



CITY OF LA PINE PLANNING DIVISION

FILE NO. SPR 2016-10CPA

Staff Report to Planning Commission

- Applicant:** St. Charles Health System
2599 NE Neff Road
Bend, OR 97701
- Owner:** Deschutes County
Property & Facilities Department
PO Box 6005
Bend, OR 97708
- Engineer:** Hickman, Williams & Associates, Inc.
Grant Hardgrave, PE
62930 O.B. Riley Rd. Suite 100
Bend, OR 97701
- Traffic Engineer:** Ferguson and Associates, Inc.
Scott Ferguson, Principal
PO Box 1336
Bend, OR 97709
- Planner:** Blackmore Planning and Development Services, LLC
Greg Blackmore
19454 Sunshine Way
Bend, OR 97702
- Location:** The property is located west of Huntington Road, north of Memorial Lane, and southwest of the Crescent Creek Subdivision. The property has not been assigned an address; it is identified as Tax Lot 115 on the Deschutes County Tax Assessor's Map 22-10-00.
- Request:** The proposal includes a request for a Comprehensive Plan map amendment to convert the 5.6-acre property from a Public Facilities Comprehensive Plan Designation to a Mixed Use Commercial (CMX) Comprehensive Plan Designation.

I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA:

City of La Pine Ordinances & Regulations

- La Pine Procedures Code, Exhibit B of Ordinance 2011-03
- La Pine Comprehensive Plan
- La Pine Zoning Ordinance No. 2012-05

Oregon Revised Statutes

- ORS 197.610, Local Government Notice of Amendment or New Regulation
- ORS 197.250, Compliance with Goals Required
- ORS 197.763, Conduct of Local Quasi-Judicial Land Use Hearings; Notice Requirements.

Oregon Administrative Rules (OAR)

- 660-012 Transportation Planning Rule (TPR)

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- 660-015 Oregon Statewide Planning Rule

II. FINDINGS OF FACT:

LOCATION: The subject property is located west of Huntington Road, north of Memorial Lane and southwest of the Crescent Creek Subdivision. The property has no assigned address; it is identified on the Deschutes County Assessor's Map 22-10-00 as Tax Lot 115.



ZONING: The subject property is zoned Forest (F-1) and designated Public Facilities (PF) on the La Pine Comprehensive Plan Map.

SITE DESCRIPTION & SURROUNDING USES: The property is 5.6 acres in size and trapezoidal in shape. It 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 – Shananan loamy coarse sand. The property is generally level and unimproved; it is intersected by a few informal trails, where there are signs of walking, bicycling and/or off-road vehicle use. The property is located outside of any FEMA designated floodway and/or floodplain.

Surrounding Zoning -

An excerpt from the La Pine Zoning Map is included below:



As shown on the map, the properties to the north and west are zoned Forest (F-1), the property to the south is zoned Public Facilities (PF), and the properties to the east (across Huntington Road) are zoned Master Planned Residential (RMP).

Surrounding Development -

An aerial image documenting the surrounding development is included below:



As shown on the aerial image, the properties to the north, west, south, and east are vacant. To the northeast is the Crescent Creek subdivision, a development that is improved with single-family homes. To the southeast, just beyond the area of the image (approximately 500 feet) is the Little Deschutes Lodge, and to the southwest is the La Pine School Campus.

The property abuts Huntington Road; located immediately east of the property, this roadway is improved with vehicular travel lanes.

LOT LEGALITY: The property, created by a Land Patent, pursuant to Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C 1701 et seq.) the United States Of America, was legally created prior to being incorporated into the City of La Pine. The property was owned by the USA prior to being conveyed to the County in 2006 and is a lot of record pursuant to City of La Pine provisions.

ASSOCIATED DEVELOPMENT PLANS / APPLICATIONS: The current request is to take the first step to entitle the property through a Comprehensive Plan Map amendment, so that the applicant can construct a medical clinic on approximately 2 acres of the property over the next 12 months and develop other supporting uses beyond that time frame. Full entitlement for the clinic will require the currently requested Comprehensive Plan Map amendment, along with a Zoning Map amendment, a Partition, and a Site Plan Review.

Comprehensive Plan Map Amendment – Current application, details of conformance with applicable standard and criteria are addressed herein.

Zoning Map Amendment - The City of La Pine has scheduled and publicly noticed a Legislative Hearing on April 20, 2016, to rezone numerous properties across the City, making the zoning consistent with the Comprehensive Plan designations. Subsequent to the currently requested Comprehensive Plan Map amendment, the subject property will be included in the City's Legislative Action.

Land Partition & Site Plan/Design Review – The Applicant has stated that they working with a development team to design a project that conforms to City Standards and Criteria. Upon design completion, the applicant will submit the requisite City application(s) for review, in accordance with the applicable review procedures at that time.

PUBLIC NOTICE AND COMMENTS: Public notices were mailed to the Applicant, property owner, all property owners within 500' of the subject parcel, the Planning Commission and the Crescent Creek Homeowners Association on March 23, 2016. Notice was published in the local newspapers - *Wise Buys* and *Frontier Advertiser* in the March 29, 2016 weekly editions. The City has received informational inquiries about the requested Plan amendment, but no written public comments have been received.

III. APPLICATION OF THE CRITERIA:

1. Conformance with the Land Use Procedures Code (Exhibit B of Ordinance 2011-03)

SECTION 5.0.0. REVIEW OF LAND USE ACTION APPLICATIONS

Section 5.1.0. Effect of determinations made outside of established processes.

Any informal interpretation or determination, or any statement describing the uses to which a property may be put, made outside the declaratory ruling process (City of La Pine Land Use Procedures Code, Section 11.0.0) or outside the process for approval or denial of a land use permit (Section 7.00) shall be deemed to be a supposition only. Such informal interpretations, determinations, or statements shall not be deemed to constitute final City action effecting a change in the status of a person's property or conferring any rights, including any reliance rights, on any person.

FINDING: The Applicant acknowledged in their burden of proof document that they understand that any statements made outside the declaratory ruling process or outside the process for approval or denial of a land use permit are considered supposition only and that final determinations will only be made through this land use process.

Section 5.2.0. Action on land use action applications.

A. Except for Comprehensive Plan amendments and Zone changes, and other instances where a hearing is required by state law or by other Code provisions, the Planning Director or other duly designated City representative may decide upon a land use action application administratively either with prior notice, as prescribed under Section 5.3.0 or without prior notice, as prescribed under Section 5.4.0; or he/she may refer the application to the Planning Commission for hearing.

FINDING: The current proposal is for a Comprehensive Plan map amendment and is not being decided upon by Planning Director. Rather, the request is being heard by the Planning Commission in a quasi-judicial hearing format on April 20, 2016.

B. The Planning Director's or other duly designated City representative's choice between or among administrative or hearing procedures to apply to a particular application or determination shall not be an appealable decision.

FINDING: The request is a Comprehensive Plan map amendment and cannot be decided administratively; rather, the request will follow quasi-judicial hearings procedures as outlined in the Land Use Procedures Code.

C. Zone change and Comprehensive Plan amendment applications shall be referred to a hearing before the Planning Commission.

FINDING: The proposed Comprehensive Plan map amendment will be heard by the Planning Commission in accordance with this section on April 20, 2016.

Section 5.3.0. Administrative land use decisions with prior notice.

A. Notice of the application shall be sent within 10 days of submittal of the application to persons entitled to notice under Section 6.3.0. Such notice shall include all the information specified under Sections 6.4.0 (A) except for the information specified in Sections 6.4.0 (A) (7-10).

- B.** Any person may comment in writing on the application within 10 days from the date notice was mailed or a longer period as specified in the notice.
- C.** The Planning Director's or other duly designated City representative's decision to approve, deny or send to a hearing shall be made within 30 days after an application is accepted as complete. This time limit may be waived by the written consent of the applicant.
- D.** Notice of the Planning Director's or other duly designated City representative's decision and the appeal period shall be sent to all persons entitled to notice under Section 6.3.0 and to all persons who commented. The notice shall contain the applicable information required under Section 6.4.0.
- E.** The applicant, all persons entitled to notice under Section 6.3.0 and all other persons commenting as provided in Section 5.2.0 constitute parties to the administrative decision. Any party can appeal the decision in accordance with Section 9.0.0 (Appeals).

FINDING: The request is a Comprehensive Plan amendment and cannot be decided administratively; rather, the request will follow quasi-judicial hearings procedures as outlined in the Land Use Procedures Code. This section does not apply.

Section 5.4.0. Administrative decision without prior notice.

The procedures for administrative decisions without prior notice shall be the same as those set forth in Section 5.3.0, except that no prior notice shall be given.

FINDING: The review of a Comprehensive Plan map amendment requires Planning Commission hearing and notice; therefore, this section does not apply.

Section 5.5.0. Final action in land use actions.

- A.** Except as otherwise provided, the City shall take final action, including consideration of appeals to the City Council, in land use actions within 120 days after the application is deemed complete.
- B.** If the applicant refuses or fails to submit missing information within the 30 days specified in Section 2.5.0, the application shall be deemed complete, for purposes of processing the application, on the 31st day after the application was first submitted, and final action of City Council, if required, shall be taken within one hundred fifty-one (151) days after the application was first received unless otherwise provided.
- C.** The periods set forth in Section 5.5.0 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.

FINDING: The Applicant submitted their application on March 14, 2016. No additional materials were requested by the City and the application was deemed complete on April 6, 2016. Final action is planned at City Council on May 18, 2016, less than 120 days after the application was deemed complete.

Section 5.6.0. Supplementation of application within first 30 days of submittal.

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 Section 2.5.0. Any evidence submitted by an applicant in violation of Section 5.6.0 will not be considered in determining whether the application is complete and will be returned to the applicant.

FINDING: In accordance with this section, no evidence was submitted to supplement the application following application submittal.

Section 5.7.0. Modification of application.

A. An applicant may modify an application at any time during the approval process up until the issuance of an administrative decision, or the close of the record for an application reviewed under a hearings process, subject to the provisions of Section 5.6.0 and this section, and payment of the required fee.

B. The Planning Director, or other duly designated City representative or Planning Commission shall not consider any evidence submitted by or on behalf of an applicant that would constitute modification of an application (as that term is defined in Section 1.2.0) unless the applicant submits an application for a modification, pays all required modification fees and agrees in writing to restart the 120-day review period as of the date the modification is submitted. The 120- day time clock for an application, as modified, may be restarted as many times as there are modifications.

C. The Planning Director, or other duly designated City representative or Planning Commission may require that the application be re-noticed and additional hearings be held.

D. Up until the day a hearing is opened for receipt of oral testimony, the Planning Director or other duly designated City representative shall have sole authority to determine whether an applicant's submittal constitutes a modification. After such time, the Planning Commission shall make such determinations. The Planning Director, or other duly designated City representative or Planning Commission determination on whether a submittal constitutes a modification shall be appealable only to LUBA and shall be appealable only after a final decision is entered by the City on an application.

FINDING: The Applicant has not modified their application, nor any of the supporting documentation.

SECTION 6.0.0. LAND USE ACTION HEARINGS

Section 6.1.0. Filing of staff report for hearing.

A. At the time an application that in the judgment of the Planning Director or other duly designated City representative requires a hearing is deemed complete, a hearing date shall be set.

B. A staff report shall be completed no less than seven days prior to hearing. If the report is not completed by such time, the hearing shall be held as scheduled, but any party may at the hearing or in writing prior to the hearing request a continuance of the hearing to a date that is at least seven days after the date the initial staff report is complete.

C. A copy of the staff report shall be mailed to the applicant, shall be made available to such other persons who request a copy and shall be filed with the Planning Commission.

D. Oral or written modifications and additions to the staff report shall be allowed prior to or at the hearing.

FINDING: The request is for a Comprehensive Plan map amendment, which requires a hearing before the Planning Commission in accordance with this code. This staff report will be available to the public on or before April 13, 2016, at least seven days prior to the hearing. A copy of the staff report will be mailed to the Applicant and the Property Owner and will be filed with the Planning Commission. Modifications or additions to the staff report are not anticipated, however, if necessary will be allowed prior to or at the hearing.

Section 6.2.0. Hearings Body.

- A. The following shall serve as the hearings body:**
- 1. Planning Commission.**
 - 2. City Council**

B. The Hearing's Body order shall be as set forth in Section 6.2.0 (A), except that the Council may call up an administrative decision for review without the necessity of an application going before the Planning Commission.

FINDING: The application will follow a quasi-judicial process and will include a hearing before the Planning Commission on April 20, 2016.

Section 6.3.0 Notice of hearing or administrative action.

A. Individual Mailed Notice.

- 1. Except as otherwise provided for herein, notice of a land use application shall be mailed at least 20 days prior to the hearing for those matters set for hearing, or within 10 days after receipt of an application for those matters to be processed administratively with notice. Written notice shall be sent by mail to the following persons:**
 - a. The applicant.**
 - b. Owners of record of property as shown on the most recent property tax assessment roll of property located within 100 feet of the property that is the subject of the notice where any part of the subject property is within an urban growth boundary;**
 - c. The owner of a public use airport if the airport is located within 10,000 feet of the subject property.**
 - d. The tenants of a mobile home park when the application is for the rezoning of any part or all of a mobile home park.**
 - e. The Planning Commission.**
 - f. Any neighborhood or community organization formally recognized by the City Council, whose boundaries include the site.**
- 2. The failure of a property owner to receive mailed notice shall not invalidate any land use approval if the Planning Division can show by affidavit that such notice was given.**

FINDING: Notice was mailed on March 23, 2016, in accordance with this section, to the Applicant, Property Owner, property owners within 500' of the subject property, the Planning Commission and the Crescent Creek Homeowners Association.

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

FINDING: The notice for the initial public hearing before the Planning Commission was published in the March 29, 2016 weekly edition of the local newspapers, *Wise Buys* and *Frontier Advertiser*, in accordance with this procedure.

Section 6.4.0. Contents of notice.

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

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

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

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

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

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

Section 6.5.0. Burden of proof

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

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

Section 6.6.0. Standing

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

application.

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

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

Section 6.7.0. Disclosure of ex parte contacts

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

- A. Publicly announce for the record the substance of such communication; and**
- B. Announce the parties' right to rebut the substance of the ex parte communication during the hearing. Communication between City staff and the Hearings Body shall not be considered to be an ex parte contact.**

Section 6.8.0. Disclosure of personal knowledge.

- A. If the Hearings Body or any member thereof uses personal knowledge acquired outside of the hearing process in rendering a decision, the Hearings Body or member thereof shall state the substance of that knowledge on the record and allow all parties the opportunity to rebut such statement on the record.**
- B. For the purposes of this section, a site visit by the Hearings Body shall be deemed to fall within this rule. After the site visit has concluded, the Hearings Body must disclose its observations and conclusions gained from the site visit in order to allow for rebuttal by the parties.**

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

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

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

Section 6.10.0. Hearings procedure.

A hearing shall be conducted as follows:

- A. The Hearings Body shall explain the purpose of the hearing and announce the order of proceedings, including reasonable time limits on presentations by parties.**
- B. A statement by the Hearings Body regarding pre-hearing contacts, bias, prejudice or personal interest shall be made.**

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

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

Section 6.11.0. Setting the hearing.

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

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

FINDING: The hearing date was scheduled for April 20, 2016 before the Planning Commission and publicly noticed on March 23, 2016. A change in hearing date has not occurred and is not anticipated.

Section 6.12.0. Close of the record.

A. Except as set forth herein, the record shall be closed to further testimony or submission of further argument or evidence at the end of the presentations before the Hearings Body.

B. If the hearing is continued or the record is held open under Section 6.13.0, further evidence

or testimony shall be taken only in accordance with the provisions of Section 6.13.0.

C. Otherwise, further testimony or evidence will be allowed only if the record is reopened under Section 6.14.0.

D. An applicant shall be allowed, unless waived, to submit final written arguments in support of its application after the record has closed within such time limits as the Hearings Body shall set. The Hearings Body shall allow applicant at least seven days to submit its argument, which time shall be counted against the 120-day time limit for decision.

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

Section 6.13.0. Continuances or record extensions.

A. Grounds.

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

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

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

B. Continuances.

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

C. Leaving record open.

If at the conclusion of the hearing the Hearings Body leaves the record open for additional written evidence or testimony, the record shall be left open for at least 14 additional days, allowing at least the first seven days for submittal of new written evidence or testimony and at least seven additional

days for response to the evidence received while the record was held open. Written evidence or testimony submitted during the period the record is held open shall be limited to evidence or testimony that rebuts previously submitted evidence or testimony.

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

Section 6.14.0. Reopening the record.

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

B. Procedures.

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

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

SECTION 7.0.0. LAND USE ACTION DECISIONS

Section 7.1.0. Decision.

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

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

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

FINDING: The hearing body's decision shall address the Applicant's specific request to amend the Comprehensive Plan map designation for the subject property from PF to CMX. No other applications are being decided at this time and will be subject to separate reviews, procedures and criteria.

C. A decision on a land use action is not final until the Planning Director or other duly

designated City representative, or Hearings Body issues a written decision, the decision has been mailed and the appeal period to the next higher Hearings Body within the City has run.

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

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

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

Section 7.2.0. Notice of decision.

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

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

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

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

B. In considering all quasi-judicial zone changes and those quasi-judicial plan amendments on which the Planning Commission has authority to make a decision, the City Council shall, in the absence of an appeal or review initiated by the Council, adopt the Planning Commission decision. No argument or further testimony will be taken by the Council.

FINDING: This request is a quasi-judicial Comprehensive Plan amendment and will be heard by the Planning Commission, which will make a decision on the application. Barring an appeal, the Council will adopt the Planning Commissions decision without testimony.

2. *Conformance with the La Pine Comprehensive Plan*

V. Amendments to the Plan

Amendments to the La Pine Comprehensive Plan may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, add newer information, or to address changes in the law. An amendment or revision to the Plan may be initiated by the La Pine City Council, the La Pine Planning Commission, or the owner of the land, which is the subject of the proposed amendment or revision. In the case of a Council or Planning Commission initiated change, the change must be found to be consistent with all applicable State of Oregon requirements, including Oregon Revised Statutes and Oregon Administrative Rules. In the case of an owner initiated amendment to the Plan, the owner must, in addition to compliance with State laws, demonstrate that:

- 1. There was a mistake when the Plan designation was applied to the subject property;**
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 PO Box 3055 16345 Sixth Street La Pine, Oregon 97739
 Phone: (541) 536-1432 Fax: (541) 536-1462 Email: info@ci.la-pine.or.us

or,

2. The proposed change would result in a public need and benefit, and/or would result in a more efficient use of land.

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

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

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

Oregon Revised Statutes -

Oregon Revised Statutes are the laws, enacted by the Oregon Legislature (or citizen initiative), that govern the State of Oregon. As they relate to Land Use proceedings, State Statutes (Oregon Revised Statutes - ORS) are carried out through rules (Oregon Administrative Rules –OAR) which are developed by the Department of Land Conservation and Development (DLCD). Local jurisdictions (including the City of La Pine) are required to develop a land use program based upon the adopted OARs. Local land use programs include the development and maintenance of a Comprehensive Plan, along with implementing ordinances, such as zoning ordinances, procedures, and land division ordinances. DLCD and the Land Conservation and Development Commission (LCDC) reviews all Comprehensive Plans and implementing ordinances, and “acknowledges” those that are found be consistent with the OAR and Statewide Planning Goals. The City of La Pine has an “acknowledged” Comprehensive Plan, along with “acknowledged” implementing ordinances. The Comprehensive Plan map amendment request has been reviewed for compliance with the acknowledged Comprehensive Plan and implementing ordinances, thus conformity with applicable state statutes is understood. The State Statutes that apply to this application include:

- ORS 197.610, Local Government Notice of Amendment or New Regulation
- ORS 197.250, Compliance with Goals Required
- ORS 197.763, Conduct of Local Quasi-Judicial Land Use Hearings; Notice Requirements.

The City of La Pine Procedures Ordinance was developed to comply with the State Statutes listed above, regarding both noticing and public hearings (ORS 197.610 and 197.763). Notice of the proposed amendment was provided to DLCD on March 15, 2016; required public notice of the public hearing was mailed on March 23, 2016; and the hearing was advertised in the local newspapers (*Wise Buys* and *Frontier Advertiser*) in the March 29, 2016 weekly editions, as required by City Code and State Statute (a complete review of the City noticing requirements was addressed above). With regard to the Statutory public hearing requirements, as also detailed in the review of the Procedures Ordinance above, the hearing will be conducted as described in City of La Pine Procedures Ordinance, which implements the quasi-judicial Statutory requirements.

Regarding the applicability of Statewide Planning Goals (ORS 197.250), a comprehensive review of the Statewide Planning Goals (as defined by OARs) is included below. As addressed therein, the proposal is

consistent with each of the 19 Statewide Goals. Findings are incorporated by reference herein, which show compliance with the applicable Statutes listed above.

Oregon Administrative Rules (OAR)

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

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

OAR 660-012, Transportation Planning

...

660-012-060 Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

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

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

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

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

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

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

FINDING: The Applicant included with their application a Transportation Planning Rule (TPR) Analysis,

conducted by Ferguson and Associates, Inc., which is included with this report as an Exhibit. The findings of the TPR analysis conclude that the Comprehensive Plan map amendment from Public Facilities (PF) to Mixed Use Commercial (CMX) will not significantly affect any existing or planned transportation facility, thus is in conformance with the TPR. This analysis was reviewed by the City Engineer, County Engineer, and County Senior Transportation Planner and found to be acceptable.

OAR 660-015 Statewide Planning Goals

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

Of the 19 Statewide Planning Goals, goals 1, 2, 9, 11, and 12 are relevant for additional discussion in this Comprehensive Plan map amendment. All other goals have been determined to either not apply to this application, or are clearly satisfied through the City's acknowledged Comprehensive Plan, local land use regulations, and/or functional plans.

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

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

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

The City sent notice of the public hearings to all property owners within 500 feet of the property, the property owner, the Applicant, the Planning Commission and the Crescent Creek Homeowners Association. In addition to mailed notice, public notice was published in the local newspapers (*Wise Buys* and *Frontier Advertiser*) in the March 29, 2016 weekly editions. The notices informed citizens about the hearing and indicated that any interested parties may participate by submitting written or verbal testimony. The Applicant submitted an application form, and stated their understanding that any public hearings before the Planning Commission and the City Council will be noticed and held in conformance with the public involvement procedures in the Procedures Ordinance. These adopted procedures will therefore ensure consistency with Statewide Planning Goal 1.

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

FINDING: Goal 2 is relevant because the proposal for a Comprehensive Plan map amendment includes a planning review and recommendation, which must have a factual basis. The proposal has been reviewed in accordance with the planning processes and polices that were established in the acknowledged local land

use regulations: the La Pine Comprehensive Plan, the Zoning Ordinance and Procedures Code. The proposed Comprehensive Plan map amendment has followed the established local planning process, and will neither alter the process for administration of the local land use regulations, nor the acknowledged procedural requirements (which ensure a factual base for all decisions). By following the adopted procedures, the review of the proposal will be consistent with Statewide Planning Goal 2.

Goal 3, Agricultural Lands

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

Goal 4, Forest Lands

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

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

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

Goal 6, Air, Water and Land Resources

FINDING: Goal 6 is not applicable because the proposed Comprehensive Plan map amendment only amends a map; it does not include development and will not have any impacts on air, water or land resources. Through future development applications, the Applicant will be required to demonstrate that sewage treatment and water service will be supplied in accordance with the adopted design standards, thus maintaining water and land resource quality on and around the property. Additionally, there are no streams or other water resources in the vicinity that would be adversely affected future development. For the above stated reasons, the Goal 6 is not applicable to the current proposal.

Goal 7, Areas Subject to Natural Hazards

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

Goal 8, Recreational Needs

FINDING: The property is not designated for a recreational purpose or a destination resort within the Comprehensive Plan, other community plans, or any implementing ordinances. The adopted long range planning efforts do not identify the property as necessary to meet recreational needs of the City, thus the requested amendment does not conflict with this statewide planning goal and additional assessment is not required.

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

FINDING: The request is to change the Comprehensive Plan designation of the subject property from its current Public Facilities (PF) designation to Mixed Use Commercial (CMX). This request is the first step to entitle the property for a commercial use; additional steps will include a Zone Change and Site Plan Review. The Comprehensive Plan map amendment and subsequent steps will result in development occurring on the site and will add Economic Lands to the City, which will improve economic opportunities in La Pine, in conformance with this goal.

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

FINDING: The requested map amendment does not add or remove residential lands from the La Pine Urban Growth Boundary, thus will not impact the availability of residential lands or Goal 10. Therefore this goal is not applicable. Although this goal is not applicable, the Applicant noted that the planned designation, Mixed Use Commercial (CMX) includes a wide range of allowable uses, including the potential for residential uses. If the land was ultimately developed with a residential component, the property could increase the availability of residential lands in La Pine, which would contribute to an increased supply of housing lands, and improved consistency with this Goal. Thus, because the proposal potentially adds to the residentially developable lands (if developed as a mixed use development), and because the proposal is being reviewed in accordance with the City of La Pine implementing ordinances, the proposal is consistent with this statewide planning goal.

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

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

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

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

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

Goal 13 Energy – “To conserve energy.”

FINDING: The proposal includes an amendment to the Comprehensive Plan map; it does not include any development or energy producing/consuming elements. Because no development is planned, this goal is not relevant to the proposed amendment, as the proposed amendment will not have an impact on energy conservation.

Goal 14 Urbanization – “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.”

FINDING: Goal 14 requires local governments to provide for an orderly and efficient transition from rural to urban land uses, and to accommodate urban population and employment inside urban growth boundaries, while ensuring efficient use of land. The subject property is located within the urbanized city limits and the proposal will facilitate future development that will use existing public facilities and services (which will be reviewed in subsequent site development applications) in an efficient and functional land use pattern. Given that the proposal does not expand the urban growth boundary, this goal is not relevant to the proposed amendment.

Goals 15 through 19 –

FINDING: These goals only pertain to areas in western Oregon and are not applicable for this application.

La Pine Comprehensive Plan -***Introduction***

This chapter highlights basic information related to comprehensive plans, including the history of La Pine, the definition of a comprehensive plan, a summary of Oregon’s Statewide Planning Goals, 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, thus does not include any elements by which measure the proposal’s conformance. Notably, through the visioning process, the City indicated that while citizens want to maintain their small-town feel, they would like to “...increase[ing] the degree of basic public services and amenities for their everyday needs. These include better access to “*health care/hospital*, increased employment opportunities, enhanced recreational opportunities and other elements common to everyday life.” (Page 11 La Pine Comprehensive Plan). The proposed Comprehensive Plan Map amendment is intended to address at least one of the specifically stated community needs, by providing better access to a health care clinic.

Chapter 1 – Community Characteristics

After detailing the history of La Pine, from demographics, to development groups, and land use patterns, this chapter goes on to note that, “These historic types of land uses do not currently support sustainability and the reduction of vehicle miles traveled.” (Page 19 – 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:

- ***Better access and pedestrian ways that connect people to open spaces, parks, and recreational lands closer to where they live***
- ***Additional employment and commercial service nodes closer within neighborhood areas so that people do not have to drive long distances to get “a gallon of milk” or***

- ***other daily consumable items.***
- ***Better access to medical care including a critical need for 24 hour emergency care***

The requested Comprehensive Plan map amendment is the first step to entitle the subject property for future development. If the entitlement process is successful, the Applicant has stated their intent to proceed with the development of a medical clinic on the property over the next 12 months, with additional mixed-use development beyond that timeframe. The initial development will result in services provided to and through the property, including access and pedestrian ways, in accordance with adopted development standards. Furthermore, the planned CMX zone provides for a wide variety of uses, including many employment and commercial uses, which, upon development, could address the second bullet point above (employment and commercial service nodes). Lastly and most directly, the Comprehensive Plan map amendment would allow the Applicant's desired development to provide better access to medical care, including immediate emergency care; specifically stated as a need in this section.

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 are identified in this chapter is a Planning Commission, which the City has established for Planning and Land Use purposes. 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. 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. Although La Pine is not required to plan for agricultural lands in the City, historic Deschutes County Agricultural Zoning areas exist on properties that are currently located within La Pine. The subject property is not in one of these historic Agricultural zones; therefore this chapter does not apply to the current proposal.

Chapter 4 – Forest Lands

This chapter address forest lands within the City of La Pine. Although La Pine is not required to plan for forest lands in the City, historic Deschutes County Forest Zoning areas exist on properties that are currently located within the Urban Growth Boundary.

The subject property has a Public Facilities (PF) Comprehensive Plan designation, however it is currently zoned Forest F-1. Given that the request does not change the zoning (that process will be completed in an associated Legislative Action carried out by the City), technically, this section does not apply to the proposal. However, in the event the City or an interested party suggests that this section applies, this section is proactively addressed as below. This chapter notes:

It is expected that as the City grows, the forest lands will be converted to Public Facility uses. It is the intent of this plan to recognize the potential transition of such lands to other uses more appropriate within an incorporated community. Such uses may include sewer treatment plant expansion, cemetery, energy production, wildfire buffers, and highway 97 expansion uses. However, due to the rural nature of the community, and the desire for the residents to retain this character, forest lands may also transition to designated natural areas, open spaces, wilderness areas and wildlife habitat. The link between forest lands

and the natural environment will be important to define and plan for as La Pine transitions these lands to PF uses. This element is explored in greater detail in the Natural Resources Chapter of the Comprehensive Plan.

This section indicates that forest land conversion is expected as the community changes. It is the intent of this chapter to recognize uses that are more appropriate within the community and to plan for the changes accordingly.

Policies

- ***Owners of lands that have been historically employed in forest uses or that remain designated for forest uses through this Comprehensive Planning process, shall not be prevented from using such lands for forest and timber harvest purposes; such rights shall be protected until such lands are re-designated for Public Facility uses through future amendments to the Comprehensive Plan or zoning code.***

FINDING: This policy preserves the rights to use a property for forest use within the urbanized UGB, when the property has historically been used for forest purposes. This policy does not require that any property within the UGB continue to be used for a forest purposes. The Applicant is not proposing a forest use; therefore this section does not apply.

- ***All lands designated Forest shall have a Public Facilities designation to be utilized for non-residential uses such as: public open and recreation spaces, cemetery expansion, right of way necessary for the ODOT Overpass project and typical public uses and facilities to such lands.***

FINDING: The property currently has a Public Facilities (PF) Comprehensive Plan designation. The current request is to change this designation to Mixed Use Commercial (CMX). The Comprehensive Plan states that within La Pine, there are over 1000 acres of public land (these are generally undeveloped) that will continue to have a PF designation, even after removing this property from the available supply. The inventory of PF designated land is significantly more than is typically reserved for Cities across in Oregon. The City has more than an adequate supply of Public Facilities (PF) designated lands and as there are no specifically documented needs for the subject property for a public use, the requested Comprehensive Plan map amendment will not impact the City's ability to ensure that adequate public uses can be provided throughout the community.

- ***The City of La Pine shall coordinate any transition of Forest lands to Public Facility uses with the BLM, U.S. Forest Service, State Department of Forestry and La Pine Fire District as applicable to ensure adherence with the forest practices act and the adopted management plans of each agency.***

FINDING: This policy is specific to coordination with federal and state agencies. The owner of the property is not the BLM, the US Forest Service, the State Department of Forestry or La Pine Fire District, therefore this policy does not apply to the current owner or Applicant.

- ***Forestlands within the City shall be designated Public Facilities on the Comprehensive Plan Map. These areas are primarily for public facility uses including for non-residential uses such as: public open and recreation spaces, cemetery expansion, right of way necessary for the ODOT Overpass project, natural areas, parklands and buffers between other areas designated for traditional urban development.***

FINDING: The property currently has a Public Facilities (PF) Comprehensive Plan designation. The current request is to amend this designation to Mixed Use Commercial (CMX). The Comprehensive

Plan states that within La Pine, there are over 1000 acres of public land (these are generally undeveloped) that will continue to have a PF designation, even after removing this property from the available supply. The inventory of PF designated land is significantly more than is typically reserved for Cities across in Oregon. The City has an adequate supply of Public Facilities (PF) designated lands and there are no specifically documented needs for the subject property for a public use. As such, the proposed Comprehensive Plan map amendment will not impact the City's ability to ensure that adequate public uses can be provided throughout the community.

- ***The City recognizes the importance of the forested areas as crucial migration corridors and winter range for wildlife; these forested areas shall be reviewed for as Public Facility development occurs.***

FINDING: Site Review Standards, including setbacks, landscaping areas, buffers and any required migration corridors have been incorporated into the Zoning Ordinance to implement this policy. The Applicant's current request does not include development. Any future development review processes will include review of the site design for compliance with applicable Zoning Ordinance standards, ensuring consistency with this Comprehensive Plan policy.

- ***The City shall work with the La Pine Park and Recreation Department to look for opportunities to acquire Public Facility lands that can be utilized for recreational purposes.***

FINDING: This policy is specific to the City's work with the La Pine Park and Recreation District and is not relevant to the current request. Furthermore, the La Pine Park and Recreation District owns a 4.9-acre property approximately 350 feet to the west; additional property in the vicinity is not identified on the Park District Master Plan.

- ***The City shall work with the Bureau of Land Management and other federal agencies to seek transfers of federally owned forest lands within and adjacent to the City to be utilized as Public Facility lands for sewer treatment plant expansion, energy production, large lot industrial uses, open space, buffer lands and other amenities to serve the urban environment.***

FINDING: This policy is specific to the City's coordination with the BLM and other federal agencies. The subject property is not owned by the BLM or any other federal agency, therefore this policy is not applicable 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 water and land resources and protection from natural hazards.

The subject property is vacant and has not been identified as having any protected natural resources, historic elements, or designated open spaces. Additionally, the current request is to amend the Comprehensive Plan map, but does not include any development, thus will not result in any impacts to air, water or land resources. The property is not known to be subject to any significant natural hazards, including this under Goal 7. The site is not within the 100-year flood plain of the Little Deschutes (or an other waterway) and there are no know geologic faults in the area and the earthquake hazard is considered to be moderate. There is no designation of the property that makes it more of a hazard than other properties in the area, thus the proposal is consistent with this chapter.

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.

In the La Pine area, the La Pine Park District has existed since 1990. This district has an adopted Master Plan, which identifies park needs, locational needs, desires and deficiencies. The Park District owns a property that is situated approximately 350 feet to the west and there are not any other park needs identified for the subject property. Because the subject property has not been identified as being needed to meet recreational needs of the City, the planned amendment does not conflict with this chapter.

Additional vehicular, bicycle and pedestrian connections and development standards will be reviewed during the Site Plan Review process. Given that there are no identified park, recreation or open space needs on the property and given that future development will be required to make connections as established in the Zoning Ordinance, the policies in this section do not apply to the current proposal, but rather will be imposed during future development processes, as implemented by the Zoning Ordinance.

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, the Comprehensive Plan includes a comprehensive review of service providers, development reviewing entities, health providers, recreation providers, street details, water and sewer elements, school, library, solid waste, storm water, power, gas, communication and broadcasting providers. This Chapter includes goals and policies directed at coordination, provider details, expansion needs, development restrictions, along with conservation practices. Some of the policies of this chapter are directed at development and are implemented through the Zoning Ordinance standards.

The policies of this section do not apply to the current request, as it is a Comprehensive Plan map amendment, without development. The elements of this chapter that have been incorporated into the Zoning Ordinance will be imposed upon future development review(s), which will ensure consistency 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 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 Zoning Ordinance and implementing regulations, which will be imposed upon future site development. The current proposal includes a Comprehensive Plan map amendment only and does not include development. Therefore, the policies of this chapter do not apply to the current proposal but instead will be imposed upon future development through the applicable implementing regulations.

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, noting that “La Pine’s focus on economic development is a key component of its vision to be a “complete” community...the concept of creating a complete community begins with providing enough jobs, education, services, and industry to sustain the community without heavy reliance upon other nearby cities such as Bend and Redmond. (La Pine Comprehensive Plan Page 87)

Currently the community needs to rely on health services in outside communities, including Bend and Redmond. With the recent City Council approval of a Zoning Ordinance text amendment to insert “Clinic” as a principle use in the CMX and C zones, the requested Comprehensive Plan map amendment would specifically allow medical services, which will contribute to a complete community. This chapter further provides reasons that La Pine is desirable for economic development, it identifies key industrial areas, commercial areas, it addresses mixed-use areas, drivers of the economy, existing conditions, trends statistics industries and employers, along with desired industries. Beyond those elements, the chapter provides details of land inventory and needs. Ultimately concluding that there is an adequate supply of employment lands within the City to meet the 20-year need.

This chapter also specifically addresses Commercial/Mixed Use opportunities; noting “There are many opportunities to add commercial or mixed use zone designations to various area throughout the community in an effort to balance neighbors and improve mixed uses as well as deepen existing areas so redevelopment can easily accommodate new commercial centers (La Pine Comprehensive Plan, Page 113).

This Chapter further notes;

“... commercial or mixed-use designations within the City limits will occur as a result of the following actions:

- Addition of new commercial/mixed-use lands to deepen the strip commercial areas
- Addition of commercial/mixed lands to serve neighborhoods and employment areas

The subject property, situated on the west side of town, is located away from the primary Hwy 97 commercial strip. There is a developed residential area nearby along with a senior center, the Little Deschutes Lodge and the schools campus. Furthermore, the property to the east is undeveloped but zoned residential (thus expected to accommodate future residential development). The proposed Comprehensive Plan map amendment and planned medical clinic use will enhance and broaden the community base in this area, and provide for a variety of services to the existing and future residential uses, enhancing the “complete community” concept in this area of town, in accordance with this chapter.

Policies

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

FINDING: As noted above, a complete community provides enough jobs, education, services, and industry to sustain the community without heavy reliance upon other nearby cities such as Bend and Redmond. The Applicant states that the intent is to develop a medical clinic on a portion of the property, and other mixed uses thereafter, thereby enhancing the complete community nature of the area. The requested Comprehensive Plan map amendment would therefore be consistent with this policy.

Chapter 10 – Housing

This chapter addresses housing and State Planning Goal 10. The proposed Comprehensive Plan map amendment will not alter the availability of housing or residential lands in La Pine. The property does not exist as a residentially designated parcel, and the proposed designation is Commercial Mixed Use (CMX), which is not primarily residential. The proposal does not add or remove any residential lands from the La Pine Urban Growth Boundary, thus will not impact the availability of residential lands, Goal 10, or this chapter. The planned Comprehensive Plan designation, Commercial Mixed Use (CMX), includes a wide range of allowable uses, including the potential for residential uses. If ultimately developed with a residential component, the property could increase the availability of residential lands, which would contribute to an

increased supply of residential lands, which would be consistent with this Chapter. Because the proposal potentially adds to the residentially developable lands (if developed as a mixed use development), and because the proposal is being reviewed in accordance with the City of La Pine implementing ordinances, the proposal is 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 proposal does not include any development, thus the policies of this chapter do not apply to the current proposal. Some of the policies of this section may be imposed during future site plan review, as some of the policies of this chapter are implemented through adopted Zoning Ordinance provisions.

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 twenty land needs.

In addition to detailing land needs, this chapter provides guidance and direction on future development within the UGB area. This chapter notes, “The City of La Pine currently contains over a thousand acres of forest and BLM lands. These acres are located on the eastern part of the community and mostly east of the BNSF rail line. These acres will be used for public facilities such as sewer expansion, ROW for the ODOT overpass, energy production and other public use.” With over 1000 acres of available public lands designated PF, the City has a substantial oversupply. Furthermore, in addition to the referenced federally owned properties on the east side of La Pine, there are significant amount of other PF designated properties in the vicinity of the subject property, including properties to the north, west and south. Policies of this section that may apply to the current proposal:

Policies:

- ***Land use patterns shall enhance the development of “Complete Neighborhoods.”***
- ***Lands needed for supplementing housing, economic development, or other land uses shall be processed based upon need and balancing the urban form for the benefit of the community in its goal to establish a “Complete Community.”***
- ***The need for new mixed use areas within the City shall be explored on an as needed basis for the purpose of furthering the Complete Neighborhood planning concepts envisioned by the Plan.***

FINDING: The property is located on the west side of town away from the primary Hwy 97 strip of commercially zoned and developed properties. There is a developed residential community nearby, as well as a senior center, the Little Deschutes Lodge and the schools campus. Furthermore, much of the property to the east is undeveloped but zoned residential (expected to accommodate future residential development in the future). The planned Comprehensive Plan map amendment and planned medical clinic use will enhance and broaden the community base in this area and provide for a variety of services to the existing and future residential uses, enhancing the “complete community” concept in this area of town, in accordance with these policies.

Evidence of need or benefit

The Comprehensive Plan map amendment is proposed to address a need in the community, namely the

need for additional medical services and facilities. Furthermore, the requested Comprehensive Plan map amendment will provide a benefit to the community as it will provide land that is available for medical and other mixed uses, which will improve the service base, the commercial base, community connections and the overall economy.

Details of Need

The Comprehensive Plan states that the community has a need for medical services and that it not be reliant upon other communities. This need is documented throughout the Comprehensive Plan and addressed in the section above. In addition to City documents addressing the need, the Applicant, St. Charles Health System, states that it has conducted extensive studies, interviews and assessments, to identify underserved markets throughout Central Oregon. In so doing, St. Charles conducted feasibility studies and interviews of business owners, community leaders, and government officials in La Pine and report in their application to have found the following:

- “The overall need for expanded healthcare services is significant in La Pine. Individuals drive 30 miles or more to Bend to access primary or urgent care.
- During weekend or evening hours, minor injuries often result in wasteful ambulance rides and emergency room visits.
- Quality physicians and expanded services make a St. Charles clinic highly desired in the South counties. Respondents believe St. Charles has the capacity to both recruit and retain a core group of family practice and urgent care providers.
- St. Charles’ reputation for excellence is a draw, making it an anchor tenant that will help the community thrive and grow.
- Urgent care is the top priority and all the proposed services are very high priorities. Respondents would also like space for wellness classes and services for veterans.
- St. Charles should expand services, not drive out the existing La Pine clinic. They see the St. Charles clinic as a partner in the community aimed at addressing the growing health care needs of the area.
- There is an opportunity for philanthropy. Respondents expressed a willingness to support the project publicly, tell others about it, provide leadership and personally give.
- The projected growth in La Pine and the surrounding area will quickly outpace current health care and medical service access and supply.”

In addition to surveys and interviews, SCHS reports that they conducted complex market and financial analyses, to understand the supply, demand, and ultimately determine if the market would support a clinic in La Pine. After studying population trends, access to care, average wait times, insured and uninsured patient needs, SCHS states that they found there to be a shortage in health services, and the shortage is sufficient to support a significant investment in the community.

Details of benefits -

The requested Comprehensive Plan map amendment will pave the way for a future St. Charles medical clinic. The benefits that the planned medical clinic provide include a comprehensive clinic, including emergency and immediate care, in the community, providing residents these services within a short drive rather than a 30 minute drive to Bend. The planned use provides safety, less reliance on other communities and contributes to a complete community. In addition the medical clinic component, other areas of the property will provide commercial and mixed-use opportunities to the surrounding area. The variety of commercial uses, anchored by a significant community partner, will further contribute to a complete community and a complete neighborhood area, which could work to reduce vehicle miles traveled, increase connectivity and increase overall sustainability of La Pine.

3. **Conformance With La Pine Zoning Ordinance:**

Section 2 – Purpose and Authority

This Zoning Ordinance and its regulations are adopted by authority granted to the city of La Pine by the State of Oregon and are made in accordance with the following purpose:

To implement the City of La Pine Comprehensive Plan by various means including but not limited to the following:...

FINDING: The Zoning Ordinance is the local land use regulation that implements land development related items of the Comprehensive Plan. The majority of the criteria and standards in this section are directed at Site Development. The current proposal includes a Comprehensive Plan Map amendment and development is not proposed at this time, but rather will be reviewed at a later date, thus the majority of this ordinance does not apply to the current proposal. The sections of the ordinance that generally relate to the proposal are discussed below.

Section 3 - Community Development Objectives

A. This article shall serve as the statement of community development objectives for the City of La Pine Zoning Ordinance. The Zoning Ordinance reflects the policy goals of the La Pine Comprehensive Plan “Plan” as stated in the following community development objectives. The ordinance has been developed as a legislative and administrative tool of the City to implement the goals, policies, and programs of the Plan.

FINDING: As noted above, the Zoning Ordinance implements relevant elements of the Comprehensive Plan.

B. Specific objectives

...

- 4. Provide opportunities for types of development beneficial to the economy, but ensure that such development maintains a scale and character compatible with the City’s desired community character.**

FINDING: The currently requested Comprehensive Plan map amendment is planned to entitle a property so that it can initially be developed with a medical clinic on a portion of the site and complementing uses thereafter. As stated above, through the Comprehensive Plan visioning process, the community demonstrated the desire for access to medical services. The requested CMX Comprehensive Plan Designation for the subject parcel would provide economic opportunities, which will result in jobs, development, and an improved tax base; overall benefits to the local economy. The requested amendment is therefore consistent with this stated objective.

Regarding scale and character, the Zoning Ordinance has been designed with standards and criteria that will control for size, scale, setback and general design; ensuring development is appropriate for the area and the zone. The future Site Plan Review process will review the proposed future development for conformance with all applicable Zoning Ordinance provisions, maintaining an appropriate scale as prescribed in section standards.

- 5. Provide opportunities for mixed development so that residents can have close-to-home access to needed goods and services.**

FINDING: The request is to change the Comprehensive Plan designation to Mixed Use Commercial (CMX)

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from Public Facilities. The CMX zone allows for mixed development, and the property is situated near developed single-family homes, a senior center, a senior living facility, school property, and an area that is planned for future residential development. The location will provide the existing and anticipated nearby residents “close-to-home” access to the CMX zone, which is consistent with this objective.

Section 4 - Scope

The Zoning Ordinance regulates and restricts land uses within the boundaries of the City of La Pine and Urban Growth Boundary by managing:

1. **The height, number of stories and size of buildings and other structures**
2. **Their construction, alteration, extension, repair and maintenance**
3. **All facilities and services in or about such buildings and structures**
4. **The percentage of lot that may be covered by structures and/or uses**
5. **The size of yards, courts and other open spaces**
6. **The density of population**
7. **The location and use of buildings, structures and land for trade, industry, residence or other purposes**
8. **The establishment and maintenance of building lines and setback building lines upon any or all public roads or highways**
9. **Mitigation of development impacts upon public facilities, services, and public**

FINDING: The Zoning Ordinance is generally intended to review Site Development. The current request is a Comprehensive Plan map amendment and the standards and approval criteria for the current proposal are not established within the scope of this ordinance. Future Site Development will be required to be reviewed for conformance with this Ordinance.

IV. Summary and Conclusion:

The Applicant has documented that the request to amend the Comprehensive Plan Designation of the property to Mixed Use Commercial (CMX) meets the applicable approval criteria for a Comprehensive Plan map amendment. Staff recommends that, after public hearings and review, the Planning Commission and City Council approve the Comprehensive Plan map amendment as proposed.



Tammy Wisco, Planning Director
City of La Pine

4/12/16

Date