



CITY of LA PINE PLANNING COMMISSION AGENDA

Wednesday, January 15th, 2020

5:30 p.m.

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order
2. Establish Quorum
3. Pledge of Allegiance
4. Added Agenda Items
Any matters added at this time will be discussed during the “Other Matter” portion of this agenda.
5. Approval of Prior Meeting Minutes
 - a. December 3rd, 2019
6. Public Hearing – 02TA-19 Text Amendment
15.12.020 Definitions...Time, Place and Manner Restrictions
15.108.050 Marijuana Businesses
 - a. Open Public Hearing
 - i. Staff Report
 - ii. Applicant Testimony
 - iii. Open Public Testimony
 - iv. Applicant Rebuttal
 - v. Deliberations
 - vi. Close Hearing
7. Other Matters: Only those matters properly added to this Agenda under line item No. 4
8. Public Comments:
9. Staff and Committee Comments
10. Adjourn

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. The public will not be permitted to attend the executive session; provided, however, representatives of the news media and designated staff will be allowed to attend the executive session. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the executive session as previously announced. No decision will be made in the executive session. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Patti Morgan (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY



CITY of LA PINE PLANNING COMMISSION MINUTES

Tuesday, December 3rd, 2019

5:30 p.m.

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order

Chair Russ Smith called the meeting to Order at 5:36 pm

2. Establish Quorum

Present: Russell Smith, John Cameron and Mary Hatfield and Cathi Van Damme

Absent w/ Prior Notice: Jane Gillette

Staff Present: Tammy Wisco, Planning Consultant and Kelly Notary, Admin Asst.

3. Pledge of Allegiance

Led by John Cameron

4. Added Agenda Items

Any matters added at this time will be discussed during the "Other Matter" portion of this agenda.

5. Approval of Prior Meeting Minutes

a. October 30th, 2019

b. November 12th, 2019

c. November 20th, 2019

Motion to approve the consent agenda, by Hatfield, seconded by Cameron, unanimously approved.

6. Public Hearing - Continuation -Proposed 60-lot Subdivision 01SUB-19

60-Lot subdivision and associated infrastructure in the La Pine residential single family (RSF) zone.

Correction subdivision is 61 lots not 60 at the time of this hearing.

a. Open Public Hearing

Smith opened the public hearing for both 01SUB-19 and 02VA-19

i. Staff Report

Tammy Wisco read the quasi-judicial statement regarding both matters. She presented her staff report and power point presentation – which will be added to the packet for reference. The Staff Report provided the Commission ample opportunity to discuss some items that Staff wanted input on and did

not have a particular recommendation before hearing Commission thoughts, as well as other areas where Staff did have recommendations based on code.

ii. Applicant Testimony

Chris Schmoyer, Planner, provided information on the subdivision, phasing and spent time answering the questions staff had proposed to the committee in the staff report regarding Bassett being finished ahead of their proposed schedule, fire alleys and access, whether there was a need for Streets A & B to continue into southern property.

Tim Weishaupt, Engineer, discussed variance issues with streets and side yards, explained their phasing and provided further information on the questions proposed by staff to the committee in the staff report.

Patrick Trowbridge, Property Owner, provided a narrative on what he and his business partner had in mind for the property. Explained some of the decisions and needs for the variances being requested and answered questions from the Commission pertaining to set backs, design. He also stated his commitment to make this a beautiful and functional neighborhood for those people who want the rural feel of a large lot with city amenities and services close by.

iii. Open Public Testimony

None Present

iv. Applicant Rebuttal

Discussion regarding the conditions and variances took place between the committee and applicant, specifically regarding ADU's, setbacks, potentially having CC&R's and/or an HOA and additional items regarding both the SUB and VA submittals. All of the points and questions posed by Staff regarding both the subdivision itself and the variances were discussed between the commission and the applicant.

v. Deliberations

Several points were discussed in deliberation to include the need to extend Streets A & B (north/south routes) to the land south of the subject property. It was the consensus of the Commission that those did not need to be extended for further use due to the nature and zoning of the property to the south. The 20' fire alley/access road per the applicant's current plan and its sufficiency to comply with code and the concerns of the Fire Chief in La Pine and the Fire Marshal. The consensus was that it did seem sufficient and since it complies with code there was no need to make changes to that plan or recommendation from Staff. Discussion took place based on comments Chair Smith made on whether Riley Drive should have to be extended all the way through the subdivision in similar fashion to Heath and Bassett (per the existing plan submitted at the time of the hearing). After some discussion VanDamme, Hatfield and Cameron were okay with Riley not cutting through and Smith still felt it should, but did not take the matter to a vote and the issue was not a part of the original staff report questions, so it was considered resolved. Riley would stay per submitted plan. Discussion continued about the variances requested, setbacks were discussed at length.

vi. Close Hearing

Smith closed the meeting and called for a break allowing Staff time to write up appropriate motions based on all that was discussed and decided over the course of the meeting.

7. Public Hearing – Continuation - Variance Request 02VA-19

25% Variance request for all setbacks in the above proposed subdivision

Opened and Discussed with the item above no additional notes for this section

a. Open Public Hearing

i. Staff Report

- ii. Applicant Testimony
- iii. Open Public Testimony
- iv. Applicant Rebuttal
- v. Deliberations
- vi. Close Hearing

Motion by Cathi Van Damme to adopt the recommended findings and conditions of the staff report for file 01SUB-19 approved with the following exceptions:

1. The east-west multi-use path shall be constructed from the eastern to western property boundaries of the subject property no later than Phase 2. The extents of the path within Phase 2 shall be paved; the remainder can be compacted gravel, after review and approval by the City Engineer.
2. Bassett Drive and associated infrastructure shall be constructed in its entirety no later than Phase 3. The phasing plan can be refined to include additional lots along Bassett Drive in this phase.

Seconded by Cameron. No objections, unanimously approved.

Motion by Cameron to approve the following requested variances of file 02VA-19 for the subject property. Any requested variances not included in this motion are not approved.

1. 25% street-side yard setbacks reduction throughout subdivision (15' street-side yard).
2. Rear yard setbacks for accessory buildings (15' rear yard setback adjacent to only accessory structures).
3. For the western row of homes abutting Huntington Meadows, a minimum 5-foot side setback adjacent to the fire access alleys, with a combined 15-foot total side setback for those lots.

Seconded by Hatfield. No objections, unanimously approved.

8. Other Matters: Only those matters properly added to this Agenda under line item No. 4
NONE

9. Public Comments:
NONE

10. Staff and Committee Comments

Wisco mentioned that we would not be meeting in again in December, but potentially in January for further submittals regarding Sagebrush.

Notary stated that public works crewmembers have been posting notices on cars regarding parking in right of ways, swale areas and snow zones within city limits and do plan to enforce this and tow vehicles per our city code for violations.

11. Adjourn

Meeting Adjourned by Russ Smith at 9:22pm

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. The public will not be permitted to attend the executive session; provided, however, representatives of the news media and designated staff will be allowed to attend the executive session. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the executive session as previously announced. No decision will be made in the executive session. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Patti Morgan (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY

LEGISLATIVE PUBLIC HEARING NOTICE

A public hearing has been scheduled before the City of La Pine Planning Commission to receive testimony or comments regarding text amendments to the City of La Pine Development Code. The proposed text amendments aim to update the definition of “premises” and to align the development code with the Marijuana Time, Place and Manner Restrictions. The sections proposed to be revised include:

- 15.12.020 Definitions...Time, Place, and Manner Restrictions
- 15.108.050 Marijuana Businesses

File Number: 02TA-19
Applicant: City of La Pine

Applicable Criteria:

City of La Pine Development Code
Article 7 - Procedures, 15.204 Application Procedures
Article 8 - Applications and Reviews, 15.334 Text and Map Amendments

City of La Pine Comprehensive Plan

Date: January 15, 2020
Location: La Pine City Hall
16345 6th Street
La Pine, OR 97739
Time: 5:30 PM

All interested persons may appear, be heard, be represented by counsel, or send written signed testimony. All written comments must be received by the City prior to the hearing date or submitted at the hearing. Failure to raise an issue in person at the hearing or in writing precludes appeal by that person to the Land Use Board of Appeals (LUBA). Failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

Interested persons may obtain a Staff Report or the application within seven days of the date of the hearing. Interested persons may review the application at City Hall during normal business hours. Please contact City of La Pine Planning Consultant, Tammy Wisco, at 210-896-3432 if you have any questions.



STAFF REPORT TO PLANNING COMMISSION

FILE: 02TA-19

APPLICANT: City of La Pine

HEARING DATE: January 15, 2020

REQUEST: Consider a proposal to amend the text of the La Pine Development Code, Article 2, Chapter 15.12, and Article 6, Chapter 15.108

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

I. INTRODUCTION

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

II. APPLICABLE CRITERIA

City of La Pine Development Code
Article 7 - Procedures, 15.204 Application Procedures
Article 8 - Applications and Reviews, 15.334 Text and Map Amendments
City of La Pine Comprehensive Plan

III. PROPOSED AMENDED SECTIONS

Proposed Amendments to La Pine Development Code:
AMENDMENT 1: Section 15.12.020 Definitions
AMENDMENT 2: Section 15.108.050 Marijuana Businesses

IV. FINDINGS OF FACT

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

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

V. CONCLUSIONARY FINDINGS

Conformance with the La Pine Development Code

Chapter 15.202 - Summary of Application Types and General Provisions

15.202.010 Purpose and Applicability

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

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

...

4. Type IV Procedure (Legislative Review). The Type IV procedure applies to the adoption of law or policy applicable Citywide or to a broad geographical area of the City. Legislative actions provide for the establishment and modification of land use plans, policies, regulations, and guidelines. Type IV reviews are considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.



FINDING: The application is for text amendments to the La Pine Development Code. As such, this application is being reviewed as a Type IV Procedure. The first hearing will be before the Planning Commission, which will make a recommendation to City Council. City Council will make the final decision through adoption of an ordinance, in compliance with the Type IV procedures.

Chapter 15.204 - Application Procedures

15.204.040 Type IV (Legislative Decisions)

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



FINDING: This proposal is a legislative code amendment, therefore, it is not subject to the 120-day review period under ORS 227.178.

B. Application Requirements.

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

FINDING: The applicant is the City of La Pine, proposing text amendments to the La Pine Development Code. This staff report serves as the burden of proof. A neighborhood meeting was not required for this application, as the proposal is not a master plan, subdivision, zone change or major variance.

C. Procedure. Hearings on Type IV applications are conducted similar to City Council hearings on other legislative proposals, except the notification procedure for Type IV applications must conform to state land use laws (ORS 227.175), as follows:

- 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.**

FINDING: DLCD was provided notice on December 10, 2019, in accordance with this procedure.

- 2. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any zone change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:**
 - a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one Comprehensive Plan land use designation to another), see ORS 227.186 for instructions;**

- b. Any affected governmental agency;
- c. Any person who requests notice in writing; and
- d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.



FINDING: As the application is a text amendment with a broad policy change and not a zone change, individual property owners were not noticed. Instead, standard posting of legislative text amendments were posted in the regular locations as noted previously.

- 3. At least 10 days before the scheduled City Council public hearing date, public notice shall be published in a newspaper of general circulation in the city.
- 4. For each mailing and publication of notice, the City Planning Official shall keep an affidavit of mailing/publication in the record.



FINDING: Notice was published in Wise Buys, the only La Pine area newspaper in general circulation, greater than 10 days before the hearing, in accordance with this procedural requirement. The City keeps an affidavit of all mailings/publications in the record.

D. Final Decision and Effective Date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance or, if not approved, upon mailing of the notice of decision to the applicant. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within 20 business days after the City Council decision is filed with the City Planning Official. The City shall also provide notice to all persons as required by other applicable laws.



FINDING: The final decision will be made by City Council, following the hearing before Planning Commission. These final decision and effective date procedures will be applicable and complied with.

Chapter 15.334 - Text and Map Amendments

15.334.010 Purpose

The purpose of this chapter is to provide standards and procedures for legislative amendments to the Comprehensive Plan and Map and to this Code and Zoning Map. Amendments may be necessary from time to time to reflect changing community conditions, to correct mistakes, or to address changes in the law.

15.334.020 Applicability

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

1. All text amendments to Development Code or Comprehensive Plan (except for corrections).
2. Amendments to the Comprehensive Plan Map and/or Zoning Map that affect more than a limited group of property owners.

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

- B. Amendments to the Comprehensive Plan and/or Zoning Map (Zone Change) that do not meet the criteria under subsection A may be processed as Quasi-Judicial amendments. However, the distinction between legislative and quasi-judicial changes must ultimately be made on a case-by-case basis with reference to case law on the subject.
- C. Requests for Text and Map amendments may be initiated by an applicant, the Planning Commission, or the City Council. The City Planning Official may request the Planning Commission to initiate an amendment. Initiations by a review body are made without prejudice towards the outcome.

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

15.334.030 Procedure Type

- A. Legislative amendments are subject to Type IV review in accordance with the procedures in Article 7.
- B. Quasi-judicial amendments are subject to Type III review in accordance with the procedures in Article 7 except that quasi-judicial Comprehensive Plan amendments and Zone changes which must be adopted by the City Council before becoming effective.

FINDING: As noted above, this application is being reviewed as legislative amendments and is subject to Type IV review procedures.

15.334.040 Approval Criteria


Planning Commission review and recommendation, and City Council approval, of an ordinance amending the Zoning Map, Development Code, or Comprehensive Plan shall be based on all of the following criteria:

- A. The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with proposed changes in zoning). If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules; and


FINDING: Compliance with the Comprehensive Plan is detailed and demonstrated below. Based on the review herein, the proposal is compliant with the policies of them Comprehensive Plan. The proposal does not involve an amendment to the Comprehensive Plan.

B. The proposal must be found to:

1. **Be in the public interest with regard to community conditions; or**
2. **Respond to changes in the community, or**
3. **Correct a mistake or inconsistency in the subject plan or code; and**


 **FINDING:** The proposed amendments to the City of La Pine Development Code update the definition of “TPM Restrictions” to include all TPM Ordinances and clarify the interpretation of “premises” for marijuana businesses. These proposed amendments correct inconsistencies in the City of La Pine Development Code.

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

 **FINDING:** The proposed text amendments do not relate to traffic. The proposed amendments address general definitions in the City of La Pine Development Code. The text amendments also do not increase density of the development. As such, the Transportation Planning Rule is not applicable to this proposal.


D. For a Quasi-Judicial Zone Change the applicant must also provide evidence substantiating that the following criteria are met:

1. **Approval of the request is consistent with applicable Statewide Planning Goals;**
2. **Approval of the request is consistent with the relevant policies of the Comprehensive Plan;**
3. **Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property;**
4. **For nonresidential changes, the proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.**

 **FINDING:** This proposal is not a quasi-judicial zone change; therefore, these criteria are not reviewed for this application.

Conformance with the La Pine Comprehensive Plan

Chapter 2, Citizen Involvement Program

 This chapter identifies State rules related to citizen involvement, along with the community’s purpose and intent with regard to citizen involvement. This chapter identifies issues and goals,

policies and programs, it establishes roles and responsibilities, and establishes specific Citizen Advisory Committees (CACs). One of the CACs that are identified in this chapter is a Planning Commission, which the City has established for planning and land use purposes.



FINDING: This application and request has been processed and reviewed in accordance with the public notification procedures that have been established in the Procedures Ordinance, and a hearing will be held before the Planning Commission on January 15, 2020. As such, the application will be reviewed by the appropriately established citizen advisory committee, in accordance with the adopted notification procedures, and will be consistent with this chapter.


Chapter 3, Agricultural Lands

This chapter addresses agricultural lands within counties. Although La Pine is not required to plan for agricultural lands in the City, there continues to be agricultural uses in some areas within the city limits and the City's Comprehensive Plan sets out goals and policies related to agriculture.



FINDING: The proposed amendments do not impact the City's ability to achieve the goals and policies within this chapter, as the proposed amendments address general definitions in the City of La Pine Development Code.

Chapter 4, Forest Lands

Chapter 4 implements State Planning Goal 4, which defines "forest lands" and requires counties to inventory and conserve such lands. However, planning for forest lands is not required within city limits. 

FINDING: This chapter does not apply to the proposed amendments.

Chapter 5, Natural Resources and Environment

This Comprehensive Plan chapter is intended to address Oregon Statewide Planning Goals 5, 6, and 7 which address natural resources, historic area, and open spaces, air water and land resources and protection from natural hazards. This chapter establishes that under Goal 5, the state identifies specific resources that are to be inventoried, and once inventoried, appropriately protected. The resources that require inventory by the state include:


- Riparian Corridors
- Wetlands
- Wildlife Habitat
- Federal and Wild Scenic Rivers
- State Scenic Waterways
- Groundwater Resources
- Approved Oregon Recreational Trails
- Natural Areas
- Wilderness Areas
- Mineral and Aggregate Resources
- Energy Sources
- Cultural Areas



FINDING: The proposed amendments do not impact the City's ability to implement this chapter or Statewide Planning Goals 5, 6, and 7, as they are not related to natural resources, historic areas, air, water and land resources protection from natural hazards. The proposed amendments address general definitions in the City of La Pine Development Code.


Chapter 6, Parks, Recreation and Open Space

This Chapter is intended to carry out Statewide Planning Goal 8, Parks, Recreation and Open Space. Recognizing that quality of life is impacted by the location and function of area parks, natural areas and open spaces, this chapter encourages cooperation between the City, the La Pine Park and Recreation District, County, State and Federal Agencies, in an effort to develop an appropriate park system for the City.

 **FINDING:** The proposed amendments do not impact the City's ability to implement this chapter or Statewide Planning Goal 8, as they are not related parks, recreation and open space. The proposed amendments address general definitions in the City of La Pine Development Code.


Chapter 7, Public Facilities and Services

This chapter is intended to carry out Statewide Planning Goal 11. Given the current population of 1,687 (PSU 2015 Population Estimate), Goal 11 does apply to the City of La Pine. Nonetheless, this Chapter includes goals and policies directed at coordination, provider details, expansion needs, development restrictions, along with conservation practices.

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


Chapter 8, Transportation

This chapter is intended to carry out Statewide Planning Goal 12. This chapter provides details of the transportation elements of La Pine, including roads, bicycle ways, pedestrian routes, and public transit. Additionally, this chapter addresses long range planning needs, air and rail, pipelines, and funding.

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

Chapter 9, Economy

This Chapter is intended to carry out Statewide Planning Goal 9, Economic Development, which requires local jurisdictions to plan for and provide adequate opportunities for a variety of economic activities vital to the health, welfare and prosperity of its citizens. The overall intent is to ensure that there are adequate lands and infrastructure for new business and industry, as well as identifying any obstacles. This Chapter includes an analysis of the La Pine economy, noting that "La Pine's focus on economic development is a key component of its vision to be a "complete" community.

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

Chapter 10, Housing

This chapter addresses housing and Statewide Planning Goal 10 to ensure the provision of appropriate types and amounts of land within the La Pine urban growth boundary - UGB (city limits in this case) to support a range of housing types necessary to meet current and future needs.

Exhibit B

Strikethrough is language deleted
Double underline is language added

15.12.020 Definitions

...

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

...

15.108.050 Marijuana Businesses

...

B. Procedures

...

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

...

C. Additional Criteria for Marijuana Dispensaries

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

...

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

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

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

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

Word Rendering Set Markup Options	
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Deletions	
<u>Moves / Moves</u>	
Font Changes	
Paragraph Style Changes	
Character Style Changes	
Inserted cells	
Deleted cells	
Merged cells	
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Comments color	By Author.
Balloons	False

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



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

Chapter 11, Energy Conservation

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



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

Chapter 12, Urbanization

This chapter addresses Statewide Planning Goal 14 to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The chapter highlights the City's desire to create live-work neighborhoods within the mixed use commercial residential districts.



FINDING: The proposed text amendments do not impact the City's ability to provide an orderly and efficient transition from rural to urban land or to manage the balance of types of land. The proposed amendments address general definitions in the City of La Pine Development Code.



V. RECOMMENDATION and CONCLUSION

Conclusion

Based on the above findings, the proposed text amendments to the La Pine Development Code meet the La Pine Development Code Procedures criteria and the La Pine Comprehensive Plan goals and policies.

Recommendation

Based on findings and evidence available at the time this report was prepared, staff recommends that the Planning Commission recommend the proposed amendments for approval to City Council.

END of STAFF REPORT