

REGULAR SESSION CITY COUNCIL MEETING AGENDA Wednesday, February 12, 2020 at 5:30 PM La Pine City Hall 16345 Sixth Street, La Pine, Oregon 97739

- 1. Call to Order
- 2. Establish Quorum
- 3. Pledge of Allegiance
- 4. Added Agenda Items

Any matters added to the Agenda at this time will be discussed during the "Other Matters" portion of this Agenda or such time selected by the City Council

5. Public Comments

3 minutes per person; when asked to the podium, please state your name and whether you live within La Pine city limits.

6. Consent Agenda

Information concerning the matters listed within the Consent Agenda has been distributed to each member of the City Council for reading and study, is considered to be routine, and will be enacted or approved by one motion of the City Council without separate discussion. If separate discussion is desired concerning a particular matter listed within the Consent Agenda, that matter may be removed from the Consent Agenda and placed on the regular agenda by request of any member of the City Council.

- a. Minutes
 - i. Regular Session Minutes 1.22.2020
- b. Council and Staff Reimbursements
- 7. 2020 Census Informational
- 8. Audit Report Informational
- 9. Public Hearing 02TA-19

ORD 2020-05 Amending the La Pine Development Code; Amending the "Time, Place, and Manner Restrictions" Definition; Clarifying the Meaning of "Premises"; Revising Marijuana Business Location Restrictions; and Declaring an Emergency 15.12.020 Definitions...Time, Place and Manner Restrictions 15.108.050 Marijuana Businesses

- a. Open Public Hearing
 - i. Staff Report
 - ii. Applicant Testimony
 - iii. Open Public Testimony
 - iv. Applicant Rebuttal
 - v. Deliberations
 - vi. Close Hearing
- 10. Frontier Days Request for Extension Action Item
- 11. RFP for Transportation SDC Action Item
- 12. RES 2020-01: DEQ Clean Water State Revolving Fund Loan Action Item
- 13. La Pine Station Final Construction Drawings Action Item
- 14. Other Matters

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

15. Public Comments

Comments will be limited to 3 minutes and will be restricted to the items on the agenda

- 16. Staff Comments
- 16. Mayor and Council Comments
- 17. Adjourn Meeting

Pursuant to ORS 192.640, this notice includes a list of the principal subjects anticipated to be considered or discussed at the above-referenced meeting. This notice does not limit the ability of the City Council to consider or discuss additional subjects. This meeting is subject to cancellation without notice. The regular meeting is open to the public and interested citizens are invited to attend. Council may not take formal actions in Work Sessions. The public will not be permitted to attend the executive session; provided, however, representatives of the news media and designated staff will be allowed to attend the executive session. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the executive session as previously announced. No decision will be made in the executive session. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to City Hall at (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY.



CITY OF LA PINE CITY COUNCIL MEETING REGULAR SESSION MINUTES

Wednesday, January 22, 2020

5:30 PM Regular Session

La Pine City Hall 16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order

Called to Order at 5:32 p.m.

2. Establish Quorum

Members Present: Mayor Daniel Richer, Council President Don Greiner, Councilor Connie Briese (by telephone), Councilor Michael Harper, Councilor Mike Shields, Student Councilor Max Miller.

Staff Present: City Manager Melissa Bethel, Public Works Director Jake Obrist, City Planner Tammy Wisco, Accounting Clerk Tracy Read

3. Pledge of Allegiance

4. Added Agenda Items

Any matters added to the Agenda at this time will be discussed during the "Other Matters" portion of this Agenda or such time selected by the council.

a. La Pine Community Health Center letter of support

5. Public Comments

None.

6. Consent Agenda

Information concerning the matters listed within the Consent Agenda has been distributed to each member of the City Council for reading and study, is considered to be routine, and will be enacted or approved by one motion of the City Council without separate discussion. If separate discussion is desired concerning a particular matter listed within the Consent Agenda, that matter may be removed from the Consent Agenda and placed on the regular agenda by request of any member of the City Council.

a. Minutes

- i. Special Session Minutes 11.20. 19
- ii. Regular Session Minutes 12.11.2019
- iii. Special Session Minutes 1.15.2020
- iv. Urban Renewal Minutes 11.5.2019 (informational)
- v. Planning Commission Minutes 12.3.2019 (informational)

- b. Council and Staff Reimbursements
- c. OLCC Application Shandy's
- d. Financial Statement
- e. Public Works Committee Appointments
 - i. Scott Henderson
 - ii. Cathi Van Damme

iii.Jayne Benner

f. La Pine Chamber of Commerce and Visitors Center Quarterly Report

Motion made by Council President Greiner to approve the Consent Agenda. Seconded by Councilor Harper.

Voting Yea: Council President Greiner, Councilor Briese, Councilor Harper, Councilor Shields. Motion passed.

7. Audit Report by Umpqua Valley Financial (via telephone)

Removed from the agenda, will be placed on the February 12, 2020 Agenda.

8. ORD 2020-01: Ordinance to Vacate Right of Way of Old Main Court with Associated Utility Easements - Action Item

Wisco delivered the staff report, reviewing previous notice and hearings as well as conditions of approval.

Motion by Council President Greiner: I move for the adoption of Ordinance 2020-01 and its conditions of approval, vacating Old Main Court from two feet from the southern edge of 2^{nd} Street to its terminus to the south. Seconded by Councilor Harper.

Voting Yea: Council President Greiner, Councilor Briese, Councilor Harper, Councilor Shields. Motion passed.

9. Public Hearing 01TA-19 Text Amendment Change to Development Code-Action Item ORD 2020-02: AN ORDINANCE AMENDING ORDINANCE NO. 2018-06

Request to amend development code per comparison noted in packet materials.

- Open Public Hearing
 Opened by Richer.
 - i. Staff Report

Wisco read the legislative statement and presented the staff report and presentation, reviewing previous notices, hearings and planning commission recommendations. She clarified for council that under consideration is amending the language of the LPDC Article 8, Ch 15.334, to be less prescriptive and allow for more flexibility. This is an applicant-driven text amendment application; applicant has worked with City staff to present the proposed amendment. Amendment #1 addresses transportation, including buffer zones. Amendment #2 concerns neighborhood parks and open spaces, including lot sizes.

Applicant has submitted a request for an additional amendment allowing a lot depth of 90 feet for lots abutting Caldwell Drive.

ii. Applicant Testimony

Greg Blackmore, Blackmore Planning and Development Services, provided background for council including a presentation on the project. Project plans include 191 single-family homes and six acres of open and park space. Vicki Russell and Randy Akacich provided additional information on the project. Vicki expanded on the goal to create a community within a community in the Sagebrush development, to include Cascadian themed commercial development and walking paths.

- iii. Open Public Testimony None.
- iv. Applicant Rebuttal
- v. Deliberations

Council deliberations in support of the 20-foot buffer. A question was raised regarding whether existing streets would be changed to extend through the development. Wisco advised that is part of the subdivision application process.

vi. Close Hearing

Motion made by Councilor Harper: I move to amend Ordinance 2020-02, to add the following to the minimum lot depth requirement in Table 15.32-2 for the residential general district of the Newberry Neighborhood Planning Area: "except when abutting the open space buffer along Caldwell Drive, in which case the lot depth may be 90 feet." Seconded by Council President Greiner.

Voting Yea: Council President Greiner, Councilor Briese, Councilor Harper, Councilor Shields. Motion passed.

Motion made by Council President Greiner: I move to adopt Ordinance 2020-02, as amended, to amend the La Pine Development Code Newberry Neighborhood Planning Area Overlay Zone, initiated through file 01TA-19, and as recommended to be amended by City Staff. Seconded by Councilor Shields.

Voting Yea: Council President Greiner, Councilor Briese, Councilor Harper, Councilor Shields. Motion passed.

10. Public Hearing 02CA-19 Comp Plan Map Amendment & 02ZC-19 Zone Change - Action Item

ORD 2020-03: AN ORDINANCE OF THE CITY OF LA PINE AMENDING THE ZONING MAP AND COMPREHENSIVE PLAN MAP

Request to change Comprehensive Plan Map Amendment Park/Open Space Allotments & Request to change RMP Zone to CMX and RMP

- a. Open Public Hearing Opened by Richer.
 - i. Staff Report

Wisco read the quasi-judicial statement and called for ex parte communications and potential conflicts. Being none, and no challenges, she provided the staff report reviewing previous notices, hearings and planning commission recommendations.

ii. Applicant Testimony
 Greg Blackmore provided additional clarification on the requested
 Comprehensive Plan designations of RMP and CMU to allow for commercial use

by residents of the planned development as well as other community members. This proposal also meets residential density requirements of the Code.

iii. Open Public Testimony None.

iv. Applicant Rebuttal

None.

v. Deliberations

None.

vi. Close Hearing

Motion made by Councilor Harper: I move to approve Ordinance 2020-03, to amend the zoning map and comprehensive plan map to change the park/open space designation to residential master plan and mixed-use commercial and to change the portions of the residential master plan designation to mixed-use commercial for certain properties pursuant to land use approvals 02CA-19 and 02ZC-19. Seconded by Councilor Briese. Voting Yea: Council President Greiner, Councilor Briese, Councilor Harper, Councilor Shields. Motion passed.

11. Wastewater Design-Septic Tank Relocation – Action Item

Obrist delivered the staff report.

Discussion followed with input from Council, Staff and Troy Baker, Project Engineer from Anderson Perry. Concerns regarding placing tanks placed in the right of way include potential damage to tanks as a result of traffic and parking, how street maintenance would be impacted, and how future utility placement could be affected. During open house meetings prior to beginning the project, property owners were told the City would maintain the tanks. There was a question as to why this was not addressed at the beginning of the project. At that time the decision was made to place tanks in the right away to allow better access and a lower grade. That decision was made without council input.

A suggestion was made that if tanks are on private property, the property owner have the option to take over maintenance at that point. There was additional discussion as to how the grade of the line would be affected with placement on the private property v. in the right of way. While mentioned in the staff report that placing tanks on private property would allow the City to transfer ownership and responsibility to property owners, Obrist clarified that no transfer would occur for the foreseeable future, as grant and loan funding requires the City to maintain responsibility.

If tanks are placed on private property, permanent easements from property owners would be required. The current mailing seen a response of 73%. It was suggested that if the City undertakes placement on private property, a mailing be done via certified mail and also door to door contact with residents. Re-placement of tanks will increase the cost of the project by approximately \$45,000 as well as delay the timeline as a redesign would be required.

Motion made by Council President Greiner to move forward with redesign of the project to move septic tanks on to private property. Seconded by Councilor Shields.

Voting Yea: Council President Greiner, Councilor Briese, Councilor Shields

Voting Nay: Councilor Harper. Motion passed.

Additional discussion was held regarding redesign and how long the project could potentially be delayed pending property owners' response. Obrist stated that a 90% response would be needed for permanent easements, and the redesign would need to be completed before approaching property owners.

12. Other Matters

None.

13. Public Comments

None.

14. Staff Comments

Bethel: Frontier Days requested to be on tonight's agenda, Bethel stated they will be heard on February 12 regarding a request for extension on their pending conditional use request pending delineation of their land. Deschutes Historical Society has extended an invitation to Council to view the Aya Collection, which contains memorabilia from the early days of La Pine. The next agenda will include the auditor's report as well as final construction documents for La Pine Station.

Obrist: After participating in the high school career fair, he was contacted by COIC regarding the possibility of a youth crew working on City Public Works projects. Cost is \$400 per day for a crew of five students and one leader. The crew would work for 2-4 days on tasks such as clearing cinders, freeing up City staff to work on other projects.

15. Mayor and Council Comments

None.

16. Adjourn Meeting

Adjourned at 8:00 p.m.

ORDINANCE NO. 2020-05

AN ORDINANCE AMENDING THE LA PINE DEVELOPMENT CODE; AMENDING THE "TIME, PLACE, AND MANNER RESTRICTIONS" DEFINITION; CLARIFYING THE MEANING OF "PREMISES"; REVISING MARIJUANA BUSINESS LOCATION RESTRICTIONS; AND DECLARING AN EMERGENCY

WHEREAS, the City of La Pine ("City") adopted the La Pine Development Code to establish land use and development regulations within the City;

WHEREAS, the City initiated Planning File No. 02TA-19 to amend the La Pine Development Code to clarify ambiguities and correlate with the existing Time, Place, and Manner Restrictions ordinances;

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

WHEREAS, City's Planning Commission, after receiving public testimony at a public hearing held January 15, 2020 and deliberating fully on the proposed amendments, voted to recommend approval of the staff recommended amendments to the La Pine City Council (the "Council"); and

WHEREAS, after receiving public testimony on the proposed amendments during a scheduled public hearing on February 12, 2020, the members of the Council present voted to approve the recommended amendments by adopting this Ordinance No. 2020-05 (this "Ordinance").

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

- 1. <u>Findings</u>. The above-stated findings and the findings in the staff report for Planning File No. 02TA-19, attached as <u>Exhibit A</u> and incorporated herein by this reference, are hereby adopted.
- 2. <u>Development Code Amendments</u>. The amendments to the Development Code contained within the attached <u>Exhibit B</u>, incorporated herein by this reference, are hereby approved and adopted. The foregoing amendments are hereby made part of the Development Code. The provisions of the Development Code that are not amended or modified by this Ordinance shall remain unchanged and in full force and effect. The foregoing amendments supersede any ordinance and/or resolution provisions, and/or policies in conflict with the amendments.
- 3. <u>Severability; Savings; Corrections</u>. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances existing at the time that such actions were filed will remain valid and in full force and effect for purposes of those actions. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors.
- 4. <u>Emergency Declaration</u>. The Council finds that passage of this Ordinance is necessary for the immediate preservation of the peace, health, and safety of City's citizens. Therefore, an

emergency is hereby declared to exist. This Ordinance vand adoption by the Council and signing by the mayor.	vill be in full force and effect upon its passage
This Ordinance was PASSED and ADOPTED by th against and APPROVED by the mayor on	· · · — —
	Daniel Richer, Mayor
ATTEST:	
Melissa Bethel, City Manager	

Exhibit A Staff Report for Planning File No. 02TA-19



16345 Sixth Street — PO Box 2460 La Pine, Oregon 97739 TEL (541) 536-1432 — FAX (541) 536-1462 www.lapineoregon.gov

EXHIBIT A - STAFF REPORT TO PLANNING COMMISSION

FILE: 02TA-19

APPLICANT: City of La Pine

HEARING DATES: January 15, 2020

February 12, 2020

REQUEST: Consider a proposal to amend the text of the La Pine Development Code,

Article 2, Chapter 15.12, and Article 6, Chapter 15.108

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

I. INTRODUCTION

The City proposes text amendments to the La Pine Development Code to update the definition of Time, Place, and Manner Restrictions to include all TPM ordinances. The proposed amendments also clarify the definition of "premises" so that the Development Code and Time, Place and Manner (TPM) Ordinances reflect the same definition.

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 15.12.020 Definitions

AMENDMENT 2: Section 15.108.050 Marijuana Businesses

IV. FINDINGS OF FACT

Proposed Amendments: The text amendments are proposed to amend the City of La Pine Development Code to provide specific details on the definition/ interpretation of the word "premises" and required buffers applicable to marijuana uses.

Public Notice and Comments: Public notices were posted in a timely manner at the La Pine City Hall, Deschutes County Library - La Pine Branch, Ace Hardware Store and on the City's website, prior to the Planning Commission and Council hearings. Notice was published in the local newspaper, *Wise Buys*, prior to both hearings. No written comments were received at the time of the staff report drafting.

Planning Commission Hearing: A public hearing was held at the City's Planning Commission meeting on January 15, 2020, at 5:30pm. No comments were submitted during the review period, nor was any testimony provided at the hearing. The Planning Commission unanimously recommended approval of the amendments to City Council.

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. As such, this application is being reviewed as a Type IV Procedure. The first hearing was before the

Planning Commission. Following the hearing, the Planning Commission voted unanimously to recommend approval 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, the City of La Pine, proposes text amendments to the La Pine Development Code. This staff report serves as the burden of proof statement. 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:
 - 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 December 10, 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: As the application is a text amendment with a broad policy change and not a zone change, individual property owners were not noticed. Instead, standard posting of legislative text amendments occured in the regular locations as noted previously. Measure 56 notices were not required because the proposed amendments do not limit or inhibit permitted uses of property within the City.

- 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 both hearings, in accordance with this procedural requirement. The City submits 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.

FINDING: This proposal is for a text amendment to the Development Code; therefore, the requirements of 15.334 apply.

- 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 the City of La Pine. This application is being processed as a Type IV legislative amendment, as the proposed text amendments involve broad policy decisions that apply to more than a single parcel.

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 under the 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 the 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 proposed amendments to the City of La Pine Development Code update the definition of "TPM Restrictions" to include all TPM Ordinances and clarify the interpretation of "premises" and measurement of required buffers for marijuana businesses. These proposed amendments correct inconsistencies in the City of La Pine Development Code. Correcting inconsistencies in the La Pine Development Code is in the public interest.

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

FINDING: The proposed text amendments do not relate to traffic. The proposed amendments address general definitions in the City of La Pine Development Code. The text amendments also do not increase density of the development. As such, the proposed amendments do not have a significant effect on an existing or planned transportation facility.

- 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 La Pine Development Code, and a hearing will be held before the Planning Commission on January 15, 2020. As such, the application will be reviewed by the appropriately established citizen advisory committee, in accordance with the adopted notification procedures.

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 do address affect 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 the 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 or protection from natural hazards.

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 amendments do not impact the City's ability to implement this chapter or Statewide Planning Goal 8, as they are not related parks, recreation and open space.

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 not apply to the City of La Pine. Nonetheless, this Chapter includes goals and policies directed at coordination, provider details, expansion needs, development restrictions, along with conservation practices.

FINDING: The policies of this chapter do not apply 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 policies of this chapter do not apply directly to the proposed amendments, which are not associated with specific development or demands for specific transportation elements and services.

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 proposed amendments provide increased clarity regarding the interpretation of "premises" and measurement of required buffers related to marijuana facilities. It also updates the definition of "Time, Place, and Manner Restrictions" to include all the existing TPM Ordinance. These amendments increase the clarity of the code for potential marijuana businesses, which, peripherally, could benefit economic development through reduced confusion or multiple definitions.

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 policies of this chapter do not apply directly to the proposed amendments, which are not associated with specific development or demands for housing types.

Chapter 11, Energy Conservation

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

FINDING: The policies of this chapter do not apply directly to the proposed amendments, which are not associated with specific development that would affect energy supply.

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 address general definitions in the City of La Pine Development Code.

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 City Council approve the proposed amendments.

END of STAFF REPORT

<u>Exhibit B</u> Development Code Amendments

[attached]

Exhibit B

15.12.020 Definitions
13.12.020 Definitions
Time, Place, and Manner Restrictions. City Ordinance Nos. 2015-02, 2016-10, 2017-02, 2019-02, and 2019-10 and any successor or supplemental ordinance(s), all as may be amended from time to time.
15.108.050 Marijuana Businesses
B. Procedures
3. For purposes of this section, "premises" means (a) all public and private enclosed areas at the location that are used in the business operated at the location, including, without limitation, offices, kitchens, restrooms, and storerooms, and (b) all areas outside the building that are licensed and/or registered (or proposed to be specifically licensed and/or registered) under applicable Oregon law. Applicable setbacks and buffers for a proposed Marijuana Business are measured from the boundary of the premises of the Marijuana Business.
C. Additional Criteria for Marijuana Dispensaries
1. The premises for a proposed Marijuana Dispensary must comply with the applicable location

restrictions set forth in the Time, Place, and Manner Restrictions.

Exhibit B

Strikethrough is language deleted Double underline is language added

15.12.020 Definitions

...

Time, Place, and Manner Restrictions. City Ordinance Nos. 2015-02, 2016-10, and 2017-02-, 2019-02, and 2019-10 and any successor or supplemental ordinance(s), all as may be amended from time to time.

•••

15.108.050 Marijuana Businesses

•••

B. Procedures

<u>...</u>

3. For purposes of this section, "premises" means (a) all public and private enclosed areas at the location that are used in the business operated at the location, including, without limitation, offices, kitchens, restrooms, and storerooms, and (b) all areas outside the building that are licensed and/or registered (or proposed to be specifically licensed and/or registered) under applicable Oregon law. Applicable setbacks and buffers for a proposed Marijuana Business are measured from the boundary of the premises of the Marijuana Business.

•••

C. Additional Criteria for Marijuana Dispensaries

1. Marijuana Dispensaries must not be located (a) at the same address as a marijuana grow site registered under ORS 475B.420, (b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors, and/or (c) within 1,000 feet of the real property on which another dispensary is sited, "Within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point on the boundary line of the real property on which the Marijuana Dispensary is proposed to be sited.

...

1. The premises for a proposed Marijuana Dispensary must comply with the applicable location restrictions set forth in the Time, Place, and Manner Restrictions.

Comparison Details		
Title	compareDocs Comparison Results	
Date & Time	12/5/2019 10:23:06 AM	
Comparison Time	0.34 seconds	
compareDocs version	v4.3.300.62	

	Sources
Original Document	[#01133332.DOCX] [v1] Exhibit B.DOCX
Modified Document	[#01133332.DOCX] [v2] Exhibit B.DOCX

Comparison Statistics	
Insertions	3
Deletions	2
Changes	2
Moves	0
Font Changes	0
Paragraph Style Changes	0
Character Style Changes	0
TOTAL CHANGES	7

Word Rendering Set Markup Options			
Name Standard			
<u>Insertions</u>			
Deletions			
Moves / Moves			
Font Changes			
Paragraph Style Changes			
Character Style Changes			
Inserted cells			
Deleted cells			
Merged cells			
Changed lines Mark left border.			
Comments color	By Author.		
Balloons False			

compareDocs Settings Used	Category	Option Selected
Open Comparison Report after Saving	General	Always
Report Type	Word	Formatting
Character Level	Word	False
Include Headers / Footers	Word	True
Include Footnotes / Endnotes	Word	True
Include List Numbers	Word	True
Include Tables	Word	True
Include Field Codes	Word	True
Include Moves	Word	False
Show Track Changes Toolbar	Word	True
Show Reviewing Pane	Word	True
Update Automatic Links at Open	Word	[Yes / No]
Summary Report	Word	End
Include Change Detail Report	Word	Separate
Document View	Word	Print
Remove Personal Information	Word	False
Flatten Field Codes	Word	True

From: director@lapine.org
To: Tracy Read; Melissa Bethel

Cc: "Teri Myers"
Subject: City Council Agenda

Date: Wednesday, January 8, 2020 1:48:24 PM

Hello,

Frontier Days would like to be on the agenda for the January 22 meeting. We will be asking for an extension of the dates for completion of the Conditional Use Permit. The engineer performing the wetlands delineation cannot complete the final phases of that work until later in the spring. Then the report will need to be reviewed by the state before any actual delineation can be approved. We will be asking for an Event Permit for this year's Frontier Days, plus the possibility of event permits for the Powwow October 2 & 3, and the "Wall" event October 8 – 11, 2020, because we do not have any concrete idea how long it will take the state for review.

Thank you,

Ann Gawith, President La Pine Frontier Day Association

CITY OF LA PINE

STAFF REPORT

DATE SUBMITTED:					
TO: L		La Pine City Councilors			
FROM: Jake Obrist, La Pine Public Works N		s Mana	ger		
SUBJECT:		RFP for Transportation SDC and CIP			
MEETING DATE	MEETING DATE: February 12, 2020				
TYPE OF ACTION REQUESTED (Check one):					
[]	Resolut	ion	[]	Ordinance	
[]	No Acti	on – Report Only	[]	Public Hearing	
[X]	Formal	Motion	[]	Other/Direction:	

Background

The City of La Pine's Street fund has continued to be supported by large transfers from the General Fund. The City envisions taking on more duties associated with Streets in the future, and demands on our budget have been extremely noticeable.

After many discussions during council work sessions to create the needed funding for our future, Council agreed to pursue a Transportation System Development Charge (SDC). A system development charge is a one-time fee imposed on new development at the time of development. The charge is intended to recover a fair share of the cost of system capacity needed to serve growth. System development charges provide a means for "growth to pay for growth." SDC's are only acquired through new development or a significant change in development. Our current budget for Fiscal Year 2019-20 reflects \$50,000 in contracted services to pay for a street funding mechanism.

In order to create a Transportation SDC, the City must develop a Capital Improvement Program (CIP) to identify projects intended to maintain or improve the performance of the multimodal transportation system.

Creating a Transportation SDC and a CIP is crucial for the future of a Street Department in the City of La Pine, presented to you is an RFP for services to hire a consultant to achieve these two elements.

RFP Project Scope

System Development Charge (SDC) and Capital Improvement Plan (CIP)

- Conduct an analysis that incorporates current system assets, eligible capital projects, and system capacity estimates provided in the TSP update.
- Coordinate with the City to verify the appropriate defensible allocations for each capital project between existing needs and growth-related needs.

- The City will provide a list of potential projects for the CIP. Contractor to assist in developing and determining if these projects are capital eligible.
- Calculate the maximum allowable SDCs, including both an improvement fee and a reimbursement fee, as warranted per customer equivalent, and develop a schedule of fees.
- Develop SDC methodology to comply with the current Oregon Revised Statutes.
- Compare the proposed transportation SDCs to other municipalities in the county, region, and other comparable cities in Oregon.
- Provide a user-friendly electronic SDC methodology, in Microsoft Excel, which enables the City to re-calculate future SDCs.

Project Timeline

RFP Advertisement: 2-19-2020

Proposal Due Date: 3-17-2020

RFP Review completed: 3-25-2020

City of La Pine Counsel approval: 3-25-2020

Notice to proceed: 4-08-2020

Project Completion: 8-31-2020

Formal Motion

I move the City of La Pine approve the attached RFP; a *request for proposal for a Transportation System Development Charge Methodology and creation of Capital Improvement Plan.* and proceed with the RFP process.



City of La Pine Public Works Department REQUEST FOR PROPOSALS

PROJECT: Transportation System Development Charges Methodology and creation of Capital Improvement Plan

PROPOSAL DUE DATE: March 17, 2020

City of La Pine

Public Works Department Contact Person 541-536-1432 Public Works Manager

Jake Obrist

PUBLIC NOTICE

Request for Proposals for Professional Services to:

Perform a Transportation System Development Charge (SDC) Study and develop a Capital Improvement Plan(CIP)

GENERAL INFORMATION

The City of La Pine is the newest incorporated city in Oregon and is located in Central Oregon. The City has a current population of approximately 1,800 residents with over 20,000 residents outside the city limits. The City is requesting proposals from qualified consultants to analyze and provide methodology and rates for a transportation SDC. A system development charge is a one-time fee imposed on new development at the time of development. The charge is intended to recover a fair share of the cost of system capacity needed to serve growth. System development charges provide a means for "growth to pay for growth."

With the development of a Transportation SDC, the City must develop a Capital Improvement Program to identify projects intended to maintain or improve the performance of the multimodal transportation system.

The City of La Pine operates and maintains approximately 12.5 miles (centerline miles) of city streets consisting of 8.4 miles of gravel road and 4.1 miles of paved road. Deschutes County maintains and operates approximately 21.0 miles of road within the La Pine city limits. Of the 21.0 miles, 19.5 miles (all paved) would be eligible for jurisdictional transfer.

For reference, relevant TSP exhibits are included as attachments "A". This is not a comprehensive list and additional projects may be included.

PROJECT SCOPE

Proposals shall include project understanding, detailed scope of work and project approach to address the following elements and others as required:

- A. System Development Charge (SDC) and Capital Improvement Plan (CIP)
 - Conduct an analysis that incorporates current system assets, eligible capital projects, and system capacity estimates provided in the TSP update.
 - Coordinate with the City to verify the appropriate defensible allocations for each capital project between existing needs and growth-related needs.
 - The City will provide a list of potential projects for the CIP. Contractor to assist in developing and determining if these projects are capital eligible.
 - Calculate the maximum allowable SDCs, including both an improvement fee and a reimbursement fee, as warranted per customer equivalent, and develop a schedule of fees.
 - Develop SDC methodology to comply with the current Oregon Revised Statutes.
 - Compare the proposed transportation SDCs to other municipalities in the county, region, and other comparable cities in Oregon.
 - Provide a user-friendly electronic SDC methodology, in Microsoft Excel, which enables the City to re-calculate future SDCs.

B. Project Meetings

- Prepare for and attend up to three (3) meetings with community stakeholders, citizens, and/or the City Council to solicit input, describe proposer's recommendations to help minimize meeting costs (staffing/travel etc..) including the firm's capabilities of using video conferencing and other available tech tools for optimizing potential virtual meetings
- Participate in at least two (2) public hearing meetings on the adoption of transportation SDC methodology and rate calculations.

C. Documentation

- Prepare draft and final reports, ten (10) hard copies each and provide an
 electronic final report in MS Word format and PDF format, with spreadsheets
 in Excel format.
- Prepare public notice schedule and text for public notification(s) summarizing analyses and recommended changes. Notices will be distributed by the City.

PROJECT TIMELINE

There will be no mandatory pre-proposal meeting. All questions shall be made in writing via email to Jake Obrist, Public Works Manager (jobrist@lapineoregon.gov) by 2:00 p.m. (PST) March 17, 2020. Faxed requests for information will not be accepted.

Consultants intending to submit a proposal must acquire the information online or at City Hall. Proposals must be received by the City of La Pine City Hall no later than 2:00 pm (PST), March 17, 2020. Proposals received after the deadline will not be considered.

The City anticipates the following schedule for the project:

RFP Advertisement:

Proposal Due Date:

RFP Review completed:

City of La Pine Council approval:

Notice to proceed:

Project Completion:

2-19-2020
3-17-2020
3-25-2020
4-08-2020
8-31-2020

The Proposal will be judged on the completeness and quality of content. Only those consultants who supply complete information as required in the Evaluation Criteria below will be considered for evaluation. City of La Pine reserves the right to reject any or all proposals. It is understood that all statements will become part of the public file on this matter, without obligation to the City of La Pine. The City of La Pine is not liable for any cost incurred by the consultant in the preparation or presentation of their proposal.

PROPOSAL EVALUATION CRITERIA

The City will establish a committee of at least five individuals to review, score, and rank proposals according to the evaluation criteria set forth below. The City may appoint to the evaluation committee consultants, City council members, City employees, and/or employees of other public agencies with experience in public contracting.

	ITEM	MAXIMUM PAGE ALLOWANCE	SCORE
A	Introductory Letter	1	0
В	Project Team	3	35
С	Firm's Capabilities	1	15
D	Project Understanding and Approach (Scope)	4	40
Е	Communication and Availability	1	5
F	Supportive information (references, resumes, licenses, etc.)	6	5

Criteria Explanation:

- A Introductory Letter: A statement in the introductory letter shall specifically stipulate that all terms and conditions contained in the RFP are accepted by the consultant. The letter shall also name the person(s) authorized to represent the consultant in any negotiations and sign any contract which may result.
- B. Project Team: This criterion relates to the project principal, the project manager, key staff and sub consultants. The basic issue is how well the team's qualifications and experience relate to this specific project.
- C. Firm Capabilities: This criterion relates to the firm's capabilities and resources in relation to the project.
- **D.** Project Understanding and Approach: This criterion relates to the basic or preliminary understanding of the project, and the methodology and course of action used to meet the goals and objectives of the project. The basic issue is whether the firm has a clear and concise understanding of the project (based on existing information) and the major issues to address and whether a project approach has been formulated. City of La Pine not-to-exceed budget for this contract is \$50,000. The consultant will comment on the adequacy of this budget to achieve the desired results of the Project.

- E Communication and Availability: This criterion relates to the consultant's accessibility, availability, and interaction with the City of La Pine's staff
- F. Supportive Information: Supportive material may include graphs, charts, photographs, resumes, references, etc., and is totally discretionary, but, as outlined in the Evaluation Criteria, it will be scored.

AWARD OF CONTRACT AND SELECTION

The proposals will require up to 7 calendar days for evaluation. The top ranked firms may, at the City's discretion, be required to make a presentation in support of their proposal to the evaluation committee. The interview will serve to assist the City in selecting the successful firm and will serve as a tool to refine scoring of the RFP to produce a final ranking. Contract negotiations will follow the selection of the top firm. An initial scope and fee proposal will be required to be submitted within 14 calendar days of notification. The consultant selection process will be carried out under Oregon Revised Statutes, Chapter 279C.110.

If a contract is awarded, the City will award the contract to the consultant whose proposal will best serve City's interests. Target date for completion is **August 31, 2020**. Consultants responding to this Request for Proposals (this "RFP") do so at their own expense; City is not responsible for any costs and/or expenses associated with the preparation and/or submission of any proposal. City reserves the right to enter into one or more contracts concerning the project scope described in this RFP.

If a contract is awarded, City and the selected consultant will enter into a professional services agreement. The Agreement will contain terms and conditions required under applicable law and will otherwise be in form and content satisfactory to City. Without otherwise limiting the generality of the immediately preceding sentence, the Agreement will include terms and conditions concerning, among other things, acceptable standards of performance, compensation, minimum insurance requirements, compliance with laws, indemnification, and representations and warranties.

Notwithstanding anything contained in this RFP to the contrary, if in City's best interest, City reserves the right to (a) amend and/or revise this RFP in whole or in part, (b) cancel this RFP, (c) extend the submittal deadline for responses to this RFP, (d) waive minor informalities and errors in such proposals, and/or (e) reject any or all Proposals for any reason and/or without indicating reasons for rejection. Further, City reserves the right to (y) seek clarification(s) from each proposer and/or require supplemental information for any proposer, and/or (z) negotiate with alternate proposers, if initial contract negotiations are unsuccessful.

CITY OF LA PINE

STAFF REPORT

DATE SUBMITT	ED:			
TO:		La Pine City Councilors		
FROM:	Jake Obrist, La Pine Public Works Manager			ger
SUBJECT:	DEQ-Clean Water State Revolving Fund loans			loans
MEETING DATE: February 12, 2020				
TYPE OF ACTION REQUESTED (Check one):				
[X]	Resolut	ion	[]	Ordinance
[]	No Action – Report Only		[]	Public Hearing
[]	Formal	Motion	[]	Other/Direction:

The City of La Pine has met the requirements with our Wastewater Project to be ready to proceed into a loan agreement with the Department of Environmental Quality(DEQ). DEQ is pleased to offer the City of La Pine two new Clean Water State Revolving Fund loans.

The first loan is offered in the amount of \$1,000,000 at 1.10% interest for a 30 year term. If the City completes the project as scoped, this loan will be awarded 50% principal forgiveness or \$500,000 whichever is less, depending on the final loan amount.

The second loan is an interim loan intended to be taken out by USDA RD permanent financing. The approved amount is \$7,832,500 at 0.69% interest.

If the City accepts this offer, please print out two copies of each attached loan agreement, and return both copies of each to me signed on pages 24 (interim) or 25 (long term) AND 39 (interim and long term). There are two items outlined in Article 4 – a borrowing resolution from your governing body, and a legal opinion, that will need to be returned with the signed loan agreements. When DEQ receives this package, DEQ will have the agreements countersigned, and return to you a fully executed duplicate original.

Staff recommends entering into these agreements and Resolution No. 2020-01 is provided:

A RESOLUTION AUTHORIZING AND APPROVING THE FOLLOWING: (A) A CERTAIN LOAN AGREEMENT (AND RELATED DOCUMENTS) BETWEEN CITY OF LA PINE AND STATE OF OREGON, ACTING BY AND THROUGH ITS DEPARTMENT OF ENVIRONMENTAL QUALITY, WHICH LOAN AGREEMENT (AND RELATED DOCUMENTS) CONCERN A REVENUE SECURED LOAN IN THE ORIGINAL PRINCIPAL AMOUNT OF \$1,000,000.00 MADE BY STATE OF OREGON TO CITY FOR CITY'S UPDATE AND EXPANSION OF ITS WASTEWATER FACILITY; (B) IN ACCORDANCE WITH THE LOAN AGREEMENT, CITY'S PLEDGE OF ITS NET REVENUES; AND (C) THE MAYOR AND CITY MANAGER (AND THEIR DESIGNEES) TO TAKE ALL NECESSARY ACTIONS AND SIGN ALL NECESSARY DOCUMENTS, CERTIFICATES, INSTRUMENTS, AND/OR AGREEMENTS (INCLUDING, WITHOUT LIMITATION, THE LOAN AGREEMENT) TO EFFECTUATE THE LOAN TRANSACTION CONTEMPLATED UNDER THE LOAN AGREEMENT.

RESOLUTION NO. 2020-01

A RESOLUTION AUTHORIZING AND APPROVING THE FOLLOWING: (A) A CERTAIN LOAN AGREEMENT (AND RELATED DOCUMENTS) BETWEEN CITY OF LA PINE AND STATE OF OREGON, ACTING BY AND THROUGH ITS DEPARTMENT OF ENVIRONMENTAL QUALITY, WHICH LOAN AGREEMENT (AND RELATED DOCUMENTS) CONCERN A REVENUE SECURED LOAN IN THE ORIGINAL PRINCIPAL AMOUNT OF \$1,000,000.00 MADE BY STATE OF OREGON TO CITY FOR CITY'S UPDATE AND EXPANSION OF ITS WASTEWATER FACILITY; (B) IN ACCORDANCE WITH THE LOAN AGREEMENT, CITY'S PLEDGE OF ITS NET REVENUES; AND (C) THE MAYOR AND CITY MANAGER (AND THEIR DESIGNEES) TO TAKE ALL NECESSARY ACTIONS AND SIGN ALL NECESSARY DOCUMENTS, CERTIFICATES, INSTRUMENTS, AND/OR AGREEMENTS (INCLUDING, WITHOUT LIMITATION, THE LOAN AGREEMENT) TO EFFECTUATE THE LOAN TRANSACTION CONTEMPLATED UNDER THE LOAN AGREEMENT.

WHEREAS, City of La Pine ("City") wishes to obtain a loan from State of Oregon, acting by and through its Department of Environmental Quality ("DEQ"), for City's wastewater treatment facility improvement project (the "Project"), which Project consists of an update and expansion of City's wastewater facility; and

WHEREAS, DEQ is willing to loan City \$1,000,000 (the "Loan") to assist City with funding the Project subject to the terms and conditions of a certain Clean Water State Revolving Fund Loan Agreement No. R55700 dated _______ (the "Agreement") between DEQ and City and certain related loan documents (collectively, the "Loan Documents"); and

WHEREAS, the La Pine City Council (the "Council") finds that it is in City's best interests to obtain the Loan to fund Project costs; and

WHEREAS, the Council desires to (a) authorize and approve the Loan Documents, and (b) authorize, approve, and direct the mayor and city manager (and their respective designees) to take all actions necessary to effectuate the Loan transaction, including, without limitation, signing and delivering the Loan Documents.

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

- 1. <u>Findings</u>. The above-stated findings contained in this Resolution No. 2020-01 (this "Resolution") are hereby adopted.
- 2. <u>Loan Documents</u>. The Council authorizes and approves the Loan and Loan Documents subject to any revisions the city manager and/or city attorney determine necessary or appropriate. The Council authorizes, approves, and directs Daniel Richer, as mayor, Melissa Bethel, as city manager, and their respective designees to take all actions necessary to effectuate the Loan transaction, including, without limitation, signing and delivering the Loan Documents.
- 3. <u>Pledge</u>. Without otherwise limiting the authority and approval provided under Section 2 of this Resolution, the Council authorizes and approves City's pledge of its Net Revenue (as defined under the Agreement) to secure City's repayment of the Loan.
- 4. <u>Miscellaneous</u>. The provisions of this Resolution are severable. If any section, subsection, sentence, clause, and/or portion of this Resolution is for any reason held invalid,

unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Resolution. This Resolution will be in full force and effect from and after its approval and adoption.

	by the Council and signed by the mayor this day of 2020.
	Daniel Richer, Mayor
ATTEST:	
Melissa Bethel, City Manager	



CITY OF LA PINE

STAFF REPORT

Meeting Date:	February 12, 2020			
TO:	La Pine City Council			
FROM:	Melissa Bethel, Staff	Melissa Bethel, Staff		
SUBJECT:	Final Design of the La Pine S	Final Design of the La Pine Station		
TYPE OF ACTION REQUESTED (Check one):				
[]	Resolution	[]	Ordinance	
[]	No Action – Report Only	[]	Public Hearing	
[X]	Formal Motion	[]	Other/Direction:	

Councilors:

Attached to this staff report are the final civil and concept drawings for phase I of the La Pine Station. Some of the noticeable differences from the previous concept drawing include:

- 1. The removal of infrastructure (sidewalks) from Huntington streetscape.
- 2. The removal of the seat walls on the west side of 4th street frontage.
- 3. Parking area was expanded to Huntington frontage.
- 4. Food cart eating area was expanded
- 5. The incorporation of the celebration flags was removed from the seat walls along Hwy 97 as there will be flags along the highway during patriotic times of year.

These changes allowed the parking area to increase from approximately 14 spaces to 36. It was also felt the infrastructure could be provided when phase II is developed.

6. Staff, Engineer and the design team worked hard to come up with a concept that would not mimic other towns or designs that have been "done" before in Central Oregon. Drawing on the name La Pine Station—the concept of incorporating railroad pieces into the center seemed a natural fit. The lines you see in the food cart area and at the 97 frontage are where RR tracks will be incorporated into the project. Food trucks could then be designed like train cars. The art wall will incorporate some train items, and other pieces may be incorporated throughout the site.

Motion:

I move the City Council approve the final concept and civil drawings for the La Pine Station and move forward with going to bid for construction.



4TH STREET TRANSIT CENTER

90% DEVELOPMENT PLANS TAXLOT: 221014BC 00100 FEBRUARY 2020

CITY OF LA PINE, DESCHUTES COUNTY, OREGON

PROPERTY OWNER:

OREGON DEPARTMENT OF TRANSPORTATION 4040 FAIRVIEW INDUSTRIAL DR SE #MS-2 SALEM, OREGON 97739

CIVIL ENGINEER & LAND SURVEYOR:

BECON CIVIL ENGINEERING & LAND SURVEYING 549 SW MILL VIEW WAY, SUITE 100 BEND, OREGON 97702

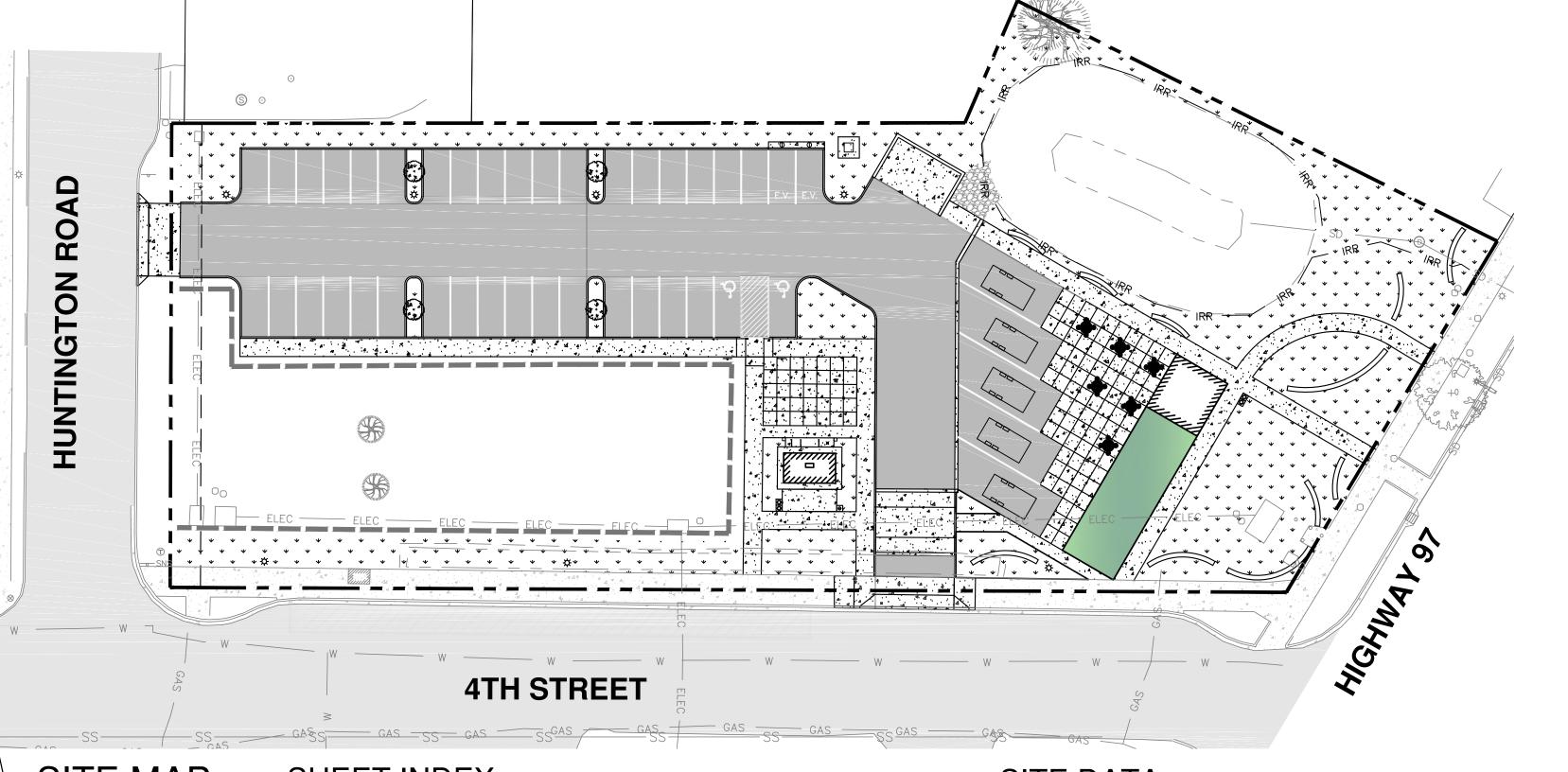
LANDSCAPE ARCHITECT:

KATRINA LANGENDERFER 48 SE BRIDGEFORD BLVD SUITE 230 BEND, OR 97702

CONSTRUCTION NOTES:

SCALE: NTS

- ALL CONSTRUCTION WORK AND INSTALLATIONS SHALL CONFORM TO CURRENT CITY OF LA PINE STANDARDS & SPECIFICATIONS REQUIREMENTS, AND
- HOURS PRIOR TO THE START OF CONSTRUCTION FOR THE LOCATION OF POWER, GAS, CABLE TV AND TELEPHONE UNDERGROUND FACILITIES. THE
- PRIOR TO CONSTRUCTION. OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503)232-2987.
- ALL GRADING SHALL BE IN CONFORMANCE WITH THE CURRENT CITY STANDARDS AND SPECIFICATIONS AND CURRENT GRADING ORDINANCE. ALL SUBGRADE MATERIAL SHALL BE CONSIDERED CLASS A AND COMPACTED TO 95% OF OPTIMUM DENSITY. AS SPECIFIED IN THESE PLANS, ALL FILL MATERIAL SHALL BE COMPACTED TO 95% RELATIVE COMPACTION PER THE CITY STANDARDS. TESTING TO BE REQUIRED IF REQUESTED BY THE OWNER
- ALL FINAL CUT SLOPES SHALL NOT EXCEED A GRADE OF 2 TO 1 VERTICAL UNLESS OTHERWISE APPROVED. FILL SLOPES SHALL NOT EXCEED A GRADE OF 2 HORIZONTAL TO 1 VERTICAL UNLESS OTHERWISE APPROVED BY THE ENGINEER.
- ALL UNSUITABLE SOILS MATERIALS. RUBBISH AND DEBRIS RESULTING FROM GRADING OPERATIONS SHALL BE REMOVED FROM THE JOB SITE AND DISPOSED OF PROPERLY.
- 10. THE CONTRACTOR SHALL EMPLOY ALL LABOR, EQUIPMENT, AND METHODS REQUIRED TO PREVENT DUST IN AMOUNTS DAMAGING TO PROPERTY, CULTIVATED VEGETATION AND DOMESTIC ANIMALS OR CAUSING A NUISANCE TO PERSONS OCCUPYING BUILDINGS IN THE VICINITY OF THE JOB SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE CAUSED BY DUST RESULTING FROM CONSTRUCTION.
- 11. THE CONTRACTOR SHALL FOLLOW ALL APPLICABLE INDUSTRIAL SAFETY REGULATIONS. THE CITY AND DESCHUTES COUNTY AND THEIR OFFICIALS, THE ENGINEER, AND THE OWNER SHALL NOT BE RESPONSIBLE FOR ENFORCING SAFETY REGULATIONS
- 12. MATERIAL QUANTITIES USED, NOTED, OR PROVIDED IN A SEPARATE ITEMIZED QUANTITY TAKE-OFF ARE AN ENGINEER'S OPINION OF PROBABLE MATERIAL REQUIREMENTS, AND IS AN ESTIMATE ONLY. CONTRACTOR'S HAVE THE SOLE RESPONSIBILITY OF MAKING THEIR OWN QUANTITY TAKE-OFF AND COST ESTIMATE.
- 13. ALL WORK SHALL BE PERFORMED BY A CITY APPROVED CONTRACTOR
- FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS (PUE) IDENTIFIED ON THIS PLAT MAP AS MAY BE NECESSARY OR DESIRABLE IN SERVING THE LOTS IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE THE REMOVAL OF ANY OBSTRUCTIONS INCLUDING TREES AND VEGETATION THAT MAY BE PLACED WITH IN THE PUE AT THE LOT OWNERS EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE PUE OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE PUE WITHOUT PRIOR WRITTEN APPROVAL OF THE UTILITIES AND FACILITIES IN THE PUE.
- CITY ENGINEER'S SIGNATURE DOES NOT CONSTITUTE APPROVAL OF FACILITIES PROPOSED ON PRIVATE PROPERTY. SEPARATE PERMITS ISSUED BY THE BUILDING DEPARTMENT ARE REQUIRED AND SHALL BE OBTAINED BY THE DEVELOPER FOR FACILITIES LOCATED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY.
- 16. ANY WORK WITHIN EXISTING PUBLIC RIGHT-OF-WAY OR DEDICATED CITY EASEMENTS REQUIRES A SEPARATE RIGHT-OF-WAY EXCAVATION PERMIT OBTAINED FROM THE CITY ENGINEERING DIVISION.
- 17. ACCESS TO EXISTING PROPERTIES/RESIDENTS AFFECTED BY CONSTRUCTION ACTIVITIES WILL BE MAINTAINED AT ALL TIMES BY THE CONTRACTOR.
- 18. SURVEY MONUMENTS, CONTROLS, OR PROPERTY CORNERS WHICH ARE DISTURBED OR DESTROYED BY CONSTRUCTION ACTIVITIES WILL BE RE-ESTABLISHED, RESTORED, AND/OR REPLACED AT THE CONTRACTOR'S EXPENSE.
- 19. ALL NECESSARY CHANGES TO DESIGN PLANS, REVEALED DURING CONSTRUCTION, MUST BE APPROVED BY THE DESIGN ENGINEER AND CITY OF LA PINE.



SITE MAP

SHEET INDEX:

C1.0 COVER SHEET

C2.0 EXISTING CONDITIONS & DEMO PLAN

C3.0 SITE PLAN

C4.0 UTILITY PLAN

C5.0 GRADING & DRAINAGE PLAN

C6.0 DETAIL SHEET

SITE DATA

ADDRESS: 51487 HIGHWAY 97

PROPERTY AREA: 1.47 ACRES / 64,000 SF

ZONING: TRADITIONAL COMMERCIAL

EXISTING LAND USE: VACANT

PROPOSED LAND USE: TRANSIT CENTER

VERIFY SCALES BAR EQUALS ONE INCH

ON ORIGINAL DRAWING

C1.0 1 OF 6

FILE# 13744-65

