

City of La Pine
Development Code Text Amendment
Burden of Proof Narrative

- Applicant:** Oregon 97 Investments LLC
C/O MAA Group LLC
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Eugene, OR 97403
- Engineer:** Ashley and Vance Engineering, Inc.
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- Traffic Engineer:** Transight Consulting, LLC
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- Planner:** Blackmore Planning and Development Services, LLC
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Bend, OR 97702
- Location:** While the proposed text amendment is not property specific, it is being submitted to facilitate the development of a property that is located in the northeast quadrant of the City of La Pine, east of Hwy 97 and south of Rosland Road. The western (triangular) portion of the site has been assigned the address of 17125 Rosland Road and the properties are identified by the Deschutes County Tax Assessor as 211036DC00100 and 2110360000107.
- Request:** Development Code Text Amendment to *Article 6 – Special Use Standards, Chapter 15.108 – Special Use Standards – Non-Residential Uses, Section 15.108.020 – Campgrounds and recreational vehicle parks*, subsection B.2, as follows (where **bold / italics / underling** is the added language):
- Access to the site shall be from an arterial or collector street., **except that access to the site may be taken from a local street, when:**
- **The local street connects to an arterial or collector street, within 200 feet of the primary access point;**

- **The local street connection to the arterial or collector street does not pass through any residential zone; and**
- **The local street connection to the arterial or collector street is constructed to City Standards.**

I. Applicable Criteria and Procedures:

1. City of La Pine Development Code

- ARTICLE 5 – DEVELOPMENT STANDARDS
 - Chapter 15.108.020 – Special Use Standards – Non-Residential Uses / Campgrounds and recreational vehicle parks
- ARTICLE 7 - PROCEDURES
- ARTICLE 8 – APPLICATIONS AND REVIEWS
 - Chapter 15.334 – Text and Map Amendments

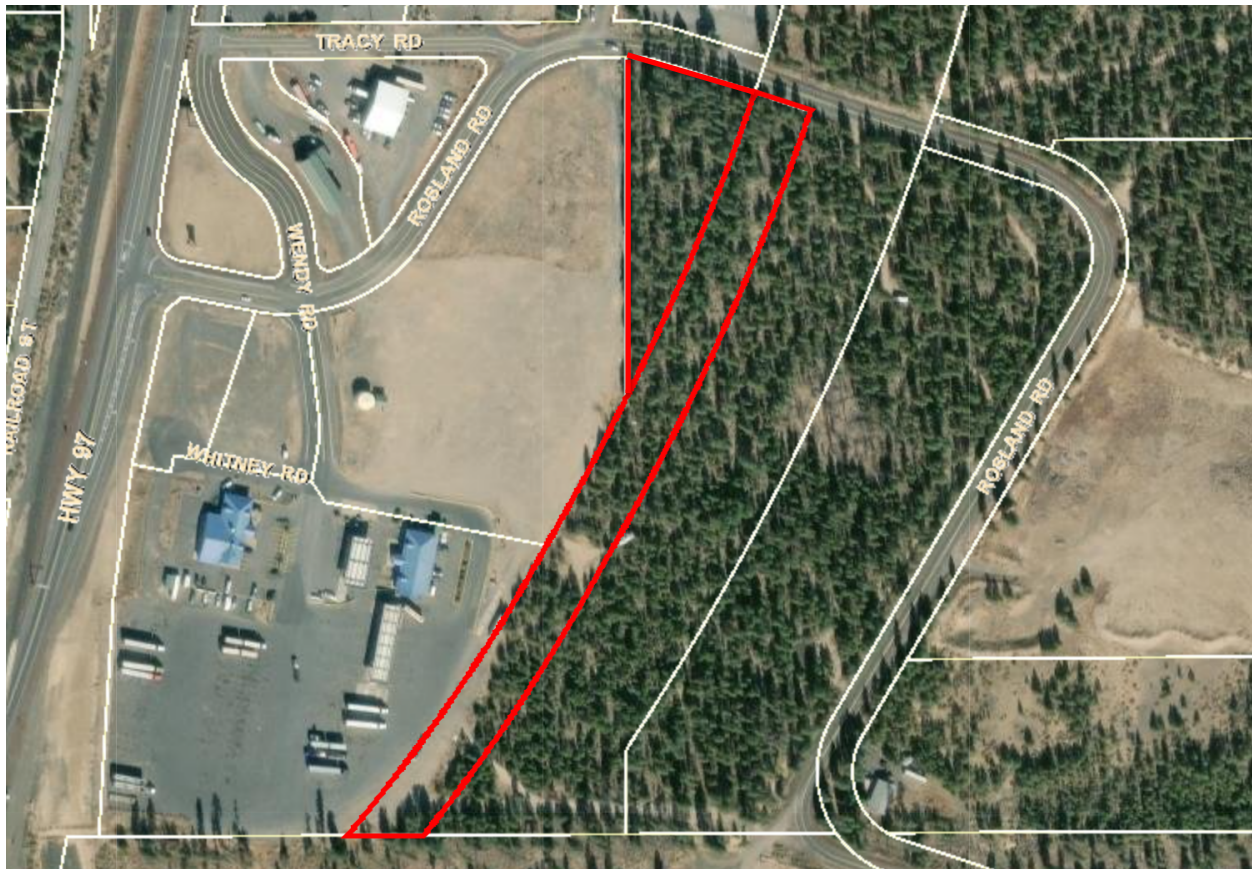
2. Oregon Administrative Rules (OAR)

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

II. General Facts:

1. LOCATION: While the proposed text amendment is not property specific, it is being submitted to facilitate the development of a property that is located in the northeast quadrant of the City of La Pine, east of Hwy 97 and south of Rosland Road. The western (triangular) portion of the site has been assigned the address of 17125 Rosland Road and the properties are identified by the Deschutes County Tax Assessor as 211036DC00100 and 2110360000107.

IMAGE BELOW



2. ZONING AND COMPREHENSIVE PLAN DESIGNATIONS: With a recent Zone Change approval, the referenced property is zoned and designed Commercial Mixed Use (CMX).

3. SITE DESCRIPTION & SURROUNDING USES: The property that is driving the current application is 4.41 acres in size and irregular in shape. The western (triangle) tax lot is 1.53 acres in size, while the eastern strip is 2.88 acres in size. The overall property is vacant and vegetated with native vegetation including antelope bitterbrush and Idaho fescue, along with lodge pole pine trees. Soils consist of NRCS 115A Soil – Shanahan loamy coarse sand. The property generally level and unimproved; it is intersected by a couple informal trails. The property is located outside of any FEMA designated floodway and/or floodplain.

Surrounding Zoning -

The properties to the west and northeast are zone CMX, an area to the north (ODOT property) is zoned I, the properties to the east are zoned I, and the properties to the south are zoned Public Facilities (PF).

Surrounding Development –

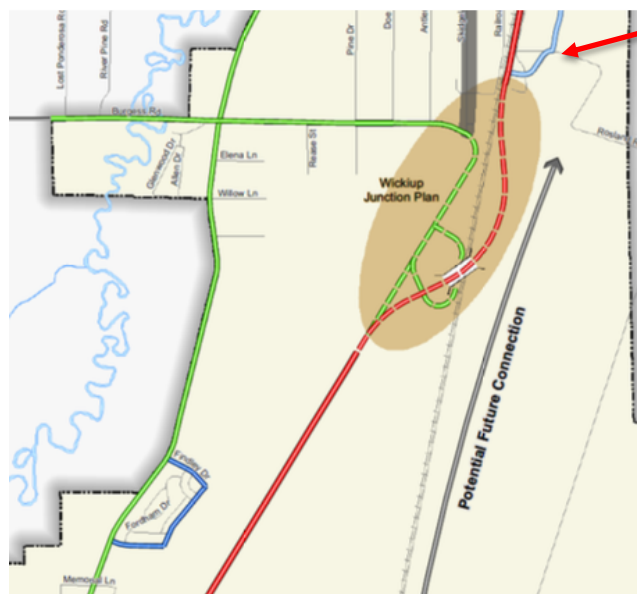
An aerial image documenting the surrounding development was provided above.

The property to the north of the triangle property is developed with the Moose Lodge. The remaining properties to the north, east, and south are vacant and undisturbed. The northern portion of the area to the west is vacant but has previously been cleared and the southern portion of the area to the west is developed with the La Pine Travel Center, including fuel stations, a convenience store, and a restaurant.

Rosland Road (abutting the property to the north) is classified as a local road and developed within 60 feet of right-of-way. It contains travel lanes without curbs, sidewalks or bike lanes.



Approximately 40 feet west of the western property line, Rosland Road is classified as a Collector Street.



4. **PROPOSAL:** Development Code Text Amendment to *Article 6 – Special Use Standards, Chapter 15.108 – Special Use Standards – Non-Residential Uses, Section 15.108.020 – Campgrounds and recreational vehicle parks*, subsection B.2, as follows (where **bold / italics / underling** is the added language):

Access to the site shall be from an arterial or collector street-, **except that access to the site may be taken from a local street, when:**

- **The local street connects to an arterial or collector street, within 200 feet of the primary access point;**
- **The local street connection to the arterial or collector street does not pass through any residential zone; and**
- **The local street connection to the arterial or collector street is constructed to City Standards.**

5. **EXHIBITS:** In addition to this burden of proof statement, the applicant submits the following exhibits in support of this proposal:

- Application Form and Fee
- Transportation Planning Rule (TPR) Analysis

6. **BACKGROUND:** In late 2024, the applicant submitted Site Plan and Conditional Use Permit applications for an RV Park on the referenced property. As part of that submittal, the applicant presented an argument as to why access onto Rosland Road (a local road abutting the property) was acceptable, notwithstanding the “clear and objective” arterial or collector limitation of LPDC 15.108.020.B.2.

To make that argument, the applicant relied on a detailed traffic assessment prepared by Transight Consulting LLC, which highlighted the following:

CAMPGROUND AND RECREATIONAL VEHICLE PARK SITING CRITERIA

The City of La Pine has special standards for campgrounds and recreational vehicle parks within Section 15.108.020 of its Development Code. The site design standards specifically state that access to the site shall be from an arterial or collector street, whereas the proposed access shown in the preliminary site plan will be provided onto Rosland Road, which is classified as a Local Street east of Drafter Road.

Our team’s understanding of the intent of this requirement is to avoid trips from an RV Park impacting residential areas or streets that are not built to accommodate the heavier vehicle types. However, with the property’s prior Industrial zoning, without the approved rezone and development of the site as an RV park it was likely that even heavier trucks would have been permitted access onto Rosland Road outright. There are no residential uses within the vicinity that are impacted as the site is contiguous to commercial uses including the adjacent Gordy’s Truck Stop.

In review of the prior planning within this area it was noted that Rosland Road was contemplated as a *Collector* to the conceptual southern Darlene Way extension to Reed Road (see Figure 17), with this connection serving as a backage road that would allow restriction of access onto US 97 with the future development of lands between the Wickiup Junction and La Pine core area. The TSP advanced this street configuration, along with pedestrian and bicycle connections, but with the future alignment of the north-south connection unknown (and not expected to develop within the next twenty years) the Darlene Way connection was modified as a “future vision” project and Rosland Road’s Collector classification was terminated at Drafter Road (see Figure 18).

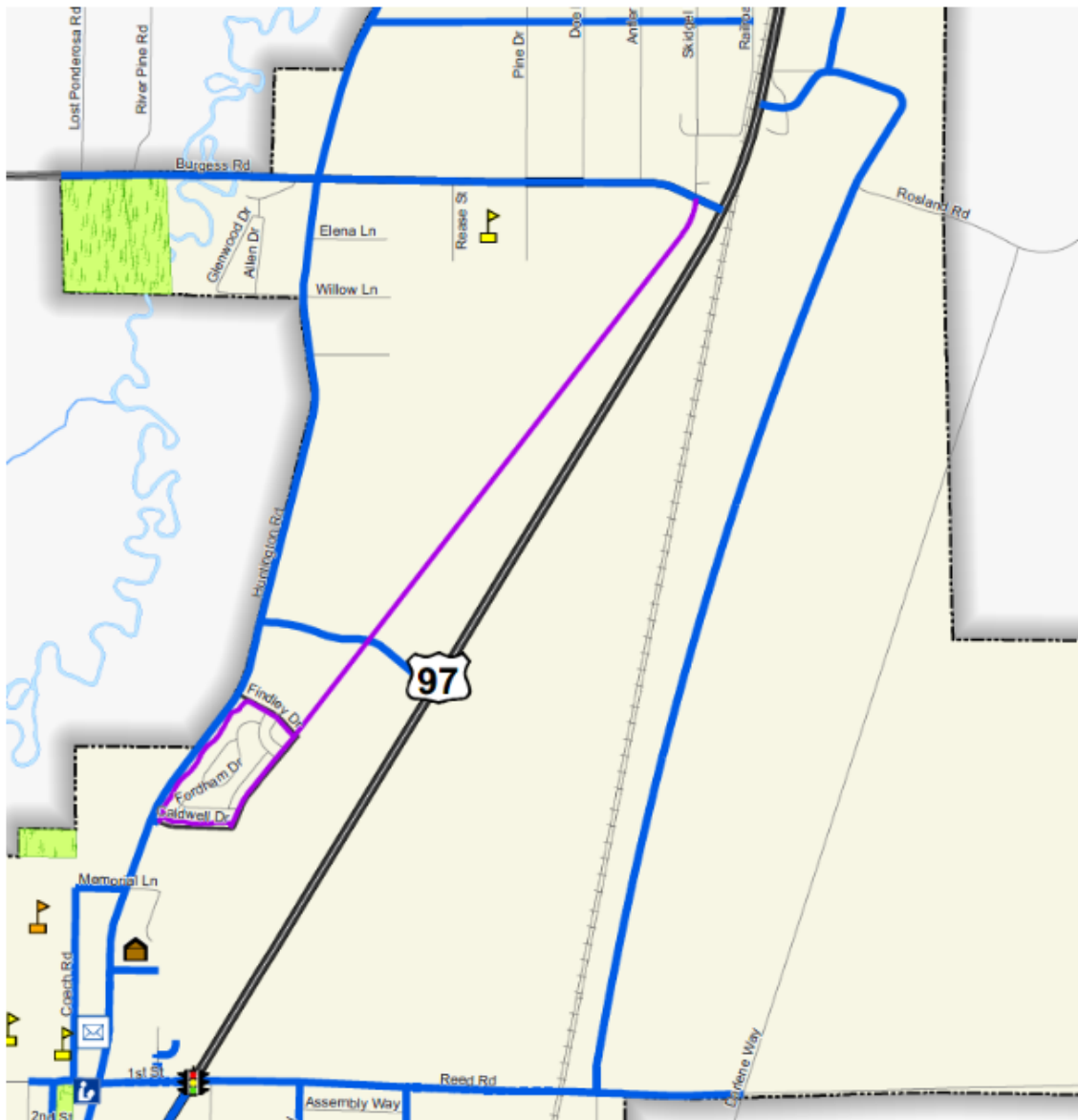


Figure 17. Draft TSP Collector Alignment showing Rosland to Reed Road as a Collector alignment.

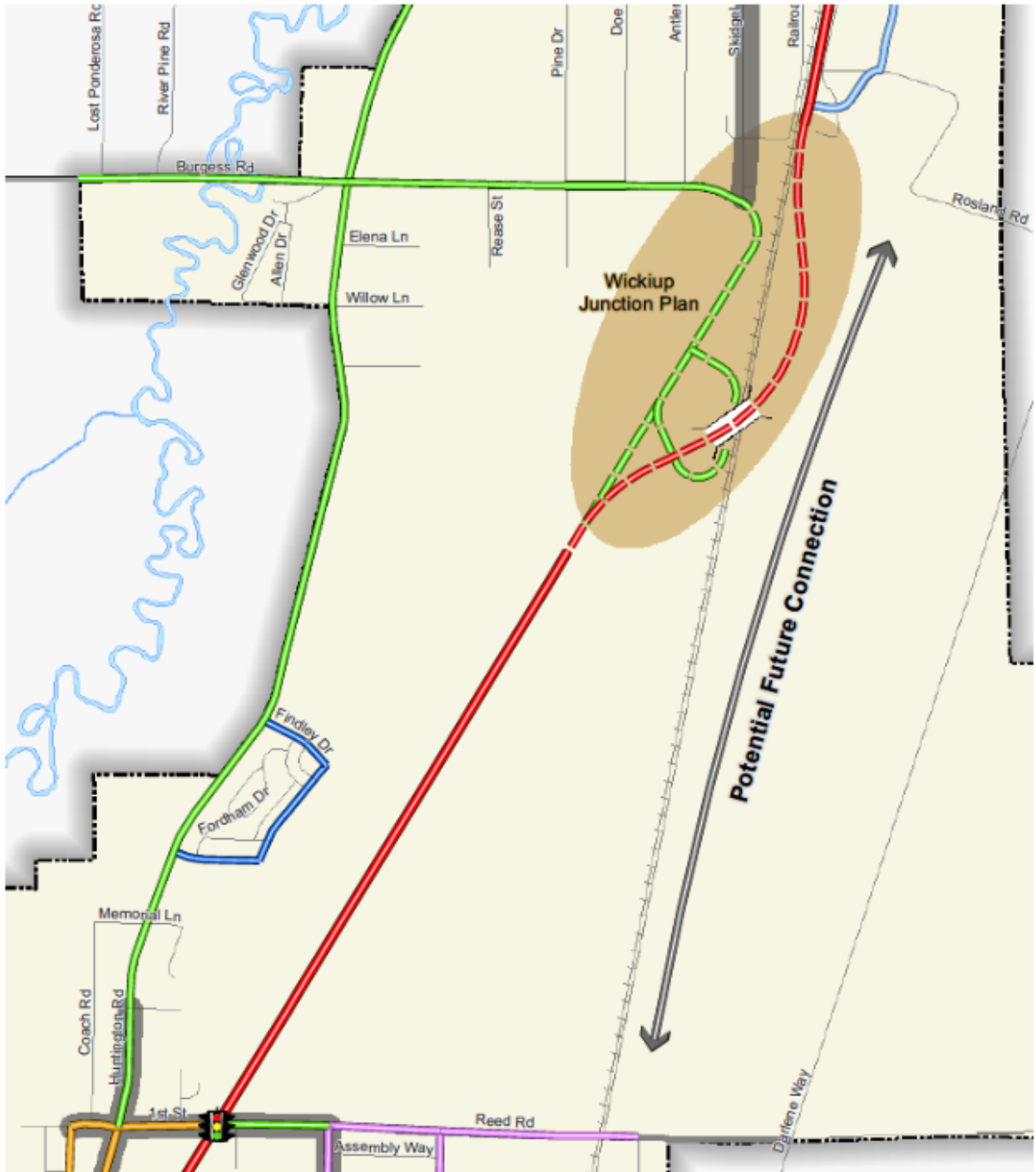


Figure 18. Adopted TSP Collector Alignment showing Rosland's classification terminate at Drafter Road.

The recently adopted Deschutes County Transportation System Plan retains Rosland Road as a Local Street, but proposes the improvement of Darlene Way as a low-priority future Federal Lands Access Program (FLAP) alignment, extending this improvements to the Klamath County border (see Figure 19). It is assumed that this would take the place of the "Potential Future Connection" identified within the TSP, and with its completion would extend the City's Collector street network as originally contemplated within the TSP process.

Table 5-9. FLAP Roadways and Associated Cost Estimates

Id	Road	Begin	End	Description	Priority	Cost	County Contribution	Bike/Ped Component of County Contribution
F-1	Three Creeks Rd	Sisters City Limits	Forest Service Boundary	3.7-mile-long segment scoped for widening, pavement rehabilitation, safety improvements, and removal of BR #16060	High	\$2,900,000	\$600,000	\$200,000
F-2	Buckhorn Rd	Lower Bridge Way	OR126	Reconstruction/ pave	Medium	\$6,500,000	\$1,300,000	\$400,000
F-3	Cascade Lakes Hwy	Milepost 21.98	Elk Lake	Widen & overlay; improve side slopes; increase horizontal sight distance; install guardrail; install centerline rumble strips, post-mounted delineators and high-type pavement markings; install shoulder rumble strips or edge line rumble strips; possible structure adjustments and culvert extensions or replacements; install left-turn and right-turn lanes at major destinations	Medium	\$12,200,000	\$2,400,000	\$700,000
F-4	Cascade Lakes Hwy	Elk Lake	S Century Dr	Widen & overlay; improve side slopes; increase horizontal sight distance; install guardrail; install centerline rumble strips, post-mounted delineators and high-type pavement markings; install shoulder rumble strips or edge line rumble strips; possible structure adjustments and culvert extensions or replacements; install left-turn and right-turn lanes at major destinations	Low	\$9,000,000	\$1,800,000	\$500,000
F-5	Darlene Way	Rosland Rd	County Line	County standard improvement of full-length Darlene Way; assumed no row acquisition on existing alignment across BLM land	Low	\$6,800,000	\$1,400,000	\$400,000

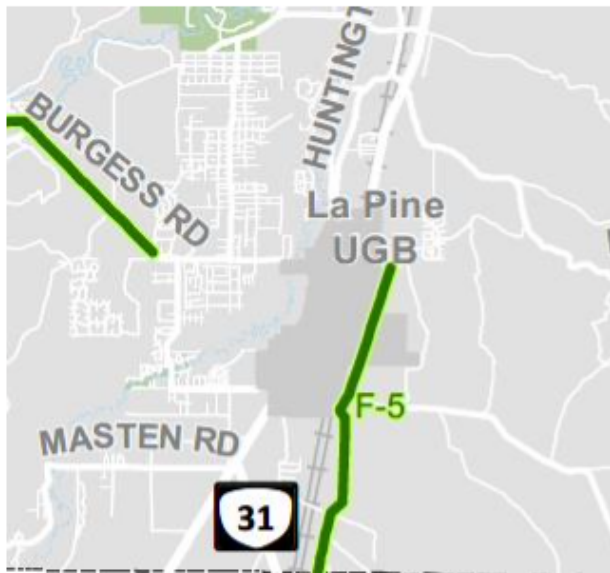


Figure 19. Draft August 2023 Deschutes County TSP Update references to Darlene Way improvements.

In terms of functional adequacy, the adopted Wickiup Refinement Plan identifies future signalization of the US 97/Rosland Road intersection as an interim treatment until the overcrossing can be completed. With this planned improvement, regardless of whether the proposed RV Park provides direct access onto Rosland Road, access to Rosland Road through the neighboring La Pine Travel Center property, or otherwise pursues waivers or text amendments, the site will be reliant on the US 97/Rosland Road intersection for highway access and will not impact residential properties with its access route.

City Staff reviewed these arguments and determined that the La Pine Development Code provides a clear and objective standard, and that the City cannot consider contemplated plans. As such, the existing Development Code language prevented the Site Plan and CUP from being approvable. Therefore, this application is being pursued and should it be successful, a Site Plan and CUP will be resubmitted after the new Code language is effective.

III. Conformance with Procedures, Standards, and Approval Criteria that are Applicable to the Development Code Text Amendment

Article 7 - PROCEDURES

CHAPTER 15.202. - SUMMARY OF APPLICATION TYPES AND GENERAL PROVISIONS

Sec. 15.202.010. - Purpose and applicability.

- A. *Purpose.*** The purpose of this chapter is to establish decision-making procedures that will enable the city, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 15.202-1 provides a key for determining the review procedure and the decision-making body for particular applications.

Applicant Response: This section establishes a purpose statement and does not contain any measurable development standards or approval criteria.

- B. *Applicability of review procedures.*** All land use and development permit applications, except building permits, shall be decided by using the procedures contained in this article as modified by any applicable application-specific procedures identified in articles 8 and 9. The procedure "type" assigned to each application governs the decision-making process for that application. There are four types of review procedures as described in subsections 1—4 below. Table 15.202-1 lists the city's land use and development applications and corresponding review procedure(s).

- 1. *Type I procedure (ministerial staff review with no notice).*** Type I decisions are made by the city planning official, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying city standards and criteria that do not require the use of discretion (i.e., there are clear and objective standards). The city planning official may elect to process a Type I application under a Type II procedure.
- 2. *Type II procedure (administrative/staff review with notice).*** Type II decisions are made by the city planning official, with public notice and an opportunity for appeal to the planning commission. Alternatively, the city planning official may refer a Type II application to the planning commission for its review and decision in a public meeting.

3. ***Type III procedure (quasi-judicial review - public hearing).*** Type III decisions are made by the planning commission after a public hearing, with an opportunity for appeal to the city council except for decisions on all quasi-judicial comprehensive plan amendments and zone changes which must be adopted by the city council before becoming effective. Quasi-judicial decisions involve discretion but implement established policy. They involve the application of existing law or policy to a specific factual situation.
4. ***Type IV procedure (legislative review).*** The Type IV procedure applies to the adoption of law or policy applicable citywide or to a broad geographical area of the city. Legislative actions provide for the establishment and modification of land use plans, policies, regulations, and guidelines. Type IV reviews are considered by the planning commission, which makes a recommendation to city council. City council makes the final decision on a legislative proposal through the enactment of an ordinance.

Table 15.202-1. Summary of Approvals by Type of Review Procedure

<i>Application*</i>	<i>Review Procedures</i>	<i>Applicable Regulations</i>
Legislative text or map amendment	Type IV	Chapter 15.344 [15.334]

Applicant Response: Changing the text of the Development Code is a legislative action, which should be processed as a Type IV review.

Sec. 15.202.020. - Time limit and consolidated review.

A. Time limits.

1. **Determination of completeness.**
 - a. **Upon receipt of an application, the city planning official shall review the application for completeness.**
 - i. **Incomplete applications shall not be reviewed until all required information has been submitted by the applicant;**
 - ii. **If incomplete, the applicant shall be notified and shall have 180 days from the date the application was first submitted to supply the missing information or notify the city planning official in writing to process the application without missing information.**
 - b. **The application shall be deemed complete either:**
 - i. **Upon receipt of the additional information; or**

- ii. [When]the applicant provides written notice to the city planning official to process the application without the missing information.
- c. Applications may be forwarded to affected agencies and departments for review and comment. If a county road or state highway might be impacted, referrals should be sent to Deschutes County public works and/or ODOT. Developments on any land illustrated on the NWI/LWI maps shall be referred within five days of receipt to the Oregon Division of State Lands.
- d. An applicant shall not submit any evidence to supplement its application during the 30 days following submittal of its application, except to respond to a request for additional information made under subsection
 - a. Any other evidence submitted by an applicant will not be considered in determining whether the application is complete and will be returned to the applicant.

Applicant Response: The applicant understands the time limit provisions of these sections and anticipates that the application will be processed in accordance with the applicable time limitations of this section.

- 2. 120-day rule. The city shall take final action on administrative and quasi-judicial land use applications,...
- 3. 100-day rule. The city must take final action, including resolution of all local appeals on qualifying applications under ORS 227.180,...
- 4. The periods set forth in this section during which a final decision on an application must be made may be extended for a reasonable period of time at the written request of the applicant, but total of all extensions, except as provided in subsection ORS 227.178(11) for mediation, may not exceed 245 days.

Applicant Response: The proposal will amend the text of the La Pine Development Code, which is considered a Legislative Action. The proposal is not an administrative or quasi-judicial action and it does not qualify under ORS 227.180; therefore the time limitations of these section do not apply.

- B. *Time periods.*** In computing time periods prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.

Applicant Response: The applicant understand that throughout the review of the application, time periods will be calculated are prescribed in this section.

- C. Consolidated review of applications.** When an applicant applies for more than one type of application for the same one or more contiguous parcels of land, the proceedings shall be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.

Applicant Response: The proposal is for a single application; consolidated review is not applicable.

Sec. 15.202.030. - City planning official's duties and development review committee.

- A. City planning official's duties.** The city planning official, or his or her designee, shall perform all of the following duties with regard to administration of this Development Code:
1. Prepare application forms based on the provisions of this Development Code and applicable state law;
 2. Prepare required notices and process applications for review and action;
 3. Assist the planning commission and city council in administering the hearings process;
 4. Answer questions from the public regarding the city's land use regulations;
 5. Prepare staff reports summarizing pending applications, including applicable decision criteria;
 6. Prepare findings consistent with city decisions on land use and development applications;
 7. Prepare notices of final decisions, file the notices in the city's records, and mail a copy of the notices to all parties entitled to notice under this Development Code; and
 8. Maintain and preserve the file and record for each application.

B. Development review committee. The development review committee may assist the city planning official in the review of proposed development and preparation of staff reports.

1. The following persons, parties and agencies shall constitute the membership of the city development review committee:
 - a. Public works official.
 - b. Engineering official.
 - c. Police and/or county sheriff as applicable.
 - d. Fire and rescue.

- e. Public utility representatives (water and sewer districts).
- f. School district representatives.
- g. Parks and recreation district director.
- h. Building official.
- i. Any other person, party or agency deemed by city staff to be affected by the land use proposal or to have specific knowledge or expertise in regard to the specific proposal.

Applicant Response: These sections establish duties of the Planning Department and the reviewing bodies. The applicant anticipates that the duties will be carried out as noted in these sections.

Sec. 15.202.040. - Pre-application conference.

- A. A pre-application conference is encouraged for complex applications or for applicants who are unfamiliar with the land use process and is required for all Type III applications. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the applicable land use codes, to provide for an exchange of information regarding applicable requirements of the comprehensive plan, zoning code or land division code and to identify issues likely to arise in processing an application. The applicable zoning code may require that a pre-application conference be held for particular types of applications.
- B. Required pre-application conferences must be held no more than one year prior to the submittal of a Type III land use application. Requests for pre-application conferences shall be made on a form provided by the city.

State Law reference— Planning and zoning hearings and review, ORS 227.160 et seq.

Applicant Response: The application is not for a Type III application and a pre-application meeting was held with the City on May 17, 2023.

Sec. 15.202.050. - Neighborhood contact.

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

Applicant Response: The proposal is not for a master plan, a subdivision with more than ten lots, a major variance, or a property owner-initiated for zone change; therefore a Neighborhood Contact meeting is not required.

CHAPTER 15.204. - APPLICATION PROCEDURES

Sec. 15.204.040. - Type IV (legislative decisions).

- A. *Timing of requests.*** The city council may establish a schedule for when it will accept legislative code amendment or plan amendment requests, or the city council may initiate its own legislative proposals at any time. Legislative requests are not subject to the 120-day review period under ORS 227.178.

Applicant Response: The applicant is unaware that any schedule has been established by the City Council for when the City of La Pine will accept legislative code amendments. The applicant was informed that, if desired (by the applicant), submittal of a Development Code text amendment could be pursued, and when that information was provided, Staff made no mention of a schedule that would apply. It is understood that the text amendment application will be processed within a reasonable amount of time, but that the 120-day review period under ORS 227.178, does not apply.

B. *Application requirements.*

- 1. *Application forms.*** Legislative applications shall be made on forms provided by the city planning official.
- 2. *Submittal information.*** The application shall contain all of the following information:
 - a.** The information requested on the application form;
 - b.** A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
 - c.** The required fee, except when City of La Pine initiates request;
 - d.** One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards; and
 - e.** Evidence of neighborhood contact, if applicable pursuant to [section 15.202.050](#).

Applicant Response: The submittal materials include a City Application Form, this narrative, the proposed text amendment language, and a TPR Analysis. As detailed in Section 15.202.050 above, the proposed legislative Development Code text amendment does not require a neighborhood contact meeting. The submittal items include all items required by this section.

- C. Procedure.** Hearings on Type IV applications are conducted similar to city council hearings on other legislative proposals, except the notification procedure for Type IV applications must conform to state land use laws (ORS 227.175), as follows:
1. The city planning official shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) at least 35 days before the first public hearing at which public testimony or new evidence will be received. The notice shall include a DLCD certificate of mailing.
 2. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any zone change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
 - a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one comprehensive plan land use designation to another); see ORS 227.186 for instructions;
 - b. Any affected governmental agency;
 - c. Any person who requests notice in writing; and
 - d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
 3. At least ten days before the scheduled city council public hearing date, public notice shall be published in a newspaper of general circulation in the city.
 4. For each mailing and publication of notice, the city planning official shall keep an affidavit of mailing/publication in the record.

Applicant Response: These sections identify procedures that are required to be carried out by Staff. The applicant has prepared an application packet and paid all required fees. It is expected that Staff will send out notices as required by these sections.

- D. Final decision and effective date.** A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance or, if not approved, upon mailing of the notice of decision to the applicant. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the department of land conservation and development within 20 business

days after the city council decision is filed with the city planning official. The city shall also provide notice to all persons as required by other applicable laws.

Applicant Response: This section establishes the process by which a decision will become final and effective. The applicant understands the provisions of this section and expects that a decision will be issued accordingly.

Article 8 - APPLICATIONS AND REVIEWS

CHAPTER 15.334. - TEXT AND MAP AMENDMENTS

Sec. 15.334.010. - Purpose.

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

Applicant Response: This section is a purpose statement and it does not contain any measurable development standards or approval criteria.

Sec. 15.334.020. - Applicability.

A. Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plans, Development Code, or changes in zoning maps not directed at a small number of property owners. The following amendments are considered generally considered legislative:

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

Applicant Response: The proposal is for an amendment to the text of the La Pine Development Code and therefore is to be processed as a legislative amendment.

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.

Applicant Response: The proposal is for an amendment to the text of the La Pine Development Code, which meets the criteria under subsection A; therefore the application is a legislative amendment, it is not a quasi-judicial amendment, and this section does not apply.

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

Applicant Response: The text amendment application is being requested by an applicant, which is allowed by this section.

Sec. 15.334.030. - Procedure type.

A. Legislative amendments are subject to Type IV review in accordance with the procedures in [article 7...](#)

Applicant Response: As noted above, the application is appropriately processed via the Type IV review procedures. A complete review of Article 7 was included above and as detailed therein, the application has, and will (through City processing) conform to all procedural requirements of Article 7. Therefore, the review can and will conform to the requirements of this section, by the City processing it in accordance with the established procedures.

Sec. 15.334.040. - Approval criteria.

Planning commission review and recommendation, and city council approval, of an ordinance amending the zoning map, Development Code, or comprehensive plan shall be based on all of the following criteria:

A. The proposal must be consistent with the comprehensive plan (the comprehensive plan may be amended concurrently with proposed changes in zoning). If the proposal involves an amendment to the comprehensive plan, the amendment must be consistent with the statewide planning goals and relevant Oregon Administrative Rules; and

Applicant Response: The proposal does not include an amendment to the Comprehensive Plan document; therefore only consistency with the Comprehensive Plan is needed. A complete review of consistency with the Comprehensive Plan is included below.

B. The proposal must be found to:

- 1. Be in the public interest with regard to community conditions; or**
- 2. Respond to changes in the community; or**

3. Correct a mistake or inconsistency in the subject plan or code; and

Applicant Response: As written in this section, the proposal only needs to meet one of these criteria. The criteria that the proposal most broadly adheres to are #1 and #2.

Be in the public interest with regard to community conditions

Tourism is an economic driver in the City of La Pine and throughout Central Oregon. The La Pine Comprehensive Plan encourages economic development and identifies “tourism related services” as a target sector. By expanding the locations where RV Parks could be placed, the proposed Development Code text amendment will more broadly allow for RV parks (a tourism related service) to be developed, which is consistent with the intent of the Comprehensive Plan; thus in the public interest.

Of course, economic public interest needs to be weighed against other (potentially competing) interests, such as local values. Throughout the La Pine Comprehensive Plan, we see a desire for a small town feel, a desire for livability, compatibility, buffers, and adequate public facilities. The manner in which the proposed Development Code text amendment has been drafted, assures that the changes (ever so slightly) expand opportunities for RV Parks (a target sector), but in a way that will not impact any residential lands, thus preserving a small town feel, livability, compatibility, buffers, and the language ensures adequate public facilities. By accommodating desired economic development (a target industry) in a way that preserves the character of La Pine, the proposed Development Code text amendment assures public interest, even when weighed against other local values.

Furthermore, text amendment will accommodate development, which will provide a larger tax base and provide accommodations in La Pine, particularly for tourist with RVs. Tourists who stay and spend time in La Pine, with further contribute to the local economy, by purchasing goods and services in City of La Pine; a multiplier effect.

Overall, the proposed text amendment accommodates a target sector for economic development and does so in a way that will not erode the character of La Pine; therefore the proposal is in the public interest.

Respond to changes in the community -

As it relates to the applicant’s property, ODOT had determined that the land needed for a future facility is less than originally planned. As such, in 2016, ODOT sold a 100 foot wide strip of property (west side of the future facility), retaining the eastern 200 feet for a future ODOT facility. With the sale of the property, there is a narrow (100 foot wide) strip of land that the applicant has acquired. The applicant recently worked through a zone change, to change the zoning of this strip of land from I to CMX, and RV Parks are allowed on CMX Zoned land (with a Conditional Use Permit).

The recent ODOT sale and zone change are changes in the community. The changes in the community revealed the opportunity for an RV park on an otherwise challenging site; and when completing the development plan for the site, the arterial and collector access restriction for RV Parks became more relevant and prominent. The applicant studied this Code section, in an effort to understand why it was drafted into the Code, but was not able to find a single reference to the need or purpose of this access restriction. Therefore, it is *assumed* to have been added to the Code to address a desire for livability, small town feel, aesthetics, and road capacity. The arterial and collector access restriction could be considered a large brush stroke mitigation method to address the broader community concerns. However, as the issues are better understood and detailed, the mitigation approach can be refined. The proposed Development Code text amendment is a more fine-tuned approach; it is a method that can achieve the same desired outcome, but with more nuance, so that “desired” development¹ can occur, while still providing adequate mitigation, so that community character and public facility capacity is ensured.

For the aforementioned reasons, the applicant argues that the proposed Development Code text amendment is both in the public interest and in response to changes in the community.

C. The amendment must conform to section 15.344.060 [15.334.050], transportation planning rule compliance; and

Applicant Response: Section 15.334.050 is addressed below. As detailed in the TPR Analysis and the referenced section, the proposal conforms to the Transportation Planning Rule; therefore the proposal conforms to this reference provision.

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

Applicant Response: The proposal does not include a quasi-judicial zone change; therefore this section does not apply.

Sec. 15.334.050. - Transportation planning rule compliance.

Proposals to amend the comprehensive plan or zoning map shall be reviewed to determine whether they significantly affect a transportation facility pursuant to 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.

¹ As prescribed in the Comprehensive Plan
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Applicant Response: In association with this proposal, a Transportation Planning Rule (TPR) Analysis was conducted by Transight Consulting, LLC. The TPR Analysis is included in this proposal as an Exhibit. The findings of the TPR analysis indicate that the proposed Development Code text amendment will not significantly affect any existing or planned transportation facility, thus the proposal is in conformance with the TPR. The complete analysis is included in the referenced Exhibit, findings of which are incorporated herein.

IV. Review of consistency with the relevant policies of the comprehensive plan;

Applicant Response: The Applicant has reviewed past land use decisions in the design of the project and the preparation of this application, including the identification of the relevant Comprehensive Plan elements. As described below, the proposed Development Code text amendment conforms to all applicable Comprehensive Plan Policies and relevant elements of the Plan. In the event that Staff or another interested party believes that additional policies, goals, or overview sections are relevant, the Applicant will supplement the record with written documentation of conformance, as needed.

Introduction

This chapter takes a reader through basic information related to comprehensive plans, including the history of La Pine, what a comprehensive plan is, a summary of Oregon's Statewide Planning Goals (addressed above), the purpose and intent of the Comprehensive Plan, the process and the methodology, along with a summary, recommendations, and a process for amending the plan. This Introduction section of the Plan does not include any policy directives, however it is worth noting that this section identifies "Local Values" and expresses both an interest in economic development, a desire for an RV Park in the City, and maintaining a small town feel.

By slightly expanding the access possible locations for RV Parks, while still ensuring that they are located very near to arterial and/or collector streets, and prohibiting access onto a local street that runs through a residential zone, the proposed text amendment is consistent with the local values and the language of this section.

Chapter 1 – Community Characteristics

After detailing the history of the City of La Pine, from demographics, to development groups, and land use patterns, this chapter goes on note that, "Future challenges will include increasing economic development in the community, job creation and providing additional services to meet everyday needs. Some of these will come naturally and will develop according to market demand. Others will take cooperation among agency and community groups." (Page 17 – La Pine Comprehensive Plan). The chapter ends with a series of bullet points, identifying imbalances that the community wants to correct, to improve neighborhoods. The stated imbalances that relate to the current proposal

include the following:

- ***Planned growth with commensurate infill policies that permit increased density but recognize that compatibility is an essential feature of maintaining and improving La Pine's livability***
- ***Opportunities for additional tourism support services and activities***

Combined, these 2 bullet points recognize a desire to provide opportunities for tourism support services and activities (which an RV park is), while ensuring that growth and development recognize the desire for compatibility and livability.

Rather than proposing to remove the arterial and collector access requirement entirely (across the City), the proposal simultaneously improves opportunities for tourism support services, while not negatively impact compatibility and/or livability. The proposal does this by only allowing RV Park accesses to cross local roads in areas where large vehicles and/or out of area vehicles might otherwise be traveling; the proposal will not result in RV travelers driving through residential areas. As designed, the proposal is consistent with the multiple desires that are expressed in this chapter.

Chapter 2 – Citizen Involvement Program

This chapter identifies State rules related to citizen involvement, along with the community's purpose and intent, with regard to citizen involvement. Furthermore, this chapter identifies issues and goals, policies and programs, it establishes roles and responsibilities, and establishes specific Citizen Advisory Committees (CACs). One of the CACs that is identified in this chapter is a Planning Commission, which the City has established for Planning and Land Use purposes. It is understood that this proposal will be processed and reviewed in accordance with the public notification procedures that have been established in the Development Code, and that hearings will be held before both the Planning Commission and the City Council. Ultimately, it is anticipated that the application will be reviewed by the City established citizen advisory committee, and in accordance with the adopted notification procedures, thus will be consistent with this chapter.

Chapter 3 – Agricultural Lands

This chapter addresses agricultural lands. This chapter is not relevant to the current proposal.

Chapter 4 – Forest Lands

This chapter addresses forest lands. This chapter is not relevant to the current proposal.

Chapter 5 – Natural Resources and Environment

This Comprehensive Plan chapter is intended to address Oregon Statewide Planning Goals 5, 6, and 7 which address natural resources, historic area, and open spaces, air

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water and land resources and protection from natural hazards. This chapter is not relevant to the current proposal.

Chapter 6 - Parks, Recreation, and Open Space

This Chapter is intended to carry out Statewide Planning Goal 8, Parks, Recreation and Open Space. This chapter is not relevant to the current proposal.

Chapter 7 – Public Facilities and Services

This chapter is intended to carry out Statewide Planning Goal 11. The only public facility that has the potential to be impacted by the proposal is the transportation system, and with the proposed Development Code text amendment, this system will only have the potential to be impacted in very particular situations; for a RV park use, on specific local streets that are located within 200 feet of an arterial or collector road and not crossing through Residential Zones. This Chapter does not provide any direction as to why the arterial/collector access limitation was imposed on RV parks. However, the proposed language would only allow RV parks access to utilize local street segments that 1) do not cross through residential zoned property and 2) are developed to City Standards. Given the “City Standards” requirement, along with existing Development Code provisions that require adequate capacity for any/all development, the proposed Development Code text amendment is consistent with this chapter.

Chapter 8 – Transportation

This chapter is intended to carry out Statewide Planning Goal 12. This chapter provides details of the transportation elements in the City of La Pine, including roads, bicycle ways, pedestrian routes, and public transit. Furthermore, this chapter addresses long range planning needs, air and rail, pipelines, and funding. The majority of the policies of this section have been incorporated into the Development Code and implementing regulations, which will be imposed upon development, via the applicable Site Plan and CUP provisions (addressed in the future). This Chapter does not provide any direction as to why the arterial/collector access limitation was imposed upon RV parks.

The proposed language would only allow RV parks access to utilize local street segments that 1) do not cross through residential zoned property and 2) are developed to City Standards. Given the “City Standards” requirement, along with existing Development Code provisions that require adequate capacity for any/all development, the proposed Development Code text amendment is consistent with this chapter.

Chapter 9 – Economy

This Chapter is intended to carry out Statewide Planning Goal 9, Economic Development. This Chapter includes an extensive analysis of the La Pine economy. This chapter establishes that tourism is the largest employment provider in Central Oregon (Table on Page 98) and it establishes that “Tourism related services” is a target industry (page 105).

It is important to note that while economic growth is desired, particularly within target industries, the City does desire to maintain a small town feel and livability (noted in the Introduction and reiterated in Chapter 9). While not explicitly established in the Development Code, the Comprehensive Plan or the Transportation System Plan, it is understood that the RV Park access limitation onto arterial or collector streets is primarily intended to ensure just that, a small town feel, livability, and to not have RVs (with out of area travelers), driving down narrower roads, particularly in residential areas.

The proposed Development Code text amendment is able to simultaneously achieve both of these local values. It will encourage economic development in a target sector, and in the event it drives RV onto local roads, such trips would only be for a very short distance and never through residential areas.

Given the limited changes that would occur with the proposed Development Code text amendment, the proposal is consistent with this chapter.

Chapter 10 – Housing

This chapter addresses housing and State Planning Goal 10. The proposed Development Code Text Amendment will not alter the availability of housing or residential lands in the City of La Pine. Additionally, it is noted that this Chapter does address a desire for a small-town feel, livability, buffers and compatibility. To ensure that the Development Code text amendment does not impact residential lands, the proposed text has been drafted, so that it would not impact residential lands in anyway. As drafted, the text encourages a desired employment type, in a way that will not negatively impact housing and is therefore consistent with this chapter.

Chapter 11 – Energy Conservation

This chapter carries out Oregon State Planning Goal 13. After providing background, purpose and intent, this Chapter identifies issues with travel, existing development patterns, and energy supply opportunities. The policies of this chapter address residential density, along with development and design desires. The policies of this chapter are not relevant to the proposal.

Chapter 12 – Urbanization

This chapter carries out State Planning Goal 14, which requires that cities provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. This chapter provides details of Buildable Lands, residential and commercial land needs, ultimately determining that the amount of land within the City Limits is sufficient to accommodate the 20 year land needs.

In addition to detailing land needs, this chapter provides guidance and direction on

future development within the UGB area. This Chapter does not contain any provisions that are relevant to the proposal.

V. Summary and Conclusion:

Based on the discussion above, as well as the exhibits included with this application, the Applicant has documented that the Development Code Text Amendment meets the applicable approval criteria. Because the proposal conforms to all applicable criteria and standards, the applicant respectfully requests that the City approve the Development Code Text Amendment as proposed.