



Mayor Dennis Scott  
Councilor Stu Martinez Councilor Donald Greiner  
Councilor Karen Ward Councilor Connie Briese

**CITY OF LA PINE**

16345 Sixth Street — PO Box 2460  
La Pine, Oregon 97739  
TEL (541) 536-1432 — FAX (541) 536-1462  
[www.ci.la-pine.or.us](http://www.ci.la-pine.or.us)

## **STAFF REPORT TO PLANNING COMMISSION**

**FILE NUMBER:** 2016-48IF  
**APPLICANT:** City of La Pine  
**REQUEST:** Type IV legislative text amendments to City of La Pine Zoning Ordinance No. 2012-05, Section 10. Permitted Uses  
**HEARING DATE:** February 9, 2017 at 5:30pm, Planning Commission  
**STAFF CONTACT:** Tammy Wisco, PE, AICP, Planning Consultant, 210.896.3432

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### **I. INTRODUCTION**

These proposed text amendments to the City of La Pine Zoning Ordinance No. 2012-05 would add a garage requirement to the “Additional Regulations for Single-Family Zones” and revise residential principal uses within the CRMX and CMX zones to require residential uses within those zones to comply with the Additional Regulations for Single-Family Zones. Proposed amendments are listed in Exhibit A.

### **II. APPLICABLE CRITERIA**

1. City of La Pine Ordinances:
  - a. La Pine Land Use Procedures Code
2. City of La Pine Comprehensive Plan
3. Conformance with Oregon Administrative Rules (OARs)
  - a. Oregon Statewide Planning Goals

### **III. PROPOSED AMENDED SECTIONS**

Proposed Amendments to La Pine Zoning Ordinance, 2012-05:

AMENDMENT 1: Section 10. Permitted Uses

### **IV. FINDINGS OF FACT**

**Proposed Amendments:** The attached Exhibit A includes proposed text amendments to update the City of La Pine Zoning Ordinance No. 2012-05.

**Public Notice and Comments:** Public notices were posted at the La Pine City Hall, Deschutes County Library - La Pine Branch, and Ace Hardware Store on January 11, 2017. Notice was also posted on the City's website and in the local newspapers, the *Bend Bulletin*, *Wise Buys* and *Frontier Times*. No written comments on the proposed amendments have been received at the time of drafting of this staff report.

**Hearing Schedule:** A public hearing is planned at the City's Planning Commission meeting on February 9, 2017, 5:30pm. If the amendments are approved for recommendation to Council by the Planning Commission, a hearing will be scheduled before the City Council.

## **V. CONCLUSIONARY FINDINGS**

### **Conformance with the La Pine Land Use Procedures Code, Ordinance 2011-03**

#### **SECTION 3.0.0. LEGISLATIVE PROCEDURES**

##### **Section 3.1.0. Hearing required**

##### **Section 3.2.0. Notice**

##### **Section 3.3.0. Initiation of legislative changes**

##### **Section 3.4.0. Hearings Body**

##### **Section 3.5.0. Final decision**

##### **Section 3.1.0. Hearing required.**

**No legislative change shall be adopted without review by the Planning Commission and a public hearing before the City Council. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director or other designated City representative, unless otherwise required by state law.**

**FINDING:** A public hearing will be held before the Planning Commission on February 9, 2017 at 5:30 pm. Following the public hearing, the Planning Commission will vote on the amendments and, if approved for recommendation to Council, a hearing will be scheduled before the City Council.

##### **Section 3.2.0. Notice**

- 1. Notice of a legislative change shall be published in a newspaper of general circulation.**
- 2. The notice shall state the time and place of the hearing and contain a statement describing in general detail the nature of the proposed change.**

**A. Posted Notice.** Notice shall be posted at the discretion of the Planning Director or other duly designated City representative and where necessary to comply with ORS 203.045.

**B. Individual Notice.** Individual notice to property owners, as defined in Section 2.2.0 (A), shall be provided at the discretion of the Planning Director or other duly designated City representative, except as required by ORS 215.503.

**FINDING:** Notice of the public hearings to consider the proposed zoning ordinance amendments

was posted at La Pine City Hall, Deschutes County Library - La Pine Branch, and Ace Hardware Store. Notice was also posted on the City's website and in the local newspapers, *Bend Bulletin*, *Wise Buys* and *The Frontier*. The notices stated the time and place of hearings, as well as a general description of the nature of the proposed changes. ORS 203.045 and ORS 215.503 are specific to counties and thus, not applicable.

### **Section 3.3.0. Initiation of legislative changes**

**Legislative Changes may be initiated by application of individuals upon payment of required fees as well as by the City Council or the Planning Commission with the consent of the City Council.**

**FINDING:** The proposed text amendments were initiated by the City and are being presented to the Planning Commission for their recommendation for consideration by the City Council.

### **Section 3.4.0. Hearings body**

**A. The following shall serve as hearing or review body for legislative changes in this order:**

- 1. The Planning Commission.**
- 2. City Council.**

**B. Any legislative change initiated by the City Council should be reviewed by the Planning Commission prior to action being taken by the City Council.**

**FINDING:** A public hearing will be held before the Planning Commission on February 9, 2017. After the public hearing, the Planning Commission will vote whether to recommend the amendments for approval by City Council. A hearing before City Council will be scheduled after the Planning Commission meeting.

### **Section 3.5.0. Final decision**

**All legislative changes shall be adopted by ordinance.**

**FINDING:** If the Planning Commission votes to recommend the amendments to City Council, the proposed legislative changes will be contained in an ordinance, for consideration by City Council.

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

**RESPONSE:** 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 February 9, 2017. 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 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.

**RESPONSE:** The proposed amendments do not impact the City's ability to inventory and plan for buildable lands for residential use. In consideration of affordable housing goals, the proposed requirements were limited to a single car garage to minimize additional construction costs and are not applicable to apartments.

**Goal #1: Encourage a wide range [of] housing types satisfying the urban development needs of the La Pine community.**

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

**FINDING:** The proposed text amendments to require a minimum single car garage supports the policy above by providing single family and duplex dwellings with a safe area for storage of personal property and/or vehicles. By having items stored in areas away from the right-of-way, potential impacts from snow removal or public activity can be reduced, thereby increasing the safety. Additionally, the availability of a garage for each dwelling is also intended to improve neighborhood aesthetics ("attractive places" in above policy) by reducing storage outside within public view by providing an enclosed area for storage. The requirement for uniformity in appearance with the dwelling structure also supports the above policy's requirement for "attractive places." Staff finds the proposed amendments to support and comply with the relevant goal and policy of the Comprehensive Plan Chapter 10.

### Conformance with the State Administrative Rules (OARs)

#### OAR 660-015, Statewide Planning Goals

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

**FINDING:** Notice of the public hearing to consider the proposed zoning ordinance amendments was posted at La Pine City Hall, Deschutes County Library - La Pine Branch, and Ace Hardware Store. Notice was also posted on the City's website and in the local newspapers, *Bend Bulletin*, *Wisebuys* and *The Frontier*. Two hearings are required by the La Pine Procedures Code; the first requires a recommendation to City Council by the Planning Commission, the second hearing requires the Council to decide whether to amend the ordinance. Citizens are provided the opportunity to comment on the proposed amendments at the public hearings before the Planning Commission and the City Council, or in writing in advance of the hearings. *Staff finds that 2016-48IF complies with 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:** As required by Goal 2, the City has adopted criteria and procedures to evaluate and make land use decisions. These processes ensure that the Planning Commission and City Council are involved in the process and are aware of the factual basis for the actions and request. *Staff finds that 2016-48IF complies with Goal 2.*

**Goal 3 - Agricultural Lands:** *To preserve and maintain agricultural lands.*

**FINDING:** This goal applies to Counties and does not apply to the City of La Pine. The City does not have any agriculturally zoned parcels. Regardless, the proposed amendments do not adversely impact the ability of the County or City to plan for agricultural opportunities. *Staff finds that Goal 3 is not applicable.*

**Goal 4 - Forest Lands:** *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use of forest land consistent with sound management of soil, air, water and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

**FINDING:** The proposed amendments do not relate to the conservation of forest lands, nor do they adversely impact the ability of the City to protect state's forest economy. *Staff finds that Goal 4 is not applicable.*

**Goal 5 - Open Spaces, Scenic and Historic Areas and Natural Resources:** *To protect natural resources and conserve scenic and historic areas and open spaces.*

**FINDING:** The proposed amendments do not relate to the protection of natural resources and open spaces, nor do they adversely impact the ability of the City to protect the important natural resources and environmental elements within the City. *Staff finds that Goal 5 is not applicable.*

**Goal 6 - Air, Water and Land Resources Quality:** *To maintain and improve the quality of air, water and land resources of the state.*

**FINDING:** The proposed amendments do not relate to the maintenance air, water and land resource quality, nor do they adversely impact the ability of the City to maintain these important resources within the City. *Staff finds that Goal 6 is not applicable.*

**Goal 7 - Natural Hazards:** *To protect people and property from natural hazards.*

**FINDING:** Winters in La Pine are generally harsh, with significant snow and low temperatures. The presence of vehicles and personal property within or near the public right-of-way creates public hazards during snow removal. The proposed amendments to require a minimum single-car garage for single family and duplex structures supports goal 7 by providing an enclosed and covered area for storage of personal property and vehicles, where it can be protected from natural weather conditions, as well as located outside of the right-of-way to reduce risk of

hazard during heavy snow storms. The proposed amendments support the ability of the City to protect its citizens and personal property from natural hazards. *Staff finds that 2016-48IF complies with Goal 7.*

**Goal 8 - Recreational Needs:** *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

**FINDING:** The proposed amendments do not relate to planning for recreational needs, nor do they adversely impact the ability of the City to address this goal. *Staff finds that Goal 8 is not applicable.*

**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 proposed amendments do not relate to providing opportunities for economic development, nor do they adversely impact the ability of the City to address this goal. *Staff finds that Goal 9 is not applicable.*

**Goal 10 - Housing:** *To provide for the housing needs of citizens of the state.*

**FINDING:** The proposed amendments do not impact the City's ability to inventory and plan for buildable lands for residential use. In consideration of affordable housing goals, the proposed requirements were limited to a single car garage to minimize additional construction costs and are not applicable to apartments. *Staff finds that 2016-48IF complies with Goal 10.*

**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:** The proposed amendments do not impact the City's ability to plan and provide for key public water, sewer and transportation facilities. Further, the population of La Pine is less than 2,500 persons, the threshold for the requirement to develop a public facility plan. *Staff finds that Goal 11 is not applicable.*

**Goal 12 - Transportation:** *To provide and encourage a safe, convenient and economic transportation system.*

**FINDING:** The proposed amendments do not impact the City's ability to plan for all modes of transportation, nor do they impact the City's ability to plan the location and classification of transportation facilities. On a local level, the proposed amendments to require a minimum of a single car garage with all single family and duplex residential structures supports the City's need to provide a safe transportation system by providing a potential location for vehicles and personal property (inside garages). By facilitating the storage of vehicles and personal property inside garages rather than near or within the right-of-way, the local streetscape can be safer with fewer obstacles near the travel way or within the snow plowing zone. *Staff finds that 2016-48IF complies with Goal 12.*

**Goal 13 - Energy Conservation: To conserve energy.**

**FINDING:** The proposed amendments do not impact the City's ability to create an arrangement and density of land uses to encourage energy conservation. *Staff finds that Goal 13 is not applicable.*

**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:** The proposed amendments do not adversely impact the City's ability to accommodate urban populations and employment inside the urban growth boundary, nor impact the City's ability to establish and maintain urban growth boundaries. *Staff finds that Goal 14 is not applicable.*

**Goals 15-19 do not apply to land within the La Pine UGB.**

**V. RECOMMENDATION and CONCLUSION**

**Conclusion**

Based on the above findings, the proposed amendments to the zoning ordinance meet the La Pine Land Use Procedures Code criteria and are consistent with applicable State land use laws.

**Recommendation**

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

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**END of STAFF REPORT**



LA PINE

OREGON

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**EXHIBIT A of February 9, 2017 Planning Commission Meeting Staff Report**

Double Underlined words are words added

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**Amendment 1: Section 10. Permitted Uses**

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**RSF and RMF**

**Single-Family and Multi-Family Residential Zones**

Principal uses

Single-family & ~~multi-family~~ dwellings, provided they comply with the Additional Regulations for Single-Family Dwellings in Section 10(A)

Multi-family dwellings provided they comply with the Additional Regulations for Multiple Family Dwellings in Section 10(B)

Mobile home parks

Public, non-commercial parks & recreation

Public & private schools

Bed & breakfast establishments

Forestry activities, including but not limited to timber harvesting

Essential service

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A. Additional ~~#~~Regulations for Single-Family Zones Dwellings:

1. No dwelling structures shall have visible, unclosable openings, which allow penetration of air, outside elements, or animals into the structure's interior - except for screened-in porches.
2. All dwelling structures shall be placed on a basement foundation, concrete pad or piers, or other permanent foundation and secured, anchored, or tied down in accordance with the current International Building Code and all other applicable FHA requirements.
3. All single-family dwellings, including manufactured homes, shall have a minimum of a 1-car private attached garage with permanent exterior walls and a vehicle entry door. Minimum garage dimensions shall be 20 feet deep and 12 feet wide; minimum garage door dimensions shall be 7 feet tall and 8 feet wide. The garage shall have exterior siding material and paint colors the same or similar to the dwelling unit. This requirement shall apply regardless of the zone in which the single family dwelling is located except that it shall expressly not apply to manufactured homes and mobile homes located within a mobile home park.

B. Additional ~~#~~Regulations for Multiple-Family Zones Dwellings:



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3. All duplexes, regardless of the zone in which they are located, shall have a minimum of a 1-car private attached garage per dwelling unit, with permanent exterior walls and a vehicle entry door. Minimum garage dimensions shall be 20 feet deep and 12 feet wide; minimum garage door dimensions shall be 7 feet tall and 8 feet wide. The garage shall have exterior siding material and paint colors the same or similar to the dwelling unit.

### **RMP**

#### **Master Plan Residential Zone/County Newberry Neighborhood**

##### Principal uses

All RSF and RMF principal uses, provided single-family dwellings comply with the Additional Regulations for Single-Family Dwellings in Section 10(A) and multiple-family dwellings comply with the Additional Regulations for Multiple Family Dwellings in Section 10(B).

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### **CRMX**

#### **Commercial/Residential Mixed-use Zone**

##### Principal uses

All uses in the RSF, RMF, and RMP zones, provided single-family dwellings comply with the Additional Regulations for Single-Family Dwellings in Section 10(A) and multiple-family dwellings comply with the Additional Regulations for Multiple Family Dwellings in Section 10(B), except that Residential uses must be the dominant use as compared to other non-residential uses and at least 60% of the total amount of all uses as measured by floor area.

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### **CMX**

#### **Mixed-use Commercial Zone**

##### Principal uses

All uses in the RSF, RMF, and RMP zones, provided single-family dwellings comply with the Additional Regulations for Single-Family Dwellings in Section 10(A) and multiple-family dwellings comply with the Additional Regulations for Multiple Family Dwellings in Section 10(B).

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### **CN**

#### **Neighborhood Commercial Zone**

##### Principal uses

All RSF and RMF principal uses, provided single-family dwellings comply with the Additional Regulations for Single-Family Dwellings in Section 10(A) and multiple-family dwellings comply with the Additional Regulations for Multiple Family Dwellings in Section 10(B).

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### **TA**

#### **Transitional Areas**

##### Principal uses

All permitted residential and commercial uses, provided single-family dwellings comply with the Additional Regulations for Single-Family Dwellings in Section 10(A) and multiple-family dwellings comply with the Additional Regulations for Multiple Family Dwellings in Section 10(B).

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