



NOTICE OF PLANNING COMMISSION DECISION

The City of La Pine Planning Commission has approved the land use application described below:

DATE MAILED: August 22, 2024

FILE NUMBER: 01SUB-24

**APPLICANT/
OWNER:**

Habitat for Humanity of La Pine Sunriver
56835 Venture Ln, Suite 101-102,
Sunriver, OR 97707

ENGINEER:

HHPR
Jennifer VanCamp, PE
250 NW Franklin, Suite 404
Bend, OR 97703

PLANNER:

Retia Consult LLC
Tammy Wisco, PE, AICP
PO Box 831
Bend, OR 97709

LOCATION:

The subject property is located north of Findley Drive and west of Crescent Creek Drive. The subject property does not have an assigned address and is identified by map and tax lot 2210110000401 on the County Assessor's Map.

REQUEST:

The Applicant requests approval of a quadrant plan within a portion of the Newberry Neighborhood Planning Area Neighborhood 2a and a subdivision to create 34 townhome lots.

STAFF CONTACT:

Brent Bybee, Principal Planner
Email: bbybee@lapineoregon.gov
Phone: (541) 536-1432

DECISION:

Approved, subject to the conditions of approval identified below

I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA:

PART III – CITY OF LA PINE DEVELOPMENT CODE

ARTICLE 3 - ZONING DISTRICTS

CHAPTER 15.20 RESIDENTIAL MASTER PLAN ZONE

Sec. 15.20.100. - Purpose.

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Sec. 15.20.400. - Development Standards.

ARTICLE 4 - OVERLAY ZONES

CHAPTER 15.32. - NEWBERRY NEIGHBORHOOD PLANNING AREA (NNPA) OVERLAY ZONE

Sec 15.32.010. - Purpose.

Sec. 15.32.020. - General Standards.

Sec. 15.32.100. - Districts.

ARTICLE 5 - DEVELOPMENT STANDARDS

CHAPTER 15.80. - DEVELOPMENT STANDARDS, GENERALLY

Sec. 15.80.010. - Purpose.

Sec. 15.80.020. - Applicability.

Sec. 15.80.030. - Exemption - lot size requirements.

Sec. 15.80.040. - Exemption - yard or setback requirements.

Sec. 15.80.050. - Supplementary height requirements.

Sec. 15.80.060. - Restrictions on the use of metal shipping containers.

CHAPTER 15.88. - ACCESS AND CIRCULATION

Sec. 15.88.010. - Purpose.

Sec. 15.88.020. - Applicability.

Sec. 15.88.030. - Vehicular access and circulation.

Sec. 15.88.040. - Clear vision areas (visibility at intersections).

Sec. 15.88.050. - Pedestrian access and circulation.

CHAPTER 15.90. - PUBLIC FACILITIES

Sec. 15.90.010. - Public facilities improvements.

Sec. 15.90.020. - Developer responsibility for streets and other public facilities.

Sec. 15.90.030. - Sewer and water.

Sec. 15.90.040. - Stormwater.

Sec. 15.90.050. - Utilities.

Sec. 15.90.060. - Public street/highway improvement.

Sec. 15.90.070. - Design of streets and other public facilities.

Sec. 15.90.080. - Traffic impact analysis.

CHAPTER 15.92. - ADDITIONAL STANDARDS FOR LAND DIVISIONS

Sec. 15.92.010. - Lots and blocks.

Sec. 15.92.020. - Easements.

Sec. 15.92.030. - Land for public purposes.

CHAPTER 15.94. - IMPROVEMENT PROCEDURES AND GUARANTEES

Sec. 15.94.010. - Improvement procedures.

Sec. 15.94.020. - Completion or assurance of improvements.

Sec. 15.94.030. - Building and occupancy permits.

Sec. 15.94.040. - Maintenance surety bond.

Sec. 15.94.050. - Engineering/special services for review.

ARTICLE 6 - SPECIAL USE STANDARDS

CHAPTER 15.105. - SPECIAL USE STANDARDS - RESIDENTIAL USES AND ACCESSORY USES

Sec. 15.104.020. - Townhomes.

ARTICLE 7 - PROCEDURES

CHAPTER 15.202. - SUMMARY OF APPLICATION TYPES AND GENERAL PROVISIONS

Sec. 15.202.010. - Purpose and applicability.

CHAPTER 15.204. - APPLICATION PROCEDURES

Sec. 15.204.030. - Type II procedure (quasi-judicial review - public hearing).

ARTICLE 9 - LAND DIVISIONS

CHAPTER 15.402. - GENERAL PROVISIONS

Sec. 15.402.010. - Purpose.

Sec. 15.402.020. - Applicability.

CHAPTER 15.406. - SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS (PUD)

Sec. 15.406.010. - Subdivision application.

Sec. 15.406.020. - Final plat for a subdivision.

Sec. 15.406.040. - Subdivisions and PUD Review.

CHAPTER 15.418. - PROCESSING AND RECORDING PROCEDURES

Sec. 15.418.010. - Processing and recording subdivision maps.

V. CONDITIONS OF APPROVAL:

GENERAL:

1. 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. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
2. 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 three and one-half 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. Construction plans shall demonstrate compliance with these clear vision standards and shall be submitted to the City for review and approval prior to construction. No above ground equipment shall obstruct vision clearance areas for vehicular traffic.
3. If at any point 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, development permits may be restricted by the city until the deficiency has been resolved or rectified.
4. The final plat shall be recorded within two years of the tentative plan final decision. Failure to do so will result in the tentative plan approval being null and void and a new submittal will be required if the developer wishes to proceed with the development, unless an extension is granted by the city.
5. Per City of La Pine Ordinance No 2015-05 Section 6.12, the property owner of all proposed parcels will be responsible for maintenance and repair of the sewer/septic system to the point where the building sewer is connected to a City sewer main. This responsibility includes any costs of maintenance, repair, damage,

and/or injury. The owner will be liable for any damage to the City system caused by an act of the owner and/or its tenants(s), agent(s), employee(s), contractor(s), licensee(s), and/or permittee(s). If any break, leak, and/or other damage to a building sewer occurs, the owner of the property served by the building sewer will cause repairs to be made immediately to minimize any sewer spillage.

6. All construction must meet City of La Pine Public Works Design Standards.
7. the Applicant shall preserve trees wherever feasible, in addition to planting a significant number of new trees throughout the subdivision. Trees will be preserved in the open space/buffer area along Findley Drive and within the wide Crescent Creek right-of way. Street trees will be planted within the swales along all the new streets (Masten Mill, Barron Drive, Arnold Ave) and when at least one tree cannot be preserved in backyards, a new shade tree will be planted. For the initial phase of construction, the applicant proposes to remove only the trees required to be removed for the construction of the right of way and infrastructure. Tree removal on individual lots will be reviewed by the applicant at the time of building permit application and efforts will be made to preserve trees where possible. All trees planted shall be done so in accordance with the installation standards of LPDC Sec. 15.82.010.G and shall be maintained in accordance LPDC Sec. 15.82.010.H.
8. All outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties and roadways. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

PRIOR TO FILING OF FINAL PLAT:

1. In addition to swales being provided alongside all newly proposed roads, vegetated swales shall also be provided for drainage alongside Crescent Creek Drive and Findley Drive for the length of the project area.
2. Engineering firms submitting sewer plans shall include a sewer profile. The profile will include the existing ground elevation, proposed street grade, existing utilities or other underground apparatus, pipe diameter, material and slope, manhole locations, station and invert elevations, horizontal and vertical scales, and trench backfill information. Plan views shall show all horizontal control required to build the sewer, streets, property lines and right-of-way, all planimetrics, utilities, north arrow and scale.
3. A septic tank is required at each developed property. Tank capacity shall be 1000 gallons minimum and shall be sized according to OAR 340-71-220(3). All new septic tanks, existing septic tanks, or used septic tanks must pass a leakage test prior to use. The City maintains septic tanks within city limits. The maintenance of septic tanks ends at the upstream wall of the septic tank. A maintenance easement must be created outside of public right away around septic tanks. Sewer lines upstream of the septic tanks are private and are not maintained by the City.
4. The Applicant shall locate septic tanks outside of driveway areas. If necessary to locate within driveway, tanks must be traffic rated.
5. 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.
6. As a minimum, all water and sewer infrastructure, compacted base rock, and street signage must be installed and inspected by the City. Construction plans shall be submitted to the City for review and approval.

7. A water demand calculation per the Oregon plumbing code shall be provided to determine the size of the water service line and water meter necessary for the project.
8. Stormwater calculations indicating compliance with the Central Oregon Stormwater Manual shall be provided to the City. Stormwater calculations may be depicted on the construction drawings.
9. All required public right of way and easements shall be depicted on the final plat map for grant or dedication by the recording of the plat. All public local street right of ways shall be 64 feet in width per the City of La Pine TSP.
10. Streetlights shall be installed and provided at the following locations: Intersections, Mid-block for blocks longer than 400 feet from center of intersection to center of intersection. Poles and fixtures shall conform to the power provider standards. Standard Mid State Electric head fixtures shall be used.
11. The applicant shall prepare and design engineered stamped construction plans to construct public improvements as proposed on the submitted tentative plans as well as those items required per City public works standards including street trees and streetlights. Final plans shall be submitted to the City with a signature line for City of La Pine Public Works Director.
12. The applicant shall provide the City with a performance bond of 120% of the cost of public improvements prior to beginning construction. Prior to construction, a pre-construction meeting with the construction contractor shall be held with City staff. All such agreements shall be reviewed and approved by the City Engineer and shall be in compliance with LPDC 15.94.020. All public improvements must be constructed Prior to final plat approval.
13. At the completion of construction of required improvements, the City will require a one-year maintenance surety bond for 10% of the value of all improvements, to guarantee maintenance and performance for a period of one year from the date of acceptance of the improvements.
14. 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. As Builts shall be submitted on a coordinate system recognized by the State of Oregon or on the Deschutes County Coordinate System.

PRIOR TO CONSTRUCTION:

1. Prior to construction of the roadways, an approach permit shall be obtained by the applicable roadway authority.
2. Prior to construction the proposed sidewalks shall be 6 feet in width, and shall be constructed to city standard.

PRIOR TO ISSUANCE OF BUILDING PERMITS:

1. All lots shall receive and be served by sanitary, sewer and water service and streets as improvements required pursuant to this chapter unless the improvements are in place, serviceable and approved by the City, with the service connections fees paid, and accepted by the City. All improvements required

pursuant to this chapter and other applicable regulations or approval conditions shall be completed, in service and approved by the City, prior to sale or occupancy of any lot, parcel or building unit erected upon a lot within the subdivision.

2. All areas commonly owned by the owners within a townhome development shall be maintained by a homeowner's association or by the owners under a joint-maintenance agreement. Covenants, restrictions and conditions or a joint maintenance agreement acceptable to the city shall be recorded prior to issuance of a building permit. Additionally, if not addressed through covenants, conditions and restrictions, an agreement(s) for joint maintenance of party walls acceptable to the city shall be recorded prior to issuance of a building permit.
3. Lots shall comply with coverage and setback requirements (or applicant shall receive approved variances for such).
4. Any needed approvals from the City regarding land use shall be applied for and approved.

PRIOR TO ISSUANCE OF OCCUPANCY PERMITS:

1. Driveway aprons shall be installed prior to occupancy of any building on any lot.

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.

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at City Hall at 16345 Sixth Street, La Pine. Copies of these documents can also be provided at a reasonable cost from the City of La Pine. For more information or to request copies of these documents, contact bbybee@lapineoregon.gov.

This Notice was mailed pursuant to City of La Pine Development Code Part III, Article 7, Section 15.204.020(D).

