



# CITY OF LA PINE, OREGON REGULAR CITY COUNCIL MEETING

Wednesday, January 12<sup>th</sup>, 2022, at 5:30 PM  
La Pine City Hall: 16345 Sixth Street, La Pine, Oregon 97739

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

## AGENDA

### CALL TO ORDER

### ESTABLISH A QUORUM

### PUBLIC COMMENTS

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

### 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*

### 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.*

1. 12.08.2021 Regular City Council Meeting Minutes.....3.

### OLD BUSINESS:

1. Ongoing Projects:
  - a. Transit Center
  - b. Water/Wastewater Expansion
  - c. Hwy 97 Pathway

**NEW BUSINESS:**

- 1. Crescent Creek Citizen Concerns: Paul Henninger.....6.
  - a. Crescent Creek Addenda 1.....7.
  - b. Crescent Creek Addenda 2. ....9.
- 2. Newberry Neighborhood Master Planning (Sections 3 & 4) – Wildlife Corridor.....10.
- 3. Zone Change – Amendment/Adoption
  - a. Staff Report.....12.
  - b. Planning Staff Report.....14.
  - c. Final Order.....26.
  - d. Ordinance.....28.
- 4. Public Hearing Process
  - a. Staff Report.....35.
  - b. Draft Script.....36.

**PUBLIC COMMENTS**

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

**STAFF COMMENTS**

- 1. Planner Report
- 2. Public Works Report
- 3. City Manager Report (Supplemental)

**MAYOR & COUNCIL COMMENTS**

**ADJOURNMENT**

**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.

**CITY OF LA PINE, OREGON**  
**SPECIAL CITY COUNCIL MEETING**

Wednesday, December 8, 2021, at 5:30 PM  
La Pine City Hall: 16345 Sixth Street, La Pine, Oregon 97739

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**MINUTES**

**1. CALL TO ORDER:**

Meeting was called to order at 5:30pm

**2. ESTABLISH A QUORUM:**

PRESENT

Mayor Daniel Richer  
Councilor Colleen Scott  
Councilor Cathi Van Damme  
Councilor Mike Shields

ABSENT

Courtney Ignazzitto

STAFF

City Manager Geoffrey Wullschlager  
Public Works Director Jake Obrist  
City Recorder Jamie Kraft  
City Planner Alexa Repko  
Administrative Assistant Stacie Skeeters

**3. PLEDGE OF ALLEGIANCE**

**4. PUBLIC COMMENTS:**

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

Don Greiner – Expressed his concerns about the speed limit on Huntington in front of the Crescent Creek neighborhood. He is concerned about citizens crossing the street.

Paul Henniger – He has received several complaints from citizens that live in Crescent Creek due to the observed excessive speeds the reported hazard created as a result. He is requesting a reduced speed limit and new or revised signage. He has recently experienced road rage as well in that area. He stated the county engineer informed him that the last speed study was conducted in 2012. He is asking for items to be entered into the record. Including a petition, a map, and a letter. He stated that the county

would install the signs but the city of La Pine would need to purchase the signs. This discussion will be placed on the January City Council agenda as an action item.

Jack Yelley – Crescent Creek Rd and walkway are not ADA compliant, and citizens are unable to traverse these paths in a wheelchair. He is requesting that they be repaired as soon as possible.

Daniel Pegram – Expressed concerned about turning onto Finley Rd. He was recently almost rear ended.

Mario Marchi – Expressed concern about the Caldwell to Huntington left turn. He stated that excessive speed is a problem in the area. He is requesting that the 30mph speed limit be moved further north on Huntington.

Bonnie Jean Carter – She stated that she has complained to Pahlisch Homes for three years regarding the unsafe pedestrian path. She was informed that they would seal the cracks. She is unable to navigate the path in her wheelchair. She is requesting a cross walk on Huntington near Crescent Creek.

## 5. 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.*

## 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 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.*

### 1. 11.15.2021 Special City Council Meeting Minutes

Motion by Councilor Shields to approve the Consent Agenda as presented. The motion was seconded by Councilor Van Damme.

Voting Yea: Councilor Scott, Councilor Van Damme, Councilor Shields.

Voting Nay: None

## 7. OLD BUSINESS:

### 1. ODOT Transit Center:

Plans have been uploaded to the Builders Exchange. City staff are waiting for the Oregon Builders Exchange for review. Staff has received inquiries from interested contractors.

### 2. Water/Wastewater Expansion:

Working with legal counsel to get their expanded legal opinion within the next few weeks. USDA Bond Review in process and DEQ plan review is currently underway as well. Hopeful for RFP issuance in January or February 2022.

**3. Hwy 97 Pathway:**

Signed SGA received. ODOT will break ground late spring or early summer 2022.

**8. NEW BUSINESS**

**9. PUBLIC COMMENTS:**

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

None.

**10. STAFF COMMENTS:**

**1. Planners Report** – Alexa Repko informed the council that there will be four public hearings upcoming in the next few months.

**2. Public Works Report** – Jake Obrist two staff members, Dylan Gardner and Branden Bren passed their Level 1 Water Operators testing this week. Cagle Roads have been graded. Finishing winter lights this week with the assistance of Christenson Electric using their bucket truck.

**3. City Manager Report** – Geoff Wullschlager gave a brief overview of items contained within his submitted written report.

**11. MAYOR & COUNCIL COMMENTS:**

**Councilor Scott** – Wished all a Happy Holidays.

**Councilor Van Damme** – Wished all Happy Holidays.

**Councilor Ignazzitto** – Absent.

**Councilor Shields** – No Comments

**Mayor Richer** – Congratulated Jake Obrist on birth of his newborn daughter.

**12. ADJOURNMENT:** Meeting was adjourned at 6:15pm



## CITY OF LA PINE

### STAFF REPORT

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Meeting Date: January 12, 2022  
TO: La Pine City Council  
FROM: Geoff Wullschlager, City Manager  
SUBJECT: Crescent Creek – Citizen Concerns

TYPE OF ACTION REQUESTED (Check one):

- |                                     |                         |                          |                  |
|-------------------------------------|-------------------------|--------------------------|------------------|
| <input type="checkbox"/>            | Resolution              | <input type="checkbox"/> | Ordinance        |
| <input type="checkbox"/>            | No Action – Report Only | <input type="checkbox"/> | Public Hearing   |
| <input checked="" type="checkbox"/> | <b>Formal Motion</b>    | <input type="checkbox"/> | Other/Direction: |

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Council:

Per the December 8, 2021, Special Meeting, there were a number of public comments received with respect to concerns in and around the Crescent Creek subdivision. As these concerns varied in subject, City Administration has provided you an overview of the subjects here with memoranda to follow. Each topic is listed herein, with addenda mentioned that follow this staff report.

1. Crescent Creek– Huntington Rd. Traffic Safety
  - a. Memorandum from City Administration
2. Crescent Creek – Road and Walkway Maintenance
  - a. Memorandum from City Administration
  - b. City of La Pine Roads (Map)



## CITY OF LA PINE

### MEMORANDUM

**FROM: City Administration**

**TO: City Council**

**January 12, 2022**

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Council:

During the December 8, 2021, meeting the Council was in receipt of several citizen concerns regarding road safety along Huntington Rd., in the corridor located between the cross streets of Findley Dr. to the north and Caldwell Dr. to the south.

As discussed in the minutes from the forementioned meeting, the primary area of community concern is citizen reports of excessive speed along Huntington Rd. and the hazards this circumstance creates. To remedy this, the citizen's group asked for the following remedies:

1. Reduced speed limit
2. New or revised signage
3. Extension of the 30-mph zone in the commercial section of Huntington Rd. extended north along Huntington

City Administration establishment of facts and remedies:

- The current speed limits on this segment of Huntington Rd. are based on a 2012 speed zone order that ODOT established from a joint request form the City of La Pine and Deschutes County. This area has been studied for appropriateness of established speed limits in the past, which should be used as a baseline going forward.
- Deschutes County has stated that they will be willing to employ a **spot speed study** in the Spring of 2022 to determine if the current 50<sup>th</sup> percentile speed would justify a lower speed limit, and if so, the county will coordinate with the city to request a speed zone investigation form ODOT. ODOT's recommended speed would be based on the observed (previously mentioned) 50<sup>th</sup> percentile speed, which is the speed at or below which 50% of the vehicles are observed to be traveling during the investigation period.

- The initial spot speed study will not be applied until the Spring, per the county, as the pneumatic tubes used will be unduly damaged by winter conditions and studded snow tires as it is deployed across traffic lanes.
- Additionally, ODOT does not typically conduct speed zone investigations in our region in the late fall and winter months. As noted, this investigation can be requested after the county completes its spot speed study.

Other Considerations:

- If drivers are currently disregarding the existing speed limit, a speed zone investigation by ODOT may yield results that support increasing the speed limit.
- While located in La Pine city jurisdiction, the city as a political subdivision within the state of Oregon cannot set the speed limit independently.
- County law enforcement has indicated that accident reports for the department do not currently designate the corridor in question as an area of concern for accidents, both vehicular and pedestrian as a measure of statistical significance. If it had in recent periods of measurement, signage expenditures, and compulsory increased patrols would have been dedicated in the last budget cycle.

Current proposed remedies:

- Installation of signage for southbound traffic indicating speed zone transition from 45mph to 30mph further north along the corridor.
- Installation of congestion/intersection signage for northbound traffic.
- Continuation of enhanced patrol by DCSO as requested by city administration in December of 2021.

Council Action:

- Support for currently proposed signage.
- Support for Spot Speed Study in spring of 2022 to be followed by request to ODOT for Speed Zone Investigation if supported by initial data collection from County Road Department.





**CITY OF LA PINE**

**MEMORANDUM**

**FROM: City Administration**

**TO: City Council**

**January 12, 2022**

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Council:

During the December 8, 2021, meeting the Council was in receipt of several citizen concerns regarding road and pathway integrity in the Crescent Creek phase 1. Subdivision. These ranged from input referring to pedestrian pathways not meeting ADA compliance and capacity for wheelchair access to cracks in the travel surface that present obstacles and safety concerns for pedestrian travel. There was also mention of diminished road integrity although the specific roadway designation was not provided.

City Administration establishment of facts and remedies:

- Pathway ownership belongs to the Crescent Creek HOA, and maintenance should be coordinated and provided by the HOA's contractor(s).
- Roadway ownership throughout the subdivision is not ubiquitous with one agency, organization, or group. Please see attached maps from Deschutes County that reference roadway ownership within La Pine.

Current proposed remedies:

- Investigation by La Pine public works for any roadways that have purported damage that fall under ownership of the City of La Pine, and correspondence alerting other agencies of ownership for any roadways reported to city that have current unsafe or unsatisfactory conditions
- Correspondence from city administration to Crescent Creek HOA encouraging maintenance, improvements, and ADA conformance for the enhancement of public safety.

Council Action:

- Consideration of a vote of support to designate city administrative resources to the above-mentioned efforts.



## CITY OF LA PINE

### STAFF REPORT

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Meeting Date: January 12, 2022  
TO: La Pine City Council  
FROM: Geoff Wullschlager, City Manager  
SUBJECT: Newberry Neighborhood Master Planning (Sections 3 & 4) Wildlife Corridor

TYPE OF ACTION REQUESTED (Check one):

- |                                     |                         |                          |                  |
|-------------------------------------|-------------------------|--------------------------|------------------|
| <input type="checkbox"/>            | Resolution              | <input type="checkbox"/> | Ordinance        |
| <input type="checkbox"/>            | No Action – Report Only | <input type="checkbox"/> | Public Hearing   |
| <input checked="" type="checkbox"/> | <b>Formal Motion</b>    | <input type="checkbox"/> | Other/Direction: |

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Council:

Mayor Richer, Council President Scott, and Administrator Wullschlager were contacted by County Commissioner Chang in December with respect to the upcoming Master Planning for Sections 3. & 4. In the Newberry Neighborhood.

Commissioner Chang stated that he recently became aware of a substantial annual migration of mule deer through the area between winter range and summer range. He also stated that the La Pine Comprehensive Plan includes plans for the establishment of an east west wildlife corridor through the Newberry neighborhood with the designation of a placeholder corridor<sup>i</sup>. This corridor was established without input from wildlife biologists though, which in turn has not designated the most advantageous location, appropriate dimensions supported by data and study, in addition to other environmental factors, see attached map.

As such, Commissioner Chang is requesting the designation of staff and a Council member to meet with the Oregon Department of Fish and Wildlife to discuss next steps and development of an appropriate corridor prior to the Master Planning efforts to be employed by Deschutes County and the City of La Pine.

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

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Council Action:

- Discussion for support of the proposal.
- Nomination and/or designation of Council Representative.
- Motion vote supporting Council decision.





## CITY OF LA PINE

### STAFF REPORT

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Meeting Date: January 12, 2022  
TO: La Pine City Council  
FROM: Geoff Wullschlager, City Manager  
SUBJECT: Zone Change – Amendment/Adoption

TYPE OF ACTION REQUESTED (Check one):

- |                                     |                         |                                     |                  |
|-------------------------------------|-------------------------|-------------------------------------|------------------|
| <input type="checkbox"/>            | Resolution              | <input checked="" type="checkbox"/> | <b>Ordinance</b> |
| <input type="checkbox"/>            | No Action – Report Only | <input type="checkbox"/>            | Public Hearing   |
| <input checked="" type="checkbox"/> | <b>Formal Motion</b>    | <input type="checkbox"/>            | Other/Direction: |

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Council:

The La Pine Planning Commission conducted a public hearing on December 15, 2021 to consider the proposal of a zone change for the subject property located in the northern area of the City of La Pine. The subject property has an address of 17150 Rosland Road and is identified as Tax Lot 100 on Deschutes County Assessor's Map 21-10-36AC.

The applicant proposed the conversion of 8.9 acres from the current zoning designation of Industrial (IND) to Commercial Mixed Use (CMX). The La Pine Planning Commission found that the application was consistent with the applicable criteria found within the La Pine Zoning Code and the La Pine Comprehensive Plan and supported the approval of the application.

As this is a legislative amendment to the La Pine Comprehensive Plan, and a legislative land use action (affecting the community as a whole), it requires Council consideration and approval by way of adopting legislative action/ordinance.

Council Action:

- Consideration of adjoining Ordinance.
- Adoption action by one of the following methods:
  - Except as authorized by subsection (b) [of this section], adoption of an ordinance requires approval by a majority of the council at two meetings.

- The council may adopt an ordinance at a single meeting by the unanimous approval of all councilmembers present, provided the proposed ordinance is available in writing to the public at least one week before the meeting.
- Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.

Post Adoption Action(s):

City staff will submit Oregon Department of Land Use and Conservation (DLCD) "Form 1" to the agency for consideration. Any legislative change to a jurisdiction's Comprehensive Plan requires secondary state approval. If approved, this will be followed by city submission of new zoning to Deschutes County Community Development for Comprehensive and Zoning Map amendments to be implemented and included into the city's land use documents.



**STAFF REPORT**

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

**I. BACKGROUND**

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

**II. APPLICATION SUMMARY**

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

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

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

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

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

#### **IV. CRITERIA AND FINDINGS – TEXT AND MAP AMENDMENTS**

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

“The purpose of this chapter is to provide standards and procedures for legislative amendments to the comprehensive plan and map and to this Development Code and zoning map. Amendments may be necessary from time to time to reflect changing community conditions, to correct mistakes, or to address changes in the law.”

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

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



- 
1. **Sec. 15.334.020.A.** Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plans, Development Code, or changes in zoning maps not directed at a small number of property owners. The following amendments are considered generally considered legislative:
    - a. All text amendments to Development Code or comprehensive plan (except for corrections).
    - b. Amendments to the comprehensive plan map and/or zoning map that affect more than a limited group of property owners.

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

2. **Sec. 15.334.020.B.** Amendments to the comprehensive plan and/or zoning map (zone change) that do not meet the criteria under subsection "A." may be processed as quasi-judicial amendments. However, the distinction between legislative and quasi-judicial changes must ultimately be made on a case-by-case basis with reference to case law on the subject.

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

3. **Sec. 15.334.020C.** Requests for text and map amendments may be initiated by an applicant, the planning commission, or the city council. The city planning official may request the planning commission to initiate an amendment. Initiations by a review body are made without prejudice towards the outcome.

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

- C. **Section 15.334.030** Identifies the applicable procedure for the request: (A) legislative amendments are subject to Type IV review in accordance with the procedures in Article 7; and (B) quasi-judicial amendments are subject to Type III review in accordance with the procedures in Article 7, except that quasi-judicial comprehensive plan amendments and zone changes which must be adopted by the city council before becoming effective.

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

- D. The approval criteria are contained in Section 15.334.040. The planning commission review and recommendation, and city council approval, of an ordinance amending the zoning map, Development Code, or comprehensive plan shall be based on all of the criteria found in the following section.
- E. **Section 15.334.040.A.** - The proposal must be consistent with the comprehensive plan (the comprehensive plan may be amended concurrently with proposed changes in zoning). If the proposal involves an amendment to the comprehensive plan, the amendment must be consistent with the statewide planning goals and relevant Oregon Administrative Rules; and

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

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

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

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

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

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

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

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

**FINDINGS:** Compliance with the Statewide Goals is noted below:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Planning for workforce housing will also attract target industries.

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

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

- It is essential to develop strategies that increase the variety of housing choices in the community. These strategies must include an inventory and analysis of needed housing types, existing housing supplies, and strategies for meeting the changing community demographic.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**FINDINGS:** The CMX zone is consistent with this policy.

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

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



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

4. **Section 15.334.040. D. 4.** For nonresidential changes, the proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.

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

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

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

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

## **V. CONCLUSION AND RECOMMENDATION**

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

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

## **VI. PLANNING COMMISSION ACTION**

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

**BEFORE THE PLANNING COMMISSION  
OF THE CITY OF LA PINE**

ZONE CHANGE  
FILE 02ZC-21  
FINAL ORDER

NATURE OF THE APPLICATION

The Applicant is requesting a Zoning Map Amendment to change the designation and zone of the subject property from Industrial (IND) to Commercial Mixed-Use (CMX).

1. The subject property is situated in the northern area of the City of La Pine. It is located northeast of Drafter Road. The subject property has an address of 17150 Rosland Road and is identified as Tax Lot 100 on Deschutes County Assessor's Map 21-10-36AC.
2. The subject property is zoned Industrial (IND) and is designated Industrial on the La Pine Comprehensive Plan Map.
3. Timely and sufficient notice of the public hearing was provided pursuant to Article 7 of the La Pine Development Code.
4. The La Pine Planning Commission conducted a public hearing on December 15, 2021, to accept testimony on the request. The Planning Department Staff Report and recommendations, together with testimony and submittals of the persons testifying at this hearing, were considered and are part of the record of this proceeding. At the conclusion of the hearing, the Planning Commission voted to approve the Zone Change.

CONCLUSION

On the basis of this record, the application file, 02ZC-21, for a Zoning Map Amendment on Tax Lot 100 on Deschutes County Assessor's Map 21-10-36AC, is consistent with the applicable criteria of the La Pine Development Code. This conclusion is supported by the specific findings of fact contained in the Staff Report to the Planning Commission.

RECOMMENDATION

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

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

ORDER

It is ORDERED by the La Pine Planning Commission to adopt Staff's findings and approve the application for the Zone Change at 17150 Rosland Road, 02ZC-21, subject to the following conditions of approval:

This ORDER was presented and approved by the La Pine Planning Commission on January 5, 2021.

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Russell Smith  
Planning Commission Chair

Ayes: 3  
Nays: 0  
Absent: 2

**ORDINANCE NO. 2022-01**

**AN ORDINANCE OF THE CITY OF LA PINE AMENDING THE ZONING MAP AND COMPREHENSIVE PLAN MAP TO CHANGE THE INDUSTRIAL DESIGNATION TO COMMERCIAL MIXED-USE FOR A CERTAIN PROPERTY PURSUANT TO LAND USE APPROVALS 02ZC-21.**

WHEREAS, North Pine Village, LLC filed land use application (File No. 02ZC-21) to change the zoning and comprehensive plan designations for the property identified as Tax Lot 100 on Deschutes County Assessor's Map 22-11-36 and legally described on the attached Exhibit A (the "Property") from Industrial to Commercial Mixed-Use on both the City of La Pine ("City") Zoning Map ("Zoning Map") and the City's Comprehensive Plan Map (the "Comprehensive Plan Map") (collectively, the "Amendments");

WHEREAS, after City provided notice in accordance with applicable law, a public hearing was held before the La Pine Planning Commission (the "Planning Commission") on December 15, 2021

WHEREAS, the Planning Commission, after receiving public comment and fully deliberating the matter, recommended that the City Council approve the Amendments;

WHEREAS, a draft of this Ordinance No. 2022-01 (this "Ordinance") was available for public inspection seven days prior to the City Council meeting on January 12, 2022; and

WHEREAS, the City Council, after receiving public comment and fully deliberating the matter, desires to adopt this Ordinance to effectuate the Amendments.

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

1. Findings. The findings of fact and conclusions of law contained in the recitals above, and in the staff report attached hereto as Exhibit B, are hereby adopted and incorporated herein.

2. Conditions of Approval. The conditions of approval for File No. 02ZC-21 attached hereto as Exhibit C are hereby adopted and incorporated herein.

3. Zoning Map. The City's Zoning Map is hereby amended to change the zoning designation for the Property from Industrial to Commercial Mixed-Use as shown on the attached Exhibit D. Staff is directed to take those steps necessary to incorporate the Amendments into the Zoning Map and other planning documents.

4. Comprehensive Plan Map. The Comprehensive Plan Map is hereby amended to change the comprehensive plan designation for the Property from Industrial to Commercial Mixed-Use as shown on the attached Exhibit E. Staff is directed to take those steps necessary to incorporate the Amendments into the Comprehensive Plan Map and other planning documents.

5. Notice. Staff shall provide the Oregon Department of Land Conservation and Development, the Deschutes County Assessor, the Deschutes County GIS Department, and any others who are entitled to notice of the Amendments, with a copy of this Ordinance.

6. Severability; Errors. The provisions of this Ordinance are hereby declared to be severable. 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. This Ordinance may be corrected by order of the City Council to cure editorial and/or clerical errors.

This Ordinance was PASSED and ADOPTED by the La Pine City Council by a vote of \_\_ for and against and APPROVED by the mayor on January 12, 2022.

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Daniel Richer, Mayor

ATTEST:

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Geoff Wullschlager, City Manager

Exhibit A  
Legal Description of Subject Property

[attached]

Exhibit B  
Staff Report

[attached]



Exhibit C  
Conditions of Approval

[attached]

Exhibit D  
Amended Zoning Map

[attached]

Exhibit E  
Amended Comprehensive Plan Map

[attached]



## CITY OF LA PINE

### STAFF REPORT

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Meeting Date: January 12, 2022  
TO: La Pine City Council  
FROM: Geoff Wullschlager, City Manager  
SUBJECT: Public Hearing Process

TYPE OF ACTION REQUESTED (Check one):

- |                                     |                                |                          |                  |
|-------------------------------------|--------------------------------|--------------------------|------------------|
| <input type="checkbox"/>            | Resolution                     | <input type="checkbox"/> | Ordinance        |
| <input checked="" type="checkbox"/> | <b>No Action – Report Only</b> | <input type="checkbox"/> | Public Hearing   |
| <input checked="" type="checkbox"/> | Formal Motion                  | <input type="checkbox"/> | Other/Direction: |

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Council:

The City Council will be administering a public hearing at the January 26<sup>th</sup> meeting, to consider an appeal of an administrative Type II land use decision. As the Council is typically not the primary hearings body for land use decisions, city administration wanted to familiarize the body with the process, the ethical standards that must be upheld prior to, and during the process, and the guiding document/script that will be employed in the process to ensure that we are adhering to DLCD rules and Oregon land use law.

In summary, the Council should not inquire about, nor discuss anything pertaining to the details of the application prior to the issuance of the packet and staff report a week before the hearing. At that juncture, Council members may make inquires of staff but should not under any circumstances discuss the matter with other members of the board outside of the public hearing. Council members may be approached by parties with an interest to the hearing, and may listen to inquires and opinions as such, but should not partake in any substantive conversation regarding the application outside of the hearing. Additionally, any member of Council that has and outside (ex-parte) contact, will be asked to declare this at the opening of the hearing on the 26<sup>th</sup>.

The purpose of this agenda item is review that attached script and to answer any procedural questions prior to the hearing in two weeks.



## CITY COUNCIL MEETING AND PUBLIC HEARING SCRIPT FOR HEARINGS

### Wednesday XXXXXXX, XX– 5:30 p.m.

La Pine City Hall

16345 6<sup>th</sup> Street, La Pine OR, 97739

#### I. CALL TO ORDER

Council Chair (or designee) should call the meeting to order. Please note time for the record.

#### II. PUBLIC HEARING OF AN APPLICATION FOR XXXXXX

The chair should start by opening the public hearing and saying following: “*This is a quasi-judicial of the public hearing of the La Pine City Council to consider an application for a **Zone Change/Comprehensive Plan Amendment** in the **Industrial** Zone within the City of La Pine. The decision that will be made here tonight is going to be whether or not the City Council should approve the requested **Zone Change and Comprehensive Plan Amendment**.*”

*“A copy of the staff report describing the proposed use has been available to the public since **December 8th**, 2022, and City staff has been available for questions and comments regarding the proposed use since that time. Notice of the hearing tonight has been provided to the public through publication in the XXXXX on XXXX, 2022, and through public posting at various locations in town on XXXX, 2022. Notice was provided to property owners within XXXX feet of the location of the proposed use by posted mail in conformance with the City’s municipal code on XXXX, 2022. Notice of this hearing was publicly posted at various locations throughout town prior to this meeting.*”

*“This hearing is an opportunity for the public to comment on the proposed use. I would like to ask those present if there is any objection to the jurisdiction of this commission or any of its members? This question is specific to the authority of the La Pine City City Council in approving or denying a request for a XXXX use within the City of La Pine.”*

**Wait to see if there is a response. If there is, advise the person making the response that they have to address the question that was just asked. If they get off topic, cut them off, and ask the question again. There can’t be any confusion about what the issue is, so just make sure that any public present understands what you’re asking. If someone raises a point, staff will try and address it. The rest of these notes assume that there isn’t a legitimate objection to the jurisdiction of the commission.**

*“Hearing no objections to the jurisdiction of this commission, I would like to ask if any member of this commission has any conflict of interest or bias regarding the matter before the commission tonight.”*

**There shouldn't be any issue, but if you have any questions about what you think is a conflict of interest or a bias, now is the time to ask. If any member of the commission has talked to the applicant or a member of the public about the application, you should mention that and summarize the conversation. You don't need to recuse yourself for conversations about the application, but you should mention them before proceeding. Depending on what is stated, we'll proceed with the public hearing. I don't think there will be any issues, so the next statements are based on the assumption that the commission will be able to make a decision tonight.**

*“At this time, I'll have the City Planner, summarize the Planner's staff report **(PAGES XX.-XX.)**.”*

**The City Planner will go through the report, note the effect of the requested use, and make any other comments on the application relevant to the commission's decision tonight. If there are any questions, please ask so we can get them out of the way during the hearing. I will also relay any correspondence, or written testimony received. Once we are done the Chair should ask if there are any other questions of the commission before proceeding.**

*“At this time, I'll have the City Manager relay and correspondence and written testimony or inquiry received to date since the notice of the public hearing on **XXX XX, 2022.**”*

**I will relay any correspondence, or written testimony received. Once we're done the Chair should ask if there are any other questions of the commission before proceeding.**

*“The decision that will be made tonight is whether or not the City Council will approve of the requested use. The decision to approve or deny the use will be adopted through a final order that staff will prepare after the meeting tonight (If there is no continuance requested by a party to the hearing or the City Council itself). Any appeal to the decision made here tonight must be submitted to the City Recorder within ten days of the date that the final order is signed. Once staff has prepared the final order and I have signed it, the applicant will be notified along with anyone else that requests or is required to be notified. Notification will be provided within five days of the date that the order is signed. Are there any questions about this process?”*

**You may get a few questions at this point. You can let the City Planner and I answer any of these questions.**

**APPLICANTS TESTIMONY** – *“The City Council now calls for the applicant to present any testimony regarding their application.”*

**This is an opportunity for the applicant or their representative(s) to present any information/testimony regarding the application as submitted. (***PAGES XX.- XXX.***)**

**PUBLIC COMMENT** - *“The City Council will now call for public testimony. The City Administration also called for participants to submit written testimony in the public notice as posted on XXX XX, 2022, if they could not participate this evening. First, we will hear from Proponents, then Opponents, then people neither in support nor in opposition to the application.*

*If there are any comments on the proposed use, please keep those comments brief and to the point. If there is an objection to a proposed use, the objection needs to address relevant facts or information from the City’s municipal code, the City’s comprehensive plan, the Planner’s staff report or relevant State law. Any material produced in relation to, support or opposition of, the proposed use must be submitted to the Recorder to be included in the record. Failure to address a pertinent criterion at this hearing will preclude an appeal based on that criterion. Any party may request that the record for this hearing be held open for at least seven days; however, this request must be made prior to the close of this hearing and is subject to the requirements of ORS 227.178 which requires the governing body of a city or its designee to take final action on an application for a permit, including resolution of all appeals within 120 days after the application is deemed complete. The City received and deemed the application complete on XXX XX, 2022.*

*Comments are limited to three minutes. Persons wishing to speak must first be recognized by the chair and the meeting administrator and must state their name and address. If you are representing another person or entity, please state who that is and what your connection to that person or entity is.*

*I will be calling for public comment in following fashion:*

- 1. Proponents or supporters of the application*
- 2. Opponents or those who do not support the application*
- 3. Neutral parties neither in support or opposition of the application”*

**I’ll hand the sign-in sheet (if we are conducting an in-person meeting or will recognize participants that elect to be recognized by virtual means) to the chair and he/she can start going through the names. I will keep a list as well to ensure that we follow the order of testimony correctly You’ll want to take proponents comments first, opponents second and neutral testimony last,**

**The applicant gets three minutes to respond to each opponent. If the applicant gives new information during their rebuttal, the opponent that they addressed gets an additional three minutes to respond. Once someone starts talking, you’ll want to make sure they don’t get interrupted. If a person has a specific objection to the proposed use, they need to make that objection at this time.**

*"I will take any Proponents' testimony first."*

**Please re-indicate that it is important for those wishing to speak, to only identify themselves if they are proponents at this time.**

*"I will now take any Opponents testimony. Please keep in mind that the applicant gets three minutes to respond to each opponent. If the applicant gives any new information during their rebuttal, the opponent in turn gets an additional three minutes to respond."*

**Let anyone who has been identified by the meeting administrator in opposition to the application make public comment at this time. Please follow the standards as described above in the proponent's category.**

*"I will now take any Neutral testimony."*

**Let anyone who has been identified by the meeting administrator as neutral to the application make public comment at this time. Please follow the standards as described above in the proponent's category.**

*"Are there any questions from the commission about comments received at this time?"*

**This gives the commissioners a chance to clarify anything they have heard. Since we are still in the public hearing, I would suggest that the commission stay on topic with what has been said during the public comment.**

*"Is there a request to keep the record open?"*

**If such a request is made, the commission needs to leave the record open for at least seven days. If this happens, the chair should set a date to reconvene, and the hearing will be concluded at that time. There are no special noticing requirements for reconvening.**

*"This public hearing of the City Council will re-convene on XXXX,XX, 2022."*

**Make sure no deliberation or decisions by the Commission are made while in the public hearing. This needs to take place during the regular session of the Planning Commission, under business, once the regular meeting is reconvened.**

**Once this is done the commission chair can close the public hearing. Please state the time for the record.**

*"I know close this public hearing at XX:XX and will open the regular meeting of the La Pine City Council at XX:XX."*

**Enter into new business in the regular meeting as indicated on the agenda.**