



FINDINGS AND DECISION

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|-----------------------|---|
| FILE NUMBER: | 01SPR-24 |
| APPLICANT: | Momentasize LLC 61239 Tetherow Dr #210 Bend, OR 97702 |
| OWNER: | Momentasize LLC 61239 Tetherow Dr #210 Bend, OR 97702 |
| LOCATION: | The subject property is located at 51372 Preble Way, La Pine, Oregon 97739. The Tax Lot number is 1000 on Deschutes County Assessor's Map 22-10-14CB. |
| REQUEST: | The applicant is requesting Site Plan Review to establish a new 11-unit manufactured home park in the Commercial/Residential Mixed Use zone. |
| STAFF CONTACT: | Rachel Vickers, Associate Planner Email: rvickers@lapineoregon.gov Phone: (541) 280-5680 |
| DECISION: | Approved, subject to the conditions of approval identified below. |

I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA

City of La Pine Development Code

Article 3. Zoning Districts

Section 15.22, Commercial and Mixed-Use Zones

Article 5. Development Standards

Section 15.80, Development Standards, Generally

Section 15.82, Landscaping, Buffering and Fences

Section 15.86, Parking and Loading

Section 15.88, Access and Circulation

Section 15.94, Improvement Procedures and Guarantees

II. BASIC FINDINGS

ZONING: The subject property is zoned Commercial/Residential Mixed Use zone with no overlay zones.

PARCEL SIZE: The subject property is 1.18-acres in size.

LOT LEGALITY: The subject property found to be two legal lots of record is Deschutes County File LR-93-68.

REVIEW PERIOD: The subject application was submitted on February 21, 2024, and deemed complete on March 22, 2024. The 120th day on which the City must take final action on this application is July 20, 2024.

PROPOSAL: The applicant proposes a new 11 unit manufactured home park.

III. AGENCY AND PUBLIC COMMENTS

PUBLIC AGENCY COMMENTS: The La Pine Community Development Department sent mailed and electronic notice on April 25, 2024, to several public agencies and received the following comments:

Randy Scheid, Deschutes County Building Official

918-600-0010

Scope

These rules and the Oregon Manufactured Dwelling and Park Specialty Code, 2002 Edition, including amendments adopted effective April 1, 2005 establish minimum safety standards for the design and construction of mobile home and manufactured dwelling parks in accordance with ORS chapter 446.

918-600-0020

Permit Required

No person, firm or corporation shall establish, construct, enlarge, or alter any mobile home or manufactured dwelling park or cause the same to be done without first obtaining all required permits from issuing authority and paying the prescribed permit fee.

NOTICE: The Deschutes County Building Safety Divisions code mandates that Access, Egress, Setbacks, Fire & Life Safety, Fire Fighting Water Supplies, etc. must be specifically addressed during the appropriate plan review process with regard to any proposed structures and occupancies.

Accordingly, all Building Code required items will be addressed, when a specific structure, occupancy, and type of construction is proposed and submitted for plan review.

Clara Butler, Deputy State Fire Marshall

Findings: Unable to provide accurate comments without a to-scale plan.

WATER:

- Fire Safety during Construction – 2022 OFC 501.4
 - Approved fire department access roads, required water supply, fire hydrants, and safety precautions shall be installed and serviceable prior to and during the time of construction. The requirements of NFPA 241 shall be followed until project is complete.

Area with Fire Hydrants:

- Water Supply – 2022 OFC B105.1
 - The minimum fire-flow requirements for one- and two- family dwellings having a fire-flow calculation area which does not exceed 3,600 sq ft (including the garage) shall be 1,000 gpm at 20 psi residual flow. Dwellings exceeding 3,600 sq ft shall use Table B105.4
 - Exception:
 - A reduction in required fire flow of up to 50 %, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.3 (NFPA 13D) of the OFC.
- Fire Hydrant – 20122 OFC 507.5.1
 - Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road as measured by an approved route around the exterior of the building, on-site hydrants and mains shall be provided where required.
 - Exception: For Group R3 occupancies, the distance requirement shall be 600 ft.
- Area Separation – 2022 OFC B104.2
 - Portions of buildings which are separated by fire walls without openings constructed in accordance with the International Building Code are allowed to be considered as separate fire flow calculation areas.
- Obstruction & Protection of Fire Hydrants – 2022 OFC 507.5.4 – 507.5.6
 - A 3 foot clear space shall be maintained around the circumference of fire hydrant. When exposed to vehicular damage, concrete curbing, sidewalks, or 4 inch concrete filled bollards placed 3 feet from hydrant shall suitably protect fire hydrants.
- Note: Before the application can be deemed complete, a stamped engineered fire flow analysis will be required.

ACCESS:

- Premises Identification – 2022 OFC 505.1
 - Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street fronting the property. Said numbers shall contrast with their background and visible at night. Number/letter shall be a minimum of 4" high and a .5 "stroke width.
- Required Access – 2022 OFC 504.1
 - Exterior doors and openings shall be made readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided.
- Fire Apparatus Access Roads – 2022 OFC 503 & Appendix D
 - Fire apparatus access roads shall extend to within 150 ft of all portions of the building as measured by an approved route around the exterior of the building.
 - Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.
 - Fire apparatus roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.
 - The required turning radius of a fire apparatus access road shall determined by the fire code official. The grade of the fire apparatus access roads shall be within the limits established by the fire code official.
 - The angles of approach and departure for fire apparatus access roads shall be within the limits established by the fire code official based on the fire department's apparatus.
- Authority – 2022 OFC 503.2.2
 - The fire code official shall have the authority to modify the dimensions specified in 503.2.1.

- Fire Lanes – 2022 OFC 503.3 & D103.6
 - Approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Such signs or notices shall be kept in legible conditions at all times. The stroke shall be 1 inch with letters 6 inches high and read “No Parking Fire Lane”. Spacing for signage shall be every 50 feet.
 - Recommended to also paint fire lane curbs (in addition to Fire lane signs) in bright red paint with white letters.
 - D103.6.1 Roads 20-26 Ft. Wide: Shall have Fire Lane signs posted on both sides of a fire lane.
 - D103.6.2 Roads more than 26 Ft. Wide: Roads 26-32 ft wide shall have Fire Lane signs posted on one side of the road as a fire lane.
- Dead-Ends – 2022 OFC 503.2.5 and D103.4
 - Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.
 - D 103.4 Table: Length of Dead end: greater than 500 ft shall meet the turnaround requirements and the width of the road shall be a minimum of 26 ft clear for fire apparatus.
- Emergency Access Road Gates – 2022 OFC D103.5
 - Minimum 20 feet wide.
 - Gates shall be swinging or sliding type.
 - Shall be able to be manually operated by one person.
 - Electric gates shall be equipped with a means of opening by emergency personnel & approved by fire official.
 - Locking devices may be padlocks.
 - Section 503.3: Install a sign on the gate “Emergency Access”
- Key Boxes – 20122 OFC 506.1
 - An approved key box may be installed on all structures equipped with a fire alarm system and /or sprinkler system.

Erik Huffman, City of La Pine Engineering

Site Plan

Prior to occupancy, developer shall prepare and execute an easement for gas service across Lot 2 serving Lot 1. Provide a copy of the recorded easement to the City of La Pine.

Prior to occupancy, developer shall prepare and execute an easement for a fire department turnaround encroachment onto Lot 1 for the benefit of Lot 2. Provide a copy of the recorded easement to the City of La Pine.

Transportation

Prior to occupancy, developer shall install 6’ wide concrete sidewalk along the property frontage including driveway approach aprons as depicted in the submitted drawings, per Oregon Standard Drawing RD740.

Prior to occupancy, developer shall install 4 street trees along the property frontage, between sidewalk and roadway.

Sewer

Prior to occupancy, developer shall install a sewer service lateral connected to the main line in the east side of Preble Way in accordance with City of La Pine public works standards.

Prior to occupancy, developer shall not make use of the new sewer service lateral until the City has completed the Industrial Park Lift Station Improvement Project.

Prior to occupancy, developer shall install one septic tank for each manufactured home within the mobile home park. The septic tanks shall be connected to the sewer service lateral for the property. Any septic tanks located within drivable surfaces shall be constructed with reinforced caps capable of H-20 vehicle loading.

Water

Prior to occupancy, developer shall install improvements as depicted on the submitted plans including fire hydrant assembly and domestic water service. The roadway asphalt shall be patched in accordance with Deschutes County Standards, and shall be subject to Deschutes County approval for Right of Way improvements.

Stormwater

Prior to occupancy, developer shall provide a final grading and drainage plan for review and approval by the City, and shall provide stormwater calculations indicating compliance with the Central Oregon Stormwater Manual.

STAFF COMMENT: To ensure compliance with the City Engineers comments, the following conditions of approval have been added.

Gas Easement: **Prior to occupancy**, developer shall prepare and execute an easement for gas service across Lot 2 serving Lot 1. Provide a copy of the recorded easement to the City of La Pine.

Fire Department Easement: **Prior to occupancy**, developer shall prepare and execute an easement for a fire department turnaround encroachment onto Lot 1 for the benefit of Lot 2. Provide a copy of the recorded easement to the City of La Pine.

Sidewalk: **Prior to occupancy**, developer shall install 6' wide concrete sidewalk along the property frontage including driveway approach aprons as depicted in the submitted drawings, per Oregon Standard Drawing RD740.

Street Trees: **Prior to occupancy**, developer shall install 4 street trees along the property frontage, between sidewalk and roadway.

Sewer Lateral: **Prior to occupancy**, developer shall install a sewer service lateral connected to the main line in the east side of Preble Way in accordance with City of La Pine public works standards.

Sewer Lateral Use: **Prior to occupancy**, developer shall not make use of the new sewer service lateral until the City has completed the Industrial Park Lift Station Improvement Project.

Septic Tanks: **Prior to occupancy**, developer shall install one septic tank for each manufactured home within the mobile home park. The septic tanks shall be connected to the sewer service lateral for the property. Any septic tanks located within drivable surfaces shall be constructed with reinforced caps capable of H-20 vehicle loading.

Improvements: **Prior to occupancy**, developer shall install improvements as depicted on the submitted plans including fire hydrant assembly and domestic water service. The roadway asphalt shall be patched in accordance

with Deschutes County Standards, and shall be subject to Deschutes County approval for Right of Way improvements.

Grading and Drainage: **Prior to occupancy**, developer shall provide a final grading and drainage plan for review and approval by the City, and shall provide stormwater calculations indicating compliance with the Central Oregon Stormwater Manual.

The following agencies did not respond to the notice: City of La Pine Public Works, La Pine Fire Department, Deschutes Road Department, Midstate Electric, Deschutes Address Coordinator.

PUBLIC COMMENTS: The La Pine Community Development Department mailed notice of the application to all property owners within 100 feet of the subject property on April 24, 2024. No public comments were received.

IV. FINDINGS OF FACT

PART III, CITY OF LA PINE DEVELOPMENT CODE

Article 3, Zoning Districts

Chapter 15.22 – Commercial and Mixed-Use Zones

Section 15.22.200, Characteristics of the Commercial and Mixed-Use Zones

Commercial zones accommodate a mix of commercial services, retail, and civic uses, along with residential uses permitted in some circumstances. Four commercial zones provide for the full range of commercial land uses within the city. The zoning district regulations are intended to promote the orderly development and improvement of walkable commercial areas; facilitate compatibility between dissimilar land uses; provide employment opportunities in proximity, and with direct connections, to housing; and to ensure efficient use of land and public facilities.

...

B. *Commercial/Residential Mixed Use Zone (CRMX). The CRMX zone is intended primarily as a smaller scale, service and office commercial district, with associated residential that may consist of upper level units. A live-work design concept within the mixed-use district serves as a buffer between the C zone and residential zones. Commercial uses are allowed in the zone but are limited in order to facilitate a mixed-use development pattern.*

...

FINDING: The subject property is zoned Commercial/Residential Mixed Use. Applicable criteria are addressed herein.

Section 15.22.300, Use Regulations

Uses may be designated as permitted, limited, conditional, or prohibited in the commercial and mixed-use zones. As noted in Table 15.22-1, a use may also be subject to special use standards of article 6.

A. *Permitted uses (P). Uses allowed outright in the commercial and mixed-use zones are listed in Table 15.22-1 with a "P." In the C zone, any use that emits fumes or noxious odors, requires an air quality permit from the Oregon Department of Environmental Quality (DEQ), or emits noise*

beyond 20 decibels (dB) is required to obtain a conditional use permit pursuant to chapter 15.316, conditional uses.

- B. *Limited uses (L). Uses allowed in the commercial and mixed-use zones subject to limitations are listed in Table 15.22-1 with an "L." The limitations are defined below and correspond with the footnote numbers in Table 15.22-1. In the C zone, any use that emits fumes or noxious odors, requires an air quality permit from the Oregon Department of Environmental Quality (DEQ), or emits noise beyond 20 decibels (dB) is required to obtain a conditional use permit pursuant to chapter 15.316, conditional uses.*
- ...
- C. *Conditional uses (CU). Uses which are allowed if approved through the conditional use review process are listed in Table 15.22-1 with a "CU." These uses are allowed, provided they comply with the conditional use requirements of chapter 15.316, conditional uses. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote.*
- D. *Prohibited uses (N). Uses listed in Table 15.22-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of chapter 15.08, non-conforming uses and structures.*

| Table 15.22-1. Use Regulations in the Commercial and Mixed-Use Zones | | | | | |
|---|-----------|-------------|------------|-----------|------------------------------|
| Use Category | C | CRMX | CMX | CN | Special Use Standards |
| Residential Use Categories | | | | | |
| Household Living | - | - | - | - | - |
| - Single-Family Dwelling | CU | P | P | P | - |
| - Cottage Cluster Development | P | P | P | P | Section 15.104.050 |
| - Townhome | CU | P | P | P | Section 15.104.020 |
| - Duplex | P | P | P | P | Section 15.104.030 |
| - Multi-Family Development | P | P | P | P | Section 15.104.040 |
| - Manufacture Dwelling | CU | P | P | P | - |
| - Manufacture Dwelling Park | P | P | P | P | Section 15.104.060 |
| - Accessory Dwelling Unit | P | P | P | P | Section 15.104.010 |
| - Residential Care Home | CU | P | P | P | Section 15.104.080 |
| Group Living | - | - | - | - | - |
| - Room and Board Facility | CU | CU | CU | CU | - |
| - Residential Care Facility | P | P | P | P | Section 15.104.080 |
| - Long-Term Care Facility | P | CU | CU | P | - |

FINDING: The applicant is proposing a new 11-unit manufactured dwelling park, which is a use permitted outright in the CRMX zone, subject to LPDC Section 15.104.060. Applicable criteria are addressed herein.

Section 15.22.400, Development Standards

- A. **Purpose.** *The development standards for commercial and mixed-use zones allow development flexibility, within parameters, that supports the intended characteristics of the specific zone. In addition, the regulations provide guidance to property owners, developers, and neighbors about the limits of what is allowed.*
- B. **Development standards.** *The development standards for commercial and mixed-use zones are presented in Table 15.22-2. Development standards may be modified as provided by chapter 15.320, variances. Additional standards may apply to specific zones or uses, see section 15.22.500.*

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| Table 15.22-2. Development Standards in the Commercial and Mixed-Use Zones |
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| <i>Standard</i> | <i>C</i> | <i>CRMX</i> | <i>CMX</i> | <i>CN</i> |
|------------------------------------|--|------------------------------------|------------------------------------|------------------------------------|
| <i>Minimum Lot Width</i> | <i>None</i> | <i>None</i> | <i>None</i> | <i>25 feet</i> |
| <i>Minimum Setbacks</i> | - | - | - | - |
| <i>- Front or Street-Side Yard</i> | <i>20 feet</i> | <i>20 feet</i> | <i>20 feet</i> | <i>20 feet</i> |
| <i>- Side Yard</i> | <i>None</i> | <i>10 feet; None for Townhomes</i> | <i>10 feet; None for Townhomes</i> | <i>10 feet; None for Townhomes</i> |
| <i>- Rear Yard</i> | <i>None</i> | <i>10 feet</i> | <i>10 feet</i> | <i>15 feet</i> |
| <i>Maximum Building Height</i> | <i>70 feet</i> | <i>45 feet</i> | <i>45 feet</i> | <i>45 feet</i> |
| <i>Maximum Lot Coverage</i> | <i>80%</i> | <i>60%</i> | <i>60%</i> | <i>50%</i> |
| <i>Minimum Landscaped Area</i> | <i>See 15.18.500 and Chapter 15.82</i> | | | |
| <i>Minimum and Maximum Density</i> | <i>Residential; and mixed-use developments are subject to the minimum and maximum density standards of the RMF zones (see section 15.18.500)</i> | | | |

FINDING: Staff addresses each development standard below:

Minimum Lot Width:

The CRMX zone has no minimum lot width standard.

Minimum Setbacks:

The CRMX zone requires a 20-foot front yard setback, and 10-foot side and rear yard setback. The applicants submitted site plan indicates all structures will be set back at least 20 feet from Preble Way, and 10 feet from the south, east, and north property lines.

Maximum Building Height:

The CRMZ zone requires a 45-foot height limit. Based on the applicant’s burden of proof, each manufactured home will be less than the maximum allowable height.

Minimum Landscaped Area:

Compliance with the landscaping requirements of LPDC Chapter 15.82 will be reviewed further on in this decision.

Minimum and Maximum Density:

LPDC Section 15.18.500 requires a minimum density of 5 units per acre and a maximum density of 40 units per acre. The subject property is .885 acres and they are proposing 11 units (12.42 units per acre).

Based on staff analysis, the standards of Table 15.22-2 are met.

Section 15.22.500, Additional Standards

- A. *Corner lot frontages. For commercial uses located on corner lots where one street is predominantly residential, and one street is predominantly commercial, any commercial structure shall front on the street that is predominantly commercial.***

FINDING: The subject property is not a corner lot; therefore, this criterion is not applicable.

- B. Landscaping standard. Any portion of a lot developed for commercial uses which are not used for buildings, other structures, parking or loading spaces, or aisles, driveways, sidewalks, and designated storage areas shall be planted and maintained with grass or other all-season groundcover vegetation. Grass shall be kept neatly mowed. Landscaping with trees and shrubs is permitted and encouraged. See additional landscaping and buffering standards in article 5.**

FINDING: The applicant is proposing a manufactured home park which is classified as a residential use under LPDC Table 15.22-2, therefore this criterion is not applicable.

C. Screening requirements.

- 1. Outdoor activities. Any business, servicing, or processing shall be conducted within a completely enclosed building, except for parking and loading facilities and for "drive-in" type establishments offering goods or services to customers waiting in parked motor vehicles.**

FINDING: The applicant is not proposing any of the uses included above. This criterion is not applicable.

- 2. Outdoor storage. All areas of a site containing or proposed to contain outdoor storage of materials, equipment, and vehicles, and areas containing junk, salvage materials, or similar contents, shall be screened from view from adjacent rights-of-way and residential uses by a sight-obscuring fence, wall, landscape screen, or combination of screening methods. See additional buffering and fence standards in article 5.**

FINDING: The applicant's proposal does not include the outdoor storage of materials, equipment, vehicles, nor areas containing junk or salvage

- 3. Outdoor merchandise display. The outdoor display of merchandise for sale is not required to be screened from view, provided that all merchandise is located behind building setback lines unless otherwise approved by the city (e.g., to allow sidewalk sales).**

FINDING: The applicant's proposal does not include the outdoor display of merchandise for sale, therefore, this criterion is not applicable.

- D. Vehicle access. Access driveways and entrances shall be permitted in a number and locations in which sight distance is adequate to allow safe movement of traffic in or out of the driveway or entrance, the free movement of normal highway traffic is not impaired, and the driveway or entrance will not create a hazard or an area of undue traffic congestion on highways to which it has access. The city may require the permit applicant to submit engineering data and/or traffic analyses to support its proposed plan of access driveways and entrances. See additional access and circulation standards in article 5.**

FINDING: Access to and from the subject property will take place off Preble Way. The applicant submitted a letter from the Professional Engineer which did not indicate any deficiencies in the proposed vehicle access. Furthermore, notice of application was sent to the Deschutes County Road Department who owns and maintains Preble Way. Staff did not receive any comments from the Road Department indicating the new access point would create issues with vehicle access. This criterion is met.

- E. Emissions. No use shall emit any noxious, toxic, or corrosive fumes or gases nor shall it emit any offensive odors.**

FINDING: The applicants proposed residential use is not expected to emit any noxious, toxic, or corrosive fumes, odors, or gases. This criterion is not applicable.

- F. Noise. All uses shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment or uses or processes with electrical apparatus.**

FINDING: The applicant is not proposing a use that will create noise associated with mechanical or electrical equipment, therefore this criterion is not applicable.

- G. Lighting. All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.**

FINDING: To ensure compliance with the above criterion, the following condition of approval has been added.

Exterior Lighting: All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.

Article 5, Development Standards

Chapter 15.82, Landscaping, Buffering and Fences

Section 15.82.010, Landscaping and Buffering Requirements

The following minimum landscape requirements are established for all developments subject to site plan approval, unless approved otherwise by the reviewing authority:

- A. Exemption. The provisions of this section may be exempted for uses existing on or before the effective date of this Development Code that are a permitted use in a specific zone in an existing building or buildings on a lot or parcel of land of the scale that there is no remaining room for landscaping; this exemption shall also apply to the exterior remodeling and/or expansion of not more than 25 percent of the total square footage of all enclosed structures on a lot or parcel existing under a unit ownership on or before the effective date of this Development Code.**

FINDING: The applicant's proposal includes a new residential use and therefore the provisions of LPDC Chapter 15.82 apply to this land use permit.

- B. Area required. Except as approved otherwise by the city, the following minimum percent of a parcel area shall be landscaped for the following uses:**
- 1. Duplexes and triplexes: 25 percent.**
 - 2. Multi-family dwelling complexes containing four or more units and commercial residential mixed uses (CRMX): 20 percent.**
 - 3. Commercial uses including mixed use commercial (CMX): 15 percent.**
 - 4. Industrial uses. A minimum five-foot landscaped buffer along any adjoining public right-of-way of a collector or arterial street or highway, which may be computed toward an overall requirement of ten percent.**
 - 5. Minimum area requirements may include landscaping around buildings, in parking and loading areas, outdoor recreational use areas, screening and buffering areas, and surface water drainage areas.**

FINDING: The applicant proposes a multifamily dwelling complex with more than four units; therefore, the applicant's proposal is subject to a 20% landscaping standard. The subject property is 38,553 square feet and the application proposes to landscape 16,677 square feet (43.3%). This criterion is met.

- C. *Landscaping defined. Required landscaping may include, but is not limited to, a combination of any of the following materials: living plant material such as trees, shrubs, groundcover, flowers and lawn (including native vegetation); and nonliving materials such as benches, walkways and courtyards, consisting of brick, decorative rock or other decorative materials. The total amount of nonliving materials (including bark dust, chips, aggregate, or other non-plant ground covers) shall not exceed more than 50 percent of the required landscape area.***

FINDING: The applicant proposes to use grass, trees, and shrubs for the majority (more than 50%) of the required landscaped area. This criterion is met.

- D. *Existing vegetation. Existing site vegetation may be utilized to the maximum extent possible consistent with building placement and the applicable proposed landscape plan.***

FINDING: There are several trees on the subject property and the applicants submitted burden of proof indicates that 21 of them will be removed. Staff finds the above criterion does not require the applicant to keep any existing vegetation on the site and therefore, this criterion is met.

- E. *Parking lots. Parking lots with space for ten or more vehicles must be landscaped in accordance with the following minimum requirements:***
- 1. *In commercial and residential developments, parking areas shall be divided into bays, and between or at the end of each parking bay a curbed planter containing at least 16 square feet may be required.***
 - 2. *If required, each planter shall contain at least one tree or shrub and ground cover.***
 - 3. *The areas shall be designed to be protected from being damaged by vehicles using the parking area.***
 - 4. *Unless sidewalks are provided adjacent to a structure, customer or resident parking areas should be separated from the exterior wall of a commercial or residential structure by a minimum five-foot strip of landscaping.***
 - 5. *Where a parking, loading or driveway area serving a multi-family, commercial, industrial or government use abuts a public right-of-way of a collector or arterial street or a local street across from a residential zone, or abuts a residential zone, a screen planting or other approved landscaped planter strip may be required between the parking area and the right-of-way without encroaching into a clear vision area or sidewalk.***

FINDING: The applicant's proposal does not include space for 10 or more vehicles; therefore, these criteria are not applicable.

- F. *Buffering and screening.***
- 1. *Purpose. The purpose of buffering and screening requirements are to reduce the impacts of a proposed use on adjacent uses and zones which provide for different types of uses. The city may waive or reduce the requirements where existing topography or vegetation is appropriate or otherwise negates the effectiveness or intended purpose or benefits of the buffering and screening.***
 - 2. *Where any permitted principal and/or accessory use in a commercial or industrial zone abuts any land zoned RSF, RMF, RMP or TA the following buffer and screening shall be required. These requirements shall apply in instances where such use is being newly***

developed on vacant land, expanded in floor area by 50 percent or greater, or removed and a new use developed.

FINDING: The subject property about a parcel zoned RSF to the south, therefore the above referenced screening requirements apply to this application.

3. ***Within commercial zones. A buffer strip at least ten feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts an RSF, RMF, RMP, or TA zone. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier. The buffer strip shall contain suitable screening, defined as either of the following:***
 - a. ***A solid fence or wall, architecturally compatible with existing structures in the area, no less than five feet nor more than eight feet in height; or***
 - b. ***A sight-obscuring planting of evergreens, not less than four feet in height at the time of planting and of a variety that will maintain full, dense growth from the ground up to a height of not less than six feet upon maturity, planted at a spacing of the lesser of eight feet or the diameter of a mature specimen of the species being planted.***
 - c. ***Areas of the buffer strip not covered with a fence, wall, or screening plantings, shall be planted with appropriate ground cover vegetation, including native species. Xeriscape methods are highly encouraged.***
 - d. ***Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the "C" type zone permitted use is located. Installation must be completed prior to issuance of a certificate of use and occupancy by the city. Fences or walls must be maintained in safe and structurally sound condition. Dead or diseased plants shall be removed and replaced in a timely manner. Grass shall be kept neatly mowed.***

FINDING: The applicant proposes a 10-foot buffer on the southern property line as well as a 6-foot-tall sight obscuring fence on the southern and eastern property lines. These criteria are met.

4. ***Within industrial zones. A buffer strip at least 30 feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts any RSF, RMF, RMP, or TA zoned land. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier. The buffer shall meet the following standards:***
...

FINDING: The subject property is not within an industrial zone; therefore, this criterion is not applicable.

5. ***A buffer or screening area may only be occupied by screening utilities and landscaping materials, but the same may be located within the required yard or setback requirements provided vision clearance requirements are complied with.***

FINDING: The applicant's proposed buffer and screening area will be within a required setback and will comply with all of the required vision clearance requirements.

6. ***In lieu of the foregoing requirements, an applicant may provide for landscaping and screening, including plantings, fences, walls, walks and other features designed to afford***

the same degree of buffering as the standards above. A plan and specifications for an alternative shall be reviewed and approved by the review authority.

FINDING: The applicant's proposal does not include a request for this exception. This criterion is not applicable.

- G. *Plant material installation standards. Except as otherwise approved by the city, the following standards shall apply to plant materials and the installation thereof as provided in accordance with the provisions of this section:***
- 1. Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.***
 - 2. Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.***
 - 3. Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.***
 - 4. Rows of plants should be staggered to provide for more effective coverage.***

FINDING: To ensure compliance with the above criteria, the following condition of approval has been added.

Plant Material Installation Standards: ***Prior to certificate of occupancy***, the developer shall confirm how the following landscaping standards are met:

1. Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.
2. Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.
3. Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.
4. Rows of plants should be staggered to provide for more effective coverage.

- H. *Maintenance and plant survival. All landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.***

FINDING: To ensure compliance with the above criterion, the following condition of approval has been added.

Maintenance and Plant Survival: All landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.

Section 15.82.020, Fences and Walls

The yard and setback requirements of this Development Code shall not be deemed to restrict any otherwise lawful fence, wall, or sign, provided that no fence, wall, or sign shall be located on any right-of-way of a public road.

- A. *Materials. Fences and walls shall not be constructed of nor contain any material that could cause bodily harm, such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials, except as provided below.***

1. ***Barbed wire fences intended to contain or restrict cattle, sheep, horses or other livestock, are permitted in any zone where the keeping of livestock is permitted.***
2. ***Electric fences are permitted in any zone where the keeping of livestock is permitted, provided the following standards are met:***
 - a. ***The fence product shall be listed by a State of Oregon approved testing laboratory.***
 - b. ***The fence shall be installed and used in accordance with the testing laboratory listing.***
 - c. ***Electrical permits and inspections shall be required for the installation.***
 - d. ***Warning signs which notify individuals of a dangerous fence shall be posted on the fence, at intervals not to exceed 50 feet. The statement, DANGER - Electrified Fence, or an equivalent statement, shall be on the warning signs.***
 - e. ***The fence must be located outside any front yard setback and required landscaping, buffering or screening areas.***

FINDING: The applicant submitted burden of proof indicated that a 6-foot-tall fence would be proposed along the south and east property lines and indicated that fencing materials would be determined at the time of building submittal. To ensure compliance, the following condition of approval has been added.

Fence Materials: ***Prior to the issuance of building permits***, the applicant must provide City staff with information on the type of fencing materials that will be installed.

B. Standards.

1. ***Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, non-uniform height, and uncontrolled growth of vegetation.***

FINDING: To ensure compliance with the above criterion, the following condition of approval has been added.

Fence Maintenance: Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, non-uniform height, and uncontrolled growth of vegetation.

2. ***All required swimming pool and hot tub fencing shall be a minimum of four feet in height and be equipped with a self-locking gate that closes automatically.***

FINDING: The applicant's proposal does not include a swimming pool nor hot tub, therefore; this criterion is not applicable.

3. ***Fences within a front or street side yard shall also conform to the clear vision requirements at intersections, which further restrict the use or height of sight-obscuring fences.***

FINDING: The applicants proposed fence complies with the clear vision requirements of LPDC. This criterion is met.

4. ***In no instance shall a fence extend beyond the property line including into a public right-of-way. It is the responsibility of the property owner to determine the property line.***

FINDING: The applicant's site plan indicates that the proposed fence will not extend beyond the property line. This

criterion is met.

5. ***Within residential and commercial zones, fences within the required front yard setback may not exceed four feet in height except that one incidental garden structure (e.g., arbor or gate) not exceeding eight feet in height and six feet in width is allowed within the required front yard provided it does not encroach into a required clear vision area. All other fences in all zones shall not exceed seven feet in height.***

FINDING: The applicants proposed fence complies with the above requirements. This criterion is met.

6. ***Other provisions of this Development Code, or the requirements of the roadway authority, may limit allowable height of a fence or wall below the height limits of this section.***

FINDING: Staff includes this section as reference to the applicant.

Chapter 15.86, Parking and Loading

Section 15.86.020, Off-Street Loading

- A. ***Every commercial and industrial use which requires the receipt or distribution of material or merchandise by trucks with a 40-foot or longer wheelbase at a frequency of one or more vehicles per week shall provide off-street loading spaces in sufficient number to adequately serve the number and frequency of vehicle shipping and receiving projected for the use. The applicant shall provide supporting evidence of the projected shipping and receiving and how the number of spaces to be provided will be adequate.***
- B. ***Where an off-street loading space is required, it shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Each off-street loading space shall not be less than 12 feet wide by 55 feet long unless otherwise approved by the city through site design review.***
- C. ***Off-street loading space(s) shall also have adequate adjacent area for vehicle maneuvering so that vehicles using the space(s) are not required to back-up onto or back-up from a public street or alley to use the space. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.***
- D. ***Exceptions and adjustments. The city, through site design review, may approve a loading area adjacent to or within a street right-of-way where it finds that loading and unloading operations are short in duration (i.e., less than one hour), infrequent, do not obstruct traffic during peak traffic hours, do not interfere with emergency response services, and are acceptable to the applicable roadway authority.***

FINDING: The applicant's proposal does not include a use that will require the receipt or distribution of materials or merchandise by trucks 40 feet or longer. These criteria are not applicable.

Section 15.86.030, Off-Street Parking – Required

- A. ***Location of off-street loading and parking spaces. Except as otherwise permitted by this Development Code, required off-street loading and parking spaces shall be located on the same lot with the principal use they are intended to serve. In no case shall a required loading space be part of the area used to satisfy the parking requirements and vice versa. Also, in no case shall the***

required loading or parking space(s) of one use be used to satisfy the loading or parking space requirements of another use.

- B. *Encroachment or reduction. A required loading or parking space shall not be encroached upon by a structure, storage, or other use, nor shall the number of spaces be reduced without replacement of a commensurate number of spaces in accordance with this section unless a special exception or variance has been approved.***

FINDING: The applicant's site plan indicates that all parking areas will be free of any encroachments. This criterion is met.

C. *Calculations of amounts of required and allowed parking.*

- 1. *When computing parking spaces based on floor area, parking structures and non-leasable floor spaces, such as storage closets, mechanical equipment rooms, and similar spaces, are not counted.***
- 2. *The number of parking spaces is computed based on the primary uses on the site except as stated in subsection 3, below. When there are two or more separate primary uses on a site, the minimum and maximum parking for the site is the sum of the required or allowed parking for the individual primary uses. For shared parking, see subsection 1 below.***
- 3. *When more than 20 percent of the floor area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 10,000 square foot building with a 7,000 square foot warehouse and a 3,000 square foot accessory retail area. The minimum and maximum parking would be computed separately for the retail and warehouse uses.***

FINDING: Staff calculates the required parking areas following the above requirements. These criteria are met.

- D. *Use of required parking spaces. Except as otherwise provided by this section, required parking spaces must be available for residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for shared parking pursuant to subsection 1.***

FINDING: The applicant's burden of proof indicates that all required parking spaces and areas will be available for the customers and employees of the use. This criterion is met.

- E. *Improvement of parking areas. Motorized vehicle parking is allowed only on streets with an improved shoulder of sufficient width; within garages, carports, and other approved structures; and on driveways or parking lots that have been developed in conformance with this Development Code.***

FINDING: The applicant proposes to have parking areas on a lot that will be developed in conformance with the La Pine Development Code. This criterion is met.

- F. *Minimum number of off-street automobile parking spaces. Except as required for Americans with Disabilities Act compliance under subsection L, off-street parking shall be provided pursuant to one of the following three standards:***

- 1. *The standards in Table 15.86-1;***
- 2. *A standard from Table 15.86-1 for a use that the planning official determines is similar to the proposed use. For uses not specified in the table, the city shall determine parking based on submission of technical data from applicant or city sources; or***

3. **Subsection (H), parking exceptions, which includes a parking demand analysis option.**

| Table 15.86-1. Automobile Parking Spaces by Use | |
|---|---|
| Use Categories | Minimum Parking per Land Use |
| Residential Categories | |
| Single-family dwelling, including manufactured dwellings on lots or in parks | One space per dwelling |
| Duplex | Two spaces per duplex |
| Accessory dwelling (second dwelling on a single-family lot) | Two spaces total for primary dwelling and accessory dwelling |
| Multi-family | One space per dwelling unit |
| Group Living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing | 0.5 spaces per four bedrooms |

FINDING: LPDC table 15.86-1 requires one parking space per manufactured dwelling. The applicant is proposing 11 manufactured dwellings and 22 parking spaces. This criterion is met.

- G. Maximum number of off-street automobile parking spaces. The following standards for maximum number of automobile parking spaces promote efficient use of land and compact development patterns.**
1. **Applicability. Developments subject to site plan review must conform to the maximum parking standards.**
 2. **Standards. Unless otherwise approved by the city through site plan review, the maximum number of off-street automobile parking spaces allowed for a commercial development equals the minimum number of required spaces, pursuant to Table 15.86-1 times a factor of 2.0. Parking spaces that are located in snow storage areas do not count toward the maximum parking space requirements.**

FINDING: The applicant proposes a residential use and therefore the above criterion is not applicable.

- H. Exceptions and reductions to off-street parking. An applicant may propose a parking standard that is different than the standards under subsections F or G, for review and action by the planning official through a Type II procedure. The applicant's proposal shall consist of a written request and a parking analysis prepared by a qualified professional. The parking analysis, at a minimum, shall assess the average parking demand and available supply for existing and proposed uses on the subject site; opportunities for shared parking with other uses in the vicinity; existing public parking in the vicinity; transportation options existing or planned near the site, such as frequent bus service, carpools, or private shuttles; and other relevant factors. The number of required off-street parking spaces may also be reduced through the provision of shared parking, pursuant to subsection I.**

FINDING: The applicant is not requesting any exceptions or reductions to the off-street parking standards; therefore, this criterion is not applicable.

- I. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and, provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. Shared parking requests shall be subject to review**

and approval through site plan review.

FINDING: The applicant’s proposal includes on use on the subject property and therefore this criterion is not applicable.

- J. *Parking stall design and minimum dimensions. Where a new off-street parking area is proposed, or an existing off-street parking area is proposed for expansion, the entire parking area shall be improved in conformance with this Development Code. At a minimum the parking spaces and drive aisles shall be paved with asphalt, concrete, or other city-approved materials, provided the Americans with Disabilities Act requirements are met, and shall conform to the minimum dimensions in Table 15-86-2 and the figures below. All off-street parking areas shall contain wheel stops, perimeter curbing, bollards, or other edging as required to prevent vehicles from damaging buildings or encroaching into walkways, landscapes, or the public right-of-way. Parking areas shall also provide for surface water management.***

Table 15.86-2. Parking Stall Dimensions

| Parking Angle | Stall Width | 20’ Stall | Aisle Width (*one way) | Curb Length | Bay Width |
|---|--------------------|------------------|-------------------------------|--------------------|------------------|
| 0° | 9’-0” | 9.0 | 12.0 | 22.0 | 30.0 |
| | 9’-6” | 9.5 | 12.0 | 22.0 | 31.0 |
| | 10’-0” | 10.0 | 12.0 | 22.0 | 31.0 |
| 45° | 9’-0” | 19.8 | 13.0 | 12.7 | 52.5 |
| | 9’-6” | 20.1 | 13.0 | 13.4 | 53.3 |
| | 10’-0” | 20.5 | 13.0 | 14.1 | 54.0 |
| 60° | 9’-0” | 21.0 | 18.0 | 10.4 | 60.0 |
| | 9’-6” | 21.2 | 18.0 | 11.0 | 60.4 |
| | 10’-0” | 21.5 | 18.0 | 11.9 | 61.0 |
| 70° | 9’-0” | 21.0 | 19.0 | 9.6 | 61.0 |
| | 9’-6” | 21.2 | 18.5 | 10.1 | 60.9 |
| | 10’-0” | 21.2 | 18.0 | 10.6 | 60.4 |
| 90° | 9’-0” | 20.0 | 24.0 | 9.0 | 64.0 |
| | 9’-6” | 20.0 | 24.0 | 9.5 | 64.0 |
| | 10’-0” | 20.0 | 24.0 | 10.0 | 64.0 |
| *24’ minimum for two-way traffic | | | | | |

FINDING: The applicant proposed parking stalls that are at 90-degree angles, each of which is 9 feet wide and 20 feet long. The drive aisle is 24 feet wide. This criterion is met.

- K. *Adjustments to parking area dimensions. The dimensions in subsection (J) are minimum standards. The city planning official, through a Type II procedure, may adjust the dimensions based on evidence that a particular use will require more or less maneuvering area.***

FINDING: Staff finds the minimum standards found above in subsection (J) are sufficient for the intended use. This criterion is not applicable.

- L. *Americans with Disabilities Act (ADA). Parking shall be provided consistent with ADA requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and***

construction requirements.

FINDING: Compliance with ADA parking requirements will be reviewed during building permit review.

Section, 15.86.050, Bicycle Parking

A. Exemptions. *This section does not apply to single-family and duplex housing, home occupations, and agricultural uses. The planning official may exempt other uses upon finding that, due to the nature of the use or its location, it is unlikely to have any patrons or employees arriving by bicycle.*

FINDING: The applicants proposal includes a manufactured dwelling park which is a multifamily development and therefore, the provisions of this section apply.

B. Standards. *Bicycle parking spaces shall be provided with new development and, where a change of use occurs, at a minimum, shall follow the standards in Table 15.86-3. Where an application is subject to conditional use permit approval or the applicant has requested a reduction to an automobile-parking standard, the city may require bicycle parking spaces in addition to those in Table 15.86-3.*

| Table 15.86-3. Minimum Required Bicycle Parking Spaces | |
|--|---|
| Use | Minimum Number of Spaces |
| Muli-family residential (not required for parcels with fewer than 4 dwelling units) | 2 bike spaces per 4 dwelling units |
| Commercial | 2 bike spaces per primary use or 1 per 5 vehicles spaces, whichever is greater |
| Industrial | 2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater |
| Community Service | 2 bike spaces |
| Parks (active recreation areas only) | 4 bike spaces |
| Schools (all types) | 2 bike spaces per classroom |
| Institutional uses and places of worship | 2 bike spaces per primary is or 1 per 10 vehicle spaces, whichever is greater |
| Other uses | 2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater |

FINDING: Based on the above criterion, the applicant’s 11 unit manufactured home park will require 3 bicycle parking spaces. The applicant proposes 11 spaces, one at each manufactured dwelling. This criterion is met.

C. Design. *Bicycle parking shall consist of staple-design steel racks or other city-approved racks, lockers, or storage lids providing a safe and secure means of storing a bicycle. At a minimum, bicycle parking facilities shall be consistent with the following design guidelines:*

1. All bicycle parking shall be within 100 feet from a building entrance and located within a well-lit and clearly visible area;

FINDING: All bicycle parking will be within 100 feet of a dwelling entrance and illumination will be provided by exterior light on each home. This criterion is met.

2. Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility;

FINDING: The applicant proposes one bicycle space outside of each manufactured dwelling. Staff finds the proposed locations are convenient and easy to find. This criterion is met.

3. ***Each bicycle parking space shall be at least two feet by six feet with a vertical clearance of six feet;***

FINDING: The applicant's submitted site plan and burden of proof indicates that each bicycling parking space will meet or exceed these dimensions. This criterion is met.

4. ***An access aisle of at least five feet shall be provided in each bicycle parking facility;***

FINDING: The applicant's submitted site plan and burden of proof indicates that each bicycling parking space will meet or exceed these dimensions. This criterion is met.

5. ***Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, i.e., a "rack," upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary). Note: businesses may provide long-term, employee parking by allowing access to a secure room within a building.***

FINDING: The applicant proposes bicycle parking at each manufactured dwelling. Each bike can be placed inside the dwelling offering security. This criterion is met.

- D. ***Hazards. Bicycle parking shall not impede or create a hazard to pedestrians or vehicles, and shall be located so as to not conflict with the vision clearance standards of section 15.88.040.***

FINDING: The applicant's site plan places the bicycle parking with each dwelling unit. Staff finds that these locations will not impede or create a hazard to pedestrians or vehicles and will not be located within the required clear vision areas. This criterion is met.

Section 15.6.060, Snow Storage Areas

- A. ***Purpose. The purpose of these standards is to ensure that adequate space is be provided within a development for storage of snow in winter months in order to accommodate space needed for access, circulation, and off-street parking.***
- B. ***Applicability. Snow storage standards apply to all subdivisions and to developments subject to site plan review.***

FINDING: The applicant proposed new development and therefore, the provisions of LPDC Section 15.86.060 apply to this application.

- C. ***Standards.***
 1. ***Minimum area. Snow storage areas must be designated on a site plan. The areas must total a minimum of 15 percent of the area to be cleared, including all access drives, parking areas, and walkways.***

FINDING: Based on the applicants submitted site plan there will be 2,026 of impervious surface and 1,938 square feet of building coverage (3,964 sqft of area cleared). The applicant proposes 2,000 square feet of snow storage

(50.45%). This criterion is met.

2. ***Location. Snow storage is not permitted on landscaped areas, except where these areas are limited to grass or rock cover. Snow storage may be permitted in parking areas, provided that the site can still accommodate enough parking spaces to meet minimum off-street parking requirements in winter months. Parking spaces that are located in snow storage areas do not count toward the maximum parking space requirements. It is encouraged that snow storage areas be located away from public view and that additional impervious surface areas are not created for the sole purpose of snow storage.***

FINDING: The applicant's proposed snow storage area consists of landscaping areas that are rock and grass. This criterion is met.

3. ***Exceptions and adjustments. The city may reduce or eliminate the required snow storage areas if a snow removal plan is presented which provides a continuous guarantee of removal.***

FINDING: The applicant did not propose an exception or adjustment to the snow storage requirements of LPDC Section 15.86.060 and therefore, this criterion is not applicable to this application.

Chapter 15.88, Access and Circulation

Section 15.88.030, Vehicular Access and Circulation

- A. ***Purpose and intent. Section 15.88.030 implements the street access guidelines of the City of La Pine Transportation System Plan. It is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations in conformance with adopted standards. "Safety," for the purposes of this chapter, extends to all modes of transportation.***
- B. ***Permit required. Vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority.***

FINDING: The applicant proposes to access the property from Reed Road, which is owned and maintained by Deschutes County. To ensure compliance with the above criterion, the following condition of approval has been added.

Access Permit: ***Prior to the issuance of building permits***, vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority.

- C. ***Traffic study requirements. The city, in reviewing a development proposal or other action requiring an approach permit, may require a traffic impact analysis, pursuant to section 15.90.080, to determine compliance with this Development Code.***

FINDING: The applicant's submitted trip generation statement, nor comments from the City Engineer indicated that a Traffic Impact Analysis would be required for this proposal, therefore this criterion is not applicable.

- D. ***Approach and driveway development standards. Access management restrictions and limitations consist of provisions managing the number of access points and/or providing traffic and facility***

improvements that are designed to maximize the intended function of a particular street, road or highway. The intent is to achieve a balanced, comprehensive program which provides reasonable access as new development occurs while maintaining the safety and efficiency of traffic movement. Intersections, approaches and driveways shall conform to access spacing guidelines in the City of La Pine Transportation System Plan and the roadway authority's engineering standards. In the review of all new development, the reviewing authority shall consider the following techniques or considerations in providing for or restricting access to certain transportation facilities.

- 1. Access points to arterials and collectors may be restricted through the use of the following techniques:**
 - a. Restricting spacing between access points based on the type of development and the speed along the serving collector or arterial.**
 - b. Sharing of access points between adjacent properties and developments.**
 - c. Providing access via a local order of street; for example, using a collector for access to an arterial, and using a local street for access to a collector.**
 - d. Constructing frontage or marginal access roads to separate local traffic from through traffic.**
 - e. Providing service drives to prevent overflow of vehicle queues onto adjoining roadways.**
- 2. Consideration of the following traffic and facility improvements for access management:**
 - a. Providing of acceleration, deceleration and right-turn-only lanes.**
 - b. Offsetting driveways to produce T-intersections to minimize the number of conflict points between traffic using the driveways and through traffic.**
 - c. Installation of median barriers to control conflicts associated with left turn movements.**
 - d. Installing side barriers to the property along the serving arterial or collector to restrict access width to a minimum.**

FINDING: The applicant proposes to access the site from Preble Way which is classified as a City Local. Comments from the City Engineer, nor County Road Department did not indicate any of the above reference improvements would be necessary for the applicant's proposal. These criteria are not applicable.

- E. ODOT approval. Where a new approach onto a state highway or a change of use adjacent to a state highway requires ODOT approval, the applicant is responsible for obtaining ODOT approval. The city may approve a development conditionally, requiring the applicant first obtain required ODOT permit(s) before commencing development, in which case the city will work cooperatively with the applicant and ODOT to avoid unnecessary delays.**

FINDING: No new approach to a state highway is proposed, therefore this criterion is not applicable to the present application.

- F. Other agency approval. Where an approach or driveway crosses a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency, the applicant is responsible for obtaining all required approvals and permits from that agency prior to commencing development.**

FINDING: The applicant's proposal does not cross any of the features listed above; therefore, this criterion is not applicable.

- G. Exceptions and adjustments. The city may approve adjustments to the spacing standards of**

subsections above, where an existing connection to a city street does not meet the standards of the roadway authority and the proposed development moves in the direction of code compliance.

FINDING: The applicant’s proposal does not include any exceptions or adjustments to the spacing standards; therefore, this criterion is not applicable.

H. *Joint use access easement and maintenance agreement. Where the city approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the city for its records, but the city is not responsible for maintaining the driveway or resolving any dispute between property owners.*

FINDING: The applicant’s proposal does not include a joint use access easement; therefore, this criterion is not applicable.

Section 15.88.040, Clear Vision Area (Visibility at Intersections)

A. *In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, wall, structure, private signage, or temporary or permanent obstruction exceeding 3½ feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade.*

FINDING: The applicant’s proposal includes two clear vision areas, one on each side of the driveway. Based on the applicant’s burden of proof and site plan, each clear vision area will be free from structures/vegetation. This criterion is met.

B. *A clear vision area shall consist of a triangular area on the corner of a lot at the intersection of two streets or a street and a railroad (see Figure 18.88-1). Where lot lines have rounded corners, the specified distance is measured from a point determined by the extension of the lot lines to a point of intersection. The third side of the triangle is the line connecting the ends of the measured sections of the street lot lines. The following measurements shall establish clear vision areas within the city:*

1. *In an agricultural, forestry or industrial zone, the minimum distance shall be 30 feet; or at intersections including an alley, ten feet.*

FINDING: The subject property is not within an agricultural, forestry, or industrial zone and therefore this criterion is not applicable.

2. *In all other zones, the minimum distance shall be in relationship to street and road right-of-way widths as follows:*

| <i>Right of Way Width</i> | <i>Clear Vision</i> |
|----------------------------------|----------------------------|
| <i>80 feet or more</i> | <i>20 feet</i> |
| <i>Less than 80 feet</i> | <i>30 feet</i> |

FINDING: The applicant’s site plan indicates that each clear vision area will be 30 feet in length. This criterion is met.

Section 15.88.050, Pedestrian Access and Circulation

- A. ***Purpose and intent. This section implements the pedestrian access and connectivity policies of City of La Pine Transportation System Plan and the requirements of the Transportation Planning Rule (OAR 660-012). It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.***
- B. ***Standards. New subdivisions, multi-family developments, planned developments, commercial developments and institutional developments shall conform to all of the following standards for pedestrian access and circulation:***

FINDING: The applicant's proposal includes a new multifamily development and therefore the provisions of this section apply.

- 1. ***Continuous walkway system. A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.***

FINDING: The applicant proposes a 4-foot-wide internal walkway through the property that connects to the future sidewalk on Preble Way. This criterion is met.

- 2. ***Safe, direct, and convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:***
 - a. ***The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.***

FINDING: As stated previously, the applicant proposes a 4-foot-wide internal walkway which will connect to the required 6-foot sidewalk the applicant must construct per the City Engineers comments. This requirement has previously been added to the conditions of approval and therefore, this criterion is met.

- b. ***The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The city may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.***

FINDING: The applicant's proposed internal walkway will be straight, at either 90- or 180- degree angles and provide access around the park without crossing traffic. The grade of the property is relatively even, and the sidewalk will be inspected for compliance with ADA regulations during the inspection process. This criterion is met.

- c. ***Vehicle/walkway separation. Except as required for crosswalks, per subsection d., below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the city may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with***

adequate minimum spacing between them to prevent vehicles from entering the walkway.

FINDING: The applicant's internal walkway does not cross a driveway or street and therefore, this criterion is not applicable to the internal walkway.

- d. Crosswalks. Where a walkway crosses a parking area or driveway ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.***

FINDING: The applicant's internal walkway does not cross a driveway or street and therefore, this criterion is not applicable to the internal walkway.

- e. Walkway construction. Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other city-approved durable surface meeting ADA requirements. Walkways shall be not less than four feet in width, except that the city may require five-foot wide, or wider, sidewalks in developments where pedestrian traffic warrants walkways wider than four feet.***

FINDING: The applicant's proposed 4-foot-wide asphalt will be reviewed for ADA compliance during the inspection process.

- f. Multi-use pathways. Multi-use pathways, where approved, shall be ten feet wide and constructed of asphalt, concrete or other city-approved durable surface meeting ADA requirements consistent with the applicable city engineering standards.***

FINDING: The applicant does not propose any multiuse pathways and therefore, this criterion is not applicable.

Chapter 15.90, Public Facilities

Section 15.90.010, Public Facility Improvement

Minor betterment, improvements, replacement or reconstruction of existing public facilities such as sewer and water lines, stormwater drainage facilities, sidewalks and other pedestrian ways or facilities, bikeways and similar public facilities within rights-of-ways and easements for the purposes existing on or before the effective date of this chapter, or on contiguous publicly-owned property designated, intended or utilized to support the facilities, or the facilities that are set forth within an adopted public facilities plan or other capital improvement plan duly adopted on or before the effective date of this ordinance, are exempt from permit requirements, unless specifically set forth otherwise.

Section 15.90.020, Developer Responsibility for Streets and Other Public Facilities

- A. Duties of developer. It shall be the responsibility of the developer to construct all streets, curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, telephone and cable television lines necessary to serve the use or development in accordance with the specifications of the city and/or the serving entity.***

FINDING: The following condition of approval has been added to ensure compliance.

Duties of Developer: It shall be the responsibility of the developer to construct all streets, curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, telephone and cable television lines necessary to serve the use or development in accordance with the specifications of the city and/or the serving entity.

- B. *Over-sizing. The city may require as a condition of development approval that sewer, water, or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable facility master plan, and the city may authorize other cost-recovery or cost-sharing methods as provided under state law.***

FINDING: Comments from the City Engineer regarding the capacity of the sewer, water, and drainage system are incorporated herein.

- C. *Inadequate existing streets. Whenever existing streets, adjacent to, within a tract or providing access to and/or from a tract, are of inadequate width and/or improvement standards, additional right-of-way and/or improvements to the existing streets may be required.***

FINDING: The City Engineer provided the comments regarding ROW improvements on Preble Way. The required improvements are conditioned herein. As conditioned, this criterion is met.

- D. *Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of a proposed land development, and when the city finds it will be practical to require dedication and improvement of the other half of the street when the adjoining property is developed. Whenever a half street exists adjacent to a tract of land proposed for development, the other half of the street shall be dedicated and improved.***

FINDING: The applicant's proposal does not include half street; therefore, this criterion is not applicable.

Section 15.90.030, Sewer and Water

- A. *Sewer and water plan approval. Development permits for sewer and water improvements shall not be issued until the public works director has approved all sanitary sewer and water plans in conformance with city standards.***

FINDING: To ensure compliance, the following condition of approval has been added.

Sewer and Water Plan Approval: Development permits for sewer and water improvements shall not be issued until the public works director has approved all sanitary sewer and water plans in conformance with city standards.

- B. *Inadequate facilities. Development permits may be restricted or rationed by the city where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which, if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. The city may require water booster pumps, sanitary sewer lift stations, and other critical facilities be installed with backup power.***

FINDING: Comments from the City Engineer indicated there is a deficiency in the Industrial Park Lift Station. In order to protect public health and safety, the City Engineer required that the developer shall not use the new sewer lateral until the Industrial Park Lift Station Improvement Project is complete. This requirement has previously been added

to the conditions of approval for this land use decision and therefore, this criterion is met.

Section 15.90.040, Stormwater

- A. ***Accommodation of upstream drainage. Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the city engineer.***
- B. ***Effect on downstream drainage. Where it is anticipated by the city engineer that the additional runoff resulting from the development will overload an existing drainage facility, the city shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with city standards.***

FINDING: To ensure compliance with LPDC Section 15.90.040, the following condition of approval has been added.

Stormwater: ***Prior to the issuance of building permits***, the City Engineer must review and approve the drainage facilities on site for compliance with LPDC Section 15.90.40.

Section 15.90.050, Utilities

- A. ***General provision. The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.***

FINDING: To ensure compliance, the following condition of approval has been added

Utilities: The developer of the property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.

- B. ***Underground utilities. All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.***

FINDING: To ensure compliance, the following condition of approval has been added.

Underground Utilities: All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.

- C. ***Subdivisions. In order to facilitate underground placement of utilities, the following additional standards apply to all new subdivisions:***
 - 1. ***The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that no above ground equipment obstructs vision clearance areas for vehicular traffic.***
 - 2. ***The city reserves the right to approve the location of all surface-mounted facilities.***
 - 3. ***All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets.***
 - 4. ***Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.***

FINDING: The applicant's proposal does not include a new subdivision; therefore, these criteria are not applicable.

- D. *Exception to undergrounding requirement. The city may grant exceptions to the undergrounding standard where existing physical constraints, such as geologic conditions, streams, or existing development conditions make underground placement impractical.***

FINDING: The applicant's proposal does not include an exception to the undergrounding requirements; therefore, this criterion is not applicable.

Section 15.90.060, Public Street/Highway Improvement

The following public streets and highway improvement activities are permitted outright in all zones and are exempt from the permit requirements of this Development Code.

- A. *Installation of additional and/or passing lanes, including pedestrian ways and/or bikeways, within a public street or highway right-of-way existing as of the effective date of this chapter, unless such adversely impacts on-street parking capacities and patterns.***

FINDING: The applicant's proposal does not include the addition of passing lanes, therefore, this criterion is not applicable.

- B. *Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, and/or no new land parcels result.***

FINDING: The applicant's proposal does not include the reconstruction or modification of public roads. This criterion is not applicable.

- C. *Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time when no longer needed.***

FINDING: The applicant's proposal does not include any temporary public roads or highway detours. This criterion is not applicable.

- D. *Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations, waysides, and, rest areas within a right-of-way existing as of the effective date of this Development Code. In addition, also exempt are contiguous public-owned property utilized to support the operation and maintenance of public roads and highways provided such is not located within a duly designated residential zone, or adjacent to or across the street from a lot or parcel within such a zone.***

FINDING: The applicant's proposal does not include the minor betterment of any of the existing public road facilities mentioned above. This criterion is not applicable.

- E. *The construction, reconstruction, or modification of a public street or highway that is identified as a priority project in a transportation system plan (TSP) or the state transportation improvement plan (STIP) that was duly adopted on or before the effective date of this chapter.***

FINDING: The applicant's proposal does not include the construction, reconstruction, or modification of a public street that is identified in the TSP or STIP. This criterion is not applicable.

F. The design, construction, operation, and maintenance of a tourist-oriented or public wayside.

FINDING: The applicant's proposal does not include the design, construction, operation, or maintenance of a tourist-oriented or public wayside. This criterion is not applicable.

Section 15.90.070, Design of Streets and Other Public Facilities

A. Traffic circulation system. The overall street system shall ensure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain of the development and the area. An analysis of the proposed traffic circulation system within the land division, and as such system and traffic generated therefrom affects the overall City of La Pine transportation, will be required to be submitted with the initial land division review application. The location, width and grade of streets shall be considered in their relationship to existing and planned streets, to topographical conditions, to public convenience and safety and to the proposed use or development to be served thereby.

FINDING: Comments from the City Engineer did not identify any needed improvements to the traffic circulation system in relation to intersection angles, grades, tangents, and curves. This criterion is not applicable.

B. Street location and pattern. The proposed street location and pattern shall be shown on the development plan, and the arrangement of streets shall:

- 1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or**
- 2. Conform to a plan for the general area of the development approved by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; and**
- 3. Conform to the adopted La Pine Transportation System Plan as may be amended.**

FINDING: The applicant's proposal does not include new streets and therefore these criteria are not applicable.

C. Access ways. The city, in approving a land use application with conditions, may require a developer to provide an access way where the creation of a cul-de-sac or dead-end street is unavoidable and the access way connects the end of the street to another street, a park, or a public access way. Where an access way is required, it shall be not less than ten feet wide and shall contain a minimum six-foot-wide paved surface or other all-weather surface approved by the city. Access ways shall be contained within a public right-of-way or public access easement, as required by the city.

FINDING: Comments from the City Engineer did not identify the need for additional access ways. This criterion is not applicable.

D. Future street extensions. Where necessary to give access to or permit future subdivision or development of adjoining land, streets shall be extended to the boundary of the proposed development or subdivision. Where a subdivision is proposed adjacent to other developable land, a future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other divisible parcels within 600 feet surrounding and adjacent to the proposed subdivision. The street plan is not binding, but is intended to show potential future street extensions with future development. The plan must demonstrate, pursuant to city

standards, that the proposed development does not preclude future street connections to adjacent development land. Wherever appropriate, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. Street ends shall contain turnarounds constructed to Uniform Fire Code standards, as the city deems applicable, and shall be designed to facilitate future extension in terms of grading, width, and temporary barricades.

FINDING: Comments from the City Engineer did not anticipate the need for future street extensions as detailed above. This criterion is not applicable.

- E. *Minimum right-of-way and roadway widths. Unless otherwise approved in the tentative development plan, street, sidewalk and bike rights-of-way and surfacing widths shall not be less than the minimum widths in feet set forth in the La Pine Transportation System Plan, and shall be constructed in conformance with applicable standards and specifications set forth by the city.***

FINDING: Comments from the City Engineer regarding right of way dedicated have previously been conditioned. AS conditioned, this criterion is met.

- F. *Sidewalks. Unless otherwise required in this chapter or other city ordinances or other regulations, or as otherwise approved by the commission, sidewalks shall be required as specified in the La Pine Transportation System Plan. In lieu of these requirements, however, the city may approve a development without sidewalks if alternative pedestrian routes and facilities are provided.***

FINDING: Comments from the City Engineer indicated that a 6-foot-wide concrete sidewalk on Preble Way. These requirements have previously been conditioned in this land use decision. As conditioned, this criterion is met.

- G. *Bike lanes. Unless otherwise required in this chapter or other city ordinances or other regulations, bike lanes shall be required as specified in the La Pine Transportation System Plan, except that the planning commission may approve a development without bike lanes if it is found that the requirement is not appropriate to or necessary for the extension of bicycle routes, existing or planned, and may also approve a development without bike lanes in the streets if alternative bicycle routes and facilities are provided.***

FINDING: Comments from the City Engineer did not indicate the need for bike lanes. This criterion is not applicable.

- H. *Culs-de-sac. A cul-de-sac street shall only be used where the city determines that environmental or topographical constraints, existing development patterns, or compliance with other applicable city requirements preclude a street extension. Where the city determines that a cul-de-sac is allowed, all of the following standards shall be met:***

- 1. *The cul-de-sac shall not exceed a length of 400 feet, except where the city through a Type II procedure determines that topographic or other physical constraints of the site require a longer cul-de-sac. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.***
- 2. *A cul-de-sac shall terminate with a circular turn around with a minimum radius of 45 feet of paved driving surface and a 50 foot right-of-way and meeting the Uniform Fire Code.***
- 3. *The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way between it and adjacent developable lands.***

FINDING: The applicant's proposal did not include a cul-de-sac, nor did comments from the City Engineer indicate

that one would be necessary to meet the requirements detailed above. These criteria are not applicable.

- I. Marginal access streets. Where a land development abuts or contains an existing or proposed arterial street, the city may require marginal access streets, reverse frontage lots with suitable depth, screen-plantings contained in a non-access reservation strip along the rear or side property line or other treatments deemed necessary for adequate protection of residential properties and the intended functions of the bordering street, and to afford separation of through and local traffic.***

FINDING: Comments from the City Engineer indicated that street trees would be required on Preble Way. These requirements have previously been conditioned in this land use decision. As conditioned, this criterion is met.

- J. Streets adjacent to railroad right-of-way. Whenever a proposed land development contains or is adjacent to a railroad right-of-way, provisions may be required for a street approximately parallel to the ROW at a distance suitable for the appropriate use of land between the street and the ROW. The distance shall be determined with consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting or other separation requirements along the ROW.***

FINDING: The subject property is not adjacent to a railroad right of way; therefore, this criterion is not applicable.

- K. Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless deemed necessary for the protection of public safety and welfare and may be used in the case of a dead-end street planned for future extension, and in the case of a half street planned for future development as a standard, full street.***

FINDING: The applicant's proposal did not include reserve strips. This criterion is met.

- L. Alignment. All streets, as far as practicable, shall be in alignment with existing streets by continuations of the center lines thereof. Necessary staggered street alignment resulting in intersections shall, wherever possible, leave a minimum distance of 200 feet between the center lines of streets of approximately the same direction, and in no case shall the off-set be less than 100 feet.***

FINDING: The applicant's proposal did not include any new streets; therefore, this criterion is not applicable.

- M. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practicable, and in no case shall an acute angle be less than 80 degrees unless there is a special intersection design approved by the city engineer or other duly designated city representative as applicable. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection, and the intersection of more than two streets at any one point will not be approved.***

FINDING: The applicant's proposal did not include any new streets or intersections; therefore, this criterion is not applicable.

- N. Curves. Centerline radii of curves should not be less than 500 feet on major arterials, 300 feet on minor arterials, 200 feet on collectors or 100 feet on other streets and shall be on an even ten feet. Where existing conditions, particularly topography, make it otherwise impractical to provide building sites, the city may accept steeper grades and sharper curves than provided for herein in this subsection.***

FINDING: The applicant's proposal did not include the addition of any new streets; therefore, this criterion is not applicable.

- O. *Street grades. Street grades shall not exceed eight percent on arterials, ten percent on collectors and 12 percent on all other streets including private driveways entering upon a public street or highway; however, for streets at intersections, and for driveways entering upon a public street or highway, there should be a distance of three or more car lengths (approximately 50 feet) where the grade should not exceed six percent to provide for proper stopping distance during inclement weather conditions.***

FINDING: The applicant's proposal did not include the addition of any new streets; therefore, this criterion is not applicable.

- P. *Street names. Except for the extension of existing streets, no street names shall be used which will duplicate or be confused with the name of an existing street in the city or within a radius of six miles of the city or within the boundaries of a special service district such as fire or ambulance. Such street names shall be approved by the Deschutes County street name coordinator.***

FINDING: The applicant's proposal did not include the addition of any new streets; therefore, this criterion is not applicable.

- Q. *Street name signs. Street name signs shall be installed at all street intersections by the developer in accordance with applicable city, county or state requirements. One street sign shall be provided at the intersection of each street, and two street signs shall be provided at four-way intersections.***

FINDING: The applicant's proposal did not include the addition of any new streets; therefore, this criterion is not applicable.

- R. *Traffic control signs. Traffic control signs shall be provided for and installed by the developer as required and approved by the appropriate city, county and/or state agency or department.***

FINDING: The applicant's proposal did not include the addition of any new streets; therefore, this criterion is not applicable.

- S. *Alleys. Alleys are not necessary in residential developments, but may be required in commercial and industrial developments unless other permanent provisions for access to off-street parking and loading facilities are approved by the city.***

FINDING: Comments from the City Engineer did not indicate the need for any alleys. This criterion is not applicable.

- T. *Curbs. Curbs shall be required on all streets in all developments, and shall be installed by the developer in accordance with standards set forth by the city unless otherwise approved by the city. Approval of streets without curbs shall be at the discretion of the city engineer, and shall be so determined during the tentative plan land division review process on the basis of special circumstances to the development.***

FINDING: The applicant's proposal does not include any new streets; therefore, this criterion is not applicable.

- U. *Streetlights. Streetlights may be required and, if so required, shall be installed by the developer***

in accordance with standards set forth by the city and the serving utility company. Streets lights, if required, shall include one fixture and be located at the intersection of streets.

FINDING: Comments from the City Engineer did not indicate the need for new streetlights. This criterion is not applicable.

- V. ***Utilities. The developer shall make necessary arrangements with the serving utility companies for the installation of all proposed or required utilities, which may include electrical power, natural gas, telephone, cable television and the like.***

FINDING: To ensure compliance with the above criterion, the following condition of approval has been added.

Utility Installation: The developer shall make necessary arrangements with the serving utility companies for the installation of all proposed or required utilities, which may include electrical power, natural gas, telephone, cable television and the like.

- W. ***Drainage facilities. Drainage facilities shall be provided as required by the city in accordance with all applicable city and Oregon Department of Environmental Quality standards.***

FINDING: Comments from the City Engineer indicated that all stormwater drainage designs shall comply with the Central Oregon Stormwater Manual and shall include calculations to support the applicant's design. This requirement has previously been conditioned in this land use decision and therefore, this criterion is met.

- X. ***Gates. Except where approved as part of a master planned development, private streets and gated drives serving more than two dwellings (i.e., where a gate limits access to a development from a public street), are prohibited.***

FINDING: The applicant's proposal did not include the addition of a gate; therefore, this criterion is not applicable.

Section 15.90.080, Traffic Impact Analysis

- A. ***Purpose. The purpose of this subsection is [to] coordinate the review of land use applications with roadway authorities and to implement section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a traffic impact analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a traffic impact analysis; and who is qualified to prepare the analysis.***
- B. ***When a traffic impact analysis is required. The city or other road authority with jurisdiction may require a traffic impact analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:***
1. ***A change in zoning or a plan amendment designation;***
 2. ***Operational or safety concerns documented in writing by a road authority;***
 3. ***An increase in site traffic volume generation by [300] average daily trips (ADT) or more;***
 4. ***An increase in peak hour volume of a particular movement to and from a street or highway by [20] percent or more;***
 5. ***An increase in the use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by ten vehicles or more per day;***

6. *Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;*
 7. *A change in internal traffic patterns that may cause safety concerns; or*
 8. *A TIA required by ODOT pursuant to OAR 734-051.*
- C. *Traffic impact analysis preparation. A professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority, shall prepare the traffic impact analysis.*
- D. *Waiver or deferral. The city may waive or allow deferral of standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in [subsections] 1 through 4 is met. Where the city agrees to defer a street improvement, it shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future:*
1. *The standard improvement conflicts with an adopted capital improvement plan.*
 2. *The standard improvement would create a safety hazard.*
 3. *It is unlikely due to the developed condition of adjacent property that the subject improvement would be extended in the foreseeable future, and the improvement under consideration does not by itself significantly improve transportation operations or safety.*
 4. *The improvement under consideration is part of an approved partition in the [RL or RM] and the proposed partition does not create any new street.*

FINDING: Comments from the City Engineer did not indicate a need for a Traffic Impact Analysis. Therefore, LPDC Section 15.90.080 does not apply to this land use application.

Chapter 15.94, Improvement Procedures and Guarantees

Section 15.94.010, Improvement Procedures

Improvements to be installed by the developer, either as a requirement of this chapter, conditions of approval or at the developer's option as proposed as a part of the subject development proposal, shall conform to the following requirements:

- A. *Plan review and approval. Improvement work shall not be commenced until plans therefor have been reviewed and approved by the city or a designated representative thereof. The review and approval shall be at the expense of the developer.*

FINDING: To ensure compliance, the following condition of approval has been added.

Plan Review and Approval: Improvement work shall not be commenced until development plans therefor have been reviewed and approved by the city or a designated representative thereof. The review and approval shall be at the expense of the developer.

- B. *Modification. Improvement work shall not commence until after the city has been notified and approval therefore has been granted, and if work is discontinued for any reason, it shall not be resumed until after the city is notified and approval thereof granted.*

FINDING: To ensure compliance, the following condition of approval has been added.

Modification: Improvement work shall not commence until after the city has been notified and approval therefore has been granted, and if work is discontinued for any reason, it shall not be resumed until after the city is notified

and approval thereof granted.

- C. *Improvements as platted. Improvements shall be designed, installed and constructed as platted and approved, and plans therefore shall be filed with the final plat at the time of recordation or as otherwise required by the city.***

FINDING: The applicant is not proposing development that is in conjunction with a recent final plat approval, therefore this criterion is not applicable.

- D. *Inspection. Improvement work shall be constructed under the inspection and approval of an inspector designated by the city, and the expenses incurred therefore shall be borne by the developer. Fees established by the city council for such review and inspection may be established in lieu of actual expenses. The city, through the inspector, may require changes in typical sections and details of improvements if unusual or special conditions arise during construction to warrant such changes in the public interest.***

FINDING: To ensure compliance, the following condition of approval has been added.

Inspection: Improvement work shall be constructed under the inspection and approval of an inspector designated by the city, and the expenses incurred therefore shall be borne by the developer. Fees established by the city council for such review and inspection may be established in lieu of actual expenses. The city, through the inspector, may require changes in typical sections and details of improvements if unusual or special conditions arise during construction to warrant such changes in the public interest.

- E. *Utilities. Underground utilities, including, but not limited to, electric power, telephone, water mains, water service crossings, sanitary sewers and storm drains, to be installed in streets, shall be constructed by the developer prior to the surfacing of the streets.***

FINDING: To ensure compliance, the following condition of approval has been added.

Underground Utility Installation: Underground utilities, including, but not limited to, electric power, telephone, water mains, water service crossings, sanitary sewers and storm drains, to be installed in streets, shall be constructed by the developer prior to the surfacing of the streets.

- F. *As built plans. As built plans for all public improvements shall be prepared and completed by a licensed engineer and filed with the city upon the completion of all such improvements. A copy of the as built plans shall be filed with the final plat of a subdivision or other development by and at the cost of the developer. The plans shall be completed and duly filed within 30 days of the completion of the improvements.***

FINDING: To ensure compliance, the following condition of approval has been added.

As Built Plans: If needed, as built plans for all public improvements shall be prepared and completed by a licensed engineer and filed with the city upon the completion of all such improvements. A copy of the as built plans shall be filed with the final plat of a subdivision or other development by and at the cost of the developer. The plans shall be completed and duly filed within 30 days of the completion of the improvements.

Section 15.94.020, Completion or Assurance of Improvements

- A. *Agreement for improvements. Prior to final plat approval for a subdivision, partition, PUD or***

other land development, or the final approval of a land use or development pursuant to applicable zoning provisions, where public improvements are required, the owner and/or developer shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or shall execute and file with the city an agreement between him/herself and the city specifying the period in which improvements and repairs shall be completed and, providing that if the work is not completed within the period specified, that the city may complete the work and recover the full costs thereof, together with court costs and attorney costs necessary to collect the amounts from the developer. The agreement shall also provide for payment to the city for the cost of inspection and other engineer services directly attributed to the project.

FINDING: To ensure compliance, the following condition of approval has been added.

Agreement for Improvements: **Prior to development**, where public improvements are required, the owner and/or developer shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or shall execute and file with the city an agreement between him/herself and the city specifying the period in which improvements and repairs shall be completed and, providing that if the work is not completed within the period specified, that the city may complete the work and recover the full costs thereof, together with court costs and attorney costs necessary to collect the amounts from the developer. The agreement shall also provide for payment to the city for the cost of inspection and other engineer services directly attributed to the project.

- B. Bond or other performance assurance. The developer shall file with the agreement, to ensure his/her full and faithful performance thereof, one of the following, pursuant to approval of the city attorney and city manager, and approval and acceptance by the city council:**
- 1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the city attorney.**
 - 2. A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability to proceed in accordance with the agreement.**
 - 3. Cash deposit.**
 - 4. Such other security as may be approved and deemed necessary by the city council to adequately ensure completion of the required improvements.**

FINDING: As detailed in LPDC Section 15.94.050, a Maintenance Surety Bond will be required as part of this project. To ensure compliance with the above criteria, the following condition of approval has been added.

Bond or Other Performance Assurance: The developer shall file with the agreement, to ensure his/her full and faithful performance thereof, one of the following, pursuant to approval of the city attorney and city manager, and approval and acceptance by the city council:

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the city attorney.
2. A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability to proceed in accordance with the agreement.
3. Cash deposit.
4. Such other security as may be approved and deemed necessary by the city council to adequately ensure completion of the required improvements.

- C. Amount of security required. The assurance of full and faithful performance shall be for a sum**

approved by the city as sufficient to cover the cost of the improvements and repairs, including related engineering, inspection and other incidental expenses, plus an additional 20 percent for contingencies.

FINDING: To ensure compliance, the following condition of approval has been added.

Amount of Security Required: The assurance of full and faithful performance shall be for a sum approved by the city as sufficient to cover the cost of the improvements and repairs, including related engineering, inspection and other incidental expenses, plus an additional 20 percent for contingencies.

- D. Default status. If a developer fails to carry out provisions of the agreement, and the city has unreimbursed costs or expenses resulting from the failure, the city shall call on the bond or other assurance for reimbursement of the costs or expenses. If the amount of the bond or other assurance deposit exceeds costs and expenses incurred by the city, it shall release the remainder. If the amount of the bond or other assurance is less than the costs or expenses incurred by the city, the developer shall be liable to the city for the difference plus any attorney fees and costs incurred.***

FINDING: To ensure compliance, the following condition of approval has been added.

Default Status: If a developer fails to carry out provisions of the agreement, and the city has unreimbursed costs or expenses resulting from the failure, the city shall call on the bond or other assurance for reimbursement of the costs or expenses. If the amount of the bond or other assurance deposit exceeds costs and expenses incurred by the city, it shall release the remainder. If the amount of the bond or other assurance is less than the costs or expenses incurred by the city, the developer shall be liable to the city for the difference plus any attorney fees and costs incurred.

Section 15.94.040, Maintenance Surety Bond

Prior to sale and occupancy of any lot, parcel or building unit erected upon a lot within a subdivision, partitioning, PUD or other development, and as a condition of acceptance of improvements, the city will require a one-year maintenance surety bond in an amount not to exceed 20 percent of the value of all improvements, to guarantee maintenance and performance for a period of not less than one year from the date of acceptance.

FINDING: To ensure compliance, the following condition of approval has been added.

Maintenance Surety Bond: Prior to sale and occupancy of any lot, parcel or building unit erected upon a lot within a subdivision, partitioning, PUD or other development, and as a condition of acceptance of improvements, the city will require a one-year maintenance surety bond in an amount not to exceed 20 percent of the value of all improvements, to guarantee maintenance and performance for a period of not less than one year from the date of acceptance.

Article 6, Special Use Standards

Chapter 15.104, Special Use Standards – Residential Uses and Accessory Uses¹

¹ State Law reference – Restrictions on manufactured dwellings and recreation vehicles and parks, ORS 197.475 et seq.

Section 15.104.060, Manufactured Dwelling Parks

- A. **Applicability. Manufactured dwelling parks, where permitted, are subject to compliance with the following standards.**
- B. **Standards.**
 - 1. **General standards. Development of manufactured and mobile home parks, including placement of manufactured and mobile homes with a park, shall comply with applicable building codes and state requirements for mobile home and manufactured dwelling parks in ORS 446.**

FINDING: The applicants' proposal includes items that will require building permit review, in which the above criterion will be reviewed for compliance.

- 2. **Access drives. Internal roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or not less than 20 feet in width if parking is not permitted on the edge of the roadway and shall be surfaced with asphalt, concrete, compacted crushed gravel or similar surface.**

FINDING: The applicant's proposal includes a 24-foot internal roadway that does not allow parking on the edge of the roadway. Additionally, the internal roadway will be surfaced with asphalt. This criterion is met.

- 3. **Perimeter screening and landscaping. Except for the access roadway into the park, the park shall be screened on all sides by a sight obscuring fence not less than six feet in height, unless otherwise approved by the city. Additionally, when manufactured dwellings are oriented with their back or side yards facing a public right-of-way, the city may require planting of a landscape buffer of five to ten feet in width between the right-of-way and a manufactured home park for the privacy and security of park residents or for privacy of adjacent residences.**

FINDING: The applicant's proposal includes a 6-foot-tall sight obscuring fence on each side of the park. Additionally, none of the dwellings will be oriented such that the back or side yards are oriented to a public right of way. This criterion is met.

- 4. **Outdoor storage. A neat appearance shall be maintained at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.**

FINDING: To ensure compliance, the following condition of approval has been added

Outdoor Storage: A neat appearance shall be maintained at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.

State Law reference— Restrictions on manufactured dwellings and recreational vehicles and parks, ORS 197.475 et seq.

Article 8, Applications and Reviews

Chapter 15.312, Site Plan Review

Section 15.312.050, Approval Criteria

To ensure that the stated purposes of the site plan review process are met, the review authority shall be governed by the criteria below as they evaluate and render a decision on a proposal.

A. Statement of intent.

- 1. The site plan review criteria are intended to provide a frame of reference for the applicant in the development of a site, building and landscape plans, as well as providing the city with a means of reviewing proposed plans.**
- 2. These criteria provide a clear and objective means of evaluating residential development (and the residential components of a mixed use development) in accordance with ORS 197.**
- 3. The review authority is not authorized as a part of the site plan review process to approve projects which exceed specific development standards set forth by the applicable zone unless the exceptions are approved in accordance with specific variance or other provisions set forth in this Development Code.**

FINDING: As described herein, staff has reviewed the applicant's proposal under the site plan review regulations highlighted above. These criteria are met.

B. Site plan evaluation criteria. The following criteria shall be used in evaluating all site development plans:

- 1. The application is complete, in accordance with the applicable procedures in article 7.**

FINDING: The application was deemed complete in accordance with the applicable procedures in article 7. This criterion is met.

- 2. The application complies with all applicable provisions of the underlying zoning district in article 3, including, but not limited to, setbacks, lot dimensions, density, lot coverage, building height, and other applicable standards.**

FINDING: As discussed herein, all applicable provisions of the underlying zone have been met and therefore, this criterion is met.

- 3. The application complies with the provisions of the any applicable overlay zones in article 4.**

FINDING: The subject property does not contain any overlay zones; therefore, this criterion is not applicable.

- 4. The proposal complies with all applicable development and design standards of article 5.**

FINDING: As discussed herein, all applicable development and design standards of article 5 have been met, and therefore, this criterion is met.

- 5. The application complies with all applicable special use standards in article 6.**

FINDING: As discussed herein, the application complies with the provisions of LPDC Section 15.104.060 within article 6. This criterion is met.

- 6. Adequate public facilities and utilities are available or can be made prior to occupancy to serve the proposed development.**

FINDING: To ensure compliance with the above criterion, the following condition of approval has been added.

Public Facilities: **Prior to occupancy**, the developer shall prove adequate public facilities and utilities are available.

7. ***The proposed site plan conforms to the standards within the adopted La Pine Transportation System Plan (TSP), as may be amended from time to time, unless other design standards are specifically approved by the city.***

FINDING: The applicant's proposal was reviewed by the City Engineer for compliance with the La Pine Transportation System Plan. Conditions of approval were added where necessary and as conditioned, this criterion is met.

8. ***The proposed site plan conforms to the La Pine Sewer and Water Standards, as may be amended from time to time, unless other design standards are specifically approved by the city. All sewer improvements must comply with Oregon Administrative Rules chapter 340 division 52 requirements, including Appendix A - Sewer Pipelines.***

FINDING: The applicant's proposal was reviewed by the City Engineer for compliance with the La Pine Sewer and Water Standards. Conditions of approval were added where necessary and as conditioned, this criterion is met.

9. ***The proposed site plan conforms to the Central Oregon Stormwater Manual (COSM), as may be amended from time to time, unless other design standards are specifically approved by the city.***

FINDING: The applicant's proposal was reviewed by the City Engineer for compliance with the Central Oregon Stormwater Manual. Conditions of approval were added where necessary and as conditioned, this criterion is met.

10. ***All utilities shall be installed underground, unless otherwise specifically approved by the city.***

FINDING: This requirement has previously been conditioned in this land use decision. As conditioned, this criterion is met.

11. ***The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.***

FINDING: There is no land use history for the subject property that has ongoing conditions of approval. Therefore this criterion is not applicable.

Section 15.312.090, Performance Assurance

- A. ***Landscaping and other site improvements required pursuant to an approved design review plan shall be installed prior to the issuance of a certificate of occupancy or final inspection, unless the property owner and/or applicant submits a performance assurance device that is approved by the city committing the installation of landscaping and other site improvements within one year.***

FINDING: To ensure compliance with the above criterion, the following condition of approval has been added.

Landscaping Assurance: Landscaping and other site improvements required pursuant to the approved design review plan shall be installed prior to the issuance of a certificate of occupancy or final inspection, unless the property owner and/or applicant submits a performance assurance device that is approved by the city committing the installation of landscaping and other site improvements within one year.

- B. *In no case shall the performance be delayed beyond the one-year period for more than six months unless approved otherwise by the city. Acceptable performance assurances shall be in compliance with the provisions of this chapter or as otherwise approved by the city.***

FINDING: To ensure compliance with the above criterion, the following condition of approval has been added.

Performance Delay: In no case shall the performance be delayed beyond the one-year period for more than six months unless approved otherwise by the city.

- C. *Performance guarantee required for infrastructure improvements. The city at its discretion may allow a developer to delay installation of required public infrastructure improvements provided such infrastructure improvements must be complete and accepted by the city prior to the issuance of a certificate of occupancy, and provided that the applicant provides assurance for said improvements acceptable to the city. The applicant shall provide a bond issued by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the city, cash, or other form of security acceptable to the city.***

FINDING: The applicant has not requested a delay in infrastructure improvements, therefore this criterion is not applicable.

V. CONCLUSION

Based on the foregoing findings, City staff concludes that the proposed use can comply with the applicable standards and criteria of the City of La Pine Development Code if the conditions of approval are met.

Other permits may be required. The applicants are responsible for obtaining any necessary permits from the Deschutes County Building Division and Deschutes County Environmental Soils Division as well as any required state and federal permits.

VI. DECISION

APPROVAL, subject to the following conditions of approval.

VII. CONDITIONS OF APPROVAL:

AT ALL TIMES

- A. Application Materials:** This approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.
- B. Additional Permit Requirements:** The applicant shall obtain necessary permits from the City of La Pine, Deschutes County Building Department, Deschutes County Onsite Wastewater Department, and any other necessary State or Federal permits.

- C. Confirmation of Conditions: The applicant shall be responsible for confirming in detail how each specific condition of approval has been met if requested by City staff.
- D. Landscaping Maintenance: All landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.
- E. Fence Maintenance: Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, non-uniform height, and uncontrolled growth of vegetation.
- F. Fence Location: In no instance shall a fence extend beyond the property line including into a public right-of-way. It is the responsibility of the property owner to determine the property line.
- G. Additional Fence Requirements: Other provisions of this Development Code, or the requirements of the roadway authority, may limit the allowable height of a fence or wall below the height limits of this section.
- H. Duties of Developer: It shall be the responsibility of the developer to construct all streets, curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, telephone and cable television lines necessary to serve the use or development in accordance with the specifications of the city and/or the serving entity.
- I. Sewer and Water Plan Approval: Development permits for sewer and water improvements shall not be issued until the public works director has approved all sanitary sewer and water plans in conformance with city standards.
- J. Utilities: The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.
- K. Underground Utilities: All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.
- L. Utility Installation: The developer shall make necessary arrangements with the serving utility companies for the installation of all proposed or required utilities, which may include electrical power, natural gas, telephone, cable television and the like.
- M. Plan Review and Approval: Improvement work shall not be commenced until development plans therefore have been reviewed and approved by the city or a designated representative thereof. The review and approval shall be at the expense of the developer.
- N. Modification: Improvement work shall not commence until after the city has been notified and approval therefore has been granted, and if work is discontinued for any reason, it shall not be resumed until after the city is notified and approval thereof granted.
- O. Inspection: Improvement work shall be constructed under the inspection and approval of an inspector designated by the city, and the expenses incurred therefore shall be borne by the developer. Fees established by the city council for such review and inspection may be established in lieu of actual expenses.

The city, through the inspector, may require changes in typical sections and details of improvements if unusual or special conditions arise during construction to warrant such changes in the public interest.

- P.** Underground Utility Installation: Underground utilities, including, but not limited to, electric power, telephone, water mains, water service crossings, sanitary sewers and storm drains, to be installed in streets, shall be constructed by the developer prior to the surfacing of the streets.
- Q.** As Built Plans: If needed, as built plans for all public improvements shall be prepared and completed by a licensed engineer and filed with the city upon the completion of all such improvements. A copy of the as built plans shall be filed with the final plat of a subdivision or other development by and at the cost of the developer. The plans shall be completed and duly filed within 30 days of the completion of the improvements.
- R.** Bond or Other Performance Assurance: The developer shall file with the agreement, to ensure his/her full and faithful performance thereof, one of the following, pursuant to approval of the city attorney and city manager, and approval and acceptance by the city council:
1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the city attorney.
 2. A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability to proceed in accordance with the agreement.
 3. Cash deposit.
 4. Such other security as may be approved and deemed necessary by the city council to adequately ensure completion of the required improvements.
- S.** Amount of Security Required: The assurance of full and faithful performance shall be for a sum approved by the city as sufficient to cover the cost of the improvements and repairs, including related engineering, inspection and other incidental expenses, plus an additional 20 percent for contingencies.
- T.** Default Status: If a developer fails to carry out provisions of the agreement, and the city has unreimbursed costs or expenses resulting from the failure, the city shall call on the bond or other assurance for reimbursement of the costs or expenses. If the amount of the bond or other assurance deposit exceeds costs and expenses incurred by the city, it shall release the remainder. If the amount of the bond or other assurance is less than the costs or expenses incurred by the city, the developer shall be liable to the city for the difference plus any attorney fees and costs incurred.
- U.** Maintenance Surety Bond: Prior to sale and occupancy of any lot, parcel or building unit erected upon a lot within a subdivision, partitioning, PUD or other development, and as a condition of acceptance of improvements, the city will require a one-year maintenance surety bond in an amount not to exceed 20 percent of the value of all improvements, to guarantee maintenance and performance for a period of not less than one year from the date of acceptance.
- V.** Outdoor Storage: A neat appearance shall be maintained at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.
- W.** Landscaping Assurance: Landscaping and other site improvements required pursuant to an approved design review plan shall be installed prior to the issuance of a certificate of occupancy or final inspection, unless the property owner and/or applicant submits a performance assurance device that is approved by the city committing the installation of landscaping and other site improvements within one year.

- X. Performance Delay: In no case shall the performance be delayed beyond the one-year period for more than six months unless approved otherwise by the city.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS

- Y. Construction Plans: ***Upon land use approval or building permit application***, construction plans that include all proposed and/or required public improvements, water/sewer service connections, site grading/drainage and utilities shall be submitted to the City for review and approval, prior to construction. The stormwater drainage design shall comply with Central Oregon Stormwater Manual and shall include calculations to support the design.
- Z. Access Permit: ***Prior to the issuance of building permits***, vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority.

PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY

- AB. State Fire Marshall Comments: ***Prior to occupancy***, the applicant shall submit correspondence for the State Fire Marshal that all their requirements have been met.
- AC. Preble Way Sidewalk: Prior to occupancy, developer shall install 6' wide concrete sidewalk along the property frontage including driveway approach aprons as depicted in the submitted drawings, per Oregon Standard Drawing RD740.
- AD. Fire Easement: ***Prior to occupancy***, developer shall prepare and execute an easement for a fire department turnaround encroachment onto Lot 1 for the benefit of Lot 2. Provide a copy of the recorded easement to the City of La Pine.
- AE. Street Trees: ***Prior to occupancy***, developer shall install 4 street trees along the property frontage, between sidewalk and roadway.
- AF. Water Service: ***Prior to occupancy***, developer shall install improvements as depicted on the submitted plans including fire hydrant assembly and domestic water service. The roadway asphalt shall be patched in accordance with Deschutes County Standards, and shall be subject to Deschutes County approval for Right of Way improvements.
- AG. Stormwater: ***Prior to occupancy***, developer shall provide a final grading and drainage plan for review and approval by the City, and shall provide stormwater calculations indicating compliance with the Central Oregon Stormwater Manual.
- AH. Gas Easement: ***Prior to occupancy***, developer shall prepare and execute an easement for gas service across Lot 2 serving Lot 1. Provide a copy of the recorded easement to the City of La Pine.
- AI. Sewer Lateral Use: ***Prior to occupancy***, the developer shall not make use of the new 6-inch sewer lateral until the City has completed the Industrial Park Lift Station Improvement Project.
- AJ. Sewer Lateral: ***Prior to occupancy***, developer shall install a sewer service lateral connected to the main line in the east side of Preble Way in accordance with City of La Pine public works standards.

- AK.** Septic Tank: ***Prior to occupancy***, developer shall install one septic tank for each manufactured home within the mobile home park. The septic tanks shall be connected to the sewer service lateral for the property. Any septic tanks located within drivable surfaces shall be constructed with reinforced caps capable of H-20 vehicle loading.
- AL.** Plant material installation standards: ***Prior to occupancy***, the applicant shall demonstrate the following landscaping requirements are met.
1. Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.
 2. Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.
 3. Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.
 4. Rows of plants should be staggered to provide for more effective coverage.
- AM.** Public Facilities: ***Prior to occupancy***, the developer shall prove adequate public facilities and utilities are available.

PRIOR TO DEVELOPMENT

- AN.** Agreement for Improvements: ***Prior to development***, where public improvements are required, the owner and/or developer shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or shall execute and file with the city an agreement between him/herself and the city specifying the period in which improvements and repairs shall be completed and, providing that if the work is not completed within the period specified, that the city may complete the work and recover the full costs thereof, together with court costs and attorney costs necessary to collect the amounts from the developer. The agreement shall also provide for payment to the city for the cost of inspection and other engineer services directly attributed to the project.

VIII. DURATION OF APPROVAL, NOTICE, AND APPEALS

This approval shall lapse, and a new approval shall be required, if the use approved in this permit is not initiated within two (2) years of the date that this decision becomes final, or if development of the site is in violation of the approved plan or other applicable codes.

THIS DECISION BECOMES FINAL TWELVE (12) DAYS AFTER THE DATE MAILED, UNLESS APPEALED BY THE APPLICANT OR A PARTY OF INTEREST IN ACCORDANCE WITH ARTICLE 7, CHAPTER 15.212 OF THE CITY OF LA PINE LAND DEVELOPMENT CODE. PURSUANT TO ARTICLE 7, CHAPTER 15.212 OF THE CITY OF LA PINE LAND DEVELOPMENT CODE, APPEALS MUST BE RECEIVED BY 5:00 PM ON THE 12TH DAY FOLLOWING MAILING OF THIS DECISION.

CITY OF LA PINE COMMUNITY DEVELOPMENT DEPARTMENT

Written By: Rachel Vickers, Associate Planner