



CITY OF LA PINE CITY COUNCIL AGENDA

Wednesday, April 10, 2019

5:30 p.m. Regular Session

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order
2. Establish Quorum
3. Pledge of Allegiance
4. 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
5. Public Comments
6. 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.

 - a. Approval of Council Minutes
 - i. March 27, 2019 Meeting Minutes
 - b. Liquor License Application – Coach’s
7. Resolution 2019-06 – A Resolution Declaring the Municipal Services Provided by the City of La Pine in Order to Receive State Shared Revenues – Action Item
 - a. Staff Report
8. Public Hearing
 - a. Proposed Text Amendment to the City of La Pine Development Code (LPDC).
File No. 01TA-18: Regarding Article 4 – Overlay Zones, Chapter 15.32 Newberry

Neighborhood

Planning Area Zoning Standards. (Applicant Pahlisch Homes)

1. Staff Report
2. Open Public Testimony
3. Public Comment
4. Close Public Testimony
5. Deliberation and Council Decision

9. Other Matters: Only those matters properly added to this Agenda under line item No. 4

10. Public Comments

11. Staff Comments

12. Mayor and Council Comments

13. Adjourn Meeting

Pursuant to ORS 192.640, this notice includes a list of the principal subjects anticipated to be considered or discussed at the above-referenced meeting. This notice does not limit the ability of the City Council to consider or discuss additional subjects. This meeting is subject to cancellation without notice. The regular meeting is open to the public and interested citizens are invited to attend. The public will not be permitted to attend the executive session; provided, however, representatives of the news media and designated staff will be allowed to attend the executive session. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the executive session as previously announced. No decision will be made in the executive session. 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.



CITY OF LA PINE CITY COUNCIL – MEETING MINUTES

Wednesday, March 27, 2019

5:30 p.m. Regular Session

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order

Mayor Richer called the Council meeting to order at 5:34 p.m.

2. Establish Quorum

Members Present: Mayor Richer, Councilor Briese, Councilor Greiner, Councilor Harper, Councilor Shields, Student Councilor Trentyn Tenant

Staff Present: City Manager Melissa Bethel, Public Works Manager Jake Obrist, Administrative Assistant Tracy Read

3. Pledge of Allegiance

4. 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

Melissa requested discussion be added regarding the City sponsoring a table at the annual La Pine Chamber of Commerce Awards Banquet.

5. Public Comments

Tammy Baney: Resident of Bend, Oregon. She met today with Councilor Briese regarding Central Oregon Intergovernmental Council (COIC), Tammy is the new executive director of COIC and is looking forward to working with everyone. She explained the role of COIC and the assistance they can provide including collaborating on the transit center, grant opportunities, etc.

6. 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.

a. Approval of Council Minutes

i. March 13, 2019 Meeting Minutes

b. Reimbursements

i. Approval of Council and Staff Reimbursements

Councilor Greiner made a motion to accept the Consent Agenda, seconded by Councilor Shields. No objections. Unanimously approved.

7. Community Funding Requests

a. La Pine Performing Arts

Wendy Spring, teacher at La Pine High School, spoke in support of the funding request and outlined the costs associated with the project. The following students also spoke in support of the request:

Cheyenne Covell talked about how the program helps with academic success.

Cynthia Sander discussed how theater has helped her succeed and become an Honor Roll student.

Cynthia Stewart shared how theater helped her to become more outgoing.

Alexander Best talked about how theater has helped him fit in.

There was council discussion regarding how the program might obtain the other needed funding and whether students are involved in other fundraising. Ticket sales contribute the majority of the costs of the program. Councilor Briese made a motion to award \$200, Councilor Greiner seconded. No objections. Unanimously approved.

8. Appointment of Budget Committee Officer and Committee Members

No discussion. Mayor Richer made a motion to appoint members. No objections. Unanimously approved.

9. Local Government Investment Pool Account Approval– Action Item

There was discussion regarding the risk involved with this type of fund and that there is an administrative fee involved. Melissa stated we are still in the process of exploring options.

Motion: I move the City Council approve the opening of an LGIP account to better utilize the resources of the City.

Roll Call Vote:

Councilor Briese - Nay

Councilor Shields – Aye

Councilor Harper – Aye

Councilor Greiner - Aye

Motion approved.

10. Discussion Regarding Potential Change in City Ordinance Regarding Marijuana Dispensaries Days of Operation

This topic was addressed and voted on by City Council last year and placed on the agenda at the request of Mayor Richer. It was determined during previous discussion that businesses were to be closed on Sundays partly to protect the small-town feel. Discussion followed stating these are legitimate, legal businesses voted on by the citizens of La Pine and that as long as the businesses comply with OLCC there is no need for further intervention on hours of operation by the City. La Pine is one of the only cities which prohibits Sunday sales. The sales tax benefit to the City should be considered as well. Councilor Harper abstained from discussion. Mayor Richer asked for input on a public hearing.

Roll Call Vote:

Councilor Briese - Nay
Councilor Shields – Aye
Councilor Harper – n/a
Councilor Greiner - Aye

Approval to hold a public hearing to be scheduled at an upcoming meeting.

11. Discussion Regarding SDCs for Accessory Dwelling Units

Jake reviewed ADUs and how to accurately and fairly capture additional demands on our water and sewer systems.

Concern was expressed that there is already an affordable housing shortage in the area, and additional fees could exacerbate this. Jake responded that the City has one of the lowest SDC rate schedules in the area. Also, many of the lots in the Cagle area, currently set for water/sewer expansion, are large enough to accommodate an ADU. The homes impacted by the expansion in this area are exempt from SDC fees. Additional discussion was had regarding roads in the Cagle area and how they would be maintained. This topic will be addressed in the future.

It was decided more information be provided on monetary impact, additional demands on the water/sewer system, and a proposed ordinance. A draft ordinance will be presented in April along with the information requested by Council.

12. Other Matters: Only those matters properly added to this Agenda under line item No. 4

Discussion regarding the City purchasing a table at the annual La Pine Chamber of Commerce Awards Banquet to be held on May 18. Melissa provided information on the event. The City would have eight tickets to the banquet for a total cost is \$310, plus the expense of decorating the table. Council expressed unanimous support. Unanimously approved.

13. Public Comments

None.

14. Staff Comments

Melissa: ODOT Multi use path is on hold until we get the easement from Deschutes County. Joint Board of County Commissioners meeting will likely be rescheduled as a result of ongoing discussions regarding the current Newberry Neighborhood loan. A high school student has been hired to work about 10 hours per week to assist with scanning documents into an electronic records management system, codification, and other administrative tasks. Melissa asked Council to consider whether the City should purchase a table at the May 30 Sunriver/La Pine Rotary Dinner and Auction. The cost is \$845 for a table of eight.

Jake: Will speak to the high school's career class next week. Development is moving forward.

Tracy: Reminded everyone of their responsibility to complete the Oregon Government Ethics Commission annual update, if anyone needs assistance please let us know. Administrative staff are not able to complete this for Council members.

15. Mayor and Council Comments

Councilor Briese: She missed the COIC meeting due to a family emergency.

Councilor Shields: Nothing further.

Councilor Greiner: Spoke about replacing Student Councilor Tenant – Melissa advised that is in the planning stages.

Councilor Harper: Attended Small Cities last week, good event. Stated the sign at Wickiup Junction needs work.

Student Councilor Tenant: Has been absent due to wrestling, the team won the State Championship. He spent time at the University of Wyoming at Laramie and is considering attending there.

Mayor Richer: Glad to see everyone working together and making progress.

16. Adjourn Meeting

Meeting adjourned at 6:59 p.m.

Attest

Tracy Read



STATEMENT OF FUNDING SOURCES

Please Print or Type

Each person who invests money in this licensed business must complete this form which will become a part of the permanent file. The information must be printed legibly in ink or typed.

New outlet, change of ownership, change of location

Not including amounts you will owe on contract, what is the approximate total amount you will put into this business to buy or start it up? (For example: advance rent payment, down payments on contracts, buying inventory, remodeling, city and licensing fees, purchasing stock in a corporation or membership interest in an LLC.)

Total \$ 15000

OR

Change to existing license (greater privilege, additional privilege, change in legal entity, extension of premises, remodel)

What is the approximate total amount you will put into making the change you are requesting? (For example: buying inventory, remodeling, city and licensing fees, purchasing stock in a corporation or membership interest in an LLC.)

Total \$

Identify where you got your investment money. List the full name of the bank, lender, or person who loaned or gave you money. The total in this section should be equal to, or more than, the total amount listed above.

Personal Funds

_____	\$	20000
_____	\$	
_____	\$	
_____	\$	

\$ 20000

Sworn Statement: I swear the above information is true, accurate and complete. I understand that the OLCC may require me to give proof of the above information and that if the information is not true, accurate or complete the OLCC may prosecute me criminally for False Swearing under ORS 162.075. The OLCC may also refuse to grant my license application or if the license is granted may act to revoke my license based on a false sworn statement.

Trade Name (d.b.a.) Coach's LA Pine City

Printed Name Michael Mathias

Signature Date 03/28/2019



LIQUOR LICENSE APPLICATION

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
<input type="checkbox"/> Brewery 1 st Location	Date application received: _____ Name of City or County: _____ Recommends this license be: <input type="checkbox"/> Granted <input type="checkbox"/> Denied By: _____ Date: _____
<input type="checkbox"/> Brewery 2 nd Location	
<input type="checkbox"/> Brewery 3 rd Location	
<input type="checkbox"/> Brewery-Public House 1 st location	
<input type="checkbox"/> Brewery-Public House 2 nd location	
<input type="checkbox"/> Brewery-Public House 3 rd location	
<input type="checkbox"/> Distillery	
<input type="checkbox"/> Full On-Premises, Commercial	
<input type="checkbox"/> Full On-Premises, Caterer	
<input type="checkbox"/> Full On-Premises, Passenger Carrier	
<input type="checkbox"/> Full On-Premises, Other Public Location	
<input type="checkbox"/> Full On-Premises, For Profit Private Club	
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club	
<input type="checkbox"/> Grower Sales Privilege 1 st location	
<input type="checkbox"/> Grower Sales Privilege 2 nd location	
<input type="checkbox"/> Grower Sales Privilege 3 rd location	
<input checked="" type="checkbox"/> Limited On-Premises	OLCC USE ONLY Date application received: _____ By: _____ Date application accepted as initially complete: _____ By: _____ License Action(s): _____
<input type="checkbox"/> Off-Premises	
<input type="checkbox"/> Off-Premises with Fuel Pumps	
<input type="checkbox"/> Warehouse	
<input type="checkbox"/> Wholesale Malt Beverage & Wine	
<input type="checkbox"/> Winery 1 st Location	
<input type="checkbox"/> Winery 2 nd Location	
<input type="checkbox"/> Winery 3 rd Location	

2. Identify the applicant(s) applying for the license(s). ENTITY (example: corporation or LLC) or INDIVIDUAL(S) applying for the license(s):

Mathias Development LLC

(Applicant #1)

(Applicant #2)

(Applicant #3)

(Applicant #4)

OLCC USE ONLY	OLCC FINANCIAL SERVICES USE ONLY



LIQUOR LICENSE APPLICATION

3. Applicant #1 Mathias Development LLC		Applicant #2	
Applicant #3		Applicant #4	
4. Trade Name of the Business (Name Customers Will See) Coach's			
5. Business Address (Number and Street Address of the Location that will have the liquor license) 51396 Hwy 97			
City LA Pine	County Deschutes	Zip Code 97739	
6. Does the business address currently have an OLCC liquor license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
7. Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your mail) 51495 Riverland Ave			
City La Pine	State Oregon	Zip Code 97739	
9. Phone Number of the Business Location 9167922448		Email Contact for this Application Lapinecoachs@gmail.com	
Contact Person for this Application Michael Mathias		Phone Number 9167922448	
Mailing Address 51495 Riverland Ave	City La Pine	State OR	Zip Code 97739

I understand that marijuana (such as use, consumption, ingestion, inhalation, samples, give-away, sale, etc.) is **prohibited** on the licensed premises.

I attest that all answers on all forms, documents, and information provided to the OLCC are true and complete.

Applicant Signature(s)

- Each individual person listed as an applicant must sign the application.
- If an applicant is an entity, such as a corporation or LLC, at least one person who is authorized to sign for the entity must sign the application.
- A person with the authority to sign on behalf of the applicant (such as the applicant's attorney or a person with power of attorney) may sign the application. If a person other than an applicant signs the application, please provide proof of signature authority.

(Applicant#1)

(Applicant #2)

(Applicant#3)

(Applicant #4)



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM

1. Name: (LAST) Mathias		(FIRST) Michael	(MIDDLE) Taylor
2. Other Names Used (Maiden, Etc.):			
3. Do you have a Social Security Number (SSN) issued by the U.S. Social Security Administration? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide your SSN: _____			
<p>SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant for a license and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate otherwise.</p> <p>Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)).</p> <p>Do you voluntarily consent to the OLCC's use of your SSN as just described? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>			
4. Date of Birth (MM/DD/YYYY): _____ / _____ / _____		5. Contact Phone: 916-792-2448	
6. Driver License or State ID #: _____		7. State: Oregon	
8. Residence Address: 51495 Riverland Ave. LA Pine, OR, 97739			
9. Mailing Address (if different):			
10. E-Mail (optional): Lapinecoachs@gmail.com			
11. Do you have a spouse or domestic partner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list his/her full name:			
12. If yes to #11, will this person be involved in the management of, or have control over the business? <input type="checkbox"/> No <input type="checkbox"/> Yes			
13. In the past 10 years, have you been convicted ("convicted" includes paying a fine) in Oregon or another U.S. state of driving a car with a suspended driver license or driving a car with no insurance? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below)			
14. In the past 10 years, have you been convicted ("convicted" includes paying a fine) in Oregon or another U.S. state of a FELONY ? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below)			
15. Have you ever been in a drug or alcohol diversion program in Oregon or another U.S. state? A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense. <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below)			

16. Do you, or any legal entity that you are a part of, **currently hold** or **have previously held** a liquor license or a recreational marijuana license in Oregon or another U.S. state? (Note: alcohol service permits and marijuana worker permits are not liquor licenses).

No Yes (Please include explanation below) Unsure (Please include explanation below)

17. Have you, or any legal entity that you are a part of, **ever** had an application for a license, permit, or certificate **denied or cancelled** by the OLCC or any other governmental agency in the U.S.?

No Yes (Please include explanation below) Unsure (Please include explanation below)

18. Are you applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license?

No Please skip questions 19 & 20. Go directly to question 21.

Yes Please answer questions 19, 20, and 21.

19. Do you or will you have any ownership interest in a business that manufactures, wholesales, or distributes alcohol in Oregon or another U.S. state?

No Yes (Please include explanation below) Unsure (Please include explanation below)

20. Does or will an alcohol manufacturer, wholesaler, or distributor in Oregon or another U.S. state have any ownership interest in your business?

No Yes (Please include explanation below) Unsure (Please include explanation below)

21. Do you currently have, or will you have, any ownership interest in any business in Oregon with a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license?

No Yes (Please include explanation below) Unsure (Please include explanation below)

You must sign your own form. Another person, like your attorney or a person with power of attorney, may not sign your form. I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name: (LAST)

Mathias

(FIRST)

Michael

(MIDDLE)

Taylor

Signature:



Date:

03/28/2019

OREGON LIQUOR CONTROL COMMISSION
LIMITED LIABILITY COMPANY QUESTIONNAIRE



Please Print or Type

LLC Name: Mathias Development LLC Year Filed: 2019

Trade Name (dba): Coach's

Business Location Address: 51396 HWY 97

City: La Plne ZIP Code: 97739

List Members of LLC:


Percentage of Membership Interest:

List Members of LLC:	Percentage of Membership Interest:
1. <u>Michael Mathias</u> (managing member)	<u>100%</u>
2. _____ (members)	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____

(Note: If any LLC member is another legal entity, that entity must also complete an LLC, Limited Partnership or Corporation Questionnaire. If the LLC has officers, please list them on a separate sheet of paper with their titles.)

Server Education Designee: Michael Mathias DOB: [REDACTED]

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Signature:  OWNER Date: 03/28/2019
(name) (title)
MICHAEL MATHIAS



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: MATHIAS DEVELOPMENT LLC Phone: 916-792-2448

Trade Name (dba): COACH'S

Business Location Address: 51396 HWY 97

City: LA PINE ZIP Code: 97738

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	<u>11 AM</u> to <u>10 PM</u>
Monday	<u>11 AM</u> to <u>11 PM</u>
Tuesday	<u>11 AM</u> to <u>11 PM</u>
Wednesday	<u>11 AM</u> to <u>11 PM</u>
Thursday	<u>11 AM</u> to <u>11 PM</u>
Friday	<u>11 AM</u> to <u>12 AM</u>
Saturday	<u>11 AM</u> to <u>12 AM</u>

Outdoor Area Hours:

Sunday	<u>11 AM</u> to <u>10 PM</u>
Monday	<u>11 AM</u> to <u>11 PM</u>
Tuesday	<u>11 AM</u> to <u>11 PM</u>
Wednesday	<u>11 AM</u> to <u>11 PM</u>
Thursday	<u>11 AM</u> to <u>11 PM</u>
Friday	<u>11 AM</u> to <u>12 AM</u>
Saturday	<u>11 AM</u> to <u>12 AM</u>

The outdoor area is used for:

Food service Hours: 11 AM to 12 AM
 Alcohol service Hours: 11 AM to 11 PM
 Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

MM (Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

- | | |
|--|---|
| <input type="checkbox"/> Live Music | <input type="checkbox"/> Karaoke |
| <input checked="" type="checkbox"/> Recorded Music | <input type="checkbox"/> Coin-operated Games |
| <input type="checkbox"/> DJ Music | <input type="checkbox"/> Video Lottery Machines |
| <input type="checkbox"/> Dancing | <input type="checkbox"/> Social Gaming |
| <input type="checkbox"/> Nude Entertainers | <input type="checkbox"/> Pool Tables |
| | <input type="checkbox"/> Other: _____ |

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday	_____ to _____
Monday	_____ to _____
Tuesday	_____ to _____
Wednesday	_____ to _____
Thursday	_____ to _____
Friday	_____ to _____
Saturday	_____ to _____

SEATING COUNT

Restaurant: 36 Outdoor: 14
 Lounge: _____ Other (explain): _____
 Banquet: _____ Total Seating: _____

OLCC USE ONLY

Investigator Verified Seating: ____ (Y) ____ (N)
 Investigator Initials: _____
 Date: _____

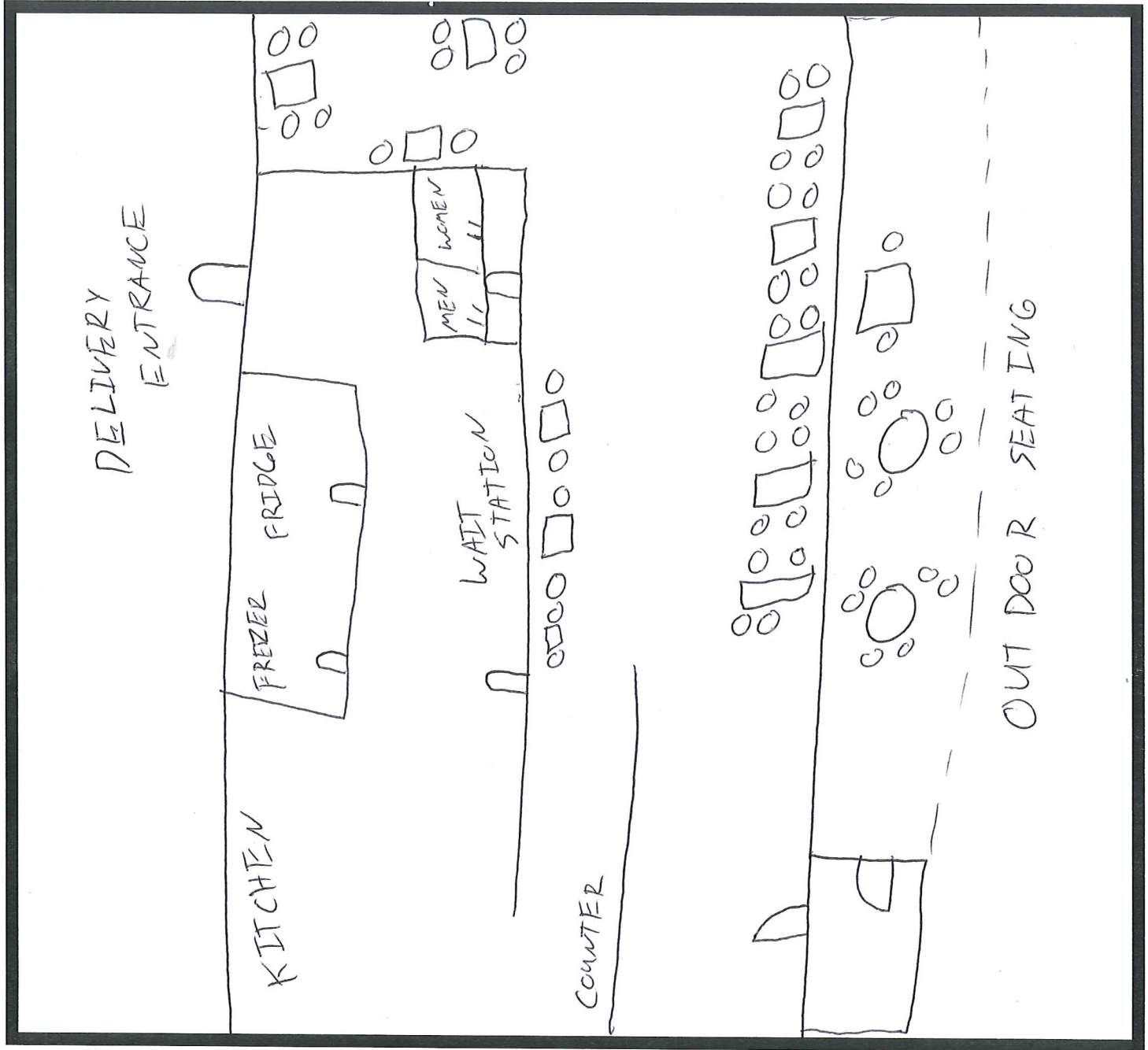
I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 03/28/2019



OREGON LIQUOR CONTROL COMMISSION FLOOR PLAN

- **Your floor plan must be submitted on this form.**
- Use a separate Floor Plan Form for each level or floor of the building.
- The floor plan(s) must show the specific areas of your premises (e.g. dining area, bar, lounge, dance floor, video lottery room, kitchen, restrooms, outside patio and sidewalk cafe areas.)
- Include all tables and chairs (see example on back of this form). Include dimensions for each table if you are applying for a Full On-Premises Sales license.



MATHIAS DEVELOPMENT LLC
 Applicant Name
 COACH'S
 Trade Name (dba):
 LA PINE 97739
 City and ZIP Code

.....OLCC USE ONLY.....
 MINOR POSTING ASSIGNMENT(S)
 Date: _____ Initials: _____

**CITY OF LA PINE
RESOLUTION NO. 2019-06**

**A RESOLUTION DECLARING THE MUNICIPAL SERVICES PROVIDED BY THE CITY OF LA PINE IN
ORDER TO RECEIVE STATE SHARED REVENUES.**

WHEREAS, ORS 221.760(1) provides, in pertinent part, that the officer responsible for disbursing funds to cities under ORS 323, 455, 366, 785 to 366.820 and 271.805 will, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following municipal services:

1. Police Protection
2. Fire Protection
3. Street construction, maintenance and lighting
4. Sanitary sewer
5. Storm sewers
6. Planning, zoning and subdivision control
7. One or more utility services, and

WHEREAS, the La Pine City Council (the "City Council") recognizes the desirability of assisting the State Officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760(1).

NOW, THEREFORE, BE IT RESOLVED, by and through the City Council meeting in regular session, that the City of La Pine hereby certifies that it provides four or more of the above referenced municipal services enumerated under ORS 221.760(1).

APPROVED and ADOPTED by the La Pine City Council on April 10, 2019.

Daniel Richer, Mayor

ATTEST:

Melissa Bethel, City Manager



CITY OF LA PINE

STAFF REPORT

Meeting Date: April 10, 2019
TO: La Pine City Council
FROM: Staff
SUBJECT: Approval of State Revenue Sharing Resolution

TYPE OF ACTION REQUESTED (Check one):

- | | |
|--|--|
| <input 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: Discussion |

Councilors:

The Resolution before you is part of the an annual budget process which allows the City to receive state shared revenues.

Suggested Motion:

I move the City Council approve Resolution 2019-16.



CITY of LA PINE PLANNING COMMISSION MINUTES

Wednesday, February 20, 2018

5:30 p.m.

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order

Present: Russell Smith, John Cameron, Jane Gillette and Mary Hatfield

Absent: Norman McClung

Staff Present: Tammy Wisco, Planning Consultant, Melissa Bethel, City Manager and Kelly Notary, Admin Asst.

2. Establish Quorum

3. Pledge of Allegiance

4. Added Agenda Items

Any matters added at this time will be discussed during the “Other Matter” portion of this agenda.

NONE

5. Public Comments: (Items not listed on the agenda)

NONE

6. Approval of November 15, 2018 Minutes

Mary Hatfield moves to approve the November 15th, 2018 minutes, Jane Gillette seconds. No objections. Unanimously approved.

7. Public Hearing:

a. Proposed Text Amendment to the City of La Pine Development Code (LPDC).

File No. 01TA-18: Regarding Article 4 – Overlay Zones, Chapter 15.32 Newberry Neighborhood Planning Area Zoning Standards. (Applicant Pahlisch Homes)

1. Staff Report

(i.) Tammy presented a Power Point overview

a. Tammy discussed specific points of the Staff Report

b. Agency List Notifications and Chief Supkis Response

- c. 15.334.030 Procedure Type and Finding regarding Lot Coverage, Garage Setbacks,
- d. Special Setbacks and Side Yard Setbacks.
- e. 15.334.040 – This Text Amendment does not apply
- f. Chapter 10 – Housing and Finding presented

Generally, all items outside of the setback do meet the requirements; however, the recommendation is to not approve Side Yard Setbacks

(ii). Joey Shearer, AKS Presented a Power Point on behalf of Pahlisch

- a. Application Overview
- b. Zoning Standards
- c. Side Setbacks Dissent and Response to Chief Supkis
- d. Front/Garage Setbacks

2. Open Public Testimony

3. Public Comment

Paul Henninger – Lives in a variance home and is happy with his design and the amenities, as well as the strong CC&R's. Originally against the proposed plans, but with all of the variances already given they have done a great job and he does not want the value or the aesthetic to change.

Tom Sauers -Stated that the public notice was not given w/in the time frame standard of 10 days and does not understand the rush to have the meeting. He is unhappy with the high density in the development and does not want that to get worse. Mr. Sauers read a letter into the record (will be added to the packet for City Council)

Bert Lundmark – Agreed that Pahlisch builds a great home. He does not believe the Fire Chiefs concerns should be taken lightly. He would like to see larger lots not more house on small lots. Requests his letter he submitted be entered into the record without him reading it aloud. (will be added to packet for City Council)

John Schommer – States that he lives in one of the residential center lots and he has a couple of concerns (1) 50% coverage of a lot is a problem due to higher density out his windows and doors (2) Side Setback is a concern as he does not want to be 5' away (3) Backside setbacks would possibly create an issue for parking for others (4) wide range of types is not the point and he appreciates the structure and consistent nature of the current community.

Mark O'Brien – Stated that he is concerned about the driveways and he does have a back facing garage which barely fits his compact vehicle, many of his neighbor's cars stick out of their driveway. Which creates the issues expected with a smaller roadway.

Brett Ross – Stated that he plows for a lot of people in the neighborhood and his concern is water and snow runoff due to the closer homes. There is no place currently to push the snow w/ the density as it is, so it will be worse with more surface area and larger lots. The roof lines being closer will create more issue for this with the setbacks, including flooded pockets due to poor drainage and potential issues with concrete slabs.

Pahlisch Rebuttal: Joey Shearer

What Pahlisch is trying to do is protect the current design of the development, to take away the ambiguity of the current code. The changes to setbacks for the residential center are in-line with what is already there and the variances that were given previously. The side yard setbacks would be at least 10 feet apart and some will be as many as 30 feet apart. In terms of fire mitigation there is an increased landscaping buffer and the siding is a very high level material in terms of its fire rating.

Committee Comments: Russell Smith discussed the fire danger and potential issues he sees and agrees with Chief Supkis' opinion regarding the side setbacks.

4. Close Public Testimony

5. Deliberation and recommendation to City Council

Committee did not feel prepared to make a recommendation and would like more time to review and consider all points. Meeting times were discussed and Committee and Staff agreed that Deliberation will occur March 6th, 2019 @ 5:30pm

8. Other Matters: Only those matters properly added to this Agenda under line item No. 4

NONE

9. Staff Comments

NONE

10. Adjourn

Meeting adjourned at 7:29pm

Pursuant to ORS 192.640, this notice includes a list of the principal subjects anticipated to be considered or discussed at the above-referenced meeting. This notice does not limit the ability of the City Council to consider or discuss additional subjects. This meeting is subject to cancellation without notice. The regular meeting is open to the public and interested citizens are invited to attend. The public will not be permitted to attend the executive session; provided, however, representatives of the news media and designated staff will be allowed to attend the executive session. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the executive session as previously announced. No decision will be made in the executive session. 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 Patti Morgan (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY

ORDINANCE NO. 2019-01

AN ORDINANCE AMENDING THE LA PINE DEVELOPMENT CODE TO ADJUST CERTAIN STANDARDS IN THE NEWBERRY NEIGHBORHOOD PLANNING AREA.

WHEREAS, the City of La Pine (“City”) adopted the La Pine Development Code to regulate development within the City including without limitation setbacks and lot coverages;

WHEREAS, Pahlisch Homes initiated planning file no. 01-TA18 to amend the La Pine Development Code to reduce side yard setbacks, redefine garage setback requirements, increase maximum lot coverage, and remove special setbacks for Residential Center and Residential General neighborhoods in Table 15.32-2 *La Pine Neighborhood Area Planning Zoning Standards* (the “Amendments”);

WHEREAS, City provided appropriate notice to the Department of Land Conservation and Development and all other parties entitled to notice of proposed Amendments;

WHEREAS, City’s Planning Commission, after holding a public hearing on February 20, 2019 to receive public testimony and evidence and continuing deliberations to March 6, 2019, fully deliberated the Amendments and voted to recommend approval of the Amendments to the La Pine City Council (the “Council”) except for a proposed 15-foot combined side yard setback;

WHEREAS, after receiving public testimony on the proposed amendments during a scheduled public hearing on April 10, 2019, the members of the Council present voted to adopt this Ordinance No. 2019-01 (this “Ordinance”).

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

1. Findings. The above-stated findings and the findings in the staff report, attached as Exhibit A and incorporated herein by this reference, are hereby adopted.
2. Zoning Ordinance Amendments. The amendments to the La Pine Development Code contained within the attached Exhibit B, incorporated herein by this reference, are hereby approved and adopted. The foregoing amendments are hereby made part of the La Pine Development Code. The provisions of the La Pine Development Code that are not amended or modified by this Ordinance shall remain unchanged and in full force and effect. The foregoing amendments supersede any ordinance and/or resolution provisions, and/or policies in conflict with the amendments.
3. Severability; Savings; Corrections. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances existing at the time that such actions were filed will remain valid and in full force and effect for purposes of those actions. This Ordinance may be corrected by order of the 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 _____, 2019.

Daniel Richer, Mayor

ATTEST:

Melissa Bethel, City Manager

Exhibit A

Staff Report for Planning File No. 01-TA18



STAFF REPORT TO CITY COUNCIL

CASEFILE: 01-TA18

APPLICANT: Pahlisch Homes

HEARING DATE: February 20, 2019, 5:30 pm, Planning Commission
April 10, 2019, 6:00 pm, City Council

REQUEST: Text Amendments to Article 4. Overlay Zones, Chapter 15.32, including reducing side yard setbacks, redefining garage setback requirements, increasing maximum lot coverage, and removal of special setbacks for Residential Center and Residential General neighborhoods in Table 15.32-2 *La Pine Neighborhood Area Planning Zoning Standards*.

STAFF CONTACT: Tammy Wisco, PE, AICP, Planning Consultant, (210) 896-3432
Melissa Bethel, City Manager, (541) 536-1432

I. INTRODUCTION

Pahlisch Homes has proposed legislative text amendments to the City of La Pine Development Code. The proposal is to reduce side yard setbacks, redefine garage setback requirements, increase maximum lot coverage and remove special setbacks in the Newberry Neighborhood Planning Area Overlay Zone in both the Residential Center and Residential General Districts. The proposed amendments are listed in Exhibit A.

II. APPLICABLE CRITERIA

City of La Pine Development Code

- Article 7 - Procedures - Chapter 15.204.040 Type IV (Legislative Decisions)
- Article 8 - Applications and Reviews - Chapter 15.334 – Text and Map Amendments

City of La Pine Comprehensive Plan

Oregon Administrative Rules (OARs)

- 660-015, Oregon Statewide Planning Goals

III. PROPOSED AMENDED SECTIONS

Proposed Amendments to La Pine Development Code:

AMENDMENT 1: Article 4 – Overlay Zones, Chapter 15.32 - Newberry Neighborhood Planning Area (NNPA) Overlay Zone, Table 15.32-2 La Pine Neighborhood Area Planning Zoning Standards

IV. FINDINGS OF FACT

Proposed Amendments: The amendments in Exhibit A are proposed to update the City of La Pine Development Code Article 4 – Overlay Zones, Chapter 15.32 - Newberry Neighborhood Planning Area

(NNPA) Overlay Zone, Table 15.32-2 *La Pine Neighborhood Area Planning Zoning Standards*. More specifically, the proposed amendments include reduced side yard setbacks, redefined garage setbacks, removal of special setbacks and increased lot coverage for the Residential General and Residential Center Districts. Full details of these proposed amendments are available in Exhibit A.

Posted and Published Notices: *City Council Hearing:* Public notices of the Council hearing were posted on March 28, 2019 at Ace Hardware, the Library and City Hall. Notice was also posted on the City's Facebook page on March 26, 2019 and April 2, 2019. Notice was published in the *Wise Buys'* March 26, 2019 and April 2, 2019 editions.

Planning Commission Hearing: Public notices were posted on February 7, 2019 at the La Pine City Hall, Deschutes County Library - La Pine Branch, Ace Hardware Store and on the City's website. Notice was published in the local newspaper, *Wise Buys*, in their February 12, 2019 through February 19, 2019 weekly editions.

Mailed Notices: Notices of the Planning Commission hearing were mailed to the Applicant, all homeowners within the Crescent Creek Subdivision, and the Crescent Creek Homeowners Association on January 31, 2019.

Agency Notice and Comments: Notice of the proposed amendments was sent to the City Fire Chief, ODOT, Wilderness Garbage, Deschutes County Building, Deschutes County Roadway, City Engineer, Public Works Department, and the Office of the State Fire Marshal. A comment letter submitted by the Fire Chief on February 7, 2019 is included in the record and notes:

Setbacks have two primary important purposes – (A) community quality of life attributes, and (B) public safety. The fire district will speak to only the public safety aspect. Set backs are an important element of community safety in keeping structure fires from extending to multiple buildings - side to side and/or to adjoining lots and/or blocks. Where neighborhood setbacks have different dimensions throughout a block, commonly wider breaks are provided every couple of structures to also limit an unchecked conflagration. One does not have to look far this year on how conflagrations are destroying neighborhoods and whole communities. La Pine is front and center within the wildland urban interface bulls eye.

In reviewing application 01 TA-18 the fire district did not find any proposed off set accommodations for the seeking request of reducing the side yard setback standards (such as committing to all fully sprinkler structures and/or fire resistant construction (i.e. brick)). Thus the fire district's recommendation to the City of La Pine is NOT permit the reduction of setbacks as now provided in Code as a the minimum required for public safety.

Hearing Schedule and Planning Commission Recommendation: A public hearing was held at the City's Planning Commission meeting on February 20, 2019. Deliberation was continued until the March 6, 2019 meeting, after which the Planning Commissioners voted to recommend approval of the amendment, except the side yard setback amendment. The City Council hearing on this application is scheduled for April 10, 2019 at 6:00 pm.

V. CONCLUSIONARY FINDINGS

1. Conformance with the City of La Pine Development Code

Article 7 - 15.204.040 Type IV (Legislative Decisions)

A. The City Council may establish a schedule for when it will accept legislative code amendment or plan amendment requests, or the City Council may initiate its own legislative proposals at any time. Legislative requests are not subject to the 120-day review period under ORS 227.178.

FINDING: The City of La Pine does not have an established schedule for accepting legislative reviews. The applicant has been notified through this staff report that the 120-day review period does not apply to this application. This criterion is met.

B. Application Requirements.

1. Application forms. Legislative applications shall be made on forms provided by the City Planning Official.

2. Submittal Information. The application shall contain all of the following information:

- a. The information requested on the application form;**
- b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);**
- c. The required fee, except when City of La Pine initiates request;**
- d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards; and**
- e. Evidence of neighborhood contact, if applicable pursuant to Section 15.202.050.**

FINDING: The City approved application form, accompanying narrative, and fee for application was submitted by the applicant on November 19, 2018 in satisfaction of 15.204.040(B)(2)(a), 15.204.040(B)(2)(c), and 15.204.040(B)(2)(d). 15.204.040(B)(2)(b) only applies to map amendments. 15.204.040(B)(2)(e) only applies to applications for a master plan, subdivision with more than 10 lots, major variances, and zone changes. Accordingly, 15.204.040(B)(2)(b) and 15.204.040(B)(2)(e) do not apply.

C. Procedure. Hearings on Type IV applications are conducted similar to City Council hearings on other legislative proposals, except the notification procedure for Type IV applications must conform to state land use laws (ORS 227.175), as follows:

1. The City Planning Official shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) at least 35 days before the first public hearing at which public testimony or new evidence will be received. The notice shall include a DLCD Certificate of Mailing.

FINDING: Notice was sent to DLCD on January 16, 2019. The first public hearing before the Planning Commission was on February 20, 2019. The City complied with this procedure.

2. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any zone change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:

- a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one Comprehensive Plan land use designation to another), see ORS 227.186 for instructions;**
- b. Any affected governmental agency;**
- c. Any person who requests notice in writing; and**

d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

FINDING: This application does not propose a zone change or a Comprehensive Plan designation change, however, property owners within the Newberry Neighborhood Zone were mailed notice of the hearing on January 31, 2019. Agencies and City departments were also sent notice, as documented above. The City complied with this procedure.

3. At least 10 days before the scheduled City Council public hearing date, public notice shall be published in a newspaper of general circulation in the city.

FINDING: Public notices of the Council hearing were posted on March 28, 2019 at Ace Hardware, the Library and City Hall. Notice was also posted on the City's Facebook page on March 26, 2019 and April 2, 2019. Notice was published in the Wise Buys' March 26, 2019 and April 2, 2019 editions. The City complied with this procedure.

4. For each mailing and publication of notice, the City Planning Official shall keep an affidavit of mailing/publication in the record.

FINDING: The City has filed documentation of the mailing of notices and publications in the record. The file is available for viewing at La Pine City Hall, 16345 Hwy 97, La Pine, OR 97739 during regular business hours. The City complied with this procedure.

D. Final Decision and Effective Date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance or, if not approved, upon mailing of the notice of decision to the applicant. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within 20 business days after the City Council decision is filed with the City Planning Official. The City shall also provide notice to all persons as required by other applicable laws.

FINDING: The amendment, if approved, will be done so through Ordinance adoption by the City Council. Notification will be mailed to the applicant, participants of the record, and DLCDC by the City Recorder or Planning Official. The Ordinance in its entirety will be available on the City's website, www.lapineoregon.gov/ordinances. The City will comply with these procedures.

Article 8 – Applications, Chapter 15.334 – Text & Map Amendments

Sections

15.334.010 Purpose

15.334.020 Applicability

15.334.030 Procedure Type

15.334.040 Criteria

15.334.050 Transportation Planning Rule Compliance

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 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.

FINDING: This is an applicant-initiated request for a text amendment to the La Pine Development Code.

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.**

- 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: This applicant is requesting a text amendment to the La Pine Development Code; as such, a legislative process is required. The process for Legislative Amendments was addressed above in the criteria for Article 7 and compliance with procedures was demonstrated.

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: This amendment is being processed legislatively. Compliance with legislative amendment procedures are addressed above in the findings for Article 7.

15.334.040 – Text & Map Amendments, 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.**

FINDING: Application consistencies and inconsistencies with the City of La Pine Comprehensive Plan are addressed below in the Comprehensive Plan findings.

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 original development standards applicable to the NNPA were established by Deschutes County with the adoption of the Quadrant Plan in 2004. After the City incorporated in 2006, standards for the NNPA were incorporated into the zoning ordinance, which later became the Development Code. The Applicant suggests that community needs, market trends, and local demands have shifted within this timeframe, and thus, the desired home product has evolved.

The requested text amendments can be categorized into four areas, which are analyzed individually against the standards of this Development Code provision:

Lot Coverage - The requested amendment increases the lot coverage to 50% (rather than the existing 35%). As reported by the Applicant in previous variance applications for lot coverage, “research and analysis have shown that a single level home with a three-car garage or garage with extra storage is desired.” City staff have observed that properties with limited garage space have resulted in excess personal belongings and vehicles in the streets and swales, creating stormwater management challenges, snow removal issues and aesthetic concerns. Staff concurs with the Applicant that an increase in garage size without reducing living space could be accomplished with an increase in lot coverage. Accordingly, staff finds this a reasonable request, which does remedy an inconsistency in the code as all other residential zones allow a maximum lot coverage of 50%.

Garage Setbacks - The requested amendment requires that garages be setback a minimum of 5’ from the minimum front yard setback (20’ garage setback in Residential General, 15’ garage setback in Residential Center) and from the rear yard setback in Residential Center (5’). This proposed amendment ties the setback measurement to setback lines, rather than the building face. The Applicant notes that the original Quadrant Plan approval (QP-03-01) approved garage setbacks as measured from the front lot line, rather than the front face of structures. The Applicant further notes that the current garage setback requirement has largely not been enforced for the homes constructed in the zone. Staff finds that the proposed garage setback amendments will fix an inconsistency in the application of the garage setbacks.

Special Setbacks - The requested amendment removes the “Special Setback” requirement, which requires 50% of the front side of a structure within the Residential Center District be sited at the minimum front yard setback. Staff finds this a reasonable request, which does remedy an inconsistency in the code as no other residential zone includes such a requirement. The Downtown Overlay Zone includes a similar requirement for buildings along Storefront Streets, but those lots are not intended to be primarily residential.

Side Yard Setbacks - The requested amendment reduces the side yard setback requirement within the Residential General District to 15 feet (combined), rather than the required 10’ on each side. The Applicant did not identify any changes in the community, mistakes, or inconsistencies specific to the City’s side yard standards for the NNPA. The only proffered rationale staff can discern from the Applicant’s submittal is that the proposed amendment “supports variation in side yard dimensions, and, ultimately, building facade and massing” and a general community desire for flexibility in building requirements. Staff finds there is no inconsistency in the code related to residential side yard setbacks as no other standard residential zone has side yard setbacks less than 10 feet. There is no evidence that the quadrant plan contemplated a smaller setback nor evidence of widespread approval of reduced side yard setbacks for constructed dwellings within the NNPA. The Fire Chief’s testimony suggests that reduced setbacks are not in the public interest, at least not as proposed, because such reductions would

increase fire risk. Accordingly, staff finds that the side yard setback amendment request does not meet this criterion.

The Planning Commission's recommendation to City Council mirrored the staff recommendation.

15.334.040 – Text & Map Amendments, Approval Criteria (continued)

C. The amendment must conform to Section 15.344.060, Transportation Planning Rule Compliance; and

D. For a Quasi-Judicial Zone Change the applicant must also provide evidence substantiating that the following criteria are met...

FINDING: The proposed text amendments do not include development, amendments to the Comprehensive Plan, or a zone change. Further, this is a Type IV (Legislative) procedure. These criteria do not apply.

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 Oregon Administrative Rule (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 proposed text amendments do not include development, amendments to the Comprehensive Plan, or a zone change. This criterion does not apply.

2. Conformance with the La Pine Comprehensive Plan

Chapter 2, Citizen Involvement Program

This chapter identifies State rules related to citizen involvement, along with the community's purpose and intent with regard to citizen involvement. 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.

FINDING: This application and request has been processed and reviewed in accordance with the public notification procedures that have been established in Article 7 – Procedures of the La Pine Development Code, and a hearing was held before the Planning Commission on February 20, 2019. As such, the application will be reviewed by the appropriately established citizen advisory committee, in accordance with the adopted notification procedures, and will be consistent with this chapter.

Chapter 3, Agricultural Lands

This chapter addresses agricultural lands within counties. Although La Pine is not required to plan for agricultural lands in the City, there continues to be agricultural uses in some areas within the city limits and the City's Comprehensive Plan sets out goals and policies related to agriculture.

FINDING: The policies of this chapter do not apply to the proposed amendments.

Chapter 4, Forest Lands

Chapter 4 implements State Planning Goal 4, which defines “forest lands” and requires counties to inventory and conserve such lands. However, planning for forest lands is not required within city limits.

FINDING: The policies of this chapter do not apply to the proposed amendments.

Chapter 5, Natural Resources and Environment

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.

FINDING: The policies of this chapter do not apply to the proposed amendments.

Chapter 6, Parks, Recreation and Open Space

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 cooperation 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.

FINDING: The policies of this chapter do not apply to the proposed amendments.

Chapter 7, Public Facilities and Services

This chapter is intended to carry out Statewide Planning Goal 11. Given the current population of 1,840 (PSU 2018 Population Estimate), Goal 11 does not apply to the City of La Pine. Nonetheless, this Chapter includes goals and policies directed at coordination, provider details, expansion needs, development restrictions, along with conservation practices.

FINDING: The policies of this chapter do not apply to the proposed amendments.

Chapter 8, Transportation

This chapter is intended to carry out Statewide Planning Goal 12. This chapter provides details of the transportation elements of La Pine, including roads, bicycle ways, pedestrian routes, and public transit. Additionally, this chapter addresses long range planning needs, air and rail, pipelines, and funding.

FINDING: The policies of this chapter do not apply to the proposed amendments.

Chapter 9, Economy

This Chapter is intended to carry out Statewide Planning Goal 9, Economic Development, which requires local jurisdictions to plan for and provide adequate opportunities for a variety of economic activities vital to the health, welfare and prosperity of its citizens. The overall intent is to ensure that there are adequate lands and infrastructure for new business and industry, as well as identifying any obstacles. This Chapter includes an analysis of the La Pine economy, noting that “La Pine’s focus on economic development is a key component of its vision to be a “complete” community.

FINDING: The policies of this chapter do not apply to the proposed amendments.

Chapter 10, Housing

This chapter addresses housing and Statewide Planning Goal 10 to ensure the provision of appropriate types and amounts of land within the La Pine urban growth boundary - UGB (city limits in this case) to support a range of housing types necessary to meet current and future needs.

Applicable Chapter 10 Goals:

Goal #1: Encourage a wide range of housing types satisfying the urban development needs of the La Pine community.

Applicable Policies:

- It is essential to develop strategies that increase the variety of housing choices in the community. These strategies must include an inventory and analysis of needed housing types, existing housing supplies, and strategies for meeting the changing community demographics.
- It is necessary to provide adequate buildable residential land for the 20-year planning horizon. The La Pine community needs a full range of housing types to sustain a healthy community.
- It is necessary to accommodate growth and provide mechanisms to ensure that a variety of housing options for all income levels are available in both existing neighborhoods and new residential areas.

FINDING: The Applicant states that the proposed amendments support the diversification of housing choices in La Pine and will increase the housing inventory by providing more flexibility in the lot requirements. Staff agrees that flexibility in lot requirements may provide an opportunity to diversify the housing styles and sizes, in support of this Comp Plan goal. At the very least, the proposed amendments do not inhibit the City's ability to provide a mix of housing for various income levels.

Goal #4: Promote and protect neighborhood qualities that reflect the small town appeal of La Pine and improve compatibility between various uses.

Applicable Policies:

- New residential developments in areas without an established character or quality should be permitted maximum flexibility in design and housing type consistent with densities and goals and objectives of this Plan.

FINDING: The Applicant states that "Quadrants 2A, 2B, and 2D in Neighborhood 2, as well as Neighborhoods 1, 3, and 4 within the Newberry Neighborhood Planning Area, are vacant and lack existing character. The planned text amendments allow for greater flexibility..." Staff agrees with this statement to some extent as the proposed amendments would provide more flexibility of housing design within the NNPA. However, as discussed above, there is some existing development with the area subject to the proposed amendments. While several of the proposed amendments would align development regulations with existing development, the proposed side yard setbacks would not be consistent with existing development to the detriment of neighborhood character. Accordingly, the proposed amendments, other than the side yard setbacks satisfy this policy.

Goal #6: Recognize that addressing the housing needs of the community is essential to the successful future of La Pine as desirable place to live, work, shop, and play.

Applicable Policies:

- Strategies to improve the type and range of housing choices in the community must be based upon careful examination of demographic data, trends, and local demands.

FINDING: The Applicant responds to this policy as follows:

"The policies are implemented by the development standards of the [Development Code]. The [Development Code] provides the standards and regulations that guide, control, and permit the physical layout of properties. The [Development Code] Text Amendments to standards in the Newberry Neighborhood Planning Area within the Residential Master

Plan Zone District relates to the home design and configuration on individual residential sites. The text amendments would allow for flexible and consistent standards in providing a variety of housing types and options in response to evolving market forces, residential trends, and local demands. Therefore, the application is consistent with this policy.”

Staff finds the Applicant’s response above, in addition to the Applicant’s assertion that the housing market demands have shifted since the drafting of the existing code, to sufficiently demonstrate compliance with this Comp Plan policy.

Chapter 11, Energy Conservation

This chapter carries out Oregon State Planning Goal 13. This chapter identifies issues with travel, existing development patterns, and energy supply opportunities. The policies of this chapter encourage increased residential density, along with development and design desires, aimed to reduce energy usage throughout the city.

FINDING: The policies of this chapter do not apply to the proposed amendments.

Chapter 12, Urbanization

This chapter addresses Statewide Planning Goal 14 to 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 use of land, and to provide for livable communities. The chapter highlights the City’s desire to create live-work neighborhoods within the mixed use commercial residential districts.

FINDING: The policies of this chapter do not apply to the proposed amendments.

3. Conformance with the State Administrative Rules (OARs)

OAR 660-015, Statewide Planning Goals

Goal 1 - Citizen Involvement

Statewide planning Goal 1 requires that the City provide the opportunity for citizens to be involved in the planning process.

FINDING: Public notice of the Council hearing was posted on March 28, 2019 at Ace Hardware, the Library and City Hall. Notice was also posted on the City’s Facebook page on March 26, 2019 and April 2, 2019. Notice was published in the *Wise Buys*’ March 26, 2019 and April 2, 2019 editions.

Public notice of the Planning Commission hearing were posted on February 7, 2019 at the La Pine City Hall, Deschutes County Library - La Pine Branch, Ace Hardware Store and on the City’s website. Notice was published in the local newspaper, *Wise Buys*, in their February 12, 2019 through February 19, 2019 weekly editions.

Citizens are provided the opportunity to comment on the proposed amendments at the public hearings before the Planning Commission and the City Council, or in writing in advance of the hearings. For all the above reasons, the requirements of Goal 1 have been met.

Goal 2 - Land Use Planning

Goal 2 outlines the basic procedures of Oregon’s statewide planning program. Land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan’s policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed.

FINDING: As required by Goal 2, the City has adopted criteria and procedures (La Pine Development Code) to evaluate and make land use decisions. Goal 2 requires periodic review and amendments to ordinances as needed and in accordance with the Comprehensive Plan. The proposed amendments meet the requirements of Goal 2 by following the appropriate procedures for amendments and by considering the goals and policies outlined in the Comprehensive Plan.

Goal 3 - Agricultural Lands

Goal 3 requires counties to inventory agricultural lands and to "preserve and maintain" them through farm zoning outside of urban growth boundaries.

FINDING: Goal 3 is not required for compliance within the Urban Growth Boundary. Additionally, the proposed amendments do not adversely impact the ability of the City to plan for agricultural transition opportunities within the City.

Goal 4 - Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

FINDING: The proposed amendments do not adversely impact the ability of the City to plan for the appropriate transition of forest lands within the City of La Pine.

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

Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

FINDING: The proposed amendments do not adversely impact the ability of the City to protect the important natural resource and environmental elements within the City.

Goal 6 - Air, Water and Land Resources Quality

This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution. All waste and process discharges from future development, when combined with such discharges from existing development shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards.

FINDING: The proposed amendments do not impact the City's ability to provide quality air, water and land resources.

Goal 7 - Natural Hazards

Goal 7 focuses on local government planning to protect people and property from natural hazards.

FINDING: Most of the proposed amendments do not relate to natural hazards. However, the proposed side yard setback amendment would allow residences to be closer together than currently allowed, possibly increasing the risk of spread of fire. In fact, the Fire Chief noted in comments submitted to the record that the proposed reduction to side yard setbacks might impact the City's ability to respond to fires and increase the risk of fires spreading. He notes that "setbacks are an important element of community safety in keeping structure fires from extending to multiple buildings...La Pine is front and center within the wildland urban interface..." The First Chief continues on to recommend the City NOT approve the

proposed text amendment to reduce side yard setback requirements. Staff finds that most of the proposed amendments (lot coverage, garage setbacks, special setbacks), meet the intent of Goal 7. However, staff also finds that, based on the Fire Chief's comments and the City's location in an area prone to wildfire, the side yard setback reduction without other mitigation does not meet Goal 7.

Goal 8 - Recreational Needs

This goal calls for each community to satisfy the recreational needs of the citizens and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

FINDING: The proposed amendments do not impact the City's ability to plan for the recreational needs of the citizens and visitors.

Goal 9 - Economic Development

Goal 9 calls for diversification and improvement of the economy. It requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

FINDING: The proposed amendments are within residential districts and do not affect land inventory related to Economic Development.

Goal 10 - Housing

This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

FINDING: The proposed amendments do not change the amount of land available for housing or discriminate against any particular housing type. The amendments concern a specific portion of the City and the design and dimensional requirements of the development within that neighborhood.

Goal 11 - Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

FINDING: The proposed amendments do not adversely impact the City's ability to plan and develop a timely, orderly and efficient arrangement of roadways, water and sewer. However, the City's Fire Chief submitted a letter to the record stating that "setbacks are an important element of community safety in keeping structure fires from extending to multiple buildings...La Pine is front and center within the wildland urban interface..." The First Chief continues on to recommend the City not approve the proposed text amendment to reduce side yard setback requirements, without other mitigation measures. Staff finds that most of the proposed amendments (lot coverage, garage setbacks, special setbacks) do not impact the City's ability to efficiently plan public facilities and services. However, based on the Fire Chief's comments, staff finds that the proposed amendment to reduce the side yard setback requirement, without other mitigation measures in place, reduces the efficiency of fire protection, increases the risk of fire spreading to adjacent buildings, and unduly burdens the capacity of local fire suppression resources.

Goal 12 - Transportation

The goal aims to provide "a safe, convenient and economic transportation system." It requires communities to address the needs of the "transportation disadvantaged."

FINDING: The proposed amendments do not adversely impact the City's ability to provide a safe convenient and economic transportation system. The proposed amendments are not site specific and therefore do not affect the functional classification of any street. The proposed amendments will not have measurable impacts on the amount of traffic on the existing transportation system; therefore the proposed text amendments do not cause a "significant effect" under ORS 660-012-0060. As such, compliance with Goal 12 is maintained.

Goal 13 - Energy Conservation

Goal 13 requires that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

FINDING: The proposed amendments do not adversely impact the City's ability to create an arrangement and density of land uses to encourage energy conservation.

Goal 14 - Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

FINDING: The proposed amendments do not adversely impact the City's ability to accommodate urban populations and employment inside the urban growth boundary. The management of the City's land use inventories is unaffected by the proposed amendments and therefore compliance with Goal 14 is maintained.

Goals 15-19

FINDING: These goals pertain only to areas in western Oregon and are not applicable to these amendments.

V. CONCLUSION and RECOMMENDATION

Conclusion and Recommendation

Based on the above findings, staff finds that the following three proposed text amendments meet the applicable criteria within the La Pine Development Code criteria, La Pine Comprehensive Plan, and are consistent with applicable State land use laws. Therefore, staff recommends approval of the following text amendments that are outlined in Exhibit A:

- Lot coverage
- Garage setbacks
- Special setback amendment

Staff finds that one of the proposed text amendments does not meet the applicable criteria and therefore recommends that City Council not approve the following proposed text amendment:

- Side yard setback reduction to 15' combined for Residential General District.

END of STAFF REPORT

Exhibit B
La Pine Development Code Amendments

[attached]

Exhibit B-1: Planning Commission Recommended Amendments

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Table 15.32-1. La Pine Neighborhood Planning Area Density Standards

	Maximum Density	Minimum Density	Lot Size Range for Single-family
Neighborhood 1			
- Residential Center	12 units/acre	8 units/acre	2,400 – 4,500
- Residential General	6 units/acre	3 units/acre	4,000 – 7,000
Neighborhood 2, 3 & 4			
- Residential Center	12 units/acre	6 units/acre	2,400 – 7,000
- Residential General	6 units/acre	2 units/acre	7,000 – 15,000

Note: Density is calculated using gross acres, excluding collector street right-of-way.

Table 15.32-2. La Pine Neighborhood Planning Area Zoning Standards

	Residential General	Residential Center	Community Facility	Community Facility Limited	Neighborhood Commercial
Lot Size					
Single Family Neighborhood 1					
- Maximum sq. ft.	7,000	4,500	N/A	N/A	N/A
- Minimum sq. ft.	4,000	2,400	N/A	N/A	N/A
Single Family Neighborhood 2					
- Maximum sq. ft.	15,000	5,000	N/A	N/A	N/A
- Minimum sq. ft.	7,000	3,500	N/A	N/A	N/A
Townhome					
- Minimum sq. ft.	N/A	2,400	2,400	N/A	N/A
Duplex Triplex					
- Minimum sq. ft.	8,000	8,000	8,000	N/A	N/A
Multi-family					
- Maximum sq. ft.	no maximum	no maximum	no maximum	N/A	N/A
- Minimum sq. ft.	15,000	10,000	10,000	N/A	N/A
Other uses					
- Maximum sq. ft.	no maximum	no maximum	no maximum	no maximum	22,000
- Minimum sq. ft.	7,000	4,500	None	None	7,000
Lot Width					
Minimum (feet)	50' for detached dwellings	35' for detached single-family dwelling	50'	50'	50'

	Residential General	Residential Center	Community Facility	Community Facility Limited	Neighborhood Commercial
	24' for attached townhome	24' for attached townhome or zero lot line development			
Lot Depth					
Minimum (feet)	100'	100'	150'	150'	150'
Residential Density (per gross acre) (1)					
Neighborhood 1					
Maximum	8.0	12.0	12.0	N/A	N/A
Minimum	3.0	8.0	N/A	N/A	N/A
Neighborhoods 2, 3 & 4					
Maximum	6.0	12.0	N/A	N/A	N/A
Minimum	2.0	6.0			
Setbacks - Primary Building					
Front	15' min.	10' min.	10' min	10' min	10' min.
Side	10' min.	None	5' min. or 0 lot line	5' plus 1/2 foot for each ft. building height exceeds 20'	5' plus 1/2 foot for each ft. building height exceeds 20' height
Side at corner (2)	10'	5' or 0 lot line	5'	5'	5'
Rear	10'	None except abutting Residential General 5'	None except abutting Residential General 5'	5' plus 1/2 foot for each ft. building height exceeds 20'	5'
Garage Setbacks					
Min. from front of building	<u>5' Front Facing: 20' min. front setback</u>	<u>5' Front Facing: 15' min front setback</u> <u>Rear Facing: 5' min rear setback</u>	5'	N/A	N/A
Special Setbacks					
<u>Percentage of the front side of the structure that shall be sited at the minimum front yard setback.</u>	N/A	<u>50% min.(2)</u>	N/A	N/A	N/A
Lot Coverage					
Maximum	<u>35% 50%</u>	50%	60%	60%	50%

	Residential General	Residential Center	Community Facility	Community Facility Limited	Neighborhood Commercial
Block Requirement (3)					
Maximum Perimeter	2,000'	1,600'	1,200'	N/A	1,200'
Maximum block length without pedestrian connection	600'	600'	400'	800'	600'
Building Height					
Primary	30'	40' except Res. General standards apply to single family. Townhomes 35 ft. max.	45' except Res. General standards apply to single family. Townhomes 35 ft. max.	45'	30'
Accessory Dwelling or Building	20'	25'	30'	30'	25'
Higher with Conditional Use Permit	NO	YES up to 40'	YES	YES	NO
Minimum Onsite Parking	LPDC 15.86	LPDC 15.86	LPDC 15.86	LPDC 15.86	LPDC 15.86

Exhibit B-2: Pahlisch Proposed Amendments

Text in underline is added

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Table 15.32-1. La Pine Neighborhood Planning Area Density Standards

	Maximum Density	Minimum Density	Lot Size Range for Single-family
Neighborhood 1			
- Residential Center	12 units/acre	8 units/acre	2,400 – 4,500
- Residential General	6 units/acre	3 units/acre	4,000 – 7,000
Neighborhood 2, 3 & 4			
- Residential Center	12 units/acre	6 units/acre	2,400 – 7,000
- Residential General	6 units/acre	2 units/acre	7,000 – 15,000

Note: Density is calculated using gross acres, excluding collector street right-of-way.

Table 15.32-2. La Pine Neighborhood Planning Area Zoning Standards

	Residential General	Residential Center	Community Facility	Community Facility Limited	Neighborhood Commercial
Lot Size					
Single Family Neighborhood 1					
- Maximum sq. ft.	7,000	4,500	N/A	N/A	N/A
- Minimum sq. ft.	4,000	2,400	N/A	N/A	N/A
Single Family Neighborhood 2					
- Maximum sq. ft.	15,000	5,000	N/A	N/A	N/A
- Minimum sq. ft.	7,000	3,500	N/A	N/A	N/A
Townhome					
- Minimum sq. ft.	N/A	2,400	2,400	N/A	N/A
Duplex Triplex					
- Minimum sq. ft.	8,000	8,000	8,000	N/A	N/A
Multi-family					
- Maximum sq. ft.	no maximum	no maximum	no maximum	N/A	N/A
- Minimum sq. ft.	15,000	10,000	10,000	N/A	N/A
Other uses					
- Maximum sq. ft.	no maximum	no maximum	no maximum	no maximum	22,000
- Minimum sq. ft.	7,000	4,500	None	None	7,000
Lot Width					
Minimum (feet)	50' for detached dwellings	35' for detached single-family dwelling	50'	50'	50'

	Residential General	Residential Center	Community Facility	Community Facility Limited	Neighborhood Commercial
	24' for attached townhome	24' for attached townhome or zero lot line development			
Lot Depth					
Minimum (feet)	100'	100'	150'	150'	150'
Residential Density (per gross acre) (1)					
Neighborhood 1					
Maximum	8.0	12.0	12.0	N/A	N/A
Minimum	3.0	8.0	N/A	N/A	N/A
Neighborhoods 2, 3 & 4					
Maximum	6.0	12.0	N/A	N/A	N/A
Minimum	2.0	6.0			
Setbacks - Primary Building					
Front	15' min.	10' min.	10' min	10' min	10' min.
Side	10' min. 15' min. <u>combined (no side less than 5')</u>	None	5' min. or 0 lot line	5' plus 1/2 foot for each ft. building height exceeds 20'	5' plus 1/2 foot for each ft. building height exceeds 20' height
Side at corner (2)	10'	5' or 0 lot line	5'	5'	5'
Rear	10'	None except abutting Residential General 5'	None except abutting Residential General 5'	5' plus 1/2 foot for each ft. building height exceeds 20'	5'
Garage Setbacks					
Min. from front of building	5' <u>Front Facing: 20' min. front setback</u>	5' <u>Front Facing: 15' min front setback</u> <u>Rear Facing: 5' min rear setback</u>	5'	N/A	N/A
Special Setbacks					
Percentage of the front side of the structure that shall be sited at the minimum front yard setback.	N/A	50% min. (2)	N/A	N/A	N/A
Lot Coverage					
Maximum	35% <u>50%</u>	50%	60%	60%	50%

	Residential General	Residential Center	Community Facility	Community Facility Limited	Neighborhood Commercial
Block Requirement (3)					
Maximum Perimeter	2,000'	1,600'	1,200'	N/A	1,200'
Maximum block length without pedestrian connection	600'	600'	400'	800'	600'
Building Height					
Primary	30'	40' except Res. General standards apply to single family. Townhomes 35 ft. max.	45' except Res. General standards apply to single family. Townhomes 35 ft. max.	45'	30'
Accessory Dwelling or Building	20'	25'	30'	30'	25'
Higher with Conditional Use Permit	NO	YES up to 40'	YES	YES	NO
Minimum Onsite Parking	LPDC 15.86	LPDC 15.86	LPDC 15.86	LPDC 15.86	LPDC 15.86