



EXHIBIT A - STAFF REPORT FOR ORDINANCE NO. 2017-04

CASEFILE: 2017-08IF

APPLICANT: City of La Pine

HEARING DATES: April 19, 2017, 5:30 pm, Planning Commission
May 10, 2017, 6:00 pm, City Council

REQUEST: Consider a proposal to amend the text of Sections 7, 8, 10,12 and 19 of the City of La Pine Zoning Ordinance No. 2012-05.

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

I. INTRODUCTION

The City has proposed legislative text amendments to City of La Pine Ordinance Nos. 2012-05, 2015-03, 2016-05 and 2017-01 to create definitions for certain marijuana businesses and add them as allowed uses in certain zones. Specifically, “marijuana testing laboratories” are principal uses in the traditional commercial (C), mixed use commercial (CMX) zones, and industrial (I) zone; “marijuana production facilities”, “marijuana processing facilities”, and marijuana wholesalers” are conditional uses in the industrial (I) zone; and all “marijuana businesses” are expressly not allowed in the Transitional Areas (TA). The amendments also establish business specific regulations and clarify permitting processes. The proposed amendments are listed in Exhibit A.

II. APPLICABLE CRITERIA

1. City of La Pine Ordinances:
 - a. La Pine Land Use Procedures Code, Section 3.0.0
2. City of La Pine Comprehensive Plan
3. Oregon Administrative Rules (OARs)
 - a. 660-015, Oregon Statewide Planning Goals

III. PROPOSED AMENDED SECTIONS

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

AMENDMENT 1: Section 7. Application for Land Use Permit, Certificate of Use, and Occupancy

AMENDMENT 2: Section 8. Definitions

AMENDMENT 3: Section 10. Permitted Uses

AMENDMENT 4: Section 12. Special Uses

AMENDMENT 5: Section 19. Off-Street Loading and Parking

IV. FINDINGS OF FACT

Proposed Amendments: The amendments in Exhibit A are proposed to update the City of La Pine Zoning Ordinance, 2012-05.

Public Notice and Comments: The Department of Land Conservation and Development (DLCD) was noticed on March 9, 2017. Public notices for the Planning Commission hearing were posted on March 24, 2017 at the La Pine City Hall, Deschutes County Library - La Pine Branch, Ace Hardware Store and on the City's website. Notice for the Planning Commission hearing was published in the local newspapers, *Wise Buys* and *Frontier Advertiser*, in their February 4, 2017 through February 18, 2017 weekly editions. Notice of the City Council public hearings to consider the proposed zoning ordinance amendments was posted on April 26, 2017 at the same locations and published in the local newspapers for the weeks of May 1 and May 8, 2017. The notices stated the time and place of hearings, as well as a general description of the nature of the proposed changes. No written comments were received at the time of the staff report drafting.

Planning Commission Hearing: A public hearing was held at the City's Planning Commission meeting on April 19, 2017, at 5:30pm. No public testimony was given. The Planning Commission unanimously voted to recommend approval of the amendments to City Council, with no changes.

V. CONCLUSIONARY FINDINGS

1. 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 was held before the Planning Commission on April 19, 2017 at 5:30 pm. The Planning Commission unanimously voted to recommend approval of the amendments to the City Council. A public hearing before City Council is scheduled for May 10, 2017 at 6:00 pm.

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 Planning Commission public hearing to consider the proposed zoning ordinance amendments was posted on March 24, 2017 at La Pine City Hall, Deschutes County Library - La Pine Branch, Ace Hardware Store and the City's website. Notice was published in the local newspapers, *Wise Buys* and *Frontier Advertiser*, in their February 4, 2017 through February 18, 2017 weekly editions. Notice of the City Council public hearings to consider the proposed zoning ordinance amendments was posted on April 26, 2017 at the same locations and published in the local newspapers for the weeks of May 1 and May 8, 2017. The notices stated the time and place of hearings, as well as a general description of the nature of the proposed changes.

Section 3.3.0. Initiation of legislative changes

Initiation of legislative changes. A 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 after discussion in a March City Council Work session.

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 was held before the Planning Commission on April 19, 2017 at 5:30pm. The Planning Commission unanimously voted to recommend the amendments for approval to City Council, and a hearing before City Council has been scheduled for May 10, 2017.

Section 3.5.0. Final decision

All legislative changes shall be adopted by ordinance.

FINDING: The proposed legislative changes are to be contained in an ordinance, for consideration and adoption by City Council.

2. Conformance with the La Pine Comprehensive Plan

Chapter 2, Citizen Involvement Program

This chapter identifies State rules related to citizen involvement, along with the community's purpose and intent with regard to citizen involvement. This chapter identifies issues and goals, policies and programs, it establishes roles and responsibilities, and establishes specific Citizen Advisory Committees (CACs). One of the CACs that are identified in this chapter is a Planning

Commission, which the City has established for planning and land use purposes. *This application and request has been processed and reviewed in accordance with the public notification procedures that have been established in the Procedures Ordinance, a hearing was conducted before the Planning Commission on April 19, 2017 and a hearing will be held before City Council on May 10, 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 3, Agricultural Lands

This chapter addresses agricultural lands within counties. Although La Pine is not required to plan for agricultural lands in the City, there continues to be agricultural uses in some areas within the city limits and the City's Comprehensive Plan sets out goals and policies related to agriculture. *The proposed amendments do not impact the City's ability to achieve the goals and policies within this chapter, as the proposed amendments address uses on industrial lands, not agricultural lands.*

Chapter 4, Forest Lands

Chapter 4 implements State Planning Goal 4, which defines "forest lands" and requires counties to inventory and conserve such lands. However, planning for forest lands is not required within city limits. *This chapter does not apply to the proposed amendments.*

Chapter 5, Natural Resources and Environment

This Comprehensive Plan chapter is intended to address Oregon Statewide Planning Goals 5, 6, and 7 which address natural resources, historic area, and open spaces, air water and land resources and protection from natural hazards. *The proposed amendments do not impact the City's ability to implement this chapter or Statewide Planning Goals 5, 6, and 7, as they are not related to natural resources, historic areas, open spaces, air, water and land resources protection from natural hazards.*

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. *The proposed amendments do not impact the City's ability to implement this chapter or Statewide Planning Goal 8, as they are not related to parks, recreation and open space.*

Chapter 7, Public Facilities and Services

This chapter is intended to carry out Statewide Planning Goal 11. Given the current population of 1,687 (PSU 2015 Population Estimate), Goal 11 does apply to the City of La Pine. Nonetheless, this Chapter includes goals and policies directed at coordination, provider details, expansion needs, development restrictions, along with conservation practices. *The policies of this chapter do not apply directly to the proposed amendments, which are not associated with specific development.*

Chapter 8, Transportation

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

the Zoning Ordinance and implementing regulations, which are imposed upon site plan application of any commercial development. At this time, the policies of this chapter do not specifically apply to the proposed text amendments.

Chapter 9, Economy

This Chapter is intended to carry out Statewide Planning Goal 9, Economic Development, which requires local jurisdictions to plan for and provide adequate opportunities for a variety of economic activities vital to the health, welfare and prosperity of its citizens. The overall intent is to ensure that there are adequate lands and infrastructure for new business and industry, as well as identifying any obstacles. This Chapter includes an analysis of the La Pine economy, noting that “La Pine’s focus on economic development is a key component of its vision to be a “complete” community. *The goals of this chapter relate to strategic planning and land inventories to satisfy urban development needs of the City. While the proposed amendments do not relate specifically to these goals, the addition of marijuana businesses as an allowed use in certain zones increases opportunities within the City for new businesses, supporting the overall intent of the 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. *The proposed text amendments do not affect housing as they do not address uses within any residential zones.*

Chapter 11, Energy Conservation

This chapter carries out Oregon State Planning Goal 13. This chapter identifies issues with travel, existing development patterns, and energy supply opportunities. The policies of this chapter address residential density, along with development and design desires. *The proposed text amendments do 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 addresses Statewide Planning Goal 14 to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The chapter highlights that the data shows that there is an excess of acreage available within the current city limits to accommodate the projected housing need. *The proposed text amendments do not impact the City’s ability to provide an orderly and efficient transition from rural to urban land or to manage the balance of types of land, as the proposed amendments relate to a use and do not include changes in zones or comprehensive plan designations.*

3. Conformance with the State Administrative Rules (OARs)

OAR 660-015, Statewide Planning Goals

Goal 1 - Citizen Involvement

Statewide planning Goal 1 requires that the City provide the opportunity for citizens to be involved in the planning process.

FINDING: The Department of Land Conservation and Development (DLCD) was noticed on March 9, 2017. Notice of the public hearing to consider the proposed zoning ordinance amendments was posted on March 24, 2017 (for Planning Commission hearing) and April 26, 2017 (City Council Hearing) at La Pine City Hall, Deschutes County Library - La Pine Branch, Ace Hardware Store and on the City's website. Notice was also published in the local newspapers, *Wisebuys* and *Frontier Advertiser*, in the February 4, 2017 through February 18, 2017 weekly editions and the May 1 and May 8, 2017 editions. 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.

Goal 2 - Land Use Planning

Goal 2 outlines the basic procedures of Oregon's statewide planning program. Land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed.

FINDING: As required by Goal 2, the City has adopted criteria and procedures (zoning ordinance, land use procedures code) to evaluate and make land use decisions. Goal 2 requires periodic review and amendments to ordinances as needed and in accordance with the Comprehensive Plan. The proposed amendments meet the requirements of Goal 2 by following the appropriate procedures for amendments and by considering the goals and policies outlined in the Comprehensive Plan.

Goal 3 - Agricultural Lands

Goal 3 requires counties to inventory agricultural lands and to "preserve and maintain" them through farm zoning outside of urban growth boundaries.

FINDING: Properties within an Urban Growth Boundary are not required to comply with Goal 3. Additionally, the proposed amendments do not adversely impact the ability of the City to plan for agricultural transition opportunities within the City.

Goal 4 - Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

FINDING: The proposed amendments are consistent with Forest Lands (Goal 4) and Goal policies, as they do not adversely impact the ability of the City to plan for the appropriate transition of Forest lands within La Pine.

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

Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

FINDING: The proposed amendments are consistent with Goal 5 and the Goal policies, as they do not adversely impact the ability of the City to protect the important natural resource and environmental elements within the City.

Goal 6 - Air, Water and Land Resources Quality

This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution. All waste and process discharges from future development, when combined with such discharges from existing development shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards.

FINDING: The proposed amendments are consistent with Goal 6 and the Goal policies, as they do not adversely impact the ability of the City to protect air, water, and land resources quality. Any future development related to the proposed amendments to allow marijuana businesses in the commercial, mixed-use commercial, and industrial zones within the city will be required to submit site plan applications, which are reviewed for compliance with water, sewer, stormwater, and transportation requirements.

Goal 7 - Natural Hazards

Goal 7 focuses on local government planning to protect people and property from natural hazards.

FINDING: The proposed amendments do not impact the City's ability to plan for natural hazards and mitigate risks.

Goal 8 - Recreational Needs

This goal calls for each community to satisfy the recreational needs of the citizens and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

FINDING: The proposed amendments do not impact the City's ability to plan for the recreational needs of the citizens and visitors.

Goal 9 - Economic Development

Goal 9 calls for diversification and improvement of the economy. It requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

FINDING: The proposed amendments are consistent with Economic Development (Goal 9) and Goal policies by increasing and diversifying economic development opportunities through expanding allowable uses within the zoning ordinance.

Goal 10 - Housing

This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

FINDING: The proposed amendments do not adversely impact the City's ability to provide for the housing needs of its citizens. The proposed amendments will not reduce residential

inventories, as the amendments propose to add marijuana businesses to only the traditional commercial (C), commercial mixed use (CMX), and industrial (I) zones.

Goal 11 - Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

FINDING: The proposed amendments do not adversely impact the City's ability to plan and develop a timely, orderly and efficient arrangement of public facilities.

Goal 12 - Transportation

The goal aims to provide "a safe, convenient and economic transportation system." It requires communities to address the needs of the "transportation disadvantaged."

FINDING: The proposed amendments do not adversely impact the City's ability to provide a safe convenient and economic transportation system. The proposed amendments are not site specific and therefore do not affect the functional classification of any street. The proposed amendments will not have measurable impacts on the amount of traffic on the existing transportation system; therefore the proposed text amendments do not cause a "significant effect" under ORS 660-012-0060. As such, compliance with Goal 12 is maintained.

Goal 13 - Energy Conservation

Goal 13 requires that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

FINDING: The proposed amendments do not adversely impact the City's ability to create an arrangement and density of land uses to encourage energy conservation. As such, compliance with Goal 13 is maintained.

Goal 14 - Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

FINDING: The proposed amendments do not adversely impact the City's ability to accommodate urban populations and employment inside the urban growth boundary. The proposed amendments do not encourage sprawl or lower than targeted densities, or uncoordinated development. The management of the City's land use inventories is unaffected by the proposed amendments and therefore compliance with Goal 14 is maintained.

Goals 15-19

FINDING: These goals pertain only to areas in western Oregon and are not applicable to these amendments.

V. CONCLUSION

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

END of STAFF REPORT