area located so that it is adjacent to both Crescent Creek Drive and the collector street that bisects the neighborhood.

(5) *Residential general district.* The area zoned residential general will be the area in each quadrant that remains after the mandatory minimum residential center, neighborhood parks and open space zoning is defined.

Park District – LPDC Sec. 15.32.100.G

Park district. The purpose of this district is to provide neighborhood parks in each of the four neighborhoods within the neighborhood planning area. This district may also apply to an optional regional park that may be located in Neighborhood 2 or 3 during quadrant plan approval process.

4. *Neighborhood park development standards.*

a. *Size standard.* Each neighborhood park must be a minimum of two acres and no more than five acres in size. Neighborhood park areas do not need to be contiguous, so long as a multi-use path or sidewalks allow for pedestrian connection between the neighborhood park areas. If neighborhood parks are provided in a non-contiguous fashion, and notwithstanding anything herein to the contrary, each individual neighborhood park must be a minimum of one acre and the total neighborhood park area within an individual neighborhood must be a minimum of three acres.

b. *Location.* Neighborhood parks must be located at approximately the center of each neighborhood or quadrant, must front a public street on at least one side, and must have multi-use path connections to a public street other than a frontage street.

Deschutes County Decision QP-03-1

In 2003, Quadrant Plan QP-03-1 was approved by the Deschutes County Community Development Department. The Quadrant Plan approved the park that now exists on the Northwest Corner of Findley Drive and Crescent Creek Drive as the neighborhood park for all of Neighborhood 2, with a public access easement placed over the two acres.

The quadrant plan approval is on file with the County, and is publicly accessible through DIAL.

Open Space District – LPDC Sec. 15.32.100.H

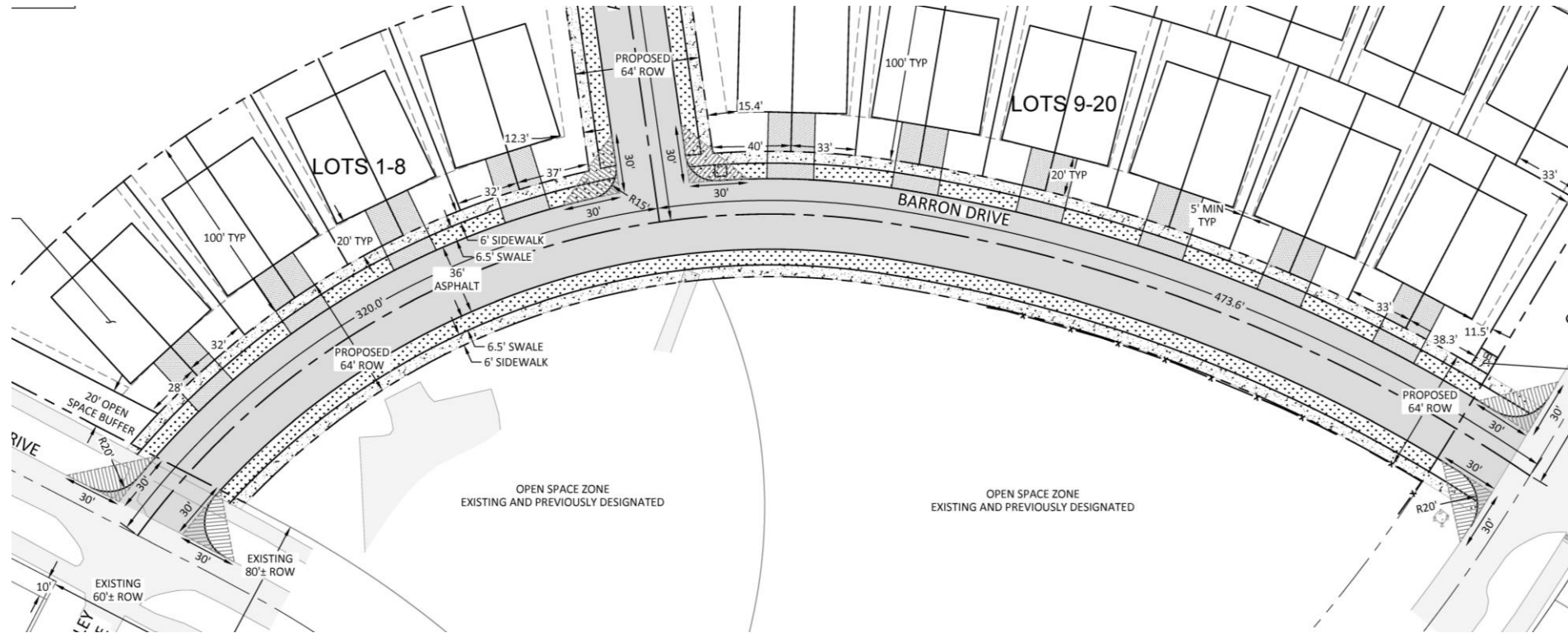
Open space district. The purpose of this district is to provide two types of open space in the neighborhood planning area. Perimeter open space is located adjacent to Huntington and Burgess Roads, Highway 97, and between existing residential lots west of Neighborhood 4. Perimeter open space will provide visual and noise screening and locations for multi-use paths. If Highway 97 provides sufficient width for a perimeter buffer, is or will be improved with an ODOT approved multi-use path that includes a ten-foot buffer between the path and property line, the planning commission may allow for the Highway 97 right-of-way to serve as the eastern perimeter open space as part of the quadrant plan approval process. Corridor open space divides the four neighborhoods, helps to maintain a rural feeling, and contains multi-use paths. The quadrant plan for each neighborhood must designate the following minimum areas as open space district, as applicable to each quadrant:

Open Space District –

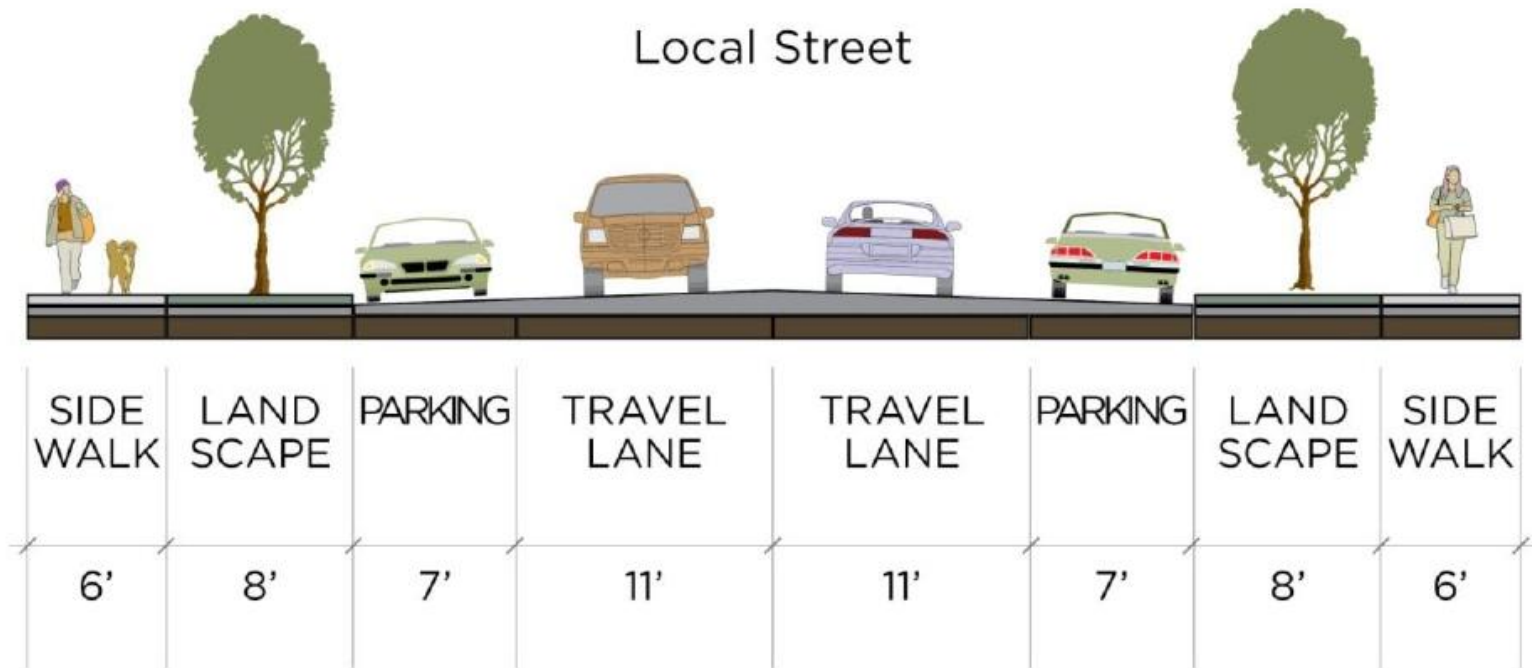
LPDC Sec. 15.32.100.H (Continued)

- (1) In addition to the required dedication of right-of-way, a minimum 20-foot-wide corridor open space buffer must be provided on either side of the right-of-way separating adjacent neighborhoods.
- (2) Minimum 200-foot-wide perimeter open space adjacent to the Highway 97 right-of-way, unless through the quadrant plan approval process, the planning commission determines that the Highway 97 right-of-way is sufficient to accommodate a multi-use path while providing adequate buffering between the path and adjacent properties lines. The applicant must have prior approval from ODOT to construct the multi-use path in the Highway 97 right-of-way in order to utilize this exception.
- (3) Minimum 75-foot-wide perimeter open space adjacent to Huntington and Burgess Roads.
- (4) Minimum 50-foot-wide perimeter open space on the west edge of quadrants 4a and 4c.
- (5) A 500-foot wildlife corridor must be established in either Neighborhoods 3 or 4. The wildlife corridor must be unimproved and align with an existing or planned wildlife Highway 97 undercrossing to the extent practical.

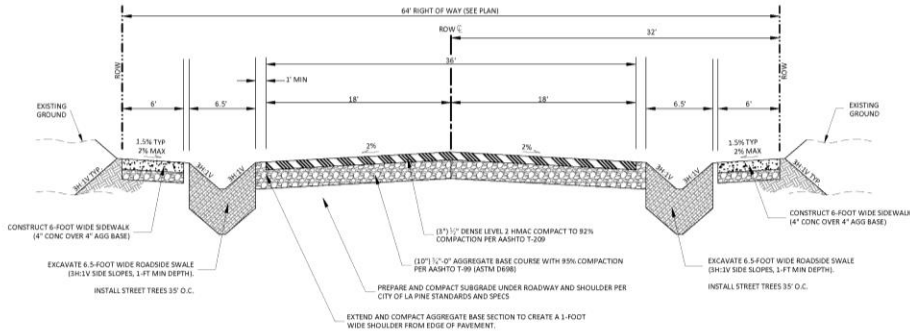
Street Design



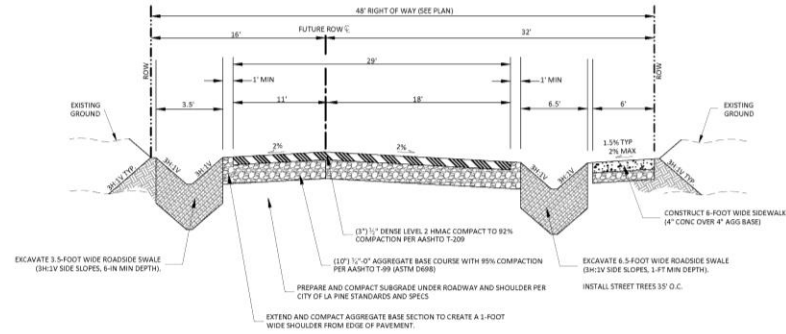
Street Design



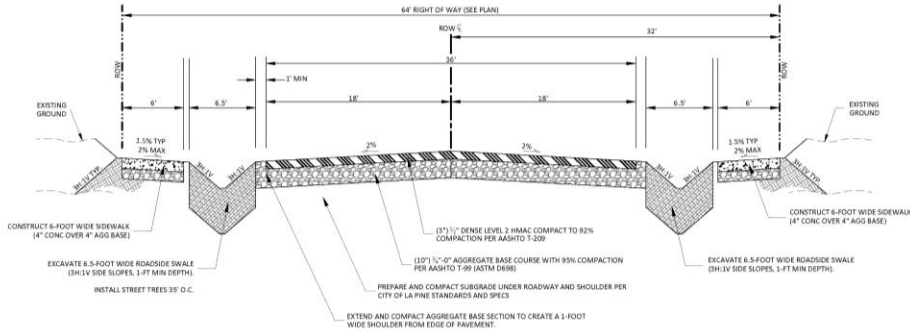
Street Design



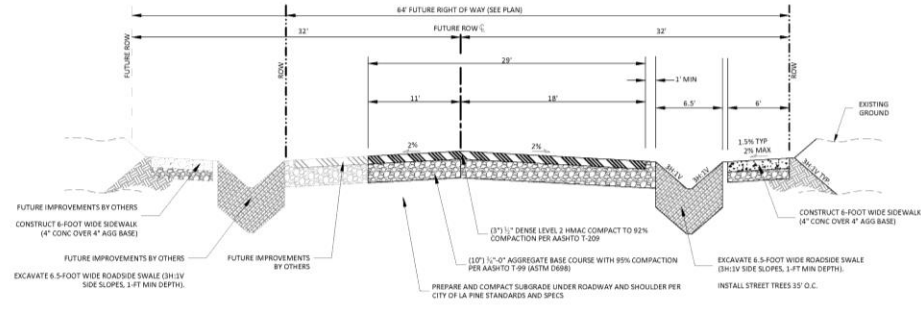
ARNOLD AVE - TYPICAL SECTION
LOOKING NORTH
NTS



MASTEN MILL DR - 3/4 ROAD TYPICAL SECTION
LOOKING EAST
NTS



BARRON DR - TYPICAL SECTION
LOOKING EAST



MASTEN MILL DR - 3/4 ROAD TYPICAL SECTION (FUTURE BUILD OUT)
LOOKING EAST

Traffic Impact Analysis– LPDC Sec. 15.90.080.B

When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:

(***)

3. An increase in site traffic volume generation by [300] Average Daily Trips (ADT) or more;

The Applicant's Trip Generation Report submitted for review states the use could generate 245 weekday daily trips, which is under the 300 ADT limit.

Comments

Alvin Richard Harp Jr., 8/6/2024

Provided comments stating:

1. The proposed development is harming home valuations, evidenced by Pahlisch raising home prices in Redmond and Prineville.
2. The proposal will negatively affect property tax values.
3. Recommends relocating the development to residential zoned area near Burgess Road and Rosland Elementary for the following reasons:
 1. Creates new zoning for moderate to lower income including multifamily.
 2. Would avoid property values dropping by 10%
 3. Reduces conflict between neighbors, residents and city leaders.

Staff Response: None of the points addressed by commentor link directly to any code requirements that the use is subject to. Additionally, the City has no legal standing to require a property owner to locate a development on a different property. Especially one not owned by the Applicant.

Comments

Erik Huffman, City of La Pine Contract City Engineer, 8/7/2024

Provided comments recommending:

1. Engineered/stamped construction plans for public improvements shall be provided prior to final plat.
2. Public right of way easements shall be depicted on final plat for grant or dedication.
3. Performance bond must be provided prior to construction.
4. Public right of way easements must be provided on final plat with a width of 64 feet.
5. Prior to final plat, all water and sewer, compacted base rock, and street signage must be installed.
6. At completion of construction, a 10% maintenance surety bond must be provided.

Staff Response: Huffman's comments have been incorporated into the recommendation, and conditioned as needed.

Comments

Paul Henninger, 8/7/2024

Provided comments stating:

1. Transportation – the roadways within the Crescent Creek development are substandard; asks that parking for the development be adequate; asks for no parking signs along Crescent Creek Drive adjacent to the new development; and asks for a 4 way stop sign at Findley Drive and Crescent Creek Drive.
2. Park District – Protests the use of the “HOA Park”; states that it is maintained by HOA with public access; the park is too small and inadequate for the growth that has occurred; requests the developer construct a 6 foot screened privacy fence be built on the developments boundary, restricting access to Findley Drive.
3. Open Space – Protest the lack of open space boundary along clubhouse property and park boundary; Habitat is utilizing park and clubhouse property as an excuse to not provide required buffer area; Habitat is using the park as an excuse to reduce setbacks; and reduced buffer and setbacks will be detrimental.
4. Multi Use Paths – Inadequate sidewalks and paths in our area and along streets; no adequate plans for access to Huntington; Huntington is dangerous for pedestrians; development is on a restricted view corner of Huntington; asks for walking trail along their property on Huntington Road, connecting to Findley Drive.
5. Speed limit on Huntington should be reduced to 30mph.

Staff Response: Transportation and parking were addressed earlier; a stop sign may be requested to City Council for approval; As discussed earlier, a park has been provided for Neighborhood 2; it is not legally defensible for the city to require a fence; As described earlier, the proposal is not adjacent to any required buffer areas; Sidewalks have been proposed with the development; speed limit reductions on Huntington Road can be requested to the County.

Comments

Alvin Richard Harp Jr., 8/8/2024

Provided comments stating:

1. The proposed development is harming home valuations, evidenced by Pahlisch raising home prices in Redmond and Prineville.
2. The proposal will negatively affect property tax values.
3. Recommends relocating the development to residential zoned area near Burgess Road and Rosland Elementary for the following reasons:
 1. Creates new zoning for moderate to lower income including multifamily within a R-4 High Density Housing. Prineville used as example.
 2. Improves proximity to elementary school and Hwy 97.
 3. Infrastructure is already in place.
 4. Eliminates negative impact to property values.

Staff Response: None of the points addressed by commentor link directly to any code requirements that the use is subject to. Additionally, the City has no legal standing to require a property owner to locate a development on a different property. Especially one not owned by the Applicant.

Comments

Sondra Anderson, 8/8/2024

Provided comments recommending:

1. Since the hearing was continued, Notice of Public Hearing Signs should be posted at entrance to Crescent Creek, building site, and Huntington Road.

Staff Response: The hearing was noticed in accordance with the requirements of state law and the development code.

Comments

Victoria D'Auteuil, 8/15/2024

Provided comments stating:

1. 60% of Habitat properties have overgrown yards, piles of trash, furniture items, and junk.
2. The homeowners have no regard for their property or neighbors.
3. They do not believe a fence will lessen the impact, and provided past experience.
4. They are certain that the Habitat project will have a devastating impact on their neighborhood and home value.
5. Seniors within the community struggle on fixed incomes with healthcare costs, and end up relying on home equity.
6. The project will have a negative impact on young families and middle aged members of the neighborhood who worked hard to save for a down payment and work hard everyday.
7. They believe a better location for the development would be near Rosland School, which is near infrastructure and Hwy 97. Kids who live near schools do better in math.
8. The project will facilitate a downward spiral of declining home values with declining tax revenue and will lead businesses and builders to go elsewhere.
9. Asks Planning Commission to advocate for seniors nest eggs, and the investments of fellow homeowners.

Staff Response: Unfortunately, the comments lack specificity with regard to how the proposed use is in conflict with any code criteria. Again, the City has no legal standing to require a property owner to locate a development on a different property. Especially one not owned by the Applicant.

Comments

Tom and Jane Daurrs, 8/16/2024

Provided comments stating:

1. They are surrounded by low income housing now.
2. La Pine is inundated with low income housing and city officials seem hell bent on making La Pine an undesirable place to live by inviting addicts, drugs, parolees, sex trafficking, gangs, graffiti, mentally ill, and more.

Staff Response: Unfortunately, the comments lack specificity with regard to how the proposed use is in conflict with any code criteria.

Comments

Alvin Richard Harp Jr., 8/18/2024

Provided comments stating:

1. The proposal will depreciate home values in Crescent Creek.
2. Low income housing south of Crescent Creek have little if no pride of ownership.
3. Fails to understand why a low income development such as Habitat for Humanity should be built next to Crescent Creek.
4. South Deschutes county is already one of the poorest in Oregon, why should the city build more low income housing to attract more low income residents?
5. The City decided to give the property to Habitat, and it seems it was not done in the cities best interest. There should have been more public input.

Staff Response: Unfortunately, the comments lack specificity with regard to how the proposed use is in conflict with any code criteria. The property was sold by Deschutes County to Habitat. The City is the neutral reviewing body for the proposal.

Comments

Homeowners of Crescent Creek HOA, 8/19/2024

Provided comments stating:

1. The developer is utilizing separate development to satisfy land use requirements.
 1. Argue that the Crescent Creek Development is in the “Newberry Neighborhood” quadrant, not the Newberry Neighborhood 2” quadrant.
 2. Believe their HOA common area properties, HOA clubhouse, and HOA park are in a different land use quadrant “Newberry Neighborhood”.
 3. Believes that based on a county Assessors map, a past Replat, and title report map, that the proposal is with the “Newberry Neighborhood 2” quadrant, and that Crescent creek is part of the “Newberry Neighborhood” quadrant.
2. Since the property was divided from a larger parcel, it must be treated as a self-contained new development.
 1. The proposal should not be able to defer quadrant requirements to a future developer.
3. Park Requirements.
 1. The proposal should have its own park.
 2. The Habitat proposal should not be allowed to use the HOA park and common areas to satisfy requirements.
 3. The Habitat development, without their own park, will cause overuse damage and unreasonable additional costs to the Crescent Creek Homeowners.
4. Require a development boundary fence.
 1. Since the development will be adjacent to the HOA park and clubhouse, they ask that a 6-foot black cyclone fence with privacy slats be required between the Habitat development, and the park and clubhouse from Findley Drive to Crescent Creek Drive.

Comments

Homeowners of Crescent Creek HOA, 8/19/2024 (*Continued*)

Provided comments stating:

5. Green Spaces

1. Greenspaces for Habitat should meet the proportional land use requirements of a standalone development.

6. Buffer Zones

1. Habitat utilized the HOA clubhouse and park as part of “Newberry Neighborhood 2” which would allow for a buffer exemption. State again that they are in “Newberry Neighborhood”
2. A 20 foot buffer is required to adjacent separate residential developments in other land use quadrants.
3. Contend that the county Assessor map is inaccurate, that Crescent Creek is not within Newberry Neighborhood 2, and that it is in “Newberry Neighborhood”.
4. Since it is in a different quadrant, the buffer requirements apply.

7. Light Pollution

1. Cover the “dark sky” requirements within Crescent Creek.
2. Ask that lights on the outside of buildings within the development have the same requirements as theirs, and that street lights within the development cast light down, and not into Crescent Creek or the park.

8. Parking

1. Parking within the proposed development must have adequate and self contained on street parking for their residences and guests.

9. Fire and Wildfire Danger

1. Ask that the developer use “Firewise” fire prevention and control techniques.

Comments

Homeowners of Crescent Creek HOA, 8/19/2024

Staff Response: The Commentors seem to have a misunderstanding of the Newberry Neighborhood Master Plan Design. As described earlier in this presentation, there is a difference between neighborhoods and quadrants. Crescent Creek and the Habitat proposal are all within Neighborhood 2, whereas the Habitat and Crescent Creek are in within different quadrants for the Neighborhood 2.

The property is being treated as a self-contained development, as demonstrated by staff's recommendation.

As discussed, the existing park was constructed as the park for the entirety of Neighborhood 2. There is no legal standing for staff to require an additional park for the development.

As discussed previously, it is not legally defensible to require a fence, as proposed.

Comments

Homeowners of Crescent Creek HOA, 8/19/2024

Staff Response: There are no “Green Space” requirements within the code. That term does not exist within the development code.

As discussed previously, the property is not adjacent to any areas subject to buffer zone requirements.

The development code does not address lighting standards, but staff recommends coordinating with the developer on a lighting plan if they are amenable to the request.

As demonstrated earlier in this presentation, the request will have on-street parking.

At this time, the code does not contain requirements that the development be “Firewise”, but encourages the Applicant to implement those standards at their own discretion.

Comments

John and Jacqueline Schommer, 8/19/2024

Provided comments stating:

1. Habitat is attempting to use an existing park district outside of the quadrant proposed in the development.
2. The park was constructed and is maintained by and for the residents of Crescent Creek HOA.
3. Cites LPDC Sec 15.32.100.G which requires a park in each of the four neighborhoods.
4. Habitat should not be able to utilize the existing park to satisfy required components for development.
5. A 20-foot buffer is not proposed between the Habitat property and Crescent Creek. Existing open space should not be utilized when planning the new quadrant, and the undeveloped land to the north owned by the county should not be considered open space.

Staff Response: As previously discussed, the park for Neighborhood 2 has already been constructed; The proposal is not adjacent to any areas required to have buffer zones.

Comments

Mario Marchi, 8/19/2024

Provided comments stating:

1. The proposal violates many of the land use designations that were established for that parcel of land.
 1. Proposal assumes that the clubhouse and park are part of “Newberry parcel 2”. Crescent Creek HOA owns manages and maintains the clubhouse and sport fields, even if the fields were originally dedicated as “public use”.
 2. Violates buffer requirement along Barron Drive and Pahlisch property.
 3. Habitat property is a standalone property and should be required to follow all land use requirements.
 4. Recommends a 100 foot fire break along the northern edge of the development.
 5. Evacuation routes should be established connecting Half Moon Drive to Huntington and Hwy 97, and Findley Drive to Huntington and Hwy 97.
 6. Speed limit on Huntington should be reduced to 30mph.
 7. Development should be moved to be located along Half Moon Drive, providing better access.



Comments

Mario Marchi, 8/19/2024

Staff Response: As previously discussed, the park for Neighborhood 2 has already been constructed; the proposal is not adjacent to any areas required to have buffer zones; the property is being treated as stand alone development, as demonstrated in the recommendation; a 100' fire break is not a legally defensible element that the City can require, and the development is not adjacent to Half Moon Drive; evacuation routes are not a legally defensible element that the city can require, additionally ODOT will not permit access permits onto Hwy 97; Speed limit reductions on Huntington Road can be requested to Deschutes County; Again, the City has no legal standing to require a property owner to locate a development on a different property. Especially one not owned by the Applicant.



Comments

Sandra Anderson, 8/19/2024

Provided comments stating:

1. To be a new homeowner in Crescent Creek, the amenities and safety were the main reasons for choosing Crescent Creek.
2. The Planning Commission decision is unfortunate, and property values will deteriorate in the nicest neighborhood in La Pine.
3. It is transgression that the commission is allowing La Pine to grow into a third world city.
4. The Planning Commission and board should live in the city they represent.

Staff Response: Unfortunately, the comments lack specificity with regard to how the proposed use is in conflict with any code criteria.

Comments

Jane Sauers, 8/19/2024

Provided comments stating:

1. Crescent Creek offers peace, safety, and serenity for residents in their late years, with the beauty of natural surroundings protected from all that low income, high density neighborhoods bring to a community.
2. Leaders should be protecting our city from crime. Blight, gangs, drugs, parolees, child predators, cartels, sex trafficking, all that lowers property values and ruins a community is what is being invited to La Pine.
3. Careful thoughtful planning by dedicated professionals to wisely protect and balance family neighborhoods with low income neighborhoods is imperative.

Staff Response: Unfortunately, the comments lack specificity with regard to how the proposed use is in conflict with any code criteria.

Comments

Lynn C King, 8/19/2024

Provided comments stating:

1. Reiterated the points raised in the Homeowners of Crescent Creek HOA 8/19/2024 comment letter.

Linda LeBleu, 8/19/2024

Provided comments stating:

1. Reiterated the points raised in the Homeowners of Crescent Creek HOA 8/19/2024 comment letter.

Staff Response: See previous staff response for the 8/19/2024 letter from the Homeowners of Crescent Creek.

Comments

Tom Sauers, 8/19/2024

Provided comments stating:

1. Crescent Creek is the nicest neighborhood in La Pine. It is becoming surrounded by high density, low income housing which equals to crime, drugs, gang activity, lower property values and diminished quality of life.
2. No garages are proposed, with junk on display, cars lining the streets, and no park or open spaces for the kids to play.
3. The project does not meet the required land use rules for stand alone development.

Staff Response: Garages have been proposed for the development, as demonstrated in the application materials; the proposal has been treated as a stand alone development as evidenced by staff's recommendation. All other points unfortunately do not address applicable criteria.

Comments

Karen Spalding, 8/19/2024

Provided comments stating:

1. Disappointed in the number of duplexes proposed next to their clubhouse and park.
2. Does not believe their area is the place for high density housing.
3. Believes the Crescent Creek development, park, clubhouse, and common areas are being used to satisfy land use requirements.
4. Why were the residents of Crescent Creek not informed of the approval?

Staff Response: As discussed earlier, the proposal is within the Residential Center District which promotes higher densities of development; The clubhouse is not being utilized by the proposal, and the park was approved as the park for all of Neighborhood 2 as discussed previously. The Planning Commission has not yet approved the proposal, therefore no notification of a decision has been sent.

Comments

Mark & Theresa O'Brien, 8/19/2024

Provided comments stating:

1. Concerned about property values, quality of life, safety, and financial impact currently and in the future.
2. Referenced Homeowners of Crescent Creek HOA 8/19/2024 comment letter.
3. The proposed townhomes, condos or apartments would be aesthetically horrific.
4. References Reserve in the Pines as a neighborhood without proper land use requirements and lack of planning.
5. Habitat neighborhoods inevitably become run down with a lack of maintenance and yardwork, infested with drugs and other criminal activity including shootings. References past experience with this.
6. Frustrated that the Commission and Deschutes County Commissioner decided to locate the development there, rather than further north. Believes the commission is side stepping the land use requirements.

Staff Response: See previous staff response for the 8/19/2024 letter from the Homeowners of Crescent Creek; The Residential Center District lists townhomes as a promoted use; All other points unfortunately do not address applicable criteria.

Comments

Sue Gabriel, 8/19/2024

Provided comments stating:

1. The bar should be set higher, we do not need to be a community of low income or primarily habitat homes. Supports those programs but wants to see a better balance.
2. Lives in Crescent Creek, has worked hard for their homes, follow strict rules of the HOA, and bought there for livability and safety.
3. City is neglecting to follow some of the land use rules; no buffer zone; no park; not firewise.
4. Who will be accountable after their “year” of monitoring?
5. Uses townhomes next to the activity center as an example, stating they are a mess and a police nightmare.
6. The city installed pathway along Hwy 97 has increased the amounts of transients, drug paraphernalia, increased car theft, and people living in trees.

Staff Response: As discussed previously, the land use rules have been addressed as demonstrated by staff’s recommendation; The proposal is not adjacent to any areas requiring buffer zones; The park for Neighborhood 2 has been constructed; and there are no “firewise” requirements within our code, although the applicant is encouraged to incorporate those practices. All other points unfortunately do not address applicable criteria.

Comments

Brett & Cristi Tam, 8/19/2024

Provided comments stating:

1. Reiterated the points raised in the Homeowners of Crescent Creek HOA 8/19/2024 comment letter.

Staff Response: See previous staff response for the 8/19/2024 letter from the Homeowners of Crescent Creek.

Comments

Bert & Liz Lundmark, 8/19/2024

Provided comments stating:

1. States the Planning Departments Function and their role.
2. Habitat developments go unregulated with dead trees, weeds, and children's bikes and toys left where they were last used.
3. Quality of life is not supported by the planning department once the projects are completed.
4. Why is no park proposed as required by the code? Crescent Creek's Park was designed for and belongs to it's HOA.
5. Where is the buffer zones?
6. Where is the dev. Greenspace?
7. Why is parking of vehicle in various states of repair not regulated in low income housing?
8. Crescent Creek streets have pullouts, how will use of those spaces be prevented?
9. Quick decisions by the Planning Department allowed the decision to get this far. Pahlisch submitted a planned unit development north of Crescent Creek, but the fire marshall did not sign off on it.
10. Believes there needs to be a public approved "Master Plan" representing their foundational long range planning goals which is adhered to.
11. Asks the Planning Department how the proposal fits into La Pines "Long Range Plan"

Comments

Bert & Liz Lundmark, 8/19/2024

Staff Response: As discussed previously, the park for Neighborhood 2 has been constructed; the property is not adjacent to areas requiring buffer zones; there are no “Green Space” requirements within the code, that term does not exist within the development code; Abandoned vehicles are addressed within the City’s Code Enforcement Code; it is not legally defensible for the city to require parking restriction on neighboring development, that must be address by the landowner of neighborhood organization; All other points unfortunately do not address applicable criteria.

Comments

Habitat for Humanity, 8/19/2024

Provided comments stating:

1. Tree Preservation

1. The applicant intends to preserve trees wherever feasible.
2. Trees will be preserved in the open space buffer along Findley Drive and Crescent Creek Right of Way.
3. Street trees will be planted in the swales along Masten Mill, Barron Drive, and Arnold Ave.
4. When one tree cannot be preserved in backyards, a new shade tree will be planted.
5. Initially, only trees within the proposed path of road right of way and infrastructure will be removed, and tree removal on lots will be evaluated at the time of building permit application

Comments

Habitat for Humanity, 8/19/2024 *(Continued)*

Provided comments stating:

2. Park

1. The Applicant coordinated with the Crescent Creek Owners Association (CCOA) to inquire whether the proposed subdivision could join the CCOA, to assist with maintenance of the park.
2. The CCOA Director responded stating that no additional properties would be annexed into the CCOA, and that the public is permitted to use the park as there is a public access easement in place.
3. The subdivision itself does not have an open space/park requirement. The open space requirement is for the quadrant along Findley Drive, Half Moon Drive, Huntington Road, and Hwy 97.
4. The existing park was designated as the park for Quadrant 2, during the initial planning efforts by the County.
5. Provide an illustration of the original neighborhood plan from the County, showing the park designation for the entire quadrant.

Comments

Habitat for Humanity, 8/19/2024 *(Continued)*

Provided comments stating:

3. CC&R's

1. CC&R's have been proposed to manage common space and memorialize rules for individual properties within the subdivision.
2. Provided a list of the restrictions.

4. Parking

1. Addresses comments directed at ,parking stating that the proposed streets are all public local streets, as required by code, and are designed to meet the city standards, which does include parking.
2. Provide an illustration of the street cross section highlighting the design of the streets which identify 7' parking areas on either side of the street.

5. CCOA Email Correspondence

1. The correspondence emails between the Applicant and the CCOA Director are provided, which demonstrate the CCOA would not be annexing additional land into their HOA, and that there is no issue with the proposed subdivision using the park since there is a public access easement.

Comments

Habitat for Humanity, 8/19/2024 (*Continued*)

Staff Response: Staff supports the Applicant's intent to preserve trees within the development, and encourages the Commission to discuss this further with the Applicant for refinement.

The Applicant incorrectly utilizes the term "quadrant" to describe "neighborhoods".

Staff agrees with their statements regarding open space/buffer and park requirements.

As discussed previously, the road design and parking requirement meet city standard.

The email exchange between the Crescent Creek Owners Director and Habitat has been included in the record. HOA's are a civil matter however, and do not fall under the purview of the City.

Comments

Robert Datrio, 8/19/2024

Provided comments stating:

1. The project does not follow the guidelines with many exceptions.
2. Other comments cover most of their concerns.
3. Raises concerns regarding the Annual Daily Trips (ADT) generated.
4. States they are expecting 600 ADT, and provides past experience with a mobile home park.
5. States that the onsite sign was posted two weeks ago, and is dated July 18, posted on the backside where only $\frac{1}{4}$ of the traffic is.
6. Moved to La Pine because of the pine trees, and has concerns regarding clear cutting.

Staff Response: No exceptions have been granted towards the development criteria within the Newberry Neighborhood Overlay Zone; As discussed previously, the projected ADT's are 245; Notice was sent and posted in accordance with state law and the La Pine Development Code; All other points unfortunately do not address applicable criteria.

Comments

Chuck Anderson, 8/20/2024

Provided comments stating:

1. Have been let down by the La Pine Planning Commission and Pahlisch Homes.
2. Brent Bybee acknowledged after the meeting on 8/7/24 that our homes would depreciate by 10% and that it was not the City of La Pine's concern.
3. States concerns regarding traffic, safety, loss of value in home, fire barriers, and that the Commission is approving La Pine to grow into a low income housing community to benefit Bend workers.
4. La Pine Planning Commissioner should be a resident of La Pine.

Staff Response: Following the meeting on 8/7/2024, staff did discuss the procedures for the application with a group of individuals. At no point did staff confirm homes would depreciate by 10%, only that home valuation is not a criteria that is reviewed through a development request. Traffic concerns have been previously discussed. All other points unfortunately do not address applicable criteria.

Comments

Jordan Bond, 8/20/2024

Provided comments stating:

1. Concerned about their home investment and the value of their home dropping after the development goes in.
2. Bend-La Pine School District should have been consulted.
3. Raised concerns regarding school boundaries being evaluated, bus stop parking at the clubhouse, the risk of additional traffic with children crossing Findley Drive and Crescent Creek Drive.
4. Buses will be overcrowded.
5. Access to Habitat should not be through the Crescent Creek Neighborhood.
6. Believes the Habitat development needs their own streets, entrance, green space, overflow parking, and bus stop.
7. Anticipates ADT's of 136.
8. Concerns about conflict between the Habitat owners and Crescent Creek owners.
9. There should be no parking signs on their designated streets.
10. Clubhouse needs no trespassing and no parking sign at the clubhouse.
11. There needs to be a mediator for conflicts between Crescent Creek and Habitat.
12. Four way stop sign at Findley Drive and Crescent Creek Drive.
13. They need their own park. Current park should be fenced for the safety of their children.

Comments

Jordan Bond, 8/20/2024

Staff Response: As part of the noticing procedures, the Bend-La Pine School District was noticed in accordance with LPDC Sec. 15.204.030.B. No comment was received from that organization; Comments regarding traffic and parking have been discussed previously; Unfortunately the remaining comments lack specificity and are not supported by code criteria.

Comments

Stefan D'Auteuil, 8/20/2024

Provided comments stating:

1. Requested a delay of the Habitat project for further input from the community.
2. Raised concerns regarding the noticing requirements.
3. Raised concerns about the maintenance of the properties in accordance with the existing neighborhoods standards of care.
4. The development will bring down home valuations.
5. The development should be relocated to Burgess Road.
6. Mr. Bybee stated that tax revenue into his decision making when approving projects. City Planners must take tax revenue into account which would allow for more revenue to support the city.
7. Home equity for young families and seniors in Crescent Creek will be affected.
8. La Pine should not turn into another Bend.
9. The park is not large enough to be utilized by Habitat, and why are they allowed to clear cut the trees?

Comments

Stefan D'Auteuil, 8/20/2024

Staff Response: Delaying the review of the application is at the discretion of the Planning Commission should they deem it necessary; The proposal has been noticed in accordance with state law and the La Pine Development Code; the City has no legal standing to require a property owner to locate a development on a different property. Especially one not owned by the Applicant; The Applicant submitted a proposal for tree retention, the Commission is urged to continue coordination on that topic; Unfortunately the remaining comments are not supported by code criteria.

Comments

Tiffany Zollman, 8/20/2024

Provided comments stating:

1. Poor choice of area to put duplexes.
2. Concerned about the safety of her community, and the developments proximity to the clubhouse and field where her children play.
3. Uses the neighboring habitat development as an example.

Staff Response: Unfortunately the comments are not supported by code criteria.

Comments

Brett & Critsti Tam, 8/20/2024

Provided comments stating:

1. They are displeased that a meeting is being held with no input from the hundreds of homeowners.
2. The City does not care about the taxpayers.
3. They plan to cut down hundreds or thousands of trees.
4. They will have to pay for the Habitat development to connect to Crescent Creeks utility connections.
5. Waivers are being granted by the city for impacts on the park, light pollution, noise pollution, traffic and crime, which violates Oregon law.
6. The high-density development conflicts with the nature of the Crescent Creek development.
7. All aspects of the project will be subsidized by the taxpayers.
8. Raised concerns regarding trash, dead cars, illegal dirt bikes, kids milling around, dead grass, and piles of junk.
9. Utility, insurance, and tax have gone up for them, but will not go up for the subsidized housing.
10. There are many places better suited for the development.
11. Disappointed in the plans of the City and Habitat to ruin millions of dollars in property value to build a quick and dirty project that will satisfy the perceived need for low-income housing.

Comments

Brett & Critsti Tam, 8/20/2024

Staff Response: The proposal has been noticed and posted for public input as required by state law and the La Pine Development Code; a tree retention plan has been proposed by the Applicant, the Commission is urged to continue coordinating on that topic; No waivers are being granted in accordance with the Newberry Neighborhood Overlay Development Criteria; the proposal is located in the Residential Center District of Neighborhood 2 which promotes higher density development; Unfortunately, the remaining comments are not supported by code criteria.

Comments

Sarah Malikowski, 8/20/2024

Provided comments stating:

1. Concerned about property values, quality of life, financial impact, and burden put upon their HOA maintained common areas, walking trails, clubhouse property, and park.
2. The parcel must be treated as a self-contained development without exceptions.
3. The development must have it's own park.
4. The developer should install a fence between the development and the HOA park and clubhouse meeting their HOA standards.
5. Greenspaces must be provided.
6. Buffer zones are required.
7. Light pollution should be addressed and not project onto neighboring development.
8. Must have adequate parking and self contained on street parking.
9. Firewise techniques should be utilized.

Staff Response: The proposal is being treated as a self-contained development, as addressed in staff's recommendation; As discussed previously, the park for Neighborhood 2 has been constructed; a fence is not a legally defensible element that the city can require; green spaces is not an element identified within the development code; The proposal is not adjacent to any areas requiring buffer zones; Light pollution, parking, and on-street parking was previously addressed; "Firewise" practices are not required in the code, but the developer is encouraged to incorporate those practices.

Staff Recommendation

Staff recommends the Planning Commission Coordinate further with the Applicant on standards towards tree retention, and coordinate with staff towards an acceptable motion prior to closing the hearing for deliberations.

Next Steps

Four options to move forward:

- Continue the hearing to a date and time certain.
- Close the oral portion of the hearing and leave the written record open to a date and time certain.
- Close the hearing and schedule deliberations for a date and time to be determined.
- Close the hearing and commence deliberations.

Questions?

Brent Bybee, Principal Planner

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Open Record Period

Open Record Period Deadlines

New Evidence and Testimony

- Wednesday August 28, 2024 at 5 pm

Rebuttal

- Wednesday September 4, 2024 at 5pm

Final Arguments (Applicant Only)

- Wednesday September 11, 2024 at 5 pm

Open Record Submittals

Email submittals must be sent to
bbybee@lapineoregon.gov

Electronic submittal **must be received by the City's server by 5pm** on the date of the deadline