

Public Comments-Petition- Land Use File 01sub-24 Habitat

August 14, 2023

From: Homeowners of Crescent Creek HOA

HOA Properties mentioned and abutted to new development:
16570 Findley Drive, La Pine Or 97739 (HOA Clubhouse Property)
16650 Findley Drive, La Pine Or 97739. (HOA Park Property)

Contact Person:
Paul Henninger
51803 Fordham Drive
La Pine, Oregon 97739
pjhenninger@gmail.com
541-550-8177
Homeowner

City of La Pine
P.O. Box 2460
16345 Sixth Street
La Pine, Oregon 97739
541-536-1432

To The City of La Pine Planning Commission,

We are homeowners and members of the Crescent Creek HOA adjacent to the proposed development. We are concerned about our property values, quality of life and the financial impact and possible burdens that the development places on our HOA property, including our Common Areas, Walking Trails, Clubhouse Property and Park. We ask and expect that the Planning Commission enforce all land use requirements for a stand-alone development. We ask the following:

1. The developer is improperly trying to use our separate development to satisfy land use land requirements for their new development.

Discussion: The Habitat development was subdivided from a larger parcel in the "Newberry Neighborhood #2". Crescent Creek, including our HOA common area properties, HOA Clubhouse property and HOA Park property are in a different land use

quadrant, "Newberry Neighborhood". Both areas are independent land use quadrants and must satisfy the land use regulations and intent independently. One cannot use the other. We do not believe that the land use quadrant "Newberry Neighborhood #2 even existed when our development was created and recorded. If true, this also supports the intent of not allowing the Habitat Development to use any part of our independent development to satisfy the land use requirements of their quadrant.

Refer to exhibit "A" of this Petition. It is a copy of a modified county map of the area used in the applicant's application. This modified map to support the developmental plan improperly shows our clubhouse and park property as part of the future developmental area and quadrant of Newberry Neighborhood #2. It is not, and is this map is invalid and cannot be used to avoid any and use regulations of the new independent development. All of Crescent Creek, including our Clubhouse and Park property, was approved, recorded in 2004 and is part of the original "Newberry Neighborhood" quadrant, never the "Newberry Neighborhood #2 quadrant. Refer to exhibit "B", the recorded plat map of this area of our development. Refer to exhibit "C". This shows there are only two parcels in the "Newberry Neighborhood #2 land use quadrant Crescent Creek and HOA property is not part of that quadrant. Again, because we are a separate development, in a different land use quadrant, the developer cannot use our development to not follow any land use requirements.

2. The new parcel for the Habitat Development, since divided from a larger parcel, must be treated as a self-contained new development without exceptions. Since they were divided from the Newberry Neighborhood #2 and are now a stand-alone development within that quadrant, they must satisfy all the requirements of that quadrant including common areas, buffers and their own park. They should not be able to defer their requirements to a future or existing developments.

Discussion: The Habitat for Humanity organization went to the county and the City of La Pine to develop an independent development. The county with City approval, divided the "Newberry Neighborhood #2 parcel specifically for their development. Once divided as an independent development, it is required to include all land use requirements including common areas, development buffers, a park and walking trails. The present development plan does not meet these requirements.

We ask the City Planning Committee to enforce the land use requirements and intent to protect the quality of life and rights of the future Habitat homeowners and the existing Crescent Creek homeowners. We suggest the developer redesign the community and reduce the number of structures so that all required and intended land use regulations are met.

3. Park Requirement: The new development should have its own park as required by the land use guidelines for a new development in that area. The new development does not include a park, common use areas and proper open spaces, as required by established Land use requirements for a new development in that area.

Discussion: The original parcel to which the land division occurred for this development requires its own park, with public access. Since the new parcel the Habitat Development was cut from

this parcel, both should include its own park, so this requirement is met. It would be unreasonable and unfair to the new Habitat Community, the Crescent Creek community and the public to not have the required open spaces and their own park.

The Habitat Development proposal should not be allowed to use our HOA Park and Common Areas to satisfy any requirements. We are an independent community which met the land use regulations at that time, including required common areas and a park open to the public. Our development was created in 2004 as a self-contained development of 109 residential lots, with a small park and our own private common areas to which we own and maintain. Since that time, Crescent Creek has added on two plats of land, more than doubled the size to 225 residential lots and the developer was not required by the City of La Pine to add an additional park.

Our HOA Park is small, has limited use capabilities and already does not meet the needs of our 225 single family homes, let alone the public. The addition of the Habitat Development next to our park, without their own park will cause overuse damage and unreasonable additional costs to the Crescent Creek Homeowners who own and maintain the park.

The Habitat Development should be required to develop its own park, without exception and without trying to use our park to avoid this requirement or intent of the land use zoning of that area.

4. Require a Development Boundary Fence. The developer installs a fence that meets our HOA standards and quality between the new development and our HOA Clubhouse property and our HOA Park property.

Discussion: Since the Development is adjacent and surrounds two sides of our HOA property, both the HOA clubhouse lot and the HOA park lot, we ask that the development be required to place a 6-foot black cyclone fence, with black privacy slats, that meets the requirement of the fencing in our community at their property line that abuts to our property from Findley Drive to Crescent Creek Drive. This will keep the persons from improperly accessing and damaging our landscaping and park instead of using the intended and designed front entrance area for the park off Findlay Drive. It will improve the safety of the persons using our park and we can more safely monitor the activity in the park. Also, it will make it easier to enforce the safety and sanitation rules of the park.

5. Greenspaces- Greenspaces for their residents should meet the proportional land use requirements of a stand-alone development and the original parcel. No exceptions should be granted.

Discussion: The quality of life and value of the new homeowners of the Habitat Community and adjacent communities dictate this and the planning commission is responsible for ensuring this. Also, they need safe areas for their children and dogs to walk and enjoy. Finally, it improves fire safety for everyone.

6. Buffer Zones- Buffer spaces are required for all new developments are required for this development. Yet, it is not part of the development plan as presented.

Discussion: The developer improperly presented our Clubhouse and Park property as a part of the Newberry Neighborhood #2 area which would allow for a buffer exemption. It is not. Our entire development is in the original "Newberry Neighborhood" not the "Newberry Neighborhood #2 sector".

Buffer zones are required for all new developments. It requires a minimum of a 20-foot buffer requirement to adjacent separate residential developments in other land use quadrants. We contend the buffers apply to our entire development, including our HOA property, and should be enforced. The developer improperly asked for a waiver of this requirement.

Refer to exhibit "A" of this Petition. It is a copy of the county maps of the area used in the applicant's application. Yet, the county map used improperly shows our clubhouse and park property as part of the future developmental area of Newberry Neighborhood #2. It is not and needs to be updated. All of Crescent Creek, including our Clubhouse and Park property, was approved, recorded and is and is part of the original "Newberry Neighborhood" quadrant, never the "Newberry Neighborhood #2 quadrant. Refer to exhibit "B", the recorded plat map of this area of our development. It shows the developer's argument to avoid the requirement of 20-foot buffer zones along our entire separate development is invalid.

We ask that the Planning Commission properly enforce the 20-foot buffer zone regulations. The entire development needs to move 20 feet further away from our boundaries. It is obvious that the rules and intent of the regulations includes a 20-foot buffer zone where it abuts Crescent Creek and all our HOA property.

Our HOA property should not be used as an excuse to avoid this requirement and intent of the land use regulations. The buffer requirement provides quality of life spaces for the residents of the Habitat Community and ours. Persons and dogs need more space, not less. Also, this helps with noise pollution, light pollution and the possible spread of fire from one development to another.

7. Light Pollution- We ask that the development adhere to light Pollution standards and does not cast light into our development. This includes the streetlights and building and property lighting.

Discussion: Our community was designed as a "dark" sky viewing community without streetlights and strict light pollution regulations enforced within the community through the HOA. It is a part of our quality-of-life plan for Crescent Creek. Front and side lights on the exterior of the homes are restricted to being in an enclosed light fixture that casts the light downwards and not into the neighbor's property. All lights cannot cast light onto another's property, the streets or common areas. Additional lights are prohibited in the front yard. Our common areas and walking trails within the common areas were purposely developed without lights to maintain the "sky viewing" theme.

So, we ask that outside lights on the buildings of the new community have the same requirement of not casting light into Crescent Creek. Also, their streetlights cast the light down, and not out into our community or park so our community can enjoy our quality of life and the sky viewing design of our community.

- Parking- The Habitat Development must have adequate and self-contained on street parking for their residences and guests.

Discussion:

The roads in Crescent Creek were approved in 2004 and are narrow, without curbs, without sidewalks or walks along the roadway, without designed parking along the roadways and without streetlights. Pedestrians including children and persons with disabilities use our roads for transportation. Additional car traffic and parking along our roadways will decrease the safety of persons using our roadways.

- Fire and Wildfire Danger- We ask the developer to use "Firewise" fire prevention and control techniques.

Discussion:


Wildfires and home fires which cause wildfires is a real threat and concern. La Pine is listed as an extreme Fire Zone so precautions should be made. Crescent Creek over the years has spent a lot of time and money to improve our fire safety to our common areas, including our Clubhouse property and Park Property. We are using "Firewise" techniques in our common areas. We as an organization are actively moving forward within our HOA to make Crescent Creek a certified "Firewise Community". It is time for the City of La Pine to start requiring new developments to require "Firewise" techniques. We ask the developer and city to ensure "Firewise" techniques and buffers are put in place to protect the residents of the Habitat Development, our community and the rest of La Pine.


We the listed Homeowners of Crescent Creek agree with the listed concerns and requests and ask the Planning Commission to consider each point and enforce the land use regulations and intent.


Respectfully submitted.

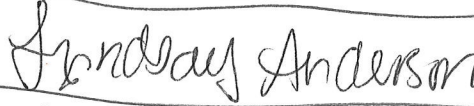
<u>Date Signed</u>	<u>Printed Name</u>	<u>Signature</u>	<u>Address in Crescent Creek</u>
8/15/24	PAUL HENNINGER		51803 FORDHAM DR, LA PINE OR
8/15/24	DONNIE JEVE CARTE		51809 Fordham Dr LA PINE OR
8/15/24	Audrey Gulden		14489 Charlotte Day Drive LaPine, OR
8/15/24	Shawna Savard		16495 Charlotte Day Dr. LP OR
8/15/24	Sarah Malikowski		16506 Charlotte Day Dr LaPine OR
8/15/24	Wynn Malikowski		16506 Charlotte Day Dr LaPine OR
8/15/24	Paul Brewster		16507 Charlotte Day Dr. LaPine OR
8/15/24	Susan C. Denniston		16512 Charlotte Dr. LaPine

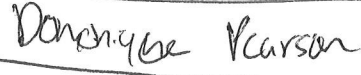
08.15.2024 Everett A. Denniston
8-16-2024 Roger Alan Carter
51809 Fordham dr
Everett A. Denniston
16512 Charlotte Day Dr.
La Pine, OR 97739


8-16-24 51905 LUMBERMAN 

8/16/24 51917 Lumberman Ln 

8/16/24 51945 Lumberman Ln 

8/16/24 51949 Lumberman Ln 

8/16/24 51976 Crescent Creek Dr 

2/16/24 51972 Crescent creek Dr 

8-16-24 Jamnehorst Sandra Andree

8/16 Jamnehorst, 51844 Hollinshead Pl.

8/16 51844 Hollinshead Pl, Cindy Hubbard

8/16 16551 Daisy Place Jane Sauer

8/16/24 16551 DAISY PL. Tom Sauer

8/16 16555 Daisy Pl Georgine Hagan


8/16/24 16559 Daisy Place Erin Trapp

8/16/24 16559 Daisy Place Mark Trapp

8/16/24 16567 DAISY PL KHOS ZADEH

8/16/24 16569 Beesley Pl K. M. + Laura Mann

8/16/24 16565 Beesley Pl Tiffany Zollman

8/16/24 16561 Beesley Pl  PH

8/16/2024 51815 Fordham Dr. Mrs Mauli

8/17/24 Sandra L Henninger Sandea J Henninger 51803 Fordham Dr

8/17/24 Lynn C King 16688 Tannenhorst Dr

8/17/24 16518 Charlotte Ave Dr ~~Debra~~ BEATRIZ Liz Leadmark

8/17/24 51840 Hollenshead Nancy Verkeel

8/17/24 51919 Fordham Dr. Linda Schiue

8/17/24 51937 Campfire Dr. Thomas W. Jor

8/17/24 51960 SETTLE DR. Dan Pegram

8/17/24 51937 Campfire Dr. Susan L. Joll

8/17/24 51936 Setther Dr Sue Gabriel

8-17-24 Tom SPENCE Tom J 51985 MUSKET DR

8/17/24 David Penstubs DAVID GOE SIMOS 51887 FORDHAM DR.

8/17/24 Gary J Prospero GARY DAVID Prospero 51900 Fordham Dr. gprospero@gmail.com

8-17-24 Gayle Splees for 51217 Lumbermen Lane
Rob Splees

8-17-24 Tim Eveman 51977 CAMPFIRE DR

8-17-24 Jacqueline Schommer 51856 Hollinshead Place jsbdh@idoud

8-17-24 ~~John SL~~ 51856 Hollinshead Pl Schommer@jmail.com

8-17-24 J.R. Thomas 51851 Fordham DR

8-17-24 Karen S Spalding 51961 Camp fire Dr.

Date	Name	Address	Email
8/17/24	Stefan D'Auteuil	16675 MASTEN MILL DR	Stefan DTZ@gmail.com Stefan DTZ
5/17/2024		51844 HOLLINGHEAD	Stefan DTZ T4 H @ Gmail.com
8/17/24	Brett & Cristi Tam	51933 Lumberman Lane	cristi.tam@gmail.com
8/17/24	Susan Campbell	51859 Trapper George Lane	
8/17/24	Ronald Middleton	16687 Masten Mill Dr	
8/17/24	Mark O'Brien	51880 Hollonhead Place	
8/17/24	Theresa O'Brien	" "	
8/17/24	[Signature]	51821 FORDHAM D. LAPINE, OR	(RTKLINGER1945@yahoo.com)
8/17/24	Debra Kidd	16525 Charlotte Day Drive	
8/17/24	Victoria D'Auteuil	16675 Masten Mill Dr, Lapine	
8/17/24	Tom & Cindy Suttle	16678 BARRON DR. LP 97739	suttlet541@gmail.com
8/17	Lynda Famer	51881 Fordham Dr Lapine	
8-17	Sandra + Chuck Anderson	16676 Jamnehorst	

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY.

SECTION 11 T.22S. R.10E. W.M.
DESCHUTES COUNTY
1" = 400'

22 10 11
& INDEX

3-6-2022

Conceded Nos.
100
201
300

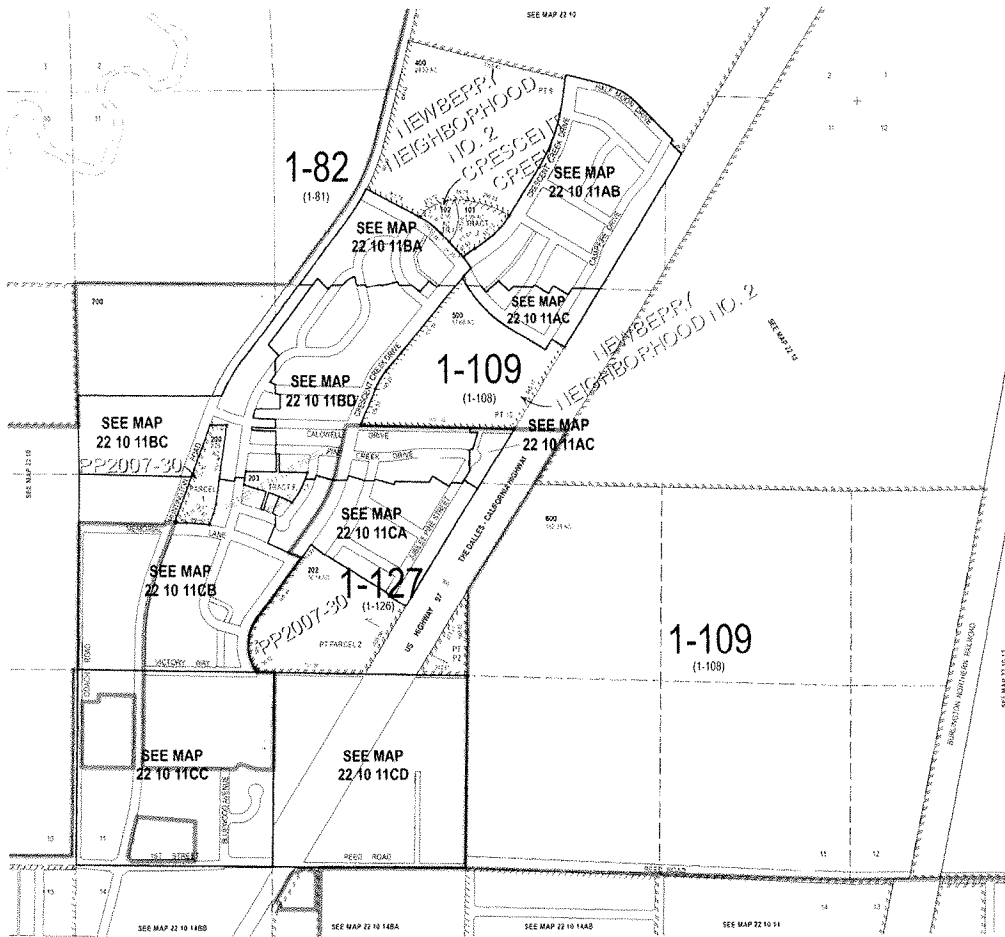
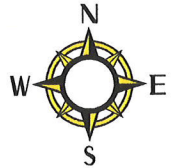


Exhibit "A" Petition

This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



111	5/8" IR WITH LEGIBLE YPC	R7
112	5/8" IR	R4
115	5/8" IR WITH LEGIBLE YPC	R4
116	5/8" IR WITH YPC INSCRIBED "AS ENGR."	R6

LINE TABLE		
LINE	BEARING AND DISTANCE	
1	S07°18'51"W 141.77'	
1 (R4)	S07°19'00"W 141.65'	
1 (R6)	N07°18'30"E 141.62'	
1 (R7)	N07°18'30"E 141.62'	

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	LONG CHORD
C1	1462.50'	13°40'17"	348.97'	N20°22'13"E, 348.14'
C1 (R3)	1462.50'			
C1 (R2)	1462.50'			
C1 (R4)	1462.50'	13°40'18"	348.97'	N20°22'25"E, 348.15'
C1 (R5)	1462.39'			
C2	370.00'	55°24'04"	357.70'	S71°06'43"W, 343.99'
C2 (R3)	370.00'	55°24'25"	357.80'	N73°06'50"E, 344.02'
C3	370.00'	41°58'43"	271.08'	S64°24'02"W, 265.00'
C3 (R4)	370.00'	41°58'00"	271.02'	S64°24'41"W, 265.00'
C4	370.00'	13°26'19"	86.78'	N87°53'56"W, 86.48'
C4 (R3)	370.00'	13°26'19"	86.78'	N87°54'07"W, 86.58'
C4 (R4)	370.00'			
C5	770.00'	22°05'11"	296.82'	N70°08'40"W, 294.99'
C5 (R3)(R4)	770.00'	22°04'19"	296.63'	S70°08'48"E, 294.79'
C6	755.00'	2°16'53"	30.00'	S32°04'38"W, 30.00'
C7	845.00'			
C7 (R4)	845.00'			
C7 (R7)	845.00'			
C8	1245.00'	23°37'20"	513.30'	N19°07'31"E, 509.67'
C8 (R4)	1245.00'	23°37'02"	513.13'	S19°07'31"W, 509.56'
C8 (R5)	1245.00'	23°37'02"	513.19'	N19°07'01"E, 509.56'
C8 (R7)	1245.00'	23°37'02"	513.19'	N19°07'01"E, 509.56'

REFERENCE SURVEYS LEGEND:

- ### # - MEASURED DISTANCE
- ### # (R) - RECORD DATA PER REFERENCE NUMBER (BELOW)
- R1 - RECORD INFORMATION PER CS14655 - BOUNDARY SURVEY BY W. C. KAUFMAN, 10/16/2001
- R2 - RECORD INFORMATION PER CS15679 - NEWBERRY NEIGHBORHOOD BY JERRY C. POWELL, 10/17/2003
- R3 - RECORD INFORMATION PER CS16150 - CRESCENT CREEK BY GARY E. PAUL, 11/15/2004
- R4 - RECORD INFORMATION PER CS17208 - NEWBERRY NEIGHBORHOOD NO. 2 BY GARY E. PAUL, 1/30/2007
- R5 - RECORD INFORMATION PER DESCHUTES COUNTY ROAD DEPARTMENT SURVEY OF HUNTINGTON ROAD RIGHT OF WAY, 1977
- R6 - RECORD INFORMATION PER CS20456 - CRESCENT CREEK NO. 5 BY MICHAEL S. KAHN, 2/22/2021
- R7 - RECORD INFORMATION PER CS15832 - CRESCENT CREEK NO. 4 BY BRIAN S. COURSEN, 1/7/2019

LEGEND:

- - FOUND MONUMENT AS NOTED IN TABLE
- - SET 5/8" IRON ROD WITH ORANGE PLASTIC CAP INSCRIBED "HPR INC"
- - RECOVERED SURVEY MONUMENT POINT IDENTIFIER, SEE TABLE FOR DESCRIPTION
- IR - IRON ROD
- CS#### - SURVEY NUMBER - DESCHUTES COUNTY SURVEY RECORDS
- W/ - WITH
- YPC - YELLOW PLASTIC CAP
- CR - CURVE IDENTIFIER, SEE TABLE
- LF - LINE IDENTIFIER, SEE TABLE

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
NOVEMBER 08, 2010
JOHN TAYLOR HAGLUND
55022

RENEWS: 6-30-2025
Harper Houf Peterson Righellis Inc.

ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS
250 NW Franklin Avenue, Suite 404 Bend, OR 97703
phone: 541.318.1161 www.hpr.com fax: 541.318.1141
JTH/CLG 2/26/2024 HFH-02 SHEET 2 OF 2

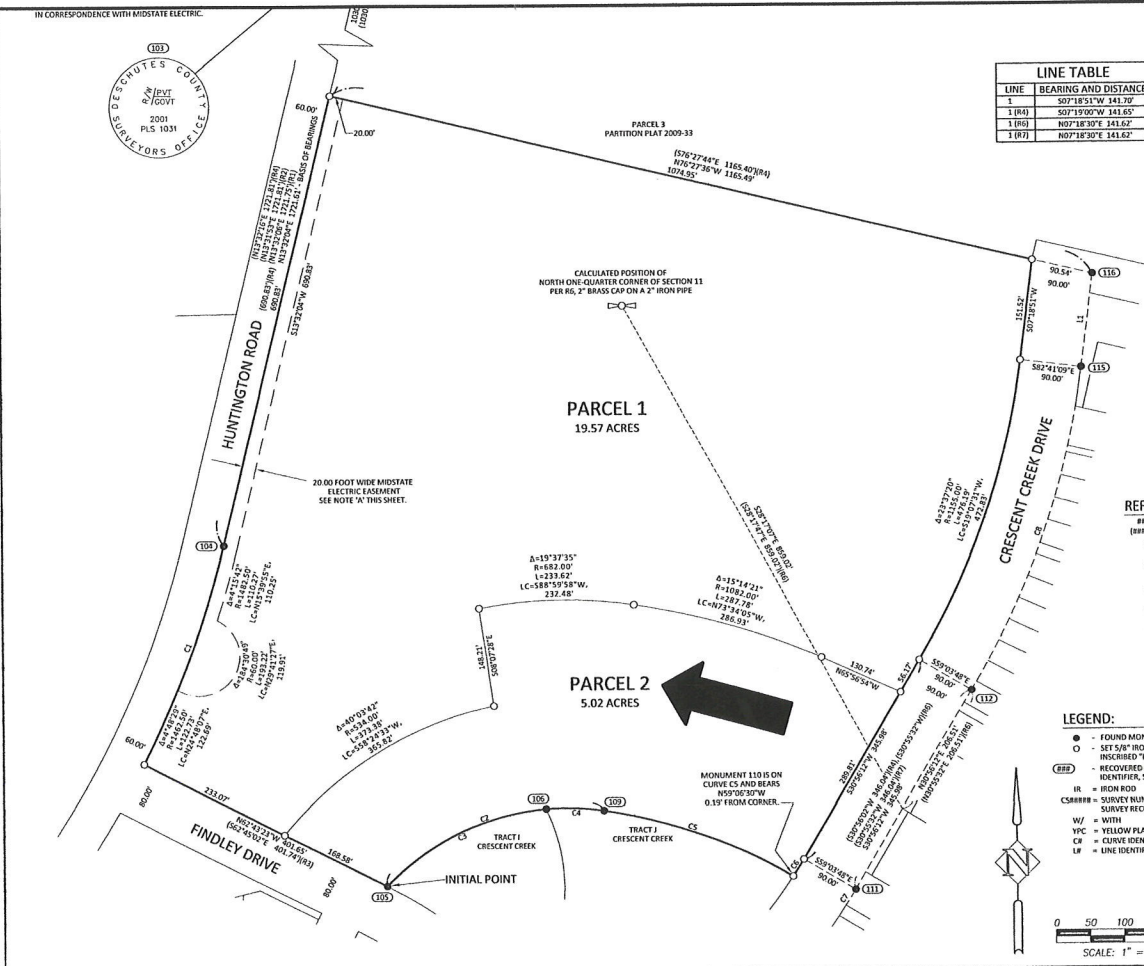


Exhibit "C" Petition