



CITY OF LA PINE, OREGON PLANNING COMMISSION

Wednesday, November 5, 2025, at 5:30 PM

La Pine City Hall: 16345 Sixth Street, La Pine, Oregon 97739

Online access via Zoom: <https://us02web.zoom.us/j/86309277484>

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to City Hall at (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY.

AGENDA

CALL TO ORDER

ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE

ADDED AGENDA ITEMS

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

CONSENT AGENDA

1. 09.10.2025 Planning Commission Meeting Minutes..... 3.
 - a. Public Hearing Sign-In Sheet A-25-0001 16.
 - b. Public Hearing Sign-In Sheet A-25-0002 17.

PUBLIC HEARING

1. TA-25-0001, Oregon 97 Investments LLC
 - a. Open Public Hearing
 - b. Application Documents
 - i. Staff Report 18.
 - c. Public Testimony
 - d. Close Hearing

OLD BUSINESS

1. Appeal Hearing Debrief

NEW BUSINESS

1. Long Rang Planning Update
2. Current Planning Update

OTHER MATTERS

Only Items that were previously added above in the Added Agenda Items will be discussed.

PUBLIC COMMENTS

Public Comments provide an opportunity for members of the community to submit input on ongoing matters within the city.

Public Comments are limited to three (3) minutes per person; when asked to the podium, please state your name and address. This helps the Planning Commission and staff determine if you are a city resident. The acting chair may elect to respond to comments if the matter is within the jurisdiction of the city or defer to city staff for response. Any matter that warrants testimony and rebuttal may be debated only during a Public Hearing on the matter.

STAFF AND COMMITTEE COMMENTS**ADJOURN**

Pursuant to ORS 192.640: This notice includes a list of the principal subjects anticipated to be considered or discussed at the above-referenced meeting. This notice does not limit the ability of the Planning Commission.



CITY OF LA PINE, OREGON PLANNING COMMISSION

Wednesday, September 10, 2025, at 5:30 PM

La Pine City Hall: 16345 Sixth Street, La Pine, Oregon 97739

Online access via Zoom: <https://us02web.zoom.us/j/87466343313>

MINUTES

CALL TO ORDER

Chair Myers stated that the meeting will be delayed by 10 minutes.

Chair Myers called the meeting to order at 5:43 p.m.

ESTABLISH QUORUM

Planning Commission

Chair Myers

Vice Chair Poteet

Commissioner Hatfield

Commissioner Bauman

Commissioner Accinelli – Absent (Excused)

Staff

Geoff Wullschlager – City Manager

Ashley Ivans – Finance Director

Brent Bybee – Community Development Director

Nick Tierney – Associate Planner

Amanda Metcalf – City Recorder

PLEDGE OF ALLEGIANCE

Chair Bauman led the Pledge of Allegiance.

ADDED AGENDA ITEMS

There were no added agenda items.

CONSENT AGENDA

1. 08.06.2025 Planning Commission Meeting Minutes

Vice Chair Poteet made a motion to approve the consent agenda. *Commissioner Bauman seconded the motion.* Chair Myers asked for a roll call vote:

Commissioner Hatfield – Aye

Vice Chair Poteet – Aye

Commissioner Bauman – Aye

Chair Myers – Aye

Motion passed unanimously.

PUBLIC HEARING

1. A-25-0002, Williams

a. Open Public Hearing

Chair Myers explained the hearing procedure and asked the Commission if they had any conflict of interest or bias. Commissioner Hatfield stated that she lived close to the property and wanted to make a record of a potential conflict of interest but clarified that her proximity would not influence her decision. She stated that she entered the hearing with an open mind, would set aside personal views, and would decide based on the factual record presented to the Planning Commission. No other Commissioners had any conflict of interest or bias. Chair Myers then asked the public if there were any challenges to the Commission's lack of bias or conflict of interest, and there were none. She also asked if there were any procedural objections, and there were none. Chair Myers stated the applicable substantive criteria of the La Pine Development Code.

Chair Myers opened the public hearing at 5:54 p.m.

b. Application Documents

Director Bybee presented to the Commission the applicant's request for an appeal of land use application PA-25-0001. He explained the application timeline, stating that the three-parcel partition was submitted April 14, 2025, deemed incomplete April 24, 2025, and deemed complete May 15, 2025. PA-25-0001 was approved August 20, 2025, and the appeal was received August 26, 2025. He stated that the public hearing notice for the appeal included a mailing date of August 27, 2025, and publication in the Bend Bulletin on August 31, 2025. He noted that staff received comments only from the appellant's attorney, which would be addressed in the presentation.

He explained the grounds for appeal that the applicant submitted, which included estoppel, lack of essential nexus for exaction of property and improvements, waiver of right to remonstrate, and equal protection. He then presented staff's response to each ground for appeal. Regarding estoppel, he presented the appellant's claim of estoppel for land use file PA-25-0001 and stated that since City staff had issued no written advice and no application had been submitted, the City was not bound by the doctrine of estoppel and further lacked the authority to waive mandatory code requirements in this appeal.

Regarding equal protection, the appellant stated that the City's criteria were regularly applied differently to different applications. Staff responded that the appellant made no showing of impermissible unequal treatment, resulting in the equal protection claim failing.

For waiver of remonstrance, the appellant claimed that the City was double dipping by requiring either construction of the public improvements or a fee in lieu, as well as a waiver of remonstrance. He stated that the applicant did not submit evidence with their application demonstrating compliance with the listed conditions. Director Bybee stated that the proposed amended findings removed the waiver of remonstrance as a condition of approval.

Director Bybee explained the exactions claim and stated that it consisted of two parts: Essential Nexus and Rough Proportionality. He clarified that there must be a connection between the development's impacts and the required conditions, and that the conditions must be roughly proportional in nature and extent to those impacts.

He provided several examples from the La Pine Development Code (LPDC), the La Pine Transportation System Plan (TSP), and the City of La Pine, Oregon 2016 Standards and Specifications Development Provisions to illustrate why these public improvements were required. He described the current condition of the road and the TSP's requirements for sidewalks, landscaped parking, and travel lanes. He emphasized that, as proposed, the development would not meet the criteria, and staff had not denied the application but instead approved it with conditions.

He then explained the rough proportionality analysis and the impacts of the partition. He noted that there were currently 30 dwellings on Pine Drive, resulting in 150 Average Daily Trips (ADTs). The proposed partition would increase ADTs by 15 if developed with single-family dwellings, or by 30 if developed with three duplexes, leading to a 10–20% increase in ADTs on Pine Drive. Additionally, pedestrian activity would increase, creating a need for safe sidewalks and ADA access.

Director Bybee outlined the required improvements, which included a right-of-way dedication of 7 feet along the 165 feet of frontage, two 11-foot travel lanes, a 7-foot parking lane, an 8-foot landscaped swale with six street trees, and a 6-foot sidewalk. In conclusion, he stated that while the development's impact would add 10–20% more traffic, it would improve only 4% of Pine Drive. The applicant's options were to construct the improvements or pay a fee in lieu.

He then explained the rough proportionality analysis for Burgess Road, he stated in coordinating with the City Engineer, staff determined that substantial evidence had not been submitted demonstrating that improvements along Burges Road would be proportional to the proposed development. As a result, all requirements for improvement along that right of way have been removed from the proposed findings and the cost estimate provided by the City Engineer has been reduced from \$103,125 to \$62,100. He then listed the amended conditions which included conditions, 17,18, 25,28, and 30.

Next, he stated that staff had received comments from Chris Koback, the appellant's attorney, on September 10, 2025, prior to the hearing. He asked the Commission if they had been able to review the comments received that day, and all members confirmed that they had reviewed the comments presented by Mr. Koback.

Director Bybee stated that staff did not have a response to the first, third, and fourth grounds for appeal. He explained staff's response to the comment regarding the staff reports having amended or modified findings and conclusions. Mr. Koback's restatement of the estoppel claim did not warrant additional staff comments, as it had already been addressed in the staff report with proposed findings sent on September 3, 2025. Lastly, staff's response to the comment regarding essential nexus was that

the staff report with proposed findings addressed both prongs of the constitutional exactions test, and further testimony provided by the City's engineer would explain the City's need for the required improvements in more detail.

Staff recommended the Planning Commission adopt the proposed amended findings as presented by staff, to be incorporated into the original staff decision for PA-25-0001.

c. Public Testimony

Chris Koback, representing the appellant, gave testimony. He stated that his client's application for a partition was not the first of its kind on the road and that past decisions did not have the same requirements as his client's. He explained that the conditions the City required were exactions and stated that, with a recent Supreme Court decision, exaction requirements also applied to monetary conditions.

He stated that there was a procedural problem in that they were appealing the original decision while the Williams received an amended decision, and he argued that he should be able to appeal the amended decision. He noted that the first decision did not include essential nexus but said he would address the estoppel argument. He stated that his client relied on over-the-counter statements from staff indicating that street improvements would not be needed. He claimed that staff did not deny this statement and pointed out that the City did not require improvements on Burgess Road but did require them on Pine. He questioned how the requirement could be mandatory if it was not applied consistently. He also explained that within City code section 15.90.080, the City had the authority to waive public improvements, meaning it was not a mandatory law.

He addressed the essential nexus claim, stating that it was not mentioned in the first decision. Once the decision was appealed, he said staff changed their position and added essential nexus, but he argued they did not address it correctly. He explained that the project would impact public interest but stated that the City fell short in its reasoning because it claimed the increase in trips constituted an impact, which he said past case decisions have shown is not an impact.

He asked the Commission if there were any safety concerns with the partition application that would warrant the imposed conditions. He stated that the City had given his clients the option to not complete the improvements by paying a fee in lieu. He explained that the City could defer improvements and claimed that if his client paid the fee in lieu, the improvements might not occur for 20 years since they were not a requirement for the partition.

Mr. Koback ran out of time, and Chair Myers allowed him to finish his testimony by granting additional time.

He stated that if his client's three-lot partition created enough impacts to require public improvements, then he questioned why this same requirement had not been applied to previous decisions.

He also explained the concept of rough proportionality and stated that traffic trips alone could not constitute an impact. He asked for clarification on the specific impact that would warrant the need to widen the street and questioned why, if such impacts existed, the improvements could be deferred through a fee in lieu.

Lastly, he addressed the issue of equal protection, referencing a past case that established similar situations could not be treated differently without a rational basis.

City Manager Wullschlager clarified that Mr. Koback had cited City Code 15.90.080(D) regarding the waiver of public improvements. He explained that the applicant did not pursue this option and instead appealed the imposition of the remonstrance waiver. Staff agreed with this and removed the waiver condition.

Chair Myers asked if there were any members of the public who wished to give neutral testimony. There was no neutral testimony.

Chair Myers then asked for parties who were in favor of the appeal.

Steven Williams, the appellant, stated that when partitions were allowed in the Cagle Subdivision, he had done his due diligence before investing in the properties. He said he had been told several times by City staff that the only required improvements would be sidewalks. He explained that he had confirmed this information with staff over the phone and again asked if any road improvements would be required for the three-parcel partition. He stated that the road requirements should be removed based on their legal rights as explained by his attorney, Mr. Koback. He concluded by asking the Commission to approve the appeal, stating that it was a moral decision.

Sara Williams the appellant, who lives on Astro Place in Bend, stated that she felt the issue was one of integrity. She explained her volunteer work with children and how she teaches them the importance of aligning actions with words. She shared that she and her husband were private developers using their retirement funds to pursue the partition and that one of the reasons they pursued legal action was to help future developers. She stated that the required road improvements would create financial hardship for them and emphasized the importance of government officials providing accurate information to the public.

Chair Myers asked for any persons in opposition to the application.

There were no persons that were in opposition.

Chair Myers asked for any agencies that would like to testify.

Tony Tirico with Anderson Perry explained that the roadways in La Pine required constant maintenance because they were constructed on volcanic ash. He stated that the gravel roads were not well supported due to the weak ash base, which caused the surface to shift frequently. He noted that even though all the roads in the Cagle subdivision had been recently graveled as part of the water and wastewater expansion project, the gravel was already beginning to sink into the ash.

He explained that ongoing maintenance issues included dust, which created visibility problems. He added that although Pine Drive was posted at 25 mph, he doubted the 85th percentile speed was 25 mph and believed drivers were traveling faster. He stated that the main way to address the dust problem was with water, but it was challenging for the city since it did not own a water truck.

He also explained that during the winter, snowplows pushed gravel off the roads, leaving less gravel in place by spring. He described the process of installing paved roads and stated that it was the City's goal to eventually have all roads in La Pine paved.

Chair Myers allowed the appellant a rebuttal argument.

Chris Koback, representing the appellants, stated that the issue raised by Mr. Tirico regarding the roads being built on volcanic ash was not the central concern. He explained that the real issue was whether his client's project created impacts significant enough to warrant the required improvements.

He stated that the decision would require his client to pay a fee in lieu, even though the City might not make any related improvements for up to 20 years. He questioned whether there was a legal justification for requiring his client to pay for an underlying condition that existed throughout the road system rather than for an impact directly caused by the partition. He added that system development charges (SDCs) were already intended to fund such improvements.

Chair Myers asked if staff had any closing comments.

Director Bybee stated that it had been mentioned that a traffic study was never required for this application. He confirmed that this was true, explaining that the partition did not meet the criteria that would trigger a traffic study. However, he clarified that this did not affect the criteria that were relevant to the appeal or the conditions being discussed in the hearing.

He pointed out that the staff report sent to the appellant's attorney included proposed amended findings. He clarified that staff never stated that the sending of the staff report itself would allow for new appeal grounds but that it provided relevant criteria and proposed amendments to findings and conditions.

Director Bybee explained that the history of the Cagle neighborhood had not yet been discussed during the hearing. He stated that the entire area consisted of gravel and dirt roads and had not been previously developed because the County had placed deed restrictions for groundwater protection. He explained that since the City had expanded water and sewer service, those deed restrictions were now nullified, allowing properties in the area to be divided. In the past, similar applications had not faced the same requirements, but the City was now working to establish consistent standards and procedures for requiring public improvements. He stated that other residentially zoned areas already had such requirements and that staff and legal counsel were moving forward with updates to the City's development standards through joint meetings and future projects. Until those updates were formally adopted, he explained that the City needed procedures and legal standing in place to ensure consistency.

He then described the timeline of events. Prior to the application being submitted, staff had informed the applicant that public improvements would not be required. After the application was submitted, the applicant visited City Hall to discuss the partition process and anticipated approval timeline, during which public improvement requirements were again mentioned as a possibility. A few months later, staff consulted with legal counsel and confirmed that the City had legal standing to require the improvements. Before the decision was issued, staff contacted the applicant to inform them that public improvements would be required as a condition of approval. Director Bybee stated that this was done to ensure the applicant could make an informed decision. At that time, if there was any misunderstanding of the requirements, staff had advised the applicant to seek guidance from a land use attorney.

He explained that the City's waiver criteria allowed for a deferral of improvements if specific conditions were met.

Lastly, he stated that if the Commission moved forward with adopting staff's amended findings, they should also include the engineer's findings in their final decision.

Chair Myers then asked the Commission if they had any questions for staff.

Vice Chair Poteet stated that he appreciated the appellant for sharing their story and noted, based on his professional background, the importance of maintaining a paper trail when signing contracts. He asked the appellant if they had documentation or a paper trail to support their statements.

Mr. Williams stated that he did not have emails from staff; however, he kept diligent notes from verbal discussions with City staff. He also mentioned that he had a phone conversation with staff and asked whether there was a recording of that conversation.

Ms. Williams stated that there were emails between various parties summarizing the conversations they had with City staff. She expressed appreciation for the summary provided by Director Bybee, which included information that had been given to the applicant prior to moving forward with their partition. She stated that moving forward, it was important that future applicants be notified beforehand of possible public improvement requirements. She added that if they had been aware of those requirements, they might not have proceeded with their investment.

Vice Chair Poteet commented on the comprehensive plan update process that had been ongoing for the past two years. He stated that there comes a point when new standards must be implemented and the City needs to move forward.

Director Bybee clarified that the comprehensive plan was adopted in June 2025, after the applicant had applied for the partition, and therefore any new criteria from the update could not be applied to this application. He also clarified for the Commission that this portion of the meeting was designated for questions from the Commission to Staff.

Commissioner Hatfield stated that she agreed with the appellant.

Director Bybee noted that the need for public improvement information had been communicated to the appellant prior to their purchase of the property.

There were no further questions, and Chair Myers asked for a motion to close the hearing.

Vice Chair Poteet moved to close the hearing and record for file A-25-0001 and commence deliberations.

Director Bybee explained that there was a motion on the floor that had not yet been seconded and that it needed to be amended to state A-25-0002.

Commissioner Bauman made a motion to amend the motion to close the hearing for file A-25-0002 and commence deliberations.

There was no discussion.

There was a vote:

Commissioner Hatfield – Aye

Chair Myers – Aye

Vice Chair Poteet – Aye

Commissioner Bauman – Aye

Due to not having a second for the amended motion, the vote did not stand and a second was required.

Commissioner Hatfield seconded the amended motion.

Chair Myers asked for a roll call vote:

Commissioner Hatfield – Aye

Chair Myers – Aye

Vice Chair Poteet – Aye

Commissioner Bauman – Aye

Motion passed unanimously.

Chair Myers asked if there was any discussion for the original motion, which had now been amended to state: close the hearing and record for file A-25-0002 and commence deliberations. *Vice Chair Poteet seconded the motion.* Chair Myers asked for a roll call vote:

Commissioner Hatfield – Aye

Chair Myers – Aye

Vice Chair Poteet – Aye

Commissioner Bauman – Aye

Motion passed unanimously.

c. Close Hearing

Chair Myers closed the hearing at 7:15 p.m.

There were no deliberations among the Planning Commission.

Director Bybee presented the three suggested motions.

Chris Kobak interjected that there needed to be a fourth option to approve the appeal.

The City's legal counsel suggested a motion to approve the appeal:

"I move to grant the appeal to remove all appealed conditions and direct staff to modify the original planning decision PA-25-0001 as the Planning Commission's final decision."

Commissioner Hatfield made a motion to grant the appeal to remove all appealed conditions and direct staff to modify the original planning decision PA-25-0001 as the Planning Commission's final decision.

There was not a second; the motion was dead.

Director Bybee recommended that the Commission deliberate.

There was discussion among the Commission regarding the hearing on the appeal of planning decision PA-25-0001. Chair Myers reiterated the timeline of the application process and the lack of a paper trail between the applicant and City staff. Commissioner Hatfield reiterated her stance that the appeal

should be upheld because the applicant stated they were told different information than what was included in the original decision. Commissioner Bauman stated that planning decisions must be made based on the current planning code regardless of past decisions.

Vice Chair Poteet moved to reject A-25-0002 and uphold the original planning decision.

City's legal counsel clarified the four suggested motions for the Commission.

Vice Chair Poteet withdrew his motion.

Commissioner Bauman made motion to adopt the amended findings as proposed by staff to be incorporated for final approval and to the original staff report for file PA-25-0001. *Vice Chair Poteet seconded the motion.* There was no discussion, Chair Myers asked for a roll call vote:

Commissioner Bauman – Aye

Vice Chair Poteet – Aye

Commissioner Hatfield – Nay

Chair Myers - Aye

3 Ayes 1 Nay; motion passed with majority vote.

Chair Myers explained the process after the motion approval.

Chair Myers called a recess and to be back at 7:47 p.m.

2. A-25-0001, Williams

a. Open Public Hearing

Chair Myers explained the hearing procedure. Chair Myers asked the Commission if they had any conflict of interest, or bias. The Commission unanimously said no. Chair Myers asked the public if there were any challenges to the Commission's lack of bias or conflict of interest. There were no challenges from the public. She asked the public if there were any procedural objections, there were no objections.

Chair Myers opened the public hearing at 7:54 p.m.

b. Application Documents

Community Development Director Bybee presented the staff report for application file PA-25-0004. He gave a background on the property which he stated that this application is for a three-parcel partition submitted April 30th, 2025, it was deemed incomplete May 13th, 2025, and then deemed complete May 15th, 2025. He explained that the partition application received approval on August 20th, 2025, and an appeal application was received August 26th, 2025.

He stated that this public hearing was adequately noticed with a mailing date on August 27th, 2025, and a notice posted in the Bend Bulletin on August 31st, 2025.

He explained the appeal process and the appellant's grounds for appeal, which included estoppel, lack of essential nexus for exaction of property and improvements, waiver of right to remonstrate, and equal protection. He then presented staff's response to each ground for appeal. Regarding estoppel,

he stated that reliance on over-the-counter staff representations during a property purchase due diligence period was not relevant to, nor binding upon, the City. He also stated that City staff had issued no written advice, nor had an application been submitted. Therefore, the City was not bound by the doctrine of estoppel and lacked the authority to waive mandatory code requirements in the appeal.

Staff's response to the equal protection claim addressed the appellants' argument that the City's criteria were regularly applied differently to different applications. He stated that the appellant made no showing of impermissible unequal treatment, resulting in the equal protection claim failing.

Regarding the appellant's claim about the waiver of remonstrance, it was stated that the City was "double dipping" by requiring either construction of public improvements or a fee in lieu, and a waiver of remonstrance. Director Bybee stated that the applicant did not submit evidence with their application demonstrating compliance with the conditions listed in the La Pine Development Code, which allows the City to provide a waiver as an option to the developer. Thus, the proposed amended findings removed the waiver of remonstrance as a condition of approval.

He also explained staff's response to the appellant's claim of lack of essential nexus for exaction of property and improvements. He provided examples from the La Pine Development Code, the La Pine Transportation System Plan, and the 2016 Standards and Specifications development provisions. With these examples, he concluded that legitimate governmental interests would be substantially impeded by the impacts of the proposed partition, and that the lack of improvements would undermine a fair and balanced transportation system. He stated that Elm Street upgrades were needed to maintain roadway function and that an essential nexus existed between the governmental interests and the imposed conditions.

Lastly, he explained the rough proportionality analysis and the impacts of the partition. He stated that there were currently ten dwellings located on Elm Drive, which equated to fifty average daily trips (ADTs). The proposed partition would increase the number of dwellings, resulting in an additional fifteen ADTs for three single-family homes or thirty ADTs for three duplexes. This would represent a 30–60% increase in ADTs on Elm Street. He added that the increase in foot traffic would also necessitate the need for safe sidewalks and ADA access.

The required improvements for the partition included a right-of-way dedication, improvements consisting of two eleven-foot travel lanes, a seven-foot parking lane, eight feet of landscaped swale with six street trees, and a six-foot sidewalk. He stated that the applicant's options were to either construct the improvements or pay a fee in lieu. He concluded by listing the amended conditions.

Staff received comments from Chris Koback on September 10, 2025, prior to the hearing. Director Bybee summarized the comments submitted by the appellant's attorney and explained staff's response. He recommended that the Planning Commission adopt the proposed amended findings as presented by staff to be incorporated into the original staff decision for PA-25-0004.

c. Public Testimony

Chair Myers opened the public testimony and asked if anyone would like to incorporate their testimony from the first hearing into the second hearing.

Chris Koback, representing the appellants, stated that he would like to incorporate his past testimony from the first hearing into the second hearing. Additionally, he requested that his written testimony be submitted for both appeals. Mr. Koback reiterated his client's grounds for appeal and addressed the concerns raised by the Commission during the first hearing.

Chair Myers then called for any agency testimony.

Tony Tirico with Anderson Perry stated that he would like to incorporate his testimony from the first hearing.

Chair Myers asked for neutral parties to testify; there were none.

Chair Myers then asked for testimony in support.

Mr. Williams requested to incorporate his past testimony. He thanked Commissioner Hatfield for being in favor of the appellant and addressed the other two Commissioners, stating that the applicants were not informed upfront of the public improvement charges. He added that the rule should be applied to future applicants to ensure they are told in the beginning, and that the current appeals should be approved since the appellants were not informed of the public improvement fees.

Ms. Williams added that the Commission's claim of an inadequate paper trail was incorrect. She stated that there was adequate documentation and that a paper trail is only relevant if there is a factual dispute. She reiterated the timeline of events and stated that making a policy change in the future would be beneficial to ensure applicants receive accurate information from the start. She expressed the financial hardships of applicants getting wrong information from public officials. She explained the moral grounds of their situation and for future applicants to be informative of the costs.

Director Bybee stated that he would like to incorporate his testimony from the first hearing.

Commissioner Bauman asked the appellant if they submitted both applications at the same time.

Mr. Williams stated that he had submitted one application for Pine, which was deemed incomplete. He explained that he then submitted both the Elm and Pine applications at the same time and they were approved.

d. Close Hearing

Vice Chair Poteet made a motion to close the hearing and record for file A-25-0001 and commence deliberations. *Commissioner Bauman seconded the motion.* Chair Myers asked for a roll call vote:

Commissioner Hatfield – Aye

Chair Myers – Aye

Vice Chair Poteet – Aye

Commissioner Bauman – Aye

Motion passed unanimously.

Chair Myers closed the hearing at 8:31p.m.

Vice Chair stated that he has the same decision as the previous hearing.

Commissioner Bauman stated that she is going by the facts and has the same decision as the previous hearing.

Commissioner Hatfield echoed the other commissioner's statements and had the same decision as the previous public hearing.

Chair Myers stated that she would have liked to see a paper trail of the claims from the appellant.

Chair Myers read aloud the four suggested motions for the Commission.

Vice Chair Poteet moved to adopt the proposed amended findings as proposed by staff being incorporated for final approval into the original staff report for PA-25-0004. *Commissioner Bauman seconded the motion.* There was no discussion. Chair Myers asked for a roll call vote:

Commissioner Bauman – Aye

Vice Chair Poteet – Aye

Chair Myers – Aye

Commissioner Hatfield – Nay

3 Ayes and 1 Nay; motion passed with a majority vote.

Chair Myers explained the process after the approval of the motion.

OLD BUSINESS

None

NEW BUSINESS

1. Long Range Planning Update

Director Bybee updated the Commission on long-range planning, which included the Cagle Infill Development Plan and the Community Development Code Update. He provided an update on the Transportation System Plan Update and stated that it was on hold due to the Transportation and Growth Management (TGM) grant funded by ODOT and the delay in response time from ODOT staff.

He announced that the City was awarded the Excellence in Planning – Small Jurisdiction award from the American Planning Association Oregon Chapter (OAPA) for the Comprehensive Plan Update, La Pine 2045, and stated that he would be accepting the award at the annual conference.

He reminded the Commission of the land use code update project and informed them of the upcoming workshops with the City Council to improve building and land use standards. Lastly, he stated that now that the Comprehensive Plan had been adopted, applications for land use would also be adopted to reflect the changes.

2. Current Planning Update

Associate Planner Tierney gave an update on current planning, which included Type I applications for zoning permits. Type II applications included AutoZone, partitions in the Cagle subdivision, and a 9-lot subdivision. Type III included Starbucks, and he informed the Commission that the project currently had a building permit, which was why equipment was on the property, and construction was expected to begin soon. He added that a pre-construction meeting with Public Works was still required.

OTHER MATTERS

There were no other matters.

PUBLIC COMMENTS

There were no public comments.

STAFF AND COMMITTEE COMMENTS

Director Bybee informed the Commission that there can be a debrief of the meeting at a later date.

Associate Planner Tierney did not have any comments.

City Recorder Metcalf did not have any comments.

Chair Myers did not have any comments.

Vice Chair Poteet did not have any comments.

Commissioner Hatfield did not have any comments.

Commissioner Accinelli did not have any comments.

ADJOURN

Vice Chair Poteet made a motion to adjourn the meeting. *Commissioner Hatfield seconded the motion.*

Chair Myers asked for a roll call vote:

Commissioner Hatfield – Aye

Chair Myers – Aye

Vice Chair Poteet – Aye

Commissioner Bauman – Aye

Motion passed unanimously.

Chair Myers adjourned the meeting at 8:45 p.m.

Date: _____

Teri Myers, Chair

ATTEST:

Date: _____

Amanda Metcalf, City Recorder

Sign-In Sheet for the City of La Pine Public Hearing

Date: 9/10/25

Meeting Location: City Hall- La Pine, OR

Request: Williams

File No(s): A-25-0001

Name (Required)	Mailing Address (Required)	Email/Phone (Optional)	Position (Required)
Stephen Steven Williams	19781 Astro Pl. Bend, OR 97702		☒ Support ☐ Opposition ☐ Neutral
Sarah Williams	19781 Astro Pl. Bend, OR 97702		☒ Support ☐ Opposition ☐ Neutral
			☐ Support ☐ Opposition ☐ Neutral
			☐ Support ☐ Opposition ☐ Neutral
			☐ Support ☐ Opposition ☐ Neutral
			☐ Support ☐ Opposition ☐ Neutral

Sign-In Sheet for the City of La Pine Public Hearing

Date: 9/10/25

Meeting Location: City Hall - La Pine, OR

Request: Williams

File No(s): A-25-0002

Name (Required)	Mailing Address (Required)	Email/Phone (Optional)	Position (Required)
Stephen Williams	19781 Astro Pl Bend, OR 97702		☒ Support ☐ Opposition ☐ Neutral
Sarah Williams	19781 Astro Pl Bend, OR 97702		☒ Support ☐ Opposition ☐ Neutral
			☐ Support ☐ Opposition ☐ Neutral
			☐ Support ☐ Opposition ☐ Neutral
			☐ Support ☐ Opposition ☐ Neutral
			☐ Support ☐ Opposition ☐ Neutral



**CITY OF LA PINE PLANNING DIVISION
PROPOSED DEVELOPMENT CODE AMENDMENTS**

DATE: October 29, 2025

FILE NUMBER: TA-25-0001

**APPLICANT/
OWNER:** Oregon 97 Investments LLC
C/O MAA Group LLC
2095 Fairmont Blvd
Eugene, OR 97403

REQUEST: The applicant requested a development code text amendment to *Article 6 – Special Use Standards, Chapter 15.108 – Special Use Standards – Non- Residential Uses, Section 15.108.020 – Campgrounds and recreational vehicle parks*, subsection B.2, as follows (where underling is the added language):

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

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

STAFF CONTACT: Brent Bybee, Community Development Director
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I. APPLICABLE CRITERIA:

PART III – CITY OF LA PINE DEVELOPMENT CODE

ARTICLE 7 – PROCEDURES

CHAPTER 15.204. – APPLICATION PROCEDURES

ARTICLE 8 – APPLICATIONS AND REVIEWS

CHAPTER 15.334. - TEXT AND MAP AMENDMENTS

OREGON REVISED STATUTES

CHAPTER 197 COMPREHENSIVE LAND USE PLANNING

ORS 197.610 - Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development.

II. FINDINGS

PART III – CITY OF LA PINE DEVELOPMENT CODE

ARTICLE 7 – PROCEDURES

CHAPTER 15.204. – APPLICATION PROCEDURES

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

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

FINDING: The current request was initiated by an applicant, and is not subject to the 120-day review period under ORS 227.178. Criteria met.

B. *Application requirements.*

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

FINDING: The applicable form was filled out by the applicant and submitted for the proposal. All information requested on the application form was provided. A map or plan is not applicable towards the code amendments that are proposed. The request was initiated by Oregon 97 Investments LLC, and the applicable fee was submitted. This staff report and submitted narrative statement demonstrate compliance with the approval criteria. A neighborhood contact meeting is not required in accordance with LPDC Sec. 15.202.050. Criteria met.

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

1. *The city planning official shall notify in writing the Oregon Department of Land Conservation*

and Development (DLCD) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) at least 35 days before the first public hearing at which public testimony or new evidence will be received. The notice shall include a DLCD certificate of mailing.

2. *At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any zone change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:*
 - a. *Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one comprehensive plan land use designation to another); see ORS 227.186 for instructions;*
 - b. *Any affected governmental agency;*
 - c. *Any person who requests notice in writing; and*
 - d. *For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.*
3. *At least ten days before the scheduled city council public hearing date, public notice shall be published in a newspaper of general circulation in the city.*
4. *For each mailing and publication of notice, the city planning official shall keep an affidavit of mailing/publication in the record.*

FINDING: The above criteria addresses additional noticing requirements for proposals in accordance with ORS 227.1754. Notice was provided to DLCD on October 1, 2025, which is 35 days before the initial hearing on November 5, 2025. Subsection 2 does not apply to the request, as this is not an application for rezoning as defined in ORS 227.186. Newspaper notice was published in the Bend Bulletin on October 26, 2025, meeting the 10-day notice requirement. Criteria met.

- D. *Final decision and effective date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance or, if not approved, upon mailing of the notice of decision to the applicant. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the department of land conservation and development within 20 business days after the city council decision is filed with the city planning official. The city shall also provide notice to all persons as required by other applicable laws.*

FINDING: Once a final decision has been rendered by the City Council, notice shall be mailed to the applicant, participants of record, and DLCD within 20 days. Notice shall also be provided to all other persons as required by other applicable laws.

ARTICLE 7 – PROCEDURES

(*)**

CHAPTER 15.334. - TEXT AND MAP AMENDMENTS

Sec. 15.334.010. - Purpose.

The purpose of this chapter is to provide standards and procedures for legislative amendments to the comprehensive plan and map and to this Development Code and zoning map. Amendments may be necessary from time to time to reflect changing community conditions, to correct mistakes, or to address changes in the law.

Sec. 15.334.020. - Applicability.

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

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

FINDING: As proposed, the applicant is applying for a text amendment to the Development Code. Therefore, the amendment is legislative in nature, and is being processed through the legislative procedures.

B. Amendments to the comprehensive plan and/or zoning map (zone change) that do not meet the criteria under subsection A may be processed as quasi-judicial amendments. However, the distinction between legislative and quasi-judicial changes must ultimately be made on a case-by-case basis with reference to case law on the subject.

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

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

FINDING: The current request was initiated by an applicant, not the Planning Commission, or City Council. Regardless, the proposal will be reviewed without prejudice towards the outcome. Criteria met.

Sec. 15.334.030. - Procedure type.

- A. Legislative amendments are subject to Type IV review in accordance with the procedures in article 7.*
- B. Quasi-judicial amendments are subject to Type III review in accordance with the procedures in article 7, except that quasi-judicial comprehensive plan amendments and zone changes which must be adopted by the city council before becoming effective.*

FINDING: As discussed previously, the proposal is for a legislative amendment. Therefore, the Type IV review

procedures apply, and the proposal is being processed in accordance with the procedures outlined in Article 7. Criteria met.

Sec. 15.334.040. - Approval criteria.

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

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

FINDING: The criteria above requires that any proposed development be consistent with the comprehensive plan. Staff has individually addressed consistency for each goal below.

Chapter 1 – Community Characteristics

FINDING: Staff finds that the proposed text amendment supports the community’s long-term goal of balancing economic development with livability. Allowing RV parks and campgrounds near arterials and collectors promotes tourism—identified in Chapter 1 as a desired growth sector—while preserving residential character and compatibility by restricting access points away from interior local streets. The amendment aligns with the intent to provide opportunities for tourism and services without compromising the small-town atmosphere and livability that are central to La Pine’s identity. Therefore, the proposal is consistent with Chapter 1 of the Comprehensive Plan.

Chapter 2 – Citizen Involvement Program

FINDING: The City finds that the proposal was processed in accordance with the adopted procedures for citizen involvement, including public notice, opportunity for testimony, and review by the Planning Commission as the City’s designated Citizen Advisory Committee. These procedures implement Goal 1. Therefore, the proposal is consistent with Chapter 2 and Statewide Planning Goal 1.

Chapter 3 – Agricultural Lands

FINDING: The proposed text amendment applies to lands within the City’s Urban Growth Boundary and does not affect agricultural lands. Therefore, this chapter is not applicable.

Chapter 4 – Forest Lands

FINDING: No forest-designated lands are affected by the proposed text amendment. This chapter is not applicable.

Chapter 5 – Natural Resources and Environment

FINDING: The applicant states that this chapter, which addresses natural resources, environmental quality, and natural hazards, is not relevant to the proposal. The amendment is procedural and does not authorize development in sensitive resource areas. Any future development will remain subject to natural resource protection standards and hazard mitigation requirements in the Development Code. Accordingly, the proposal

does not conflict with the intent of this chapter and is consistent with Chapter 5.

Chapter 6 - Parks, Recreation, and Open Space

FINDING: The proposal does not alter the City's park, recreation, or open space policies or designations. Therefore, this chapter is not applicable.

Chapter 7 – Public Facilities and Services

FINDING: The applicant states that only the transportation system could be affected, and the amendment limits potential access to local streets meeting City standards and not crossing through residential zones. The City finds that the proposal maintains consistency with the public facility and service provisions of the Comprehensive Plan. The amendment continues to rely on City standards for roadway capacity and access management, ensuring that future RV park proposals will be adequately served without burdening residential streets. Therefore, the proposal is consistent with Chapter 7 and Goal 11.

Chapter 8 – Transportation

FINDING: The applicant notes that the amendment would only allow access via local street segments that meet City standards and do not cross through residential zones, maintaining the intent of existing transportation policies. The proposed amendment continues to direct higher-intensity traffic toward arterial and collector routes, consistent with Goal 12 and the Transportation System Plan. Limiting access to local streets within 200 feet of an arterial or collector, and only where streets meet City standards, ensures that local circulation patterns and safety are maintained. Therefore, the proposal is consistent with Chapter 8 and Goal 12.

Chapter 9 – Economy

FINDING: The applicant notes that tourism is identified as a target industry and a major employment sector in the region. The amendment promotes tourism-related economic activity while maintaining the small-town character of La Pine. The City finds that the amendment supports Goal 9 by encouraging local economic growth within a target sector—tourism and recreation—identified in the Comprehensive Plan. The standards limiting access to streets near arterials or collectors preserve community character while enabling economic opportunity. Therefore, the amendment is consistent with Chapter 9 and Goal 9.

Chapter 10 – Housing

FINDING: The applicant states that the proposal will not impact the availability of residential lands or housing opportunities, nor adversely affect residential areas. The City finds that the amendment applies to commercial and mixed-use development standards, not residential zoning. It includes safeguards to prevent impacts on housing areas by excluding residential streets from allowable access routes. The proposal neither diminishes housing supply nor affects affordability. Therefore, it is consistent with Chapter 10 and Goal 10.

Chapter 11 – Energy Conservation

FINDING: The applicant states that the chapter's policies related to residential density and design are not relevant to this proposal. The amendment does not alter development patterns or density. Any indirect impacts on travel efficiency will be mitigated through existing transportation and design review standards. Therefore, this chapter is not applicable.

Chapter 12 – Urbanization

FINDING: The applicant states that this chapter provides guidance for growth management within the UGB but contains no specific provisions relevant to the proposed amendment. The City finds that the amendment applies within the existing city limits and does not alter the urban growth boundary, land supply, or sequencing of urban services. It supports efficient urban land use by allowing additional flexibility for compatible commercial recreation uses on appropriately located parcels. Therefore, the proposal is consistent with Chapter 12 and Goal 14.

B. The proposal must be found to:

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

FINDING: In accordance with the above criteria, the amendment must be found to meet one of the above subsections. In the narrative submitted for review, the applicant linked to subsections 1 & 2 for compliance, they state in the narrative:

Be in the public interest with regard to community conditions

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

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

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

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

Respond to changes in the community

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

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

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

Staff acknowledges the first point in that RV Parks and Campgrounds within the community would be in the public's interest with regard to community conditions. Recreation within the community is a major value amongst citizens, and feeds into the tourism industry of the area. As they state, the proposed text amendment would not create RV and Campground uses in areas that do not allow them currently, but would only provide an exception to the access standards in zones that they are permitted. Providing this exception would expand the availability of lands within the City for these types of uses, providing further opportunity for tourism and a contribution towards the local economy.

Staff does not acknowledge however that the code change would be responding to changes in the community. Then applicants justification regarding the sale of ODOT land does not justify the need for an exception to the access standards for RV Parks and Campgrounds.

Since the proposal meets one of the above subsections, criteria met.

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

FINDING: The above criteria requires compliance with LPDC 15.344.050, which addresses transportation planning rule compliance (OAR 660-012-0060). The applicant submitted a Transportation Analysis with their application which addresses the criteria of OAR 660-012-0060. Within the analysis they provide the following responses:

(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);

Response: Access to an RV park from a local street would not change the functional designation of a road. As previously documented with the Zone Change on Roseland Road, an RV park is a less intense use than most other outright allowable uses within the CMX zoning. Therefore, the allowance of access onto a local street would not permit a higher trip generation rate than would otherwise be supported within Commercial and/or Mixed-use zoning. The City of La Pine (and Deschutes County) functional classification system is primarily based on connectivity and Average Daily Trips (ADT); the specific location of an access to a road does not change its functional classification. This is particularly the case at Rosland Road when the locally-classified portion of the road contains the same physical cross-section as the adjacent Collector-classified portion.

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

Response: The proposed text amendment does not change any of the standards applied by La Pine (or Deschutes County); this criterion does not apply.

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection. If a local government is evaluating a performance standard based on projected levels of motor vehicle traffic, then the results must be 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;

Response: The access onto Rosland Road and other local roads from Commercial and/or Mixed-use zones are permitted to support a range of uses that include higher-intensity uses than an RV Park, such as eating and drinking establishments, as well as uses that involve similar (large) truck trips, such as a self-storage facility. Accordingly, the text amendment does not change the levels of travel or even the types of travel that might occur on local streets.

While the proposed text amendment is not specific to Rosland Road, the proposed allowance of the RV park does not change the types of travel, it does not change the access policies related to Rosland Road (or other local roads), and the use of Rosland Road (and other local roads) and intensity of trips would remain consistent with the functional classification and the physical design of the streets (regarding Rosland, it is the same both east and west of Drafter Road despite the change in functional classification).

(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

Response: As previously noted, there are more intense uses permitted outright within the Commercial and/or Mixed-Use zoning district that would generate more trips than an RV park. Allowing the RV park access onto local roads, such as Rosland Road does not result in any system degradation.

(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.

Response: Similarly, as the RV Park is a less intense use than other outright permitted uses within the Commercial and/or Mixed-Use zoning districts there is no degradation in the performance of existing or planned facilities that are forecast to operate acceptably or unacceptably in the horizon year of the TSP. Specific to the planned RV park and Rosland Road, our team is aware of the concerns related to US 97 access. Other transportation mitigation measures have been proposed to help address operations at the US 97/Rosland Road intersection, though as a less intense use, within the comparative assessment for the TPR, these are not applicable to the proposed text amendment.

FINDING: As demonstrated, the proposal would not change the functional classification of a road, it would only extend a permitted use for a certain distance on a lesser classification road. The changed standard also does not change any of the standards applied by La Pine or Deschutes County. The proposed code amendment would allow RV Parks and Campgrounds on roads not classified as an arterial or collector street, so long as the access point is within 200 feet of an arterial or collector. Therefore the levels of travel would not be inconsistent with the functional classification of any other street. Furthermore, the text amendment would require all roads serving the use that would connect it to an arterial or collector street to be build to city standards, as outlined in the TSP, and the performance would not be degraded for an existing or planned transportation facility. The request complies.

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

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

FINDING: The proposal does not involve a quasi-judicial zone change, therefore the criteria does not apply.

Sec. 15.334.050. - Transportation planning rule compliance.

Proposals to amend the comprehensive plan or zoning map shall be reviewed to determine whether they significantly affect a transportation facility pursuant to OAR 660-012-0060 (Transportation Planning Rule - TPR). Where the city, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the city shall work with the

roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

FINDING: As addressed in previous findings, the request complies with the transportation planning rule. Criteria met.

Oregon Revised Statutes

Chapter 197 Comprehensive Land Use Planning

197.610 Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development; rules.

(1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.

FINDING: The City submitted notice to the Department of Land Conservation and Development (DLCD) on October 1, 2025. Public notice was published in the Bend Bulletin on October 26, 2025.

(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline.

FINDING: The city has not determined that emergency circumstances require an expedited review, and the applicable deadlines will be met. The criterion does not apply.

(3) Submission of the proposed change must include all of the following materials:

- (a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;*
- (b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;*
- (c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;*
- (d) The date set for the first evidentiary hearing;*
- (e) The form of notice or a draft of the notice to be provided under ORS 197.763, if applicable; and*

- (f) Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.*

FINDING: The October 1, 2025, submission to DLCD included a brief narrative summarizing the proposed changes, the date for the first evidentiary hearing, and a draft public notice including information regarding the availability of a final staff report.

- (4) The director shall cause notice of the proposed change to the acknowledged comprehensive plan or the land use regulation to be provided to:*

- (a) Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and*
- (b) Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.*

FINDING: Public notice of the proposed hearing was provided in the Bend Bulletin, made available to interested parties, and posted on the City of La Pine Community Development website. The proposal complies.

- (5) When a local government determines that the land use statutes, statewide land use planning goals and administrative rules of the commission that implement either the statutes or the goals do not apply to a proposed change to the acknowledged comprehensive plan and the land use regulations, submission of the proposed change under this section is not required.*

FINDING: The local government finds that the proposed text changes are editorial in nature, are intended to make County Code consistent with State law and provide clarity to the public. The proposed changes are supportive of Goal 1 (Citizen Involvement) by clarifying intent and removing improper citations. No other statutes or goals apply.

The proposed code changes are shown in Attachment A.

III. RECOMMENDATION: The Planning Department recommends that the Planning Commission review the proposed code changes and make a recommendation to the City of La Pine City Council to adopt the proposed Code edits or to adopt the proposed Code edits with changes.

Respectfully,



Brent Bybee, Community Development Director
City of La Pine Community Development

Attachment A: Proposed code changes

Attachment - A

PART III - CITY OF LA PINE DEVELOPMENT CODE

(***)

Article 6 – SPECIAL USE STANDARDS

(***)

CHAPTER 15.108. – SPECIAL USE STANDARDS – NON-RESIDENTIAL USES

(***)

Sec. 15.108.020. – Campgrounds and recreational vehicle parks.

- A. *Applicability.* Campgrounds allow for transient (nonresidential) use. These standards apply to campgrounds in all zones where they are permitted.
- B. *Site design standards.*
 - 1. Minimum lot area shall be two acres.
 - 2. Access to the site shall be from an arterial or collector street, **except that access to the site may be taken from a local street, when:**
 - a. **The local street connects to an arterial or collector street, within 200 feet of the primary access point;**
 - b. **The local street connection to the arterial or collector street does not pass through any residential zone; and**
 - c. **The local street connection to the arterial or collector street is constructed to City Standards.**
 - 3. Except for the access roadway into the campground, the campground shall be screened on all sides by a sight obscuring fence not less than six feet in height, unless otherwise approved by the city.
 - 4. Drainage of increased stormwater runoff caused by the development shall be managed so as to prevent ponding, accelerated erosion, or flooding of adjacent properties and roads.
 - 5. No tent, camp site, or buildings shall be located within 50 feet of a neighboring lot line.

6. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the campground and located in such number and of such capacity that there is no uncovered accumulation of trash at any time.
7. The space provided for each recreational vehicle shall not be less than 700 square feet exclusive of any space used for common areas such as roadways, general use structures, walkways, parking spaces for vehicles other than recreational vehicles and landscaped areas.
8. A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide for the control of runoff of surface water. The part of the space, which is not occupied by the recreational vehicle, not intended as an access way to the recreational vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.
9. A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.
10. A recreational vehicle space shall be provided with electrical service.
11. The total number of parking spaces in the campground, except for the parking provided for the exclusive use of the manager or employees of the campground, shall be one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
12. The campground shall provide toilets, lavatories and showers for each sex in the following ratios: For each 15 recreational vehicle spaces or any fraction thereof, one toilet, one urinal, one lavatory and one shower for men; two toilets, one lavatory and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
13. The campground shall provide one utility building or room containing one clothes washing machine, one clothes drying machine and 15 square feet of space for clothes drying lines for each ten recreational vehicle spaces or any fraction thereof, unless such facilities are available within a distance of three miles and are adequate to meet these standards.

C. *Use standards.*

1. No recreational vehicle shall remain in the campground for more than 30 days in any 60-day period.
2. Required building spaces shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of 68 degrees Fahrenheit, shall have floors of waterproof material, shall have sanitary ceiling, floor and wall surfaces and shall be provided with floor drains adequate to permit easy cleaning.
3. A neat appearance shall be maintained at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the campground or to any guest of the park.
4. Evidence shall be provided that the campground will be eligible for a certificate of sanitation as required by state law.

STAFF ANALYSIS: After reviewing a recent zoning permit for the change of ownership of one of the City's RV parks, staff determined the need to update the code to make it explicitly clear that all standards apply to campgrounds and recreational vehicle parks. ORS 197.493.1.b.A also explicitly prohibits that there may not be any imposed limit on the length of occupancy of an RV as a residential dwelling, thus the 30-day stay limit was removed.