



Oregon

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February 10, 2011

TO: Land Conservation and Development Commission

FROM: Richard Whitman, Director  
Jon Jinings, Community Services Specialist  
Karen Swirsky, Central Oregon Regional Representative

SUBJECT: **Agenda Item 10, March 3, 2011 LCDC Meeting**

**DEPARTMENT REPORT AND RECOMMENDATION: REQUEST FOR ACKNOWLEDGMENT OF THE CITY OF LA PINE COMPREHENSIVE PLAN**

**I. AGENDA ITEM SUMMARY**

**A. Type of Action and Commission Role**

The matter before the Land Conservation and Development Commission (LCDC or commission) is a request from the City of La Pine for the commission's acknowledgment of its comprehensive plan, plan map, and urban growth boundary. Acknowledgment review is governed by the procedures in ORS 197.251, Oregon Administrative Rules (OAR) that implement ORS 197.251, and OAR Chapter 660, Division 003 *Procedure for Review and Approval of Compliance Acknowledgment Request*.

This report provides a review of the record submitted by the City of La Pine. The purpose of the commission hearing is to review the department's analysis and recommendations, to hear testimony from persons who submitted comments or objections to the city's submittal, and to decide what actions to take in response to the request.

The commission may do one of the following pursuant to ORS 197.251(1):

- (a) Grant acknowledgment of the request as submitted;
- (b) Deny acknowledgment of the request as submitted; or
- (c) Grant acknowledgement of part of the request and continue acknowledgment of the remainder subject to a compliance schedule approved by the commission.

## **B. Staff Contact Information**

If you have questions about this report or the city's request for acknowledgment compliance, please contact DLCDC Community Services Specialist Jon Jinings at (541)318-2890 or [jon.jinings@state.or.us](mailto:jon.jinings@state.or.us).

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## **II. SUMMARY OF RECOMMENDED ACTION**

The department recommends that the commission acknowledge the La Pine Comprehensive Plan as being in compliance with the following Statewide Planning Goals:

- Goal 1 – Citizen Involvement
- Goal 3 – Agricultural Lands
- Goal 4 – Forest Lands
- Goal 6 – Air, Water, and Land Resources Quality
- Goal 8 – Recreational Needs
- Goal 9 – Economic Development
- Goal 11 – Public Facilities and Services and
- Goal 13 – Energy Conservation

The department recommends that the commission direct the city and the department to continue to work together to establish a reasonable schedule for compliance with Goals 2, 5, 7, 10, 12, and 14. The department recognizes the tremendous effort that the La Pine community has invested in preparing its first comprehensive plan and recognizes the importance of the plan as a foundation for the city's future. This report outlines the fundamental work remaining for the City of La Pine to fully comply with the Goals and recommends that the city and the department work together toward the commission's acknowledgment of a successful comprehensive plan.

## **III. BACKGROUND**

### **A. Purpose of Acknowledgment**

The overall purpose of acknowledgment review is to determine whether an Oregon community's initial comprehensive plan, land use regulations, and plan or regulation amendments comply with the Goals and with state laws that implement the goals. (ORS 197.251(1) and OAR 660-003-0005(1)). The Goals provide a framework within which to carefully consider the future of each Oregon community and to coordinate investment and development within each community and each region of the state. The acknowledgment process provides a formal opportunity for review of a community's initial comprehensive plan among interested parties at the local, regional and state level.

### **B. Local Actions**

OAR 660-014-0010(4) requires that a city submit its comprehensive plan and implementing land use ordinances to the commission for acknowledgment review within four (4) years of the city's incorporation. Both the city and county must adopt findings supporting the comprehensive plan, the city's initial UGB and its comprehensive plan map. (Goal 14, OAR 660-024-0020(2)). The following provides the timeline of city actions during the four-year window:

- The City of La Pine incorporated on December 7, 2006.

- The city held its first evidentiary hearing on the proposed comprehensive plan on October 13, 2009.
- The city council adopted La Pine’s first comprehensive plan and plan map on March 10, 2010.
- Deschutes County co-adopted the La Pine Comprehensive Plan on April 5, 2010.
- The city submitted its notice of city adoption for the plan and the plan map to the State of Oregon on August 14, 2010.

The city is submitting its comprehensive plan in two-phases. This first phase addresses La Pine’s comprehensive plan, plan map, and urban growth boundary (UGB). La Pine has not yet submitted a complete set of implementing land use regulations. A second phase will address the city’s land use regulations and zoning map.

On January 11, 2010, Deschutes County submitted notice of a post-acknowledgment plan amendment to designate a UGB for the City of La Pine, adopt findings for the comprehensive plan and UGB, and adopt legislative amendments to County Development Code Chapter 23.48 Urbanization. The county adopted the La Pine plan, UGB, and plan amendments on April 5, 2010, and submitted a notice of adoption to the department on April 8, 2010. The city adopted its UGB and plan on March 10, 2010, and submitted a notice of adoption to the department on August 14, 2010.

#### **IV. REVIEW CRITERIA, PROCESS AND RECORD**

##### **A. Standard of Review**

Upon the request of a local government, the commission shall, by order, grant, deny, or continue acknowledgment of compliance of comprehensive plan and land use regulations with the goals. (ORS 197.251(1)) The standard of review for goal compliance is provided in ORS 197.747. A comprehensive plan, or any element thereof, must be acknowledged “in compliance with the goals” if it meets all of the following criteria:

1. It conforms on the whole to the purposes of the goals;
2. It meets the goal requirements, or, if it fails to comply with the requirements of the goal, that failure is technical or minor in nature; and
3. It conforms to the implementing rules for the goals, if there are any, or, if it fails to comply with the rules, that failure is technical or minor in nature.

##### **B. Decision-Making Criteria**

ORS 197.251(2) requires the commission to determine whether the comprehensive plan and land use regulations for which acknowledgment is sought are in compliance with Statewide Planning Goals. The applicable goals for La Pine are Goals 1 through 14. (See Section IV A Standard of Review.)

Commission rules in OAR Chapter 660 that implement and interpret the applicable goals:

- Division 3: Procedure for Review and Approval of Compliance Acknowledgment Request

- Division 6: Forest Lands
- Division 8: Interpretation of Goal 10 Housing
- Division 9: Economic Development
- Division 11: Public Facilities Planning
- Division 12: Transportation Planning
- Division 14: Application of the Goals to Newly Incorporated Cities, Annexation, and Urban Development on Rural Lands
- Division 23: Requirements and Application Procedures for Complying with Statewide Goal 5
- Division 24: Urban Growth Boundaries
- Division 33: Agricultural Lands
- Division 34: State and Local Park Planning

(See Section V: Department Analysis.)

In addition to these statutes, goals, and rules, ORS 197.010(1) and (2) provide additional legislative land use policy objectives:

*197.010 Policy. The Legislative Assembly declares that:*

*(1) In order to ensure the highest possible level of livability in Oregon, it is necessary to provide for properly prepared and coordinated comprehensive plans for cities and counties, regional areas and the state as a whole. These comprehensive plans:*

*(a) Must be adopted by the appropriate governing body at the local and state levels;*  
*(b) Are expressions of public policy in the form of policy statements, generalized maps and standards and guidelines;*

*(c) Shall be the basis for more specific rules and land use regulations which implement the policies expressed through the comprehensive plans;*

*(d) Shall be prepared to assure that all public actions are consistent and coordinated with the policies expressed through the comprehensive plans; and*

*(e) Shall be regularly reviewed and, if necessary, amended to keep them consistent with the changing needs and desires of the public they are designed to serve.*

*(2)(a) The overarching principles guiding the land use program in the State of Oregon are to:*

*(A) Provide a healthy environment;*

*(B) Sustain a prosperous economy;*

*(C) Ensure a desirable quality of life; and*

*(D) Equitably allocate the benefits and burdens of land use planning.*

*(b) Additionally, the land use program should, but is not required to, help communities achieve sustainable development patterns and manage the effects of climate change.*

*(c) The overarching principles in paragraph (a) of this subsection and the purposes in paragraph (b) of this subsection provide guidance to:*

*(A) The Legislative Assembly when enacting a law regulating land use.*

*(B) A public body, as defined in ORS 174.109, when the public body:*

*(i) Adopts or interprets goals, comprehensive plans and land use regulations imple-*

*menting the plans, or administrative rules implementing a provision of ORS chapter 195, 196, 197, 215 or 227; or*

*(ii) Interprets a law governing land use.*

*(d) Use of the overarching principles in paragraph (a) of this subsection and the purposes in paragraph (b) of this subsection is not a legal requirement for the Legislative Assembly or other public body and is not judicially enforceable (sic).*

### **C. Procedural Requirements and Validity of Objections**

ORS 197.251 and OAR Chapter 660 Division 003 establish the process for acknowledgment review. (OAR 660-014-0010(4)). The local government requests that the commission grant Acknowledgment of Compliance by sending a request to the director (ORS 197.251(1), OAR 660-003-0010). The local government also sends the request to the appropriate local coordination body as defined in ORS 195.025. For the City of La Pine, the local coordination body is Deschutes County (OAR 660-003-0010 (3)).

Upon receipt of the city's request for acknowledgment, the department performs a completeness review to determine whether the acknowledgment request contains all of the required information. If the request is complete, upon submittal or following notice requesting additional documents or information, the department begins review in the manner required by OAR 660-003-0025, and provides the public notice regarding the opportunity to provide objections or comments per OAR 660-003-0015. (OAR 660-003-0010(4)-(6))

After public notice has been mailed, there is a 45 day period to submit written comments or objections, together with any additional evidence, to the department. (OAR 660-003-0020)

Following the deadline for submitting objections, the department completes its review of the request, and any objections, and prepares a report for the commission. The report states whether the comprehensive plan and land use regulations are in compliance with the goals, and responds to any timely objections. (ORS 197.251(2), OAR 660-003-0025(1)) The department may investigate and resolve issues raised in the comments and objections, or upon the department's own review of the comprehensive plan and land use regulations. The department may collect or develop evidence that rebuts any supporting documents, comments, objections or evidence. (OAR 660-003-0025(1))

At least 21 days before the scheduled commission review, the department sends copies of the report to the commission, the city, the county, any party who commented or objected in writing, and any other party who requested in writing to receive a copy of the report. (OAR 660-003-0025(1)).

After the report is mailed, the city, the county, persons who submitted written comments or objections, and persons who own property that is the subject of site specific objections, have ten (10) days to file written exceptions to the report with the department. (ORS 197.251 (3)) The content of the exceptions must comply with OAR 660-003-0025(2)&(3). The director promptly forwards the exceptions to the commission, and may choose to provide his opinion regarding the exceptions. (OAR 660-003-0025(4))

The commission has 90 days after department receipt of the acknowledgment request to grant, deny, or continue acknowledgment, unless the commission finds that, due to extenuating circumstances, a period of time greater than 90 days is required. (ORS 197.251(1))

The commission's review is confined to the record of proceedings before the local government, any submitted comments, objections and exceptions, and the department report. The commission may hear oral argument from the city, the department, and persons who filed written comments, objections or exceptions. The commission may not allow any additional evidence and testimony that could have been presented to the local government or to the department but was not. The commission may consider only those comments and objections that allege that the local government's plan, ordinances or land use regulations do or do not comply with one or more of the goals. (ORS 197.251(4), OAR 660-003-0020(3), and OAR 660-003-0025(1))

Following the hearing, the commission grants, continues, postpones for extenuating circumstances, or denies the acknowledgment request (ORS 197.251(1), OAR 660-003-0025(1)).

## **D. Findings**

Before April 5, 2010<sup>1</sup>, the City of La Pine notified Deschutes County of its intent to adopt a new comprehensive plan and urban growth boundary. On October 4, 2010, the department received by electronic mail a written request for acknowledgment from the City of La Pine. The contents of the request complied with the requirements in ORS 197.251(1) and OAR 660-003-0010. The department performed a completeness check on the request and sent a completeness letter to La Pine Mayor Kitty Shields on September 14, 2010.

On the same date, the department mailed a Notice of Opportunity to Comment and File Objections consistent with OAR 660-003-0015. No timely objections or comments were received by the October 29, 2010 deadline to submit comments and objections. After the deadline had passed, the department completed its review of the comprehensive plan, plan map, and the Urban Growth Boundary (UGB) to determine compliance with the goals, and prepared a report for the commission.

On February 10, 2010, the department sent copies of its report to the commission, the City of La Pine, Deschutes County, and persons who requested a copy of the report in writing. / No other persons requested a copy of the report in writing. All recipients were notified of the opportunity to file written exceptions to the report with the department within ten (10) days after the report was mailed.

The commission hearing is scheduled for more than 90 days after Department receipt of the request. At its meeting on October 20, 2010, the commission, with the city's agreement, found that a period of time longer than 90 days was required to bring the request to hearing. On December 2, 2010, the commission, with the city's agreement, decided to hear the request at its regularly scheduled meeting on March 3-4, 2010. The commission made that decision in part to give both the city and the department adequate time to prepare for the hearing.

## **E. Written Record for this Proceeding**

### **1. The department's staff report**

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<sup>1</sup> April 5, 2010 is the date that Deschutes County adopted Ordinance No. 2010-008, An Ordinance Amending Title 23 of the Deschutes County Code to Establish the City of La Pine Urban Growth Boundary, and declaring an Emergency. The record contains no written document that constitutes city notice to the county.

2. Correspondence:
  - a. September 14, 2010 notice of receipt of request for acknowledgment and opportunity to comment and file objections;
  - b. Master mailing list for September 14, 2010 Notice of Opportunity to Comment and File Objections; and
  - c. Department September 14, 2010 acknowledgment completeness letter addressed to La Pine Mayor Kitty Shields.
3. Deschutes County acknowledgment request submittals:
  - a. April 5, 2010 Deschutes County Notice of Adoption submitted to the Department with Ordinance No. 2010-008, map of La Pine urban growth boundary, findings for La Pine comprehensive plan and Urban Growth UGB, and county plan amendments.
4. City of La Pine acknowledgment request submittals
  - a. Resolution No. 2007-002 dated January 16, 2007 delegating to Deschutes County the authority to continue processing building and septic permits and land use applications;
  - b. Resolution 2009-06 dated June 24, 2009 certifying that the city has the authority and power to provide four or more of the municipal services listed in ORS 221.760;
  - c. June 29, 2009 Intergovernmental Agreement between City of La Pine and Deschutes County for planning and building permitting services;
  - d. Ordinance 2010-02 dated March 10, 2010, adopting the March 2010 comprehensive plan, the plan map, the urban growth boundary, and the Comp Plan and UGB Findings;
  - e. March 2010 Comprehensive Plan;
  - f. Comprehensive Plan Map with urban growth boundary;
  - g. Comp Plan and UGB Findings;
  - h. Comp Plan Contact List;
  - i. Agenda and minutes for July 9, 2009 La Pine City Council/Deschutes County Commissioners Joint Work Session;
  - j. City of La Pine Council meeting agendas and minutes
    - i. 2009: July 8, July 22, August 12, August 26, September 9, September 16, September 23, October 13., October 14, October 28, November 6, November 10, November 24, December 9, and December 15
    - ii. 2010: January 4, January 13, February 24, and March 10;
  - k. City of La Pine Planning Commission meeting agendas and minutes
    - i. 2009: October 21, November 18, and December 16
    - ii. 2010: January 20, February 17, March 17, April 21, May 19, and June 16;
  - l. Town Hall meeting agendas and minutes for October 7, 2009 and April 10, 2010;

- m. Summary of October 21, 2009 Deschutes County Commissioners discussion with staff and consultants;
- n. November 4, 2009 memorandum from consultants McMahon and Lewis to planning commission regarding November 12 meeting and work session;
- o. Agenda and minutes for November 12, 2009 Planning Commission workshop;
- p. Notices of Public Hearing
  - i. October 8, 2009 joint City/County Planning Commissions
  - ii. November 9, 2009 Deschutes County Hearing Officer hearing regarding plan text amendments; and
- q. Comp Plan Contacts List

## **V. DEPARTMENT ANALYSIS**

### **A. Goal 1: Citizen Involvement**

#### **1. Purpose of Goal 1**

The purpose of Goal 1 is: *“To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”*

#### **2. Goal 1 Compliance Findings**

La Pine’s comprehensive plan expressly provides for a broad range of citizen involvement opportunities. The plan calls for the creation of a Committee for Citizen Involvement (CCI) to act as a primary conduit between citizens and decision makers, as well as multiple Citizens Advisory Committees (CAC), including the city planning commission, who are expected to advise the city council on individual land use matters.

The plan details how the CCI and CAC shall be established and implemented. The plan also delegates several important functions of citizen involvement to the city planning director, including providing support to the CCI and CAC. The planning director is responsible for including sufficient financial support to adequately fund the city’s citizen involvement program in each annual budget request to the city council.

The items included in the plan assure compliance with Goal 1 because the city has provided for clear and deliberate opportunities for communication between citizens and decisions makers across all sections of the community at a scale that is appropriate to the planning effort and supported by city staff and financial resources.

#### **3. Goal 1 Recommendation**

The department recommends that the commission acknowledge the La Pine Comprehensive Plan as being in compliance with Statewide Planning Goal 1 – Citizen Involvement.

### **B. Goal 2: Land Use Planning**

#### **1. Purpose of Goal 2**

The purpose of Goal 2 is: *“To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.”*

## **2. Goal 2 Compliance Findings**

The city’s comprehensive plan establishes a legal basis for future land use regulations. The plan identifies important local values and creates overarching principles to guide planning and investment decisions that will influence the city’s future. The city’s desire to balance local interests and state planning law is well described in the introductory portions of the plan and provides valuable context for rest of the document.

Although the plan does not devote an individual plan element to Goal 2, the Goal is specifically identified and described (Page 7) and Goal 2 policy objectives are present throughout the document. The community’s devotion to retaining a strong local sense of place while moving responsibly into the future as a healthy city shapes its policies in nearly all aspects of the plan. In particular, the plan emphasizes the planning process, creating a vision for the future, the importance of complete neighborhoods, and a complete community concept. The plan also identifies a process for future plan amendments.

## **3. Goal 2 Recommendation**

The department believes that the basic structure of the plan will enable compliance with Goal 2 because the plan was developed with significant opportunity for public input through an open public hearings process at the local level. Applicable statewide goals are identified and, except as noted in the following findings, are supported by adequate factual information and inventories, either as text of the plan or incorporated into the plan by attachment.

The department believes, however, that specific sections of the plan, as described below (Goals 2, 5, 7, 10, 12, and 14), require additional support, findings, and conclusions. Once those deficiencies are remedied, the plan will comply with Goal 2. For the other Goals, including Goals 5 and 9, acknowledgment is dependent on La Pine’s adoption of carefully developed land use codes to meet those Goals and the requirements of Goal 2.

## **C. Goal 3: Agricultural Lands**

### **1. Purpose of Goal 3**

The purpose of Goal 3 is: *“To preserve and maintain agricultural lands.”*

Goal 3 does not directly apply to acknowledgment or to the establishment of a UGB. (OAR 660-024-0020(1)(b)). In recognition of the transitional nature of much of its land, the city believes that addressing Goal 3 is appropriate and has requested that the department and commission include Goal 3 in their considerations.

### **2. Goal 3 Compliance Findings**

Goal 3 requires *counties* to maintain an inventory of land suitable for farming and ranching activities. Goal 3 also requires counties to protect commercial agriculture by establishing minimum parcel sizes and limiting the conflicting uses on those lands. Goal 3 does not require cities to

plan for agricultural lands, and lands inside urban growth boundaries are specifically excluded from the definition of agricultural lands found in Goal 3 and OAR Chapter 660, Division 33.

Based on the above, including a Goal 3 element in the city's plan is not required to achieve acknowledgment. However, based on historic settlement patterns and land use practices in the community the department finds it understandable that the city would chose to address Goal 3.

Goal 3 is satisfied because the plan utilizes this particular element to describe traditional and surrounding land use activities and the original zoning arrangement for some lands now included within the city's corporate territory. The plan does not give preference to agriculture over urban uses but the plan provides guidance for the transition from agricultural use to urban use.

### **3. Goal 3 Recommendations**

The department recommends that acknowledgement that the La Pine Comprehensive Plan is in compliance with Statewide Planning Goal 3 – Agricultural Lands.

## **D. Goal 4: Forest Lands**

### **1. Purpose of Goal 4**

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

Goal 4 does not apply when establishing a UGB. (OAR 660-024-0020(1)(b)); however, in recognition of the transitional nature of much of its land, the City believes that addressing Goal 4 is appropriate and has requested that the department and commission include the goal in their considerations.

### **2. Goal 4 Compliance Findings**

Similar to Goal 3, Goal 4 is implemented by counties outside of urban growth boundaries. Demonstrating compliance with Goal 4 is not necessary for a city to achieve acknowledgment. However, forestland has been an important component in the development of the community's economy and culture, as well as an identifying community feature.

The city's plan utilizes its Goal 4 element to describe traditional land use activities and the original zoning arrangement for lands now included within the city's corporate limits. The plan does not give preference to forest practices over urban activities. Instead, the plan provides guidance for the transition from forest use to urban use and recognizes that some areas, particularly public lands inside the city boundary, may serve to buffer the community from threats of wildland fire.

### **3. Goal 4 Recommendations**

The department recommends acknowledgement of the La Pine Comprehensive Plan in compliance with Statewide Planning Goal 4 – Forest Lands.

## **E. Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**

### **1. Purpose of Goal 5**

The purpose of Statewide Planning Goal 5 is: *“To protect natural resources and conserve scenic and historic areas and open spaces.”*

### **2. Goal 5 Administrative Rules**

OAR-660-023 requires that inventories of riparian corridors, wetlands, and wildlife habitat be conducted by the local jurisdiction. The rule also provides *safe harbors* that may replace the required inventory for riparian areas and wildlife habitat and program protection for riparian corridors, and wetlands. The safe harbor provisions help to streamline local compliance with Goal 5.

For the remaining required inventories, local jurisdictions may rely on inventories compiled by other agencies. For all inventoried significant Goal 5 resources, a local government must develop and implement appropriate protection measures.

### **3. Goal 5 Compliance Findings**

#### Riparian Corridors

The City of La Pine relies on the Deschutes County’s riparian corridors<sup>2</sup> inventory and applies safe harbor provisions for its riparian corridors [(OAR 660-23-0090 (5) and (8))]. In the future, La Pine may chose to replace the safe harbor inventory and protection program with one that also integrates floodplain management, water quality protection, and wildlife habitat protection.

The safe harbor allows La Pine to identify a significant riparian corridor along the approximately 0.25-mile long stretch of the Little Deschutes River as the area within 75 feet of the top of each bank. The safe harbor protection provisions are applied to the significant riparian corridor. Restrictions on structures and impervious surface, the removal of vegetation, and exceptions to these restrictions are specified in OAR 660-23-0090 (8). In discussions with staff, the City proposes to protect riparian resources by applying an overlay zone to protect significant riparian corridors, consistent with the rule. However, the plan does not specify these protections.

If a future Local Wetland Inventory (LWI) (see discussion of Wetlands, below) demonstrates that the riparian corridor of the Little Deschutes River includes all or portions of a significant wetland that is located outside of the 75-foot setback, the distance to the riparian corridor boundary will be measured from, and will include, the upland edge of the wetland.

#### Wetlands

OAR 660-23-0100 requires cities to conduct a local wetland inventory (LWI) using the protocol established by the Oregon Department of State Lands. A LWI for the La Pine and Wickiup Junction area was completed in 1997. The LWI was approved by DSL and adopted by Deschutes County. The 1997 LWI covers the area known as the La Pine Slough in the southeastern portion of the city. The Federal Emergency Management Agency (FEMA) also maps most of this area as flood plain (see Goal 7 discussion, below).

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<sup>2</sup> Deschutes County’s inventory was adopted under OAR 660-16, which has since been replaced by OAR 660-23 for all Goal 5 resource categories except for cultural resources.

For areas not included in the 1997 La Pine/Wickiup Junction LWI, La Pine relies on the National Wetland Inventory (NWI) map ([www.fws.gov/wetlands](http://www.fws.gov/wetlands)) to determine the likely presence of wetlands. On the NWI map, it appears the only wetland area not covered by the 1997 LWI is within the portion of the city that crosses the Little Deschutes River. To comply with Goal 5, the city must prepare a LWI for all areas with its UGB not currently covered by the 1997 inventory. As an interim measure, the city proposes to adopt protection measures consistent with the Goal 5 safe harbor for wetland areas identified on the NWI. However, the plan does not currently specify these protections.

La Pine will seek to develop a LWI for the affected area of the Little Deschutes River as a condition of acknowledgement. In the interim, it is important to note that areas mapped on both the NWI and 1997 LWI maps as wetland are also protected within the flood plain (see Goal 7 discussion, below).

### Wildlife Habitat

The citizens of La Pine have identified wildlife habitat protection, including migration corridors, as an important resource to the community. The City relies on the Deschutes County Comprehensive Plan for wildlife inventories and has chosen to use the safe harbor inventory provision to identify significant wildlife resources. Under the safe harbor local governments may determine that wildlife does not include fish, and that significant wildlife habitat is limited to sites where:

- The habitat has been documented to perform a life support function for a wildlife species listed by the federal government as a threatened or endangered species, or for a species listed by the state of Oregon as a threatened, endangered, or sensitive species;
- The habitat has documented occurrences of more than incidental use by a wildlife species listed by the federal government as a threatened or endangered species, or species listed by the state of Oregon as a threatened, endangered, or sensitive species;
- The habitat has been documented to be essential to achieving policies or population objectives specified in a wildlife species management plan adopted by the Oregon Fish and Wildlife Commission pursuant to ORS Chapter 496; or
- The area is identified and mapped by ODFW as habitat for a wildlife species of concern and/or as a habitat of concern (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, or pigeon springs).

As noted, La Pine relies on Deschutes County inventories. Under the adopted Deschutes County inventories, there is no habitat within La Pine that meets these criteria. La Pine understands that riparian corridors and wetlands within the UGB potentially include habitat for some species of concern; until information is available through the county's updated Goal 5 inventory process, the city proposes to protect those areas through ordinances that limit development in potentially sensitive areas, specifically for riparian corridors and wetlands. However, the proposed plan does not describe these protections or include policies committing the city to this course of action.

### Other Required Goal 5 Inventories

*Federal Wild and Scenic Rivers:* According to the US Forest Service, there are no Federal Wild and Scenic Rivers within the La Pine urban area.

*State Scenic Waterways:* According to the Oregon Park and Recreation Department, there are no State Scenic Waterways within the La Pine urban area.

*Ground Water Resources:* According to the Oregon Water Resources Department, there are no critical groundwater areas or restrictively classified areas within the La Pine urban area.

*Approved Oregon Recreation Trails:* According to the Oregon Park and Recreation Department, there are no Approved Oregon Recreation Trails within the La Pine urban area.

*Wilderness Areas:* According to the US Forest Service, there are no Wilderness Areas within the La Pine urban area.

*Mineral and Aggregate Resources:* According to Deschutes County, there are no recognized mineral or aggregate resources within the La Pine urban area.

*Energy Sources:* According to Oregon Department of Energy wind maps, La Pine is located within a region with “poor” wind energy development opportunities. There are no known geothermal resources within the City of La Pine. There is no map of solar resources; however, La Pine recognizes the potential for solar energy generation and anticipates at least some solar generation facilities within its boundaries. There are no EFSC or FERC approved sites or applications within the La Pine boundaries.

*Cultural Areas:* The plan includes a placeholder for cultural resources. It is unclear what resources are proposed for inventories and protection.

## **4. Goal 5 Recommendations**

The La Pine comprehensive plan does not comply with OAR 660, Division 23. The plan currently lacks policies committing the city to specific actions (i.e., completing a LWI for the areas not previously mapped; identifying cultural resources). The plan currently lacks specific policies committing the city to interim protection of Goal 5 resources. Pending the city’s completion and submittal of its development code, long-term protection will be addressed in the city’s development standards.

The department recommends that the commission direct the city to amend the Goal 5 element of the comprehensive plan to complete a LWI inventory, to develop a work program to protect significant riparian corridors and wetlands, and to identify how Goal 5 resources will be protected in the interim.

## **F. Goal 6: Air, Land and Water Resources Quality**

### **1. Purpose of Goal 6**

The purpose of Statewide Planning Goal 6 is: *“To maintain and improve the quality of air, water and land resources of the state.”*

### **2. Goal 6 Compliance Findings**

There are no administrative rules to guide compliance with Goal 6. Compliance with state and federal environmental regulations is considered the minimum for compliance with the goal. Population growth and urban development have impacts on land air and water quality that may be the subject of state and federal environmental laws. Goal 6 recognizes that land use planning decisions have environmental consequences and provides an opportunity for local governments to proactively address the environmental impacts of development.

Chapter 5 of the plan addresses air and water quality issues. The plan recognizes that La Pine experiences poor air quality during times of atmospheric inversion but does not include policies related to air quality. The plan also discusses ground water contamination from nitrates and provides a description of the efforts to identify and address the contamination problem. Two plan policies direct the city to protect its drinking water aquifer. Additional policies direct the city to provide adequate area for expansion of the sewage treatment facility.

### **3. Goal 6 Recommendations**

The department recommends that the commission determine that the plan complies with Goal 6 and recommends acknowledgement.

## **G. Goal 7: Natural Hazards**

### **1. Purpose of Goal 7**

The purpose of Goal 7 is: *“To protect people and property from natural hazards.”*

Goal 7 requires that:

- “1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.*
- 2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.”*

### **2. Goal 7 Compliance Findings**

Chapter 5 Natural Resources mentions flooding and wildfire, and the plan map identifies a “Fire Protection Overlay Zone” and floodplain areas. However, the plan does not include policies to reduce risks to people and property from wildfire and flooding hazards. Chapter 4 discusses wild fire hazards generally, but offers no protection policies to implement a community wild fire plan. The plan also fails to address flood hazards and fails to designate floodplain areas on the plan map.

The plan should also consider and, if applicable, should incorporate the application provisions of Deschutes County’s Community Wildfire Protection Plan for Greater La Pine

### **3. Goal 7 Recommendations**

Staff recommends that the commission direct the city to amend the comprehensive plan to include policies committing the city to adopt implementing measures to protect people and property from wild fire and flood hazards.

## **H. Goal 8: Recreational Needs**

### **1. Purpose of Goal 8**

The purpose of Goal 8 is: *“To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.”*

### **2. Goal 8 Compliance Findings**

Goal 8 encourages cities and counties to coordinate with other private and public entities to offer outdoor recreation amenities commensurate with the needs and desires of the community. Goal 8 has been satisfied because the proposed comprehensive plan includes a description of local outdoor amenities important to the citizens of La Pine, and discusses the city’s coordination with, and the planning efforts of, the La Pine Park and Recreation District (LPRD). The plan also includes an inventory of existing and planned facilities owned and managed by LPRD, the State of Oregon, the Federal Government, and private property owners.

The framework of policy and programs to implement the plan assure compliance with Goal 8 because they promote outdoor recreational opportunities including, but not limited to, the exploration of a revenue stream to pay for park development, direction for continued cooperation with private parties and public agencies, guidance for park and open space needs, and encouraging new development to integrate existing parks and trails into their design while requiring that park development comply with the American Disabilities Act (ADA).

### **3. Goal 8 Recommendation**

The department recommends that the commission acknowledge the La Pine Comprehensive Plan as being in compliance with Statewide Planning Goal 8 – Recreational Needs.

## **I. Goal 9: Economic Development**

### **1. Purpose of Goal 9**

The purpose of Goal 9 is: *“To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.”*

### **2. Goal 9 Administrative Rules**

Applicable legal requirements are found in Goal 9 and Goal 14 and the respective implementing administrative rules, OAR chapter 660, Divisions 9 and 24, and ORS 197.712.

Goal 9 requires that comprehensive plans provide for a variety of economic opportunities, based on inventories of areas suitable for increased economic growth, and taking into consideration current economic factors. The goal requires that comprehensive plans provide for at least an adequate supply of suitable sites, plan for adequate public facilities to serve these sites, and limit incompatible uses to protect those sites for their intended function.

OAR chapter 660, Division 9 implements Goal 9 and directs local governments to “link planning for an adequate land supply to infrastructure planning, community involvement and coordination

among local governments and the state,” and “to assure that comprehensive plans are based on information about state and national economic trends.” (OAR 660-009-0000)

OAR 660-009-0010(5) recognizes that the effort necessary to comply with OAR 660-009-0015 through 660-009-0030 will vary depending upon the size of the jurisdiction, the detail of previous economic development planning efforts, and the extent of new information on national, state, regional, county, and local economic trends. A local government’s planning effort is adequate if it uses the best available or readily collectable information to respond to the requirements of the administrative rule.

OAR 660-009-0015 requires that comprehensive plans provide an Employment Opportunities Analysis (EOA) that describes a review of economic trends, required site types for likely future employers in the jurisdiction, an inventory of available lands, and assessment of the community’s economic development potential. OAR 660-009-0015(1) requires that the review of trends be the principal basis for estimating future employment land uses.

OAR 660-009-0020 requires that comprehensive plans include policies to implement the local economic development objectives, provide a competitive short- and long-term supply of sites for employment, ensure those sites are suitable for expected users, and provide necessary public facilities and services.

OAR 660-009-0025 requires that comprehensive plans adopt measures adequate to implement local economic development policies. These include designation of sites for a 20-year supply of employment land and maintenance of a short-term supply of serviceable lands.

OAR 660-009-0030 strongly encourages cities and counties to coordinate when implementing OAR 660-009-0015 to 660-009-0025.

Goal 14 requires that:

*“Establishment and change of urban growth boundaries shall be based on the following: (1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and (2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2). In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.”*

OAR chapter 660, Division 24 provides direction about how to incorporate analysis and findings addressing Goal 9 during a UGB review. OAR 660-024-0040(1), in addition to reiterating the two criteria from Goal 14 quoted in the previous paragraph, states that the 20-year need determinations “are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision.”

OAR 660-024-0040(5) states that the determination of 20-year employment land need for an urban area must comply with applicable requirements of Goal 9 and OAR chapter 660, Division 9, and must include a determination of the need for a short-term supply of land for employment uses. Employment land need may be based on an estimate of job growth over the planning period. Local government must provide a reasonable justification for the job growth estimate, but

Goal 14 does not require that job growth estimates necessarily be proportional to population growth.

ORS 197.712(2) authorizes and obligates the commission to apply, interpret or amend existing goals or rules to ensure that comprehensive plans provide for at least an adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies.

### **3. Goal 9 Compliance Findings**

Goal 9 and OAR Chapter 660, Division 9 guide employment land planning in Oregon. Cities must maintain at least an adequate supply of suitable sites for likely opportunities to meet community objectives. The legislative intent is to attract jobs based on market realities and not merely accommodate them in an unrealistic community plan that sits on a shelf. The total land supply<sup>3</sup> that cities are required to plan for is the result of a series of local policy choices. The city's calculation of an adequate employment land supply is not simply a mathematical formula, or a forecast or allocation. The city's work is to explore options and assemble the facts needed to inform the policy choices. There must be findings supported by evidence to explain the policy choices. The policy choices (the findings) must have an adequate factual basis and must be reasonable. This means that there must be reasons or findings that create a logical path from fact through analysis to findings. Local decision makers can choose which evidence they wish to believe, so long as the evidence they rely on is "substantial evidence." Substantial evidence is evidence that a reasonable person could rely on to support a conclusion.

The factual basis for a city's policy choices is provided an economic opportunities analysis (EOA), together with an inventory of buildable land and other supporting analyses. The city uses an EOA to define the community's objectives, likely economic opportunities, and suitable sites and an adequate supply for those opportunities.

Although OAR 660-009-0015(1) requires the review of trends to be the principal basis for estimating future employment land uses, the rule does not specify or limit acceptable methods to determine employment land need. It is up to local governments to assemble an adequate factual basis and select methods of analysis appropriate to its circumstances and community objectives. The resulting documentation required will vary in complexity and clarity based on the city's unique local circumstances. There is no prescribed method; the rules simply provide limits to the required research and analysis.<sup>4</sup> This flexibility is deliberate and necessary to encourage communities to identify and pursue economic opportunities appropriate for the community.

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3 OAR 660-009-0005(13) defines "total land supply" as "the supply of land estimated to be adequate to accommodate industrial and other employment uses for a 20-year planning period. Total land supply includes the short-term supply of land as well as the remaining supply of lands considered suitable and serviceable for the industrial or other employment uses identified in a comprehensive plan. Total land supply includes both vacant and developed land." OAR 660-009-0005(1) defines that "Developed Land" means non-vacant land that is likely to be redeveloped during the planning period.

4 OAR 660-009-0010 (5): "The effort necessary to comply with OAR 660-009-0015 through 660-009-0030 will vary depending upon the size of the jurisdiction, the detail of previous economic development planning efforts, and the extent of new information on national, state, regional, county, and local economic trends. A jurisdiction's planning effort is adequate if it uses the best available or readily collectable information to respond to the requirements of this division."

Cities are encouraged to engage in a variety of regional planning agreements by OAR 660-009-0030. The required employment land coordination is between city and county for UGB amendments unless some other mechanism is provided by law or mutual agreement.

The record contains an Economic Opportunities Analysis in Comprehensive Plan [p 72] that includes an analysis of trends as the principal determinant of the employment land supply, along with an inventory of employment land and a determination of economic development potential.

The following findings, including citations from the plan, provide the city's demonstration of substantial compliance with Goal 9 and the administrative rule requirements:

Analysis of Trends [pp 77, 84, 85, 88] - La Pine conducted an EOA in 2009 to analyze the city's opportunity for economic development. The city relied on professional consultants and on local and regional economic development experts to provide a credible analysis of economic and development trends in La Pine and in the Central Oregon region. The plan includes an analysis of economic trends by industry type and by region, and provides an overview of local efforts to attract industry to the city.

Site suitability [p 100] – The city provides a description of the types and arrangements of sites needed to support industrial development in La Pine. The plan mentions La Pine's existing Enterprise Zone.

Employment land inventory [pp 81, 96] - The plan includes an accounting of available development acreage, including lands available for industrial redevelopment.

Economic development potential [p 87] – The plan includes a description of La Pine's unique advantages in the economic development market. Included among the city's advantages are a ready workforce, direct access and exposure to the Highway 97 freight corridor, and the competitive price of La Pine's industrial lands.

Target industries [p 94] - Based on the EOA and its analyses, the plan identifies several key industries in which La Pine is well-suited to attract development: energy development, distribution related services, high technology, light industrial and manufacturing, recreational equipment manufacturing, tourism related services, research and development firms, secondary wood products, and headquarter firms. The plan also directly acknowledges that its land development and zoning regulations must accommodate these targeted industries in order to realize their development in the community.

Land need, 450 gross acres [p 99] – The plan includes projected land needs for a variety of employment types. The plan also describes the zoning types and quantity of land required to support needed development for each specific projected development type.

Management and implementation policies. [p 104] – The plan lays out a series of general policy statements that recognize the economic development needs of the city and the general factors that support economic development. The city is strongly encouraged to carefully draft implementing land use and development codes that support these plan policies.

Together, these findings establish the city's need for employment land and its commitment to meet La Pine's economic development objectives. The plan provides an adequate factual base for local decision-making and satisfies the requirements of Goal 9. During phase two of the city's acknowledgment, the department is committed to work closely with La Pine to develop implementing codes that substantiate its commitment to provide employment opportunities in the city.

#### 4. Goal 9 Recommendation

The department recommends that the commission find that La Pine's comprehensive plan is in substantial compliance with Goal 9 and the administrative rules implementing the Goal. The department also recommends that the commission acknowledge La Pine's comprehensive plan as being in compliance with Goal 9 Economic Development, pending the city's submittal and commission acknowledgment of suitable land development code and implementing regulations to support and facilitate economic development in La Pine.

### J. Goal 10: Housing

#### 1. Purpose of Goal 10

The purpose of Goal 10 is: *"To provide for the housing needs of citizens of the state."*

The findings regarding compliance with the purpose and requirements of Goal 10, and the Goal 10 rule requirements, follow.

#### 2. Compliance findings for the Residential Buildable Land Inventory (BLI)

Goal 10 requires that:

*"Buildable lands for residential use shall be inventoried . . . "*

OAR 660-008-0010 Allocation of Buildable Land states that:

*". . . The local buildable lands inventory must document the amount of buildable land in each residential plan designation."*

The city's Goal 10 element is based on a local Buildable Lands Inventory (2009 City of La Pine Buildable Land Analysis). The city's Buildable Lands Inventory shows the amount of buildable land in each residential plan designation.

#### 3. Compliance Findings for the Housing Needs Analysis

Goal 10 requires that:

*". . . [P]lans shall encourage the availability of adequate numbers of needed housing units<sup>5</sup> at price ranges and rent levels which are commensurate with the*

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<sup>5</sup> Goal 10:

**Needed Housing Units** – means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing units" also includes government-assisted housing. For cities having populations larger than 2,500 people and counties having populations larger than 15,000 people, "needed housing units" also includes (but is not limited to) attached and detached single-family housing, multiple-family housing, and manufactured homes, whether occupied by owners or renters.

**Government-Assisted Housing** -- means housing that is financed in whole or part by either a federal or state housing agency or a local housing authority as defined in ORS 456.005 to 456.720, or housing that is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers provided by either a federal or state housing agency or a local housing authority.

**Manufactured Homes** – means structures with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.), as amended on August 22, 1981.

*financial capabilities of Oregon households<sup>6</sup> and allow for flexibility of housing location, type and density.”*

OAR 660-008-0010 Allocation of Buildable Land states that:

*“The mix and density of needed housing is determined in the housing needs projection<sup>7</sup>. Sufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs<sup>8</sup> by type and density range as determined in the housing needs projection.”*

Chapter 10 Housing of the La Pine comprehensive plan contains a brief summary of a portion of the city’s housing needs analysis (Comp Plan at pp. 109-117), but the analysis itself is on pp. 18-23 of the 2009 City of La Pine Buildable Land Analysis. The department recommends that the commission find that the housing needs analysis is not sufficient to comply with the Goal 10 and the division 8 rule:

- The future housing mix and densities must be “commensurate with the financial capabilities of present and future area residents of all income levels during the planning period.” (OAR 660-008-0005(4) (a)) The plan does not describe the financial capability of future residents, nor does it tie that capability to the projected housing mix, the projected overall average density, and the projected minimum residential zoning densities.
- The plan is missing the total number of needed housing units, the number of units needed for each housing type, the assumed densities for each housing type; and the data, calculations, and analysis for each.

Compliance with Goal 14 requirements regarding housing need is addressed in the Goal 14 section below.

#### **4. Recommendations for Housing Needs Analysis**

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OAR 660-008-0005:

(1): “Attached Single Family Housing” means common-wall dwellings or rowhouses where each dwelling unit occupies a separate lot.

(2) “Multiple Family Housing: means attached housing where each dwelling unit is not located on a separate lot.”

<sup>6</sup> Goal 10: **Household** -- refers to one or more persons occupying a single housing unit.

<sup>7</sup> OAR 660-008-0005(4): “Housing Needs Projection” refers to a local determination, justified in the plan, of the mix of housing types and densities that will be:

(a) Commensurate with the financial capabilities of present and future area residents of all income levels during the planning period;

(b) Consistent with any adopted regional housing standards, state statutes and Land Conservation and Development Commission administrative rules; and

(c) Consistent with Goal 14 requirements.

<sup>8</sup> Goal 10: **Needed Housing Units** – means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing units" also includes government-assisted housing. For cities having populations larger than 2,500 people and counties having populations larger than 15,000 people, "needed housing units" also includes (but is not limited to) attached and detached single-family housing, multiple-family housing, and manufactured homes, whether occupied by owners or renters.

Direct the city to amend the comprehensive in order to:

- A. Update the current housing mix based on building permit data.
- B. Provide the total number of needed housing units, the number of units needed for each housing type, the assumed densities for each housing type; and the data, calculations, and analysis for each.
- C. Provide the financial capability of future residents, and demonstrate how that capability is tied to the projected housing mix, the projected overall average density, and the projected minimum residential zoning densities.

## 5. Compliance findings for Residential Land Needs Analysis

Goal 10 requires that:

*“ . . . [P]lans shall encourage the availability of adequate numbers of needed housing units<sup>9</sup> at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households<sup>10</sup> and allow for flexibility of housing location, type and density.*

OAR 660-008-0010 Allocation of Buildable Land states that:

*“The mix and density of needed housing is determined in the housing needs projection<sup>11</sup>. Sufficient buildable land shall be designated on the comprehensive*

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<sup>9</sup>**Needed Housing Units** – means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing units" also includes government-assisted housing. For cities having populations larger than 2,500 people and counties having populations larger than 15,000 people, "needed housing units" also includes (but is not limited to) attached and detached single-family housing, multiple-family housing, and manufactured homes, whether occupied by owners or renters.

**Government-Assisted Housing** -- means housing that is financed in whole or part by either a federal or state housing agency or a local housing authority as defined in ORS 456.005 to 456.720, or housing that is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers provided by either a federal or state housing agency or a local housing authority.

**Manufactured Homes** – means structures with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.), as amended on August 22, 1981.

OAR 660-008-0005:

(1) “Attached Single Family Housing” means common-wall dwellings or rowhouses where each dwelling unit occupies a separate lot.

(2) “Multiple Family Housing: means attached housing where each dwelling unit is not located on a separate lot.”

<sup>10</sup> **Goal 10: Household** -- refers to one or more persons occupying a single housing unit.

<sup>11</sup> OAR 660-008-0005(4): “Housing Needs Projection” refers to a local determination, justified in the plan, of the mix of housing types and densities that will be:

- (a) Commensurate with the financial capabilities of present and future area residents of all income levels during the planning period;
- (b) Consistent with any adopted regional housing standards, state statutes and Land Conservation and Development Commission administrative rules; and
- (c) Consistent with Goal 14 requirements.

*plan map to satisfy housing needs<sup>12</sup> by type and density range as determined in the housing needs projection. The local buildable lands inventory must document the amount of buildable land in each residential plan designation.”*

The Residential Land Needs Analysis is calculated from the conclusions of the housing needs analysis, the projected residential densities of the various needed housing types, the identified future need for non-residential uses permitted in residential zones, and the amount of land needed for those non-residential uses.

Chapter 10 Housing of the La Pine comprehensive plan contains a summary of the city’s residential land needs analysis (Comp Plan at pp. 118-121), but the analysis itself is on pp. 23-26 of the 2009 City of La Pine Buildable Land Analysis.

The department recommends that the commission determine that the city’s Residential Land Needs Analysis does not comply with Goal 10 and its implementing rules for the following reasons:

- The plan does not provide the calculation for the total amount of residential land need, including a sub-total of the amount just for dwelling units.
- The plan does not provide the projected need for non-residential uses permitted in residential zones, and the amount of land required for that need.
- The plan does not demonstrate how the total number of needed housing units, the number of units needed for each housing type, and the assumed densities for each housing type were converted to acres of land need.

## **6. Recommendations for Residential Land Needs Analysis**

The department recommends that the commission direct the city to amend the comprehensive plan in order to:

- A. Provide a housing needs analysis consistent with Goal 10 and OAR 660, division 8;
- B. Demonstrate how the total number of needed housing units, the number of units needed for each housing type, and the assumed densities for each housing type were converted to acres of land need;
- C. Provide the calculation for the total amount of residential land need, including a sub-total of the amount just for dwelling units; and
- D. Provide the projected need for non-residential uses permitted in residential zones, and the amount of land required for that need/

## **7. Regional Coordination**

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<sup>12</sup> **Goal 10: Needed Housing Units** – means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing units" also includes government-assisted housing. For cities having populations larger than 2,500 people and counties having populations larger than 15,000 people, "needed housing units" also includes (but is not limited to) attached and detached single-family housing, multiple-family housing, and manufactured homes, whether occupied by owners or renters.

OAR 660-008-0030 Regional Coordination states that:

*“(1) Each local government shall consider the needs of the relevant region in arriving at a fair allocation of housing types and densities.*

*“(2) The local coordination body shall be responsible for ensuring that the regional housing impacts of restrictive or expansive local government programs are considered. The local coordination body shall ensure that needed housing is provided for on a regional basis through coordinated comprehensive plans.”*

The city and Deschutes County have conducted a coordinated population forecast for the twenty-year planning period as required by ORS 195.036.

## **8. Goal 10 Recommendation**

Most of the plan designations assigned to buildable residential land on the La Pine comprehensive plan map are specific to housing types and densities identified in the local housing needs projection *e.g.* Master Plan Residential, Single-Family Residential, and Multi-Family Residential.

The submittal does not provide sufficient information to determine whether the areas and the acreages designated to allow residential uses are adequate to meet the numbers and types of housing units projected to be needed by La Pine residents during the planning period. The plan does not demonstrate a connection between the housing needs analysis and the comprehensive plan map.

The department recommends that the commission direct the city to amend the comprehensive plan in order to provide a zoning map for the UGB consistent with Goal 10, Goal 14, OAR Chapter 660, Divisions 8 and 24, and the city’s comprehensive plan and plan map and adopt land use regulations consistent with its plan polices, Goal 10, and the needed housing statutes.

## **K. Goal 11: Public Facilities and Services**

### **1. Purpose of Goal 11**

The purpose of Goal 11 (OAR 660-015-0000(11)) is to “plan and develop a timely, orderly and efficient arrangement<sup>13</sup> of public facilities and services<sup>14</sup> to serve as a framework for urban and rural development.”

Goal 11 requires that:

*“Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons.”<sup>15</sup>*

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<sup>13</sup> **Goal 11: A Timely, Orderly, and Efficient Arrangement** – refers to a system or plan that coordinates the type, locations and delivery of public facilities and services in a manner that best supports the existing and proposed land uses.

<sup>14</sup> **Goal 11: Urban Facilities and Services** – Refers to key facilities and to appropriate types and levels of at least the following: police protection; sanitary facilities; storm drainage facilities; planning, zoning and subdivision control; health services; recreation facilities and services; energy and communication services; and community governmental services.

*“Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan.”*

*“Local governments shall not allow the establishment or extension of sewer systems<sup>16</sup> outside urban growth boundaries or unincorporated community boundaries, or allow extensions of sewer lines from within urban growth boundaries or unincorporated community boundaries to serve land outside those boundaries, except where the new or extended system is the only practicable alternative to mitigate a public health hazard and will not adversely affect farm or forest land.”*

OAR Chapter 660, Division 11 contains the LCDC rules that implement Goal 11. These rules cover preparation and adoption of public facilities plans.

## **2. Goal 11 Compliance Findings**

Because the population within La Pine’s adopted UGB is less than 2,500, the city is not required to adopt a public facility plan at this time. There are no other provisions of OAR Chapter 660, Division 011 that apply to the acknowledgment of La Pine’s comprehensive plan and UGB.

Even though a public facility plan is not required, acknowledgment still requires the city to demonstrate that it has adequately planned for urban public facilities and services within its UGB for the next 20 years. The city’s Goal 11 element describes in detail the public facilities and services available to city residents with particular emphases on transportation, water, and sewer. The facility plan includes anticipated facility needs for the next twenty years. The accompanying plan policies and implementing programs direct the city to plan for needed infrastructure while considering funding sources like Systems Development Charges (SDCs) or conservation measures and utilizing sustainability practices.

## **3. Goal 11 Recommendations**

The department recommends that the commission acknowledge the La Pine Comprehensive Plan as being in compliance with Statewide Planning Goal 11 – Public Facilities and Services.

## **L. Goal 12: Transportation**

### **1. Purpose of Goal 12**

The purpose of Goal 12 is: “To provide and encourage a safe, convenient and economic transportation system.” The goal includes criteria under which to judge the compliance of a jurisdiction’s planning efforts with Goal 12. These are:

- (1) *consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian;*

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<sup>15</sup> The procedure and criteria for a public facilities plan are set out in the LCDC rules at OAR Chapter 660, Division 011.

<sup>16</sup> **Goal 11: “Extension of a sewer or water system** – means the extension of a pipe, conduit, pipeline, main, or other physical component from or to an existing sewer or water system, as defined by commission rules.”

- (2) *be based upon an inventory of local, regional and state transportation needs;*
  - (3) *consider the differences in social consequences that would result from utilizing differing combinations of transportation modes;*
  - (4) *avoid principal reliance upon any one mode of transportation;*
  - (5) *minimize adverse social, economic and environmental impacts and costs;*
  - (6) *conserve energy;*
  - (7) *meet the needs of the transportation disadvantaged by improving transportation services;*
  - (8) *facilitate the flow of goods and services so as to strengthen the local and regional economy; and*
  - (9) *conform with local and regional comprehensive land use plans.*
- Each plan shall include a provision for transportation as a key facility”*

## **2. Goal 12 Administrative Rules**

OAR 660, Division 12, implements Statewide Planning Goal 12 to provide and encourage a safe, convenient and economic transportation system. The Division also implements provisions of other Goals related to transportation planning in order to plan and develop transportation facilities and services in close coordination with urban and rural development.

OAR 660-024-0020(1) Adoption or Amendment of a UGB requires that:

*“All statewide goals and related administrative rules are applicable when establishing or amending a UGB, except as follows: (d) The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary.”*

## **3. Goal 12 Compliance Findings**

The proposed comprehensive plan includes a transportation element that treats the transportation needs of the city as a key facility for which it is obligated to plan; therefore, this requirement of Goal 12 is met.<sup>17</sup>

OAR Chapter 660, Division 12 does not apply at this time because only the Goal 12 comprehensive plan element has been completed and submitted for acknowledgment. The city has not yet prepared or submitted a transportation system plan (TSP). The city’s Transportation Element and findings indicate that it plans and has committed budget to preparing a TSP in the

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<sup>17</sup> Key facilities are defined for the goals as basic facilities that are primarily planned for by local government, but which also may be provided by private enterprise and are essential to the support of more intensive development, including public schools, transportation, water supply, sewage and solid waste disposal.

immediate future, at which time the requirements of the TPR will apply. Division 12 will apply to the review of La Pine's TSP and land use regulations at a later date, during Phase 2 of acknowledgment review.

The draft comprehensive plan map indicates areas of proposed urban levels of development within the proposed UGB on land that was previously outside of the La Pine Urban Unincorporated Community (UUC), as well as continued existing urban levels of development on the land that was within the old UUC boundary. There is no indication that the zoning and plan designations that existed prior to inclusion in the UGB will stay in place, or that interim zoning that does not allow development with additional vehicle trips will be assigned. OAR 660-012-0060 applies to the UGB proposal. No findings related to compliance with OAR 660-012-0060 are included in the proposal. Therefore, the transportation element and the UGB proposal as currently presented do not comply with this requirement.

ORS 197.712, which addresses public facilities plans, does not apply to La Pine's comprehensive Plan because the city's UGB population is less than 2,500.

#### **4. Goal 12 Recommendations**

The Goal 12 plan element of the comprehensive plan does not meet the requirements of Goal 12. The department recommends that a work program require the city to provide findings for compliance with OAR 660-012-0060 for the lands that were not within the La Pine UUC prior to incorporation.

These lands can be shown as "future urbanizable lands" on the comprehensive plan but must retain current County zoning or have an interim "non-urban" zoning applied unless compliance with OAR 660-012-0060 is demonstrated. When the TSP is adopted, the City may also rezone these lands.

### **M. Goal 13: Energy Conservation**

#### **1. Purpose of Goal 13**

The purpose of Statewide planning Goal 13 is: "*To conserve energy.*" There are no administrative rules to guide compliance with the goal. The methods prescribed by the goal are to conserve energy resources through land use planning measures.

#### **2. Goal 13 Compliance Findings**

Chapter 11 of the La Pine comprehensive plan, Energy Conservation, provides a comprehensive discussion of energy conservation relevant to current and long range planning for the city. In particular, Chapter 11 focuses on the relationship between energy use, development patterns, transportation needs and construction practices. Policy and program statements direct actions to, increase the density of development to make walking, biking and public transit more practical, work with the county to develop and maintain efficient transportation systems; increase development of sidewalks and trails; and promote more energy efficient construction practices.

In the discussion on travel requirements, it is recognized that the city lacks some essential services such as health care facilities and higher education facilities. It is also stated that improvements to mass transit opportunities for people and goods between La Pine and the larger service

centers to the north are needed. It should be noted that these issues are not reflected in the plan policies or program commitments.

### 3. Goal 13 Recommendations

The Goal 13 plan element of the comprehensive plan meets the requirements of the Goal; therefore, it is recommended that the Goal 13 element of the comprehensive plan be acknowledged.

## N. Goal 14: Urbanization

### 1. Purpose of Goal 14

The purpose of Goal 14 is: *“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.”*

Goal 14 has three general requirements for Urban Growth Boundaries:

*Urban growth boundaries shall be established and maintained by cities, counties and regional governments to provide land for urban development needs and to identify and separate urban<sup>18</sup> and urbanizable land<sup>19</sup> from rural land<sup>20</sup>.*

*Establishment and change of urban growth boundaries shall be a cooperative process among cities, counties and, where applicable, regional governments.”*

*An urban growth boundary and amendments to the boundary shall be adopted by all cities within the boundary and by the county or counties within which the boundary is located, consistent with intergovernmental agreements . . . .”*

### 2. Goal 14 Compliance Findings for Purpose and General Requirements

OAR 660-024-0000(1) Purpose and Applicability states:

*“The rules in this division clarify procedures and requirements of Goal 14 regarding a local government adoption or amendment of an urban growth boundary (UGB).”*

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<sup>18</sup> From the definitions for the Statewide Planning Goals and Guidelines: **“URBAN LAND:** Land inside an urban growth boundary.”

OAR 660-024-0010(10): **“Urban area’** means the land within a UGB.”

<sup>19</sup> From the definitions for the Statewide Planning Goals and Guidelines: **URBANIZABLE LAND.** Urban land that, due to the present unavailability of urban facilities and services, or for other reasons, either:

(a) Retains the zone designations assigned prior to inclusion in the boundary, or  
(b) Is subject to interim zone designations intended to maintain the land’s potential for planned urban development until appropriate public facilities and services are available or planned.

<sup>20</sup> From the definitions for the Statewide Planning Goals and Guidelines: **RURAL LAND.** Land outside urban growth boundaries that is:

(a) Non-urban agricultural, forest or open space,  
(b) Suitable for sparse settlement, small farms or acreage homesites with no or minimal public services, and not suitable, necessary or intended for urban use, or  
(c) In an unincorporated community.

OAR 660-024-0020(1) governs the Adoption or Amendment of a UGB:<sup>21</sup> (See the text of this rule in the endnote).

OAR 660-024-0020(2) Adoption or Amendment of a UGB requires that:

*“The UGB and amendments to the UGB must be shown on the city and county plan and zone maps at a scale sufficient to determine which particular lots or parcels are included in the UGB.”*

A UGB for the City of La Pine has been adopted to provide land for urban development needs and to identify and separate urban and urbanizable land from rural land. Both Goal 14 and the Division 24 rules apply to establishment of La Pine’s UGB.

The City of La Pine is the only city within the La Pine UGB. Deschutes County is the only county within which the La Pine UGB is located. The City of La Pine adopted the City of La Pine UGB on March 10, 2010. Deschutes County adopted the City of La Pine UGB on April 5, 2010.

### **3. Goal 14 Findings on 20-Year Coordinated Population Forecast**

Goal 14 states:

*“Land Need. Establishment and change of urban growth boundaries shall be based on the following:*

*(1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments.”*

OAR 660-024-0030 Population Forecasts<sup>22</sup> states that:

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<sup>21</sup> OAR 660-024-0020(1): “All statewide goals and related administrative rules are applicable when establishing or amending a UGB, except as follows:

(a) The exceptions process in Goal 2 and OAR chapter 660, division 4, is not applicable unless a local government chooses to take an exception to a particular goal requirement, for example, as provided in OAR 660-004-0010(1);

(b) Goals 3 and 4 are not applicable;

(c) Goal 5 and related rules under OAR chapter 660, division 23, apply only in areas added to the UGB, except as required under OAR 660-023-0070 and 660-023-0250;

(d) The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary;

(e) Goal 15 is not applicable to land added to the UGB unless the land is within the Willamette River Greenway Boundary;

(f) Goals 16 to 18 are not applicable to land added to the UGB unless the land is within a coastal shorelands boundary;

(g) Goal 19 is not applicable to a UGB amendment.”

(2) The UGB and amendments to the UGB must be shown on the city and county plan and zone maps at a scale sufficient to determine which particular lots or parcels are included in the UGB. Where a UGB does not follow lot or parcel lines, the map must provide sufficient information to determine the precise UGB location.”

<sup>22</sup> OAR 660-024-0030(4) and ORS 195.034 provide safe harbors for developing a 20-year population forecast, but they apply only to UGB amendments and therefore do not apply to establishment of La Pine’s original UGB.

*“(1) Counties must adopt and maintain a coordinated 20-year population forecast for the county and for each urban area within the county consistent with statutory requirements for such forecasts under ORS 195.025 and 195.036. Cities must adopt a 20-year population forecast for the urban area consistent with the coordinated county forecast, except that a metropolitan service district must adopt and maintain a 20-year population forecast for the area within its jurisdiction. In adopting the coordinated forecast, local governments must follow applicable procedures and requirements in ORS 197.610 to 197.650 and must provide notice to all other local governments in the county. The adopted forecast must be included in the comprehensive plan or in a document referenced by the plan.*

*“(2) The forecast must be developed using commonly accepted practices and standards for population forecasting used by professional practitioners in the field of demography or economics, and must be based on current, reliable and objective sources and verifiable factual information, such as the most recent long-range forecast for the county published by the Oregon Office of Economic Analysis (OEA). The forecast must take into account documented long-term demographic trends as well as recent events that have a reasonable likelihood of changing historical trends. The population forecast is an estimate which, although based on the best available information and methodology, should not be held to an unreasonably high level of precision.*

*“(3) For a population forecast used as a basis for a decision adopting or amending a UGB submitted under ORS 197.626, the director or commission may approve the forecast if they determine that a failure to meet a particular requirement of section (2) of this rule is insignificant in nature and is unlikely to have a significant effect on the needs determined under OAR 660-024-0040.”*

The assumptions, data, analysis, findings, and evidence of adoption by both the city and county for the 20-year population forecast used to establish the La Pine UGB are not in the submitted comprehensive plan. The department recommends that the commission take official notice of the department’s record for Deschutes County PAPA 002-09, in which the county adopted a 2029 population projection of 2,566 for La Pine. The county’s plan amendment is deemed acknowledged because it was not appealed. To comply with Goal 14 and OAR 660-024-0030(1), La Pine must also adopt this forecast. Although the forecast is mentioned in other submitted documents,<sup>23</sup> Chapter 12 – Urbanization (pp. 135-138) in the city’s adopted comprehensive plan does not include the 20-year population forecast and its supportive findings.

#### **4. Recommendations Regarding 20-Year Coordinated Population Forecast**

Direct the city to amend the comprehensive plan to add the data, findings and conclusions that establish La Pine’s 20-year population projection.

#### **5. Goal 14 Compliance Findings on 20-Year Urban Land Needs**

Goal 14 states:

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<sup>23</sup> For example, at pp. 18 and 21 of the 2009 City of La Pine Buildable Land Analysis. Note that Buildable Land Analysis <sup>24</sup> **ORS 197.298 Priority of land to be included within urban growth boundary.**

*“Land Need. Establishment and change of urban growth boundaries shall be based on the following:*

*(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).”*

*“In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.”*

OAR 660-024-0040 Land Need states:

*“(1) The UGB must be based on the adopted 20-year population forecast for the urban area described in OAR 660-024-0030, and must provide for needed housing, employment and other urban uses such as public facilities, streets and roads, schools, parks and open space over the 20-year planning period consistent with the land need requirements of Goal 14 and this rule. The 20-year need determinations are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision.”*

Goal 14 and its rules are explicit that a UGB provides a 20-year land supply. The La Pine comprehensive plan states that the UGB provides a supply of land for more than 20 years (Comp Plan at p. 18; Buildable Land Analysis at pp. 12, 18 & 23). The department respects that identifying the appropriate location for the city’s first UGB is complicated by multiple factors, including a dispersed settlement pattern. However, state law does not authorize cities to include more land within their UGB than is needed during the planning period.

Findings regarding compliance with the requirements of Goal 14 and OAR 660-024-0040 are addressed for each urban land use category below.

## **6. Goal 14 Compliance Findings on Residential Land Need**

Goal 14 requires that:

*“Land Need. Establishment and change of urban growth boundaries shall be based on the following:*

*(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).”*

*“In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.”*

*“Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.”*

OAR 660-008-0005 provides the following definitions:

*(4)(c) “Housing Needs Projection’ refers to a local determination, justified in the plan, of the mix of housing types and densities that will be: Consistent with Goal 14 requirements.”*

OAR 660-024-0040 Land Need requires that:

*“(1) The UGB must be based on the adopted 20-year population forecast for the urban area described in OAR 660-024-0030, and must provide for needed housing, employment and other urban uses such as public facilities, streets and roads, schools, parks and open space over the 20-year planning period consistent with the land need requirements of Goal 14 and this rule. The 20-year need determinations are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision.*

*“(4) The determination of 20-year residential land needs for an urban area must be consistent with the adopted 20-year coordinated population forecast for the urban area, and with the requirements for determining housing needs in Goals 10 and 14, OAR chapter 660, division 7 or 8, and applicable provisions of ORS 197.295 to 197.314 and 197.475 to 197.490.”*

The department is unable to determine if the La Pine 20-year residential needs analysis is based on the adopted 20-year population forecast. The assumptions, data, analysis, and findings for the 20-year population forecast used to establish the La Pine UGB are not in the submitted comprehensive plan. Because the department cannot determine the basis for the population forecast, the department is unable to determine whether the residential land needs in the comprehensive plan are based on a coordinated 20-year population forecast.

Residential lands in the City of La Pine may be classified in three basic categories. The first category is located near the city core at its southern edge, which includes a majority of the city’s multi-family residential land supply. This area has been the location of urban subdivision projects in recent years. The second category is “New Neighborhood”, nearly 400-acres located along the city’s western edge established through Regional Problem Solving (RPS) and acknowledged by the commission as eligible for urban services and urban levels of development to serve as a receiving area for the South Deschutes County Transfer of Development Credit (TDC) Program. The third category is three (3) rural residential neighborhoods along the west side of the city. These lands were not included in the La Pine Urban Unincorporated Community Boundary.

The presence and arrangement of these residential areas make calculating land supply difficult. At present, based on the city’s submittal, the department is unable to connect the city’s analysis of housing needs with its inventory of buildable lands and documentation of existing development.

## **7. Recommendations on Residential Land Need**

Direct the city to amend its comprehensive plan to:

- A. Demonstrate with findings supported by an adequate factual base that the determination of 20-year residential land needs is based on the adopted 20-year population forecast. If

a 20-year residential lands need based on the adopted 20-year population forecast requires less land than is currently included in the proposed UGB the city must:

- a. Remove a sufficient amount of residential land from the proposed UGB to ensure consistency with the adopted 20-year population forecast; or
- b. Work with staff to develop findings to justify exceptions from the applicable provisions for Goal 14 and OAR Chapter 660, Division 24.

## **8. Goal 14 Compliance Findings on Employment Land Need**

The department recommends that the commission find that the La Pine comprehensive plan adequately establishes the city's 20-year employment land needs, consistent with state law. See the analysis and findings for Goal 9, above.

## **9. Goal 14 Compliance Findings on Public Facilities and other Land needs**

Goal 14 requires that:

*“Land Need. Establishment and change of urban growth boundaries shall be based on the following:*

*(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).”*

*“In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.”*

OAR 660-024-0040(7) Land Need states that:

*“The determination of 20-year land needs for transportation and public facilities for an urban area must comply with applicable requirements of Goals 11 and 12, rules in OAR chapter 660, divisions 11 and 12, and public facilities requirements in ORS 197.712 and 197.768. The determination of school facility needs must also comply with ORS 195.110 and 197.296 for local governments specified in those statutes.”*

ORS 197.712 (2) (e is identical to the Goal 11 and OAR Chapter 660, Division 11 requirements for public facilities plans. As mentioned in the findings for Goal 11 above, La Pine is not required to adopt a public facilities plan because the population in its UGB is under 2,500.

ORS 197.768 establishes the requirements for a public facilities strategy, which is a tool available to local governments and special districts to deal with an unanticipated capacity shortage. This statute doesn't apply to acknowledgment of La Pine's comprehensive plan.

The city's comprehensive plan submittal (in particular, Chapter 7 Public Facilities and Services) does not address land need for these facilities. Therefore, the department recommends that the commission find that the submittal does not comply with Goal 14 with respect to this urban land use at this time.

The city's comprehensive plan submittal, in particular, Chapter 8 Transportation, does not address a land need for transportation facilities. Therefore, the department recommends that the

commission find that the submittal does not comply with Goal 14 with respect to the transportation land needs required by Goal 12.

ORS 197.768, which establishes the requirements for a public facilities strategy, does not apply to acknowledgment of La Pine's comprehensive plan.

ORS 197.712, which addresses public facilities plans, does not apply to La Pine's comprehensive Plan because the city's UGB population is less than 2,500.

The department recommends that the commission find that the plan does not comply with Goal 14 with respect to transportation land needs required by Goal 12 and OAR chapter 660, division 12, because the comprehensive plan submittal does not address the land need for this specific land use.

The comprehensive plan findings regarding public schools in Chapter 7 Public Facilities and Services of La Pine's comprehensive plan do not address land need for future school facilities. Therefore, the department recommends that the commission determine that the submittal does not comply with Goal 14 with regard to the amount of land provided for school needs for the 20-year planning period.

The Bend-La Pine School District and the City of La Pine are subject to ORS 195.110 because the school district's student enrollment exceeds 2,500. (ORS 195.110(1)) Cities and school districts subject to ORS 195.110 are required to cooperatively prepare school facility plans that satisfy the requirements in the statute. (ORS 195.110(2) - (8)). Cities subject to ORS 195.110 are required to adopt such plans into their comprehensive plans. (ORS 195.110(2) (a)) The list of Appendices on page 139 of the plan refers to Bend-La Pine Schools' 2005 Sites and Facilities Plan. That plan indicates that the Bend-La Pine district does not anticipate a need for additional schools in La Pine within the next 20 years. The department recommends that the commission determine that the city's plan is consistent with ORS 195.110.

## **10. Combined Recommendations for All Public Facility Land Needs, Under Goal 14**

Direct the city to amend the comprehensive plan in order to:

- A. Provide the data, assumptions, findings, and conclusions regarding land need for water, sanitary sewer, and storm drainage facilities for the 20-year planning period, including a demonstration that the UGB includes the amount of land needed for this urban use;
- B. Provide the data, assumptions, findings, and conclusions regarding the amount of land needed for school facilities for the 20-year planning period, including a demonstration that the UGB includes the amount of land needed for this urban use;
- C. Adopt a school facility plan consistent with ORS 195.110 If that facility plan is not the same as the 2005 Bend-La Pine Schools Sites and Facilities Plan listed as an appendix to the city's comprehensive plan, then the city shall amend the comprehensive plan to incorporate or refer to the compliant school facilities plan; and
- D. Determine land need for transportation facilities for the 20-year planning period consistent with Goal 12, Goal 14, OAR 660-024-0040, and OAR chapter 660, division 12.
- E. Demonstrate with findings supported by an adequate factual base that the determination of 20-year land need for urban uses other than residential and employment lands is based

on A-D above. If a 20-year lands need based on A-D above requires less land than is currently included in the proposed UGB the city shall:

- a. Remove a sufficient amount of residential land from the proposed UGB to ensure consistency with A-E above; or
- b. Work with the department to develop findings to justify exceptions from the applicable provisions for Goal 14 and OAR Chapter 660, Division 24.

Recreation and Open Space Land Need: The department recommends acknowledgment of the Goal 8 elements of the plan. See the findings under Goal 8, above.

## **11. Goal 14 Compliance Findings for Urban Growth Boundary Location**

Goal 14 states:

*“Boundary Location. The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298<sup>24</sup> and with consideration of the following factors:*

- (1) Efficient accommodation of identified land needs;*
- (2) Orderly and economic provision of public facilities and services<sup>25</sup>;*
- (3) Comparative environmental, energy, economic and social consequences; and*
- (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.”*

OAR 660-024-0060 Boundary Location Alternatives Analysis states:

*“(1) When considering a UGB amendment, a local government must determine which land to add by evaluating alternative boundary locations. This determination must be consistent with the priority of land specified in ORS 197.298 and the boundary location factors of Goal 14, as follows:*

*(a) Beginning with the highest priority of land available, a local government must determine which land in that priority is suitable to accommodate the need deficiency determined under OAR 660-024-0050.*

*(b) If the amount of suitable land in the first priority category exceeds the amount necessary to satisfy the need deficiency, a local government must apply the location factors of Goal 14 to choose which land in that priority to include in the UGB.*

*(c) If the amount of suitable land in the first priority category is not adequate to satisfy the identified need deficiency, a local government must determine which land in the next priority is suitable to accommodate the remaining need, and proceed using the same method specified in subsections (a) and (b) of this section until the land need is accommodated.*

*(d) Notwithstanding subsection (a) to (c) of this section, a local government may consider land of lower priority as specified in ORS 197.298(3).*

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<sup>25</sup> “Public facilities and services” for Goal 14 purposes are water, sanitary sewer, storm water management, and transportation facilities. OAR 660-024-0060(7).

*(e) For purposes of this rule, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable.*

*“(3) The boundary location factors of Goal 14 are not independent criteria. When the factors are applied to compare alternative boundary locations and to determine the UGB location, a local government must show that all the factors were considered and balanced.*

*“(4) In determining alternative land for evaluation under ORS 197.298, "land adjacent to the UGB" is not limited to those lots or parcels that abut the UGB, but also includes land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency.*

*“(5) If a local government has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, the local government may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298.*

*“(8) The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the Oregon Department of Transportation with regard to impacts on the state transportation system. "Coordination" includes timely notice to service providers and the consideration of evaluation methodologies recommended by service providers. The evaluation and comparison must include:*

*(a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;*

*(b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and*

*(c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.”*

The City of La Pine determined the UGB location by making it co-terminus with the city limits. (Comp Plan at p. 135) The comprehensive plan does not contain a boundary location analysis, with the data, assumptions, findings and conclusion that support it, consistent with Goal 14 and OAR Chapter 660, Division 24. Therefore, the department recommends that the commission find that the city’s submittal cannot be acknowledged for compliance with Goal 14 and related statutes and rules concerning the location of the UGB at this time.

## **12. Recommendation Regarding the UGB Location Analysis**

Direct the city to amend the comprehensive plan in order to provide a boundary location analysis consistent with Goal 14, ORS 197.298, OAR Chapter 660, Division 24, and OAR Chapter 660, Division 9, which results in a UGB that contains a supply of land that meets the city's 20-year needs, no more and no less.

### **13. Goal 14 Compliance Findings on Comprehensive Plan Map, Zoning Map, and Management of Urbanizable Land**

Goal 14 requires that:

#### *"Urbanizable Land"<sup>26</sup>*

*Land within urban growth boundaries shall be considered available for urban development consistent with plans for the provision of urban facilities and services<sup>27</sup>. Comprehensive plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned."*

OAR 660-024-0050 (6) states that:

*"When land is added to the UGB, the local government must assign appropriate urban plan designations to the added land, consistent with the need determination. The local government must also apply appropriate zoning to the added land consistent with the plan designation or may maintain the land as urbanizable land until the land is rezoned for the planned urban uses, either by retaining the zoning that was assigned prior to inclusion in the boundary or by applying other interim zoning that maintains the land's potential for planned urban development. The requirements of ORS 197.296 regarding planning and zoning also apply when local governments specified in that statute add land to the UGB."*

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<sup>26</sup> From the definitions for the Statewide Planning Goals and Guidelines:

**URBANIZABLE LAND.** Urban land that, due to the present unavailability of urban facilities and services, or for other reasons, either:

- (a) Retains the zone designations assigned prior to inclusion in the boundary, or
- (b) Is subject to interim zone designations intended to maintain the land's potential for planned urban development until appropriate public facilities and services are available or planned.

<sup>27</sup> For Goal 14 purposes, "urban facilities and services" and "public facilities and services" are water, sanitary sewer, storm water management, and transportation facilities. OAR 660-024-0060(7).

#### **14. Compliance Findings for Comprehensive Plan Map and Management of Urbanizable Land**

The plan designations within the urbanizable area must be urban, and the urbanizable land must either retain its rural zoning or receive a holding zone until the land is rezoned for its planned urban use when public facilities and services are available or planned. (Goal 14, OAR 660-024-0050(6)) The La Pine plan and zoning maps do not comply with the goal and rule. Both maps contain the following designations, which appear to be zones and not plan designations: Master Plan Residential, Residential – Single-Family, Residential – Multi-Family, Traditional Commercial, Mixed-Use Commercial, Neighborhood Commercial, Industrial, Public Facilities, Open Space & Parks, Forest, and Sewage Treatment. The zoning map adds one zone: Commercial/Residential Mixed Use.<sup>28</sup>

There are two areas totaling 1,271 acres east of Highway 97 that are designated and zoned “Forest.” The city’s Findings state: “Unlike many communities, La Pine will retain a large expanse of land with a Forest designation until these lands are rezoned for employment land and recreational purposes.”<sup>29</sup> A note on the proposed plan map states that this land will “potentially serve as large lot employment lands.” At the time land is included in a UGB, it must receive an urban plan designation.<sup>30</sup> Commercial forestry is a rural use and designation, not an urban use and designation. If the city demonstrates that this land is needed for urban employment and/or recreational uses during the 20-year planning period, then the city must designate it for those uses on the plan map, consistent with the EOA, and with the Parks Master Plan or other demonstration of recreation land need. If this land or any portion of it is not expected to develop with needed urban uses within 20 years, it may not be included in the UGB (but it can stay in the city limits).

The plan characterizes the intended use of this land as “transitional uses ... until needed for urbanization or employment,” including “recreation, large lot industrial development, sewer expansion, energy production sites, and wildfire management areas.” The UGB is established to accommodate the amount and location of land needed for urban uses for the next 20 years. Need must be established for recreation, large lot industrial development, sewer expansion, and energy production, and the land must be planned for those purposes.<sup>31</sup> The city may, and is encouraged to, revisit its UGB needs and land supply in the future, at which time it may re-zone lands and add lands based on changes in need. Land needed during the 20-year planning period must be provided and designated at the time the UGB is established.

#### **15. Recommendations Regarding Comprehensive Plan Map and Management of Urbanizable Land**

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<sup>28</sup> Although it is not stated in the acknowledgment submittal, part of the city (and the co-terminus UGB) may already have urban zoning from its previous designation as an urban unincorporated community. If this is true, then the applicable parcels are not required to be re-zoned to rural zones or an urban holding zone upon acknowledgment; they may retain their urban zoning.

<sup>29</sup> Findings, p. 4, #11.

<sup>30</sup> OAR 660-024-0050(6).

<sup>31</sup> “Wildfire management” is not a land use, so land may not be designated or zoned for that purpose. The city may adopt zoning, development, and design standards and criteria intended to assist in wildfire management.

Direct the city to amend the comprehensive plan in order to:

- A. Revise the plan map so that all parcels in the UGB have an urban plan designation;
- B. Revise the zoning map so that all parcels within the UGB that are not in an area previously designated as an unincorporated urban community on the Deschutes County comprehensive plan map either retain rural zoning or receive a holding zone that manages the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.
- C. Regarding the large area east of Highway 97 that is labeled as “BLM transfer to County” on the plan map and designated “Sewage Treatment”: Consider re-designating and re-zoning this land for consistency with on a sanitary sewer facilities plan that is compliant with Goal 11 and Goal 14;
- D. Explain the applicability of the following designations on the plan and zoning maps located outside the city and the UGB: “Future Employment Lands,” “Neighborhood 1,” “Neighborhood 2,” “Neighborhood 3,” “Rosland Crossing neighborhood,” “Ranchside Neighborhood,” and “Prairie Meadow Neighborhood”; or, in the alternative, delete these designations from the maps.
- E. Regarding the area east of Highway 97 that is currently designated and zoned “Forest”: Designate this land for urban use on the plan map to the extent justified by the city’s land need determinations. Either retain the rural resource zoning for this land or apply an interim urban holding zone.

## **16. Goal 14 Comprehensive Plan Policies**

Goal 2 requires that:

*“All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents. ... The plans shall be the basis for specific implementation measures.”*

## **17. Compliance Findings for Goal 14 Comprehensive Plan Policies**

Compliance Findings for Goal 1 Comprehensive Plan Policies are addressed in the findings for Goal 1 compliance, above.

Compliance Findings for Goal 2 Comprehensive Plan Policies are addressed in the findings for Goal 2 compliance, above.

Compliance Findings for Goal 5 Comprehensive Plan Policies are addressed in the findings for Goal 5 compliance, above.

Compliance Findings for Goal 6 Comprehensive Plan Policies are addressed in the findings for Goal 6 compliance, above.

Compliance Findings for Goal 7 Comprehensive Plan Policies are addressed in the findings for Goal 7 compliance, above.

Compliance Findings for Goal 8 Comprehensive Plan Policies are addressed in the findings for Goal 8 compliance, above.

Compliance Findings for Goal 9 Comprehensive Plan Policies are addressed in the findings for Goal 9 compliance, above.

Compliance Findings for Goal 11 Comprehensive Plan Policies are addressed in the findings for Goal 11 compliance, above.

Compliance Findings for Goal 12 Comprehensive Plan Policies are addressed in the findings for Goal 12 compliance, above.

Compliance Findings for Goal 13 Comprehensive Plan Policies are addressed in the findings for Goal 13 compliance, above.

## **O. Goal 15: Willamette River Greenway**

This goal is not applicable because no land in the UGB is within the Willamette River Greenway Boundary. (OAR 660-024-0020(1)(e)).

## **P. Goal 16: Estuarine Resources**

These goals are not applicable because no land in the UGB is within a coastal shorelands boundary. (OAR 660-024-0020(1)(f)).

## **Q. Goal 17: Coastal Shorelands**

These goals are not applicable because no land in the UGB is within a coastal shorelands boundary. (OAR 660-024-0020(1)(f)).

## **R. Goal 18: Beaches and Dunes**

These goals are not applicable because no land in the UGB is within a coastal shorelands boundary. (OAR 660-024-0020(1)(f)).

**S. Goal 19: Ocean Resources**

This goal is not applicable because no land in the UGB abuts the coast of the Pacific Ocean.

**VI. OBJECTIONS**

**A. Valid Objections Received**

Following the department notice that it has received an acknowledgment request is a 45-day period for interested parties to submit comments to the commission for its consideration. (ORS 197.251(2), OAR 660-003-0005(3), OAR 660-003-0020(1))

The Department mailed notice of receipt of the acknowledgment request and opportunity to submit comments and objections on September 14, 2010. The deadline for submission of objections was October 29, 2010. The Department received no timely objections.

**B. Response to Objections**

The commission considers all valid objections and decides whether each objection is granted or denied. The department may investigate the objections and resolve issues raised in the comments and objections in its report to the commission. (ORS 197.251(2)(b) & (4), OAR 660-003-0020 (3) & (4))

The department received no timely objections; therefore, no response is required.

**VII. DEPARTMENT RECOMMENDATION AND DRAFT MOTIONS**

The department recommends that the commission accept its recommendation as it is proposed in this report. The department further recommends that the commission adopt the motion proposed in Alternative 1 below.

Alternative 1:

*“I move that the Land Conservation and Development Commission accept the recommendations of the department, and direct the department to develop an order acknowledging the City of La Pine comprehensive plan for compliance with Goal 1, Goal 3, Goal 4, Goal 6, Goal 8, Goal 9, Goal 11, and Goal 13; and directing the department to work directly with the city to develop a compliance schedule that will bring the La Pine comprehensive plan into compliance with the remaining Goals.”*

Alternative 2:

*“I move that the Land Conservation and Development Commission direct the city and the department to develop an order acknowledging the City of La Pine comprehensive plan for compliance with Goal \_\_\_ and Goal \_\_\_, and Goal \_\_\_, and . . . ; and direct the department to work with the city to develop a compliance schedule that will bring the La Pine plan into compliance with the remaining Goals.”*

## VIII. ACRONYMS, ABBREVIATIONS, AND TERMS

BLI	Buildable Lands Inventory
CCI	Citizen Involvement Committee
CAC	Citizen Advisory Committee
(The) city	The City of La Pine
(The) commission or LCDC: Comp Plan at p. 3	The Oregon Land Conservation and Development Commission Example of a citation to a page number in a particular document in the record.
(The) county	Deschutes County
DEQ	Department of Environmental Quality
The department:	The Oregon Department of Land Conservation and Development
EOA	Economic Opportunity Analysis
The goal(s)	One or more of the 19 Statewide Planning Goals
LPRD	La Pine Park and Recreation District
LWI	Local Wetland Inventory
MPR	Master Plan Residential
MFR	Multi-Family Housing
NWI	National Wetland Inventory
OAR:	Oregon Administrative Rules
ORS:	Oregon Revised Statutes
SFR	Single Family Residential
TPR	Transportation Planning Rule
TSP	Transportation System Plan
UGB:	Urban growth boundary. As used in this report, it refers to the urban growth boundary adopted for the City of La Pine.
UUC	Urban Unincorporated Community (Deschutes County designation)

## **IX. ATTACHMENTS**

1. Correspondence:
  - a. Department September 14, 2010 notice of receipt of request for acknowledgment and opportunity to comment and file objections;
  - b. Department September 14, 2010 acknowledgment completeness letter addressed to La Pine Mayor Kitty Shields.
2. La Pine acknowledgment request submittal from Deschutes County
  - a. April 5, 2010 Deschutes County Notice of Adoption submitted to the Department with Ordinance No. 2010-008, map of La Pine urban growth boundary, findings for La Pine comprehensive plan and Urban Growth UGB, and county plan amendments.
3. La Pine acknowledgment request submittals from City of La Pine
  - a. March 2010 Comprehensive Plan;
  - b. Comprehensive Plan Map with urban growth boundary;
  - c. Comp Plan and UGB Findings; and
  - d. Comp Plan Contact List.

## **Exhibits**

### **Oregon Revised Statutes (ORS)**

**ORS 195.025 Regional coordination of planning activities; alternatives.** (1) In addition to the responsibilities stated in ORS 197.175, each county, through its governing body, shall be responsible for coordinating all planning activities affecting land uses within the county, including planning activities of the county, cities, special districts and state agencies, to assure an integrated comprehensive plan for the entire area of the county. In addition to being subject to the provisions of ORS chapters 195, 196 and 197 with respect to city or special district boundary changes, as defined by ORS 197.175 (1), the governing body of the Metropolitan Service District shall be considered the county review, advisory and coordinative body for Multnomah, Clackamas and Washington Counties for the areas within that district.

(2) For the purposes of carrying out ORS chapters 195, 196 and 197, counties may voluntarily join together with adjacent counties as authorized in ORS 190.003 to 190.620.

(3) Whenever counties and cities representing 51 percent of the population in their area petition the Land Conservation and Development Commission for an election in their area to form a regional planning agency to exercise the authority of the counties under subsection (1) of this section in the area, the commission shall review the petition. If it finds that the area described in the petition forms a reasonable planning unit, it shall call an election in the area on a date specified in ORS 203.085, to form a regional planning agency. The election shall be conducted in the manner provided in ORS chapter 255. The county clerk shall be considered the elections officer and the commission shall be considered the district elections authority. The agency shall be considered established if the majority of votes favor the establishment.

(4) If a voluntary association of local governments adopts a resolution ratified by each participating county and a majority of the participating cities therein which authorizes the association to perform the review, advisory and coordination functions assigned to the counties under subsection (1) of this section, the association may perform such duties. [Formerly 197.190]

**ORS 195.036 Area population forecast; coordination.** The coordinating body under ORS 195.025 (1) shall establish and maintain a population forecast for the entire area within its boundary for use in maintaining and updating comprehensive plans, and shall coordinate the forecast with the local governments within its boundary. [1995 c.547 §7 (enacted in lieu of 195.035)]

**ORS 197.251 Compliance acknowledgment; commission review; rules; limited acknowledgment; compliance schedule.** (1) Upon the request of a local government, the Land Conservation and Development Commission shall by order grant, deny or continue acknowledgment of compliance of comprehensive plan and land use regulations with the goals. A commission order granting, denying or continuing acknowledgment shall be entered within 90 days of the date of the request by the local government unless the commission finds that due to extenuating circumstances a period of time greater than 90 days is required.

(2) In accordance with rules of the commission, the Director of the Department of Land Conservation and Development shall prepare a report for the commission stating whether the comprehensive plan and land use regulations for which acknowledgment is sought are in compliance with the goals. The rules of the commission shall:

(a) Provide a reasonable opportunity for persons to prepare and to submit to the director written comments and objections to the acknowledgment request; and

(b) Authorize the director to investigate and in the report to resolve issues raised in the comments and objections or by the director's own review of the comprehensive plan and land use regulations.

(3) Upon completion of the report and before the commission meeting at which the director's report is to be considered, the director shall afford the local government and persons who submitted written comments or objections a reasonable opportunity to file written exceptions to the report.

(4) The commission's review of the acknowledgment request shall be confined to the record of proceedings before the local government, any comments, objections and exceptions filed under subsections (2) and (3) of this section and the report of the director. Upon its consideration of an acknowledgment request, the commission may entertain oral argument from the director and from persons who filed written comments, objections or exceptions. However, the commission shall not allow additional evidence or testimony that could have been presented to the local government or to the director but was not.

(5) A commission order granting, denying or continuing acknowledgment shall include a clear statement of findings which sets forth the basis for the approval, denial or continuance of acknowledgment. The findings shall:

(a) Identify the goals applicable to the comprehensive plan and land use regulations; and

(b) Include a clear statement of findings in support of the determinations of compliance and noncompliance.

(6) A commission order granting acknowledgment shall be limited to an identifiable geographic area described in the order if:

(a) Only the identified geographic area is the subject of the acknowledgment request; or

(b) Specific geographic areas do not comply with the applicable goals, and the goal requirements are not technical or minor in nature.

(7) The commission may issue a limited acknowledgment order when a previously issued acknowledgment order is reversed or remanded by the Court of Appeals or the Oregon Supreme Court. Such a limited acknowledgment order may deny or continue acknowledgment of that part of the comprehensive plan or land use regulations that the court found not in compliance or not consistent with the goals and grant acknowledgment of all other parts of the comprehensive plan and land use regulations.

(8) A limited acknowledgment order shall be considered an acknowledgment for all purposes and shall be a final order for purposes of judicial review with respect to the acknowledged geographic area. A limited order may be adopted in conjunction with a continuance or denial order.

(9) The director shall notify the Real Estate Agency, the local government and all persons who filed comments or objections with the director of any grant, denial or continuance of acknowledgment.

(10) The commission may grant a planning extension, which shall be a grant of additional time for a local government to comply with the goals in accordance with a compliance schedule. A compliance schedule shall be a listing of the tasks which the local government must complete in order to bring its comprehensive plan, land use regulations, land use decisions and limited land use decisions into initial compliance with the goals, including a generalized time schedule showing when the tasks are estimated to be completed and when a comprehensive plan or land use regulations which comply with the goals are estimated to be adopted. In developing a com-

pliance schedule, the commission shall consider the population, geographic area, resources and capabilities of the city or county.

(11) As used in this section:

(a) “Continuance” means a commission order that:

(A) Certifies that all or part of a comprehensive plan, land use regulations or both a comprehensive plan and land use regulations do not comply with one or more goals;

(B) Specifies amendments or other action that must be completed within a specified time period for acknowledgment to occur; and

(C) Is a final order for purposes of judicial review of the comprehensive plan, land use regulations or both the comprehensive plan and land use regulations as to the parts found consistent or in compliance with the goals.

(b) “Denial” means a commission order that:

(A) Certifies that a comprehensive plan, land use regulations or both a comprehensive plan and land use regulations do not comply with one or more goals;

(B) Specifies amendments or other action that must be completed for acknowledgment to occur; and

(C) Is used when the amendments or other changes required in the comprehensive plan, land use regulations or both the comprehensive plan and land use regulations affect many goals and are likely to take a substantial period of time to complete. [1977 c.766 §18; 1979 c.242 §3; 1981 c.748 §7; 1983 c.827 §5; 1985 c.811 §13; 1991 c.817 §23; 1993 c.438 §2]

**City of La Pine**  
**La Pine City Hall, PO Box 3055, 51340 Hwy 97, Oregon 97739**  
**phone: (541) 536-1432 fax: (541) 536-1462**

February 10, 2011

Jon Jinings and Karen Swirsky  
Central Oregon Regional Representatives  
Community Services Division  
Oregon Dept. of Land Conservation and Development  
888 NW Hill St, Suite 2 | Bend, OR 97701

Subject: City of La Pine Comprehensive Plan Acknowledgement

Greetings:

The City of La Pine submits this letter as part of the public notice process published by DLCD last month.

The City has been in regular contact with DLCD representatives during the development of the La Pine Comprehensive Plan (Plan). We are especially appreciative of the land use advice and technical support provided early on by Mark Radabaugh, and continued with Darren Nichols, Jon Jinings, and Karen Swirsky. Without support from these great project partners, the Plan process would have been more difficult and cumbersome. We also appreciate bringing key issues to our attention so we can further refine the Plan and address compliance issues.

The development of La Pine began many years ago and culminated in the 2006 incorporation. Extensive citizen involvement and voting took place as part of the City's incorporation process. The community has very strong feelings about how the city should be shaped and where the city limits should be located. The City's *historic development pattern* has created two major areas that make up the total of the community. The Wickiup Junction area is in the northern part of the City while the bulk of the older city settlement is in the southern portion. These two main areas, along with the unincorporated area recognized as the County's La Pine Unincorporated Community, were included in the City limits you see today.

Given that the City has a variety of settlement patterns (Wickiup Junction and the more established portions of the City), the Plan sought ways to connect the areas by using a planning technique called the "Complete Communities" concept. Using this technique, the City Council, and community agreed to designate three primary neighborhoods within the City limits and develop zoning categories to encourage sustainable development within each neighborhood - thus reducing vehicle miles traveled and improving livability. Extensive public participation was used throughout this process and throughout the development of the Plan.

When the city limits was voter and State approved it included settlement patterns and established neighborhoods that will not likely change for many years. In some cases, large expanses of open space, forested land, and land owned by the BLM separate neighborhoods from one another. La Pine also has the challenge of having a major

## City of La Pine

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highway and railroad cut through the small community. However, the Plan includes creative and useful tools to encourage cohesiveness with other parts of the community. It also contains planned improvements that will help to create complete neighborhoods and thus, develop into a Complete Community. **The effectiveness of these programs relies upon the UGB being the same boundary as the City limits.**

To extract lands from the proposed UGB will fracture the City framework and disconnect the proposed cohesiveness in planning the Plan seeks to provide. In addition, given the unique features related to septic facilities and proposed sewer treatment extensions, a discontinuous UGB would potentially jeopardize needed service routes. Nonetheless, we will provide you with more detail and narrative to support sections of the Plan that need bolstering and additional justification. As previously mentioned, the elements of the plan before you are the result of careful thought and intense citizen/community involvement. It was a strong theme expressed by citizens during the Plan hearings that La Pine should not lose its livability and character while the City addresses the key demands of needed housing, employment issues, shovel-ready siting, transportation, open spaces, cultural and recreational needs. The Plan addresses these issues and recognizes the unique features of La Pine; features that have shaped the community for over 100 years.

While we understand it may be more of a challenge to support the proposed UGB boundary, we intend to provide you with additional data to justify this concept. However, it is essential to understand the history of the community and the expressed wishes of citizens, which originated through the Citizen Involvement Process and the established land uses, and zones that were in place for many years *before* the City's incorporation. Many years have been dedicated to shaping the future of the community through the Plan's proposed Goals, Policies, and Programs. La Pine is a city fully engaged in its future and this momentum will continue with the Plan's acknowledgement. Our mutual goal is for a speedy acknowledgement so we can better guide growth within our community. Thank you for your assistance.

Sincerely,

*Deborah McMahon and James Lewis*

Authorized Consultants for the City of La Pine

Cc: City Manager, Council, and Planning Commission