



FINDINGS AND DECISION

FILE NUMBER: 03SPR-24

APPLICANT: Encompass Storage
PO Box 941
Redmond, OR 97756

OWNER: Hogrefe, Joseph and Molly
PO Box 941
Redmond, OR 97756

LOCATION: The subject property is located at 16650 Box Way, La Pine, Oregon 97739. The Tax Lot number is 130 on Deschutes County Assessor's Map 22-10-14AB.

REQUEST: The applicant is requesting Site Plan Review to expand an existing self-storage facility on the subject property.

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 15.24, Industrial and Public Facility 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 Industrial and is not within and overlay zones.

PARCEL SIZE: The subject property is 0.43-acres in size.

LOT LEGALITY: The subject property was platted as Lot 40 within the Newberry Business Park.

REVIEW PERIOD: The subject application was submitted on March 25, 2024, and deemed complete on April 24, 2024. The 120th day on which the City must take final action on this application is August 22, 2024.

EXISTING DEVELOPMENT: The subject property, currently developed with two self-storage buildings and two small accessory structures as well as related landscaping and site improvements. the subject property fronts on Box Way to the south.

PERMIT HISTORY:

- SPR 2016-02SP | Site plan review to establish a storage unit facility with two buildings on the subject property.

III. AGENCY AND PUBLIC COMMENTS

PUBLIC AGENCY COMMENTS: The La Pine Community Development Department sent mailed and electronic notice on May 2, 2024, to several public agencies and received the following comments:

City of La Pine Engineering, Erik Huffman

1. Prior to building permit issuance, developer shall provide a final grading and drainage plan indicating compliance with the Central Oregon Stormwater Manual.
2. Prior to occupancy, developer shall dedicate 2 feet of public right of way along the Box Way frontage. The developer shall provide a legal description and exhibit map of the dedication area for review and approval by the City. The City will provide the dedication deed and the owner must sign and notarize the deed and return to the City.
3. Prior to occupancy, developer shall install street trees, either within the right of way between the sidewalk and curb, or back of the right of way line, at 35 foot average spacing (3 trees minimum).

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

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

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 May 2, 2024. No public comments were received.

IV. **FINDINGS OF FACT**

PART III, CITY OF LA PINE DEVELOPMENT CODE

Article 3, Zoning Districts

Chapter 15.24 – Industrial and Public Facility

Section 15.24.200, Characteristics of the Industrial and Public Facility Zones

Industrial and public facility zones accommodate a mix of intensive and less intensive uses engaged in manufacturing, processing, warehousing, distribution, and similar activities. Two industrial zoning districts, one for light industrial uses and one for general industrial uses, provide for the full range of planned industrial land uses within the city. Both districts are intended to provide for efficient use of land and public services, provide a high-quality environment for business, offer a range of parcel sizes and locations for industrial site selection, avoid encroachment by incompatible uses, provide transportation options for employees and customers, and facilitate compatibility between dissimilar uses.

- A. *Light Industrial Zone (LI). The LI zone is intended to allow for a mix of industrial and manufacturing businesses alongside industrial services, research and development, and small-scale retail and professional services.*
- B. *Industrial Zone (I). The I zone allows for the same uses as the LI zone, but also provides suitable locations for more intensive industrial uses, such as those with processing, manufacturing, assembly, packaging, distribution, or other activities.*
- C. *Public Facility Zone (PF). The PF zone is intended to provide areas for large-scale public facility and utility uses that require separation from residential and commercial uses. Additionally, the PF zone accommodates industrial uses that are compatible with large-scale public facilities.*

FINDING: The applicant is proposing a use in the Industrial zone, applicable criteria are discussed herein.

Section 15.24.300, Use Regulations

Uses may be designated as permitted, limited, conditional, or prohibited in the industrial and public facility zones. As noted in Table 15.24-1, a use may also be subject to special use standards of article 6.

- A. *Permitted uses (P). Uses allowed outright in the industrial and public facility zones are listed in Table 15.24-1 with a "P."*
- B. *Limited uses (L). Uses allowed in the industrial and public facility zones subject to limitations are listed in Table 15.24-1 with an "L." The limitations are defined below and correspond with the footnote numbers in Table 15.24-1.*
- ...
- C. *Conditional uses (CU). Uses which are allowed if approved through the conditional use review process are listed in Table 15.24-1 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 15.24-1 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.*

<p>Table 15.24-1. Use Regulations in the Industrial and Public Facility Zones</p>
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<i>Use Category</i>	<i>LI</i>	<i>I</i>	<i>PF</i>	<i>Special Use Standards</i>
Commercial Use Categories				
<i>Campgrounds & Recreational Vehicle Parks</i>	<i>N</i>	<i>N</i>	<i>N</i>	
<i>Commercial Lodging</i>	<i>N</i>	<i>N</i>	<i>N</i>	
<i>Commercial Parking</i>	<i>N</i>	<i>N</i>	<i>N</i>	
<i>Commercial Recreation</i>	<i>N</i>	<i>N</i>	<i>N</i>	
<i>Eating and Drinking Establishments</i>	<i>L</i>	<i>L</i>	<i>L</i>	<i>Section 15.108.070</i>
<i>Marijuana Dispensary</i>	<i>N</i>	<i>N</i>	<i>N</i>	
<i>Quick Vehicle Servicing</i>	<i>P</i>	<i>N</i>	<i>N</i>	
<i>Office</i>	<i>L</i>	<i>L</i>	<i>L</i>	
<i>Retail Sales and Service</i>	<i>L</i>	<i>N</i>	<i>N</i>	
<i>Vehicle Repair</i>	<i>P</i>	<i>N</i>	<i>N</i>	
<i>Self Service Storage</i>	<i>CU</i>	<i>P</i>	<i>P</i>	

FINDING: The applicant proposes to establish a self-service storage facility on the subject property which is a use permitted within the Industrial zone. Applicable criteria are addressed herein.

Section 15.24.400, Development Standards

- A. ***Purpose. The development standards for industrial and public facility 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 industrial and public facility zones are presented in Table 15.24-2. Development standards may be modified as provided by chapter 15.320, variances. Additional standards may apply to specific zones or uses, see section 15.24.500.***

Table 15.24-2. Development Standards in the Industrial and Public Facility Zones			
<i>Standard</i>	<i>LI</i>	<i>I</i>	<i>PF</i>
<i>Minimum Setbacks</i>			
- <i>Front of Street-side yard</i>	<i>20 feet</i>	<i>None</i>	<i>None</i>
- <i>Side Yard</i>	<i>10 feet</i>	<i>None</i>	<i>None</i>
- <i>Rear Yard</i>	<i>10 feet</i>	<i>None</i>	<i>None</i>
<i>Maximum Building Height</i>	<i>45 feet</i>	<i>75 feet</i>	<i>75 feet</i>
<i>Maximum Lot Coverage</i>	<i>60%</i>	<i>80%</i>	<i>80%</i>
<i>Minimum Landscaped Area</i>	<i>See 15.24.500(A) and Chapter 15.82</i>		

FINDING: While the Industrial zone has no required setbacks, The new building will be set back at least 25 feet from each property line and the new structure will be no more than 13 feet tall. The subject property is 18,769 square feet in size and all structures will cover 6,124 square feet (33% lot coverage). The requirements of Section 15.24.500(A) and Chapter 15.82 are discussed herein. The requirements of Table 15.22-2 are met.

Section 15.24.500, Additional Standards

- A. ***Landscaping standard. Any portion of a lot developed for industrial 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 standards in article 5.***

FINDING: The applicant proposes a self-service storage facility which is a use defined as a commercial use within Table 15.24-1, therefore this criterion is not applicable.

- B. Screening requirements. All accessory storage of junk, waste, discarded or salvaged material, machinery, or equipment shall not be permitted except within a completely enclosed structure. Or if the lot area devoted to such use is over 200 square feet in area, the owner may have the alternative of enclosing it on all sides, except for an exit and entrance not over 25 feet in width, by a solid fence or wall at least six feet in height and maintained in good condition or by a cyclone or equal-wire fence at least six feet in height and surrounded, except for an exit and entrance not over 25 feet in width, by evergreens at least six feet in height and planted not further apart than six feet so as to form a solid screen. See also chapter 15.82 for additional screening requirements. See additional buffering and fence standards in article 5.**

FINDING: The applicant's proposal does not include the accessory storage of junk, waste, or discarded materials; therefore, this criterion is not applicable.

- C. 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: The applicant proposes to utilize an existing access point that was approved under City of La Pine File SPR 2016-02SP. Comments from the City Engineer did not indicate the existing access was insufficient for the proposed expansion. This criterion is met.

- D. Emissions. Industrial uses shall comply with all applicable pollution control regulations enacted by the federal and state government and other governmental authorities.**

FINDING: The applicant's proposed self-storage use is not expected to emit any noxious, toxic, or corrosive fumes. This criterion is met.

- E. Noise. Industrial uses shall provide necessary shielding or other protective measures against interference caused by mechanical and nuclear equipment, or uses or processes with electrical apparatus, to nearby residences.**

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

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

FINDING: To ensure compliance, 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 self-storage 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 following use is categorized as a commercial use within Table 15.24-1; therefore, 15% of the parcel must be landscaped. The subject property is 18,769 square feet and based on the applicant's submitted site plan, 3,238 square feet of the site will be landscaped (17% landscaped). 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's submitted burden of proof indicates that the 3,238 square feet of landscaping area will consist of mainly (greater than 50%) living plant materials. 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: The applicant is proposing to remove all vegetation onsite. Staff finds that the above criterion does not

require the applicant to keep any existing vegetation on 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 ten or more vehicles; therefore, these criteria do not apply.

- 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 does not abut and land zoned RSF, RMF, RMP, or TA. Therefore, these criteria are 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 occupancy***, the developer shall confirm 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: The following condition of approval has been added to ensure compliance with the above criterion.

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 is not proposing any new fencing as part of this site plan alteration; therefore, these criteria are not applicable?

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: The applicant is not proposing any new fencing as part of this site plan alteration; therefore, this criterion is not applicable.

- 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 is not proposing any new fencing as part of this site plan alteration; 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 applicant is not proposing any new fencing as part of this site plan alteration; therefore, this criterion is not applicable.

- 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 is not proposing any new fencing as part of this site plan alteration; therefore, this criterion is not applicable.

- 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 applicant is not proposing any new fencing as part of this site plan alteration; therefore, this criterion is not applicable.

- 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 I.**

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
Commercial Categories	
Commercial Outdoor Recreation	One space for each three persons maximum occupancy; or per conditional use permit review whichever is less
Bed and Breakfast Inn	One space per use, plus 0.5 space(s) for each bedroom offered as lodging
Educational Services (Not a School)	One space per 300 sq. ft. floor area
Entertainment, Major Event	One space for each three persons maximum occupancy; or per conditional use permit review whichever is less
Hotels, Motels, and Similar Uses	0.75 space per guest room. See also, parking requirements for associated uses, such as restaurants, entertainment uses, drinking establishments, assembly facilities
Mortuary of Funeral Home	One space per 300 sq. ft. floor area
Offices	General office: one space per 500 sq. ft. floor area
	Medical or dental office: one space per 500 sq. ft. floor area
Outdoor Recreation, Commercial	Per conditional use permit review
Surface Parking Lot	Per conditional use permit review
Quick vehicle servicing or vehicle repair	Two spaces, excluding vehicle service or queuing area, or per

	<i>conditional use permit review</i>
<i>Retail Sales and Commercial Service</i>	<i>Bank: one space per 300 sq. ft. floor area</i>
	<i>Retail: one space per 400 sq. ft. floor area, except one space per 1,000 sq. ft. for bulk retail (e.g., auto sales, nurseries, lumber and construction materials, furniture, appliances, and similar sales)</i>
	<i>Restaurants and bars: one space per 200 sq. ft. floor area</i>
	<i>Health clubs, gyms, continuous entertainment (e.g., roller rinks): one space per 500 sq. ft. floor area</i>
	<i>Bowling alleys: five spaces for each lane</i>
	<i>Theaters and cinemas: one space per six seats</i>
	<i>Trailer and monument sales: one space per 2,500 sq. ft. of gross area</i>
<i>Self-Service Storage</i>	<i>Two spaces, plus adequate space for loading and unloading</i>

FINDING: The applicant proposes a self-service storage use that has two parking spaces to be relocated to the area where the carport currently is (to be demolished), as well as adequate space for loading and unloading. 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 2 parking spaces, which does not exceed the above requirements. These criteria are met.

- 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 one 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 minimums 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: The applicant proposes one ADA parking space. Compliance with ADA requirements will be evaluated during the 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: Staff finds that the proposed use of self-storage facility is unlikely to have any patrons or employees arriving by bicycle and therefore finds that the provisions of LPDC Section 15.86.050 do not apply to this application.

Section 15.6.060, Snow Storage Areas

- A. ***Purpose. The purpose of these standards is to ensure that adequate space is 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's proposal is subject to site plan review, and therefore LPDC Section 15.86.060 applies.

- 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: The subject property is 18,769 square feet in size which requires 2,815 square feet of space dedicated for snow storage. Based on the applicant's submitted site plan, over 4,000 square feet of area will be available for snow storage. 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 proposes snow storage areas on landscaped areas that are limited to rock cover, swales, and paved areas not needed for parking or access and circulation. 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 is not requesting an exception or adjustment to the required snow storage areas; therefore, this criterion is not applicable.

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 site from a previously approved access point on Box Way. This criterion is met.

- 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 burden of proof indicated a Trip General Letter prepared by Tim Weishaupt, P.E. of Sun County Engineering which included the following statement:

Trip general estimate for the proposed addition add approximately 4 weekday daily trips. The total combined site weekday p.m. peak hour trips is 2. The La Pine Transportation System Plan requires a Transportation Impact Analysis for new developments expected to generate 200 or more weekday trips, or 20 or more weekday p.m. peak hour trips. Therefore, a TIA is not required for this application.

Staff concurs with the submitted Trip General Letter and therefore finds that no Traffic Impact Analysis is required.

- 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.*

FINDING: The applicant proposes to access the site from Box Way which is classified as a local street and therefore, these criteria are not applicable.

- 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: Comments from the City Engineer did not indicate any of the above provisions would be required to improve traffic management for the applicant's proposal. Therefore, 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: The applicant's proposal does not include an approval onto a state highway; therefore, this criterion is not applicable.

- 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 existing approach from Box Way does not cross a drainage ditch, canal, or railroad and 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 a request for an exception or adjustment to the above referenced standards and 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.**
- 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 existing access on Box Way was previously reviewed for compliance with the 30-foot clear vision requirements of this criterion. The applicants site plan alteration will not encroach into any of the existing clear vision triangles, nor create any new ones. This criterion is met.

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

Right of Way Width	Clear Vision
80 feet or more	20 feet
Less than 80 feet	30 feet

FINDING: The subject property is within an Industrial zone, therefore the provisions of subsection 1 apply to this proposal.

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:**
 - 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: Compliance with the above criterion was reviewed under the 2016 site plan review. The applicant proposed changes will continue to adhere to the above requirements. 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: All the applicant's proposed sidewalks are straight at either 90- or 180-degree angles and provide access to the parking lot and building entrances using the shortest route that is reasonably possible. 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 submitted site plan indicated that the grade of the property will be relatively even, and the existing sidewalks comply with all ADA and Development Code regulations. 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: None of the applicant's proposed walkways directly abut a street and therefore this criterion is not applicable.

- 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 proposal does not include any crosswalks; therefore, this criterion is not applicable.

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

Walkway Construction: If constructed, 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.

- 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's proposal does not include any multiuse pathways; 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 following comments in relation to Box Way.

Prior to occupancy, developer shall dedicate 2 feet of public right of way along the Box Way frontage. The developer shall provide a legal description and exhibit map of the dedication area for review and approval by the City. The City will provide the dedication deed and the owner must sign and notarize the deed and return to the City.

Prior to occupancy, developer shall install street trees, either within the right of way between the sidewalk and curb, or back of the right of way line, at 35 foot average spacing (3 trees minimum).

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 indicate that there is a deficiency in the Industrial Lift station, which serves this property. However, the applicants proposal does not include a new or increased connection to the sewer lateral and therefore, this criterion is not applicable.

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 15.90.040.

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 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.

- 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 is not proposing a new subdivision and 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 indicated that two feet of right of way would need to be dedicated along Box Way. This requirement has previously been conditioned in this land use decision. 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: A 6-foot concrete sidewalk was previously required under the 2016 land use decision, no further sidewalks are required for this proposal. This criterion is not applicable.

- 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. Cul-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 at a spacing of 35 feet would be required on Box 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 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 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 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 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 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 did not include any new streets; therefore, this criterion is not applicable.

- U. *Street lights. Street lights 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 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.

- 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 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: Staff finds that since the site is already develop

- 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 known land use history for the subject property, therefore this criterion is not applicable.

Section 15.312.060, Additional Approval Criteria – Nonresidential Development

In addition to the approval criteria in section 15.312.050, to ensure that the stated purposes of the site plan review process are met, the review authority shall also be governed by the criteria below as they evaluate and render a decision on a nonresidential development proposal.

A. *Statement of intent.*

1. ***The site plan review criteria for nonresidential development 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 are not intended to be inflexible requirements, nor are they intended to discourage creativity. The specification of one or more architectural styles is not intended by these criteria.***
3. ***The review authority is not authorized as a part of the design 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 chapter.***

FINDING: Staff has reviewed the application, made findings, and added conditions of approval where necessary in accordance with the above criteria. Staff approval of this application does not exceed the specific development standards set forth in the Industrial zone. These criteria are met.

B. *Site plan evaluation criteria. In addition to the approval criteria in section 15.312.050, the following criteria shall be used in evaluating nonresidential site development plans:*

1. ***The arrangement of all functions, uses and improvements has been designed so as to reflect and harmonize with the natural characteristics and limitations of the site and adjacent sites.***

FINDING: The subject property is relatively level with little to no existing vegetation. Surrounding uses include

vacant lots and right of way. Staff finds that the applicant's proposed self-storage facility will reflect and harmonize with the surrounding area. This criterion is met.

2. ***In terms of setback from streets or sidewalks, the design creates a visually interesting and compatible relationship between the proposed structures and/or adjacent structures.***

FINDING: As stated previously in this decision, all applicable setbacks for the Industrial zone have been met. Surrounding properties are also zoned industrial and which allows many structures to be built up to the property lines. Staff finds that the approved setbacks for the property create a visually interesting and compatible relationship for the Industrial zone and nearby uses. This criterion is met.

3. ***The design incorporates existing features, such as streams, rocks, slopes, vegetation and the like, as part of the overall design.***

FINDING: The subject property does not contain any existing features including streams, rocks, slopes, vegetation, or the like. Therefore, this criterion is not applicable.

4. ***Where appropriate, the design relates or integrates the proposed landscaping/open space to the adjoining landscape/open space in order to create a pedestrian/bike pathway and/or open system that connects several properties or uses.***

FINDING: Comments from the City Engineer did not indicate that any additional sidewalks would be necessary. Staff finds that bicycle parking is not necessary for the proposed development as it is industrial in nature and therefore no bike lanes were required. This criterion is met.

5. ***The arrangement of the improvements on the site do not unreasonably degrade the scenic values of the community and the surrounding area in particular.***

FINDING: Staff finds that the proposed development and improvements are consistent with those of an Industrial area and therefore, relates to the surrounding area well. This criterion is met.

6. ***Where appropriate, the design includes a parking and circulation system that encourages a pedestrian and/or bicycle rather than vehicular orientation, including a separate service area for delivery of goods.***

FINDING: Staff finds that the Industrial zoning is more conducive to a vehicle orientation, rather than pedestrian and bicycle orientation. Compliance with vehicle circulation has previously been addressed in this decision. This criterion is met.

7. ***The design gives attention to the placement of storage, mechanical equipment, utilities or waste collection facilities so as to screen such from view, both from within and from outside the site.***

FINDING: While no outdoor storage was included in the applicant's proposal, therefore this criterion is not applicable.

C. *Landscape design evaluation criteria. The following criteria shall be used in evaluating landscape plans:*

1. ***The overall design substantially complements the natural environment of the city and the character of the site and the surrounding area.***

2. *The design acknowledges the growing conditions for this climatic zone, and the unique requirements that its specific site location makes upon plant selection.*
3. *Provision has been made for the survival and continuous maintenance of the landscape and its vegetation.*
4. *The design contributes to the stabilization of slopes and the protection of other natural features and resources where applicable.*

FINDING: The applicant's proposal meets the landscaping requirements of LPDC Chapter 15.82. Staff finds that the applicant's proposal compliments the surrounding industrial area. These criteria are met.

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. Exterior Lighting: All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. 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.
- J. Underground Utilities: All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.

- K.** 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.
- L.** 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.
- M.** 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.
- N.** 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.
- O.** 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.
- P.** 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.
- Q.** 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.
- R.** 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.
- S.** 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.

- T. 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.
- U. 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.
- V. 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

- W. Drainage Plan: **Prior to building permit issuance**, developer shall provide a final grading and drainage plan indicating compliance with the Central Oregon Stormwater Manual.

PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY

- X. Box Way ROW Dedication: **Prior to occupancy**, developer shall dedicate 2 feet of public right of way along the Box Way frontage. The developer shall provide a legal description and exhibit map of the dedication area for review and approval by the City. The City will provide the dedication deed and the owner must sign and notarize the deed and return to the City.
- Y. Box Way Trees: **Prior to occupancy**, developer shall install street trees, either within the right of way between the sidewalk and curb, or back of the right of way line, at 35 foot average spacing (3 trees minimum).
- Z. Plant Material Installation Standards: **Prior to occupancy**, the developer shall confirm 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.
- AA. Public Facilities: **Prior to occupancy**, the developer shall prove adequate public facilities and utilities are available.

PRIOR TO DEVELOPMENT

- AB. 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

Attachment: Site Plan

PRELIMINARY SITE PLAN FOR ENCOMPASS STORAGE OF LA PINE, LLC

LOT 40, NEWBERRY BUSINESS PARK, IN THE NE 1/4 OF SECTION
14, TOWNSHIP 22 SOUTH, RANGE 10 EAST, W.M.,
CITY OF LA PINE, DESCHUTES COUNTY, OREGON

PROPERTY DATA

SITE ADDRESS:	16650 BOX WAY, LA PINE, OREGON 97739
TAX LOT:	221014AB00130
ZONING:	INDUSTRIAL
GROSS AREA:	18,769 SF (0.43 AC)
GENERAL PLAN:	LPIND
WATER:	LA PINE WATER
SEWER:	LA PINE SEWER
POWER:	MID-STATE COOP
PHONE:	CENTURYLINK
GAS:	CASCADE NATURAL GAS
SCHOOL:	BEND-LAPINE DISTRICT
FIRE:	LA PINE RFD

DEVELOPMENT DATA

PROPOSED USE:	STORAGE
SITE AREA (NET):	18,769 SF
ZONING:	INDUSTRIAL
LANDSCAPE AREA:	3,238 SF (1,877 SF=10% REQ.)
ACCESS:	(1) 20' WIDE DRIVEWAY APRON (EXISTING)
DRIVE AISLES:	COMPACTED GRAVEL (EXISTING)
PARKING:	(1) ACCESSIBLE
ACCESSIBLE UNITS:	5% x 43 UNITS = 3 UNITS

BUILDING DATA

PROPOSED SF:	1,500 SF
PROPOSED UNITS	12
B-5	1,500 SF
EXISTING SF	4,624 SF
EXISTING UNITS	31
EX-EAST BLDG.	2,853 SF
EX-WEST BLDG.	1,771 SF
LOT COVERAGE:	6,124 / 18,769 = 32.6%

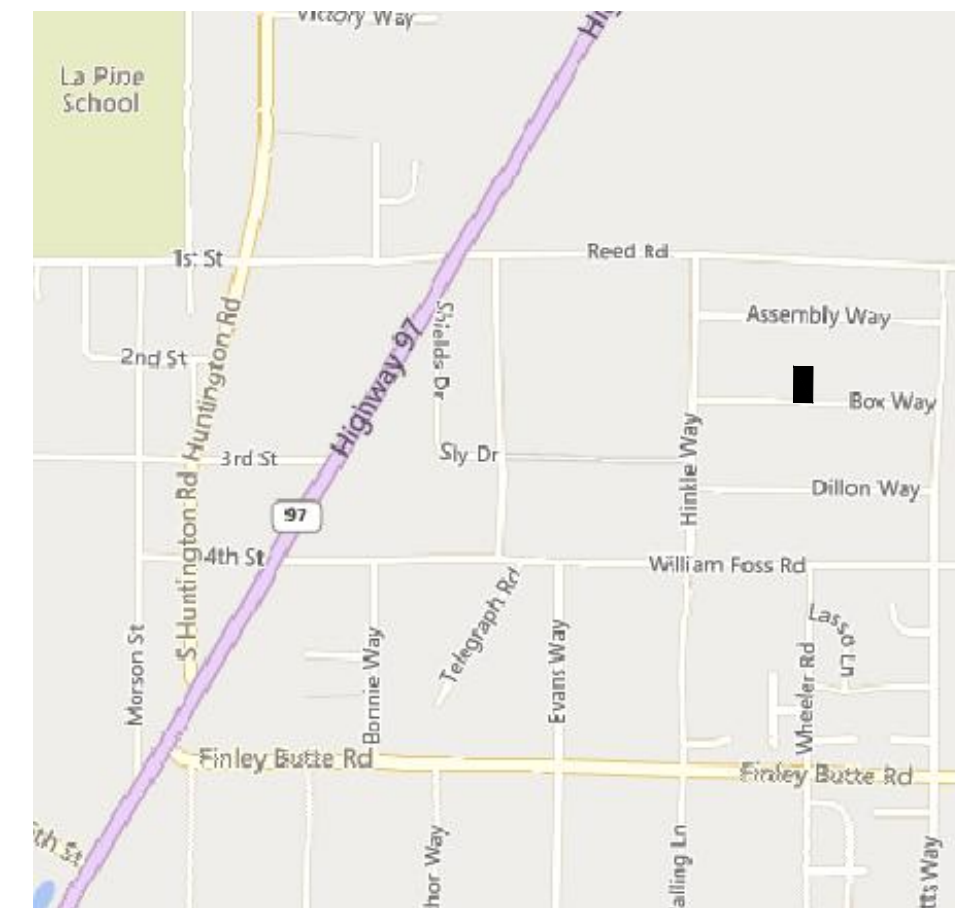
STORMWATER DATA:	
IMPERVIOUS SURFACES:	7,665 SF
PERVIOUS SURFACE:	11,103 SF
6-MONTH STORM:	1.1' / SF
6-MONTH STORM- IMPERVIOUS:	C=1.00; 702 CU. FT.
6-MONTH STORM- PERVIOUS:	C=0.5; 509 CU. FT.
TOTAL STORM:	1,211 CU. FT.

INFILTRATION:	
SOIL GROUP:	115A Shanahan Loamy Course Sand
RATE:	198-595'/hr (use 3.0')
VOLUME/PERIOD:	(330'x3')x(630sfx0.25'x12 HR= 4,860 CF
TOTAL 12 HR CAPACITY:	248 + 4860 = 5,560 CF

25 YEAR STORM:	2.6" / SF
25 YEAR STORM- IMPERVIOUS:	C=1.00; 1,660 CU. FT.
25 YEAR STORM- PERVIOUS:	C=0.5; 1,203 CU. FT.
TOTAL STORM:	2,864 CU. FT.

SWALE VOLUME (SIDELINE 2 EA)	0.75 CU. FT. / LIN. FT. 165 LIN. FT.= 124 CU. FT. V= 124 CU.FT. Vt= 248 CU.FT.
SWALE VOLUME (FRONT 2EA)	A1= 180 SF; A2=450 SF; DMAX 1.0' V=(A1+A2)/2 * DEPTH V1= 121 CU. FT; V2= 331 CU. FT Vt= 452 CU. FT.

TOTAL FREE STORAGE: 700 CU.FT.



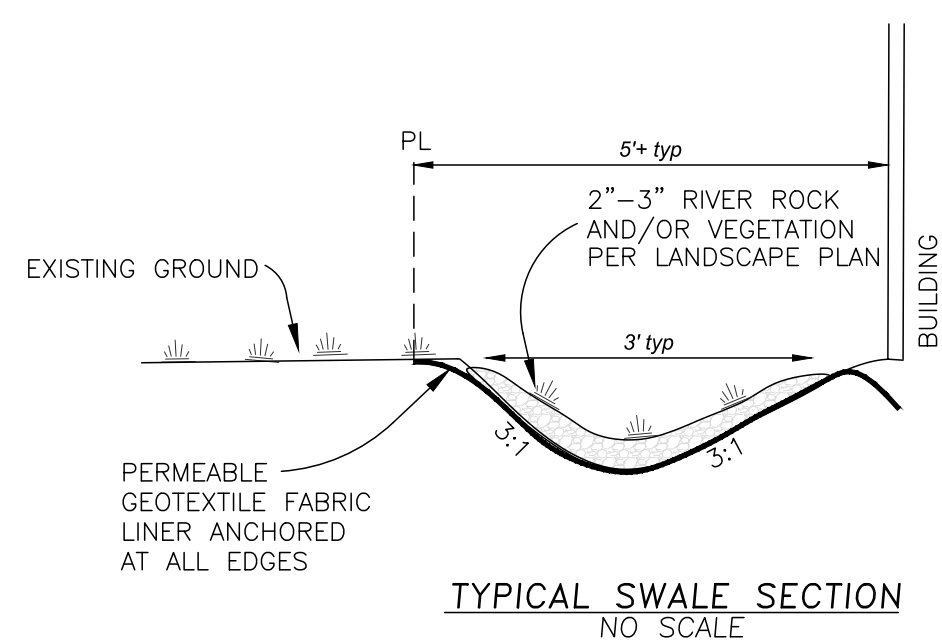
VICINITY MAP
SCALE: 1"=1000'

OWNER/APPLICANT:
ENCOMPASS STORAGE OF LA PINE, LLC
PO BOX 941
REDMOND, OR 97756

SURVEYORS/ENGINEERS:
SUN COUNTRY ENGINEERING
AND SURVEYING
920 SE ARMOUR RD.
BEND, OREGON 97702
(541) 382-8882

LEGEND

EXISTING	PROPOSED

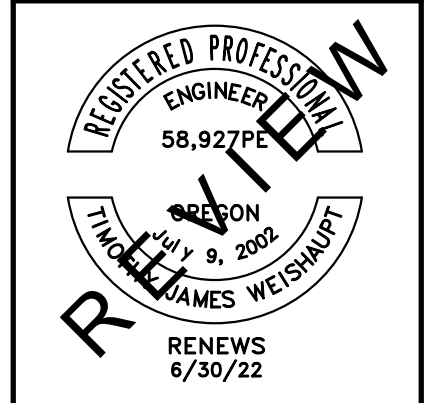
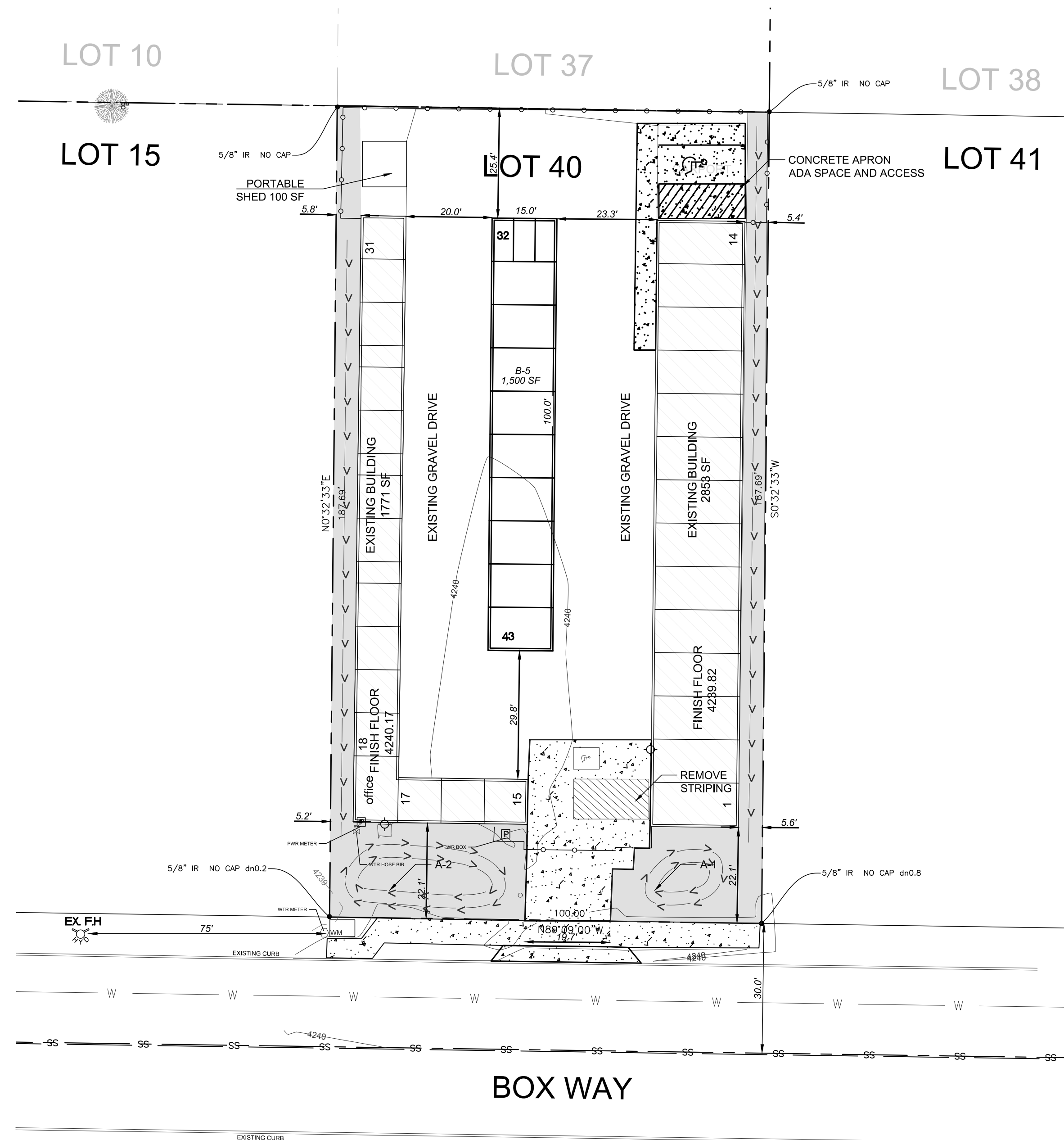


TYPICAL SWALE SECTION
NO SCALE

- NOTES:
- 1) MAXIMUM BUILDING HEIGHT NOT TO EXCEED 75'.
 - 2) ALL UTILITIES TO BE INSTALLED UNDERGROUND.
 - 3) ACCESS GATE SHALL BE EQUIPPED WITH A 'KNOX BOX' FOR FIRE OR OTHER EMERGENCY ACCESS.

SITE PLAN

SCALE: 1"=20'



**SUN COUNTRY
ENGINEERING & SURVEYING, INC.**
ESTABLISHED 1976
920 SE ARMOUR DRIVE BEND, OR 97702 541-382-8882

REVISIONS:	
1.	
2.	
3.	

LOT 40, NEWBERRY
BUSINESS PARK
16650 BOX WAY,
LA PINE, OREGON 97739
SITE PLAN

DESIGNED BY: SCE	
DRAWN BY: DJM	
SCALE: AS SHOWN	
FILE: 10267	
DATE: 3/21/24	

VERIFY SCALES
0 1"
BAR EQUALS ONE INCH
ON ORIGINAL DRAWING

C 1.0
00000