

La Pine City Council



L A P I N E

O R E G O N

PUBLIC HEARING | March 27, 2023

Hearing Procedure

The City Council's decision on this application will be based upon the record, the staff report, and the testimony and evidence presented at this hearing and following the hearing, if the record should be left open.

HEARING ORDER – The hearing will be conducted in the following order:

1. Staff will provide a brief report
2. The applicant will present their testimony and evidence
3. Interested persons and agencies will present testimony and evidence
4. The applicant presents rebuttal testimony
5. Closing remarks from Staff

In-Person and Remote Participants

In Person

Please fill out a sign-up sheet and submit it to the City Recorder, Amanda, to the right of the dais. The Mayor will call up in-person participants for testimony.

Remote

During the public testimony portion, please raise your hand to testify

- Computer attendees: raise hand feature
- Phone attendees
 - *9 to raise hand
 - *6 to mute/unmute

Please state your first and last name and mailing address for the record before you begin your testimony

Hearing Procedure

Orderly hearing

Written testimony can be submitted to staff:

- Hand directly to staff
- Email to staff: rvickers@lapineoregon.gov

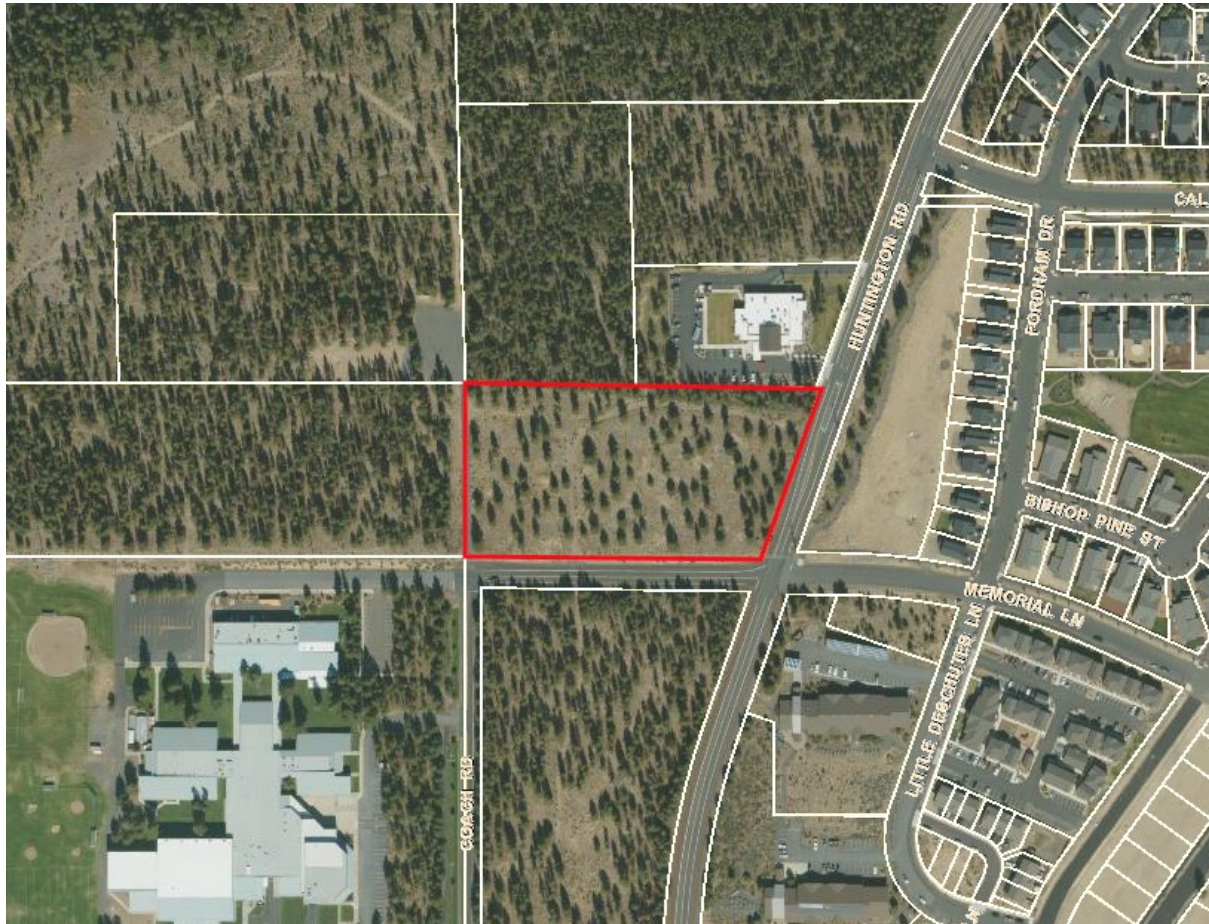
Hearing Procedure

Objections to the Hearing Format?

If you would like to object to the hearing format, please notify us now.

Staff Report

Location



Applicant Request

Request

- Modify Condition of Approval B from 03ZC-19
 - Right of way dedication for a roundabout (Huntington & Memorial)
 - Reduce diameter from 200 feet to 175 feet

Background

- 03ZC-19 received approval June 2020
 - Changed the zoning from Public Facility to Commercial Mixed Use
 - Related comprehensive plan change included
 - The City Engineer found a roundabout would be required based on OAR 660-012-0660(2)
 - Required right of way dedication as a condition of approval

Planning Commission Hearing

The Planning Commission Public Hearing was adequately noticed:

- Mailing date: February 15, 2024
- Bend Bulletin Date: February 18, 2024
- Posting Date: February 21, 2024
 - NW Corner of Huntington and Memorial

Staff did not receive any comments prior to the hearing and the Commission unanimously voted to recommend approval of the application

Noticing and Public Testimony

The Public Hearing was adequately noticed:

- Mailing date: March 7, 2024
- Bend Bulletin Date: March 10, 2024
- Posting Date: N/A

Staff has not received any public comments

The full written record has been available on the project website, from the staff planner, or at City Hall.

Code Provisions | Chapter 15.202

Section 15.202.130, Modification of Approval

A. A modification shall not be filed as a substitute for an appeal or to apply for a substantially new proposal or one that would have significant additional impacts on surrounding properties. For the purposes of this section, a substantially new proposal would require the application of new criteria and a significant impact would result in the imposition of new or different conditions of approval.

- Change in Circumstances
- Substitute for Appeal
- Substantially New Proposal
- Additional Impacts on Surrounding Properties

Code Provisions | Chapter 15.202

Section 15.202.130, Modification of Approval

B. An application to modify an approval shall be directed to one or more discrete aspects of the approval, the modification of which would not amount to approval of a substantially new proposal or one that would have significant additional impacts on surrounding properties. Any proposed modification, as defined in this section, shall be reviewed only under the criteria applicable to that particular aspect of the proposal. Proposals that would modify an approval in a scope greater than allowable as a modification shall be treated as an application for a new proposal.

- What discreet aspects of the approval are proposed for modification?
- Is this a substantially new proposal?
- Are there significant additional impacts on surrounding properties?
- What criteria are applicable to the particular aspect(s) of the proposal?

Code Provisions | OAR 660

OAR 660-012-0660, Plan and Land Use Regulation Amendments

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the performance standards of the facility measured or projected at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in subsections (a) through (e) below...

...

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

The applicant has provided analysis indicating that a 175-foot diameter circle is sufficient for the development of a roundabout at the intersection of Huntington and Memorial...I concur that the 175-foot diameter circle as proposed is sufficient...I have no objection to the modification request.

Staff Recommendation

Staff recommends the City Council close the hearing and public record, commence deliberations, and approve 02MOD-23.

Recommended language is included below:

I move to approve file 02MOD-23, with the conditions of approval included in the staff report. This action will modify condition of approval B from land use file 03ZC-19. The proposed modification would reduce the required right of way dedication in relation to the roundabout's diameter from 200 feet to 175 feet.

I also move approval to allow the City Manager to sign an updated Conditions of Approval Agreement which reflects this modification and any other documents which may be required to memorialize this decision.

Next Steps

Four options to move forward:

- Continue the hearing to a date and time certain.
- Close the oral portion of the hearing and leave the written record open to a date and time certain.
- Close the hearing and schedule deliberations for a date and time to be determined.
- Close the hearing and commence deliberations.

Questions?

Rachel Vickers, Associate Planner

(541) 280-5680, rvickers@lapineoregon.gov

Open Record Period

Open Record Period Deadlines

New Evidence and Testimony

- Wednesday April 3rd at 5 pm

Rebuttal

- Wednesday April 10th at 5pm

Final Arguments (Applicant Only)

- Wednesday April 17th at 5 pm

Open Record Submittals

Email submittals must be sent to
rvickers@lapineoregon.gov

Electronic submittal **must be received by the City's server by 5pm** on the date of the deadline