



CITY of LA PINE PLANNING COMMISSION AGENDA

Wednesday, February 20, 2018

5:30 p.m.

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 at this time will be discussed during the "Other Matter" portion of this agenda.
5. Public Comments: (Items not listed on the agenda)
6. Approval of November 15, 2018 Minutes
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 Pahlsh Homes)
 1. Staff Report
 2. Open Public Testimony
 3. Public Comment
 4. Close Public Testimony
 5. Deliberation and recommendation to City Council
8. Other Matters: Only those matters properly added to this Agenda under line item No. 4
9. Staff Comments
10. Adjourn

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



CITY of LA PINE PLANNING COMMISSION MINUTES

Thursday, November 15, 2018

5:30 p.m.

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order

The meeting was called to order at 5:29 by Commissioner McClung.

2. Establish Quorum

A quorum was established. Members present: Russ Smith, Mary Hatfield, John Cameron, Norm McClung and Jane Gillette.

Staff present: Planning Director Melissa Bethel and Accounting Clerk Tracy Read.

3. Pledge of Allegiance

Led by Commissioner Smith.

4. Added Agenda Items

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

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

None.

6. Approval of November 7, 2018 Minutes

Pended until next meeting.

7. Public Hearing:

- a. Draft amendments to the La Pine Comprehensive Plan and the creation of a new unified La Pine Development Code (LPDC) which will replace Zoning Ordinance (Ord. No. 2012-05), Procedures Ordinance (Ord. No. 2011-03), and Land Divisions Ordinance (Ord. No. 2011-03) and amending ordinances.

- i. Staff Report

Melissa reviewed the Staff Report and an overview of the reasoning for creating the LPDC. She also addressed one written citizen concern regarding potential parking problems.

- ii. Open Public Testimony

- iii. Public Comment

- Scott Henderson lives on Finley Butte Rd. He asked whether Finley Butte Rd would be changed to arterial access. Melissa stated there will be no changes to that. Applies only to new development.

- Scott Asla – lives at 17142 Norwalk, Sunriver, and owns buildings along Highway 97 in La Pine. He complimented Committee on their work.
- Kim Russell –stated he would like to see the new LPRD property included in future planning, the Committee stated this is part of the conversation.
- Karen DeMaris – asked if any of the changes would affect the Wickiup Junction area.
- Cynthia Hancock – lives at 51308 Preble Way asked for clarification on unnamed streets.
- Randy Rhodes – lives on Santa Barbara Dr. – asked about new markings on Hwy 97 and why there is not on-street parking along the highway.
- Craig Kriz – asked about food truck restrictions. He also asked who is responsible for sidewalk maintenance – no changes to this. Asked for clarification of a hard surface area for food carts. Melissa responded it means pavement.
- Darlene McDonald – lives outside City limits. Asked about the Grange, it is the only historic building in La Pine. She asked if they could put up a fence. A fence is permissible.
- Scott Henderson expressed concern with the 30-day allowed timeframe for storage containers in Article 5, Section 15.80.060. Melissa explained the reasoning for removing the language regarding ‘or as otherwise approved by the City.’ Also clarified that it is 30 days beyond completion of the construction project.
- Mark O’Brien – expressed concern with LPRD’s long-term use of storage containers.
- Cynthia Hancock – requested clarification on whether subdivision bylaws take precedence over the City’s Code.

iv. Close Public Testimony

Commissioner McClung closed public testimony at 5:53 p.m.

v. Deliberation and recommendation to City Council

Staff recommendation to accept revisions to Sections 15.82.020, 15.104.070, and 15.80.060. Commissioner McClung called for a motion to accept the Proposed Comprehensive Amendments and new LPDC with the suggested revisions to Sections 15.82.020, 15.104.070, and 15.80.060.

Motion: La Pine Planning Commission after consideration of the criteria and relevant standards of the La Pine City Code and Oregon State Code, recommend the City Council Approve the Proposed Comprehensive Amendments and new LPDC [with the following changes or additions]. A motion was made by Commissioner Smith to accept. Commissioner Hatfield seconded the Motion. The Motion was unanimously approved.

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

None.

9. Staff Comments

Melissa reminded everyone that there will be another opportunity for comment at the December 12 City Council Meeting. The Planning Commission Meeting for December has been cancelled.

10. Adjourn

A motion was made by Commissioner Hatfield to adjourn. Seconded by Commissioner Cameron. Meeting adjourned at 6:16 p.m.

**CITY OF LA PINE**

16345 Sixth Street — PO Box 2460

La Pine, Oregon 97739

TEL (541) 536-1432

www.lapineoregon.gov**STAFF REPORT TO PLANNING COMMISSION**

CASEFILE: 01-TA18

APPLICANT: Pahlisch Homes

HEARING DATE: February 20, 2019, 5:30 pm, Planning Commission

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: 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. No written comments from the public were received at the time of the staff report drafting.

Mailed Notices: Notices 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.

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. 15.204.040 (B)(2)(a), 15.204.040 (B)(2)(c), and 15.204.040 (B)(2)(d) were submitted. 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; as such, 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 is scheduled for 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: A notice of Public Hearing was posted in the February 12th and February 19th, 2019 editions of the local newspaper *WiseBuys*. 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 reduce 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.

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 will be 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.

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 as the proposed amendments would provide more flexibility of housing design within the NNPA. Further, the proposed text amendments do not affect the housing density requirements outlined in the Development Code or Comp Plan. Staff finds the applicant’s assertion to demonstrate compliance with this Comp Plan 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: Notice of the public hearing to consider the proposed zoning ordinance amendments was posted on February 7, 2019 at La Pine City Hall, Deschutes County Library - La Pine Branch, Ace Hardware Store and on the City's website. Notice was also published in the local newspaper, *Wise Buys*, in the 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.

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 Fire 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, 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 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 Fire 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 reduces the efficiency of fire protection and increases the risk of fire spreading to adjacent buildings, without other mitigation measures in place.

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 the Planning Commission not recommend approval of the following proposed text amendment:

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

END of STAFF REPORT

Exhibit A

Text in underline is added

Text is ~~strikethrough~~ is removed

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. <u>15' min.</u> <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>5'</u> <u>Front Facing: 20' min. front setback</u>	5' <u>5'</u> <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