

Property Owner, property owners within 500' of the subject property, and the Planning Commission.

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

FINDING: The notice for the initial public hearings before the Planning Commission was published in the October 25, 2016 weekly edition of the local newspapers, *Wise Buys* and *Frontier Advertiser*, and will run until the public hearing date, in accordance with this procedure.

Section 6.4.0. Contents of notice.

A. All mailed notices of a land use action hearing shall:

1. Describe the nature of the applicant's request and the nature of the proposed uses that could be authorized.
2. List the criteria from the Zoning Code and the plan applicable to the application at issue.
3. Set forth the street address or easily understood geographical reference to the subject property.
4. State the date, time and location of any hearing or date by which written comments must be received.
5. State that any person may comment in writing and include a general explanation of the requirements for submission of testimony and the procedures for conduct of testimony, including, but not limited to, a party's right to request a continuance or to have the record held open.
6. If a hearing is to be held, state that any interested person may appear.
7. State that failure to raise an issue in person at a hearing or in writing precludes appeal by that person to the Land Use Board of Appeals (LUBA), and that failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to LUBA based on that issue.
8. State the name of a City representative to contact and the telephone number where additional information may be obtained.
9. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.
10. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.

B. All mailed and published notices for hearings shall contain a statement that recipients may request a copy of the staff report.

FINDING: All mailed, posted and published notices of the hearing were completed in accordance with this section and included all the required information within this section.

C. All mailed and published notices concerning applications necessitating an exception to one of the statewide land use planning goals shall state that a goal exception is proposed and shall summarize the issues in an understandable manner.

FINDING: The proposal does not include an exception to any of the 19 statewide planning goals; therefore this requirement (stating a request for an exception on the notice) is not applicable.

Section 6.5.0. Burden of proof

Throughout all local land use proceedings, the burden of proof rests on the applicant.

FINDING: The Applicant provided a burden of proof document as well as supporting documentation to demonstrate compliance with applicable standards and criteria, in accordance with this section.

Section 6.6.0. Standing

A. Any interested person may appear and be heard in a land use action hearing, except that in appeals heard on the record, a person must have participated in a previous hearing on the subject application.

B. Any person appearing on the record at a hearing (including appeals) or presenting written evidence in conjunction with an administrative action or hearing shall have standing and shall be a party. A person whose participation consists only of signing a petition shall not be considered a party.

FINDING: This procedure will be followed by the City throughout the review and hearing process.

Section 6.7.0. Disclosure of ex parte contacts

Prior to making a decision, the Hearings Body or any member thereof shall not communicate directly or indirectly with any party or his representative in connection with any issue involved in a pending hearing except upon notice and opportunity for all parties to participate. Should such communication - whether written or oral - occur, the Hearings Body member shall:

A. Publicly announce for the record the substance of such communication; and

B. Announce the parties' right to rebut the substance of the ex parte communication during the hearing. Communication between City staff and the Hearings Body shall not be considered to be an ex parte contact.

Section 6.8.0. Disclosure of personal knowledge.

A. If the Hearings Body or any member thereof uses personal knowledge acquired outside of the hearing process in rendering a decision, the Hearings Body or member thereof shall state the substance of that knowledge on the record and allow all parties the opportunity to rebut such statement on the record.

B. For the purposes of this section, a site visit by the Hearings Body shall be deemed to fall within this rule. After the site visit has concluded, the Hearings Body must disclose its observations and conclusions gained from the site visit in order to allow for rebuttal by the parties.

Section 6.9.0. Challenge for bias, prejudice or personal interest.

Prior to or at the commencement of a hearing, any party may challenge the qualification of the Hearings Body, or a member thereof, for bias, prejudice or personal interest. The challenge shall be made on the record and be documented with specific reasons supported by facts. Should qualifications be challenged, the Hearings Body or the member shall disqualify itself, withdraw or make a statement on the record of its capacity to hear.

FINDING: The Planning Commission has been notified of these land use hearing disclosure procedures. In addition, these procedures will be reviewed at the beginning of the hearing, to provide opportunity for appropriate disclosure and challenge prior to the proceedings.

Section 6.10.0. Hearings procedure.

A hearing shall be conducted as follows:

- A. The Hearings Body shall explain the purpose of the hearing and announce the order of proceedings, including reasonable time limits on presentations by parties.
- B. A statement by the Hearings Body regarding pre-hearing contacts, bias, prejudice or personal interest shall be made.
- C. Any facts received, noticed or recognized outside of the hearing shall be stated for the record.
- D. Challenges to the Hearings Body's qualifications to hear the matter shall be stated and challenges entertained.
- E. The Hearings Body shall list applicable substantive criteria, explain that testimony and evidence must be directed toward that criteria or other criteria in the comprehensive plan or land use regulations that the person believes to apply to the decision, and that failure to address an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond precludes appeal to LUBA based on that issue.
- F. Order of presentation:
 - 1. Open the hearing.
 - 2. Staff report.
 - 3. Proponents' presentation.
 - 4. Opponents' presentation.
 - 5. Proponents' rebuttal.
 - 6. Opponents' rebuttal may be allowed at the Hearings Body's discretion.
 - 7. Staff comment.
 - 8. Questions from or to the chair may be entertained at any time at the Hearings Body's discretion.
 - 9. Close the hearing.
- G. The record shall be available for public review at the hearing.

FINDING: These procedural requirements will be complied with during the hearing process. The Planning Commission Chair will explain the purpose of the hearing, announce the order of the hearing, allow appropriate time for all parties and remind attendees that failure to address an issue with sufficient specificity precludes appeal to LUBA based on that specific issue. The Planning Director will list and review all applicable substantive criteria.

Section 6.11.0. Setting the hearing.

A. After an application is deemed accepted a hearing date shall be set. A hearing date may be changed by the City staff, or the Hearings Body up until the time notice of the hearing is mailed. Once the notice of hearing is mailed any changes in the hearing date shall be processed as a continuance in accordance with Section 6.13.0.

B. If an applicant requests that a hearing date be changed, such request shall be granted only if the applicant agrees that the extended time period for the hearing shall not count against the 120-day time limit set forth in Section 5.5.0.

FINDING: The hearing date was scheduled for November 9, 2016 before the Planning Commission and publicly noticed on October 14, 2016. A change in hearing date has not occurred and is not anticipated.

Section 6.12.0. Close of the record.

- A. Except as set forth herein, the record shall be closed to further testimony or submission of further argument or evidence at the end of the presentations before the Hearings Body.
- B. If the hearing is continued or the record is held open under Section 6.13.0, further evidence or testimony shall be taken only in accordance with the provisions of Section 6.13.0.
- C. Otherwise, further testimony or evidence will be allowed only if the record is reopened under Section 6.14.0.
- D. An applicant shall be allowed, unless waived, to submit final written arguments in support of its application after the record has closed within such time limits as the Hearings Body shall set. The Hearings Body shall allow applicant at least seven days to submit its argument, which time shall be counted against the 120-day time limit for decision.

FINDING: These procedures for closing the record will be complied with by the City. The Applicant will be allowed to submit final written arguments in support of its application after the record has closed within reasonable time limits set by the Planning Commission.

Section 6.13.0. Continuances or record extensions.

A. Grounds.

- 1. Prior to the date set for an initial hearing, an applicant shall receive a continuance upon any request if accompanied by a corresponding suspension of the 120 day limit for decision. If a continuance request is made after the published or mailed notice has been provided by the City, the Hearings Body shall take evidence at the scheduled hearing date from any party wishing to testify at that time after notifying those present of the continuance.
- 2. Any party is entitled to a continuance of the initial evidentiary hearing or to have the record left open in such a proceeding in the following instances:
 - a. Where additional documents or evidence are submitted by any party; or
 - b. Upon a party's request made prior to the close of the hearing for time to present additional evidence or testimony.

For the purposes of 6.13.0 (2)(a), "additional documents or evidence" shall mean documents or evidence containing new facts or analysis that are submitted after notice of the hearing.

- 3. The grant of a continuance or record extension in any other circumstance shall be at the discretion of the Hearings Body.

B. Continuances.

- 1. If the Hearings Body grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial hearing.
- 2. An opportunity shall be provided at the continued hearing for persons to rebut new evidence and testimony received at the continued hearing.
- 3. If new written evidence is submitted at the continued hearing, any person may request prior to the conclusion of the continued hearing that the record be left open for at

least seven days to allow submittal of additional written evidence or testimony. Such additional written evidence or testimony shall be limited to evidence or testimony that rebuts the new written evidence or testimony.

C. Leaving record open.

If at the conclusion of the hearing the Hearings Body leaves the record open for additional written evidence or testimony, the record shall be left open for at least 14 additional days, allowing at least the first seven days for submittal of new written evidence or testimony and at least seven additional days for response to the evidence received while the record was held open. Written evidence or testimony submitted during the period the record is held open shall be limited to evidence or testimony that rebuts previously submitted evidence or testimony.

D. A continuance or record extension granted under Section 6.13.0 shall be subject to the 120-day time limit unless the continuance or extension is requested or otherwise agreed to by the applicant. When the record is left open or a continuance is granted after a request by an applicant, the time period during which the 120-day time limit is suspended shall include the time period made available to the applicant and any time period given to parties to respond to the applicant's submittal.

Section 6.14.0. Reopening the record.

A. The Hearings Body may at its discretion reopen the record, either upon request or on its own initiative. The Hearings Body shall not reopen the record at the request of an applicant unless the applicant has agreed in writing to a suspension of the 120-day time limit.

B. Procedures.

1. Except as otherwise provided for in this section, the manner of testimony (whether oral or written) and time limits for testimony to be offered upon reopening of the record shall be at the discretion at the Hearings Body.
2. The Hearings Body shall give written notice to the parties that the record is being reopened, stating the reason for reopening the record and how parties can respond. The parties shall be allowed to raise new issues that relate to the new evidence, testimony or criteria for decision-making that apply to the matter at issue.

FINDING: The Planning Commission has been notified of the process, timing, and procedural requirements that are detailed in these sections. Throughout the review and hearing process, the City will comply with these sections, as necessary and applicable.

SECTION 7.0.0. LAND USE ACTION DECISIONS

Section 7.1.0. Decision.

A. Approval or denial of a land use action shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based upon the criteria standards and facts set forth.

FINDING: The City provides this staff report in accordance with this procedural requirement, documenting all applicable criteria and the facts relied upon to determine how/whether the Applicant's request meets the criteria and standards. Any Planning Commission approval or denial that is based on other facts will be justified accordingly.

B. Any portion of an application not addressed in a Hearings Body's decision shall be deemed to have been denied.

FINDING: The hearing body's decision shall address the Applicant's specific request to amend the Comprehensive Plan map designation and zone for the subject property from Public Facilities and Park/Open Space to Commercial Mixed Use (CMX). No other applications are being decided at this time and will be subject to separate reviews, procedures and criteria.

C. A decision on a land use action is not final until the Planning Director or other duly designated City representative, or Hearings Body issues a written decision, the decision has been mailed and the appeal period to the next higher Hearings Body within the City has run.

FINDING: The City and Applicant are aware that the decision on this land use action will not be final until the Hearings Body issues a written decision, the decision has been mailed and the appeal period to the City Council has run.

D. No building permit shall be issued until a decision is final. Appeal of a final decision to LUBA does not affect the finality of a decision at the local level for purposes of issuing building permits.

FINDING: The Applicant has not submitted building plans; however, in the event that any building plans are submitted, the City will not allow approval until this land use decision is final.

Section 7.2.0. Notice of decision.

A Hearings Body's decision shall be in writing and mailed to all parties; however, one person may be designated by the Hearings Body to be the recipient of the decision for a group, organization, group of petitioners or similar collection of individual participants.

FINDING: The Hearing Body's decision will be mailed to all parties in accordance with this procedure.

Section 7.3.0. Decision on Comprehensive Plan amendments and Zone changes.

A. Except as set forth herein, the Planning Commission when acting as the Hearings Body shall have authority to make decisions on all quasi-judicial Comprehensive Plan amendments and Zone changes. Prior to becoming effective, all quasi-judicial Comprehensive Plan amendments and Zone changes shall be adopted by the City Council.

B. In considering all quasi-judicial zone changes and those quasi-judicial plan amendments 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: These requests are quasi-judicial Comprehensive Plan Map Amendment and Zone Change and will be heard by the Planning Commission, which will make a decision on the applications. Barring an appeal, the Council will adopt the Planning Commissions decisions without testimony.

2. Conformance with the La Pine Comprehensive Plan

V. Amendments to the Plan

Amendments to the La Pine Comprehensive Plan may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, add newer information, or

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to address changes in the law. An amendment or revision to the Plan may be initiated by the La Pine City Council, the La Pine Planning Commission, or the owner of the land, which is the subject of the proposed amendment or revision. In the case of a Council or Planning Commission initiated change, the change must be found to be consistent with all applicable State of Oregon requirements, including Oregon Revised Statutes and Oregon Administrative Rules. In the case of an owner initiated amendment to the Plan, the owner must, in addition to compliance with State laws, demonstrate that:

1. There was a mistake when the Plan designation was applied to the subject property; or,
2. The proposed change would result in a public need and benefit, and/or would result in a more efficient use of land.

FINDING: The Comprehensive Plan was drafted to understand and expect that the planning of a city adapts and changes to meet new circumstances and opportunities, necessitating amendments to the Plan, including the Comprehensive Plan map. This section of the Comprehensive Plan establishes that changes to the Comprehensive Plan can be initiated by the City Council, the Planning Commission and/or the property owner. The current request was co-signed by the property owner; as such, in accordance with this section, the applicant is required to document the following:

- Consistency with State Laws and Rules,
- Consistency with the Comprehensive Plan, and/or
- That a mistake was made, or that the proposal would result in a public need and benefit, or a more efficient use of land.

The Applicant addressed in their application the applicable state laws and rules, demonstrated compliance with the Comprehensive Plan, and documented that the proposed change will address a public need and result in public benefit to demonstrate its conformance with this applicable Comprehensive Plan amendment section. These items are discussed below.

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 Procedures Ordinance 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 October 3, 2016; required public notice of the public hearing was

mailed on October 14, 2016; and the hearing was advertised in the local newspapers (*Wise Buys* and *Frontier Advertiser*) in the October 25, 2016 weekly editions and will run until the public hearing date, in compliance with City Code and State Statute (a complete review of the City noticing requirements was addressed above). With regard to the Statutory public hearing requirements, as also detailed in the review of the Procedures Ordinance above, the hearing will be conducted as described in City of La Pine Procedures Ordinance, which implements the quasi-judicial Statutory requirements.

Regarding the applicability of Statewide Planning Goals (ORS 197.250), a comprehensive review of the Statewide Planning Goals (as defined by OARs) is included below. As addressed therein, the proposal is consistent with each of the 19 Statewide Goals. Findings are incorporated by reference herein, which show compliance with the applicable Statutes listed above.

Oregon Administrative Rules (OAR)

As noted above, Oregon Administrative Rules have been developed by the Department of Land Conservation and Development (DLCD). The City of La Pine has developed a land use program that is based upon the adopted OARs. The City of La Pine local land use program includes a Comprehensive Plan, along with implementing ordinances, including a Zoning Ordinance, a Procedures Ordinance, and a Land Division Ordinance. DLCD has reviewed the Comprehensive Plan and implementing ordinances and “acknowledged” them as being consistent with the OAR and Statewide Planning Goals. The review process for the proposed Comprehensive Plan Map amendment considers the proposed amendment’s compliance with the acknowledged Comprehensive Plan and implementing ordinances, thus conformity with applicable Administrative Rules is understood. The Administrative Rules that apply to this application include:

- 660-012 Transportation Planning Rule (TPR)
- 660-015 Oregon Statewide Planning Rule

OAR 660-012, Transportation Planning

...

660-012-060 Plan and Land Use Regulation Amendments

(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. A plan or land use regulation amendment significantly affects a transportation facility if it would:

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

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

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an

existing or planned transportation facility;

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

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

FINDING: The Applicant included with their application a Transportation Planning Rule (TPR) Analysis, conducted by Ferguson and Associates, Inc., which is included in the application record. The findings of the TPR analysis conclude that the Comprehensive Plan Map Amendment from Public Facilities (PF) and Park/Open Space to Mixed Use Commercial (CMX) will not significantly affect any existing or planned transportation facility, thus is in conformance with the TPR. The TPR Analysis assumed that a 2.5-acre portion of the site would be developed as a low-cost apartment complex, with up to 36 apartment units. The analysis considered the difference in impacts between scenarios using a “reasonable” worst-case scenario with outright permitted land uses. Utilizing the highest generating land uses for the PF zone and the CMX zone, the TPR analysis stated that none of the above Criteria (A-C) were met, therefore, no further action is required and the TPR would be met. The TPR analysis states that:

- Criterion A is not met, since the level of travel and access is consistent with that of the existing and planned street system. The proposed change would not have a significant effect under this criterion.
- Criteria B and C are not met, since the proposed change would result in a lower trip generation potential. Fewer trips means less impact on traffic; therefore, the proposed change would not degrade the performance of any transportation facility compared to conditions with the current zoning.

This analysis was reviewed by the City Engineer and County Senior Transportation Planner and found to be acceptable.

OAR 660-015 Statewide Planning Goals

There are 19 Statewide Planning Goals that express Oregon's land use policies. Each local government throughout Oregon, including the City of La Pine, must adopt a Comprehensive Plan to implement the Statewide Planning Goals. The City of La Pine has adopted the La Pine Comprehensive Plan and as detailed below, the proposed Comprehensive Plan map amendment conforms to all applicable policies and other elements of that plan. Additionally, the City of La Pine has adopted local land use regulations, including a Zoning Ordinance, a Procedures Ordinance, and a Land Division Ordinance, to implement the policies of the Comprehensive Plan. The Applicant's request and application conform to the approval criteria of the applicable ordinances, and it is consistent with the relevant policies of the Comprehensive Plan; therefore the proposal is consistent with the relevant Statewide Planning Goals.

Goal 1 - Citizen Involvement, “To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”

FINDING: The request includes a quasi-judicial review process, so ensuring the opportunity for citizen involvement is necessary.

Compliance with Goal 1 is achieved through *Chapter 2, Citizen Involvement Program* of La Pine's Comprehensive Plan and through the process procedures that have been adopted in the La Pine Procedures Ordinance. The City Council adopted the procedures in the Procedures Ordinance, which has been acknowledged by the Land Conservation and Development Commission (LCDC). The adopted Procedures Ordinance contains provisions to ensure an appropriate level of citizen involvement is achieved

for the application type.

The City sent notice of the public hearings to all property owners within 500 feet of the property, the property owner, the Applicant and the Planning Commission. In addition to mailed notice, public notice was published in the local newspapers (*Wise Buys* and *Frontier Advertiser*) in the October 25, 2016 weekly editions and will run until the public hearing date. The notices informed citizens about the nature of the hearing and scheduling details and indicated that any interested parties may participate by submitting written or verbal testimony. The Applicant submitted an application form, and stated their understanding that any public hearings before the Planning Commission and the City Council will be noticed and held in conformance with the public involvement procedures in the Procedures Ordinance. These adopted procedures will therefore ensure consistency with Statewide Planning Goal 1.

Goal 2 – Land Use Planning, “To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

FINDING: Goal 2 is relevant because the proposal for a Comprehensive Plan Map Amendment and Zone Change includes a planning review and recommendation, which must have a factual basis. The proposal has been reviewed in accordance with the planning processes and policies that were established in the acknowledged local land use regulations: the La Pine Comprehensive Plan, the Zoning Ordinance and Procedures Code. The proposed Comprehensive Plan Map Amendment and Zone Change has followed the established local planning process, and will neither alter the process for administration of the local land use regulations, nor the acknowledged procedural requirements (which ensure a factual base for all decisions). By following the adopted procedures, the review of the proposal will be consistent with Statewide Planning Goal 2.

Goal 3, Agricultural Lands

FINDING: Staff finds that Goal 3 is not applicable because the subject property is within the La Pine Urban Growth Boundary and intended for urban development. It is not agriculture land that requires additional protection pursuant to Goal 3.

Goal 4, Forest Lands

FINDING: Staff finds that Goal 4 is not applicable because the subject property is within the La Pine Urban Growth Boundary and intended for urban development. It is not forest land that requires additional protection pursuant to Goal 4.

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

FINDING: Pursuant to Goal 5, cities are required to establish inventories and adopt protections for natural, scenic, and historic areas along with open spaces. The City of La Pine has conducted the required process and the subject property has not been identified as a Goal 5 area, thus Staff finds that Goal 5 is not applicable to the current proposal.

Goal 6, Air, Water and Land Resources

FINDING: 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 and water service 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. For the above

stated reasons, the Goal 6 is not applicable to the current proposal.

Goal 7, Areas Subject to Natural Hazards

FINDING: The intent of Goal 7 is to protect people and property from the dangers of natural disasters. The proposal does not include any development and the property is not subject to significant natural hazards, including those identified under Goal 7. The site is not within the 100-year flood plain of the Little Deschutes (or an other waterway), there are no known geologic faults in the area, and the earthquake hazard is considered to be moderate. There is no designation of the property that make it more of a hazard than other properties in the area, thus Staff finds that Goal 7 is not applicable to the Applicant's proposal.

Goal 8, Recreational Needs, "To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts."

FINDING: The subject property includes approximately 1.2 acres designated and zoned as Park/Open Space, however, the property is not listing in any inventory of recreational needs, is not needed to provide recreational needs of the citizens of the state, and is not an identified Goal 8 resource.

The La Pine Park District has existed since 1990 and has an adopted a Parks & Recreation Comprehensive Plan (2005), which identifies park needs, locational needs, desires and deficiencies. This Plan is currently under revision and an updated draft is expected soon. The currently adopted version (2005) notes that parks should be spaced $\frac{1}{4}$ - $\frac{1}{2}$ mile from residential neighborhoods. LPRD owns a 5-acre parcel approximately $\frac{1}{4}$ mile to the west of the subject property, which the LPRD Director noted is intended for a park/ball field facility in the future.

The LPRD Director commented on this application and noted that the Parks Comp Plan does not include a park on the subject property, nor does it intend to pursue one. He further noted that there are four other parks planned to the north of the subject parcel that will appropriately serve the residents of the area. Additionally, he noted that the LPRD owns a 5-acre parcel approximately $\frac{1}{4}$ mile to the west of the subject parcel, which the LPRD intends to develop in the future as ball fields. To sum his comments, the Director noted that the LPRD is supportive of this Comprehensive Plan Map Amendment and Zone Change and noted that La Pine is "well covered" with parks appropriately spaced throughout.

Staff finds no records that the subject property has been identified as being needed to meet recreational needs of the City and the LPRD Director supports the requested change in designation and zone of the parcel to Mixed Use Commercial, given the ample park services nearby and throughout the city. As such, staff believes that the intent of this Goal is being met throughout the city and that this request does not negatively impact the City's ability comply with Goal 8.

Goal 9 – Economic Development, "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

FINDING: Goal 9 and its implementing administrative rules in OAR Chapter 660, Division 9, require the city to provide an adequate amount of commercial and industrial land within its Urban Growth Boundary to meet its identified economic development needs. The City's comprehensive plan addresses this requirement by designating commercial, industrial and mixed-use land on the comprehensive plan map. The current request is to change the Comprehensive Plan designation and zone of the subject property from its current Public Facilities (PF) and Park/Open Space designations to Mixed Use Commercial (CMX). This request is the first step to entitle part of the property for affordable housing; the remaining portion of the property (separated through a future land division) will be available for commercial mixed-uses. The Comprehensive Plan Map Amendment and Zone Change and subsequent steps will result in development occurring on the

site and will add housing and potential economic lands to the City, which can improve economic opportunities in La Pine and facilitate a more diverse economy, in conformance with this goal.

Goal 10 – Housing, “To provide for the housing needs of Citizens of the state.”

FINDING: The requested map amendment does not on its own add or remove residential lands from the La Pine Urban Growth Boundary, thus will not impact the availability of residential lands or have a direct immediate relation to Goal 10. Although this goal is not immediately applicable, the Applicant noted that the planned designation, Mixed Use Commercial (CMX) includes a wide range of allowable uses, including the potential for residential uses. The Applicant has stated that their intent for the Comprehensive Plan Map Amendment and Zone Change is to entitle the property so that affordable multi-housing is an allowed use, as it is their intent to develop a portion of the property as such. When the land is developed with a residential component, the property will increase the availability of residential lands in La Pine, which will contribute to an increased supply of housing lands, and improved consistency with this Goal. Thus, because the proposal potentially adds to the residentially developable lands based on the intent of the Applicant, and because the proposal is being reviewed in accordance with the City of La Pine implementing ordinances, the proposal is consistent with this statewide planning goal.

Goal 11- Public Facilities and Services, “To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”

FINDING: OAR 660-11 implements Goal 11, and notes, “Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons...” The most recent 2015 Portland State University population forecast for La Pine documents a population of 1,687. The population is less than 2,500; therefore this goal does not apply to La Pine at this time. However, as part of the site planning process, the Applicant will be required to demonstrate the ability to serve the property with adequate public facilities for the proposed uses.

Goal 12 – Transportation, “To provide and encourage a safe, convenient and economic transportation system.”

FINDING: Goal 12 is implemented through the Transportation Planning Rule, OAR 660-12-0060, in addition to local land use regulations. The Applicant submitted a TPR analysis, which is addressed earlier in this report. The TPR analysis states that the requested Comprehensive Plan Map Amendment and Zone Change will not significantly impact any transportation facility and thus will comply with the TPR (OAR 660-12-0060). In regards to the local land use regulations, the City of La Pine has adopted a Transportation System Plan (TSP) and a Zoning Ordinance; conformance with these documents during the land division and site plan review processes will ensure compliance with Goal 12. The Zoning Ordinance includes requirements that transportation capacity exists, or be provided, in association with new developments and/or land division and that it be consistent with the TSP. The application and review processes that will occur in association with future development will further ensure compliance with Goal 12.

The detailed review of the TPR and future development’s compliance with the transportation section of the Zoning Ordinance requirements therefore provides the consistency with this statewide planning goal.

Goal 13 Energy – “To conserve energy.”

FINDING: The proposal includes an amendment to the Comprehensive Plan Map and a Zone Change; it does not include any development or energy producing/consuming elements. However, the proposed CMX designation and zone provides for a mix of allowable uses, which can potentially reduce vehicle miles traveled, thereby conserving energy, if the mix of uses are integrated, inter-dependent and compatible. Specific attention to pedestrian and bicycle facilities/connectivity will occur during the site plan review