



## CITY of LA PINE PLANNING COMMISSION AGENDA

Wednesday, November 20th, 2019

**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. Public Hearing – 01TA-19 Text Amendment Change to Development Code  
Request to amend development code per comparison noted in packet materials
  - a. Open Public Hearing
    - i. Staff Report
    - ii. Applicant Testimony
    - iii. Open Public Testimony
    - iv. Applicant Rebuttal
    - v. Deliberations
    - vi. Close Hearing
5. Public Hearing – 02CA-19 Comprehensive Plan Map Amendment Tax Lots 22-10-11-200 & 202  
Request to change Comprehensive Plan Map Amendment Park/Open Space Allotments
  - a. Open Public Hearing
    - i. Staff Report
    - ii. Applicant Testimony
    - iii. Open Public Testimony
    - iv. Applicant Rebuttal
    - v. Deliberations
    - vi. Close Hearing
6. Public Hearing – 02ZC-19 Zone Change Tax Lots 22-10-11-200 and 202  
Request to change RMP Zone to CMX and RMP
  - a. Open Public Hearing
    - i. Staff Report
    - ii. Applicant Testimony
    - iii. Open Public Testimony
    - iv. Applicant Rebuttal
    - v. Deliberations
    - vi. Close Hearing

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

8. Public Comments:

9. Staff and Committee 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

**STAFF REPORT TO PLANNING COMMISSION**

**FILE:** 01TA-19

**APPLICANT/  
OWNER:** Sagebrush Development LLC  
PO Box 2520  
La Pine, OR 97739

**PLANNER:** Blackmore Planning and Development Services, LLC  
Greg Blackmore  
19454 Sunshine Way  
Bend, OR 97702

**HEARING DATE:** November 20, 5:30 pm, Planning Commission

**REQUEST:** Consider a proposal to amend the text of the La Pine Development Code, Article 4, Chapter 15.32, Newberry Neighborhood Planning Area

**STAFF CONTACT:** Tammy Wisco, PE, AICP, Planning Consultant, (210) 896-3432

**I. INTRODUCTION**

The Applicant proposed text amendments to the La Pine Development Code, particularly to the requirements of quadrant planning and design in Neighborhood 1 of the Newberry Neighborhood Planning Area (NNPA, see Exhibit A). Staff has provided revised recommended text amendments that largely broaden the Applicant's text amendments to all the neighborhoods of the NNPA, with a few exceptions (see Exhibit B). Generally, the proposed text amendments increase the flexibility of design within the NNPA Overlay Zone by allowing flexible siting of parks and trails, reducing open space buffer widths, increasing the maximum lot sizing in the residential general district, and providing the City and City Engineer discretion during the quadrant planning process. The proposed amendments also correct some of the outdated references to Deschutes County Code. These proposed amendments are not a result of a full review of the NNPA code, but rather, a partial clean up.

**II. APPLICABLE CRITERIA**

*City of La Pine Development Code*

Article 7 - Procedures, 15.204 Application Procedures

Article 8 - Applications and Reviews, 15.334 Text and Map Amendments

*City of La Pine Comprehensive Plan*

**III. PROPOSED AMENDED SECTIONS**

Proposed Amendments to La Pine Development Code:

AMENDMENT 1: Section 15.32.020 General Standards

AMENDMENT 2: Section 15.32.100 Districts

#### **IV. FINDINGS OF FACT**

**Proposed Amendments:** The text amendments are proposed to amend the City of La Pine Development Code, particularly, the Newberry Neighborhood Planning Area (NNPA) Overlay Zone. The Applicant proposed amendments specific to Neighborhood 1 (Exhibit A); City staff are proposing to broaden some of the amendments to all neighborhoods within the NNPA (Exhibit B).

**Public Notice and Comments:** Public notices were posted on October 30, 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 November 5, 2019 weekly edition and in *The Bulletin* on November 7, 2019. No written comments were received at the time of the staff report drafting.

#### **V. CONCLUSIONARY FINDINGS**

##### **Conformance with the La Pine Development Code**

##### **Chapter 15.202 - Summary of Application Types and General Provisions**

##### **15.202.010 Purpose and Applicability**

**A. Purpose.** The purpose of this chapter is to establish decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 15.202-1 provides a key for determining the review procedure and the decision-making body for particular applications.

**B. Applicability of Review Procedures.** All land use and development permit applications, except building permits, shall be decided by using the procedures contained in this article as modified by any applicable application-specific procedures identified in Articles 8 and 9. The procedure "type" assigned to each application governs the decision-making process for that application. There are four types of review procedures as described in subsections 1-4 below. Table 15.202-1 lists the City's land use and development applications and corresponding review procedure(s).

...

**4. Type IV Procedure (Legislative Review).** The Type IV procedure applies to the adoption of law or policy applicable Citywide or to a broad geographical area of the City. Legislative actions provide for the establishment and modification of land use plans, policies, regulations, and guidelines. Type IV reviews are considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

**FINDING:** The application is for text amendments to the La Pine Development Code, which would be applicable to the NNPA Overlay Zone, a broad geographical area. As such, this application is being reviewed as a Type IV Procedure. The first hearing will be



before the Planning Commission, which will make a recommendation to City Council. City Council will make the final decision through adoption of an ordinance, in compliance with the Type IV procedures.

## **Chapter 15.204 - Application Procedures**

### **15.204.040 Type IV (Legislative Decisions)**

**A. Timing of Requests.** 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:** This proposal is a legislative code amendment, therefore, it is not subject to the 120-day review period under ORS 227.178.

### **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 applicant submitted and application form and the required submittal information for these proposed text amendments to the La Pine Development Code. A neighborhood meeting was not required for this application, as the proposal is not a master plan, subdivision, zone change or major variance.

**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:** DLCD was provided notice on October 16, 2019, in accordance 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:** In accordance with this procedural requirement, Measure 56 compliant notice was mailed to all property owners within the NNPA Overlay Zone, including Deschutes County. Notice was also provided to the City's regular agency list. No persons requested notice in writing; this application is not a zone change affecting a manufactured home or mobile home park.

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

**FINDING:** Notice was published in *Wise Buys*, the only La Pine area newspaper in general circulation, greater than 10 days before the hearing (in the November 5, 2019 weekly edition), and in *The Bulletin* on November 7, 2019, in accordance with this procedural requirement. The City keeps an affidavit of all mailings/publications in the record.

**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 final decision will be made by City Council, following the hearing before Planning Commission. These final decision and effective date procedures will be applicable and complied with.

## **Chapter 15.334 - Text and Map Amendments**

### **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.

### **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 application was initiated by a property owner in the City and Staff has provided recommended revised amendments. This application is being processed as a Type IV legislative amendment, as the proposed text amendments involve broad policy decisions for the Newberry Neighborhood Planning Area (NNPA), and apply to more than the applicant's parcels.

**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:** As noted above, this application is being reviewed as legislative amendments and is subject to Type IV review procedures.

**15.334.040 Approval Criteria**

**Planning Commission review and recommendation, and City Council approval, of an ordinance amending the Zoning Map, Development Code, or Comprehensive Plan shall be based on all of the following criteria:**

- 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; and**

**FINDING:** Compliance with the Comprehensive Plan is detailed and demonstrated below. Based on the review herein, the proposal is compliant with the policies of them Comprehensive Plan. The proposal does not involve an amendment to the Comprehensive Plan.

**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 Newberry Neighborhood Planning Area (NNPA) Overlay Zone was developed prior to the City's incorporation and under Deschutes County jurisdiction, when the area was considered an Unincorporated Urban Community (UUC). Since the time the NNPA was established, the City of La Pine incorporated, established its own City Council, Planning Commission and land use regulations. Through these changes, the NNPA Overlay Zone was copied from County documents and not reviewed for its consistency with other City land use policies. There are numerous references to County codes, incorrect text with unknown origins, and prescriptive requirements to follow County planning maps, all of which limit creativity in design. The Applicant includes in their burden of proof:

*“Collectively the proposed changes are in the public interest, as they allow for market demanded residential and commercial development, which will not place unnecessarily high costs on land. The changes are proposed to address a change in the community, namely that the property is now in an incorporated City, providing the ability for the local jurisdiction to establish the overall design intent of the site (instead of relying on an outdated County program).”*

For numerous reasons, the proposal complies with these criteria, as the amendments will respond to changes in the community (incorporation as a City) and correct mistakes/inconsistencies in the code.

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

**FINDING:** The proposed text amendments do not directly relate to traffic; rather, they provide increased flexibility in park siting, lot sizing, and multi-use path siting. The text amendments do not include changes in uses or zone changes that might increase traffic demands. The text amendments also do not increase density of the development. As such, the Transportation Planning Rule is not applicable to this proposal.

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

- 1. Approval of the request is consistent with applicable Statewide Planning Goals;**
- 2. Approval of the request is consistent with the relevant policies of the Comprehensive Plan;**
- 3. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property;**

- 4. For nonresidential changes, the proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.**

**FINDING:** This proposal is not a quasi-judicial zone change; therefore, these criteria are not reviewed for this application.

## **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 the Procedures Ordinance, and a hearing will be held before the Planning Commission on November 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 proposed amendments do not impact the City's ability to achieve the goals and policies within this chapter, as the proposed amendments address uses on industrial lands, not agricultural lands.

### **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:** This chapter does 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. This chapter establishes that under Goal 5, the state identifies specific resources that are to be inventoried, and once inventoried, appropriately protected. The resources that require inventory by the state include:

- Riparian Corridors
- Wetlands
- Wildlife Habitat
- Federal and Wild Scenic Rivers
- State Scenic Waterways

- Groundwater Resources
- Approved Oregon Recreational Trails
- Natural Areas
- Wilderness Areas
- Mineral and Aggregate Resources
- Energy Sources
- Cultural Areas

**FINDING:** The proposed amendments do not impact the City’s ability to implement this chapter or Statewide Planning Goals 5, 6, and 7, as they are not related to natural resources, historic areas, air, water and land resources protection from natural hazards. The proposed amendments are related to open spaces, however, the amendments provide increased flexibility in siting of the open spaces in order to provide increased flexibility in neighborhood design. The property is not situated within an inventoried riparian corridor, wetlands, federal wild and scenic area, state scenic waterway, approved Oregon Recreational Trails, natural area, wilderness area, or mineral and aggregate resource. The property is currently vacant and is not listed as a site that contains cultural or historic significance.

Regarding wildlife habitat, the City’s Comprehensive Plan indicates that the City does not have an inventory, but rather utilizes a safe harbor and recognizes significant wildlife as sites where:

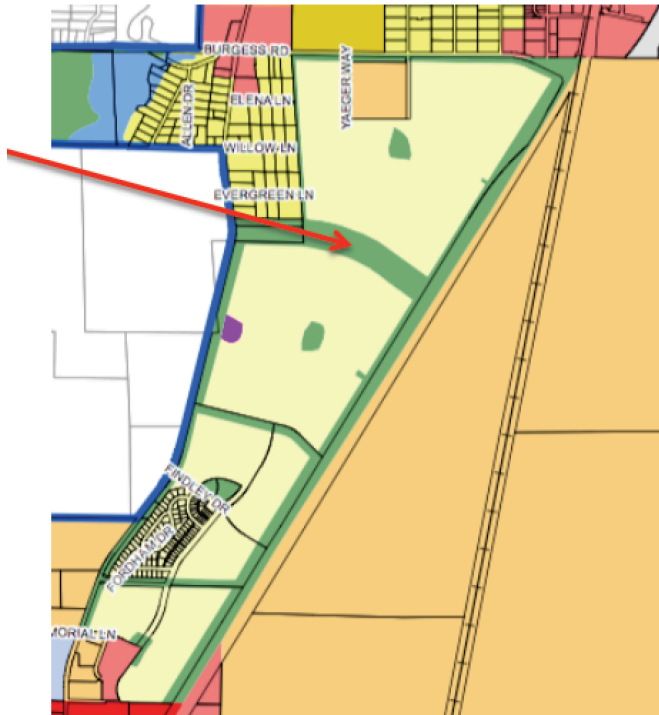
- The habitat has been documented to perform a life support function for a wildlife species listed by the Federal government as threatened or endangered species or by the State of Oregon as a threatened, endangered or sensitive species;
- The habitat has documented occurrences of more than incidental use by a wildlife species listed by the Federal government as a threatened or endangered species or by the State of Oregon as a threatened, endangered, or sensitive species;
- The habitat has been documented as a sensitive bird nesting, roosting, or watering resources site for osprey or great blue herons;
- The habitat has been documented to be essential to achieving policies or population objectives specified in a wildlife species management plan adopted by the Oregon Fish and Wildlife Commission pursuant to ORS Chapter 496; or
- The area is identifies and mapped by ODFW as habitat for a wildlife species of concern (e.g. big game winter range and migration corridors, golden eagle and prairie falcon next sites, or pigeon springs).

To staff’s knowledge, the NNPA does not contain any of these protected wildlife features; therefore, the proposed text amendments do not affect these resources, complying with the Goal 5 requirement. However, the proposed amendments do reduce the width of an east-west open space corridor between neighborhoods 1 and 2 and between neighborhoods 2 and 3, from the 500 feet to approximately 100 feet (existing 60-foot right of way plus 40 feet each side). The origin of the 500-foot width is unknown to staff, however, the Comprehensive Plan supports such a corridor between neighborhoods 3 and 4 through one of its Chapter 5 general policies:

***The City shall delineate open space and trail areas to serve as wildlife migration corridors. This will allow migrating deer and elk to cross US Highway 97. The Plan map shows where the primary corridor is to be located via a 500-foot green-color strip running east-west through the Newberry Neighborhood. This location was jointly agreed upon with Deschutes County - the property owner in this case.***



The City's zoning map includes a significantly wide swath of green space between neighborhoods 3 and 4, north of the subject property (see below). As this policy refers to only one "wildlife migration corridor" and notes that the property is owned by Deschutes County, it seems reasonable to staff that this northern east-west corridor is the only one intended by the Comp Plan to be 500 feet for a wildlife corridor. Staff suspects that the current code's 500-foot width requirement between all neighborhoods was an error as it appears to have been intended for the northern corridor only. The City's recommended amendments provides some flexibility in the siting of the 500 foot wildlife corridor, requiring it to be within either Neighborhood 3 or 4, and "aligned with an existing or planned wildlife Hwy 97 undercrossing to the extent practical."



In summary, related to Goal 5, the proposed amendments reduce the width of an open space corridor between neighborhoods 1 and 2 and between neighborhoods 2 and 3. However, these areas do not include any inventoried resources nor do either of them appear to be identified as the east-west wildlife corridor. Staff finds that the proposed amendments do not affect the City's ability to implement the goals and policies of the Comprehensive Plan Chapter 5.

In regard to Goals 6 and 7 (air, water, and land resources quality + areas subject to natural disasters and hazards), the proposed text amendments do not include development, nor do they allow increased density of development; as such, staff finds they do not negatively impact air, water, and land resources quality. The Comprehensive Plan notes that the "two most prominent natural hazard threats in La Pine are wildfire and flooding..." The NNPA Overlay Zone is not within the FEMA 100-year floodplain and the proposed text amendments have no effect on this fact. Wildfire is a threat throughout the City, however, the proposed text amendments do not have an obvious impact on the ability of properties within the NNPA Overlay Zone to mitigate impacts of fires and/or to prepare or respond to fires. While the proposed text amendments reduce the buffer width between neighborhoods 1 and 2 and neighborhoods 2 and 3, a minimum of 100 feet wide buffer still remains. It could be argued that a 100-foot buffer will be

more likely to be maintained for fire management than a 500-foot buffer (current code). In addition, the proposed text amendments provide flexibility in the siting of parks throughout the neighborhoods, without reducing the total acreage of parks. Having multiple parks throughout the neighborhood, rather than one single park in the center, could increase the number of firebreaks between residences. For all these reasons, staff finds the proposed amendments to support Goals 6 and 7, which are addressed in Chapter 5 of the City's Comprehensive Plan.

### **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 proposed text amendments address both parks and open space buffers within the NNPA Overlay Zone. These areas are currently shaded green on the City's zoning map, but the Applicant has submitted applications for Comprehensive Plan Map amendments and zone changes to remove these zones from neighborhood 1, and to regulate their locations through the proposed text amendments. The Comp Plan Map amendments and zone changes will be addressed in a separate staff report for those applications. The proposed text amendments provide flexibility in the siting and sizing of neighborhood parks, rather than tying the developers to the prescriptive locations currently designated in the zoning map.

The La Pine Park and Recreation District Comprehensive Plan notes the following about the Neighborhood 1 park (emphasis added):

*As to new Neighborhood 1, this location is very close to downtown and short walking distance to Bi-Mart and the High School. It is also but about 3 blocks from the unnamed 5 acre parcel that the District hopes can be developed into soccer and Lacrosse fields in partnership with the School District. The neighborhood is also walking distance to Heritage Park and the Community Center. Because of the closeness of these other neighborhood and District resources, at the present time there appears no discernable need to develop a complicated Neighborhood Park in this Neighborhood.*

The proposed text amendments that provide increased flexibility to site parks throughout the neighborhood, rather than as one large park in the center, support the District's Comprehensive Plan statement above.

In summary, the proposed amendments do not negatively impact the City's ability to implement this chapter; in fact, the proposed amendments provide increased flexibility in the siting of neighborhood parks, with an emphasis on multi-modal connections to the parks. This flexibility, without loss of total park area, supports the intent of Chapter 6 to develop a park system for the City.

### **Chapter 7, Public Facilities and Services**

This chapter is intended to carry out Statewide Planning Goal 11. Given the current population of 1,687 (PSU 2015 Population Estimate), Goal 11 does 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 directly to the proposed amendments, which are not associated with specific development or demands for specific public facilities and services.

### **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 majority of the policies of this section have been incorporated into the Development Code and implementing regulations, which are imposed upon subdivision application for land divisions. At this time, the policies of this chapter do not specifically apply to the proposed text amendments, however, they will be reviewed at time of comprehensive plan amendment, zone change, and subdivision applications.

### **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 goals of this chapter relate to strategic planning and land inventories to satisfy urban development needs of the City. While the proposed amendments do not relate specifically to these goals, the proposed amendments do provide some flexibility in design within the NNPA Overlay Zone, which may encourage an increase in housing opportunities within the City. This may indirectly support businesses by providing for increased housing options for employees.

### **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.

**FINDING:** The proposed text amendments support this chapter, as they provide increased flexibility in neighborhood design in the NNPA Overlay Zone. The current development code includes outdated references to County codes, excessive buffer requirements, and overly prescriptive requirements for the siting of parks and trails. The proposed text amendments should provide more flexibility in neighborhood design to encourage the development of housing in the NNPA Overlay Zone.

Selected Chapter 10 Goals and Policies:

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

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- ***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.***

The proposed text amendments increase flexibility in design by allowing parks to be sited throughout the neighborhood and not tied to the specific prescriptive location within the current code. This flexibility is in support of the above 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 proposed text amendments increase the flexibility of design within the NNPA Overlay Zone, but no specific development is proposed and energy conservation is not a focus of the amendments. The proposal does not impact the City’s ability to achieve the goals and policies of this chapter.

**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 proposed text amendments do not impact the City’s ability to provide an orderly and efficient transition from rural to urban land or to manage the balance of types of land. The proposed amendments create more flexibility for subdivision design with the NNPA Overlay Zone.

**V. RECOMMENDATION and CONCLUSION**

**Conclusion**

Based on the above findings, the proposed text amendments to the La Pine Development Code meet the La Pine Development Code Procedures criteria and the La Pine Comprehensive Plan goals and policies.

**Recommendation**

Based on findings and evidence available at the time this report was prepared, staff recommends that the Planning Commission recommend the proposed amendments for approval to City Council.

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**END of STAFF REPORT**

**Exhibit A. Applicant's Proposed Text Amendments**

# Proposed Development Code Text Amendment Summary

## LPDC 15.32.020

### B. Transportation

1. Two perimeter collector and three neighborhood collector roads will provide access from Huntington Road into the neighborhoods.
2. The central collector and a perimeter collector will provide access from Burgess Road. The three perimeter collectors dividing the neighborhoods will be adjacent to open space corridors that provide buffers between the four Neighborhoods in the Neighborhood Planning Area.

#### Suggested Addition:

*The "Perimeter", "Neighborhood", and "Central" Collectors references in this section are not intended to be specific "Collector" street standards as defined in the City of La Pine Transportation System Plan. Instead "Perimeter", "Neighborhood", and "Central" Collector references in this section are "Newberry Neighborhood Planning Area Collector Street" references, which may be a hybrid of the City of La Pine TSP Local, Minor Collector, and Major Collector Streets standards. "Perimeter", "Neighborhood", and "Central" Collector Street locations and designs are established through a Quadrant Planning Process.*

7. **A network of multi-use paths will be developed parallel to many of the collector roads and in the open space buffer areas within the development and along Huntington Road and the eastern perimeter collector parallel to Highway 97.**

#### Suggested Revision:

*A network of multi-use paths will be developed parallel to many of the collector roads, ~~and in the~~ open space buffer areas within the development, ~~and along Huntington Road,~~ and **along** the eastern perimeter collector parallel to Highway 97 **or within the Highway 97 right of way, if sufficient right of way exists.***

## LPDC 15.32.100.G.4.a

- a. **Size standard. Neighborhood Parks shall be a minimum of two acres and no more than five acres in size.**

#### Potential Revisions:

*- Size standard. Neighborhood Parks shall be a minimum of two acres*

*and no more than five acres in size. **Neighborhood Park areas do not need to be contiguous, so long a multi-use paths or sidewalks allow for pedestrian connection between the Neighborhood Park areas.***

*- Size standard. Neighborhood Parks shall be a minimum of two acres and no more than five acres in size. **In Neighborhood #1 the Neighborhood Park area does not need to be contiguous, so long a multi-use paths or sidewalks allow for pedestrian connection between the Neighborhood Park areas.***

*- Size standard. Neighborhood Parks shall be a minimum of ~~two~~ **one** acres and no more than five acres in size; **if provided in a non-contiguous fashion, total park area must be a minimum of 3 acres.***

#### **LPDC 15.32.100.G.4.b**

- b. Location. Neighborhood Parks shall be located at the center of each Neighborhood and be fronted on at least three sides by public streets including the central collector and a neighborhood collector.**

#### Suggested Revision

*Location. Neighborhood Parks shall be located at the center of each Neighborhood **or Quadrant** and be fronted on at least ~~three~~ **two** sides by public streets including, **along with convenient pedestrian connections to** the central collector and a neighborhood collector.*

#### **LPDC 15.32.100.G.4.c**

- c. Boundary Determination. The boundaries of the Neighborhood Parks are generally depicted on the Neighborhood Planning Area Park Plan, Figure 17 in the Deschutes County Comprehensive Plan, DCC 23.36.052. The exact boundaries of the Neighborhood Parks shall be established at the time of approval of a Quadrant Plan under DCC 18.61.050(J) until the City develops its own standards.**

#### Suggested Revision

*Boundary Determination. The boundaries of the Neighborhood Parks are generally depicted on the Neighborhood Planning Area Park Plan, Figure 17 in the Deschutes County Comprehensive Plan, DCC 23.36.052. The exact boundaries of the Neighborhood Parks shall be established at the time of approval of a Quadrant Plan under DCC 18.61.050(J) until the City develops its own standards. **In Neighborhood #1 a Park and Open Space Plan may be approved that is not in compliance with Deschutes County Comprehensive Plan, DCC 23.36.020(D) and general location shown in the La Pine Neighborhood Parks and Open***

**Space Plan, Figure 17, so long as the total combined Park area is approved through a Quadrant Planning Process and exceeds 2-acres.**

**LPDC 15.32.100.G.4.d**

- d. **Platting. Neighborhood Parks shall be platted as part of the first phase subdivision in an approved Quadrant Plan.**

Potential Revisions:

*Platting. Neighborhood Parks shall be platted as part of the first phase subdivision in an approved Quadrant Plan. **In Neighborhood #1 Neighborhood Parks may be platted as part of a phasing plan or with the first phase subdivision in an approved Quadrant Plan.***

*Platting. Neighborhood Parks shall be platted as part of **a phasing plan or the first phase subdivision in an approved Quadrant Plan.***

**LPDC 15.32.100.H**

- H. **Open Space District. The purpose of this district is to provide two types of open space in the Neighborhood Planning Area. Perimeter Open Space is located adjacent to Huntington and Burgess Roads, Highway 97, and between existing residential lots west of Neighborhood 4. Perimeter Open Space will provide visual and noise screening and locations for multi-use paths. Corridor Open Space divides the four Neighborhoods, helps to maintain a rural feeling and contains multi-use paths.**

Suggested Revision:

*Open Space District. The purpose of this district is to provide two types of open space in the Neighborhood Planning Area. Perimeter Open Space is located adjacent to Huntington and Burgess Roads, Highway 97, and between existing residential lots west of Neighborhood 4. Perimeter Open Space will provide visual and noise screening and locations for multi-use paths. Corridor Open Space divides the four Neighborhoods, helps to maintain a rural feeling and contains multi-use paths. **If Highway 97 provides sufficient width for a buffer and can be improved with a multi-use path, the Highway 97 right of way may be utilized as the eastern Perimeter Open Space.***

**LPDC 15.32.100.I.3**

3. **Quadrant Plan Approval. Approval of a Quadrant Plan is a land use action and shall be reviewed under the provisions of DCC 22.20.020 until the City develops its own standards. Notwithstanding the order of hearings bodies listed under DCC 22.24.020(A), Quadrant Plans shall be subject to a public hearing before the City of La Pine Planning Commission. The**

Planning Commission shall make the decision to approve or deny an application for a Quadrant Plan. The Board of County Commissioners will act as the hearings body on an appeal of such a decision. An appeal of a quadrant plan decision shall be considered pursuant to DCC Chapter 22.32, Appeals. A Quadrant Plan may be approved subject to conditions with findings that the following criteria are met:

Suggested Addition:

***Quadrant Plan Approval for Quadrants 1a, 1b and 1d. Approval of a Quadrant Plan is a land use action and shall be reviewed under the provisions of DCC 22.20.020 until the City develops its own standards the Type III Procedures of the La Pine Development Code Chapter 15.204.030. Notwithstanding the order of hearings bodies listed under DCC 22.24.020(A), Quadrant Plans shall be subject to a public hearing before the City of La Pine Planning Commission. The Planning Commission shall make the decision to approve or deny an application for a Quadrant Plan. The Board of County Commissioners City Council will act as the hearings body on an appeal of such a decision. An appeal of a quadrant plan decision shall be considered pursuant to the La Pine Development Code Chapter 15.212. DCC Chapter 22.32, Appeals. A Quadrant Plan may be approved subject to conditions with findings that the following criteria are met:***

---

**LPDC 15.32.100.I.3.a**

- a. The Quadrant Plan contains all of the elements required in DCC 18.61.050(J)(3) until the City develops its own standards.

Suggested Revision:

*The Quadrant Plan contains all of the elements required in 15.32.100.I.2. DCC 18.61.050(J)(3) until the City develops its own standards*

**LPDC 15.32.100.I.3.b**

- b. The Quadrant Plan conforms to the policies in the Deschutes County Comprehensive Plan, DCC 23.36.052 until the City develops its own standards.

Suggested Revision:

*The Quadrant Plan conforms to the **relevant** policies in the **City of La Pine** County Comprehensive Plan, DCC 23.36.052 until the City develops its own standards.*

**LPDC 15.32.100.3.e**

The multi-use paths are located within or adjacent to the Perimeter or Corridor Open Space as generally shown in the Non-Motorized Plan, Figure 16 in the Deschutes County Comprehensive Plan, DCC 23.36.052 until the City develops its own standards. Path(s) and modifications of paths and/or trail alignments must consistent with the intent of the Plan as determined by the City through an administrative process.

Suggested Revision:

*The multi-use paths are located within or adjacent to the Perimeter or Corridor Open Space as generally shown in the Non-Motorized Plan, Figure 16 in the Deschutes County Comprehensive Plan, DCC 23.36.052 until the City develops its own standards. Path(s) and modifications of paths and/or trail alignments must consistent with the intent of the Plan as determined by the City through an administrative process. **In Neighborhood #1 multi-use paths may be approved that are not in compliance with Figure 16 of Deschutes County Comprehensive Plan, DCC 23.36.052, so long as the paths and sidewalks provide connectivity and are approved through the Quadrant Planning process.***

**LPDC 15.32.100.I.3.f**

The open space in the Open Space and Park Plan conforms to the standards in Deschutes County Comprehensive Plan, DCC 23.36.020(D) and general location shown in the La Pine Neighborhood Parks and Open Space Plan, Figure 17 in the Comprehensive Plan. DCC 23.36.052 until the City develops its own standards.

Suggested Revision:

*The open space in the Open Space and Park Plan conforms to the standards in Deschutes County Comprehensive Plan, DCC 23.36.020(D) and general location shown in the La Pine Neighborhood Parks and Open Space Plan, Figure 17 in the Comprehensive Plan. DCC 23.36.052 until the City develops its own standards. **In Neighborhood #1 a Park and Open Space Plan may be approved that is not in compliance with Deschutes County Comprehensive Plan, DCC 23.36.020(D) and general location shown in the La Pine Neighborhood Parks and Open Space Plan, Figure 17, so long as park and open spaces are approved through the Quadrant Plan and the park area exceeds 2-acres.***



#### LPDC 15.32.100.I.3.g.4

**Residential Center District. Each Quadrant except Quadrant 1c and 1d shall have a Residential Center District with a minimum of three acres and a maximum of six acres. The area of the Residential Center District is gross acres including public rights-of-way. The Residential Center District shall be a contiguous area located so that it is adjacent to both the central collector and the collector street that bisects the Neighborhood.**

#### Suggested Revision:

*Residential Center District. Each Quadrant except Quadrants **1a, 1b, 1c** and 1d shall have a Residential Center District with a minimum of three acres and a maximum of six acres. The area of the Residential Center District is gross acres including public rights-of-way. The Residential Center District shall be a contiguous area located so that it is adjacent to both the central collector and the collector street that bisects the Neighborhood.*

#### LPDC 15.32.100.I.4

**Neighborhood Park District. Where a Neighborhood Park is specified on the La Pine Neighborhood Parks and Open Space Plan (Figure 17) in the Deschutes County Comprehensive Plan, DCC 23.36.052, the Quadrant Plan shall zone a minimum of two acres and a maximum of five acres as Neighborhood Park District until the City develops its own standards. The Neighborhood Park District shall be located at the intersection of the central collector and the neighborhood collector that bisects the Neighborhood.**

#### Suggested Revision

*Neighborhood Park District. Where a Neighborhood Park is specified on the La Pine Neighborhood Parks and Open Space Plan (Figure 17) in the Deschutes County Comprehensive Plan, DCC 23.36.052, the Quadrant Plan shall zone a minimum of two acres and a maximum of five acres as Neighborhood Park District until the City develops its own standards. The Neighborhood Park District shall be located at the intersection of the central collector and the neighborhood collector that bisects the Neighborhood. **In Neighborhood #1, the Park space does not need to be contiguous, nor does it need to be at the intersection of the central collector and a neighborhood collector, so long as multi-use paths and/or sidewalks connect the parks to one another and to the abutting street system.***

**LPDC 15.32.100.I.5.1**

**Open Space District. The Quadrant Plan shall designate the following minimum areas as Open Space District:**

- (1) Minimum 500 foot wide Corridor Open Space Buffer between Neighborhoods 1 and 2; 2 and 3; and 3 and 4.**

Suggested Revision:

**In addition to dedicated right of way, a minimum 20 feet of Corridor Open Space shall be provided between Neighborhoods 1 and 2, including 10 feet on either side of the Caldwell Drive right of way. Minimum 500 foot wide Corridor Open Space Buffer between Neighborhoods ~~1 and 2~~; 2 and 3; and 3 and 4.**

**LPDC 15.32.100.I.5.2**

- (2) Minimum 200 foot wide Perimeter Open Space adjacent to Highway 97.**

Suggested Revision:

**Minimum 200 foot wide Perimeter Open Space adjacent to Highway 97, unless through the Quadrant Planning Process, it is determined that the Highway 97 right of way is sufficient to accommodate a multi-use path and provide adequate buffering.**

**LPDC 15.32.100.I.6**

Table 15.32-1

<b>- Residential General</b>	<b>6 units/acre</b>	<b>3 units/acre</b>	<b>4,000 – <del>7,000</del> 10,000</b>
------------------------------	---------------------	---------------------	--

Table 15.32-2

	<b>Residential General</b>
--	----------------------------

<b>Lot Size</b>	
<b>Single Family Neighborhood 1</b>	
- Maximum sq. ft.	<del>7,000</del> <u>10,000</u>
- Minimum sq. ft.	4,000
<b>Lot Width</b>	
<b>Minimum (feet)</b>	<del>50-45'</del> for detached dwellings; <u>lots on cul-de-sacs or bulbed corners may be 30'</u>

**Exhibit B. City's Proposed Text Amendments  
(revised from Applicant's proposal)**

Double underlined words are words added

~~Strikethrough~~ words are words deleted

**Amendment #1: Amending La Pine Development Code, Article 4 Overlay Zones, Newberry  
Neighborhood Planning Area (NNPA), Section 15.32.020**

**15.32.020 General Standards**

...

**B. Transportation**

1. Two perimeter collector and three neighborhood collector roads will provide access from Huntington Road into the neighborhoods.
2. ~~The central collector~~ Crescent Creek Drive and a perimeter collector will provide access from Burgess Road. The three perimeter collectors dividing the neighborhoods will be adjacent to open space corridors that provide buffers between the four Neighborhoods in the Neighborhood Planning Area.
3. Driveway access will not be allowed onto ~~the central collector~~ Crescent Creek Drive and the neighborhood collectors.
4. Rather than a continuous paved parking shoulder, parking in designated pullout areas can be provided along the collectors for access to open space, parks and residential lots.
5. Direct access from residential lots onto the local streets and perimeter collectors is permitted.
6. Shallow vegetated swales alongside ~~the~~ roads will provide for drainage.
7. A network of multi-use paths will be developed parallel to many of the collector roads ~~and in the~~ in open space buffer areas within the development ~~and~~ along Huntington Road ~~and~~ along the eastern perimeter collector parallel to Highway 97 or within the Highway 97 right of way, if sufficient right of way exists and ODOT authorizes the construction of a multi-use path in its right-of-way.
8. The precise layout of these roads and multi-use paths will occur during the Quadrant Plan approval process as each Neighborhood and Quadrant is planned.
9. Modifications to the layout and/or alignment of a path or trail outside of the Neighborhood/Quadrant process ~~shall follow~~ may be approved at the City Engineer's discretion through an administrative review process ~~as determined by the City.~~

10. Use of the term “collector” in this Chapter 15.32 means a street meeting the “collector” standard as defined in the City of La Pine Transportation System Plan. Crescent Creek Drive, Findlay Drive, Half Moon Drive , Campfire Drive, and Caldwell Drive are “collectors”. Notwithstanding anything herein to the contrary, the City Engineer may authorize a different street design standard through the Quadrant Planning Process.

**Amendment #2: Amending La Pine Development Code, Article 4 Overlay Zones, Newberry Neighborhood Planning Area (NNPA), Section 15.32.100**

**G. Park District.** The purpose of this district is to provide Neighborhood Parks in each of the four neighborhoods within the Neighborhood Planning Area. This district may also apply to an optional Regional Park that may be located in Neighborhood 2 ~~and~~ or 3 during Quadrant Plan approval process.

- a. **Size standard.** Each Neighborhood Parks shall Park must be a minimum of two acres and no more than five acres in size. Neighborhood Park areas do not need to be contiguous, so long as a multi-use path or sidewalks allow for pedestrian connection between the Neighborhood Park areas. If Neighborhood Parks are provided in a non-contiguous fashion, and notwithstanding anything herein to the contrary, each individual Neighborhood Park must be a minimum of one acre and the total Neighborhood Park area within an individual neighborhood must be a minimum of 3 acres.
- b. **Location.** Neighborhood Parks must be located at approximately the center of each Neighborhood or Quadrant, must front a public street on at least one side, and must have multi-use path connections to a public street other than a frontage street.
- ~~b. **Location.** Neighborhood Parks shall be located at the center of each Neighborhood and be fronted on at least three sides by public streets including the central collector and a neighborhood collector.~~
- c. **Boundary Determination.** The exact boundaries of the Neighborhood Parks ~~are generally depicted on the Neighborhood Planning Area Park Plan, Figure 17 in the Deschutes County Comprehensive Plan, DCC 23.36.052. The exact boundaries of the Neighborhood Parks shall will~~ be established at the time of approval of a Quadrant Plan ~~under DCC 18.61.050(J) until the City develops its own standards.~~
- d. **Platting.** Neighborhood Parks ~~shall will~~ be platted as part of the first phase ~~subdivision for each quadrant~~ in an approved Quadrant Plan.
- e. **Development.** The timing of Neighborhood Park development will be established through the Quadrant Plan approval process.

**H. Open Space District.** The purpose of this district is to provide two types of open space in the Neighborhood Planning Area. Perimeter Open Space is located adjacent to Huntington and Burgess Roads, Highway 97, and between existing residential lots west of Neighborhood 4. Perimeter Open Space will provide visual and noise screening and locations for multi-use paths. If Highway 97 provides sufficient width for a perimeter buffer, is or will be improved with an ODOT approved multi-use path

that includes a 10-foot buffer between the path and property line, the Planning Commission may allow for the Highway 97 right-of-way to serve as the eastern Perimeter Open Space as part of the Quadrant Plan approval process. Corridor Open Space divides the four Neighborhoods, helps to maintain a rural feeling, and contains multi-use paths.

The Quadrant Plan for each neighborhood must designate the following minimum areas as Open Space District, as applicable to each quadrant:

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

...

#### **I. Quadrant Plan.**

Plan Approval Required. Prior to issuance of a building permit, approval of a tentative plan or initiation of development (including, without limitation, streets or placement of utilities) within a Neighborhood or Quadrant, a Quadrant Plan ~~shall~~ must be approved according to the ~~provisions of DCC 18.61.050 until the City develops its own standards~~ Type III Procedures of the La Pine Development Code Section 15.204.030 and the Quadrant Plan Approval criteria in 15.32.100.1.3.

...

**3. Quadrant Plan Approval.** Approval of a Quadrant Plan is a land use action ~~and shall be~~ reviewed under the ~~provisions of DCC 22.20.020 until the City develops its own standards. Notwithstanding the order of hearings bodies listed under DCC 22.24.020(A), Quadrant Plans shall be~~ Type III Procedures of LPDC Section 15.204.030. Quadrant Plans are subject to a public hearing before the City of La Pine Planning Commission. The Planning Commission ~~shall make~~ makes the decision to approve or deny an application for a Quadrant Plan. The ~~Board of County Commissioners~~ City Council will act as the hearings body on an appeal of such a decision. An appeal of a ~~quadrant plan decision shall be considered pursuant to DCC Chapter 22.32, Appeals~~ Quadrant Plan will be conducted in accordance La Pine Development Code Chapter 15.212. A Quadrant Plan may be approved subject to conditions with findings that the following criteria are met:

- a. The Quadrant Plan application contains all of the elements required in ~~DCC 18.61.050(J)(3) until the City develops its own standards~~ 15.32.100.1.2.

- b. The Quadrant Plan conforms to the relevant policies in the ~~Deschutes County~~ City of La Pine Comprehensive Plan, ~~DCC 23.36.052 until the City develops its own standards.~~
- c. There is adequate sewer and water capacity to serve the development planned for the Quadrant and agreements to provide service have been signed with appropriate water and sewer districts or providers.
- d. The streets proposed in the Quadrant Transportation Plan conform to the general location and connection requirements of the La Pine Neighborhood Street Plan, Figure 15 in the Deschutes County Comprehensive Plan, DCC 23.36.052. The ~~proposed~~ City Engineer must approve of the street design ~~conforms to the standards in DCC Title 17, Table 15.32-2 for the La Pine Neighborhood Planning Area.~~ Final locations of road rights-of-way approved under a ~~quadrant plan~~ Quadrant Plan will be determined through the process for approval of a tentative plat under ~~DCC Title 17 until the City develops its own standards.~~ LPDC Article 9.
- e. ~~The~~ Except as approved by the City through a Quadrant Plan, the multi-use paths ~~are~~ must be located within or adjacent to the Perimeter or Corridor Open Space as generally shown in the Non-Motorized Plan, Figure 16 in the Deschutes County Comprehensive Plan, DCC ~~23.36.052,~~ until the City develops its own standards. Path(s) and modifications of paths and/or trail alignments must be consistent with the intent of the Quadrant Plan as determined by the City through an administrative process. Any modifications of these locations must be in compliance with LPDC 15.32.020.B.7.
- f. ~~The~~ Except as approved by the City through a Quadrant Plan, the open space in the Open Space and Park Plan ~~conforms~~ must conform to the standards in Deschutes County Comprehensive Plan, DCC 23.36.020(D) and general location shown in the La Pine Neighborhood Parks and Open Space Plan, Figure 17 in the Deschutes County Comprehensive Plan, ~~DCC 23.36.052,~~ until the City develops its own standards. Any modifications of these locations must be in compliance with LPDC 15.32.100.I.G and LPDC 15.32.100.I.H.
- g. The Zoning Plan conforms to the following performance standards:
  - (1) Neighborhood Commercial District. A minimum of two and a maximum of four acres of Neighborhood Commercial District ~~shall~~ must be established in Quadrant 3a or 3c. Alternatively, if Quadrant Plans for Quadrant 3a and 3c are approved at the same time, the maximum area of Neighborhood Commercial District may be divided between the two Quadrants. The Neighborhood Commercial zone ~~shall~~ must be located at the intersection of Huntington Road and the neighborhood collector that bisects Neighborhood 3.
  - (2) Community Facility District. Quadrant 1c ~~shall~~ will be zoned as Community Facility District.
  - (3) Community Facility Limited District. The portion of Quadrant 3a that is located west of Huntington Road ~~shall~~ will be zoned Community Facility Limited. A maximum of 15 acres in the northwest section of Quadrant 4a may be zoned Community Facility Limited.
  - (4) Residential Center District. Each Quadrant except ~~Quadrant~~ Quadrants 1a, 1b, 1c and 1d ~~shall~~ must have a Residential Center District with a minimum of three acres and a maximum of six acres. The area of the Residential Center District is gross acres including public rights-



of-way. The Residential Center District ~~shall~~must be a contiguous area located so that it is adjacent to both ~~the central collector~~ Crescent Creek Drive and the collector street that bisects the Neighborhood.

- (5) Residential General District. The area zoned Residential General ~~shall~~will be the area in each Quadrant that remains after the mandatory minimum Residential Center, Neighborhood Parks and Open Space zoning is defined.

...

~~4. **Neighborhood Park District.** Where a Neighborhood Park is specified on the La Pine Neighborhood Parks and Open Space Plan (Figure 17 in the Deschutes County Comprehensive Plan, DCC 23.36.052, the Quadrant Plan shall zone a minimum of two acres and a maximum of five acres as Neighborhood Park District until the City develops its own standards. The Neighborhood Park District shall be located at the intersection of the central collector and the neighborhood collector that that bisects the Neighborhood.~~

~~5. **Open Space District.** The Quadrant Plan shall designate the following minimum areas as Open Space District:~~

~~(1) Minimum 500 foot wide Corridor Open Space Buffer between Neighborhoods 1 and 2; 2 and 3; and 3 and 4.~~

~~(2) Minimum 200 foot wide Perimeter Open Space adjacent to Highway 97.~~

~~(3) Minimum 75 foot wide Perimeter Open Space adjacent to Huntington and Burgess Roads.~~

~~(4) Minimum 50 foot wide Perimeter Open Space on the west edge of Quadrants 4a and 4c.~~

- h. ~~6.~~ The proposed residential densities and lot sizes conform with the requirements of the Residential General and Residential Center Zones as further described as follows in Tables 15.32-1 and 15.32-2:

**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 – <del>7,000</del> <u>10,000</u>
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.

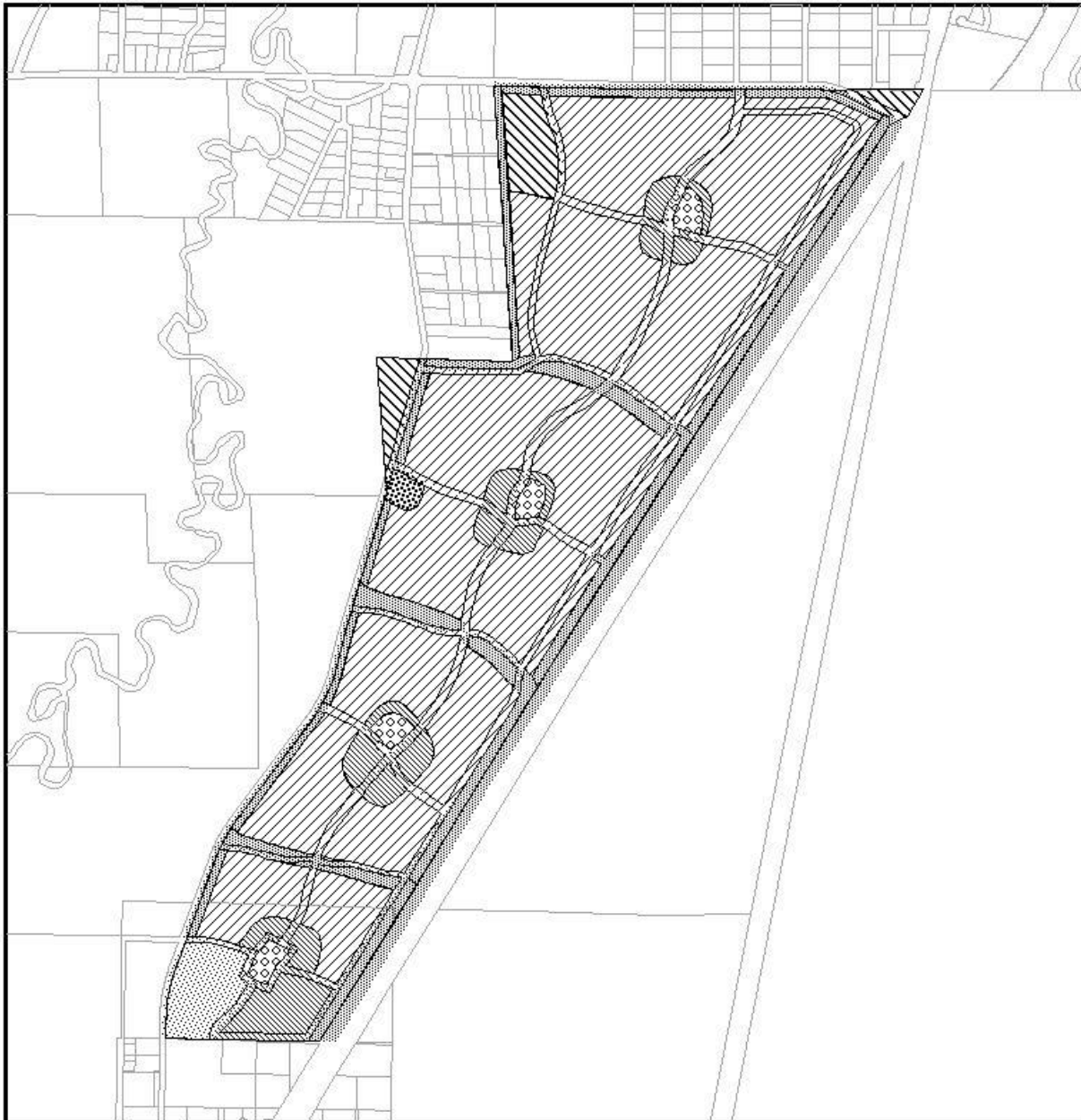
**Table 15.32-2. La Pine Neighborhood Planning Area Zoning Standards**

	Residential General	Residential Center	Community Facility	Community Facility Limited	Neighborhood Commercial
<b>Lot Size</b>					
Single Family Neighborhood 1					

- Maximum sq. ft.	<del>7,000</del> <a href="#">10,000</a>	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
<b>Lot Width</b>					
Minimum (feet)	<del>50</del> <a href="#">45'</a> for detached dwellings-; <a href="#">lots on cul-de-sacs or bulbed corners may be 30'</a> ; 24' for attached townhome	35' for detached single-family dwelling-; <a href="#">lots on cul-de-sacs or bulbed corners may be 30'</a> ; 24' for attached townhome or zero lot line development	50'	50'	50'

...

**Exhibit C. Deschutes County Maps for Newberry Neighborhood  
Planning Area (abbreviated)**



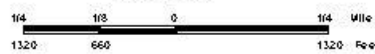
**SYMBOLS**

- Collector Road Rights-of-way
  - Neighborhood Planning Area Boundary
  - Taxlots
- ZONING DISTRICTS**
- Community Facility Limited
  - Community Facility
  - Neighborhood Commercial
  - Neighborhood Park
  - Residential Center
  - Residential General
  - Open Space

**Figure 10**  
**Neighborhood Planning Area**  
**Zoning Districts**

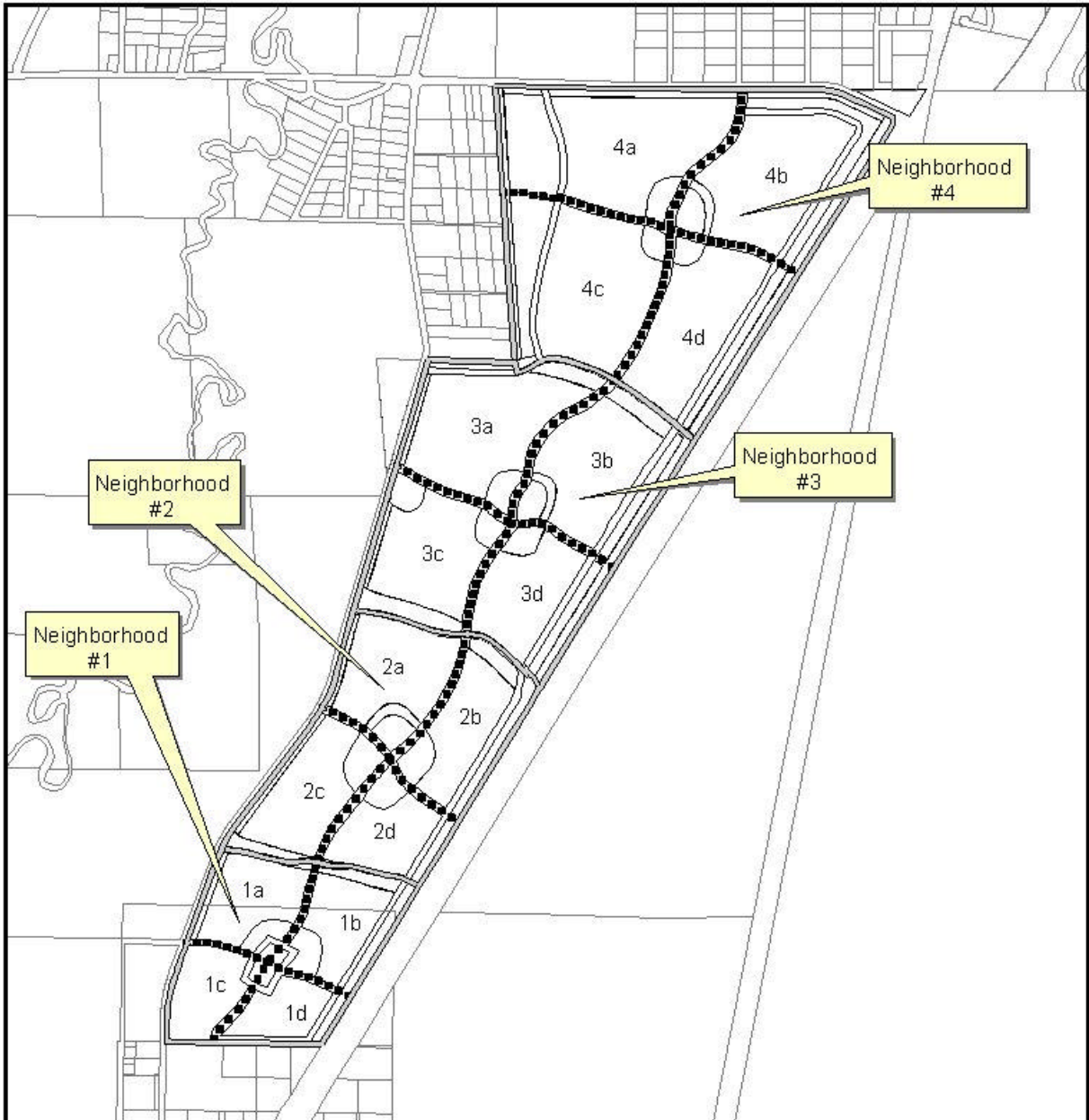


August 31, 2001



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VICDDOT TRANSPORTATION/ARCHIVE PROJECTS



**SYMBOLS**

- Collector Road Rights-of-way
- Neighborhood Boundary
- Quadrant Boundaries
- Taxlots

**Figure 11**  
**Neighborhood Planning Area**  
**Quadrant Plan**

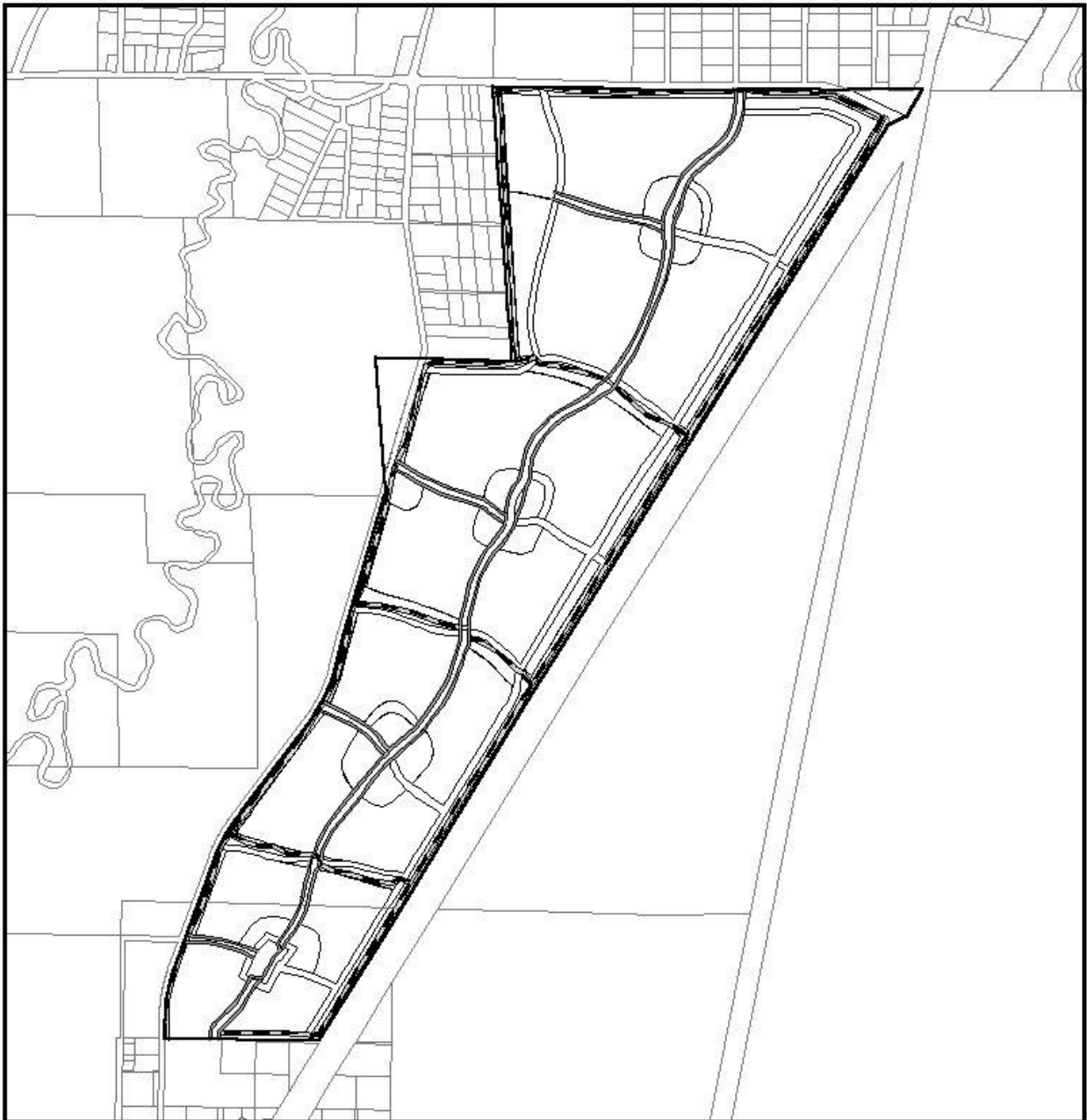
N  
 August 31, 2001

114    113    0    114    Mile  
 11320    660    11320    Feet

**Deschutes County**  
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VIC DOT TRANSPORTATION AND HIGHWAY PROJECTS



**Figure 16**  
**Neighborhood Planning Area**  
**Non-Motorized Plan**

**SYMBOLS**

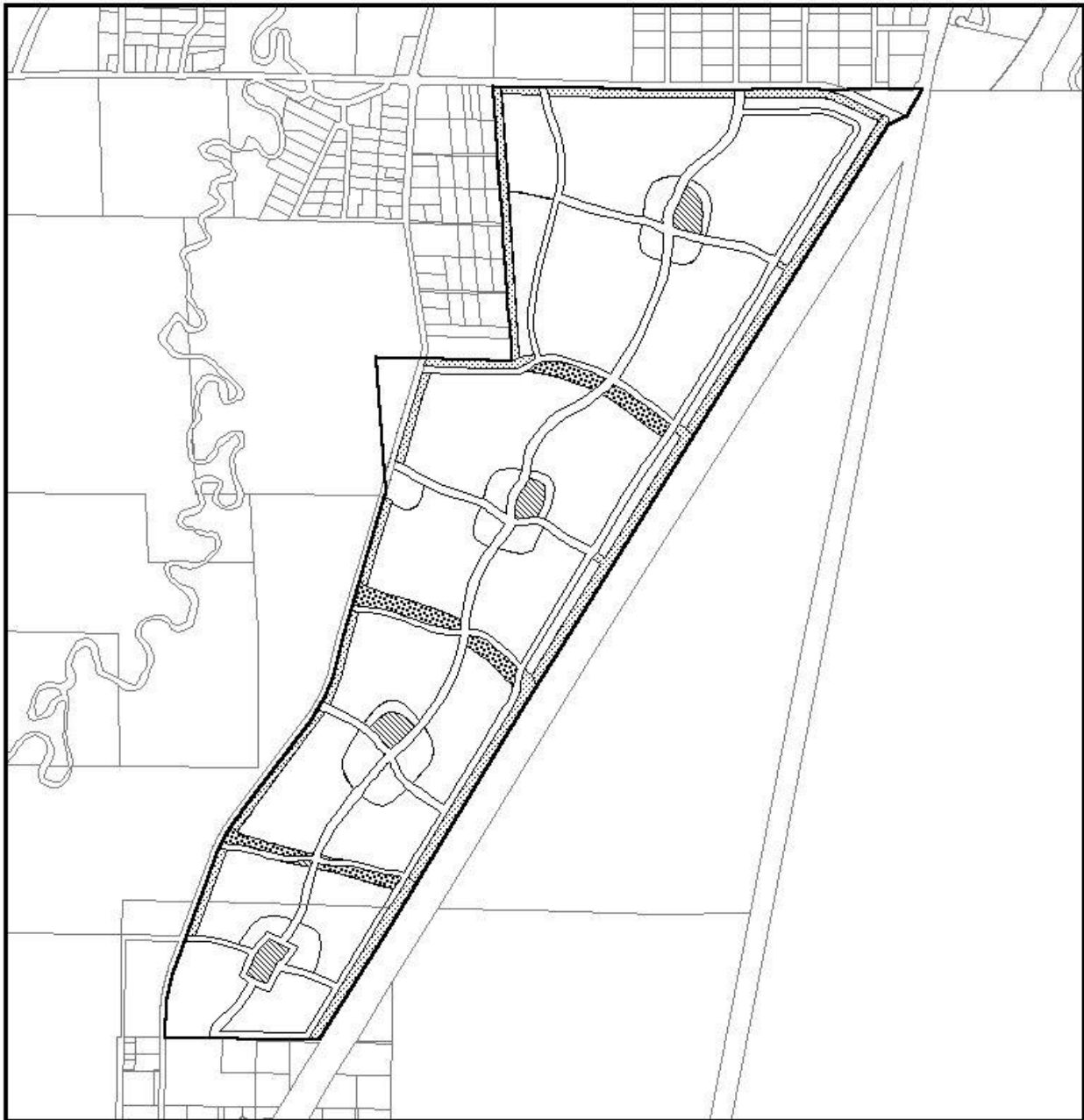
	Collector Road Rights-of-way
	Neighborhood Planning Area Boundary
	Paved Path
	Unpaved Path
	Taxlots



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VLCDOT TRANSPORTATION/SCAPEVIEW PROJECTS





**Figure 17**

**Neighborhood Planning Area  
Parks and Open Space Plan**

**SYMBOLS**

	Collector Road Rights-of-way
	Neighborhood Planning Area Boundary
	Neighborhood Part
	Perimeter Open Space
	Corridor Open Space
	Taxlots



August 31, 2001



DESCHUTES COUNTY  
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1100 North Main Street, Suite 200, Bend, Oregon 97701  
503.325.4600  
This map is a planning tool and does not constitute a contract. It is intended to provide information and is not a guarantee of any specific project, location, or timing. The County is not responsible for any errors or omissions. This map is provided for informational purposes only and should not be used for any other purpose.

VIC 001 TRANSPORTATION/ROADVIEW PROJECTS

**STAFF REPORT TO PLANNING COMMISSION**

- FILE:** 02CA-19 and 02ZC-19
- APPLICANT/  
OWNER:** Sagebrush Development LLC  
PO Box 2520  
La Pine, OR 97739
- PLANNER:** Blackmore Planning and Development Services, LLC  
Greg Blackmore  
19454 Sunshine Way  
Bend, OR 97702
- LOCATION:** East of Huntington Road, north of Victory Way, south of Caldwell Drive, west of Hwy 97. Tax lots 200 and 202 on Deschutes County Assessors Map 22-10-11.
- HEARING DATE:** November 20, 5:30 pm, Planning Commission
- REQUEST:** Consider a proposal to amend the Comprehensive Plan Map and Zoning Map in Neighborhood 1 of the Newberry Neighborhood Planning Area (NNPA) Overlay Zone. The proposal includes:
- removal of all park/open space designations/zoning from Neighborhood 1 (instead, parks and reduced buffers to be required through development code), and
  - addition of 2.23 acres of mixed use commercial (CMX) along Huntington (by removing park/open space zone in this area reducing the residential master plan zone acreage).

**I. INTRODUCTION**

The Applicant has proposed map amendments to the La Pine Comprehensive Plan Map and the Zoning Map, within Neighborhood 1 of the Newberry Neighborhood Planning Area (NNPA) Overlay Zone. The proposed map amendments would remove parks/open space from the Comp Plan and Zoning Maps for the subject properties, however, the change does not eliminate the requirement for parks in future developments within these properties. Instead, the enforcing mechanism would be the La Pine Development Code, which has specific requirements for park siting and sizing through the quadrant planning process. By removing the park/open space designation/zone from the maps and requiring them through the quadrant planning process, increased flexibility in design is provided rather than the park/open space locations being prescriptive and rigid.

The proposed map amendments also include the addition of 2.23 acres of mixed-use commercial (CMX) along the westernmost subject property's border with Huntington Road. The



existing and proposed Comprehensive Plan mapping is in Exhibit A; existing and proposed Zone Maps are included in Exhibit B.

## **II. APPLICABLE CRITERIA**

### *City of La Pine Development Code*

Article 7 - Procedures, 15.204 Application Procedures

Article 8 - Applications and Reviews, 15.334 Text and Map Amendments

### *City of La Pine Comprehensive Plan*

### *Oregon Revised Statutes*

- ORS 197.610, Local Government Notice of Amendment or New Regulation
- ORS 197.250, Compliance with Goals Required
- ORS 197.763, Conduct of Local Quasi-Judicial Land Use Hearings; Notice Requirements

### *Oregon Administrative Rules (OARs)*

660-012, Transportation Planning Rule

660-015, Oregon Statewide Planning Goals

## **III. FINDINGS OF FACT**

**LOCATION:** The subject property is located east of Huntington Road, south of Caldwell Drive, north of Victory Way, and west of Highway 97. The property is identified as Tax Lots 200 and 202 on the Deschutes County Tax Assessor's Map 22-10-11 and the western parcel (Tax Lot 200) has been assigned an address of 51800 Huntington Road.



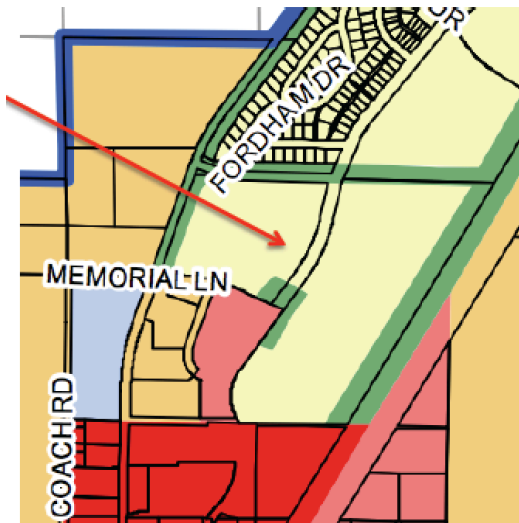
**EXISTING ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:** The subject property is primarily designated Master Plan Residential (RMP) on the Comprehensive Plan Map and Zoning Map. The property also includes areas that are labeled as "Open Space and Park" on the Comprehensive Plan Map and Zoning Map. The property is also within the Newberry Neighborhood Planning Area Overlay Zone.

**SITE DESCRIPTION AND SURROUNDING DEVELOPMENT:** The subject property is 52.71 acres in size and trapezoidal in shape. It is vacant and populated with native vegetation, including antelope bitterbrush and Idaho fescue, along with Lodge Pole Pine and Ponderosa

Pine trees. Soils consist of NRCS 115A Soil – Shananan loamy coarse sand. The property is generally level with approximately 4 feet of grade change from the northeast property corner to the south boundary line at the Highway 97 right-of-way line. The site is unimproved, but intersected by a few informal trails, where there are signs of walking, bicycling and/or off-road vehicle use. The property is located outside of any FEMA designated floodway and/or floodplain.

Surrounding Zoning -

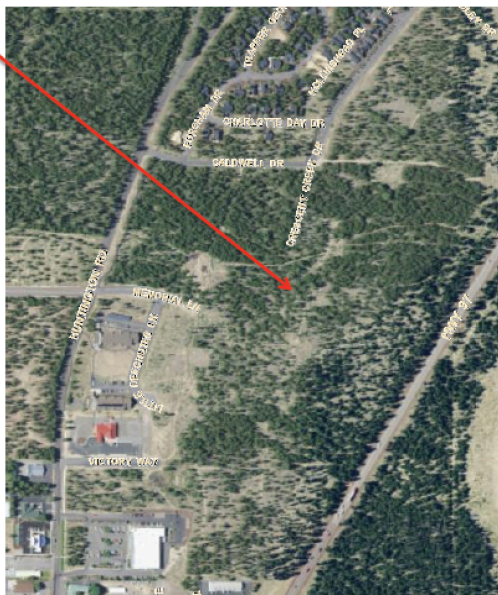
An excerpt surrounding Zoning is included below:



As shown on the map, the property to the north is zoned Master Plan Residential (MPR)/ Newberry Neighborhood Planning Area (NNPA) Overlay Zone, the property to the south is zoned Traditional Commercial (C) and the properties to the southwest are zoned Commercial Mixed Use (CMX) and Public Facilities (PF). To the west is Huntington Road and to the east is Highway 97.

Surrounding Development –

An aerial image of the surrounding area is included below:



As shown on the aerial image, the properties to the north(west) are developed with detached single-family homes in the Crescent Creek Subdivision, the property to the north(east) is vacant. The properties to the southwest are developed with an affordable senior living facility and a senior center, and developing with an affordable multi-family development, along with a Sunriver/ La Pine Habitat for Humanity Development. To the south is Bi-Mart and to the west is a recently developed St. Charles Medical Clinic. Also, the Bend-La Pine School Campus is situated in close proximity to the west.

**LOT LEGALITY:** The properties were created as Parcels 1 and a portion of Parcel 2 on Partition Plat PP 2007-30, thus consist of 2 lots of record as defined by the La Pine Development Code.

**PROPOSAL:** The applicant is requesting the review of a Comprehensive Plan Map Amendment and Zoning Map Amendment (Zone Change), along with Amendments to the Text of the Development Code, specifically related to the Newberry Neighborhood Planning Area (NNPA) Overlay Zone. The proposal removes all park/open space designations/zoning from the maps and replaces it with residential master plan (RMP) and 2.23 acres of mixed use commercial (CMX) along the subject property's frontage with Huntington Road. Although parks/open space designations/zoning is proposed to be removed from the maps, they are still required through the quadrant planning process.

**ASSOCIATED DEVELOPMENT PLANS / APPLICATIONS:** The current proposal is the first step to entitle the property, so that the applicant can proceed with Quadrant Plan and Subdivision Applications, to create residential lots, parks, open spaces areas, and a mixed-use development. Full entitlement for the planned uses will require the currently proposed Comprehensive Plan Map Amendment, Zoning Map Amendment, and Development Code Text Amendments, along with Quadrant Plan, Subdivision and Site Plan Applications.

Comprehensive Plan Map Amendment, Zone Change, and Development Code Text Amendments – The current application and narrative details conformance with applicable standard and criteria for these applications.

Quadrant Plan and Subdivision - Submitted subsequently and is being reviewed through a separate process.

Site Plan/Design Review – The applicant is working with a development team to finalize the design the mixed-use development and the parks, in conformance with Development Code development standards and approval criteria. Upon design finalization (and approval of the Comprehensive Plan Map Amendment, Zone Change, Development Code Text Amendments, Quadrant Plan and Subdivision Applications), the applicant will submit the requisite City application(s) and anticipates Site Plan review(s), in accordance with the applicable review procedures at that time.

**Public Notice and Comments:** Public notices were posted on October 30, 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 November 5, 2019 weekly edition and in *The Bulletin* on November 2, 2019. No written comments were received at the time of the staff report drafting.

## **V. CONCLUSIONARY FINDINGS**

### **Conformance with the La Pine Development Code**

#### **Chapter 15.202 - Summary of Application Types and General Provisions**

##### **15.202.010 Purpose and Applicability**

- A. Purpose.** The purpose of this chapter is to establish decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and

effective way. Table 15.202-1 provides a key for determining the review procedure and the decision-making body for particular applications.

- B. Applicability of Review Procedures.** All land use and development permit applications, except building permits, shall be decided by using the procedures contained in this article as modified by any applicable application-specific procedures identified in Articles 8 and 9. The procedure “type” assigned to each application governs the decision-making process for that application. There are four types of review procedures as described in subsections 1-4 below. Table 15.202-1 lists the City’s land use and development applications and corresponding review procedure(s).

...

**3. Type III Procedure (Quasi-Judicial Review – Public Hearing).** Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council except for decisions on all quasi-judicial Comprehensive Plan amendments and Zone changes which must be adopted by the City Council before becoming effective. Quasi-Judicial decisions involve discretion but implement established policy. They involve the application of existing law or policy to a specific factual situation.

**FINDING:** The applications are for a Comprehensive Plan Map amendment and a zone change for two specific parcels within the Newberry Neighborhood Planning Area (NNPA) Overlay Zone, a specific area owned by the Applicant. As such, this application is being reviewed as a Type III Procedure. The first hearing and decision will be before the Planning Commission. City Council will make the final decision through adoption of an ordinance, in compliance with the Type III procedures for Comprehensive Plan amendments and Zone changes.

## **Chapter 15.204 - Application Procedures**

### **15.204.030 Type III Procedure (Quasi-Judicial Review - Public Hearing)**

Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council. Except that prior to becoming effective, all quasi-judicial Comprehensive Plan amendments and Zone changes shall be adopted by the City Council. In considering all quasi-judicial Comprehensive Plan amendments and Zone changes on which the Planning Commission has authority to make a decision, the City Council shall, in the absence of an appeal or review initiated by the Council, adopt the Planning Commission decision. No argument or further testimony will be taken by the Council.

#### **A. Application Requirements.**

- 1. Application Forms.** Applications requiring Quasi-Judicial review shall be made on forms provided by the City Planning Official.
- 2. Submittal Information.** The City Planning Official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:
  - a.** The information requested on the application form;
  - b.** Plans and exhibits required for the specific approval(s) being sought;



- c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;
- d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;
- e. The required fee; and
- f. Evidence of neighborhood contact, as applicable, pursuant to Section 15.202.050.

**FINDING:** This proposal is being reviewed through a quasi-judicial process. The Applicant submitted the appropriate application materials and supporting documentation to the City for the review of the application.

**B. Mailed and Posted Notice of a Public Hearing.**

**1. The City shall mail public notice of a public hearing on a Quasi-Judicial application at least 20 days before the hearing date to the individuals and organizations listed below. The City Planning Official shall prepare an affidavit of notice, which shall be made a part of the file. The affidavit shall state the date that the notice was mailed. However, the failure of a property owner to receive mailed notice shall not invalidate any land use approval if the Planning Official can show by affidavit that such notice was given. Notice shall be mailed to:**

- a. The applicant;
- b. Owners of record of property as shown on the most recent property tax assessment roll of property located within 100 feet of the property that is the subject of the notice where any part of the subject property is within an urban growth boundary;
- c. The owner of a public use airport if the airport is located within 10,000 feet of the subject property;
- d. The tenants of a mobile home park when the application is for the rezoning of any part or all of a mobile home park;
- e. The Planning Commission;
- f. Any neighborhood or community organization formally recognized by the City Council, whose boundaries include the site;
- g. Any person who submits a written request to receive a notice; and
- h. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the City Planning Official shall notify the road authority if different than the City of La Pine. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

**FINDING:** Notice was mailed to all parties entitled notice on October 25, 2019, including property owners within 500 feet, the Crescent Creek Homeowners Association, the Planning Commission, and the standard City agency land use notification list.

**2. In addition to notice by mail and posting, notice of an initial hearing shall be published in a newspaper of general circulation in the County at least 10 days prior to the hearing**

**FINDING:** Notice was posted in *The Bulletin* on November 2, 2019 and in *Wise Buys* in the November 5, 2019 weekly edition, greater than 10 days prior to the hearing.

3. **At least 14 days before the first hearing, the City shall post notice of the hearing on the project site in clear view from a public right-of-way.**

**FINDING:** Notice was posted on site on October 30, 2019, in clear view from a public right of way.

4. **Notice of a Quasi-Judicial hearing to be mailed and published per subsection 1 above shall contain all of the following information:**
  - a. **A summary of the proposal and the relevant approval criteria, in sufficient detail to help the public identify and locate applicable code requirements;**
  - b. **The date, time, and location of the scheduled hearing;**
  - c. **The street address or other clear reference to the location of the proposed use or development;**
  - d. **A disclosure statement that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the City Council, Land Use Board of Appeals, or Circuit Court, as applicable, on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;**
  - e. **A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards shall be available for review at the office of the City Planning Official, and that copies shall be provided at a reasonable cost;**
  - f. **A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;**
  - g. **A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and**
  - h. **A statement that after the public hearing closes, the City will issue its decision, and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.**

**FINDING:** Notice was mailed to all parties entitled notice on October 25, 2019 and included all the above required information.

**C. Setting the hearing.**

...

**D. Ex Parte Contact, Personal Knowledge and Bias.**

...

**E. Conduct of a Quasi-Judicial Public Hearing.**

...

**F. Close of the record.**

...

**G. Continuances or record extensions.**

...

**H. Reopening the record.**

...

**FINDING:** Quasi-Judicial hearing procedures will be followed at both the Planning Commission and City Council hearings.

**I. Notice of Quasi-Judicial Decision.** A Hearings Body's decision shall be in writing and mailed to all parties; however, one person may be designated by the Hearings Body to be the recipient of the decision for a group, organization, group of petitioners or similar collection of individual participants. The Notice of Quasi- Judicial Decision shall contain all of the following information:

1. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the record;
2. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);
3. A statement of where the City's decision can be obtained;
4. The date the decision shall become final, unless appealed; and
5. A statement that all persons entitled to notice may appeal the Planning Commission's decision to City Council pursuant to Subsection K or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.

**FINDING:** Notice of the decision will be in writing and mailed to all parties as required, including the required information and statements above.

**J. Effective Date of Decision.** Unless the conditions of approval specify otherwise, a Quasi-Judicial Decision becomes effective 12 days after the City mails the decision notice, unless the decision is appealed pursuant to Subsection K or unless the decision is called up for review by the City Council pursuant to Section 15.204.020(G). No building permit shall be issued until a decision is final. Appeal of a final decision to LUBA does not affect the finality of a decision at the local level for purposes of issuing building permits, but any development that occurs during the pendency of appeals beyond the local level are at the sole risk of the applicant and the City may require execution of an instrument acknowledging such fact prior to issuance of any building permits.

**FINDING:** The decision will be effective 12 days after the City mails the decision notice, unless an appeal is received in accordance with Subsection K. Council will adopt the changes through an ordinance, so Council will not call up the decision for review.

## **Chapter 15.334 - Text and Map Amendments**

### **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.

### **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 application was initiated by a property owner in the City and requests a site-specific Comprehensive Plan Map amendment and Zone change. In accordance with these procedures, this application is being processed as a Type III Quasi-Judicial amendments.

#### **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:** As noted above, these application are being reviewed as quasi-judicial amendments and are subject to Type III review procedures.

#### **15.334.040 Approval Criteria**

**Planning Commission review and recommendation, and City Council approval, of an ordinance amending the Zoning Map, Development Code, or Comprehensive Plan shall be based on all of the following criteria:**

**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; and**

**FINDING:** Compliance with the Comprehensive Plan is detailed and demonstrated below. Based on the review herein, the proposal is compliant with the policies of them Comprehensive Plan. Because the proposal includes an amendment to the Comprehensive Plan (02CA-19), compliance with the Statewide Planning Goals is also demonstrated below.

**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 Newberry Neighborhood Planning Area (NNPA) Overlay Zone was developed prior to the City's incorporation and under Deschutes County jurisdiction, when the area was considered an Unincorporated Urban Community (UUC). Since the time the NNPA was established, the City of La Pine incorporated, established its own City Council, Planning Commission and land use regulations. Through these changes, the NNPA Overlay Zone code and mapping was copied from County documents and not reviewed for its consistency with other City land use policies. The code includes numerous references to County codes, incorrect text with unknown origins, and prescriptive requirements to follow County planning maps, all of which limit creativity in design; these are being addressed through a separate application - 01TA-19. The designations and zones are addressed through this application.

#### Park/ Open Space Zone

The current designation and zones on the subject property were carried over from County planning efforts prior to the City's incorporation. This included specific park designations/zones which result in prescriptive locations for these uses, rather than providing allowances for refining their locations during quadrant and subdivision planning. While well-intended to create a neighborhood of parks and buffers, this prescriptive approach limits the creativity in design and Staff suggests that this was an oversight/inconsistency when the County planning maps were adopted as designations and zones into the City mapping. Further, staff also suggests that the removal of these zones from the Comp Plan and Zoning maps, while continuing to enforce similar acreage of parks through the Development Code is a public benefit, as it will result in increased flexibility and creativity in design of future subdivisions in this area.

#### Mixed Use Commercial (CMX)

The Applicant is also proposing to replace the Park/Open Space designation/zone and some of the Residential Master Plan (RMP) zone along Huntington Road with 2.23 acres Mixed Use Commercial (CMX). As the City desires to revitalize downtown along Huntington Road and engage the street front along Huntington Road by bringing commercial buildings closer to the street, staff finds this proposal to be a public benefit by continuing to activate the street front with mixed uses. The Applicant will still be required to construct a multi-use path along Huntington as required in the existing code.

The Applicant includes in their burden of proof:

*“Collectively the proposed changes are in the public interest, as they allow for market demanded residential and commercial development, which will not place unnecessarily high costs on land. The changes are proposed to address a change in the community, namely that the property is now in an incorporated City, providing the ability for the local jurisdiction to establish the overall design intent of the site (instead of relying on an outdated County program).”*

For numerous reasons, the proposal complies with these criteria, as the amendments 1. are in the interest of the public (increased flexibility and creativity in neighborhood design and inclusion of mixed-use development along Huntington),

2. respond to changes in the community (incorporation as a City), and
3. and correct mistakes/inconsistencies in the code (adoption of Park/ Open space as zone rather than text requirements).

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

**FINDING:** The Applicant submitted a TPR analysis, prepared by Transight Consulting, documenting the amendments' compliance with the Transportation Planning Rule. OAR 660-012-0060 of the Transportation Planning Rule (TPR) sets forth the relative criteria for evaluating plan and land use regulation amendments. In particular, it is necessary to determine if a proposed land use action results in a significant impact, which is defined in the OAR and in the Applicant's TPR analysis (Applicant's Exhibit 10) as:

*OAR 660-012-0060 (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule, to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume-to-capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

*(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*

*(b) Change standards implementing a functional classification system; or*

*(c) As measured at the end of the planning period identified in the adopted transportation system plan:*

*(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

*(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standard identified in the TSP or comprehensive plan; or*

*(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standard identified in the TSP or comprehensive plan.*

The Applicant's analysis states:

*The proposed rezone does not change the allowable uses within the overall property, but shifts the commercial uses from the center of Neighborhood #1 to the Huntington Road frontage. This will retain the commercial uses within walking distance of the surrounding uses (to include the new affordable housing units) and pathways will provide a relatively direct route. With uses that would conform to the "Neighborhood Commercial" definition as allowed within the existing*

*zoning there is no change to the functional classification of nearby roads, the implementing standards, or levels of travel in comparison to what could be provided on the site with the current zoning, and a significant effect does not occur.*

*No change to the transportation system will occur with the inclusion of the undefined Parks and Open Space zoning into the Master Planned Residential zone, with the condition that parks and open space that carry out the intent of the NNPA be retained, along with the transportation corridors included within the general vicinity of the identified green space. This change will define lands within La Pine within a specific zoning designation and provide specific Development Code standards around these lands.*

Staff finds that the submitted TPR analysis and the above summary demonstrate compliance with OAR 660-012-0060.

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

- 1. Approval of the request is consistent with applicable Statewide Planning Goals;**

**FINDING:** Compliance with the Statewide Planning Goals is demonstrated below.

- 2. Approval of the request is consistent with the relevant policies of the Comprehensive Plan;**

**FINDING:** Compliance with the Comprehensive Plan is demonstrated below.

- 3. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property;**

**FINDING:** Future development applications (Quadrant Plan, Subdivision Plan) will be reviewed in detail for compliance with City standards for provision and capacity of public facilities, services and transportation networks. The City Public Works Manager has confirmed that adequate water and sewer services are available in the area of the property and can be extended to the future development. Similarly, the area is bounded by multiple streets that can be extended for multiple future access points during development.

- 4. For nonresidential changes, the proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.**

**FINDING:** The proposed map changes include an increase in residential master plan (RMP) zone area and mixed-use commercial (CMX) zone area. However, the existing RMP zone includes required and allowable districts within each neighborhood (e.g. Residential Center, Neighborhood Center) that are higher density than the Residential General District. The integration of the CMX zone along Huntington relocates some of the planned density to an area along a major transportation corridor. The proposed map amendments also provides increased flexibility in design, which may result in more

creative neighborhood designs, integrating parks and mixed uses in a way that creates a walkable/bikeable neighborhood, slightly reducing reliance on the internal public streets.

The proposed map amendments do not destabilize the land use pattern of the area, in fact, they should encourage the integration of neighborhood-scale mixed uses that will benefit the future subdivision on the subject property as well as surrounding subdivisions. All development will be reviewed for compatibility and land use through quadrant planning, subdivision plans and site plans, to ensure that the land use patterns and infrastructure are not destabilized.

## Conformance with the La Pine Comprehensive Plan

### Chapter 1 - Community Characteristics

After detailing La Pine's history, from demographics, to development groups, and land use patterns, this chapter goes on to note that, "These historic types of land uses do not currently support sustainability and the reduction of vehicle miles traveled." (Page 18 – La Pine Comprehensive Plan). The chapter ends with a series of bullet points, identifying imbalances that the community wants to correct, to improve neighborhoods. The stated imbalances that relate to the current proposal include the following:

- ***Better access and pedestrian ways that connect people to open spaces, parks, and recreational lands closer to where they live***
- ***Additional employment and commercial service nodes closer within neighborhood areas so that people do not have to drive long distances to get "a gallon of milk" or other daily consumable items.***
- ***Schools that are within shorter walking distances from residential areas***
- ***Reduce reliance on energy consumption***

**FINDING:** The Applicant notes in the burden of proof:

*Allowing a Comprehensive Plan Map Amendment, Zone Change and Development Code Text Amendments is the first step to entitle the property for future development. If the entitlement process is successful, the applicant intends to proceed with the development within the next 12 months. Development will result in services provided to and through the property, including access and pedestrian ways, in accordance with adopted development standards. Furthermore, the planned CMX zone provides for a wide variety of uses, including many employment and commercial uses, which, upon development, could address the second bullet point above (employment and commercial service nodes). Also, providing a residential development within close proximity to the Bend La Pine School District property allows for short walking distances to schools. Ultimately the development and planned mixed-use zone provide options for a market driven, innovative design with a variety of uses in one area, which reduces reliance on vehicles and reduces reliance on energy consumption. The proposal is therefore consistent with all elements of this Section of the Comprehensive Plan.*

Staff finds that this demonstrates compliance with general visions outlined in Chapter 1.

## **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:** These applications has been processed and reviewed in accordance with the public notification procedures that have been established in the Procedures Ordinance, and a hearing will be held before the Planning Commission on November 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 proposed map amendments do not impact the City's ability to achieve the goals and policies within this chapter, as the proposed amendments address uses on industrial lands, not agricultural lands.

## **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:** This chapter does not apply to the proposed map 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. This chapter establishes that under Goal 5, the state identifies specific resources that are to be inventoried, and once inventoried, appropriately protected. The resources that require inventory by the state include:

- Riparian Corridors
- Wetlands
- Wildlife Habitat
- Federal and Wild Scenic Rivers
- State Scenic Waterways
- Groundwater Resources
- Approved Oregon Recreational Trails
- Natural Areas
- Wilderness Areas
- Mineral and Aggregate Resources
- Energy Sources
- Cultural Areas

**FINDING:** The proposed amendments do not impact the City's ability to implement this chapter or Statewide Planning Goals 5, 6, and 7, as they are not related to natural resources, historic

areas, air, water and land resources protection from natural hazards. The proposed map amendments are related to open spaces, however, the amendments provide increased flexibility in siting of the open spaces in order to provide increased flexibility in neighborhood design, as they are still required in the Development Code.

The property is not situated within an inventoried riparian corridor, wetlands, federal wild and scenic area, state scenic waterway, approved Oregon Recreational Trails, natural area, wilderness area, or mineral and aggregate resource. The property is currently vacant and is not listed as a site that contains cultural or historic significance.

Regarding wildlife habitat, the City's Comprehensive Plan indicates that the City does not have an inventory, but rather utilizes a safe harbor and recognizes significant wildlife as sites where:

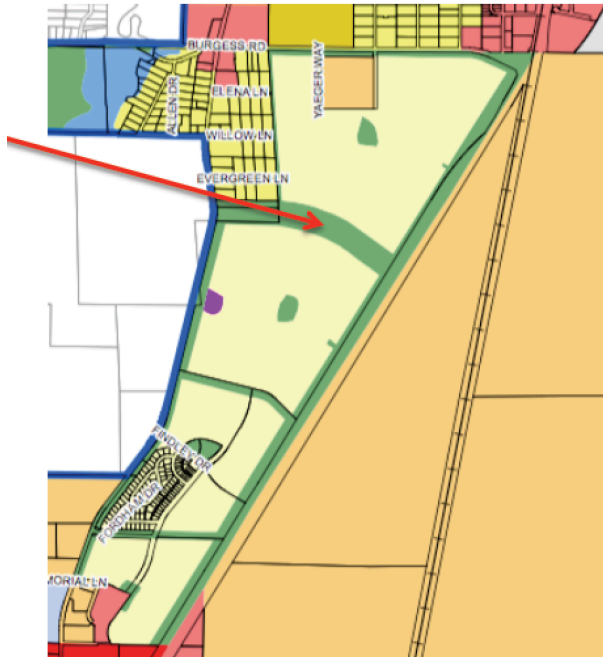
- The habitat has been documented to perform a life support function for a wildlife species listed by the Federal government as threatened or endangered species or by the State of Oregon as a threatened, endangered or sensitive species;
- The habitat has documented occurrences of more than incidental use by a wildlife species listed by the Federal government as a threatened or endangered species or by the State of Oregon as a threatened, endangered, or sensitive species;
- The habitat has been documented as a sensitive bird nesting, roosting, or watering resources site for osprey or great blue herons;
- The habitat has been documented to be essential to achieving policies or population objectives specified in a wildlife species management plan adopted by the Oregon Fish and Wildlife Commission pursuant to ORS Chapter 496; or
- The area is identified and mapped by ODFW as habitat for a wildlife species of concern (e.g. big game winter range and migration corridors, golden eagle and prairie falcon nest sites, or pigeon springs).

To staff's knowledge, the NNPA does not contain any of these protected wildlife features; therefore, the proposed amendments do not affect these resources, complying with the Goal 5 requirement. However, the proposed amendments do reduce the width of an east-west open space corridor between neighborhoods 1 and 2, from the 500 feet to approximately 100 feet (existing 60-foot right of way plus 40 feet each side). The origin of the 500-foot width is unknown to staff, however, the Comprehensive Plan offers a glimpse into its origin through one of its Chapter 5 general policies:

***The City shall delineate open space and trail areas to serve as wildlife migration corridors. This will allow migrating deer and elk to cross US Highway 97. The Plan map shows where the primary corridor is to be located via a 500-foot green-color strip running east-west through the Newberry Neighborhood. This location was jointly agreed upon with Deschutes County - the property owner in this case.***

The City's zoning map does include a significantly wider swath of green space between neighborhoods 3 and 4, north of the subject property (see below). As this policy refers to only one "wildlife migration corridor" and notes that the property is owned by Deschutes County, it seems reasonable to staff that this northern east-west corridor is the only one intended by the Comp Plan to be a wildlife corridor. Given these facts, staff suspects that the park/open space designations/zones on the subject properties are not the identified wildlife corridors, as such, the property would not be identified as serving a wildlife migration purpose.





In summary, related to Goal 5, the proposed map amendments do propose an open space corridor between neighborhoods 1 and 2. However, this area does not include any inventoried resources nor does it appear to be identified as the east-west wildlife corridor. The subsequently submitted text amendments (01TA-19) result in the City still requiring an open space buffer between the two neighborhoods, albeit at a narrower width (40 feet each side of the right of way for a total 100 foot width). Staff finds that the proposed map amendments do not affect the City’s ability to implement the goals and policies of the Comprehensive Plan Chapter 5.

In regard to Goals 6 and 7 (air, water, and land resources quality + areas subject to natural disasters and hazards), the proposed map amendments do not include development, nor do they allow a significant increase in density of development; as such, staff finds they do not negatively impact air, water, and land resources quality. The Comprehensive Plan notes that the “two most prominent natural hazard threats in La Pine are wildfire and flooding...” The NNPA Overlay Zone is not within the FEMA 100-year floodplain and the proposed map amendments have no effect on this fact. Wildfire is a threat throughout the City, however, the proposed map amendments do not have an obvious impact on properties within NNPA Overlay Zone to mitigate impacts of fires and/or to prepare or respond to fires. While the proposed map amendments, combined with the text amendments of 01TA-19 do reduce the buffer width between neighborhoods 1 and 2, a minimum of 100 feet wide buffer still remains. It could be argued that a 100 foot buffer will be more likely to be maintained for fire management than a 500-foot buffer (current code). In addition, the proposed map amendments provide flexibility in the siting of parks throughout the neighborhoods, without reducing the total acreage of parks. Having multiple parks throughout the neighborhood, rather than one single park in the center, could increase the firebreaks between residences. For all these reasons, staff finds the proposed amendments to support Goals 6 and 7, which are addressed in Chapter 5 of the City’s Comprehensive Plan.

**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 proposed map amendments remove park/ open space designations/zones on the subject properties. However, the subsequently submitted text amendments require parks/open spaces to be sited and sized through the quadrant planning process (rather than through prescriptive zoning). The code-required park siting and sizing will result in parks at least equal in size to the centrally-located park/open space zone currently on the maps. By requiring the parks through the Development Code, rather than the Zoning Map, the City will encourage

more flexibility and creativity in design, which should result in more usable and more desirable parks when integrated appropriately into the neighborhood and connected by multi-use paths. Open space buffers are, however, proposed to be reduced in size along Highway 97, Caldwell Drive and Huntington Road, as they are currently excessive in width and not identified as a resource that would require such widths. Adequate open space buffers would still be provided along Caldwell Drive (additional 20 feet outside of right of way) and the existing Highway 97 right of way already includes approximately 180 feet of open space beyond the edge of pavement. A multi-use trail designed to City standards will still be required in (or adjacent to) all areas currently designated as open space: along Huntington Road, Caldwell Drive and within the ODOT right of way.

The La Pine Park and Recreation District Comprehensive Plan notes the following about the Neighborhood 1 park (emphasis added):

*As to new Neighborhood 1, this location is very close to downtown and short walking distance to Bi-Mart and the High School. It is also but about 3 blocks from the unnamed 5 acre parcel that the District hopes can be developed into soccer and Lacrosse fields in partnership with the School District. The neighborhood is also walking distance to Heritage Park and the Community Center. Because of the closeness of these other neighborhood and District resources, at the present time there appears no discernable need to develop a complicated Neighborhood Park in this Neighborhood.*

The proposed map amendments that provide increased flexibility to site parks throughout the neighborhood, rather than as one large park in the center, support the District's Comprehensive Plan statement above.

In summary, the proposed amendments do not negatively impact the City's ability to implement this chapter; in fact, the proposed amendments provide increased flexibility in the siting of neighborhood parks, with an emphasis on multi-modal connections to the parks. This flexibility, without loss of total park area, supports the intent of Chapter 6 to develop a park system for the City.

### **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 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 directly to the proposed amendments, which are not associated with specific development or demands for specific public facilities and services.

### **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 majority of the policies of this section have been incorporated into the Development Code and implementing regulations, which are imposed upon subdivision application for land divisions. At this time, the policies of this chapter and the implementing



ordinances do not specifically apply to the proposed map amendments, however, they will be reviewed at time of subdivision applications.

### **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.

This chapter also specifically addresses Commercial/Mixed Use opportunities; noting that

***“There are many opportunities to add commercial or mixed use zone designations to various area throughout the community in an effort to balance neighbors and improve mixed uses as well as deepen existing areas so redevelopment can easily accommodate new commercial centers”*** (La Pine Comprehensive Plan, Page 113).

Further, this Chapter notes:

***“... commercial or mixed-use designations within the City Limits will occur as a result of the following actions:***

- ***Addition of new commercial/mixed-use lands to deepen the strip commercial areas***
- ***Addition of commercial/mixed lands to serve neighborhoods and employment areas.”***

**FINDING:** The goals of this chapter relate to strategic planning and land inventories to satisfy urban development needs of the City. The proposed map amendments provide flexibility in design within the NNPA Overlay Zone, including the integration of a mixed use area along Huntington. This directly supports the Chapter’s direction for the addition of commercial/mixed use lands to serve neighborhoods. The allowance of both commercial and residential uses along with the intent of constructing an integrated community, will contribute to a complete community as desired in this chapter.

### **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.

**FINDING:** The proposed map amendments support this chapter, as they provide increased flexibility and creativity in neighborhood design in the NNPA Overlay Zone. The current development mapping includes excessive buffer requirements and overly prescriptive requirements for the siting of parks and trails, restricting the flexibility of residential neighborhood design. The proposed map amendments should provide more flexibility in neighborhood design to encourage the development of housing in the NNPA Overlay Zone. In addition, while the proposal will change the zone of 2.23 acres of land from RMP to Mixed Use Commercial (CMX), the RMP zone includes various districts that allow for development other than residential uses. Additionally, the CMX zone allows for residential uses in addition to a wide range of other uses. In addition, the proposed reduced open space buffers along

Huntington, Caldwell, and Hwy 97 will result in an increase of land available for housing.

Selected Chapter 10 Goals and Policies:

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

***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 demographic.***

The Applicant conducted market research and determined that an integrated neighborhood product will accommodate an unmet need in the City of La Pine. The current proposal will provide zoning that can facilitate a residential development that is integrated with nearby parks and a closely located commercial area, in support of Goal #1.

- ***Residential developments shall be located in close proximity to employment and shopping opportunities.***

The integration of a 2.23-acre mixed use zone within the subject property can provide employment and neighborhood-scale shopping area, within walking/biking distance of residences, both within and adjacent to the subject properties.

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

...

- ***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.***

The proposed map amendments increase flexibility in design by allowing parks to be sited throughout the neighborhood and not tied to the specific prescriptive location within the current code. This flexibility is in support of the above 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 proposed map amendments increase the flexibility of design within the NNPA Overlay Zone, but no specific development is proposed and energy conservation is not a focus of the amendments. The proposal does not impact the City's ability to achieve the goals and policies of this chapter.

### **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.

Selected goals/policies of Chapter 12:

**Goal #2: Land within the City limits is adequate to serve as the La Pine Urban Growth Boundary unless special circumstances are identified and established as reasonable, supportable, and consistent with State law.**

### **Policies**

**Land use patterns shall enhance the development of "Complete Neighborhoods."**

- **Compact Development, which promotes the efficient provision of public services and infrastructure;**
- **Mixed-Use, which places homes, jobs, stores, parks, and services within walking distance of one another;**
- **Full Utilization of Urban Services (e.g., water, sewer, storm drainage, parks, and transportation facilities), which maximizes the return on public investments in infrastructure; Transportation Efficiency, or development of an interconnected street system**
- **supporting multiple modes of transportation, which yields more direct routes (shorter distances) between local destinations, conserves energy, reduces emergency response times, and provides alternatives to the automobile for those who are unable or choose not to drive a car;**
- **Human-Scale Design, or development in which people feel safe and comfortable walking from place to place because buildings, streetscapes, parking areas, landscaping, lighting, and other components of the built environment are designed foremost with pedestrians in mind; and**

...

**FINDING:** The proposed map amendments do not impact the City's ability to provide an orderly and efficient transition from rural to urban land or to manage the balance of types of land. The proposed amendments create more flexibility for subdivision design with the NNPA Overlay Zone. In support of the policies of goal #2, the proposed map amendments encourage the development of "Complete Neighborhoods" by increasing the flexibility in the siting and sizing of neighborhood parks, so they can be creatively integrated at a proper scale with the neighborhood. The integration of a mixed use area and multi-use trails supports goals for a walkable/ bikeable neighborhood.

### **Conformance with the State Administrative Rules (OARs)**

#### **OAR 660-015, Statewide Planning Goals**

**Goal 1 - Citizen Involvement, "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."** 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 October 30, 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 the local newspaper, *Wise Buys*, in the November 5, 2019 weekly edition and in *The Bulletin* on November 2, 2019. Mailed notice was provided on October 25, 2019 to property owners within 500 feet, as well as the City's standard agency notice list. Citizens are provided the opportunity to comment on the proposed map 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.** *"To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions."* 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 through the 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. The proposal will be reviewed according to the established local land use regulations, including the City's Development Code and 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 map 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 map amendments are consistent with Forest Lands (Goal 4) and Goal policies, as they do not adversely impact the ability of the City to plan for the appropriate transition of Forest lands within 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 map amendments are consistent with Goal 5 and the Goal policies, as they do not adversely impact the ability of the City to protect the important natural resource and environmental elements within the City. The subject properties have not been identified or listed as a Goal 5 resource for the City of La Pine.

### **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 map amendments are consistent with Goal 6 and the Goal policies, as they do not adversely impact the ability of the City to protect air, water, and land resources quality. Any future development of the subject properties will be required to submit quadrant plan and subdivision plan applications, which are reviewed for compliance with water, sewer, stormwater, and transportation requirements.

### **Goal 7 - Natural Hazards**

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

**FINDING:** The proposed amendments do not impact the City's ability to plan for natural hazards and mitigate risks. The subject property is not within the 100-year floodplain and Staff is not aware of any known geologic faults on the property. There is no particular designation that makes the subject property more hazardous than any other properties in the area. The proposed map amendments will result in increased flexibility in park siting (rather than prescriptive requirements for it to be one centrally located park). This flexibility could result in increased parks throughout the neighborhood, arguably increasing the number of firebreaks in the area. Staff finds the proposal is consistent with this goal.

### **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. Additionally, the subject property has not been listed in any inventory of recreational needs, is not needed to provide recreational needs of the citizens of the state, and is not identified as a Goal 8 resources, therefore, Goal 8 is not directly applicable to this proposal.

### **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 consistent with Economic Development (Goal 9) and Goal policies by providing flexibility in design of a residential neighborhood with a mixed-use component. This flexibility in design will foster creativity that should result in an integrated neighborhood with new residential and economic lands within the City that have sat undeveloped.

### **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 support and improve City's ability to provide for the housing needs of its citizens through increased flexibility in neighborhood design. The proposed amendments will not reduce residential inventories, but rather, will allow a creativity in neighborhood design to accommodate a variety of housing needs, with integrated parks and mixed use areas.

### **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. OAR 660-11 implements Goal 11, and notes, "Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons..."

**FINDING:** The proposed amendments do not adversely impact the City's ability to plan and develop a timely, orderly and efficient arrangement of public facilities. Additionally, the most recent July 1, 2018 Portland State University population forecast for La Pine documents a population of 1,840. The population is less than 2,500; therefore this goal does not apply to the City of La Pine at this time.

### **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." Goal 12 is implemented through the Transportation Planning Rule (TPR), OAR 660-012-0060, in addition to local land use regulations.

**FINDING:** The proposed amendments do not adversely impact the City's ability to provide a safe convenient and economic transportation system. The Applicant submitted a TPR analysis, prepared by Transight Consulting. As detailed above, the TPR analysis concluded that:

*The proposed rezone does not change the allowable uses within the overall property, but shifts the commercial uses from the center of Neighborhood #1 to the Huntington Road frontage. This will retain the commercial uses within walking distance of the surrounding uses (to include the new affordable housing units) and pathways will provide a relatively direct route. With uses that would conform to the "Neighborhood Commercial" definition as allowed within the existing zoning there is no change to the functional classification of nearby roads, the implementing standards, or levels of travel in comparison to what could be provided on the site with the current zoning, and a significant effect does not occur.*

*No change to the transportation system will occur with the inclusion of the undefined Parks and Open Space zoning into the Master Planned Residential zone, with the condition that parks and open space that carry out the intent of the NNPA be retained, along with the transportation corridors included within the general vicinity of the identified green space. This change will define lands within La Pine within a specific zoning designation and provide specific Development Code standards around these lands.*



Based on this report, Staff finds Goal 12 to be met.

### **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. In fact, the proposed map changes provide flexibility in neighborhood design that should foster increased creativity and efficiencies in the subdivision layout. These efficiencies with integrated parks and mixed use areas could result in a more walkable/ bikeable community. As such, compliance with Goal 13 is maintained.

### **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 requires cities to provide for an orderly and efficient transition from rural to urban land uses, and to accommodate urban population and employment inside urban growth boundaries, while ensuring efficient use of land.

**FINDING:** The proposed amendments do not adversely impact the City's ability to accommodate urban populations and employment inside the urban growth boundary, but rather, they increase the flexibility in design of the subject properties that should foster increased efficiencies in the subdivision layout and integration of residential, park and mixed uses. 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. RECOMMENDATION and CONCLUSION**

### **Conclusion**

Based on the above findings, the proposed map amendments to the La Pine Comprehensive Plan Map and the Zoning Map meet the applicable criteria within the La Pine Development Code, La Pine Comprehensive Plan goals and policies, and Oregon Administrative Rules.

### **Recommendation**

Based on findings and evidence available at the time this report was prepared, staff recommends that the Planning Commission recommend the proposed map amendments for approval to City Council.

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**END of STAFF REPORT**

**Exhibit A. Existing & Proposed Comprehensive Plan Map**

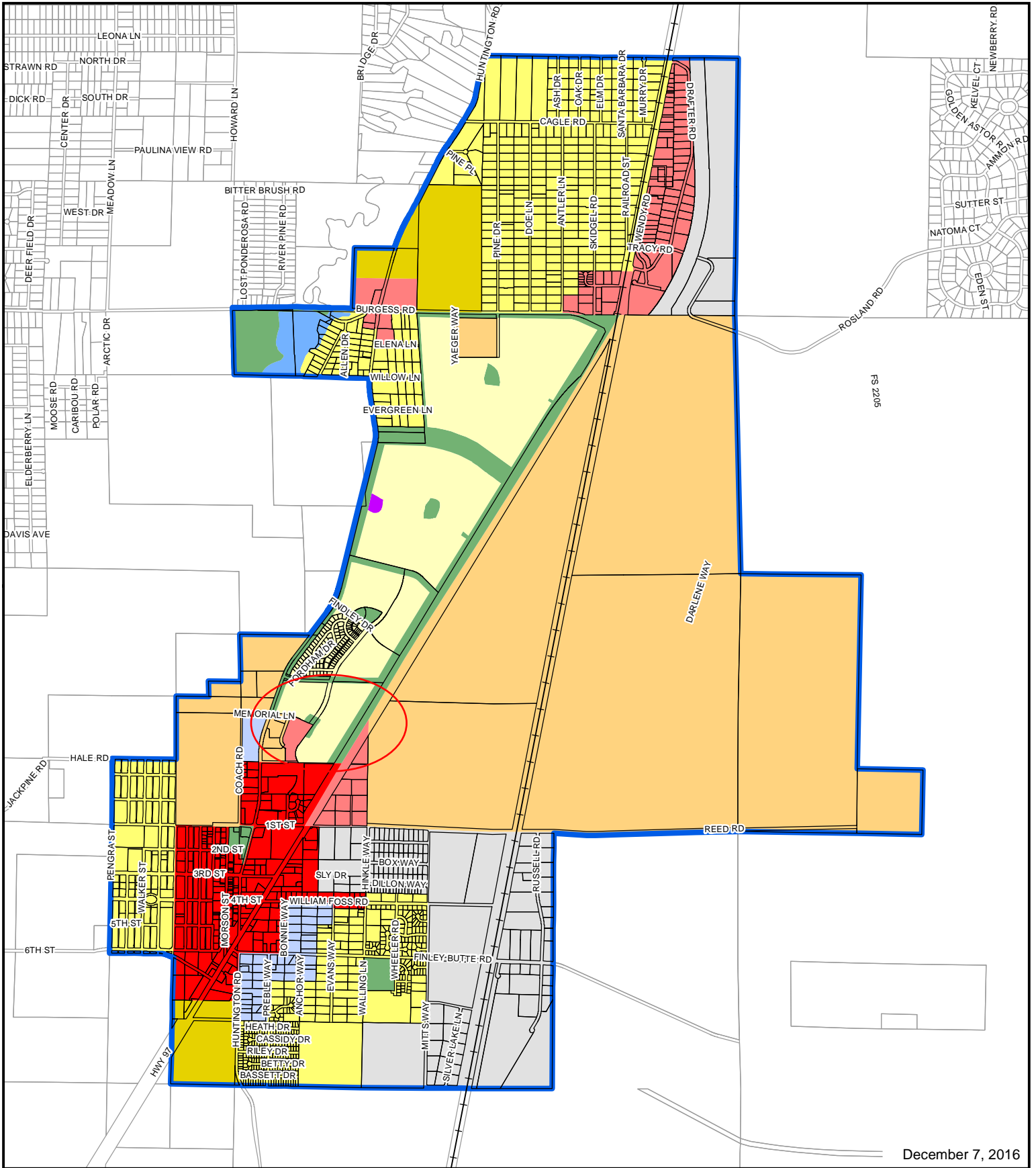















# City of La Pine - Comprehensive Plan



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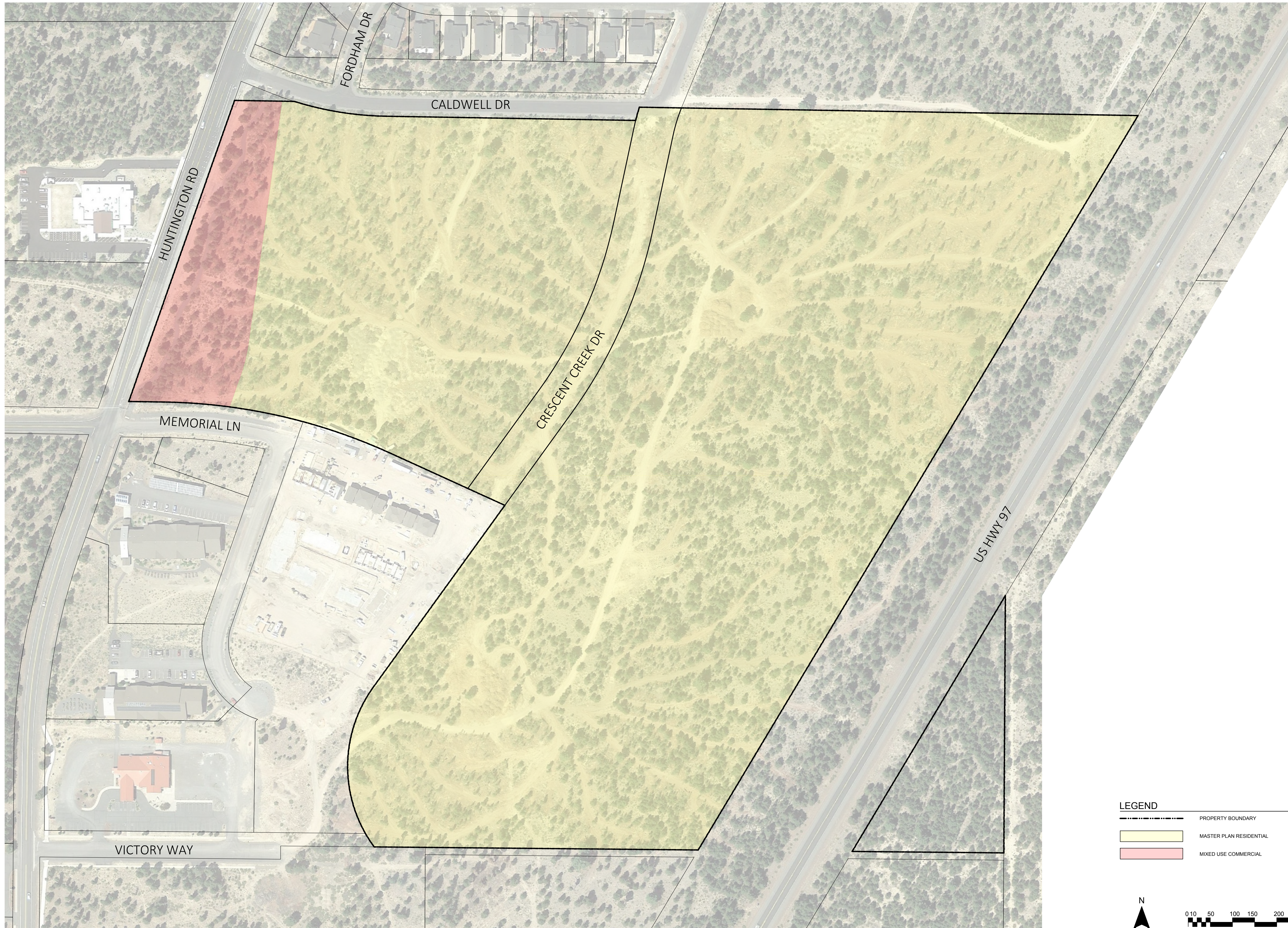


December 7, 2016


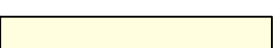

- |  |                         |   |                                    |   |                            |   |                   |
|--|-------------------------|---|------------------------------------|---|----------------------------|---|-------------------|
|  | Traditional Commercial  |  | Commercial / Residential Mixed Use |  | Master Plan Residential    |  | Open Space & Park |
|  | Mixed Use Commercial    |  | Public Facility                    |  | Residential                |  | Riparian Area     |
|  | Neighborhood Commercial |  | Industrial                         |  | Residential - Multi-Family |   |                   |



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**LEGEND**

-  PROPERTY BOUNDARY
-  MASTER PLAN RESIDENTIAL
-  MIXED USE COMMERCIAL

**SCALE**

0 1" / 300'

SCALE: 1" = 100'



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PRELIMINARY

**THE RESERVE IN THE PINES**

PROPOSED COMPREHENSIVE PLAN

LA PINE, OREGON

REVISIONS:


**HWA**

CIVIL ENGINEERING | SURVEYING | PLANNING

60200 O.E. RILEY ROAD, STE. 100, BEND, OR 97703  
WEB: WWW.HWA.PC.COM

DESIGNED BY: SCP  
 DRAWN BY: SCP  
 CHECKED BY: GMH  
 SCALE: AS NOTED  
 FILE: 181204\_Comp\_Plan.dwg  
 DATE: 07/19/2019

VERIFY SCALES  
0 1" / 300'

SHEET:

**PA1.1**

HWA # 181204



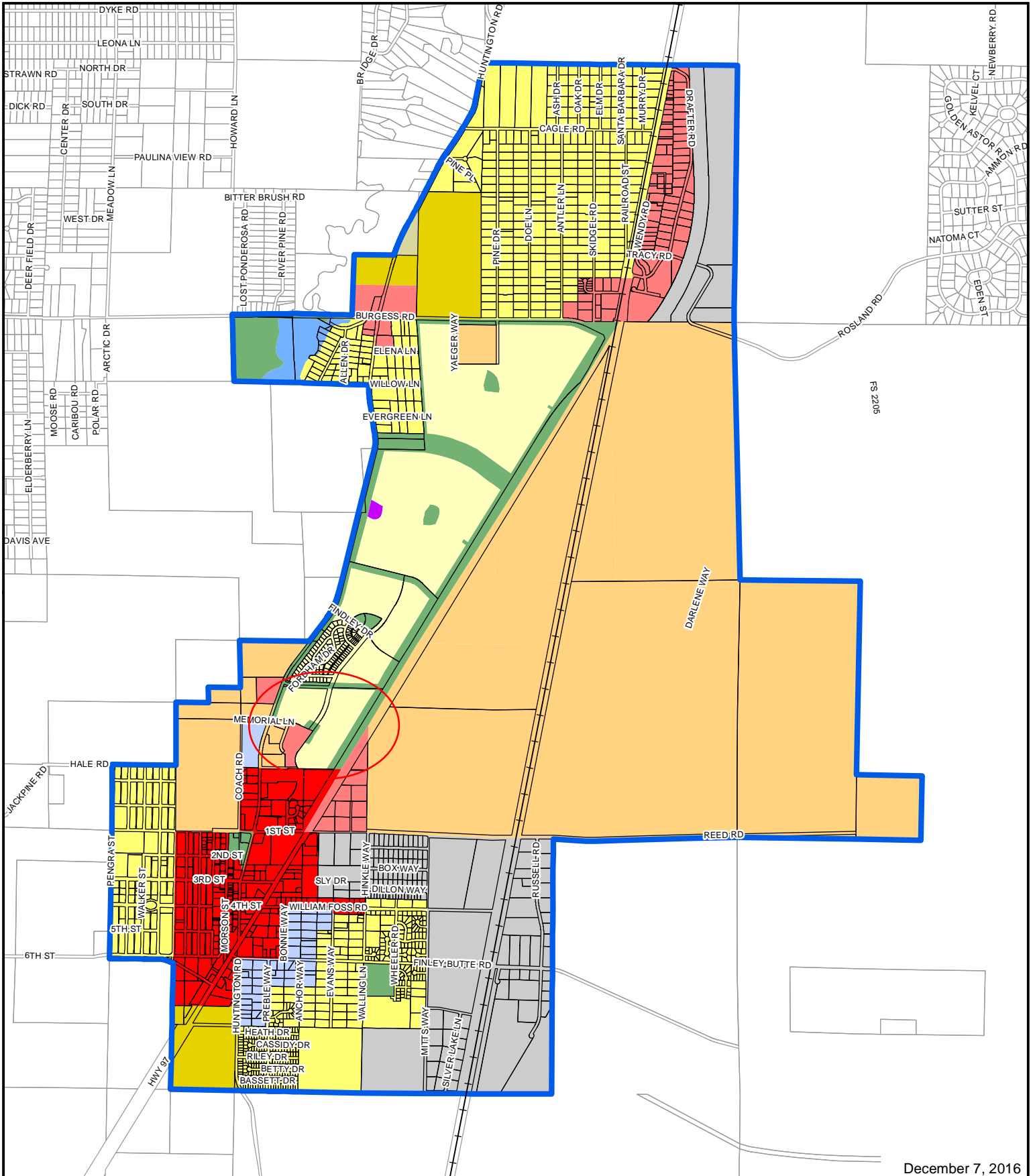
**Exhibit B. Existing & Proposed Zoning Map**



# City of La Pine - Zoning



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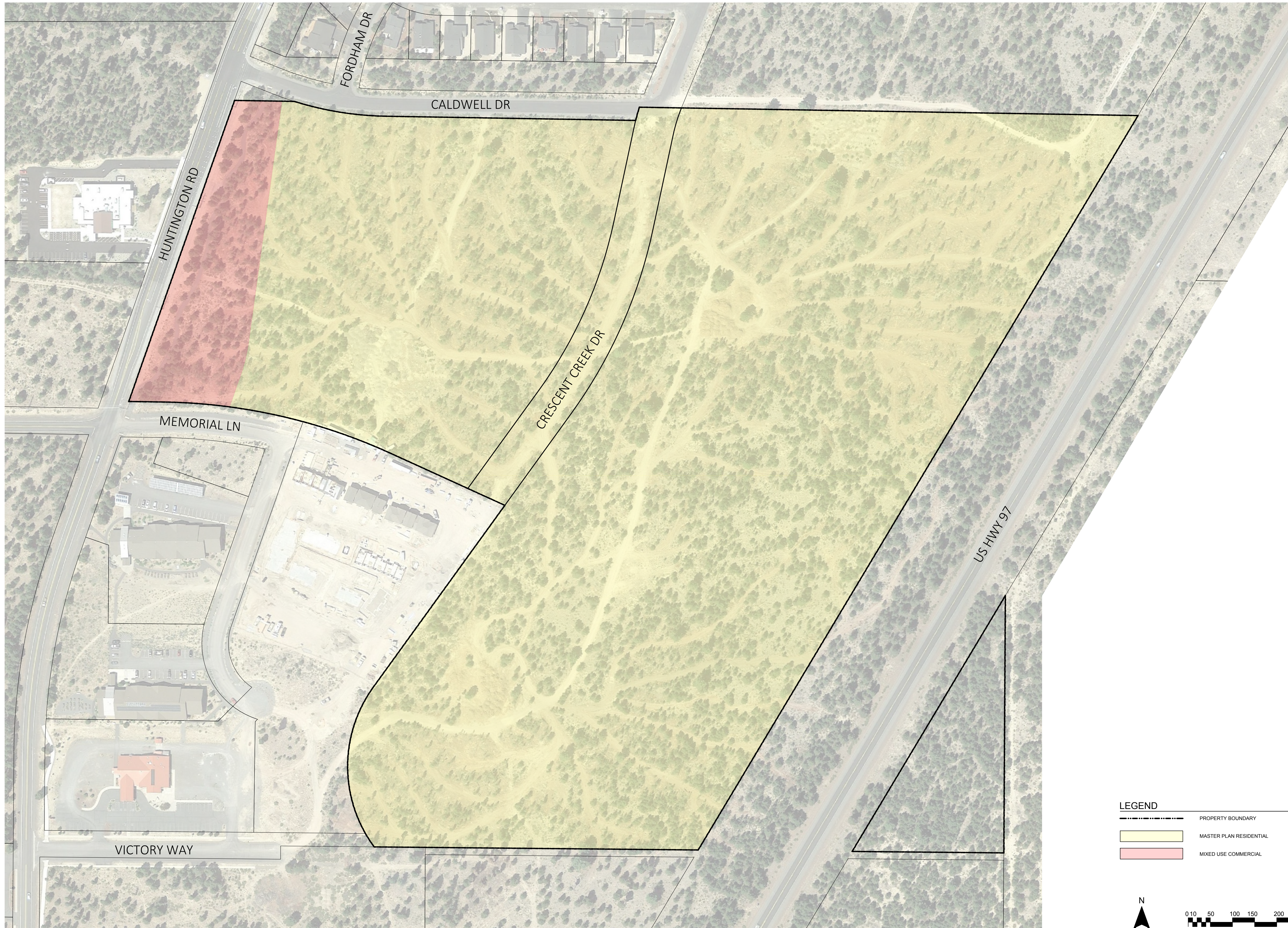


December 7, 2016


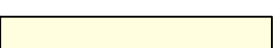

- |  |                         |  |                                    |  |                           |  |  |
|--|-------------------------|--|------------------------------------|--|---------------------------|--|--|
|  | Traditional Commercial  |  | Commercial / Residential Mixed Use |  | Master Plan Residential   |  | Riparian Area - Little Deschutes River |
|  | Mixed Use Commercial    |  | Public Facility                    |  | Residential Single-Family |  | Open Space & Park                      |
|  | Neighborhood Commercial |  | Industrial                         |  | Residential Multi-Family  |  | Exclusive Farm Use                     |



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**LEGEND**

-  PROPERTY BOUNDARY
-  MASTER PLAN RESIDENTIAL
-  MIXED USE COMMERCIAL

**SCALE**

0 1" / 300'

SCALE: 1" = 100'

**North Arrow**

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PRELIMINARY

**THE RESERVE IN THE PINES**

PROPOSED ZONING PLAN  
LA PINE, OREGON

REVISIONS:


**HWA**

CIVIL ENGINEERING | SURVEYING | PLANNING  
60200 O.E. RILEY ROAD, STE. 100, BEND, OR 97703  
WWW.HWAHWA.COM

DESIGNED BY: SCP  
 DRAWN BY: SCP  
 CHECKED BY: GMH  
 SCALE: AS NOTED  
 FILE: 181204\_Comp\_Plan.dwg  
 DATE: 07/19/2019

VERIFY SCALES  
0 1" / 300'

SHEET:

**PA1.2**

HWA # 181204





Date:	July 22, 2019
To:	Randy Akacich and Vicki Russell
From:	Joe Bessman, PE
Project Reference No.:	1289
Project Name:	The Reserve in the Pines Rezone and Text Amendment Analysis



This memorandum provides the rezone analysis in compliance with the requirements of the Transportation Planning Rule for the proposed Reserve in the Pines mixed-use subdivision located within the Newberry Neighborhood Planning Area in La Pine. The proposed rezone will designate approximately 2.2 acres of land designated *Master Plan Residential* (MPR) to *Commercial Mixed-Use* (CMX) and would capture lands designated for *Parks and Open Space* (an undefined zoning description in La Pine) within the *Master Plan Residential* district. These changes would allow a multi-story mixed-use building along Huntington Road and allows the intended parks and open space to be located where most appropriate. This rezone analysis maintains the same intent as the original master plan but brings the site into compliance with revised Code requirements that have been put into place since the incorporation of the City of La Pine.

## PROJECT BACKGROUND

The 52.71-acre site is located immediately south of the Pahlisch Homes Crescent Creek neighborhood, north of the Village Meadows housing, and directly across the street from the new St. Charles clinic. A site vicinity map is included in Figure 1. A separate traffic study will be provided for site entitlements of the overall area following submittal of this zone change application. Current plans for the property show a multi-phase development that includes a mix of residential and commercial uses, with the mixed-use commercial buildings fronting on Huntington Road. The site is currently zoned for *Master Plan Residential* and is within the Newberry Neighborhood Planning Area Overlay Zone. Figure 2 illustrates the Comprehensive Plan designation and City zoning designation, Figure 3 shows the Newberry Neighborhood Master Plan designations, and a map illustrating the proposed zoning boundaries is provided in Figure 4.

As addressed within the burden of proof “the subject property is primarily designated Master Plan Residential on the Comprehensive Plan Map and Zoning Map. The property also includes areas that are labeled as “Open Space and Park” on the Comprehensive Plan Map and Zoning Map. However, this zone is not defined or included within the City of La Pine’s Development Code, and there are no references that identify allowed uses or developments standards for this zoning district. The overall area designated for Park and Open Space is approximately 8.48 acres.

Further, the primary zone of the subject property is Residential Master Plan (RMP). As detailed within the narrative, the RMP zone works with the Newberry Neighborhood Planning Area (NNPA) Overlay Zone. The Master Plan was established prior to the City incorporating, and the Master Plan has not been fully adopted as part of the Development Code. Prescriptive zoning boundaries are not established in the Development Code, instead densities are intended to be dependent on complementary design elements and arrangements of facilities.

Figure 5 shows the preliminary site plan for the overall property and shows how the rezone meets the overall intent for open space, parks, and residential densities.



Figure 1. Site Vicinity Map (no development is proposed on the parcel east of US 97)



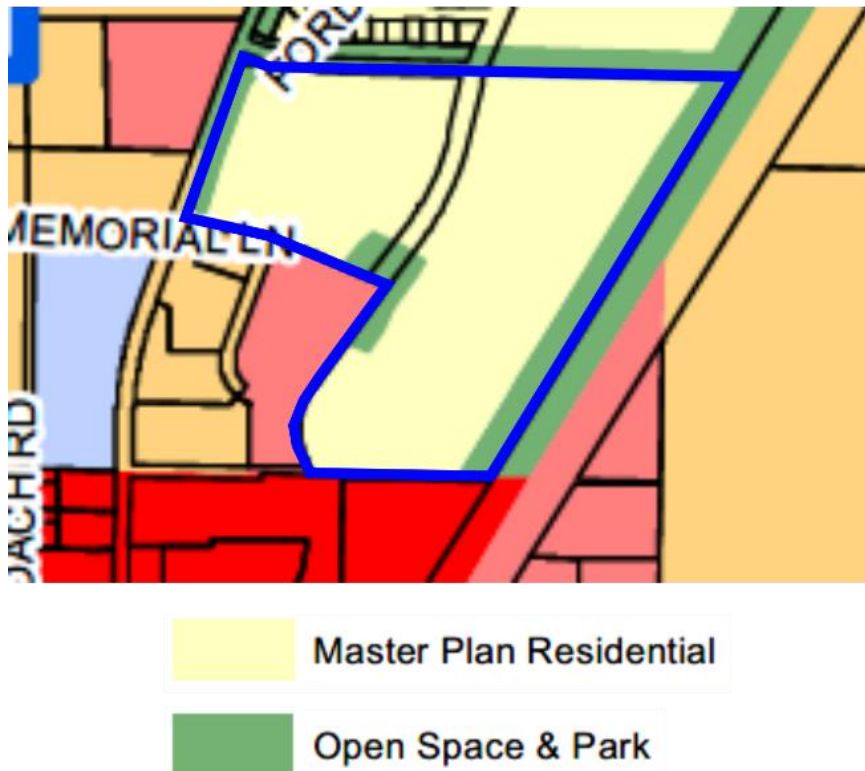
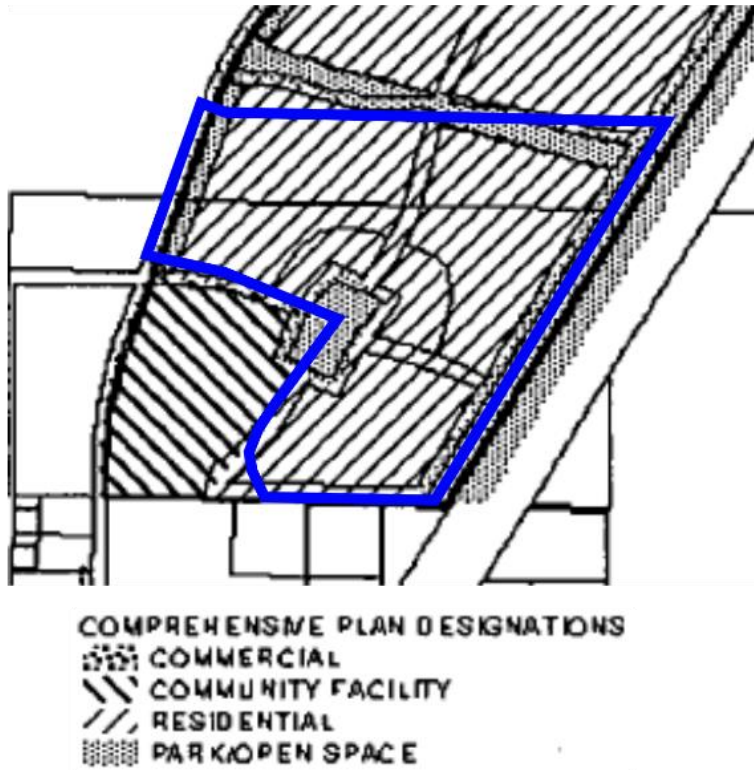


Figure 2. City of La Pine Comprehensive Plan and Zoning Designations



Figure 3. Newberry Neighborhood Zoning District overlaid on DIAL tax lots.

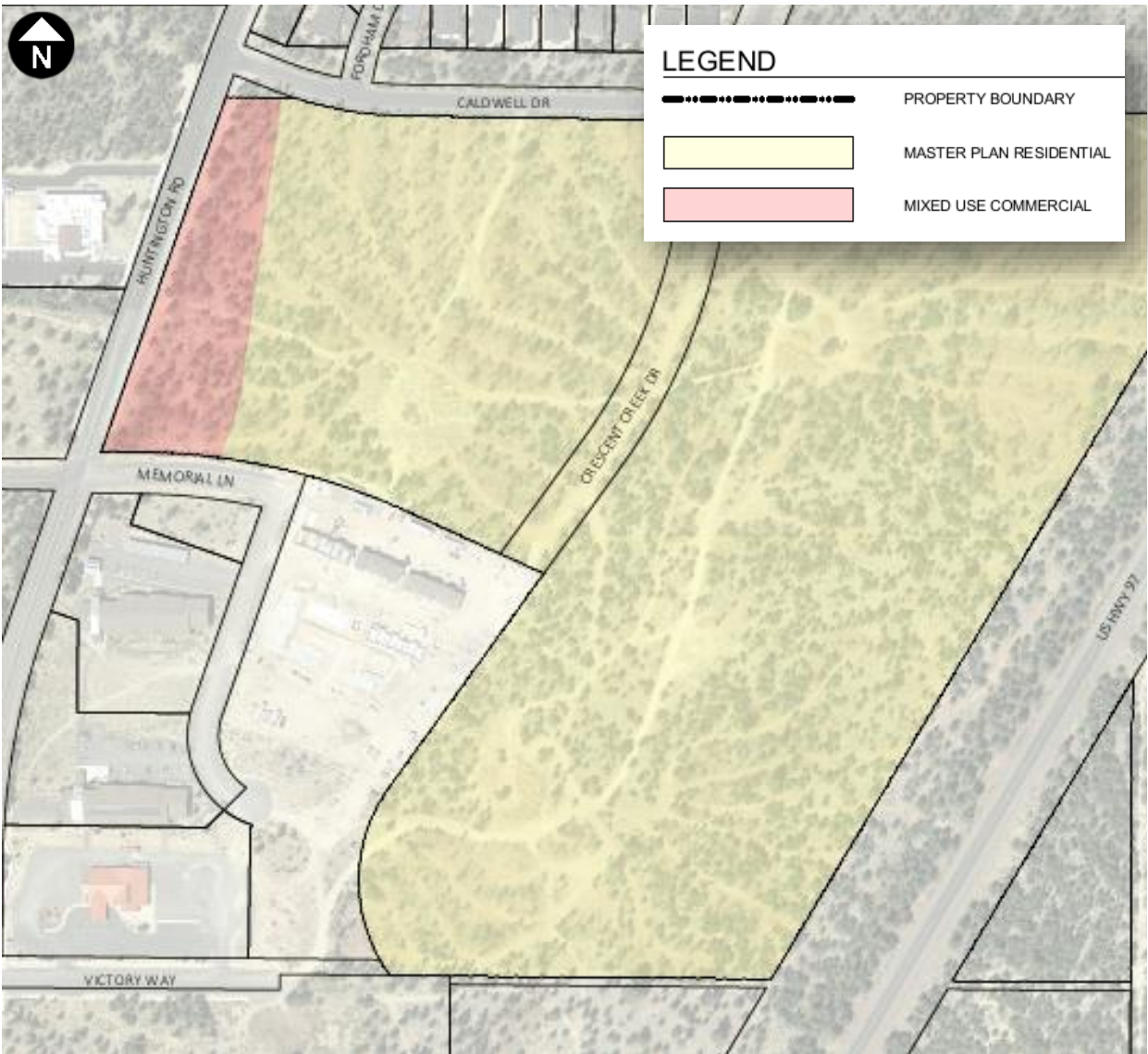


Figure 4. Proposed Zoning Boundaries.



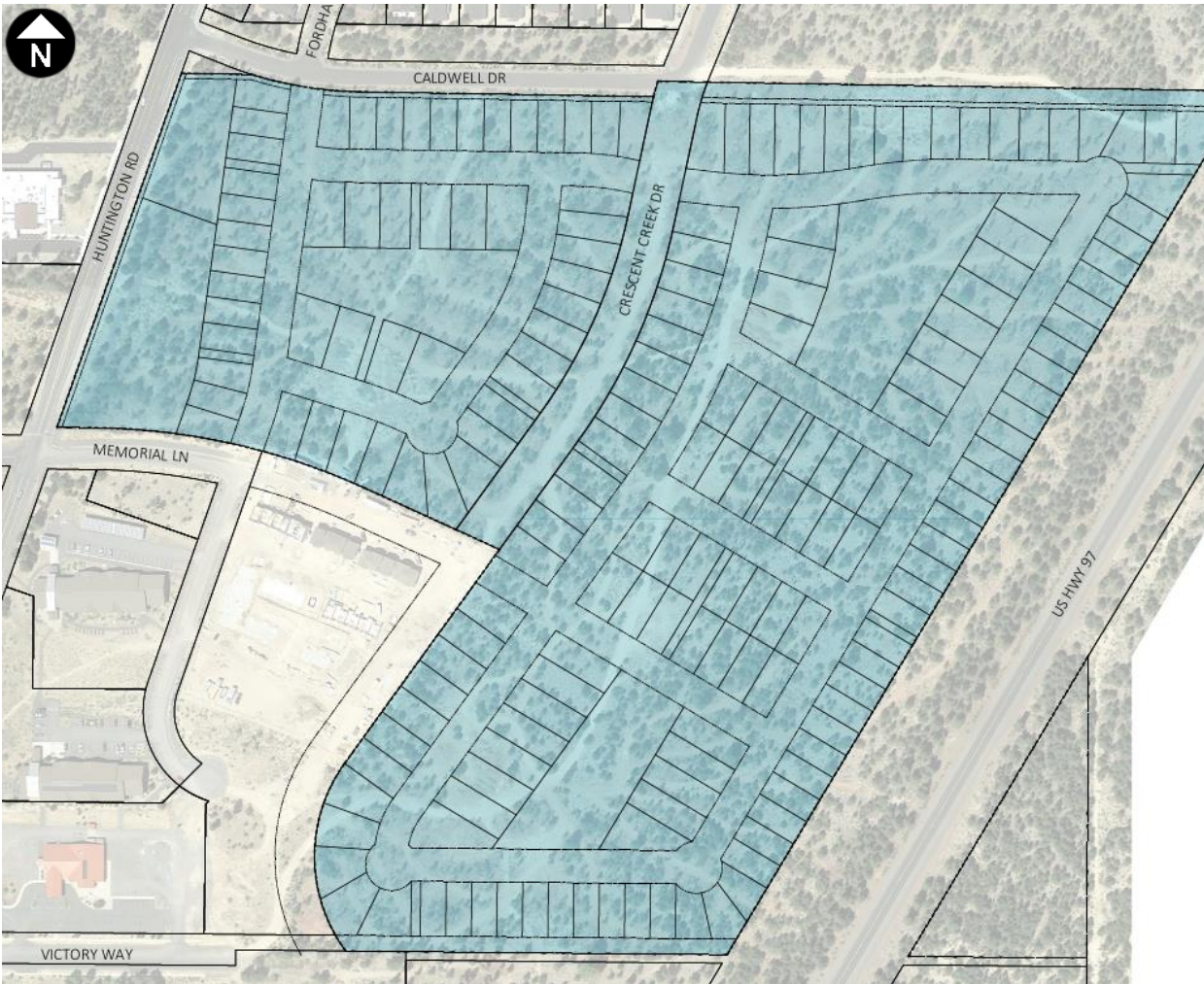


Figure 5. Preliminary Site Plan. (Source: Hickman Williams & Associates, July 19, 2019)

## TRANSPORTATION PLANNING RULE ANALYSIS

This section details proposed changes to the zoning including re-designation of the northwest corner as Commercial Mixed Use, inclusion of the Parks and Open Space within the Master Plan Residential area, and various text amendments related to roadway designations.

### Commercial Mixed Use

Rezoning the property from the designations within the Newberry Neighborhood Overlay Zone to the City's Commercial Mixed-Use (CMX) designation will be required to demonstrate compliance with the Transportation Planning Rule (TPR). The requirements of the TPR are contained within Oregon Administrative Rule (OAR) 660-12 (Transportation Planning). This Division, prepared by the Department of Land Conservation and Development, outlines the requirements for coordinated transportation and land use planning. Within this division are the requirements for the preparation of transportation system plans, coordination with State and regional plans and policies, and measures to prevent urbanization or

sprawl onto rural lands. Section -0060 (Plan and Land Use Regulation Amendments) provides the specific transportation requirements for a zone change and plan amendment. This section outlines the requirements to change the zoning of a property while ensuring that the amendment remains consistent with the goals and requirements of the Transportation System Plan.

The proposed rezone will allow some level of neighborhood commercial uses within mixed-use buildings along the Huntington Road frontage. These uses are intended to support the proposed and surrounding neighborhoods. The majority of the mixed-use building area is provided for additional upper-level housing types (or potentially office space) that will provide a range of housing products and costs. The scale of the proposed retail is consistent with the identified neighborhood commercial nodes as envisioned within the Newberry Neighborhood plan. This ultimately helps to contain trips locally, reducing travel to the Wickiup Junction area or farther south into the City core for these types of services.

Specific text from the La Pine Development Code Chapter 15.20 provides the following description for this area:

*The RMP zone covers a large land area within the center of the [City of] La Pine. Deschutes County has approved a master plan for the area and has included areas for neighborhood commercial, public facilities, schools, open spaces, and recreation areas. The concept is to allow a development pattern that incorporates a balanced mix of single-family residential development with a variety of multi-family residential options. An overall density range of three to 21 units per gross acre is desired for the zone. The overall densities are intended to blend single-family and multi-family development patterns. The densities within specific areas of the zone are intended to be more dependent on complementary design elements and arrangements of facilities (i.e. proximity to commercial services, proximity to schools, design of pedestrian amenities, etc.) rather than prescriptive zoning boundaries.*

Text within this section describes that the zoning boundaries were not intended to be prescriptive, were intended to support a range of housing types and densities and provide residential uses in proximity to commercial services. The proposed rezone is of a scale and character that fully complies with the zoning intent.

In addition to the intent of the Residential Master Plan zone, the Quadrant Plan contains additional goals for commercial uses within the Newberry neighborhoods as described within the Newberry Neighborhood Overlay Zone (15.32). The recently approved Housing Works multifamily project south of the property and the La Pine Senior Center are located within the Community Facility area of Neighborhood #1. The site of the mixed-use buildings on the property is within the *Residential General District* bordering Huntington Road (Quadrant #1a). Portions of the site are within the area designated *Residential Center*. The difference between these two zoning designations is the purpose; the *Residential General* district is intended for single family homes, whereas the *Residential Center* District allows more compact housing and small mixed-use residential/commercial businesses near the geographical center of each neighborhood. Figure 2 illustrates the zoning on the tax lot map for reference along with the approximate property boundaries. However, this is not a prescriptive boundary, and as described above these designations can be relocated within the master planning process.

This map shows that while the property is generally designated for La Pine Master Planned Residential the Newberry Neighborhood Overlay Zone identifies mixed-use commercial centers within the property. Effectively, the land use application is relocating these areas within the site to place the higher density

and taller mixed-use buildings along Huntington Road, allowing the lower-density single-family uses to be consolidated farther east on the property. The transfer of these allowable commercial uses within the property does not trigger the Transportation Planning Rule as the overall system impacts remain unchanged. In the case of a small neighborhood retail center it is anticipated that the provision of this small commercial use will help to retain trips on-site and will allow those trips to occur via walking or cycling. The relocation of commercial uses from the geographic center of the neighborhoods to the Huntington Road frontage is a shift of approximately 1,000 feet, which maintains the commercial within walking distance of the overall area.

An assessment was conducted to compare the allowable commercial uses within the *Residential Center* with those allowed in the proposed *Commercial Mixed-Use (CMX)* zoning. Currently, within the *Residential Center* district the La Pine Development Code allows a “Neighborhood Commercial Building” as defined in DCC 18.04 until the City develops its own standards.” No definition of this use was identified within City or County Code.

The most similar description of a “Neighborhood Commercial Building” is identified within the *Neighborhood Commercial District* section of the overlay code. This describes outright allowable commercial uses as follows:

*F. Neighborhood Commercial District.*

*Purpose: The purpose of this district is to provide a location for small scale convenience commercial uses designed to serve the Neighborhood Planning Area.*

*1. Uses Permitted Outright.*

*a. Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the Plan as determined by the City through an administrative process.*

*b. Open space.*

*c. Road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by the City’s Transportation System Plan and Public Works Improvement Standards.*

*2. Uses Permitted Subject to Site Plan Review.*

*The following uses and their accessory uses are permitted in a building or buildings each not exceeding 4,000 square feet of floor space, subject to Site Plan Review approval and the applicable provisions of this Code:*

*a. Convenience market.*

*b. Video store.*

*c. Retail store.*

*3. Conditional Uses Permitted.*

*The following uses and their accessory uses are permitted in a building or buildings each not exceeding 4,000 square feet of floor space, subject to Conditional Use and Site Plan Review approval and the applicable provisions of this Code. Such as but not limited to:*

*a. Restaurant.*

*b. Laundromat.*

*c. Dry cleaning.*

d. Art studio in conjunction with retail use.

e. Professional office.

A summary of these uses and comparison to uses allowed in the proposed Commercial Mixed-Use zone is provided in Table 1.

**Table 1. Comparative Summary of Allowable Uses in Zoning Districts**

Land Use	Allowed in Existing Zoning?	Allowed in Proposed Zoning?	Trip Rate
Convenience Market	Yes	Yes	49.11 Trips/KSF <i>ITE 851: Convenience Market</i>
Video Store	Yes	Yes	18.26 Trips/KSF <i>ITE 896: DVD/Video Rental Store</i>
Retail Store	Yes	Yes	3.81 Trips/KSF <i>ITE 820: Shopping Center</i>
Restaurant	Yes	Yes	9.77 Trips/KSF <i>ITE 932: High-Turnover (Sit-Down) Restaurant</i>
Laundromat	Yes	Yes	No Data Available
Dry Cleaning	Yes	Yes	
Art Studio	Yes	Yes	
Professional Office	Yes	Yes	1.15 Trips/KSF <i>ITE 710: General Office Building</i>
Multi-Family Residential	Yes	Yes	0.56 Trips/Unit <i>ITE 220: Multifamily Housing (Low-Rise)</i>
Mini-Storage	No	Yes	0.17 Trips/KSF <i>ITE 151: Mini-Warehouse</i>

Table 1 shows that the most intense commercial uses are allowed in both zones outright. Other dimensional factors appear to vary only slightly; text within the Neighborhood Commercial district limits commercial uses within the district to 4,000 square-feet per building but does not limit how many buildings could be constructed. The Commercial Mixed-Use zone does not have this same tenant size limitation, with building sizes restricted only by the maximum lot coverage, parking requirements, and landscaping. The CMX zoning permits building heights of 45-feet, which is slightly higher than the 40-foot allowable height within the Residential Center overlay, but both would allow a three-story building.

Effectively, review of the provisions within the Newberry Neighborhood overlay shows that the same types and sizes of uses would be allowed in the Master Planned Residential or Commercial Mixed-Use zoning. Further, the scale of the proposed commercial area is generally consistent with the Newberry Neighborhood Zoning District. As such, this proposal to rezone the property to CMX will not result in a significant effect on the transportation system.

### Parks and Open Space

As described above, there is a Parks and Open Space designation on approximately 8.48 acres of land throughout the site. This land includes a central park area within the quadrant and perimeter trails that



surround the neighborhood. However, this zoning designation is not defined within the La Pine Development Code. As part of this application it is recommended that the designation be re-designated as Master Plan Residential, with a land area for parks and open space that is sufficient to carry out the park and open space needs of the NNPA. This allows the master plan to reallocate the zoning districts where most appropriate while ensuring that all lands are adequately captured within an existing zoning district. Requiring the same overall density in the NNPA with a substantial amount of area for use as parks and open space, along with similar pathway connections around the perimeter has no change in impact on the transportation system and fully implements the plan as intended.

### Proposed Text Amendments

The Newberry Neighborhood was planned prior to the City of La Pine's incorporation, while the property was located within Deschutes County jurisdiction; development of the abutting Pahlisch Homes' Crescent Creek neighborhood occurred within this framework. With incorporation of the City of La Pine, elements of the master plan were adopted into City Code through the overlay zone, but the City of La Pine's Transportation System Plan (TSP) did not distinguish between the City's *Collector* standards within the downtown core area and those already described within the Newberry Neighborhood Plan. At the time, the focus of the TSP was on the urban core area and incorporating a street system that could further leverage the planned improvements on the US 97 corridor that had been identified within the US 97/La Pine Corridor Plan. ODOT was developing its own concept for the Wickiup Junction that was only to be referenced within the TSP, and the area between La Pine and the Wickiup Area was envisioned as a long-range plan for complete neighborhoods that was unlikely to develop within the planning horizon. The Newberry Neighborhood Plan was not even identified within the literature review materials of the TSP as an applicable City of La Pine document or policy.

The roads within the Newberry Neighborhood are intended to serve a function similar to a *Minor Collector* in terms of their traffic carrying needs, as appropriately identified within the text of the Transportation System Plan:

**Transportation System Plan Table 4-5 Multimodal Improvement Projects**

Improvement	Miles	Description	Cost (millions)
Crescent Creek Subdivision urban upgrade	0.58	Upgrade Findley Drive, Crescent Creek Drive, and Caldwell Drive to <b>Minor Collector</b> standard	\$3.00

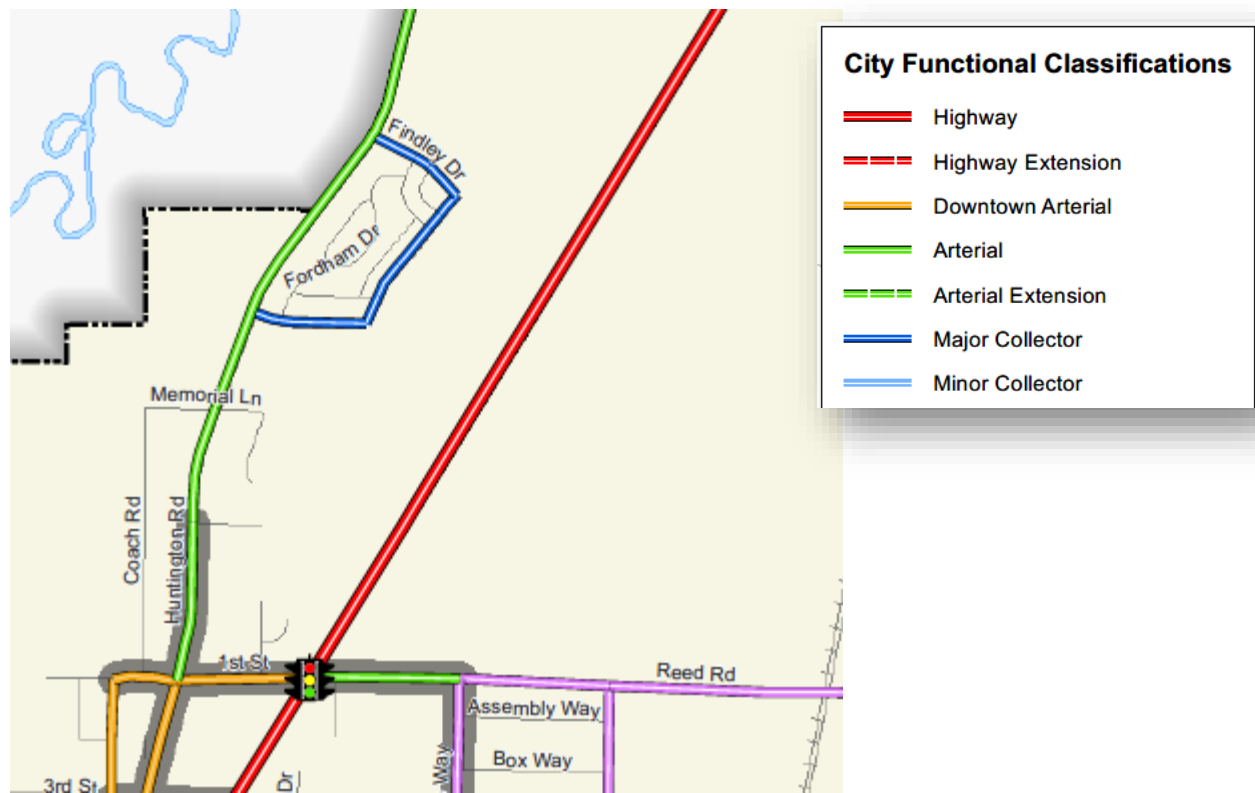


Figure 6. City of La Pine Functional Classification Map. Source: La Pine Transportation System Plan.

The mapping of these roads as *Major Collectors* appears to be a map error, and the dark blue should have instead been a light blue coloring. In addition, while there is no text within the TSP related to the Newberry Neighborhood plan, a special cross-section should have been identified as this was a required element of the Newberry Neighborhood’s approval criteria.

The following is a proposed text amendment to distinguish between these roadway classifications:

*The "Perimeter", "Neighborhood", and "Central" Collectors references in this section are not intended to be specific "Collector" street standards as defined in the City of La Pine Transportation System Plan. Instead "Perimeter", "Neighborhood", and "Central" Collector references in this section are "Newberry Neighborhood Planning Area Collector Street" references, which may be a hybrid of the City of La Pine TSP Local, Minor Collector, and Major Collector Streets standards. "Perimeter", "Neighborhood", and "Central" Collector Street locations and designs are established through a Quadrant Planning Process.*

This text amendment is intended to address a map error within the Functional Classification map of the TSP, to acknowledge that special roadway standards can be applied (although should meet the City’s carrying capacity of its *Minor Collector* designation as is currently designed), and to recognize the planning that had previously occurred throughout this area and had already been implemented within the Crescent Creek subdivision.

These changes should be incorporated within the TSP as part of the City’s periodic updates regardless of this project.

## TRANSPORTATION PLANNING RULE COMPLIANCE

OAR Section 660-012-0060 of the Transportation Planning Rule (TPR) sets forth the relative criteria for evaluating plan and land use regulation amendments. Table 2 summarizes the criteria in Section 660-012-0060 and the applicability to the proposed rezone application.

**Table 2. Summary of Criteria in OAR 660-012-0060**

Section	Criteria	Applicable?
1	Describes how to determine if a proposed land use action results in a significant impact.	Yes, see response below
2	Describes measures for complying with Criterion #1 where a significant impact is determined.	No
3	Describes measures for complying with Criteria #1 and #2 without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility.	No
4	Determinations under Criteria #1, #2, and #3 are coordinated with other local agencies.	Yes (Application will require coordination with ODOT and Deschutes County)
5	Indicates that the presence of a transportation facility shall not be the basis for an exception to allow development on rural lands.	No
6	Indicates that local agencies should credit developments that provide a reduction in trips.	No
7	Outlines requirements for a local street plan, access management plan, or future street plan.	No
8	Defines a mixed-use, pedestrian-friendly neighborhood.	No
9	Outlines requirements under which a local government may find that an amendment to a zoning map does not significantly affect an existing and planned transportation facility.	No
10	Outlines requirements under which a local government may amend a plan without applying performance standards related to motor vehicle traffic congestion, delay or travel time.	No
11	Outlines requirements under which a local government may approve an amendment with partial mitigation.	No

As noted in Table 7, there are eleven criteria that apply to Plan and Land Use Regulation Amendments. Of these, Criteria #1 and #4 are applicable to the proposed land use action. These criteria are provided below in italics with responses shown in standard font.

*OAR 660-012-0060 (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule, to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume-to-capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

*(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*

*(b) Change standards implementing a functional classification system; or*

*(c) As measured at the end of the planning period identified in the adopted transportation system plan:*

*(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

*(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standard identified in the TSP or comprehensive plan; or*

*(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standard identified in the TSP or comprehensive plan.*

**Response:** The proposed rezone does not change the allowable uses within the overall property, but shifts the commercial uses from the center of Neighborhood #1 to the Huntington Road frontage. This will retain the commercial uses within walking distance of the surrounding uses (to include the new affordable housing units) and pathways will provide a relatively direct route. With uses that would conform to the “*Neighborhood Commercial*” definition as allowed within the existing zoning there is no change to the functional classification of nearby roads, the implementing standards, or levels of travel in comparison to what could be provided on the site with the current zoning, and a significant effect does not occur.

No change to the transportation system will occur with the inclusion of the undefined Parks and Open Space zoning into the Master Planned Residential zone, with the condition that parks and open space that carry out the intent of the NNPA be retained, along with the transportation corridors included within the general vicinity of the identified green space. This change will define lands within La Pine within a specific zoning designation and provide specific Development Code standards around these lands.

As part of this review it was noted that there is a mapping error within the TSP that should instead identify the Newberry Neighborhood roads as *Minor Collectors* rather than as *Major Collectors* as currently shown. As the Newberry Neighborhood plan was not reviewed or incorporated as part of the TSP process it is further recommended that the adopted cross-sections be included as an amendment to the Newberry Neighborhood Overlay Zoning Code and referenced within the TSP.

## FINDINGS AND RECOMMENDATIONS

As summarized herein, the Newberry Neighborhood Master Plan was adopted prior to incorporation of the City of La Pine and envisioned a complete and mixed-use neighborhood. The zoning was not prescriptive but allowed flexibility with the specific boundaries. This plan was partially adopted into the City's Development Code and the proposed project maintains this original intent.

As summarized within this report, the shifting of allowed commercial uses from the specific area shown in the Newberry Neighborhood plan is permissible within the master plan process. The rezone of the western portion of the property along Huntington Road to *Commercial Mixed-Use* maintains the same general allowable land uses and sizes and does not create a significant impact on the transportation system. These changes better support the planned development of a mixed-use building on the property in advance of the land use entitlements for the site.

Similarly, the inclusion of the Parks and Open Space land within the Master Planned Residential district helps to define the allowable use of this land and protects the parks and open space for its intended function. Incorporation of an adequate amount of park and open space to carry out the intent of the NNPA into the plan should be a required condition of this rezone, along with the siting of a multimodal transportation corridor on the west side of the US 97 corridor.

Regardless of the project, the City's Transportation System Plan should be updated to address the discrepancy between the map showing streets within the Pahlisch Crescent Creek neighborhood as *Major Collectors* rather than their described *Minor Collector* function. Alternative street cross-sections should also be incorporated from the Master Plan, and it is likely would have been adopted by reference had these area plans been known.

Overall, these changes better incorporate these lands into current City Code while maintaining the original purpose and function of the Newberry Neighborhood plans. Please let me know if you have any questions on these materials at (503) 997-4473 or via email at [joe@transightconsulting.com](mailto:joe@transightconsulting.com).

### Attachments:

- Property Maps (Hickman Williams & Associates)
- Newberry Neighborhood Maps
- TSP Excerpts



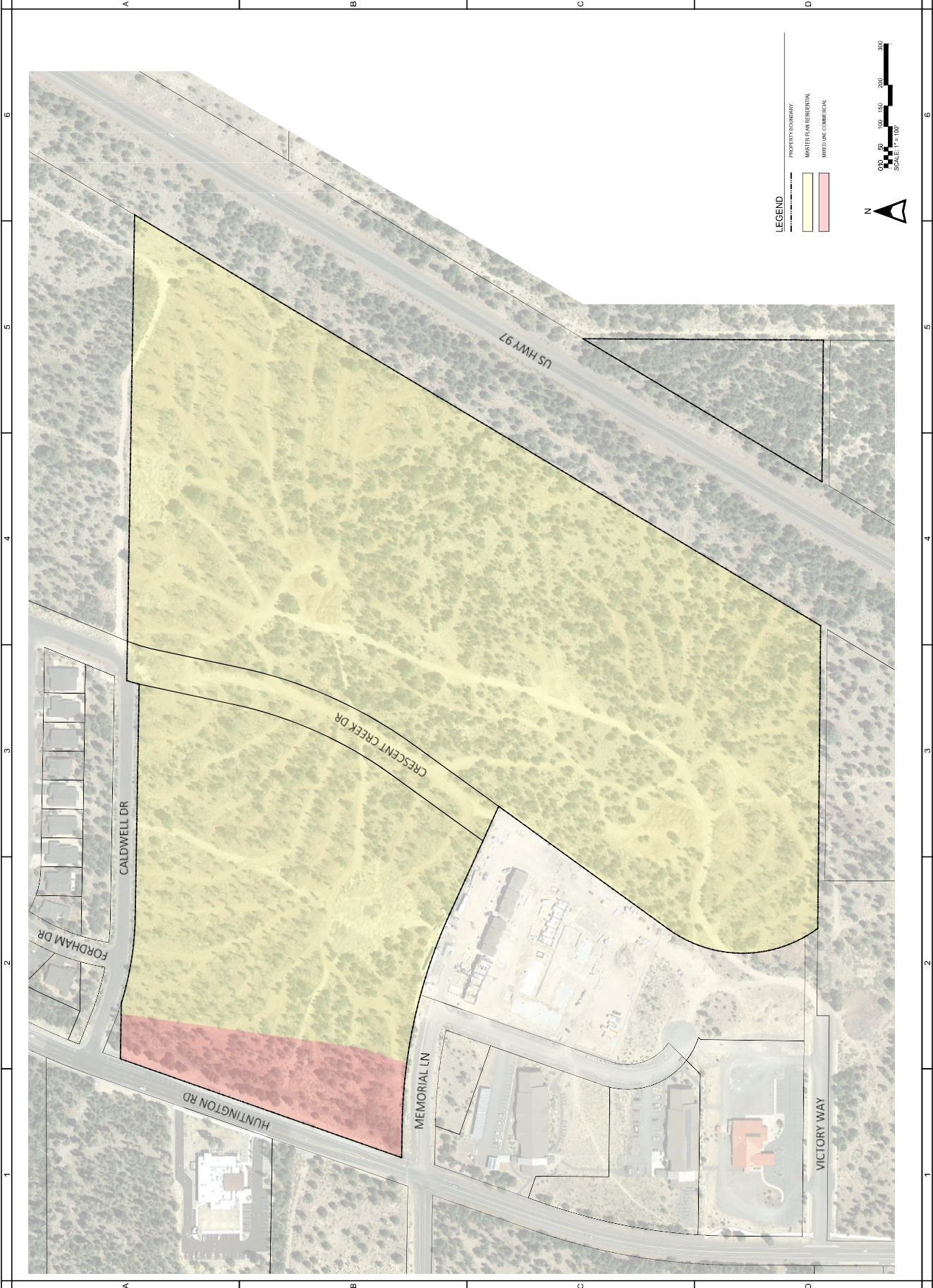
PRELIMINARY

THE RESERVE IN THE PINES  
 PROPOSED COMPREHENSIVE PLAN  
 LA PINE, OREGON



DATE: 07/19/2019  
 FILE: 191204\_Comp Plan.dwg  
 SCALE: AS NOTED  
 CHECKED BY: GMH  
 DRAWN BY: SCP  
 DESIGNED BY: SCP

0 VERIFY SCALES  
 100% DATE EQUALS SHEET NO.  
 100% DATE ORIGINAL DRAWING  
 SHEET: PA1.1  
 HWA # 181204









PRELIMINARY

# THE RESERVE IN THE PINES

## EXISTING OPEN SPACE PLAN

LA PINE, OREGON

REVISIONS

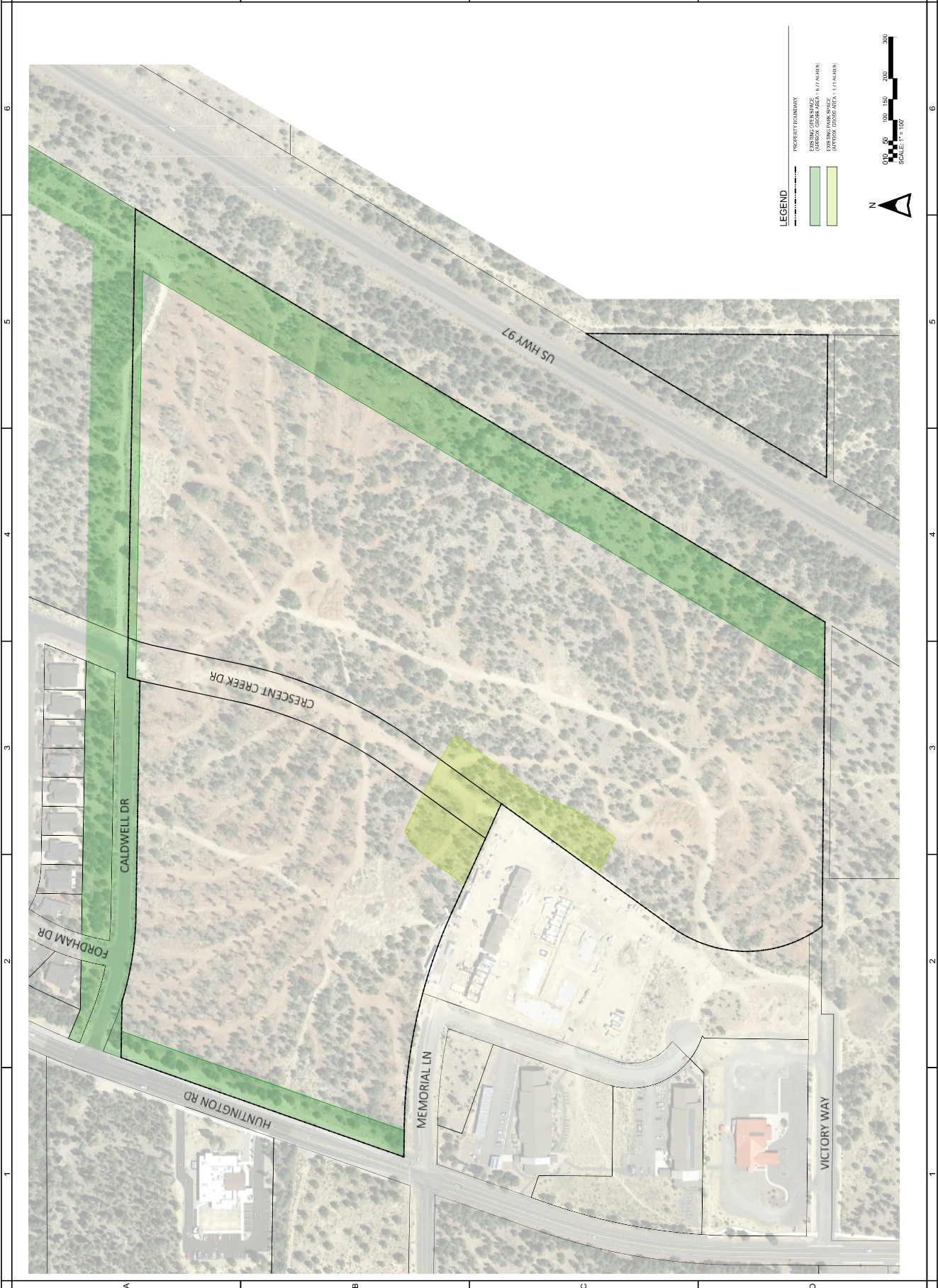
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LANDSCAPE ARCHITECTS  
1001 S. 10TH AVE. SUITE 100  
LA PINE, OREGON 97036  
TEL: 503.835.1234 FAX: 503.835.1235  
WWW.HWA-PA.COM

DESIGNED BY: SCP  
DRAWN BY: SCP  
CHECKED BY: GMH  
SCALE: AS NOTED  
DATE: 07/19/2019  
FILE: 191204\_Comp Plan.dwg

SHEET: PA2.1  
HWA # 181204





DATE: 07/19/2019  
DESIGNED BY: SCP  
DRAWN BY: SCP  
CHECKED BY: GMH  
SCALE: AS NOTED  
FILE: 181204\_Comp Plan.dwg  
PROJECT: LA PINE, OREGON  
HWA # 181204

PROPERTY BOUNDARY  
GROSS DENSITY PLAN  
LA PINE, OREGON

REVISIONS

THE RESERVE IN THE PINES

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PROPERTY BOUNDARY  
GROSS DENSITY PLAN  
LA PINE, OREGON

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PROPERTY BOUNDARY  
GROSS DENSITY PLAN  
LA PINE, OREGON

REVISIONS

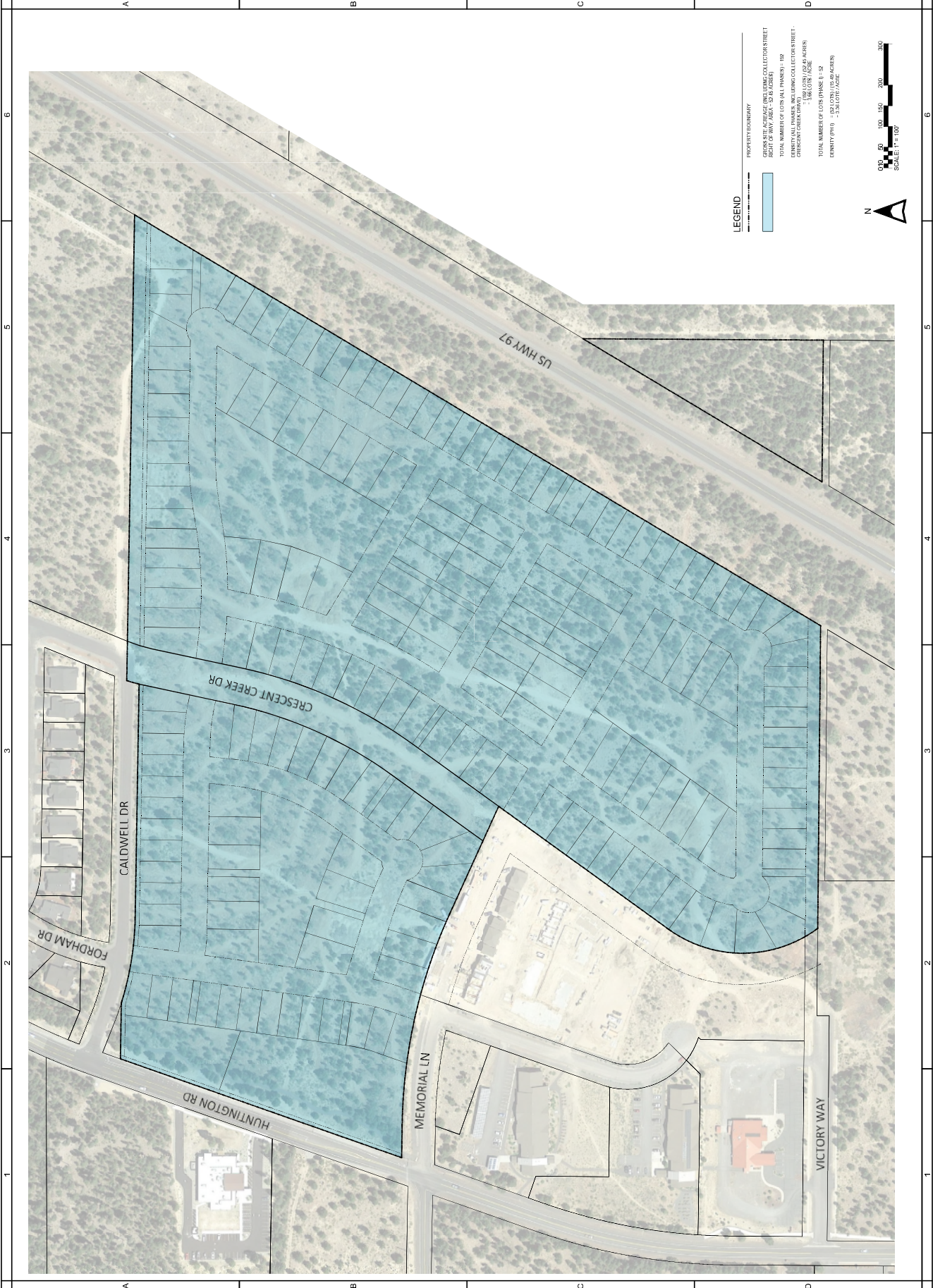
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PROPERTY BOUNDARY  
GROSS DENSITY PLAN  
LA PINE, OREGON

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THE RESERVE IN THE PINES



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PROPERTY BOUNDARY  
GROSS DENSITY PLAN  
LA PINE, OREGON

REVISIONS

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PROPERTY BOUNDARY  
GROSS DENSITY PLAN  
LA PINE, OREGON

REVISIONS

THE RESERVE IN THE PINES

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PROPERTY BOUNDARY  
GROSS DENSITY PLAN  
LA PINE, OREGON

REVISIONS

THE RESERVE IN THE PINES

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SCALE: AS NOTED  
FILE: 181204\_Comp Plan.dwg  
PROJECT: LA PINE, OREGON  
HWA # 181204

PROPERTY BOUNDARY  
GROSS DENSITY PLAN  
LA PINE, OREGON

REVISIONS

THE RESERVE IN THE PINES



LA PINE, OREGON  
 GROSS DENSITY PLAN (EXCLUDING COLLECTOR)  
 THE RESERVE IN THE PINES

DATE: 07/19/2019  
 FILE: 191204\_Comp Plan.dwg  
 SCALE: AS NOTED  
 CHECKED BY: GMH  
 DRAWN BY: SCP  
 DESIGNED BY: SCP

VERIFIED SCALES: 1" = 100'  
 DATE: 07/19/2019  
 BY: GMH  
 SHEET: PA3.2

PROPERTY BOUNDARY  
 GROSS DENSITY PLAN (EXCLUDING COLLECTOR STREET)  
 TOTAL NUMBER OF LOTS: 100  
 DENSITY ALL PHASES: 10 UNITS PER ACRE  
 CRESCENT CREEK DRIVE: 100 LOTS / ACRES  
 - 3.00 LOTS / ACRES  
 TOTAL NUMBER OF LOTS (PHASE II): 50  
 DENSITY (PH): 10 UNITS PER ACRE  
 - 3.00 LOTS / ACRES

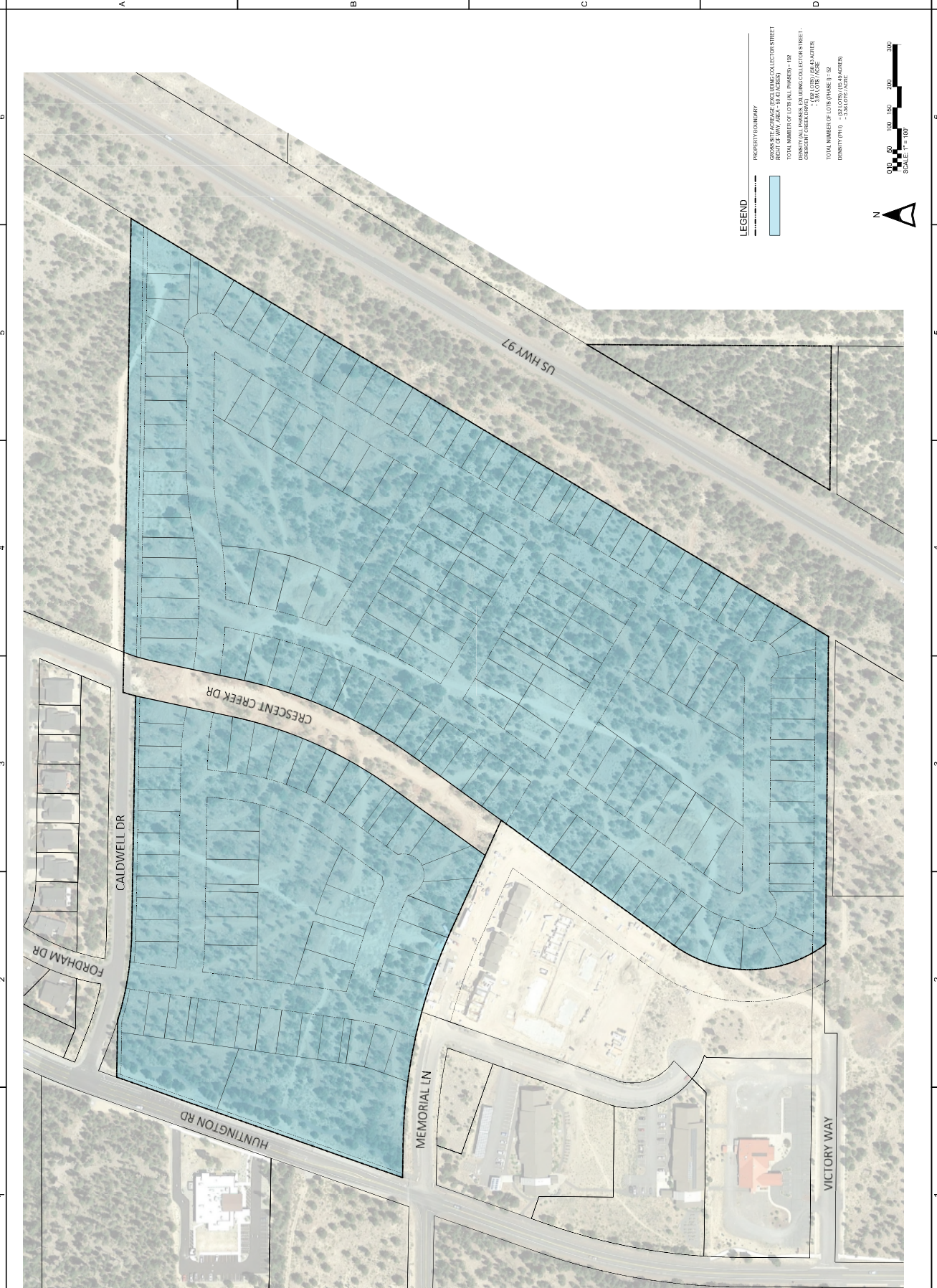
US HWY 97  
 CRESCENT CREEK DR  
 CALDWELL DR  
 FORDHAM DR  
 HUNTINGTON RD  
 MEMORIAL LN  
 VICTORY WAY

REVISIONS

DATE: 07/19/2019  
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VERIFIED SCALES: 1" = 100'  
 DATE: 07/19/2019  
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 SHEET: PA3.2

PROPERTY BOUNDARY  
 GROSS DENSITY PLAN (EXCLUDING COLLECTOR STREET)  
 TOTAL NUMBER OF LOTS: 100  
 DENSITY ALL PHASES: 10 UNITS PER ACRE  
 CRESCENT CREEK DRIVE: 100 LOTS / ACRES  
 - 3.00 LOTS / ACRES  
 TOTAL NUMBER OF LOTS (PHASE II): 50  
 DENSITY (PH): 10 UNITS PER ACRE  
 - 3.00 LOTS / ACRES

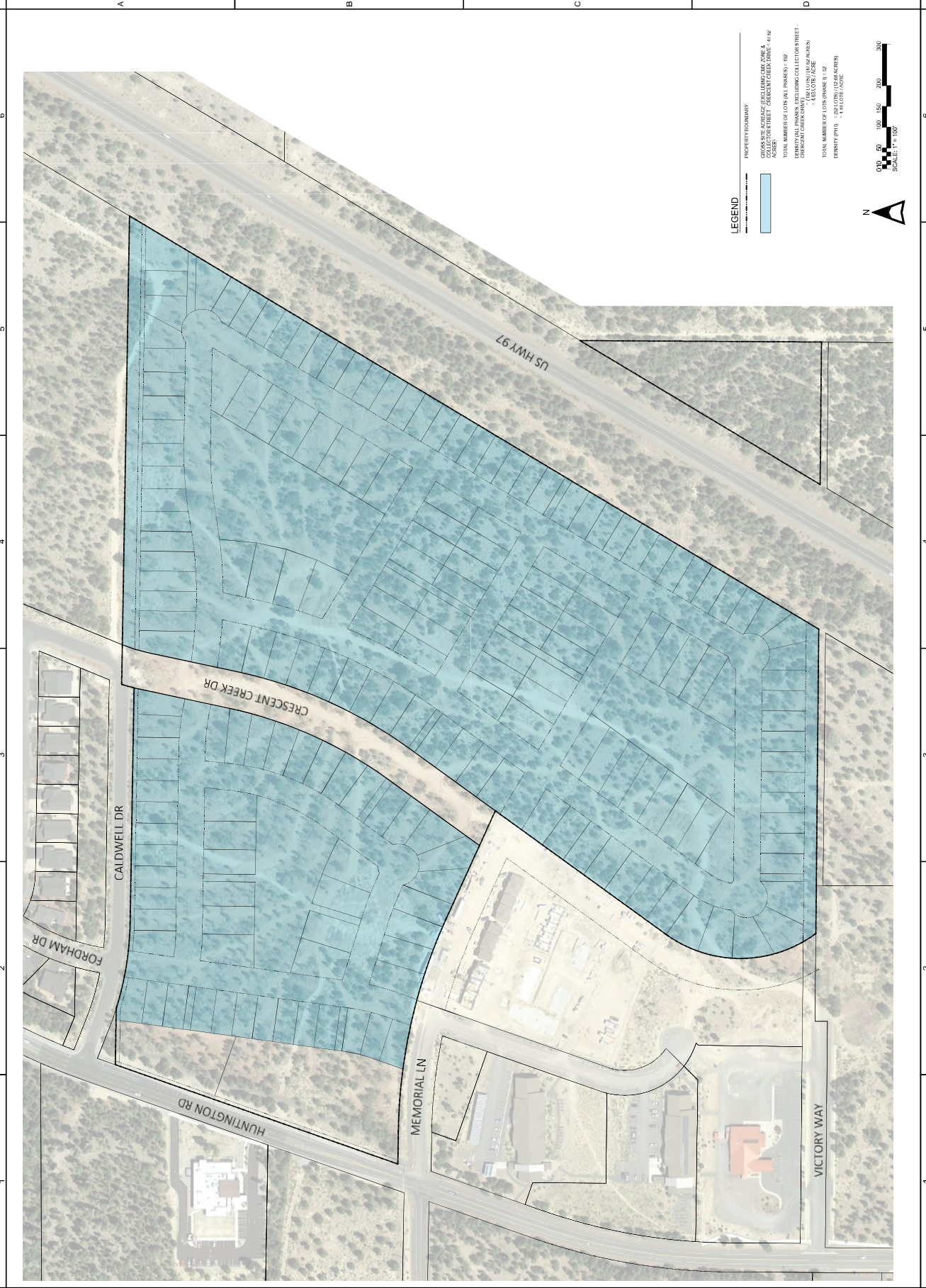




LA PINE, OREGON  
 GROSS DENSITY PLAN (EXCLUDING COLLECTOR & CMX ZONE)

DESIGNED BY: SCP  
 DRAWN BY: GMH  
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 SCALE: AS NOTED  
 CHECKED BY: GMH  
 DRAWN BY: SCP  
 DESIGNED BY: SCP



PROPERTY BOUNDARY  
 GROSS AREA EXCLUDING CMX ZONE & CMX ZONE  
 TOTAL NUMBER OF LOTS (ALL PHASES) 192  
 DENSITY (PHU) - 100 LOTS PER ACRE  
 TOTAL NUMBER OF LOTS (PER PHASE) 192  
 DENSITY (PHU) - 100 LOTS PER ACRE

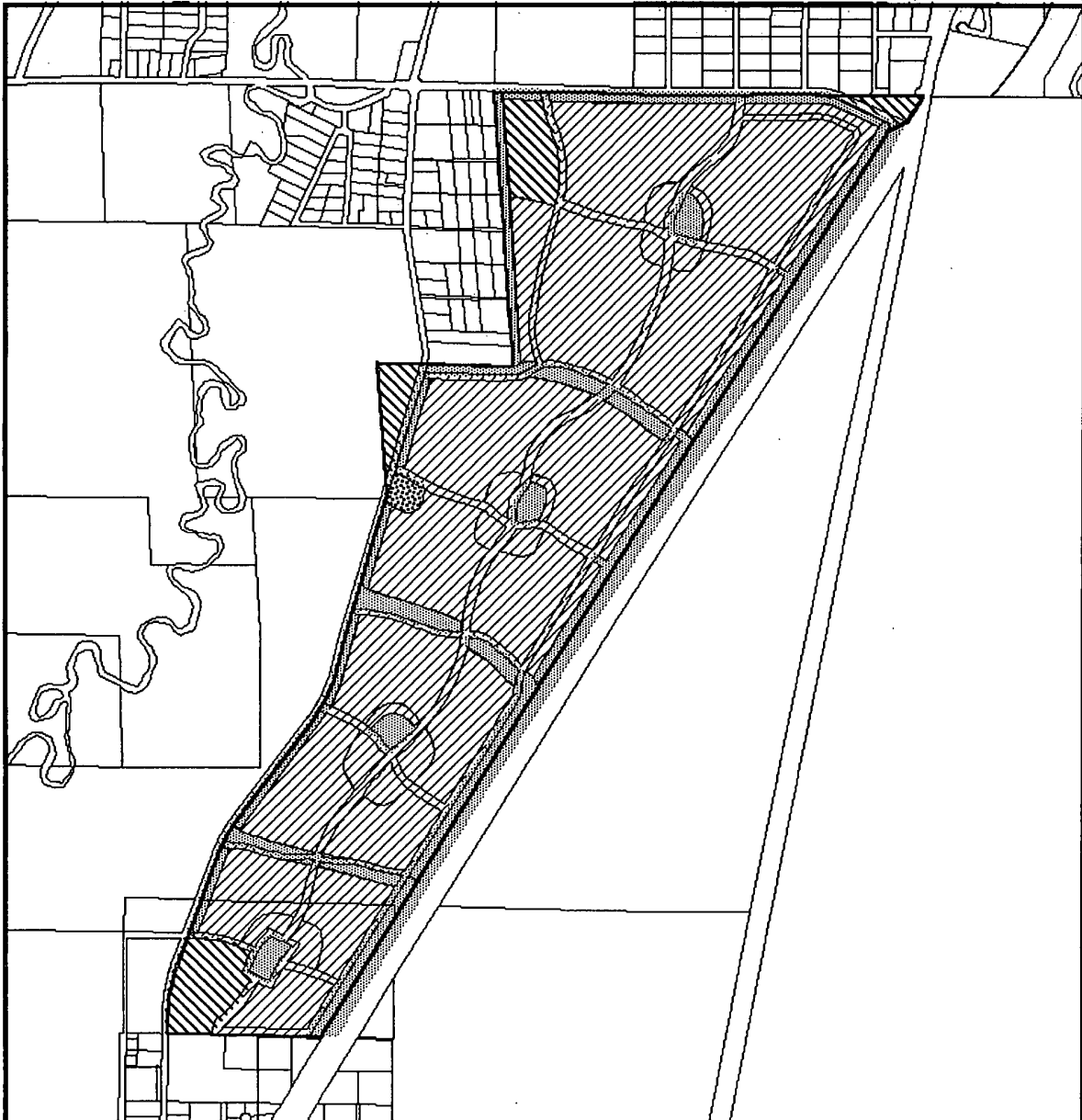
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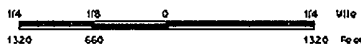
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 DRAWN BY: SCP  
 DESIGNED BY: SCP



**Figure 9**  
**Neighborhood Planning Area**  
**Comprehensive Plan Designations**

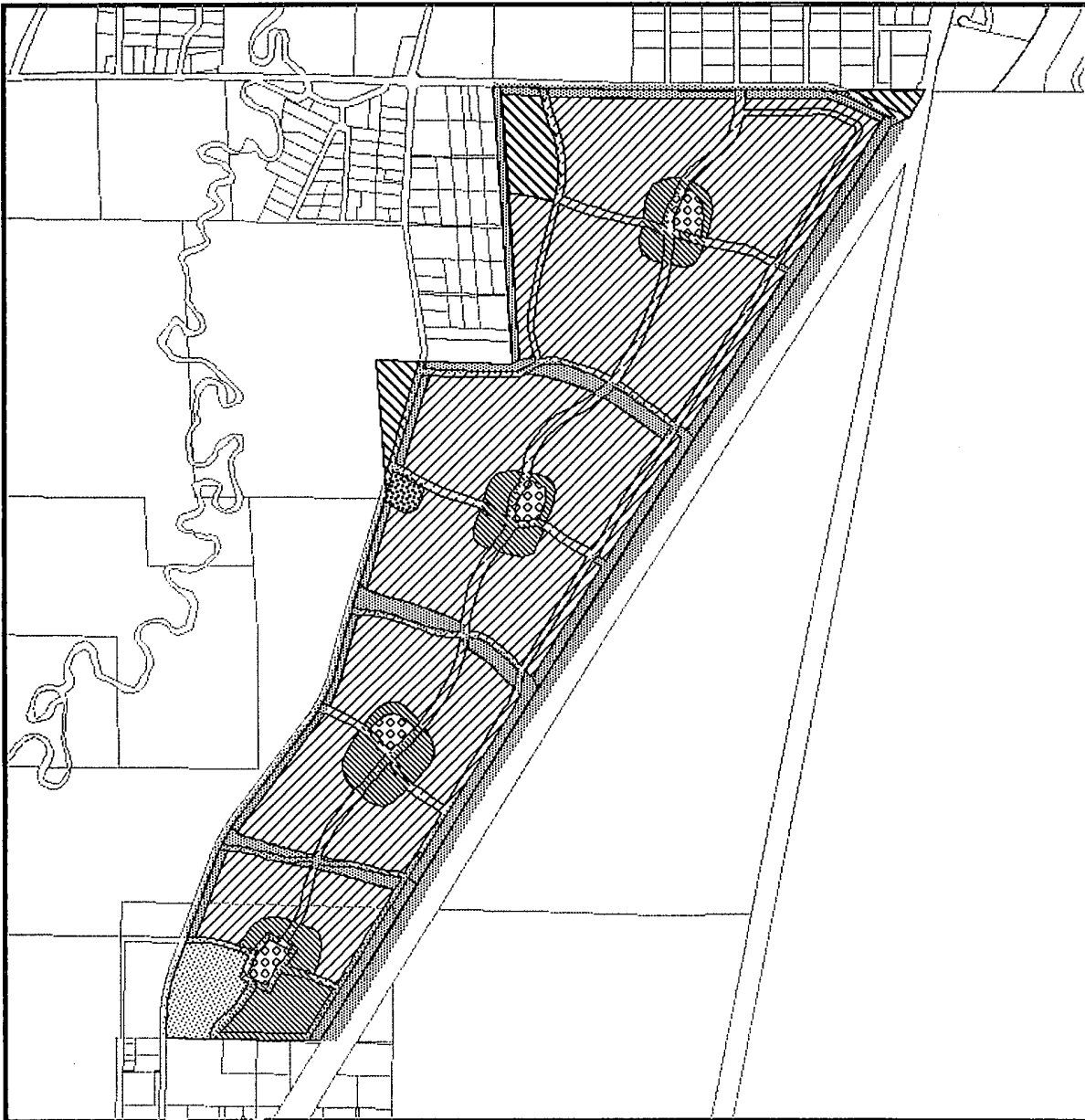
**SYMBOLS**

	Collector Road Rights-of-way
	Neighborhood Planning Area Boundary
	Taxlots
<b>COMPREHENSIVE PLAN DESIGNATIONS</b>	
	COMMERCIAL
	COMMUNITY FACILITY
	RESIDENTIAL
	PARK/OPEN SPACE



THIS MAP IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY OTHER DECISIONS. THE USER OF THIS MAP ASSUMES ALL LIABILITY FOR ANY AND ALL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM THE USE OF THIS MAP. THE USER OF THIS MAP SHALL INDEMNIFY AND HOLD HARMLESS THE COUNTY OF DESCHUTES FROM AND AGAINST ALL SUCH DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM THE USE OF THIS MAP.

VIC DOT TRANSPORTATION REVIEW PROJECTS



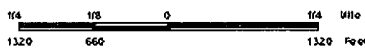
**SYMBOLS**

- Collector Road Rights-of-way
  - Neighborhood Planning Area Boundary
  - Taxlots
- ZONING DISTRICTS**
- Community Facility Limited
  - Community Facility
  - Neighborhood Commercial
  - Neighborhood Park
  - Residential Center
  - Residential General
  - Open Space

**Figure 10**  
**Neighborhood Planning Area**  
**Zoning Districts**



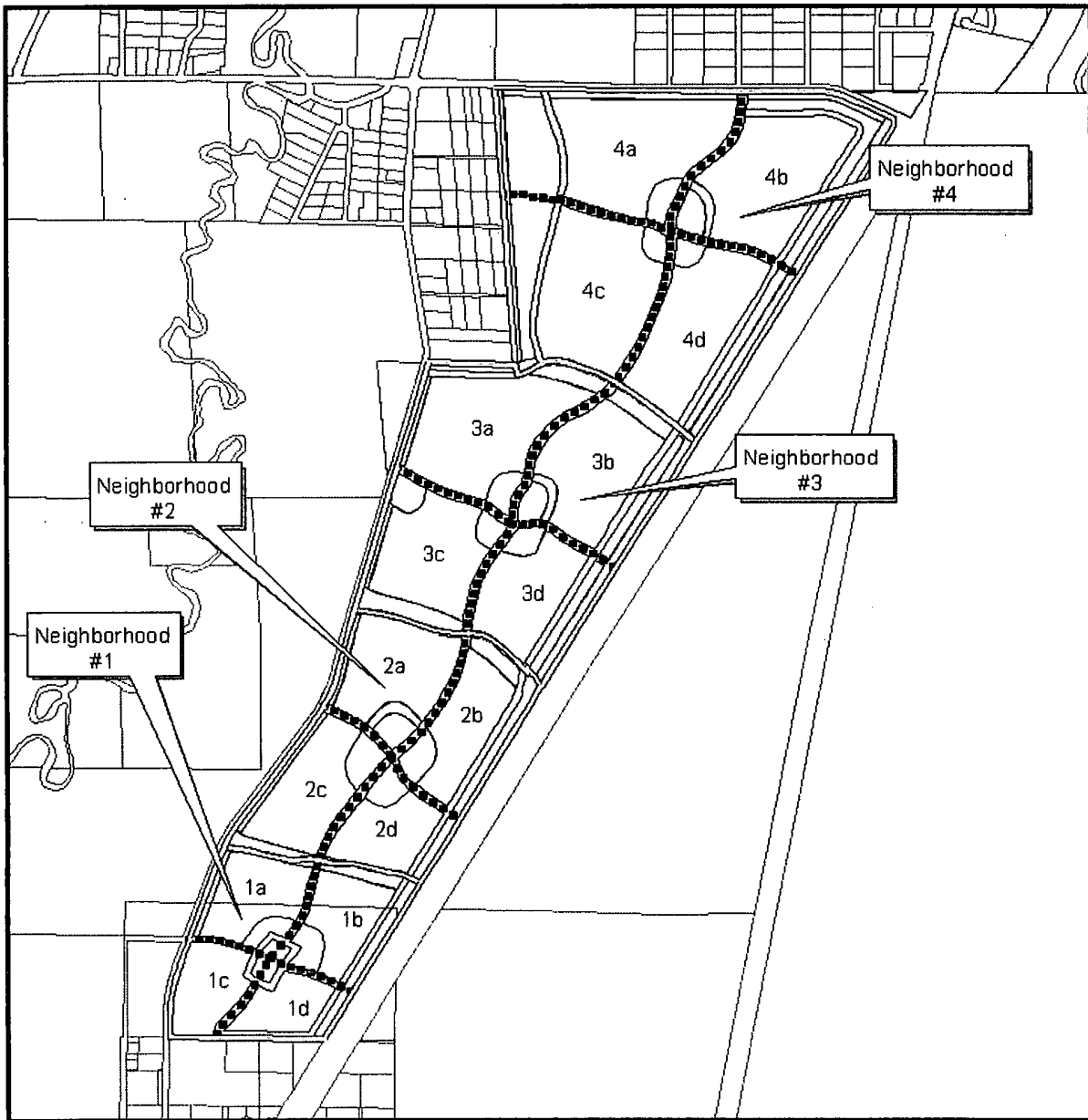
August 31, 2001



**Deschutes County**  
**Community Development**

NOTE: This map is for informational purposes only and does not constitute a contract. The County is not responsible for the accuracy of the map. The County is not responsible for the accuracy of the map. The County is not responsible for the accuracy of the map. The County is not responsible for the accuracy of the map.

VIC DEFERRATION AND REVIEW PROJECTS







Neighborhood #2

Neighborhood #1

Neighborhood #3

Neighborhood #4

**SYMBOLS**

-  Collector Road Rights-of-way
-  Neighborhood Boundary
-  Quadrant Boundaries
-  Taxlots

**Figure 11**  
**Neighborhood Planning Area**  
**Quadrant Plan**

N  
 August 31, 2001

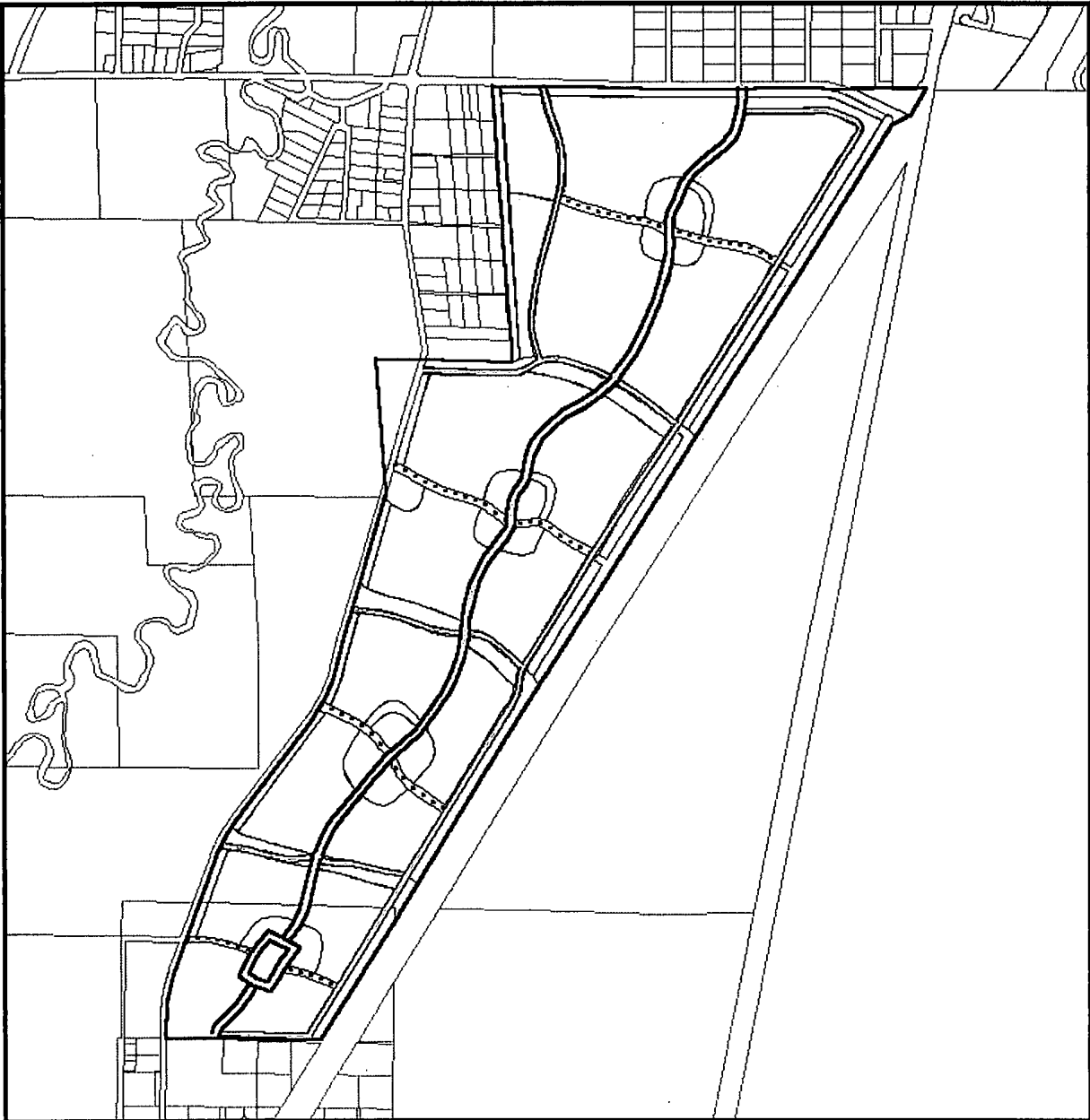
1/4    1/8    0    1/4    Mile  
 1320    660    1320    Feet

**Deschutes County**  
 Community Development

NOT A MAP  
 This is a planning map and does not show actual boundaries. It is for informational purposes only. It is not intended to be used for legal purposes. It is not intended to be used for legal purposes. It is not intended to be used for legal purposes. It is not intended to be used for legal purposes.

VICINITY TRANSPORTATION/HIGHWAY PROJECTS





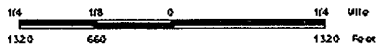
**Figure 15**  
**Neighborhood Planning Area**  
**Street Plan**

**SYMBOLS**

	Neighborhood Planning Area Boundary
	Central Collector
	Peripheral Collector
	Neighborhood Collector
	Taxlots

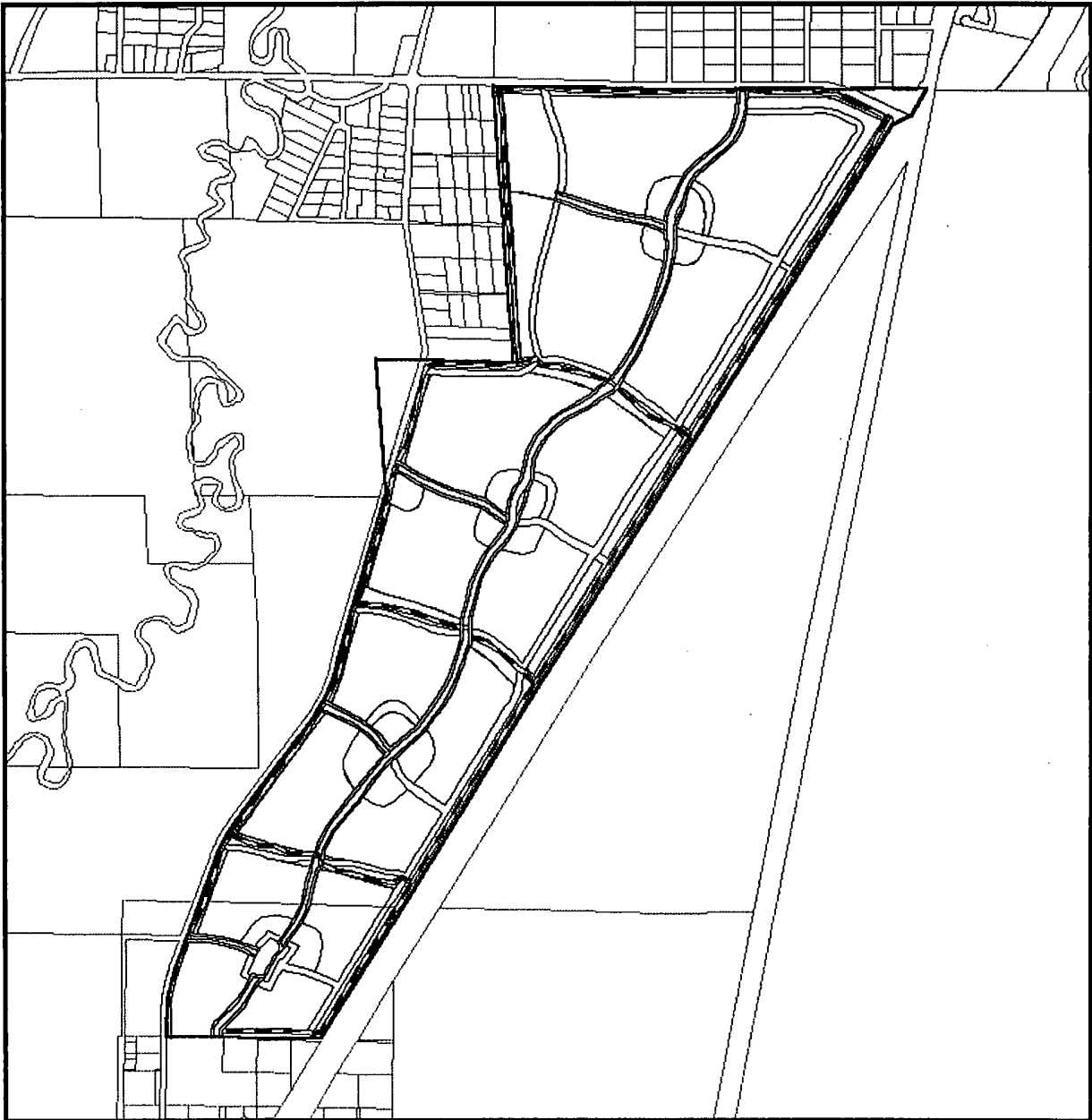


August 31, 2001



DESCHUTES COUNTY COMMUNITY DEVELOPMENT  
 1110 S. BROADWAY, SUITE 200, COVINGTON, OR 97331  
 (503) 325-2200  
 FAX (503) 325-2201  
 WWW.DESCHUTESCOUNTY.ORG

**VICINITY TRANSPORTATION HARDWARE PROJECTS**



**Figure 16**

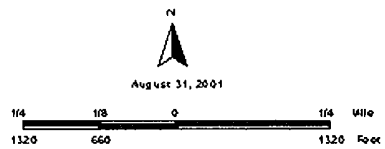
**Neighborhood Planning Area  
Non-Motorized Plan**

**SYMBOLS**

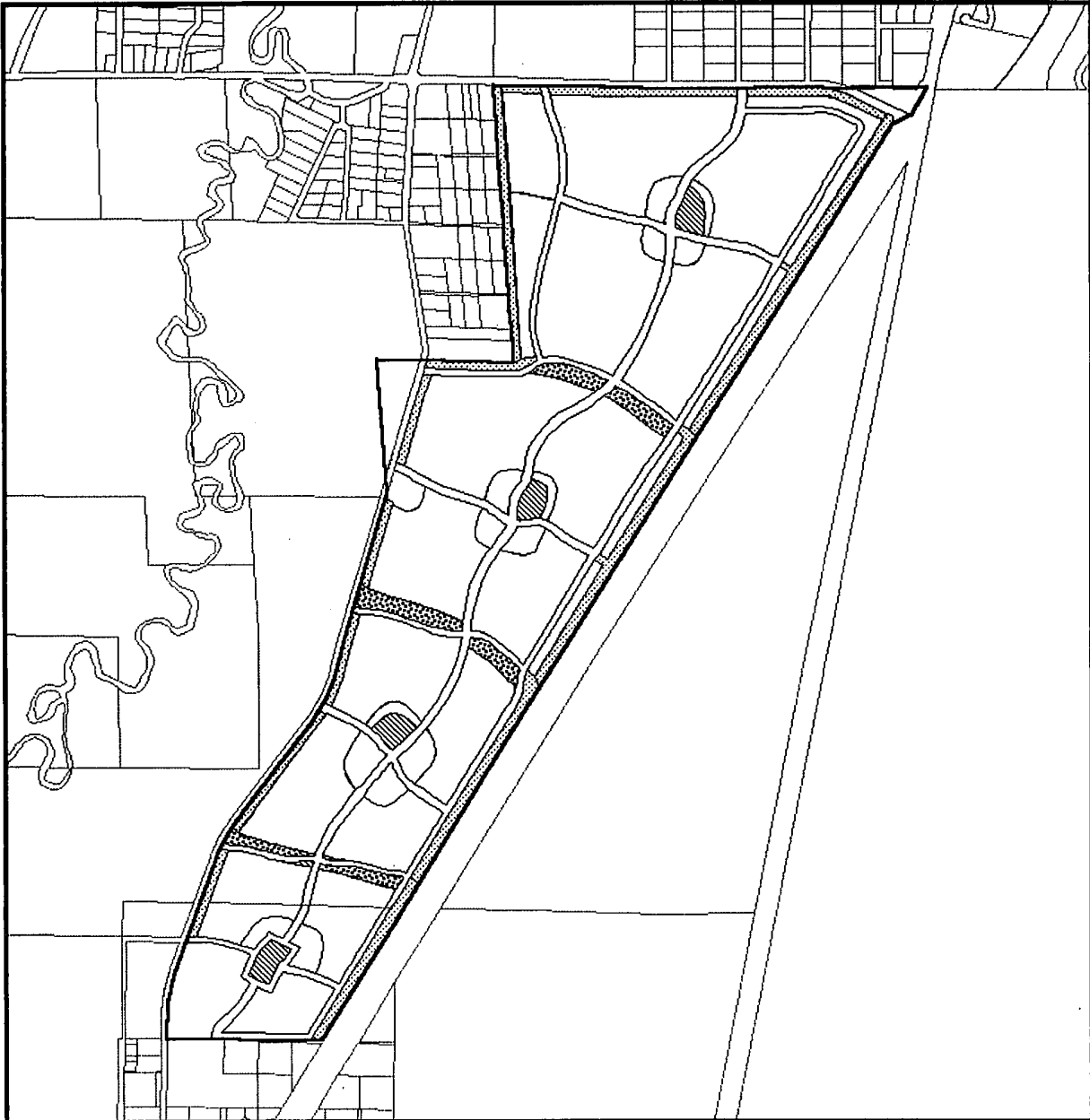
- Collector Road Rights-of-way
- Neighborhood Planning Area Boundary
- Paved Path
- Unpaved Path
- Taxi stands



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




VICDDP TRANSPORTATION/HARVIEW PROJECTS



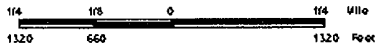
**Figure 17**  
**Neighborhood Planning Area**  
**Parks and Open Space Plan**

**SYMBOLS**

-  Collector Road Rights-of-way
-  Neighborhood Planning Area Boundary
-  Neighborhood Park
-  Perimeter Open Space
-  Corridor Open Space
-  Taxlots

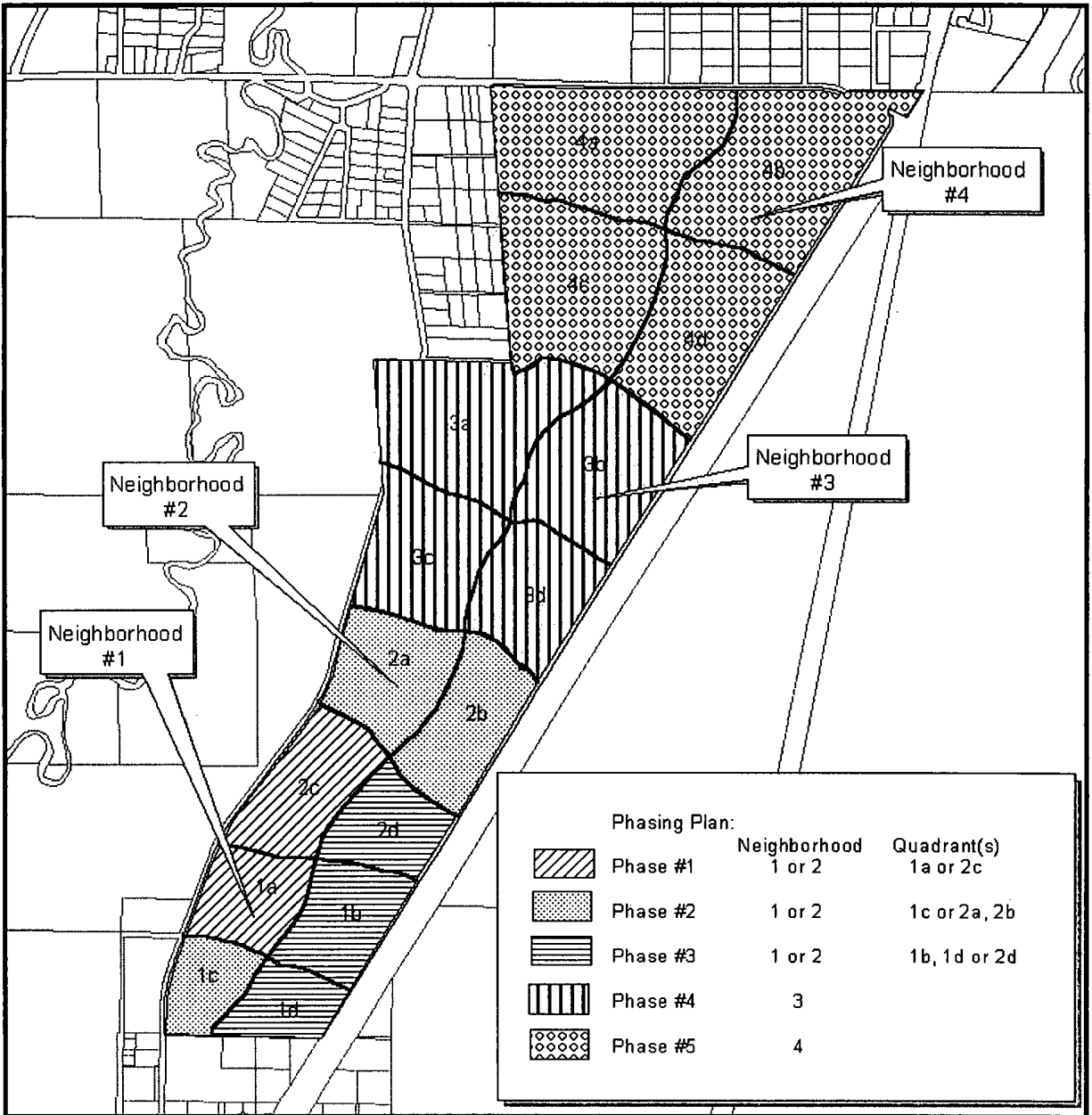


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 2. The map is not a legal document. It is intended to be used for informational purposes only.  
 3. The map is not a substitute for a professional survey or engineering plan.  
 4. The map is not a substitute for a professional engineering or architectural plan.  
 5. The map is not a substitute for a professional geologist's report.  
 6. The map is not a substitute for a professional environmental impact statement.  
 7. The map is not a substitute for a professional transportation planning study.  
 8. The map is not a substitute for a professional urban planning study.  
 9. The map is not a substitute for a professional public works study.  
 10. The map is not a substitute for a professional transportation review project.  
 11. The map is not a substitute for a professional transportation review project.  
 12. The map is not a substitute for a professional transportation review project.

VICOD TRANSPORTATION REVIEW PROJECTS



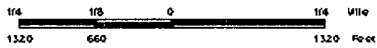
**SYMBOLS**

Neighborhood Boundary  
 Quadrant Boundaries  
 Taxlots

**Figure 18**  
**Neighborhood Planning Area**  
**Phasing Plan**



August 31, 2001



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VIC/ODD TRANSPORTATION/ARCHIVE PROJECTS

# La Pine Transportation System Plan

La Pine, Oregon

Prepared By:  
**Kittelson & Associates, Inc.**  
354 SW Upper Terrace Drive Suite 101  
Bend, Oregon 97702  
(541) 313-8300

Project Manager: Joe Bessman, P.E., PTOE  
Project Principal: Julia Kuhn, P.E.

Project No. 12450

October 2013



## EXECUTIVE SUMMARY

The executive summary provides an overview of the key elements of the City of La Pine's Transportation System Plan.

### ROADWAY FUNCTIONAL CLASSIFICATION

Roadways are classified using arterial, collector, and local designations, depending on the intended function and the adjacent land use needs. Arterials are intended to provide mobility, while local streets primary function is access. Figure 2-1 shows the functional classification of each roadway in La Pine.

### MULTIMODAL IMPROVEMENT PROJECTS

Projects identified as key improvements for the future transportation system in La Pine are discussed below. Each is intended to provide multi-modal options to residents and to serve projected vehicle, pedestrian, and bicycle traffic.

#### *Vehicular Project Priorities*

Within La Pine, roadway connectivity and facility upgrades will be the priority for the foreseeable future as the city works to establish a transportation system that will support the future vision of La Pine. The following efforts are near term projects that will help the city start to achieve those goals:

- Establish an “arterial ring” within downtown La Pine. This ring includes 1<sup>st</sup> Street/Reed Road, Hinkle Way, Finley Butte Road, and Huntington Road. This ring provides mobility for all users through the downtown area.
- Upgrade 3<sup>rd</sup> Street and 4<sup>th</sup> Street to Major Collectors in the downtown area, between Morson Street and Hinkle Way to further facilitate mobility downtown and provide facilities for all users.
- Upgrade Cagle Road and Skidgel Road to paved roads to create a network of paved roadways serving the entire residential area in the northwest area of the City.

It should be noted that the TSP relies heavily on the previously completed La Pine Corridor Plan and Wickiup Junction Plan for improvement strategies and projects for US 97 within La Pine. The recommendations of those plans have been incorporated in this TSP.

#### *Pedestrian Projects*

All roadway upgrades within the City of La Pine should include pedestrian facilities, as specified in the street design standards, to create a network of continuous sidewalks that enable residents to travel via walking. Priority for pedestrian projects should be given to:

---



- Providing east-west connections within the Cagle subdivision where roadways are currently unpaved.
- Providing pedestrian access across US 97 within Wickiup and downtown La Pine.
- **Creating a connected trail system between the downtown and Wickiup, particularly along the west side of the highway where the majority of developable lands are located.**
- Considering pedestrian connectivity for recreational trips, such as those to existing and planned parks and trails.

Design of these facilities should account for roadway maintenance and snow storage in winter months.

### ***Bicycle Projects***

A network of continuous bicycle facilities, whether they are bike lanes or shared-use paths, should be developed to encourage bicycling as a form of transportation within the City. Improving bicycle facilities and connectivity will provide more opportunities for bicyclists of all abilities to travel throughout the City. Priority for bicycle facility improvements projects should be given to:

- Providing east-west connections within the Cagle subdivision where roadways are currently unpaved.
- Providing trail system connectivity between the downtown and Wickiup, particularly along the west side of the highway where the majority of the developable lands are located.

### ***Multimodal Project List***

The projects identified include needs anticipated within the next twenty years as well as those that may be needed over a much longer planning horizon. The city has discretion to determine the focus of capital investments based on changing circumstances.

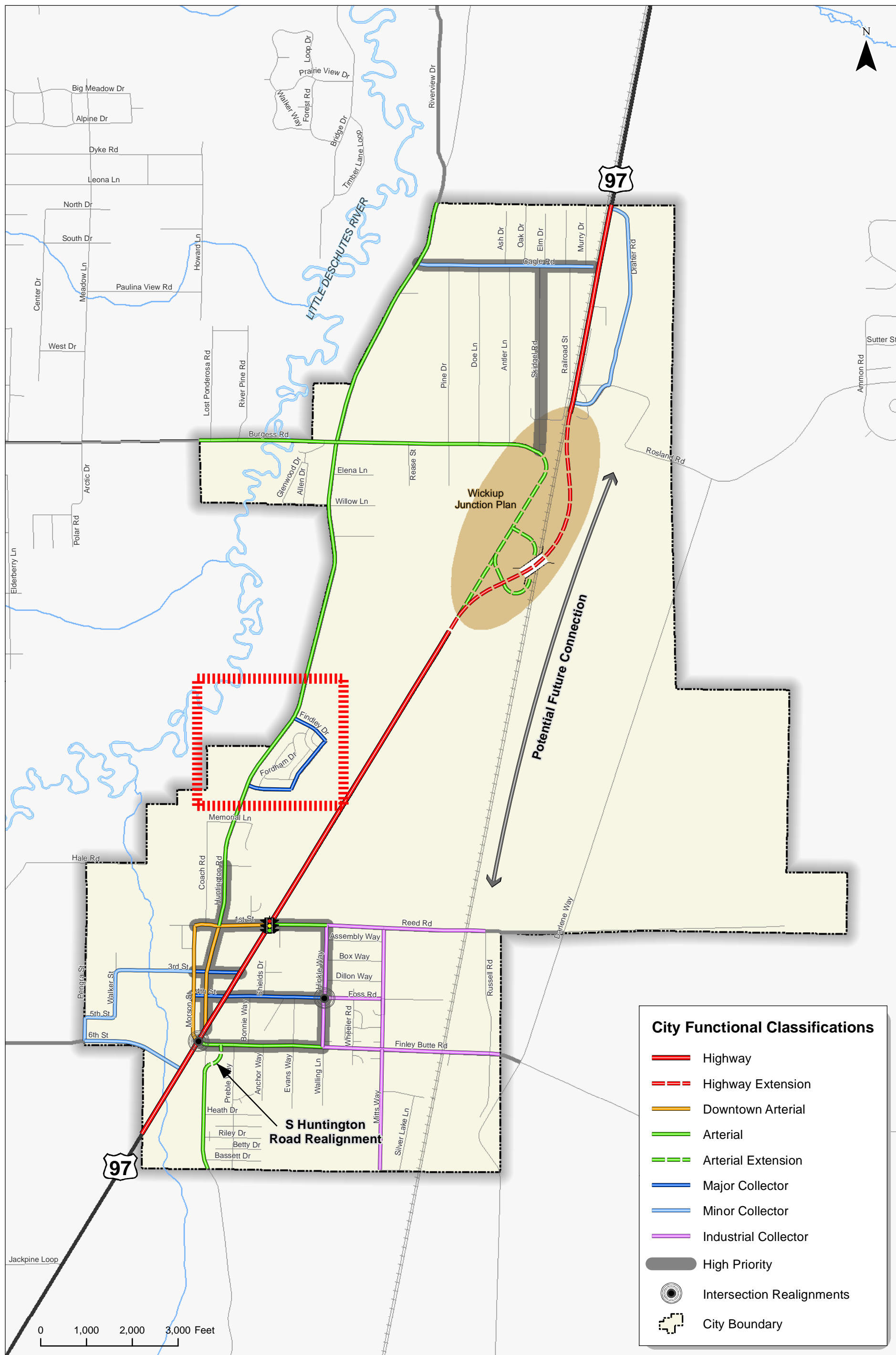
Table 2-1 presents the planned urban upgrade improvements projects for the City of La Pine. These projects were identified based on existing or future needs within the City. The projects are intended to relieve future congested routes, provide more direct connections within the transportation system, provide better overall system operations in the future, and to provide better multi-modal connectivity throughout the City. Projects highlighted in gray are considered high priority based on their ability to address the City's needs and their expected cost.

**Table 2-1 Multimodal Improvement Projects**

<b>Improvement</b>	<b>Miles</b>	<b>Description</b>	<b>Cost (millions)</b>
Huntington Road urban upgrade	3.26	Improve to <b>Arterial</b> standards from 1 <sup>st</sup> Street to northern city boundary.	\$12.04
Huntington Road urban upgrade – downtown core	0.43	Improve to <b>Downtown Arterial</b> standards from US 97 to 1 <sup>st</sup> Street. Would provide improvements for downtown core.	\$1.27
Morson Street urban upgrade – downtown core	0.5	Upgrade street to <b>Downtown Arterial</b> standard.	\$2.40
3 <sup>rd</sup> Street to 6 <sup>th</sup> Street connection	0.72	Upgrade to <b>Minor Collector</b> standard from 6 <sup>th</sup> Street to Morson Street, via the existing Walker Street and 5 <sup>th</sup> Street alignments. Curve improvements should be included in the upgrade. An alternative route connection Walker Street perpendicular to 6 <sup>th</sup> Street should be considered if funding becomes available.	\$1.330
3 <sup>rd</sup> Street urban upgrade	0.18	Upgrade to <b>Major Collector</b> standard from Morson Street to US 97.	\$0.70
4 <sup>th</sup> Street urban upgrade	0.13	Upgrade to <b>Major Collector</b> standard from Morson Street to US 97.	\$0.42
William Foss Road urban upgrade	0.40	Upgrade to <b>Major Collector</b> standards from US 97 to Hinkle Way.	\$1.48
William Foss Road urban upgrade	0.24	Upgrade to <b>Industrial Collector</b> from Hinkle Way to Mitts Way.	\$0.53
6 <sup>th</sup> Street urban upgrade	0.42	Upgrade to <b>Minor Collector</b> standard from city limits to US 97.	\$0.31
Finley Butte Road urban upgrade	0.52	Upgrade to <b>Arterial</b> standard from US 97 to Hinkle Way.	\$2.27
Finley Butte Road urban upgrade	0.75	Upgrade to <b>Industrial Collector</b> standard from Hinkle Way to city limits.	\$1.73
South Huntington Road realignment	n/a	Realign Huntington Road intersection with Finley Butte Road to the east to increase spacing from US 97. Could be completed in conjunction with Finley Butte/US 97 improvements.	\$2.16*
Hinkle Way urban upgrade	0.50	Upgrade to <b>Industrial Collector</b> standard from Reed Road to Finley Butte Road.	\$0.77
1 <sup>st</sup> Street/Reed Road urban upgrade	0.31	Upgrade to <b>Downtown Arterial</b> standard from Morson Street to US 97.	\$0.86
	0.23	Upgrade to Arterial from US 97 to Hinkle Way.	\$0.64
1 <sup>st</sup> Street/Reed Road urban upgrade	0.65	Upgrade to <b>Industrial Collector</b> standard from Hinkle Way to Russell Road.	\$1.22
Burgess Road urban upgrade	1.47	Upgrade to <b>Arterial</b> standard from city limits to US 97.	\$4.11
US 97 access consolidation	n/a	Consolidate access along US 97 within downtown La Pine and Wickiup.	n/a

Improvement	Miles	Description	Cost (millions)
Drafter Road urban upgrade	0.78	Upgrade to <b>Minor Collector</b> standard from US 97 to Rosland Road. Includes upgrading roadway surface to asphalt. Upgrade can provide backage road facility to assist with access consolidation along US 97 within Wickiup.	\$5.16
Cagle Road urban upgrade	0.69	Upgrade to <b>Minor Collector</b> standard from Huntington Road to Murry Drive. Includes upgrading roadway surface to asphalt.	\$4.74
Skidgel Road	0.77	Upgrade to paved <b>Local Street</b> standard from Cagle Road to Burgess Road.	\$5.42
Rosland Road urban upgrade	0.18	Upgrade to <b>Minor Collector</b> standard from US 97 to Drafter Road.	\$0.30
Eastside north-south connection	2.1	Construct a new <b>Minor Collector</b> connection between downtown La Pine and the Wickiup area.	\$18.00*
Mitts Way urban upgrade	1.0	Upgrade to <b>Industrial Collector</b> standard from Reed Road to south city limits.	\$1.29
Crescent Creek Subdivision urban upgrade	0.58	Upgrade Findley Drive, Crescent Creek Drive, and Caldwell Drive to <b>Minor Collector</b> standard.	\$3.00
Wickiup Junction Plan	n/a	Construction of overpass for US 97 and corresponding connection improvements	\$35.00

Note: \*Indicates that estimates for right-of-way acquisition costs were included in the cost estimate.



**City Functional Classifications**

- Highway
- - - - Highway Extension
- Downtown Arterial
- Arterial
- - - - Arterial Extension
- Major Collector
- Minor Collector
- Industrial Collector
- High Priority
- Intersection Realignments
- City Boundary



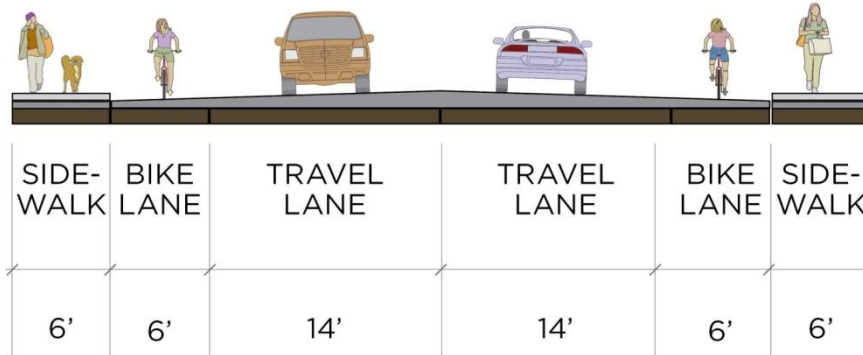
**Roadway Functional Classification  
La Pine, Oregon**

**Figure  
2-1**

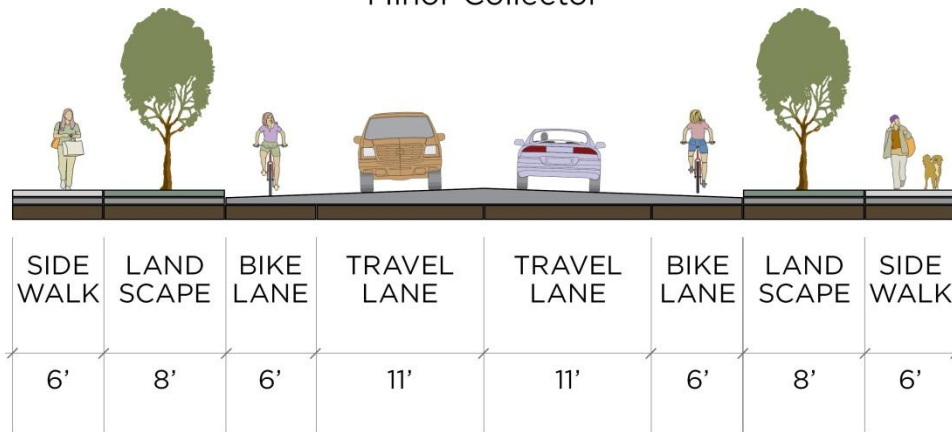
H:\projects\12450 - La Pine TSP\GIS\Task 82-1\_FunctionalClassification.mxd - 3:04 PM 9/11/2013

Coordinate System: NAD 1983 HARN StatePlane Oregon South FIPS 3602 Feet Intl

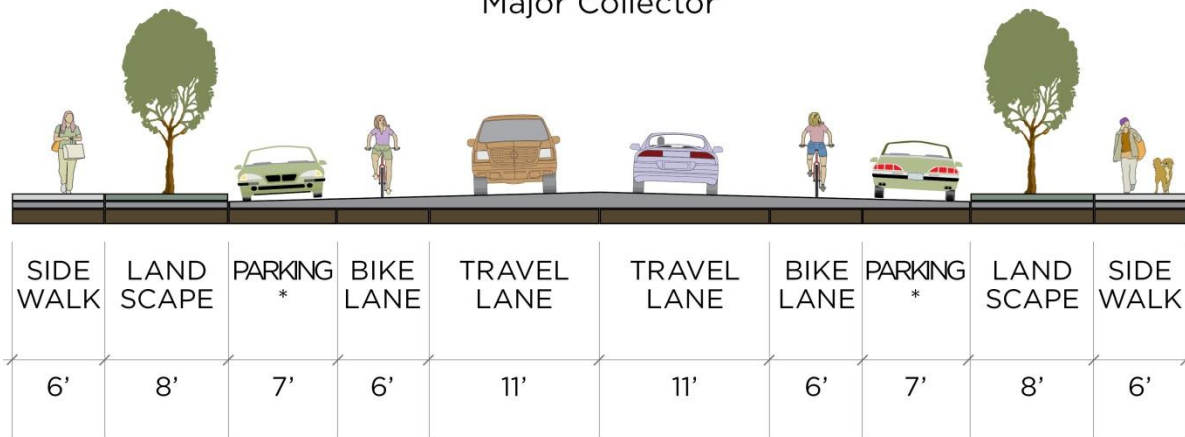
### Industrial Collector



### Minor Collector



### Major Collector



\*On-street parking provide adjacent to commercially zoned properties, no on-street parking in other areas.



## Technical Memorandum 1: Plan & Policy Review

This memorandum summarizes existing plans, policies, standards, rules, regulations, and other applicable federal, state, regional, and local documents as they pertain to development of the City of La Pine Transportation System Plan (TSP). This summary will serve as a reference for the project team throughout the project, and if new policies are proposed as part of the TSP they will be reviewed for consistency with existing policies.

The documents reviewed by the City of La Pine and Kittelson & Associates, Inc. (KAI) are identified in Table 1 and summarized in the following sections.

**Table 1 Documents and Policies Reviewed**

Document/Policy	Page Reference
<b>Applicable Statewide Policies</b>	
Statewide Planning Goal 12 (OAR chapter 660 division 012, known as the Transportation Planning Rule or TPR)	2
Oregon Transportation Plan (OTP)	2
Oregon Highway Plan (with 2006 & 2012 amendments)	4
Oregon Bicycle/Pedestrian Plan	6
Oregon Freight Plan	7
Oregon Public Transportation Plan	7
Oregon Rail Plan	7
OAR Chapter 734, Division 051	8
Statewide Transportation Improvement Program	8
<b>Applicable Regional Plans</b>	
Central Oregon Rail Plan	9
Deschutes County Comprehensive Plan	9
Deschutes County TSP	10
<b>Applicable City of La Pine Policies</b>	
Comprehensive Plan	10
Land Use Code	10
Buildable Lands Inventory	10
La Pine Parks and Recreation District Comprehensive Plan	10
Highway 97/ La Pine Corridor Plan	11
Wickiup Junction Plan	11

