



CITY OF LA PINE, OREGON PLANNING COMMISSION

Wednesday, December 15th, 2021 at 5:30 PM via Zoom
La Pine City Hall: 16345 Sixth Street, La Pine, Oregon 97739

Join Zoom Meeting

<https://us02web.zoom.us/j/81291958422>

Meeting ID: 812 9195 8422

One tap mobile

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The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to City Hall at (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY.

AGENDA

CALL TO ORDER

ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE

ADDED AGENDA ITEMS

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

APPROVAL OF PRIOR MEETING MINUTES

1. 11.17.2021 Planning Commission Meeting Minutes

PUBLIC HEARINGS

All public hearings will follow the following procedure:

- | | | |
|-------------------------------|---------------------------------|-------------------------|
| A. <i>Open Public Hearing</i> | D. <i>Open Public Testimony</i> | G. <i>Close Hearing</i> |
| B. <i>Staff Report</i> | E. <i>Applicant Rebuttal</i> | |
| C. <i>Applicant Testimony</i> | F. <i>Deliberations</i> | |

2. O2ZC-21 North Pine Village

NEW BUSINESS

OLD BUSINESS

OTHER MATTERS

Only Items that were previously added above in the Added Agenda Items will be discussed.

PUBLIC COMMENTS

STAFF AND COMMITTEE COMMENTS

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 Planning Commission - Canceled 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.



CITY of LA PINE PLANNING COMMISSION MINUTES

Wednesday, November 17th, 2021

5:30 p.m.

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order:

The meeting was called to order at 5:30 p.m. by Russell Smith.

2. Establish Quorum:

A quorum was established. There were no additions to the agenda.

Members Present: Russell Smith, John Cameron, Teri Myers, Jeannine Earls

Members Absent: Mary Hatfield

Staff Present: Geoff Wullschlager, City Manager, Alexa Repko, City Planner, Stacie Skeeters, Account/Utility Clerk, Jamie Kraft, City Recorder.

Pledge of Allegiance

Approve Minutes from 09.15.2021:

Teri Myers made a motion to approve the meeting minutes from the meeting held on September 15th, 2021. The motion was seconded by John Cameron. Motion carried by a unanimous voice vote.

NEW BUSINESS:

a. Upcoming Public Hearings: the meeting in December will consist of a Public Hearing for 17150 Rosland Road. The January meeting will also consist of a Public Hearing. Geoff Wullschlager gave an update on a possible January public hearing that will be in reference to an OPRD grant request for an ATV trail and the City of La Pine would be the applicant.

b. New Member Discussion: Mary Hatfield will be giving a notice of resignation to the Planning Commission due to health issues. The Commission requires a formal letter of resignation. A new member could reside no more than five miles outside the city limits. Mr. Wullschlager will announce the opening on a radio program in early December.

OLD BUSINESS:

3. **Planning Application Updates – A. Repko:** Ms. Repko gave an update on current planning applications. Since the September meeting Ms. Repko has reviewed 19 building permits, one Lot Line Adjustment, one partition, one sign permit and three site plans.

4. Public Comments

None.

5. Staff Comments

None.

6. Committee Comments

None.

7. Adjourn

Meeting adjourned at 5:50 PM by a unanimous vote.



Community Development Department
PO Box 2460 16345 Sixth Street
La Pine, Oregon 97739
Phone: (541) 536-1432 Fax: (541) 536-1462
Email: info@lapineoregon.gov

Zone Change/Comp Plan Amendment Application

Zoning Map Amendment Fee \$6,000.00

File Number # _____

Applicant Name Dirk Van der Velde Phone 541-944-8600 Fax _____
Address 2002 NW 36th Street City Lincoln City State OR Zip Code 97367
Email d.vandervelde@kaizenam.com
Property Owner North Pine Village LLC Phone _____ Fax _____
Address PO Box 449 City Lincoln City State OR Zip Code 97367
Email (optional) _____

ZONE CHANGE/ COMP PLAN DESCRIPTION

Property Location (address, intersection of cross street, general area)

17150 Rosland Road

Parcel 1 per City of La Pine Partition 04PA-20

Assessors Parcel Number T-15, R-13, Section 36 Tax Lot(s) 2110360000100



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Present Zoning Industrial Total Land Area 391,169 (Square Ft.) 8.98 (acres)

Present Land Use Vacant

Proposed Zoning CMX Total Land Area 391,169 (Square Ft.) 8.98 (acres)

Attach a statement explaining evidence you plan to present to the Planning Commission to enable them to make a decision (See Attached). Applications will not be accepted without a detailed preliminary site plan drawn to scale. I understand that false statements made on this application may cause subsequent approval to be NULL AND VOID.

FOR OFFICE USE ONLY

Received By: _____

Amendment Fee Paid: _____

Receipt #: _____

AMENDMENTS

Authorization to Initiate Amendments. An amendment to the text of these standards, or to a zoning or plan map may be initiated by either City Council or the Planning Commission. A property owner may initiate a request for a map or text amendment by filing an application with the City using the form(s) prescribed.

Zone/Plan Map Amendments. The City shall, within 45 days after filing of a petition by a property owner for a zone change/plan amendment hold a public hearing in accordance with the



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provisions of the procedures. Prior to the hearing the City shall refer the proposed amendment to the Planning Commission for their review and a recommendation; the recommendation of the Commission shall be made a part of the record at the hearing.

Justifying the zone change or plan amendment. The burden of proof is upon the applicant to show how the proposed zone change or plan amendment is:

- (1) In conformity with all applicable State statutes
- (2) In conformity with the State-wide planning goals where applicable
- (3) In conformity with the Comprehensive Plan, land use requirements and policies;
- (4) Needed due to a change of circumstances or a mistake in the original zoning .

Tentative Approval. Based on the facts presented at the hearing and the recommendation of the Planning Commission, if the City determines that the applicant has met all applicable criteria for the proposed change, the City shall give tentative approval of the proposed change. Such approval shall include any conditions, stipulations or limitations which the City determines to be necessary to meet the criteria. An appeal of the City's decision shall be effected in the manner provided for in the standards. Upon completion of hearings process, the council shall, by order, effect the zone reclassification of the property. Provided, however, if the applicant fails to abide by the conditions attached to the rezoning the Council may, at a later date, rezone the affected property to its original zoning by order.

Public Hearing on Amendments. If a map change is initiated by the Planning Commission or City Council, or if an amendment to the text of these standards is to be considered, the City Council shall hold a public hearing on the proposed change. Notice of the hearing shall be




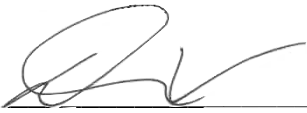
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published in a newspaper of general circulation in the City the week prior to the hearing. Before establishing a map change, the Council shall make findings that the proposed change meets the criteria set forth in code. Any change affected under this section shall be by ordinance.

By signing, the undersigned certifies that he/she has read and understood the requirements outlined above, and that he/she understands that omission of any listed item may cause delay in processing this application.

I (We) the undersigned acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

Applicant:  Date: 10/8/21
Signature

Owner/Agent:  Date: 10/8/21
(Circle One) Signature

If you are the authorized agent, please attach the letter of authorization signed by the owner.

NOTE: This may not be a complete list of information required to process and decide this request, and additional information may be required after further

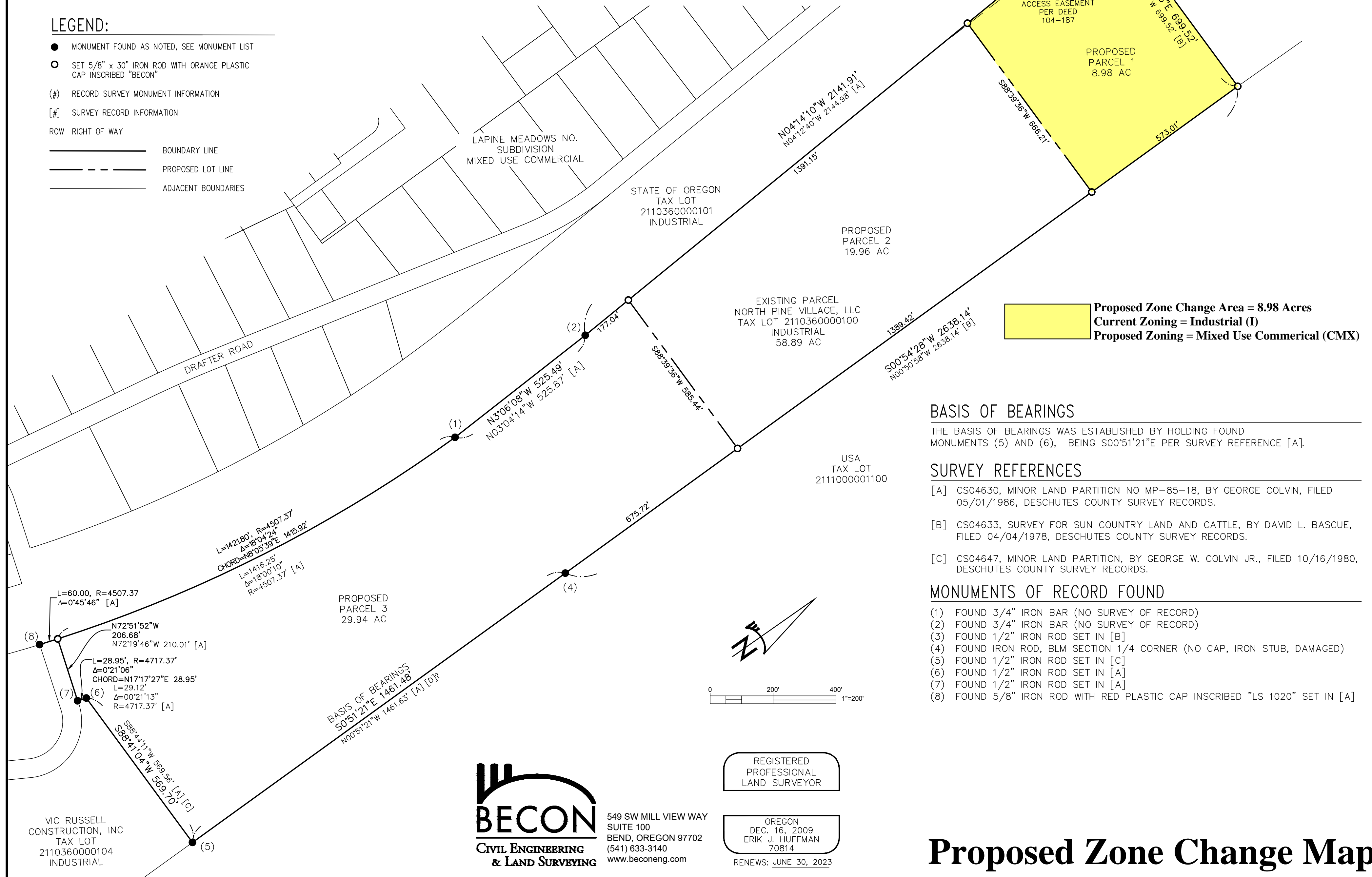
PARTITION PLAT NO. _____

FOR: OKSENHOLT CONSTRUCTION CO.

LOCATED IN THE EAST 1/2 OF THE EAST 1/2 OF SECTION 36, TOWNSHIP 21 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN,
CITY OF LA PINE, DESCHUTES COUNTY, OREGON.

LEGEND:

- MONUMENT FOUND AS NOTED, SEE MONUMENT LIST
- SET 5/8" x 30" IRON ROD WITH ORANGE PLASTIC CAP INSCRIBED "BECON"
- (#) RECORD SURVEY MONUMENT INFORMATION
- [#] SURVEY RECORD INFORMATION
- ROW RIGHT OF WAY
- BOUNDARY LINE
- - - - PROPOSED LOT LINE
- ADJACENT BOUNDARIES



Proposed Zone Change Area = 8.98 Acres
Current Zoning = Industrial (I)
Proposed Zoning = Mixed Use Commercial (CMX)

BASIS OF BEARINGS
 THE BASIS OF BEARINGS WAS ESTABLISHED BY HOLDING FOUND MONUMENTS (5) AND (6), BEING S00°51'21"E PER SURVEY REFERENCE [A].

- SURVEY REFERENCES**
- [A] CS04630, MINOR LAND PARTITION NO MP-85-18, BY GEORGE COLVIN, FILED 05/01/1986, DESCHUTES COUNTY SURVEY RECORDS.
 - [B] CS04633, SURVEY FOR SUN COUNTRY LAND AND CATTLE, BY DAVID L. BASCUE, FILED 04/04/1978, DESCHUTES COUNTY SURVEY RECORDS.
 - [C] CS04647, MINOR LAND PARTITION, BY GEORGE W. COLVIN JR., FILED 10/16/1980, DESCHUTES COUNTY SURVEY RECORDS.

- MONUMENTS OF RECORD FOUND**
- (1) FOUND 3/4" IRON BAR (NO SURVEY OF RECORD)
 - (2) FOUND 3/4" IRON BAR (NO SURVEY OF RECORD)
 - (3) FOUND 1/2" IRON ROD SET IN [B]
 - (4) FOUND IRON ROD, BLM SECTION 1/4 CORNER (NO CAP, IRON STUB, DAMAGED)
 - (5) FOUND 1/2" IRON ROD SET IN [C]
 - (6) FOUND 1/2" IRON ROD SET IN [A]
 - (7) FOUND 1/2" IRON ROD SET IN [A]
 - (8) FOUND 5/8" IRON ROD WITH RED PLASTIC CAP INSCRIBED "LS 1020" SET IN [A]

BECON
 CIVIL ENGINEERING & LAND SURVEYING
 549 SW MILL VIEW WAY
 SUITE 100
 BEND, OREGON 97702
 (541) 633-3140
 www.beconeng.com

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
 DEC. 16, 2009
 ERIK J. HUFFMAN
 70814
 RENEWS: JUNE 30, 2023

Proposed Zone Change Map



BECON, LLC

Civil Engineering and Land Surveying

549 SW Mill View Way, Suite 100 • Bend OR, 97702 • 541.633.3140

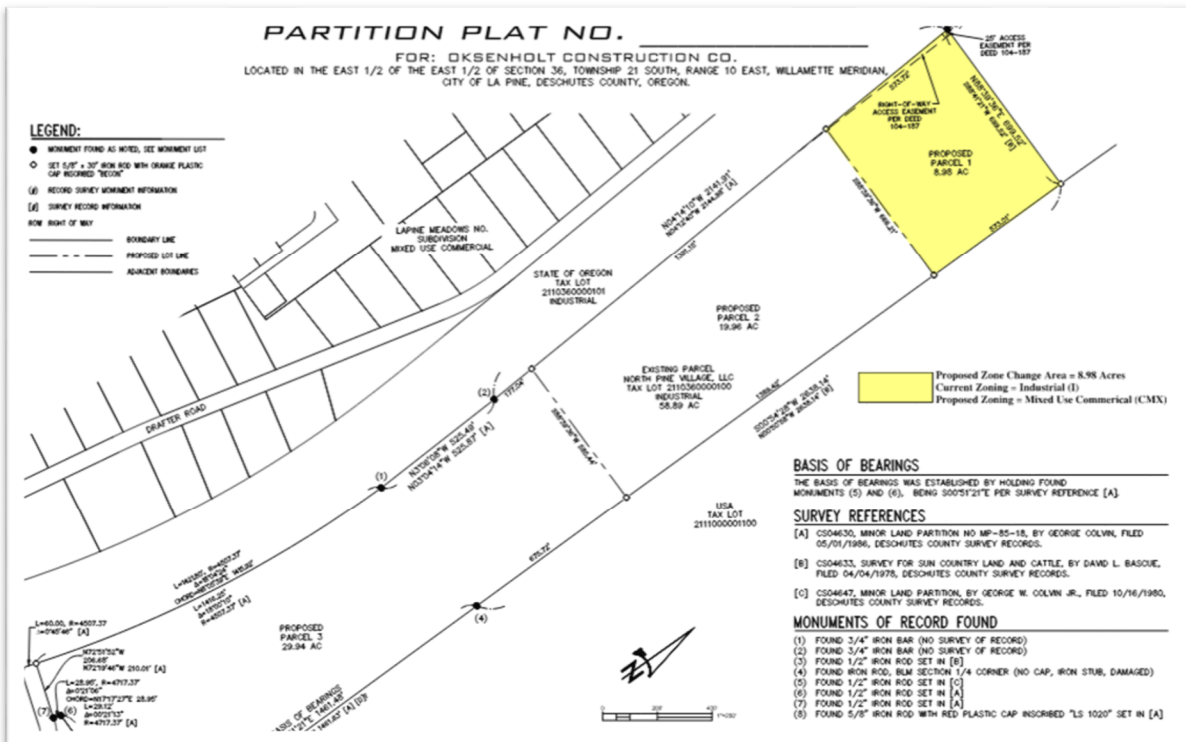
Comprehensive Plan Amendment and Zone Change Narrative North Pine Village LLC

APPLICANTS: North Pine Village LLC
PO Box 449
Lincoln City, OR 97367

OWNER: North Pine Village LLC
PO Box 449
Lincoln City, OR 97367

LOCATION: Property address: 17150 Rosland Road
Tax lot 100 on the Deschutes County Tax Assessor's Map 21-10-36AC
The property is located east of Highway 97, North of Rosland Road.
Parcel 1 per City of La Pine partition file number 04PA-20.

REQUEST: Comprehensive Plan Amendment to change the designation of 8.98 acres of land from Industrial (I) to Mixed Use Commercial (CMX) and Zone Change to change the zone from Industrial (I) to Mixed Use Commercial (CMX) on the Zoning Map.



I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA:

City of La Pine Comprehensive Plan

- Chapters 1-12

La Pine Development Code

- Chapters 15.334 – Text and Map Amendments

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 (OAR)

- 660-012 Transportation Planning Rule
- 660-015 Oregon Statewide Planning Rule

II. FINDINGS OF FACT:

LOCATION: The property is located east of Highway 97, North of Rosland Road. The property address is 17150 Rosland Road; it is identified as Tax lot 100 on the Deschutes County Tax Assessor's Map 21-10-36AC. The zone change request is for Parcel 1 per City of La Pine partition file number 04PA-20.

ZONING: The current Zone and Comprehensive Plan designation of the subject property is Industrial (I).

SITE DESCRIPTION & SURROUNDING USES: The subject property of this proposed comprehensive plan amendment and zone change is located east of Highway 97 along the northwestern edge of the City's boundaries. The property is currently vacant. The property adjacent to the west is currently vacant and also zoned Industrial. All other properties to the west between the subject property and Highway 97 are zoned Mixed Use Commercial. Properties to the east and north are vacant and outside of city limits. To the south, across Rosland Road and adjacent to the subject property, properties are zoned Industrial. Uses of the nearest developed area to the west of the subject property include Dairy Queen, a bowling alley, a gas station, a hotel, Les Schwab Tire Center, storage facilities, and an RV Park. The subject property is not within a FEMA-mapped 100-year floodplain.

PUBLIC NOTICE AND COMMENTS: Neither Public Notice nor notice to the City's agency list has been sent at this time.

III. APPLICATION OF THE CRITERIA:

CONFORMANCE WITH THE LA PINE DEVELOPMENT CODE

Chapter 15.202 - Summary of Application Procedures

15.202.010 Purpose and Applicability

- 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: This application is for a comprehensive plan map amendment and zone change for an individual property. As such, it is reviewed as Quasi-Judicial, but must be adopted by City Council before becoming effective.

15.202.50 Neighborhood Contact

- 1. Purpose and Applicability. Unless waived by the City Planning Official, applicants for master plans, subdivisions with more than 10 lots, major variances and property owner- initiated for zone changes are required to contact neighboring property owners and offer to a hold meeting with them prior to submitting an application. This is to ensure that affected property owners are given an opportunity to preview a proposal and offer input to the applicant before a plan is formally submitted to the City, thereby raising any concerns about the project and the project's compatibility with surrounding uses early in the design process when changes can be made relatively inexpensively.**

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.

FINDING: A Quasi-Judicial Review process is being followed for this 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; Any person who submits a written request to receive a notice; and
- g. 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.

2. In general circulation in the County at least 10 days prior to the hearing 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.
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.
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: Type III procedures are being followed.

Chapter 15.334 - Text and Map Amendments
15.334.20 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 proposed Comprehensive Plan Map amendment and Zone Change apply to a single property owner. The property owner initiated the proposed amendments. As the proposed amendments do not generally involve broad public policy and the amendments do not apply to more than the subject property, the proposals are being processed as Quasi-judicial amendments.

15.334.030 Procedure Type

- B. Quasi-judicial amendments are subject to Type III review in accordance with the procedures in Article 7 except that quasi-judicial Comprehensive Plan amendments and Zone changes which must be adopted by the City Council before becoming effective.**

FINDING: This application is being processed as a Quasi-judicial amendment, through a Type III review process in accordance with the procedures in Article 7. As the application is for both a Comprehensive Plan Map amendment and a Zone change, if recommended for approval by the Planning Commission, both applications will be considered by the City Council for adoption before becoming effective.

15.334.40 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: The Applicant is proposing a Comprehensive Plan Map amendment, concurrently with the proposed Zone Change. Compliance with the Statewide Planning Goals and relevant Oregon Administrative rules is 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 Applicant notes that it is their intent to develop the property with residential and commercial uses. Although the intended use of the subject property is not guaranteed through this proposed Comp Plan Map amendment and zone change, the Applicant asserts that the proposed amendment and zone change could facilitate the development of the subject property for a commercial use encouraged by the Comprehensive Plan. Further, the Applicant notes that the property is currently vacant, noting that it is in an area of substantial commercial uses and that a commercial use may be more desirable for this property abutting other commercial uses.

C. The amendment must conform to Section 15.344.050, Transportation Planning Rule Compliance; and

FINDING: Transportation Planning Rule compliance is demonstrated below.

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:

The Applicant notes, that the applicable Statewide Planning Goals are Goals 9, 11, and 12. Compliance with Goal 12 is addressed below, as required by 15.334.50 and the Transportation Planning Rule OAR 660-012-0060. Compliance with Goal 11 is assured by compliance with the City Comprehensive Plan policies that implement Goal 11, discussed below. Compliance with Goal 9 is assured by compliance with OAR 660, Division 9, Economic Development. The Applicant notes, that the relevant part of the division is found in OAR 660-009-0010 (4):

(4) For a post-acknowledgement plan amendment under OAR Chapter 660, Division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements; and:

(a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or

(b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or

FINDING: The City's most recent economic opportunities analysis is contained in the City's acknowledged comprehensive plan. The proposed amendment is consistent with this acknowledged comprehensive plan, as detailed below.

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

FINDING: The subject property is designated Industrial land by the City's Comprehensive Plan. This application proposes to change this designation to Mixed Use Commercial, on a property that adjoins industrial lands. As such, plan policies related to agriculture (Goal 3), forest (Goal 4), and recreational land (Goal 8) do not apply. In addition, the policies of Chapter 5 (Natural Resources and Environment) also do not apply, as the subject property does not contain any plan-identified Goal 5 resources. Goal 6 is not applicable because the proposed Comprehensive Plan Map

Amendment and Zone Change only amends a map; it does not include development and will not have any impacts on air, water or land resources. Through future development applications, the Applicant will be required to demonstrate that sewage treatment, water service, and storm water management will be supplied in accordance with the adopted design standards, thus maintaining water and land resource quality on and around the property. Additionally, there are no streams or other water resources in the vicinity that would be adversely affected future development.

Policies of Chapter 7, 8, 9, and 10 are addressed below:

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, the Comprehensive Plan includes a comprehensive review of service providers, development reviewing entities, health providers, recreation providers, street details, water and sewer elements, school, library, solid waste, storm water, power, gas, communication and broadcasting providers. This Chapter includes goals and policies directed at coordination, provider details, expansion needs, development restrictions, along with conservation practices. Some of the policies of this chapter are directed at development and are implemented through the Zoning Ordinance standards.

City Goal #1 Policies

- **Plans providing for public facilities and services should be coordinated with plans for designation of urban boundaries, land use zoning designation, surrounding urbanizable land and rural uses, and for the transition of rural land to urban uses.**

FINDING: The City's comprehensive plan has developed a plan for providing public facilities and services. Some public facilities are provided to the subject area of the property and are addressed below:

Water/Sewer: Neither city water and sewer services are available at the property. Both water and sewer services are proposed to be extended from nearby existing lines to service the subject property. The proposed sewer main will gravity flow to a new regional pump station and will connect to the existing City system via a proposed force sewer main in Rosland Road.

The proposed water mains will connect to the existing system at two locations in Drafter road and in Rosland Road, creating a looped system.

The Applicant shall submit water and sewer needs and capacity analyses at the time of site plan application, prior to any development.

Transportation: Rosland Road serves the subject property for access. The Applicant submitted a traffic memo, which outlined the impacts of the proposed comp plan amendment/zone change. The traffic scoping memo shows that a rezone from Industrial to CMX would have little effect on overall traffic volumes, with an increase of only 10 PM peak hour trips.

Police/Fire: Police services are provided by the Deschutes County Sheriff Department and Fire Response is provided by the City's Fire Department.

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. Furthermore, this chapter addresses long range planning needs, air and rail, pipelines, and funding.

The majority of the policies of this section have been incorporated into the Zoning Ordinance and implementing regulations, which will be imposed upon future site development. Further, the City assures compliance with Statewide Planning Goal 12 by addressing OAR 660-012- 0060, which is discussed in this staff report.

The Applicant notes:

The subject property abuts Rosland Road, an east-west local street. It is near Highway 97, a north-south highway and principal arterial roadway. The current proposal includes a Comprehensive Plan Map Amendment and Zone Change only and does not include development. Full frontage improvements and compliance with the City's TSP will be required at time of site plan application, prior to development, through the applicable implementing regulations.

Chapter 9. Economy

This Chapter is intended to carry out Statewide Planning Goal 9, Economic Development. 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...the concept of creating a complete community begins with providing enough jobs, education, services, and industry to sustain the community without heavy reliance upon other nearby cities such as Bend and Redmond." (La Pine Comprehensive Plan Page 87). Chapter 9 contains the City's Economic Opportunities Analysis/Buildable Lands Analysis. The purpose of the analysis is to "plan for and provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of its citizens."

The Applicant notes:

The comprehensive plan (p. 94-95) expects that the rezoning of certain economic lands parcels will be necessary to provide enough land in sizes needed to create commercial centers, rather than a continuation of additional shallow-depth strip commercial. The plan finds this type of development will provide a better balance of commercial development and reduce unnecessary trips. The subject property is ideally positioned to create a medium sized commercial center, adjoining the highway strip of commercial properties along Highway 97. Rezoning the property will widen the strip so that it functions as a commercial center attracting new and variable commercial interest to the area.

The comprehensive plan recognizes that the recreational nature of the La Pine area will continue to create a demand for hospitality services and that retail services are needed by the community. The proposed rezoning will allow the city to provide additional hospitality services or retail services.

Policies

- **Updates to inventories and analysis of needed industrial and commercial land types, existing land supplies, and economic development strategies for meeting the requirements of the community are essential. It is necessary to provide adequate buildable industrial and commercial land for the 20 years planning horizon.**

FINDING: This policy recommends updating the economic land inventories as needed, with a focus on maintaining an adequate supply of buildable industrial and commercial land during the 20-year planning horizon.

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

FINDING: Public facilities serving the subject property include transportation, police and fire response.

- **Preservation of large industrial parcels over 30 acres in size will attract target industries and new manufacturing businesses.**

FINDING: There is currently an overabundance of industrial zoned land within the City of La Pine. The land is also adjacent to a future highway that may be constructed, making it optimal for a mix of commercial and residential development. The majority (49.91 acres) of the parent parcel is proposed to remain zoned Industrial and used for industrial development.

Water/Sewer: Neither city water and sewer services are available to the property. Both water and sewer services will need to be extended from nearby existing lines to service the subject property. Applicant shall submit water and sewer needs and capacity analyses at the time of site plan application, prior to any development.

Transportation: Rosland Road serves the subject property for access. The Applicant submitted a traffic memo, which outlined the impacts of the proposed comp plan amendment/zone change. The traffic memo noted that the zone change from industrial to mixed use commercial would result in a decrease in weekday PM Peak Hour trips by 23.

The traffic memo notes: *“The critical intersections within the area are the US 97/Rosland Road intersection and the US 97/Burgess intersection. At US 97/Rosland Road the volumes reduce the outbound movements that are stop-sign controlled, which will reduce intersection delays. At the US 97/Burgess Road intersection the rezone adds to the critical eastbound left-turn maneuver, but also reduces the southbound highway volumes that conflict with this maneuver.”*

Police/Fire: Police services are provided by the Deschutes County Sheriff Department and Fire Response is provided by the City’s Fire Department.

Chapter 10. Housing

This chapter is intended to carry out Statewide Planning Goal 10, Housing. This chapter includes an analysis of the La Pine housing distribution, noting that “to ensure the provision of appropriate types and amounts of land within the La Pine urban growth boundary... to support a range of housing types necessary to meet current and future needs. These lands should support suitable housing for all income levels for maximum sustainability.” (La Pine Comprehensive Plan Page 119). Chapter 10 includes an inventory of buildable land within the urban growth boundary and an analysis of how this land is best utilized to support the communities’ residential needs.

The Applicant notes:

The City of La Pines Comprehensive Plan (p. 129) states, “La Pine does not currently have enough housing choices for people to choose from. The Plan must provide more housing opportunities to help correct this situation.” The subject property is of adequate size and location to provide housing types including multi-family dwellings to assist in the diversification of the community’s available housing while expanding current commercial space in the area creating a commercial center.

Stated in the La Pine Comprehensive Plan (p. 135) “This shortage of multi-family residential development is a result of past development patterns based on inexpensive land costs combined with the lack of a municipal sewer system thereby necessitating larger lots to accommodate on-site septic systems... Such areas should be located along primary transportation corridors and in areas where service commercial

and employment opportunities will be convenient to residents.” The subject property is large enough to provide the necessary area for septic systems needed for multi-family housing units and will include commercial opportunities satisfying both of these qualifications.

Policies

- **It is necessary to provide adequate buildable residential land for the 20-year planning horizon. The La Pine community needs a full range of housing types to sustain a healthy community**

FINDING: According to the La Pine Comprehensive Plan, currently 3% of La Pine residential housing is multifamily (p. 135), while the intended percentage of multifamily housing is 40% (p. 134). The subject property provides a suitable area for developing multi-family housing. The proposed zone change will allow for mixed use commercial in this area allowing for an increase in multi-family housing opportunities, and diversifying the inventory of housing types.

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

FINDING: The subject property satisfies this policy as it both expands the current commercial area around Wickiup Junction development area and allows for an increase in residences that are in close proximity to the proposed and existing mixed use commercial zones.

15.334.50 Transportation Planning Rule Compliance

Proposals to amend the Comprehensive Plan or Zoning Map shall be reviewed to determine whether they significantly affect a transportation facility pursuant to Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR). Where the City, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the City shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

FINDING: The Applicant submitted a traffic memo, completed by Transight Consulting, to address Transportation Planning Rule compliance. The study evaluated a much larger proposed rezone of 50 acres and, therefore, the results of this analysis are conservative for the proposed 8.98 acre rezone. The submitted traffic memo notes:

“...there are eleven criteria that apply to Plan and Land Use Regulation Amendments. Of these, Criteria #3 is applicable to the proposed land use action. This criterion is provided below in italics with responses shown in standard font.

OAR 660-12-0060(1) If 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, then 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.

As described within Section (3):

OAR 660-12-0060(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

- (a) *In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;*
- (b) *Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;*

Response: With a proposed trip cap established based on the trip generation potential of the existing zoning the future allowed development will be less than or equivalent to the current zoning potential, and the impacts will avoid further system degradation.

(c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

Response: The property is not within an interchange area. ODOT had planned to construct an overcrossing of the BNSF railroad with ramp connections to help address the identified capacity needs within this area. This project was fully funded. However, this project is now on indefinite hold following bridge abutment foundation settlement issues, and the Wickiup Junction plan was intended as a stopgap measure in the interim period. The Wickiup Junction plan does not propose grade separation.

(d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.

Response: Following ODOT review it is requested that ODOT provide a written statement that the rezone with trip cap as a mitigation measure is sufficient to mitigate any potential impacts of the rezone.

The traffic memo notes that the “rezoning the 59-acre parcel from *Industrial* to *Commercial Mixed-Use* zoning along with a trip cap of 430 weekday p.m. peak hour trips does not create a significant impact per the Transportation Planning Rule. Additional site-specific analysis will be required as development plans are submitted.” Further, traffic memo notes, “by limiting the trip generation potential of the site with the rezone to *CMX* to its trip generation potential today within its *Industrial* zoning the impacts of the amendment mitigates any impacts to the system and avoids any further system degradation. Accordingly, the rezone directly complies with the Transportation Planning Rule’s requirements for a Plan and Land Use Regulation Amendments.”

CONFORMANCE WITH OREGON REVISED STATUTES

Oregon Revised Statutes are the laws, enacted by the Oregon Legislature (or citizen initiative), that govern the State of Oregon. As they relate to Land Use proceedings, State Statutes (Oregon Revised Statutes - ORS) are carried out through rules (Oregon Administrative Rules –OAR) which are developed by the Department of Land Conservation and Development (DLCD). Local jurisdictions (including the City of La Pine) are required to develop a land use program based upon the adopted OARs. Local land use programs include the development and maintenance of a Comprehensive Plan, along with implementing ordinances, such as zoning ordinances, procedures, and land division ordinances. DLCD and the Land Conservation and Development Commission (LCDC) reviews all Comprehensive Plans and implementing ordinances,

and “acknowledges” those that are found be consistent with the OAR and Statewide Planning Goals. The City of La Pine has an “acknowledged” Comprehensive Plan, along with “acknowledged” implementing ordinances. The Comprehensive

Plan map amendment request has been reviewed for compliance with the acknowledged Comprehensive Plan and implementing ordinances, thus conformity with applicable state statutes is understood. The State Statutes that apply to this application include:

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.

The City of La Pine Development Code was developed to comply with the State Statutes listed above, regarding both noticing and public hearings (ORS 197.610 and 197.763). Notice of the proposed amendment was provided to DLCD on May 15, 2019 and required public notice of the public hearing was mailed to neighbors within 500’.

IV. Summary and Conclusion:

The Applicant has documented that the request to amend the Comprehensive Plan Designation of the property and to amend the Zoning Map to Mixed Use Commercial (CMX) complies with the applicable approval criteria, subject to a few conditions upon site plan application:

- Applicant shall be responsible for frontage improvements for compliance with the City’s TSP.
- Applicant shall submit sewer and water capacity, needs analyses for the proposed use, and shall be responsible for any required improvements to accommodate the needs.



Date:	January 6, 2021
To:	Tammy Wisco, Retia Consult, LLC
	Peter Russell, Deschutes County
	Don Morehouse, ODOT Region 4
From:	Joe Bessman, PE
Project Reference No.:	1499
Project Name:	La Pine CMX Rezone



The purpose of this memorandum is to propose scoping to rezone 50.0 acres located within La Pine City Limits from La Pine Industrial (LPIND) to La Pine Commercial Mixed-Use (CMX). The rezone of the 59.0 acre property excludes a nine-acre area that is planned for self-storage units, which are allowed outright in the current (and the proposed) zoning. This application provides an assessment of a reasonable “worst-case” trip generation scenario for the remaining acreage in compliance with the Transportation Planning Rule section on Plan and Land Use Regulation Amendments (OAR 660-12-0060). To address coordination requirements and the jurisdictional authority of the surrounding roadways, City of La Pine, Deschutes County, and ODOT are copied on this scoping letter.

PROJECT BACKGROUND

The subject property is located in northeast La Pine at 17150 Rosland Road, tax lot 2110360000100. It is located along the eastern edge of the Wickiup Junction area between Drafter Road and Rosland Road, bordered to the west by a right-of-way tract owned by ODOT. The site has historically been used for forestry purposes, with no current development in place on the property. A site vicinity map is included in Figure 1 showing the overall parcel, with Figure 2 illustrating the 50-acre portion subject to the rezone. Due to the location of City utilities development of the property will begin on the southern edge and will extend north.

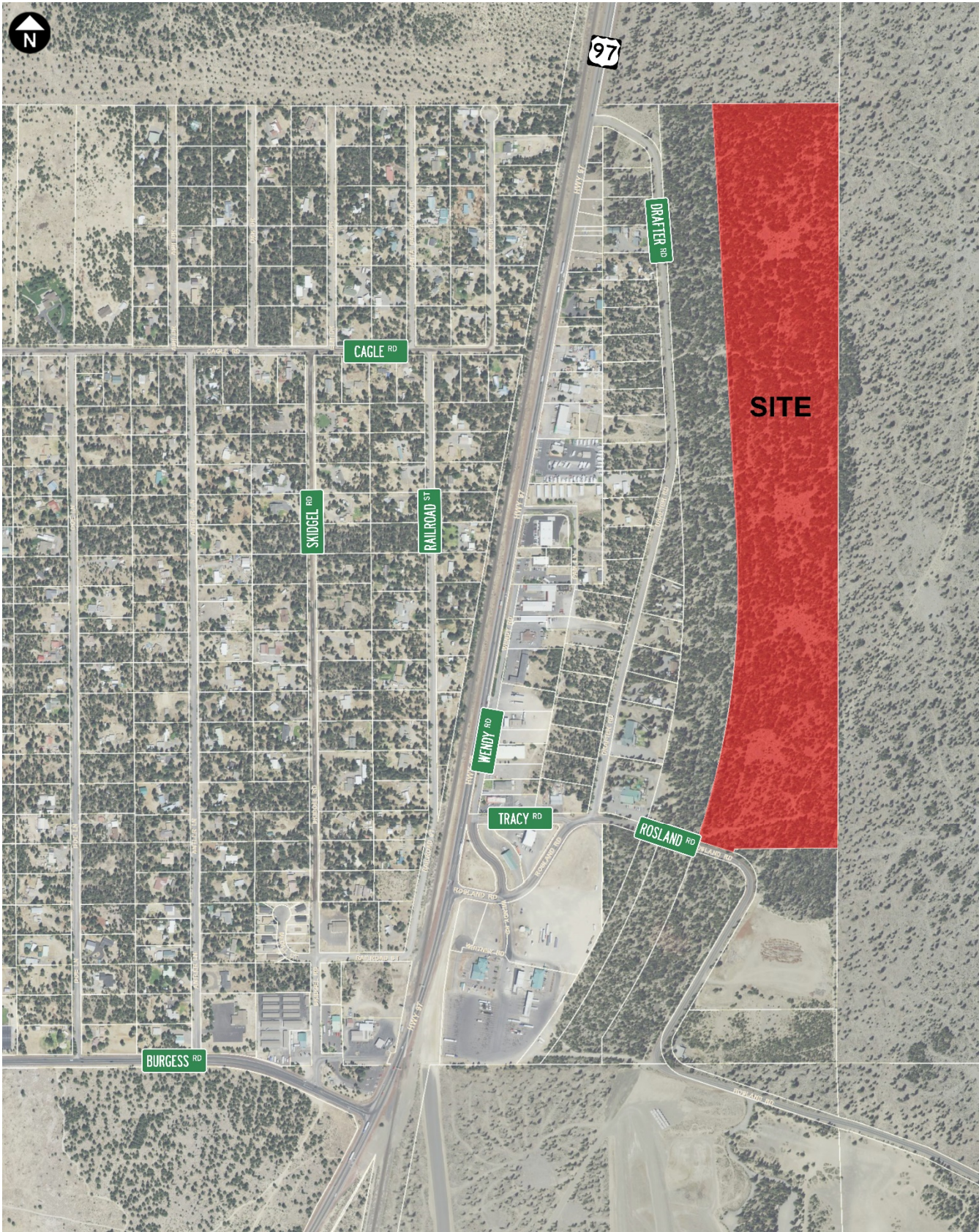


Figure 1. Site Vicinity Map. (Map Source: Deschutes County DIAL)

TRANSPORTATION PLANNING RULE APPROACH

Oregon Administrative Rule 660-12 is referred to as the Transportation Planning Rule, and subsection -0060 describes the transportation requirements for a Plan and Land Use Regulation Amendment. The critical item within this analysis is to assess whether a proposed amendment to a functional plan, acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility. This review is typically initiated through review of the trip generation potential of the existing and proposed zoning designations assuming reasonable worst-case development scenarios.

For this review, City of La Pine Development Code was reviewed to compare uses allowed within the existing and proposed designations. This assessment considers uses that are allowed outright in each of the zones as identified in Code and considers the most intense uses based on typical land area associated with this use.

Existing *La Pine Industrial* Designation

La Pine Development Code 15.24 describes the purpose and uses for Industrial lands.

Industrial and public facility zones accommodate a mix of intensive and less intensive uses engaged in manufacturing, processing, warehousing, distribution, and similar activities. Two industrial zoning districts, one for light industrial uses and one for general industrial uses, provide for the full range of planned industrial land uses within the city. Both districts are intended to provide for efficient use of land and public services, provide a high-quality environment for business, offer a range of parcel sizes and locations for industrial site selection, avoid encroachment by incompatible uses, provide transportation options for employees and customers, and facilitate compatibility between dissimilar uses.

The following uses are allowed outright within the City's *Industrial* zone:

- Self Service Storage
- Artisanal and Light Manufacturing
- General Manufacturing and Production
- Wholesale Sales
- Warehouse and Freight Movement

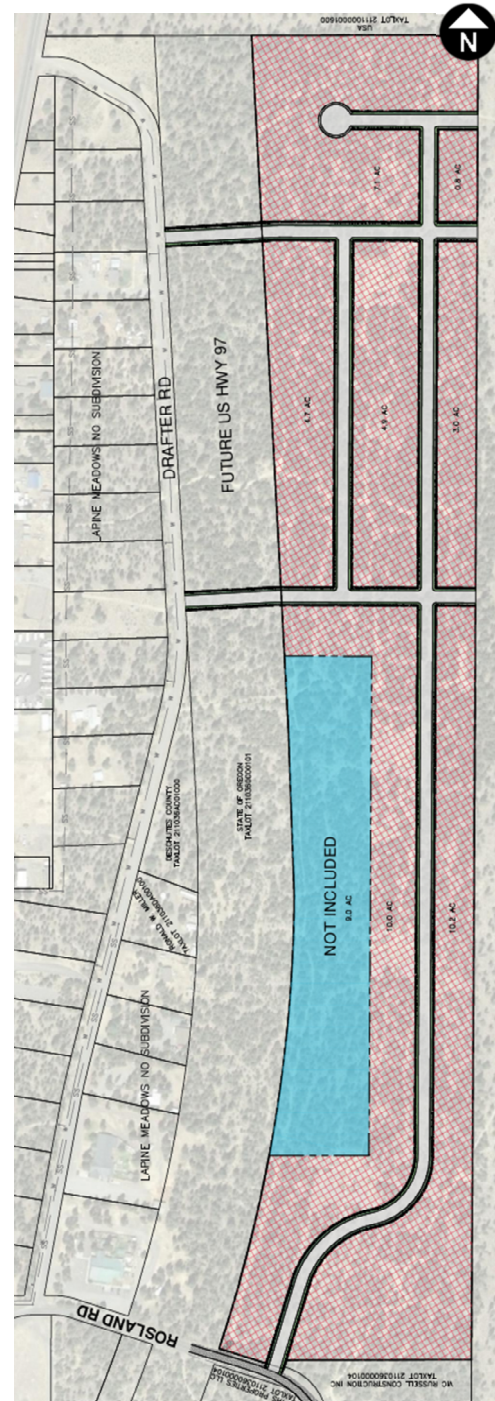


Figure 2. Rezone Area of Parcel.
Source: BECON Engineering.

- Basic Utilities
- Community Services
- Forestry
- Wireless Communication Services

The allowable uses within the La Pine Industrial zone are generally more land- and freight-intensive uses. The most intense uses are likely to be various types of light manufacturing/production uses, which could be developed throughout the entirety of this property. Most industrial uses contain a Floor to Area Ratio (FAR) ranging between 0.25 and 0.35, with a lower FAR of 0.25 anticipated within this area given surrounding development patterns. Table 1 summarizes the comparative trip rates of the higher-intensity allowable uses within this industrial zone.

Table 1. Comparative Trip Rates of Existing Zoning Outright Allowable Uses, ITE 10th Edition

Land Use	ITE Code	Weekday Daily Trips	Weekday PM Peak Hour		
			Total	In	Out
Industrial Park	130	3.37/KSF	0.40/KSF	21%	79%
Manufacturing	150	3.93/KSF	0.67/KSF	31%	69%
General Light Industrial	110	4.96/KSF	0.63/KSF	13%	87%

Based on these allowable uses, *Manufacturing* (ITE 150) results in the highest number of weekday p.m. peak hour trips. Various types of manufacturing uses could locate within this area, which would implicitly include areas for office, storage, and production. Trip generation estimates were prepared for this scenario.

Table 2. Existing Zoning Trip Generation Potential, ITE 10th Edition

Land Use	ITE Code	Acreage/ Density	Metric	Daily Trips	Weekday PM Peak Hour		
					Total	In	Out
Manufacturing	150	50.0 Acres FAR: 0.25	544,500	2,140	365	113	252

Proposed *Commercial Mixed-Use* Zoning

City of La Pine Development Code (LPDC) section 15.24.200(C) describes the proposed *Commercial Mixed-Use* (CMX) zoning district as the following:

The CMX zone is intended to allow for a wide range of both commercial and residential uses. Unlike the CRMX zone, residential uses are not limited and are allowed to be developed on standalone sites. Some commercial uses that may not be compatible with residential uses are prohibited or limited. The CMX zone allows for flexible uses that can respond to market demand.

For a smaller lot, a “worst-case” analysis scenario would focus entirely on the most intense allowable uses that could be developed. With the remaining 50-acre portion of the site this approach is not reasonable, as this acreage of high-intensity uses could not be supported in a community the size of La Pine. Instead, a scenario was prepared assuming a general mix of uses based on input from the project team. This mix of uses was revised to increase the amount of higher-intensity uses to provide a conservative analysis scenario, as summarized below:

- Single-Family Residential: 50%, approximately 25.0 acres
- Multifamily Residential: 30%, approximately 15.0 acres
- Commercial: 20%, approximately 10.0 acres

The following uses are allowed outright within the City’s *Commercial Mixed-Use Zone*:

- Single-family dwelling
- Cottage cluster development
- Townhome
- Duplex
- Multi-family development
- Manufactured dwelling
- Manufactured dwelling park
- Accessory dwelling unit
- Residential care home
- Residential care facility
- Commercial Lodging
- Commercial Parking
- Commercial Recreation
- Forestry
- Eating and Drinking Establishments
- Marijuana Dispensary
- Office
- Self-Service Storage
- Basic Utilities
- Colleges
- Community Services
- Daycare Centers
- Parks and Open Areas
- Religious Institutions
- Schools
- Agriculture

Within the CMX zone, the most intensive commercial uses would be eating and drinking establishments, daycare centers, or offices, as shown in Table 3. A likely development scenario will include the parceling the commercial lands to allow multiple user types within the 1 to 2-acre size range, with only one or two sites dedicated to these more intense uses given the non-highway frontage of the site. Within the residential area a target density would be less than 4.0 units per acre, and the multifamily would be in the range of 22 units per acre.

Table 3. Commercial Use Trip Generation Rate Comparison, ITE 10th Edition

Land Use	ITE Code	Metric	Weekday Daily Trips	Weekday PM Peak Hour		
				Total	In	Out
High Turnover (Sit-Down) Restaurant	932	KSF	63.94/KSF	5.57/KSF	62%	38%
Fast Food Restaurant with Drive-Through Window	934	KSF	235.48/KSF	16.33/KSF	52%	48%
General Office	710	KSF	9.74/KSF	1.15/KSF	16%	84%
Day Care Center	565	KSF	47.62/KSF	11.12/KSF	47%	53%

Interaction between uses within this mixed-use scenario is accounted for by internal trip reductions calculated via the Institute of Transportation Engineer’s Internal Trip Capture Estimation Tool. These calculations show an overall 8% internalization rate. Table 4 contains the estimated trip generation potential of the proposed development with the above assumptions for land use applied, with all calculations provided using ITE’s average rate equations.

Table 4. Proposed Zoning Net Trip Generation Comparison, ITE 10th Edition

Land Use	ITE Code	Acreage/ Density	Metric	Daily Trips	Weekday PM Peak Hour		
					Total	In	Out
Single-Family Detached Housing <i>Internal Trips (8%)</i>	210	25 Ac 4.0/Ac	100 Units	944 -76	99 -8	62 -5	37 -3
Multifamily Housing (Mid-Rise) <i>Internal Trips (8%)</i>	221	15 Ac 22.0/Ac	330 Units	1,795 -144	145 -12	88 -7	57 -5
High Turnover (Sit-Down) Restaurant <i>Internal Trips (8%)</i> <i>Pass-by Trips (43%)</i>	932	0.70 Ac Typical	5,000 SF	561 -45 -222	49 -4 -19	30 -2 -12	19 -2 -7
Fast Food Restaurant with Drive- Through Window <i>Internal Trips (8%)</i> <i>Pass-by Trips (50%)</i>	934	0.6 Ac Typical	3,000 SF	1,413 -113 -650	98 -8 -45	51 -4 -23	47 -4 -22
General Office <i>Internal Trips (8%)</i>	710	8.7 Ac FAR: 0.20	75,794 SF	738 -59	87 -7	14 -1	73 -6
Total Trips <i>Internal Trips</i> <i>Pass-by Trips</i> Net New Trips				5,451 -437 -872 4,142	478 -39 -64 375	245 -19 -35 191	233 -20 -29 184

Trip Generation Comparison

Table 5 presents a comparison of the existing and proposed trip generation between the two zoning scenarios. This shows that the rezone has the potential to double the number of weekday daily trips, but during the critical evening peak commute hour these differences are minor. The shift from employment-based uses to largely residential does shift the inbound/outbound travel patterns with little change in overall volumes.

Table 5. Proposed Zoning Trip Generation Estimates, ITE 10th Edition

Land Use	Weekday Daily Trips	Weekday PM Peak Hour		
		Total	In	Out
Existing Zoning Potential (See Table 2)	2,140	365	113	252
Proposed Zoning Potential (See Table 4)	4,142	375	191	184
Trip Difference	+2,002	+10	+78	-68

More intense land use scenarios could be possible within the CMX zoning that included higher residential densities or higher proportions of commercial lands with more restaurants, regardless of how realistic these scenarios may be. Accordingly, future analysis and mitigation of any identified impacts must also include measures be put into place to ensure that the rezone to CMX remains below the 375 weekday p.m. peak hour trip level shown in Table 4 that could be generated with the proposed zoning designation.

Site Access and Trip Distribution

Access to the property will be provided directly from Rosland Road. With the long rectangular shape of the property secondary access will likely be required from a more northern location as the property develops, to support emergency and secondary access requirements. As this will require crossing ODOT-managed lands that were originally purchased for a future bypass alignment, additional discussions will need to occur with ODOT. For purposes of the scoping process, it was assumed that all trips would access directly onto Rosland Road from a single access location east of Drafter Road. It was also assumed that Drafter Road would remain unpaved, and so all trips onto US 97 would be consolidated at the Rosland Road intersection.

Trip distribution pattern was prepared based on the general locations of residential areas, employment centers, and area destinations. Pass-by trips for the proposed zoning scenario were informed based upon historical counts at the US 97 / Rosland Road intersection dated January 11, 2018. Figure 3 illustrates the estimated trip distribution pattern and how the trip difference is assigned to the adjacent intersections.

The critical intersections within the area are the US 97/Rosland Road intersection and the US 97/Burgess intersection. At US 97/Rosland Road the volumes reduce the outbound movements that are stop-sign controlled, which will reduce intersection delays. At the US 97/Burgess Road intersection the rezone adds to the critical eastbound left-turn maneuver, but also reduces the southbound highway volumes that conflict with this maneuver.

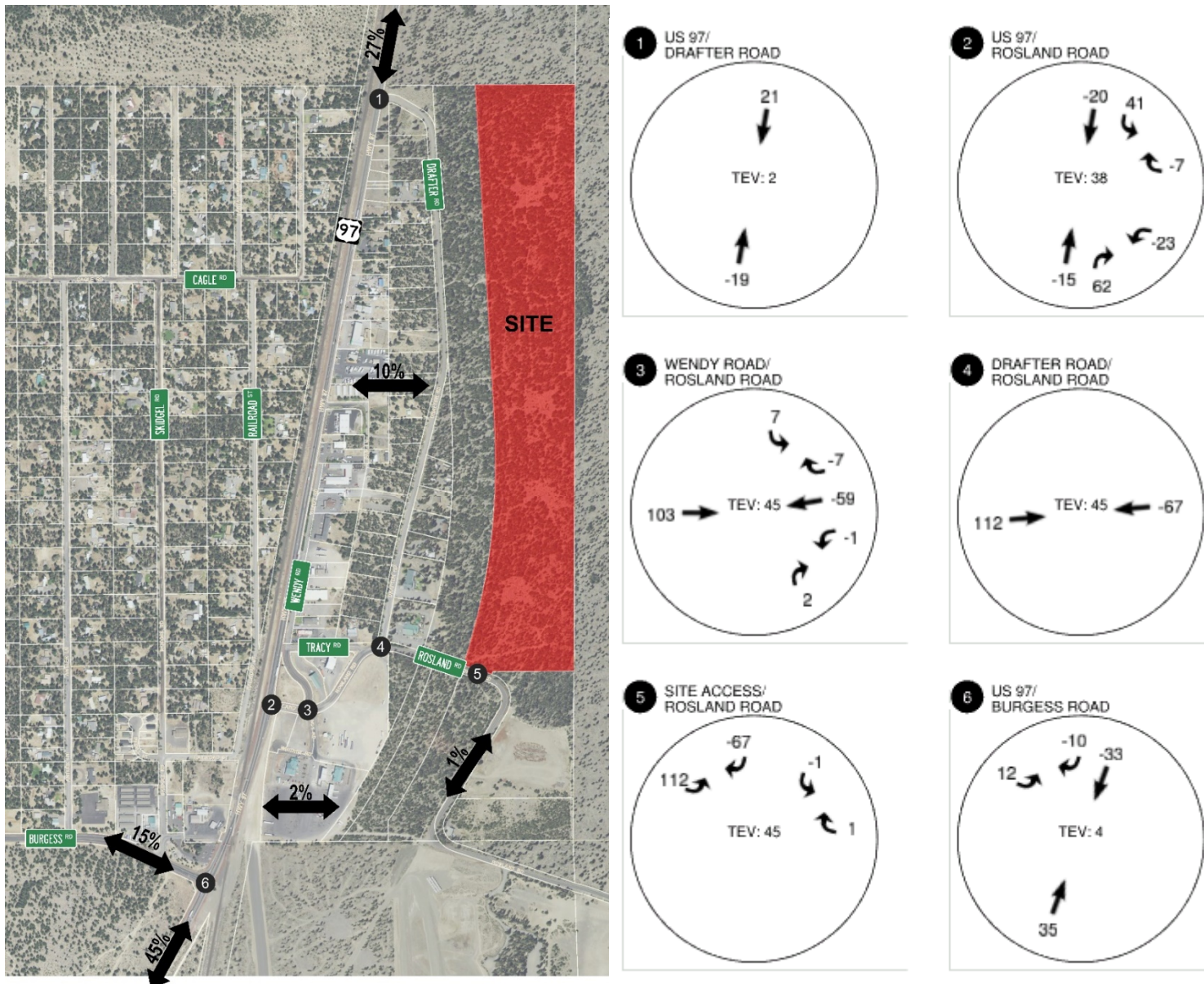


Figure 2. Estimated Trip Distribution and Assignment of Additional PM Peak Hour Trips.

Wickiup Junction Plan Review

To assess the level of growth assumed within ODOT’s *Wickiup Junction Refinement Plan* for this area, the forecasting memoranda were obtained and reviewed. This review showed that all forecasting assumptions were prepared through the application of an annual growth rate to the existing traffic volumes. While the plan included the Rosland Road/Drafter Road intersection as a *study intersection*, materials within the report appear to include placeholder text that was not revised within the final *Memorandum #5: Future Conditions Analysis*, as shown in Figure 3, preventing comparison of what was assumed for these urbanizable lands.

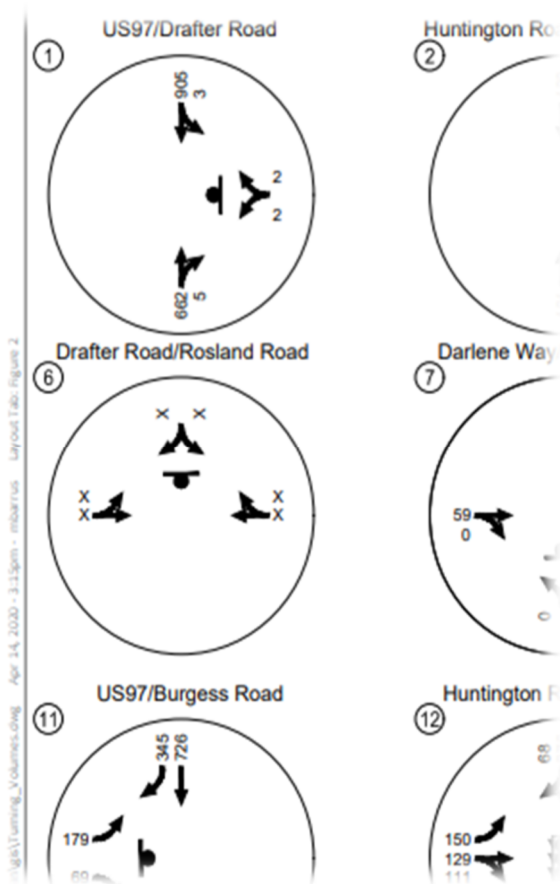


Figure 3. Forecast traffic volumes at the Drafter Road/Rosland Road intersection.
 Source: *Final Technical Memorandum 5: Future Conditions Analysis*, Kittelson & Associates.

Traffic volume forecasts within the Wickiup Junction plan at the US 97/Rosland Road intersection appear to have been approximated through a two-percent annual growth factor without any specific account for buildable lands. This approach results in about 100 more trips using Rosland Road in the future year 2040 scenario than within the existing traffic counts. Regardless of how the forecasting was prepared, the plan appears to acknowledge the existing *Industrial* zoning within Technical Memorandum #4.

PROPOSED STUDY AREA

With the increased trips and the change in directionality it is proposed that locations #2 through #6 shown in Figure 2 be considered *Study Intersections*. This would only omit the US 97/Drafter Road intersection as it shows less than 25 added weekday p.m. peak hour trips and no turning movements that would influence the major street performance.

All traffic counts will be obtained from the Wickiup Junction Study, and traffic volume forecasting will use the same horizon year with the same linear growth approach as has been approved by the City of La Pine, Deschutes County, and ODOT for application throughout the Wickiup Junction plan. This TPR analysis will effectively demonstrate that with the proposed CMX rezone the approved Wickiup Junction plan will remain viable to support these additional trips, or appropriate mitigation measures will be identified.

NEXT STEPS

Thank you for the opportunity to provide these scoping materials for review and comment. If you have any questions or comments I can be reached at (503) 997-4473 or via email at joe@transightconsulting.com.



STAFF REPORT

TO: La Pine Planning Commission
FROM: City of La Pine Planning Department
SUBJECT: Planning File – Zone Change
DATE: December 8, 2021

I. BACKGROUND

- A. APPLICANT:** North Pine Village, LLC.
- B. PROPERTY LOCATION:** The property is located east of Highway 97, adjacent to Drafter Road and north of Roseland Road. The street address is 17150 Roseland Road and Deschutes County Assessor places the property within Township 21; Range 10; Section 36AC; Tax Lot 100.
- C. PARCEL SIZE:** The subject property contains 58.98 acres.
- D. EXISTING DEVELOPMENT:** The vacant subject area fronts along two public roads. Public services may be extended to serve the site.
- E. ZONING:** Industrial Zone (IND).
- F. ADJACENT ZONING AND LAND USE:** Property to the east and north is located outside City limits and within Deschutes County. Vacant Industrial land is located to the south while Commercial Mixed Use zone land is located to the west. This area contains commercial development along Highway 97 as well as a mix of residences and vacant parcels.
- G. REQUEST:** The applicant is requesting approval to change the zone on the subject property from Industrial (IND) to Commercial Mixed Use (CMX). This request is limited to 8.98 acres located at the north end of the subject parcel.
- H. DECISION CRITERIA:** La Pine Municipal Code; Chapter 15.344.

II. APPLICATION SUMMARY

- A.** The City of La Pine approved a partition to divide the subject property into three parcels of 8.98 acres (proposed Parcel 1), 19.96 acres (Parcel 2) and 29.94 acres (Parcel 3). The applicant surveyed the property but as of the date of this report, has yet to record the final partition plat.

- B. The applicant is now requesting approval of a Zone Change on the 8.98 acre proposed Parcel 1. The request would change the zoning from the current Industrial zone to Commercial Mixed Use. As both the Comprehensive Plan map and Zone Map are coterminous, the application effectively amends both the Plan and Zone maps. This application does not include a concurrent development plan for the 8.98-acre parcel.
- C. Both the Industrial and Commercial Mixed-Use zones allow uses that provide employment opportunities. However, the CMX also allows a wide range of residential uses. Development Code Section 15.22.200.C., notes the following:

C. Commercial Mixed-Use Zone (CMX). The CMX zone is intended to allow for a wide range of both commercial and residential uses. Unlike the CRMX zone, residential uses are not limited and are allowed to be developed on standalone sites. Some commercial uses that may not be compatible with residential uses are prohibited or limited. The CMX zone allows for flexible uses that can respond to market demand.

Therefore, this review will address the zone change in the light of the flexibility afforded the CMX zone.

- D. Pursuant to Section 15.202.010 of the Municipal Code, map amendments are classified as a Type III land use application. Section 15.204.030 calls for a public hearing before the Planning Commission. Unless the Commission decision is appealed or called-up by the City Council, the Commission decision is the final local decision.

IV. CRITERIA AND FINDINGS – TEXT AND MAP AMENDMENTS

- A. As noted, chapter 15.334 establishes the process for a zone change. Subsection 15.334.010 establishes the purpose of the Chapter:

“The purpose of this chapter is to provide standards and procedures for legislative amendments to the comprehensive plan and map and to this Development 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.”

FINDINGS: The request would change the Comprehensive Plan designation and Zone on a property within the City. This is entirely consistent with the purpose of the Chapter.

- B. Applicability provisions are found in Section 15.2334.020. Each item is reviewed below:

-
1. **Sec. 15.334.020.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:
 - a. All text amendments to Development Code or comprehensive plan (except for corrections).
 - b. Amendments to the comprehensive plan map and/or zoning map that affect more than a limited group of property owners.

FINDINGS: As the request involves a portion of a previously partitioned property, and the application was submitted by the owner of said property, this application is not classified as a legislative action.

2. **Sec. 15.334.020.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.

FINDINGS: As noted above, the request involves a single applicant and land owned by the applicant. Staff concludes this is a quasi-judicial request.

3. **Sec. 15.334.020C.** 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.

FINDINGS: This request was initiated by a single property owner.

- C. **Section 15.334.030** Identifies the applicable procedure for the request: (A) legislative amendments are subject to Type IV review in accordance with the procedures in Article 7; and (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.

FINDINGS: As a quasi-judicial zone change, the request is are subject to Type III review in accordance with the procedures in Article 7. Per the requirements in the subsection, final adoption of the amendment rests with the City Council.

- D. The approval criteria are contained in Section 15.334.040. The 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 criteria found in the following section.
- E. **Section 15.334.040.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

FINDINGS: The hearing before the Planning Commission is consistent with goals and policies in Chapter 2 related to Citizen Involvement. As the request, and subject property, do not involve farm or forest land, the policies in Chapters 3 and 4, respectively, do not apply. Policies of Chapter 5 (Natural Resources and Environment) also do not apply, as the subject property does not contain identified Goal 5 resources. As existing Industrial zoned land, recreational lands or resources are not impacted (Chapter 6 – Parks, Recreation, Open Space). Development must demonstrate that sewage treatment, water service, and storm water management will be supplied in accordance with the adopted design standards (Chapter 7 – Public Facilities). Provisions for water, sewer and storm service also address environmental concerns of Chapter 5. A traffic memo submitted by the applicant shows that a rezone from Industrial to CMX would have little effect on overall traffic volumes, with an increase of only 10/minute peak hour trips (Chapter 8 – Transportation). Any development on the site must comply with current energy efficiency requirement (Chapter 11 – Energy). This action involves an urban zone within corporate limits and does not expand the UGB (Chapter 12 – Urbanization).

The CMX zone is identified as an “employment zone” in the Comprehensive Plan, subject to the inventory and analysis for commercial/industrial type activities. These policies are found in Chapter 9 – Economy. However, the CMX zone also has the potential for residential development (Chapter 10 – Housing). Compliance with the policies in both Chapters will be reviewed in Section 15.334.040.D.

- F. **Section 15.334.040.B.** - The proposal must be found to:
- a. Be in the public interest with regard to community conditions; or
 - b. Respond to changes in the community; or
 - c. Correct a mistake or inconsistency in the subject plan or code; and

FINDINGS: The public interest is served as the zone change to Commercial Mixed Use provides more development options, increasing the site’s employment potential. The new zone also has the potential to provide needed housing which certainly meets the community interests.

- G. Section 15.334.040.C.** The amendment must conform to section 15.344.060 [15.334.050], transportation planning rule compliance; and

FINDINGS: The subject property abuts Rosland Road, an east-west local street. It is near Highway 97, a north-south highway and principal arterial roadway. The current proposal includes a Zone Change and does not include development. The applicant submitted a traffic memo, which outlined the impacts of the proposed comp plan amendment/zone change. The memo shows that a rezone from Industrial to CMX would have little effect on overall traffic volumes, with an increase of only 10/minutes peak hour trips. For the record, frontage improvements and compliance with the City's TSP will be required at time of site development.

- H. Section 15.334.040. D.** For a quasi-judicial zone change the applicant must also provide evidence substantiating that the following criteria are met:

- 1. Section 15.334.040. D. 1.** Approval of the request is consistent with applicable statewide planning goals;

FINDINGS: Compliance with the Statewide Goals is noted below:

Goal 1, Citizen Involvement: A public hearing on the zone change will be held before the Commission. This action provides an opportunity for public input, consistent with City procedures and the intent of this Goal.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Further, the adoption process is consistent with the state acknowledged Development Code.

Goal 3, Agricultural Lands: The proposal does not involve farm land or land subject to Exclusive Farm Use regulations.

Goals 4, Forest Lands: The proposal does not involve forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The land is currently zoned for industrial activities. Based on information in the Comprehensive Plan, identified cultural, or natural resources are not located on the site.

Goal 6, Air, Water and Land Resource Quality: The proposal will not create uses or activities which will adversely affect the environment. Compliance with water, sewer and storm development requirements further ensure the air, water and land quality are preserved.

Goal 7, Natural Hazards: Development Code requirements for natural hazard areas are unchanged. For the record, the site is not located within an identified natural hazard area such as a floodplain.

Goal 8, Recreational Needs: The proposed zone change does not involve land identified for recreational opportunities.

Goal 9, Economic Development: Both the existing zone and proposed zone are designed to provide employment opportunities. While the extent and nature of those jobs in their respective zones may vary, the fundamental nature of the proposal does not reduce employment opportunities.

Goal 10, Housing: While permitting employment activities, the zone change also provides an opportunity to provide needed entry-level housing for the community. In combination, this serves the City's interest in developing mixed neighborhoods of residences and businesses.

Goal 11, Public Facilities and Services: Facilities are available and may be extended to serve the property. Further, development cannot occur that does not comply with local public facility requirements. This ensures the zone change does not create uses or activities that will increase adverse impacts on existing public facilities.

Goal 12, Transportation: A preliminary traffic analysis submitted by the applicant shows that a rezone from Industrial to CMX would have little effect on overall traffic volumes. Further, at the point of development, traffic impacts are assessed, and improvements required, to ensure impacts on the existing transportation system are minimized.

Goal 13, Energy Conservation: The proposal neither promotes nor reduces energy conservation. All new structures – regardless of zone – must conform to the energy efficiency requirements of the building code.

Goal 14, Urbanization: The proposal involves an urban use within the community and does not affect or accelerate the need to consider boundary revisions.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposal does not involve land within the Willamette Greenway or coastal areas.

In general, the proposal does not directly affect issues addressed by the Statewide Goals.

2. **Section 15.334.040. D. 2.** Approval of the request is consistent with the relevant policies of the comprehensive plan;

FINDINGS: As noted the CMX zone can provide opportunities for employment and housing. Compliance with the policies in each relevant Chapter is reviewed below.

Relevant employment-related policies for the proposed zone change are found in Chapter 9, Economy of the Comprehensive Plan. Goal #1: *Provide adequate industrial and commercial land inventories to satisfy the urban development needs of La Pine for the 20-year planning horizon.* This Goal is supported by the following seven policies:

- The current city limits are adequate for serving as the Urban Growth Boundary, although special circumstances may necessitate expansion before 2029.

FINDING: This policy notes there is adequate land within the current UGB to meet the immediate future needs of the community. Otherwise, the policy is not applicable as the request does not expand the UGB.

- Updates to inventories and analysis of needed industrial and commercial land types, existing land supplies, and economic development strategies for meeting the requirements of the community are essential. It is necessary to provide adequate buildable industrial and commercial land for the 20 years planning horizon.

FINDING: The 2018 Comprehensive Plan contains the latest inventory and analysis for commercial and industrial land. Subsection III. - Lands Analysis of Chapter 9 notes the following:

The projected breakdown of needed employment lands is 342.0 gross acres which is less than the 405.39 acres available within the current UGB, leaving 63.39 gross acres as a reserve over the 20- year period.

As both the existing Industrial zone and proposed Commercial Mixed Use are included in this analysis, conversion from one zone to the other will not reduce the existing 63.9-acre reserve. Even if the newly zoned land is developed 100% residential, there remains an approximate 55-acre reserve of employment land. The La Pine Industrial Parks appears to provide sufficient acreage (327 acres) to meet the need for large 50-acre to 120-acre parcels. Further, the remaining portion of the subject 58.89-acre parcel will remain zoned Industrial, which further maintains the inventory for large industrial parcels.

- Frequent updates to the inventories may be required in response to redevelopment, proposed zone changes, mixed-use development techniques and planned unit developments that enable “Complete Neighborhood” concepts and economic development opportunities.

FINDING: As the CMX zone allows residential uses, there may be potential to incorporate the newly zoned property with other Commercial Mixed-Use land to the west, creating the “Complete Neighborhood” concept. While not required, this option certainly remains open.

- State, local, and nationwide trends are not adequate to properly estimate needed industrial and commercial lands. Other local information and economic development targeting goals must be used to properly evaluate future land needs.

FINDING: The Plan recognizes demand estimates are not exact science. However, the land inventory contains a reserve that has the potential to meet changes in the market and national trends.

- Adequate public facilities must be planned, funded, and installed to serve industrial sites and commercial areas.

FINDING: Development cannot occur on the site until such time adequate public facilities can be extended to serve the site and improved in a manner consistent with City public works regulations. At this junction, City staff did not identify any facility issues with the development of this site.

- Preservation of large industrial parcels over 30 acres in size will attract target industries and new manufacturing businesses.

FINDING: This request involves 8.98 acres. While it reduces available Industrial land, the remainder of the property remains zoned Industrial and contains approximately 50-acres, a size encouraged by the Plan to meet anticipated large-scale developments.

- Planning for workforce housing will also attract target industries.

FINDING: This policy effectively ties into housing policies of the City. However, in this case, the subject site can offer additional housing opportunities without significantly impacting the ability of the City to provide land for employment.

General Housing Policies Goal #1 encourage a wide variety of housing types to meet housing needs. This goal is implemented by the following 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.

FINDINGS: The various residential zones, including the CMX zone, implement this policy.

- It is necessary to provide adequate buildable residential land for the 20-year planning horizon. The La Pine community needs a full range of housing types to sustain a healthy community

FINDINGS: The buildable lands inventory indicated the City has a significant surplus of residential zoned lands to meet identified needs.

- It is necessary to accommodate growth and provide mechanisms to ensure that a variety of housing options for all income levels are available in both existing neighborhoods and new residential areas.

FINDINGS: This policy is met as the CMX zone provides a variety of housing options.

- It is necessary to encourage development and redevelopment of residential areas to make them safe, convenient, and attractive places to live and located close to schools, services, parks, shopping and employment centers.

FINDINGS: The CMX zone allows a mix of commercial and residential uses and is also located adjacent to other CMX zoned land to the west, thereby providing additional opportunities. While parks and schools are located further south, on balance, the property is not located at a significantly greater distance from these facilities than similar residential properties in the vicinity.

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

FINDINGS: This policy is met as the CMX zone provides both employment and shopping opportunities in addition to residential development, and, is located adjacent to additional CMX zoned land.

- The community should maintain the feel of a small community through careful design of new and redeveloping residential areas. Mixed-use and “Complete Neighborhood” design techniques can accomplish this objective.

FINDINGS: The CMX zone is consistent with this policy as the mix of commercial and residential uses in the zone, and the proximity of additional CMX zoned land, permit a “complete neighbor”.

- A regular housing analysis shall be the basis for understanding and projecting housing needs. City staff will need to manage the calibration data in order to accommodate local cultural characteristics and anomalies. This shall include analysis of financial capability and policies/programs as needed to improve financial capability.

FINDINGS: This is an ongoing requirement for the City. For the purpose of this item, the current buildable lands inventory shows a significant surplus of residential land in the UGB.

- Development code regulations should allow and provide standards for a range of housing types including multi-family, townhouses, zero lot line, cottage/tiny home developments, accessory dwelling units, and low-income housing within the UGB.

FINDINGS: Compliance with this policy was initiated when the Development Code was established, with the CMX zone (and other zones) providing the above noted housing opportunities.

- La Pine desires to encourage and sustain affordable housing while protecting the physical characteristics of land relating to the carrying capacity of the land, drainage, natural features, and vegetation.

FINDINGS: Establishing the CMX zone provides an opportunity to comply with policy.

- Where multi-family development is permitted in commercial districts it should generally be subject to the same density and design standards as that within Multi-Family Residential District.

FINDINGS: The CMX zone is consistent with this policy.

3. Section 15.334.040. D. 3. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property;

FINDINGS: Neither city water and sewer services are available at the property. However, these services can be extended from nearby existing lines to service the site. Based on preliminary review, the proposed sewer main will gravity flow to a new regional pump station and will connect to the existing City system via a proposed force sewer main in Rosland Road. The

proposed water mains will connect to the existing system at two locations in Drafter Road and in Rosland Road, creating a looped system. City staff did not identify any limitations with the existing system and notes the water and sewer needs, along with capacity analyses, are addressed at the time of site plan application. An improved street network is in place to serve the site.

4. **Section 15.334.040. D. 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.

FINDINGS: From an employment perspective, this criterion does not apply as the proposed new zone is less intensive than the existing Industrial zone.

- I. **Section 15.334.050.** Proposals to amend the comprehensive plan or zoning map shall be reviewed to determine whether they significantly affect a transportation facility pursuant to OAR 660-012-0060 (Transportation Planning Rule - TPR). Where the city, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the city shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

FINDINGS: The applicant submitted a traffic memo, completed by Transight Consulting, to address Transportation Planning Rule compliance. The study evaluated a much larger proposed rezone of 50 acres (59-acres) and, therefore, the results of this analysis are conservative for the proposed 8.98-acre rezone. The submitted traffic memo identifies mitigation may be necessary to meet one of the TPR criteria, noting the “rezoning the 59-acre parcel from *Industrial* to *Commercial Mixed-Use* zoning along with a trip cap of 430 weekday p.m. peak hour trips does not create a significant impact per the Transportation Planning Rule. Additional site-specific analysis will be required as development plans are submitted.” The memo further states “by limiting the trip generation potential of the site with the rezone to *CMX* to its trip generation potential today within its *Industrial* zoning, the impact of the amendment mitigates any impacts to the system and avoids any further system degradation. Accordingly, the rezone directly complies with the Transportation Planning Rule’s requirements for a Plan and Land Use Regulation Amendments.”

The assessment is somewhat imperfect as it covers the entire 59-acre site as opposed to the 8.98 acres under consideration. To compensate for potential impacts, the memo suggests establishing a trip cap as a mitigation measure. This might be necessary if the entire site were under consideration, but likely less so for the 8.98-acre subject area. In either event, a potential mitigation measure is available to meet the TPR requirements.

V. CONCLUSION AND RECOMMENDATION

- A.** This application is somewhat unusual as if approved can provide land for employment needs, land for residential development, or both. As commercial land, the identified employment needs of the City will be met without impacting the employment land reserve. The employment reserve acreage will decline if the site is 100% developed with residences; however, a pressing need for new housing might be met. Developed as a mixed-use project – both commercial and residential – the City’s interest in mixed neighborhoods is supported.
- B.** On balance, staff concludes the zone change from Industrial to Commercial Mixed Use will have insignificant impact on the City’s ability to provide land to meet employment requirements while creating the potential for additional entry-level housing.

Based on the above findings, the proposal complies with the applicable decision criteria. Therefore, City staff recommends Planning Commission approval of the proposed zone change.

VI. PLANNING COMMISSION ACTION

- A.** The Planning Commission may either:
 - 1.** Approve the application and adopt findings contained in the staff report;
 - 2.** Approve the application with modified findings; or
 - 3.** Deny the application, specifying reasons why the applicant has not met the criteria.
- B.** Staff will prepare an Order for the Chair’s signature based on the Commission’s decision.