



Community Development Department  
 PO Box 2460 16345 Sixth Street  
 La Pine, Oregon 97739  
 Phone: (541) 536-1432 Fax: (541) 536-1462  
 Email: info@lapineoregon.gov

## Partition Application

Fee \$ 1,600.00

File Number # \_\_\_\_\_

PLEASE NOTE: INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

### PROPERTY OWNER AND APPLICANT INFORMATION

Applicant Name FIRST CABIN INVESTMENTS LLC Phone (503) 504-9977 Fax N/A  
 Address 723 NW NEBOS PL City REDMOND State OR Zip Code 97756  
 Email mel\_mills@yahoo.com  
 Property Owner SAME AS APPLICANT Phone \_\_\_\_\_ Fax \_\_\_\_\_  
 Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Email \_\_\_\_\_

### PROPERTY DESCRIPTION

Property Location (address, intersection of cross street, general area) \_\_\_\_\_  
52603 SKIDGEL RD  
 Tax lot number T215 R10E Section 36BD Tax Lot(s) 02500  
L15 R13  
 Zoning RSF Total Land Area 50,318 (Square Ft.) 1.16 (Acres)  
 Present Land Use VACANT



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**PROJECT DESCRIPTION**

Describe Project: THREE PARCEL LAND PARTITION

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**PROFESSIONAL SERVICES**

Surveyor/Engineer MUNSON & ASSOCIATES Phone (541) 550-7396 Fax N/A  
 Address 845 NE 11TH ST City BEND State OR Zip Code 97701  
 Email chris@munson-assoc.com

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**FOR OFFICE USE ONLY**

Date Received: \_\_\_\_\_  
 Rec'd By: \_\_\_\_\_  
 Fee Paid: \_\_\_\_\_  
 Receipt #: \_\_\_\_\_

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**SUBMITTAL REQUIREMENTS**

**REQUIRED ITEMS TO BE SUBMITTED FOR PARTITION REVIEW.**

**Note: additional information may be required depending on the actual project.**

- Application. The application must be signed by the owner(s) and include information requested on the application form. If the owner does not sign, then a letter of authorization must be signed by the owner for the agent.
- Title Report or subdivision guarantee, including legal description of property.



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Fee, Plus, if needed- Hearing (Specially Set); Non Hearings Officer \*\*\*DEPOSIT ONLY- Fee May Be Higher Based on Actual Cost of Services

Burden of proof statement, three (3) copies addressing approval criteria

A vicinity map.

Supplemental information: All agreements with local governments that affect the land and proposed use of property.

Electronic copy of all plans and burden of proof on CD (Adobe or Jpeg preferred).

Tentative Plan. Seven (7) copies of the tentative plan which must be folded individually, or in sets to 8 1/2" X 11" in size and one (1) 8 1/2" x 11" or 11" x 17" reduced copy of the tentative plan is required. The scale cannot be greater than 1 inch = 50 feet. The tentative plan shall be accurately drawn to scale, and shall include:

A north arrow, scale and date of map and property identified.

Location of the property by section, township and range, and a legal description defining the location and boundaries of the proposed tract to be divided.

Names, addresses, and telephone numbers of the property owner, applicant, and engineer or surveyor used.

Existing and proposed streets and alleys, including locations, name, pavement widths, rights-of-way width, approximate radius of curves, and street grades.

Adjacent property boundaries, property owners and land uses including zoning.

Access: The locations and widths of existing and proposed access points along with any off-site driveways effected by the proposal.

Easements: The locations, widths, and purposes of all existing and proposed easements on or abutting the property.

Utilities: The location of all existing and proposed public and private sanitary sewers, water lines and fire hydrants on and abutting the property.





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- Topography: Ground elevations shown 5 foot intervals for ground slopes 5% or greater.
- Trees: All trees with a diameter of 6+ inches at three feet above grade.
- Site features: Irrigation canals, ditches & areas subject to flooding or ponding, rock outcroppings, etc. shall be shown.
- Parcel dimensions: Dimensions of existing and proposed parcels.
- Parcel numbers: Parcel numbers for partitions numbers and blocks for land divisions.
- N/A  Setbacks from all property lines and present uses of all structures.
- All portions of land to be dedicated for public use.
- N/A  Zero lot line residential developments: All building footprints and setbacks shall be clearly indicated on the plan.

By signing this application, the undersigned certifies that he / she has read and understands the submittal requirements stated above. Please note: if the applicant makes a misstatement of fact on the application regarding ownership, authority to submit the application, acreage, or any other fact material relied upon in making a decision, the City may upon notice to the applicant and subject to an applicant's right to a hearing declare the application void.

Owner: M & M Whis manager Date: 4/18/24  
 Signature

Applicant: SAME AS APPLICANT Date: \_\_\_\_\_  
 Signature

Please note: additional information may be required by the City prior to the application being deemed complete.



**Transaction Identification Data, for which the Company assumes no liability as set forth in Condition 9.d.:**

Issuing Agent: First American Title Insurance Company  
Issuing Office: 395 SW Bluff Drive, Suite 100, Bend, OR 97702  
Issuing Office's ALTA® Registry ID: 1014884  
Issuing Office File Number: 7061-4129902  
Property Address: 52603 Skidgel Road, La Pine, OR 97739

**SCHEDULE A**

Name and Address of Title Insurance Company:

First American Title Insurance Company, 1 First American Way, Santa Ana, CA 92707

Policy Number: 4129902

Amount of Insurance: \$125,000.00

Premium: \$384.00

Date of Policy: January 26, 2024 at 8:39 a.m.

1. The Insured is:

First Cabin Investments LLC, an Oregon limited liability company

2. The estate or interest in the Land insured by this policy is:

Fee

3. The Title is vested in:

First Cabin Investments LLC, an Oregon limited liability company

4. The Land is described as follows:

See Exhibit A attached hereto and made a part hereof

5. This policy incorporates by reference the endorsements designated below, adopted by the Oregon Title Insurance Rating Organization as of the Date of Policy:

OTIRO 110 Domestic Partner endorsement (no charge - required on every owner's policy)



## SCHEDULE B

Policy Number: 4129902

### EXCEPTIONS FROM COVERAGE

**Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This policy treats any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document are excepted from coverage.**

This policy does not insure against loss or damage and the Company will not pay costs, attorneys' fees, or expenses resulting from the terms and conditions of any lease or easement identified in Schedule A, and the following matters:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

This exception (#5) is hereby waived without additional cost in accordance with the provisions of the Oregon Title Insurance Rating Manual provision 5.001 A 5 provided a Lender has been issued a simultaneous title insurance Policy on the subject property and to the extent this exception has been eliminated or modified on said Lender's policy.

6. Water rights, claims to water or title to water, whether or not such rights are a matter of Public Record.



7. Any claim to (a) ownership of or rights to minerals and similar substances, including but not limited to ores, metals, coal, lignite, oil, gas, uranium, clay, rock, sand, and gravel located in, on, or under the Land or produced from the Land, whether such ownership or rights arise by lease, grant, exception, conveyance, reservation, or otherwise; and (b) any rights, privileges, immunities, rights of way, and easements associated therewith or appurtenant thereto, whether or not the interests or rights excepted in (a) or (b) appear in the Public Records.
8. City liens, if any, of the City of La Pine.
9. The policy insures that all liens, levies and assessments for city liens and water, sanitary, wastewater, irrigation, and soil and water conservation districts listed as exceptions in this Schedule B are current as of the Date of Policy.
10. Easement, including terms and provisions contained therein:  
Recording Information: February 12, 2014 as Instrument No. 2014-04313 and  
rerecorded August 23, 2021 as Instrument No. 2021-48843  
In Favor of: City of Bend  
For: Pedestrian/Bicycle Access



**EXHIBIT A**

The Land referred to herein below is situated in the County of Deschutes, State of Oregon, and is described as follows:

LOT 8, BLOCK 1 OF CAGLE SUBDIVISION, PLAT NO. 8, RECORDED JUNE 27, 1967, FILED IN CABINET A PAGE(S) 147, RECORDS OF DESCHUTES COUNTY, OREGON.





**ALTA OWNER'S POLICY OF TITLE INSURANCE**  
**issued by**  
**FIRST AMERICAN TITLE INSURANCE COMPANY**

**This policy, when issued by the Company with a Policy Number and the Date of Policy, is valid even if this policy or any endorsement to this policy is issued electronically or lacks any signature.**

**Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at the address shown in Condition 17.**

**COVERED RISKS**

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a Nebraska corporation (the "Company"), insures as of the Date of Policy and, to the extent stated in Covered Risks 9 and 10, after the Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. The Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. Covered Risk 2 includes, but is not limited to, insurance against loss from:
  - a. a defect in the Title caused by:
    - i. forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
    - ii. the failure of a person or Entity to have authorized a transfer or conveyance;
    - iii. a document affecting the Title not properly authorized, created, executed, witnessed, sealed, acknowledged, notarized (including by remote online notarization), or delivered;
    - iv. a failure to perform those acts necessary to create a document by electronic means authorized by law;
    - v. a document executed under a falsified, expired, or otherwise invalid power of attorney;
    - vi. a document not properly filed, recorded, or indexed in the Public Records, including the failure to have performed those acts by electronic means authorized by law;
    - vii. a defective judicial or administrative proceeding; or
    - viii. the repudiation of an electronic signature by a person that executed a document because the electronic signature on the document was not valid under applicable electronic transactions law.
  - b. the lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
  - c. the effect on the Title of an encumbrance, violation, variation, adverse circumstance, boundary line overlap, or encroachment (including an encroachment of an improvement across the boundary lines of the Land), but only if the encumbrance, violation, variation, adverse circumstance, boundary line overlap, or encroachment would have been disclosed by an accurate and complete land title survey of the Land.

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3. Unmarketable Title.
4. No right of access to and from the Land.
5. A violation or enforcement of a law, ordinance, permit, or governmental regulation (including those relating to building and zoning), but only to the extent of the violation or enforcement described by the enforcing governmental authority in an Enforcement Notice that identifies a restriction, regulation, or prohibition relating to:
  - a. the occupancy, use, or enjoyment of the Land;
  - b. the character, dimensions, or location of an improvement on the Land;
  - c. the subdivision of the Land; or
  - d. environmental remediation or protection on the Land.
6. An enforcement of a governmental forfeiture, police, regulatory, or national security power, but only to the extent of the enforcement described by the enforcing governmental authority in an Enforcement Notice.
7. An exercise of the power of eminent domain, but only to the extent:
  - a. of the exercise described in an Enforcement Notice; or
  - b. the taking occurred and is binding on a purchaser for value without Knowledge.
8. An enforcement of a PACA-PSA Trust, but only to the extent of the enforcement described in an Enforcement Notice.
9. The Title being vested other than as stated in Schedule A, the Title being defective, or the effect of a court order providing an alternative remedy:
  - a. resulting from the avoidance, in whole or in part, of any transfer of all or any part of the Title to the Land or any interest in the Land occurring prior to the transaction vesting the Title because that prior transfer constituted a:
    - i. fraudulent conveyance, fraudulent transfer, or preferential transfer under federal bankruptcy, state insolvency, or similar state or federal creditors' rights law; or
    - ii. voidable transfer under the Uniform Voidable Transactions Act; or
  - b. because the instrument vesting the Title constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar state or federal creditors' rights law by reason of the failure:
    - i. to timely record the instrument vesting the Title in the Public Records after execution and delivery of the instrument to the Insured; or
    - ii. of the recording of the instrument vesting the Title in the Public Records to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to the Date of Policy and prior to the recording of the deed or other instrument vesting the Title in the Public Records.



**DEFENSE OF COVERED CLAIMS**

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this policy, but only to the extent provided in the Conditions.

**FIRST AMERICAN TITLE INSURANCE COMPANY**

By:   
Kenneth D. DeGiorgio, President

By:   
Lisa W. Cornehl, Secretary



### EXCLUSIONS FROM COVERAGE

The following matters are excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
  - i. the occupancy, use, or enjoyment of the Land;
  - ii. the character, dimensions, or location of any improvement on the Land;
  - iii. the subdivision of land; or
  - iv. environmental remediation or protection.
- b. any governmental forfeiture, police, regulatory, or national security power.
- c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.

Exclusion 1 does not modify or limit the coverage provided under Covered Risk 5 or 6.

2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
  - a. created, suffered, assumed, or agreed to by the Insured Claimant;
  - b. not Known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - c. resulting in no loss or damage to the Insured Claimant;
  - d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 9 or 10); or
  - e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser had been given for the Title at the Date of Policy.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transaction vesting the Title as shown in Schedule A is a:
  - a. fraudulent conveyance or fraudulent transfer;
  - b. voidable transfer under the Uniform Voidable Transactions Act; or
  - c. preferential transfer:
    - i. to the extent the instrument of transfer vesting the Title as shown in Schedule A is not a transfer made as a contemporaneous exchange for new value; or
    - ii. for any other reason not stated in Covered Risk 9.b.
5. Any claim of a PACA-PSA Trust. Exclusion 5 does not modify or limit the coverage provided under Covered Risk 8.
6. Any lien on the Title for real estate taxes or assessments imposed or collected by a governmental authority that becomes due and payable after the Date of Policy. Exclusion 6 does not modify or limit the coverage provided under Covered Risk 2.b.
7. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.



**CONDITIONS**

**1. DEFINITION OF TERMS**

In this policy, the following terms have the meanings given to them below. Any defined term includes both the singular and the plural, as the context requires:

- a. "Affiliate": An Entity:
  - i. that is wholly owned by the Insured;
  - ii. that wholly owns the Insured; or
  - iii. if that Entity and the Insured are both wholly owned by the same person or entity.
- b. "Amount of Insurance": The Amount of Insurance stated in Schedule A, as may be increased by Condition 8.d. or decreased by Condition 10 or 11; or increased or decreased by endorsements to this policy.
- c. "Date of Policy": The Date of Policy stated in Schedule A.
- d. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- e. "Enforcement Notice": A document recorded in the Public Records that describes any part of the Land and:
  - i. is issued by a governmental agency that identifies a violation or enforcement of a law, ordinance, permit, or governmental regulation;
  - ii. is issued by a holder of the power of eminent domain or a governmental agency that identifies the exercise of a governmental power; or
  - iii. asserts a right to enforce a PACA PSA Trust.
- f. "Entity": A corporation, partnership, trust, limited liability company, or other entity authorized by law to own title to real property in the State where the Land is located.
- g. "Insured":
  - i.
    - (a). The Insured named in Item 1 of Schedule A;
    - (b). the successor to the Title of an Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;
    - (c). the successor to the Title of an Insured resulting from dissolution, merger, consolidation, distribution, or reorganization;
    - (d). the successor to the Title of an Insured resulting from its conversion to another kind of Entity; or
    - (e). the grantee of an Insured under a deed or other instrument transferring the Title, if the grantee is:
      - (1). an Affiliate;
      - (2). a trustee or beneficiary of a trust created by a written instrument established for estate planning purposes by an Insured;
      - (3). a spouse who receives the Title because of a dissolution of marriage;
      - (4). a transferee by a transfer effective on the death of an Insured as authorized by law; or
      - (5). another Insured named in Item 1 of Schedule A.
  - ii. The Company reserves all rights and defenses as to any successor or grantee that the Company would have had against any predecessor Insured.
- h. "Insured Claimant": An Insured claiming loss or damage arising under this policy.
- i. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
- j. "Land": The land described in Item 4 of Schedule A and improvements located on that land at the Date of Policy that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is insured by this policy.
- k. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security

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- instrument, including one evidenced by electronic means authorized by law.
- l. "PACA-PSA Trust": A trust under the federal Perishable Agricultural Commodities Act or the federal Packers and Stockyards Act or a similar State or federal law.
  - m. "Public Records": The recording or filing system established under State statutes in effect at the Date of Policy under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
  - n. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
  - o. "Title": The estate or interest in the Land identified in Item 2 of Schedule A.
  - p. "Unmarketable Title": The Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or a lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

**2. CONTINUATION OF COVERAGE**

This policy continues as of the Date of Policy in favor of an Insured, so long as the Insured:

- a. retains an estate or interest in the Land;
- b. owns an obligation secured by a purchase money Mortgage given by a purchaser from the Insured; or
- c. has liability for warranties given by the Insured in any transfer or conveyance of the Insured's Title.

Except as provided in Condition 2, this policy terminates and ceases to have any further force or effect after the Insured conveys the Title. This policy does not continue in force or effect in favor of any person or entity that is not the Insured and acquires the Title or an obligation secured by a purchase money Mortgage given to the Insured.

**3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT**

The Insured must notify the Company promptly in writing if the Insured has Knowledge of:

- a. any litigation or other matter for which the Company may be liable under this policy; or
- b. any rejection of the Title as Unmarketable Title.

If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under this policy is reduced to the extent of the prejudice.

**4. PROOF OF LOSS**

The Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, adverse claim, or other matter insured against by this policy that constitutes the basis of loss or damage and must state, to the extent possible, the basis of calculating the amount of the loss or damage.

**5. DEFENSE AND PROSECUTION OF ACTIONS**

- a. Upon written request by the Insured and subject to the options contained in Condition 7, the Company, at its own cost and without unreasonable delay, will provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company has the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those covered causes of action. The Company is not liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of any cause of action that alleges matters not insured against by this policy.
- b. The Company has the right, in addition to the options contained in Condition 7, at its own cost, to institute and prosecute any action or proceeding or to do any other act that, in its opinion, may be

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necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it is liable to the Insured. The Company's exercise of these rights is not an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under Condition 5.b., it must do so diligently.

- c. When the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court having jurisdiction. The Company reserves the right, in its sole discretion, to appeal any adverse judgment or order.

**6. DUTY OF INSURED CLAIMANT TO COOPERATE**

- a. When this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured will secure to the Company the right to prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose.

When requested by the Company, the Insured, at the Company's expense, must give the Company all reasonable aid in:

- i. securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement; and
- ii. any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter, as insured.

If the Company is prejudiced by any failure of the Insured to furnish the required cooperation, the Company's liability and obligations to the Insured under this policy terminate, including any obligation to defend, prosecute, or continue any litigation, regarding the matter requiring such cooperation.

- b. The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos, whether bearing a date before or after the Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant must grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all the records in the custody or control of a third party that reasonably pertain to the loss or damage. No information designated in writing as confidential by the Insured Claimant provided to the Company pursuant to Condition 6 will be later disclosed to others unless, in the reasonable judgment of the Company, disclosure is necessary in the administration of the claim or required by law. Any failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in Condition 6.b., unless prohibited by law, terminates any liability of the Company under this policy as to that claim.

**7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY**

In case of a claim under this policy, the Company has the following additional options:

- a. *To Pay or Tender Payment of the Amount of Insurance*  
To pay or tender payment of the Amount of Insurance under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.  
Upon the exercise by the Company of this option provided for in Condition 7.a., the Company's liability and obligations to the Insured under this policy terminate, including any obligation to defend, prosecute, or continue any litigation.
- b. *To Pay or Otherwise Settle with Parties other than the Insured or with the Insured Claimant*
  - i. To pay or otherwise settle with parties other than the Insured for or in the name of the Insured Claimant. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to

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- the time of payment and that the Company is obligated to pay; or
- ii. To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either option provided for in Condition 7.b., the Company's liability and obligations to the Insured under this policy for the claimed loss or damage terminate, including any obligation to defend, prosecute, or continue any litigation.

**8. CONTRACT OF INDEMNITY; DETERMINATION AND EXTENT OF LIABILITY**

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by an Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy. This policy is not an abstract of the Title, report of the condition of the Title, legal opinion, opinion of the Title, or other representation of the status of the Title. All claims asserted under this policy are based in contract and are restricted to the terms and provisions of this policy. The Company is not liable for any claim alleging negligence or negligent misrepresentation arising from or in connection with this policy or the determination of the insurability of the Title.

- a. The extent of liability of the Company for loss or damage under this policy does not exceed the lesser of:
  - i. the Amount of Insurance; or
  - ii. the difference between the fair market value of the Title, as insured, and the fair market value of the Title subject to the matter insured against by this policy.
- b. Except as provided in Condition 8.c. or 8.d., the fair market value of the Title in Condition 8.a.ii. is calculated using the date the Insured discovers the defect, lien, encumbrance, adverse claim, or other matter insured against by this policy.
- c. If, at the Date of Policy, the Title to all of the Land is void by reason of a matter insured against by this policy, then the Insured Claimant may, by written notice given to the Company, elect to use the Date of Policy as the date for calculating the fair market value of the Title in Condition 8.a.ii.
- d. If the Company pursues its rights under Condition 5.b. and is unsuccessful in establishing the Title, as insured:
  - i. the Amount of Insurance will be increased by 15%; and
  - ii. the Insured Claimant may, by written notice given to the Company, elect, as an alternative to the dates set forth in Condition 8.b. or, if it applies, 8.c., to use either the date the settlement, action, proceeding, or other act described in Condition 5.b. is concluded or the date the notice of claim required by Condition 3 is received by the Company as the date for calculating the fair market value of the Title in Condition 8.a.ii.
- e. In addition to the extent of liability for loss or damage under Conditions 8.a. and 8.d., the Company will also pay the costs, attorneys' fees, and expenses incurred in accordance with Conditions 5 and 7.

**9. LIMITATION OF LIABILITY**

- a. The Company fully performs its obligations and is not liable for any loss or damage caused to the Insured if the Company accomplishes any of the following in a reasonable manner:
  - i. removes the alleged defect, lien, encumbrance, adverse claim, or other matter;
  - ii. cures the lack of a right of access to and from the Land; or
  - iii. cures the claim of Unmarketable Title,all as insured. The Company may do so by any method, including litigation and the completion of any appeals.
- b. The Company is not liable for loss or damage arising out of any litigation, including litigation by the Company or with the Company's consent, until a State or federal court having jurisdiction makes a final, non-appealable determination adverse to the Title.
- c. The Company is not liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.
- d. The Company is not liable for the content of the Transaction Identification Data, if any.

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- 10. REDUCTION OR TERMINATION OF INSURANCE**  
All payments under this policy, except payments made for costs, attorneys' fees, and expenses, reduce the Amount of Insurance by the amount of the payment.
- 11. LIABILITY NONCUMULATIVE**  
The Amount of Insurance will be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after the Date of Policy and which is a charge or lien on the Title, and the amount so paid will be deemed a payment to the Insured under this policy.
- 12. PAYMENT OF LOSS**  
When liability and the extent of loss or damage are determined in accordance with the Conditions, the Company will pay the loss or damage within 30 days.
- 13. COMPANY'S RECOVERY AND SUBROGATION RIGHTS UPON SETTLEMENT AND PAYMENT**
- a. If the Company settles and pays a claim under this policy, it is subrogated and entitled to the rights and remedies of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person, entity, or property to the fullest extent permitted by law, but limited to the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant must execute documents to transfer these rights and remedies to the Company. The Insured Claimant permits the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.
  - b. If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company defers the exercise of its subrogation right until after the Insured Claimant fully recovers its loss.
  - c. The Company's subrogation right includes the Insured's rights to indemnity, guaranty, warranty, insurance policy, or bond, despite any provision in those instruments that addresses recovery or subrogation rights.
- 14. POLICY ENTIRE CONTRACT**
- a. This policy together with all endorsements, if any, issued by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy will be construed as a whole. This policy and any endorsement to this policy may be evidenced by electronic means authorized by law.
  - b. Any amendment of this policy must be by a written endorsement issued by the Company. To the extent any term or provision of an endorsement is inconsistent with any term or provision of this policy, the term or provision of the endorsement controls. Unless the endorsement expressly states, it does not:
    - i. modify any prior endorsement,
    - ii. extend the Date of Policy,
    - iii. insure against loss or damage exceeding the Amount of Insurance, or
    - iv. increase the Amount of Insurance.
- 15. SEVERABILITY**  
In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, this policy will be deemed not to include that provision or the part held to be invalid, but all other provisions will remain in full force and effect.
- 16. CHOICE OF LAW AND CHOICE OF FORUM**
- a. *Choice of Law*  
The Company has underwritten the risks covered by this policy and determined the premium charged in reliance upon the State law affecting interests in real property and the State law applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the State where the Land is located.

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The State law of the State where the Land is located, or to the extent it controls, federal law, will determine the validity of claims against the Title and the interpretation and enforcement of the terms of this policy, without regard to conflicts of law principles to determine the applicable law.

b. *Choice of Forum*

Any litigation or other proceeding brought by the Insured against the Company must be filed only in a State or federal court having jurisdiction.

**17. NOTICES**

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at: **First American Title Insurance Company, Attn: Claims National Intake Center, 5 First American Way, Santa Ana, California 92707. Phone: 888-632-1642 (claims.nic@firstam.com).**

**18. CLASS ACTION**

ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS POLICY, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS POLICY, ANY BREACH OF A POLICY PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS POLICY, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS, REPRESENTATIVE, OR PRIVATE ATTORNEY GENERAL PROCEEDING.



# TOPOGRAPHY SURVEY

LOT 8, BLOCK 1, CAGLE SUBDIVISION PLAT NO. 8,  
CITY OF LA PINE, DESCHUTES COUNTY, OREGON

TAX LOT: 21-10-36BD-02500  
STREET ADDRESS: 52603 SKIDGEL RD., LA PINE, OR 97739

### NOTES:

- UNDERGROUND UTILITY SHOWN ARE THE FIELD-SURVEYED LOCATION OF MARKINGS GENERATED FROM OREGON UTILITY NOTIFICATION CENTER TICKET #24072271 AND DATA SOURCED FROM CONSTRUCTION DRAWINGS PREPARED BY ANDERSON PERRY & ASSOCIATES FOR WATER AND WASTEWATER IMPROVEMENTS IN PINE DRIVE (CURRENTLY UNDER CONSTRUCTION).
- ELEVATIONS SHOWN ARE IN THE NAVD88 VERTICAL DATUM, AND ARE BASED ON GNSS OBSERVATIONS UTILIZING THE OREGON REAL-TIME GNSS NETWORK AND GEOID12A.
- ALL TREES WITHIN THE SURVEY LIMITS OF THIS PROJECT WITH A DIAMETER AT BREAST HEIGHT OF 6 INCHES OR LARGER ARE SHOWN ON THIS MAP.

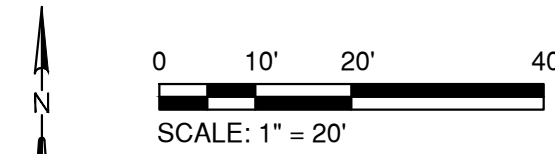
### EASEMENT NOTES:

EASEMENTS NOTED BELOW ARE FROM TITLE INSURANCE POLICY 4129902, DATED JANUARY 26, 2024 AND ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY.

- THERE EXISTS A TEMPORARY, RELOCATABLE PEDESTRIAN AND BICYCLE ACCESS EASEMENT TO THE CITY OF BEND PER DOCUMENT NO. 2014-04413, DESCHUTES COUNTY OFFICIAL RECORDS (RE-RECORDED AS DOCUMENT NO. 2021-48843). THIS EASEMENT LIES OUTSIDE THE BOUNDARIES OF THE SUBJECT PROPERTY.

## LEGEND

	CATCH BASIN		CABLE TV
	CLEANOUT		CANAL
	LODGEPOLE PINE (DBH)		CENTERLINE
	SURVEY CONTROL		DITCH (CENTER)
	CULVERT		FENCE (OTHER)
	OTHER TREE (DBH-TYPE)		FENCE (STEEL)
	DRYWELL		FENCE (WOOD)
	GAS METER		FIBER OPTICS
	GAS VALVE		FORCE MAIN
	GUY WIRE		GAS
	HANDICAP STRIPING		IRRIGATION
	IRRIGATION CONTROL BOX		PROPERTY BOUNDARY
	MAILBOX		UNDERGROUND POWER
	MONUMENT (FOUND)		OVERHEAD UTILITY LINES
	RAILROAD CROSSING ARM		RAILROAD
	SANITARY MANHOLE		RIVER
	SIGN		SANITARY SEWER
	STORM MANHOLE		STORM DRAIN
	UTILITY RISER/BOX		TELEPHONE
	TELEPHONE MANHOLE		WATER
	TRAFFIC SIGNAL CONTROL BOX		
	TRAFFIC SIGNAL W/ MAST ARM		
	UTILITY POLE		
	UTILITY POLE/LIGHT		
	POWER VAULT		
	WATER FIRE HYDRANT		
	WATER VALVE		
	WATER METER		



**LOT 7**  
BLOCK 4  
CAGLE SUBDIVISION  
PLAT NO. 5

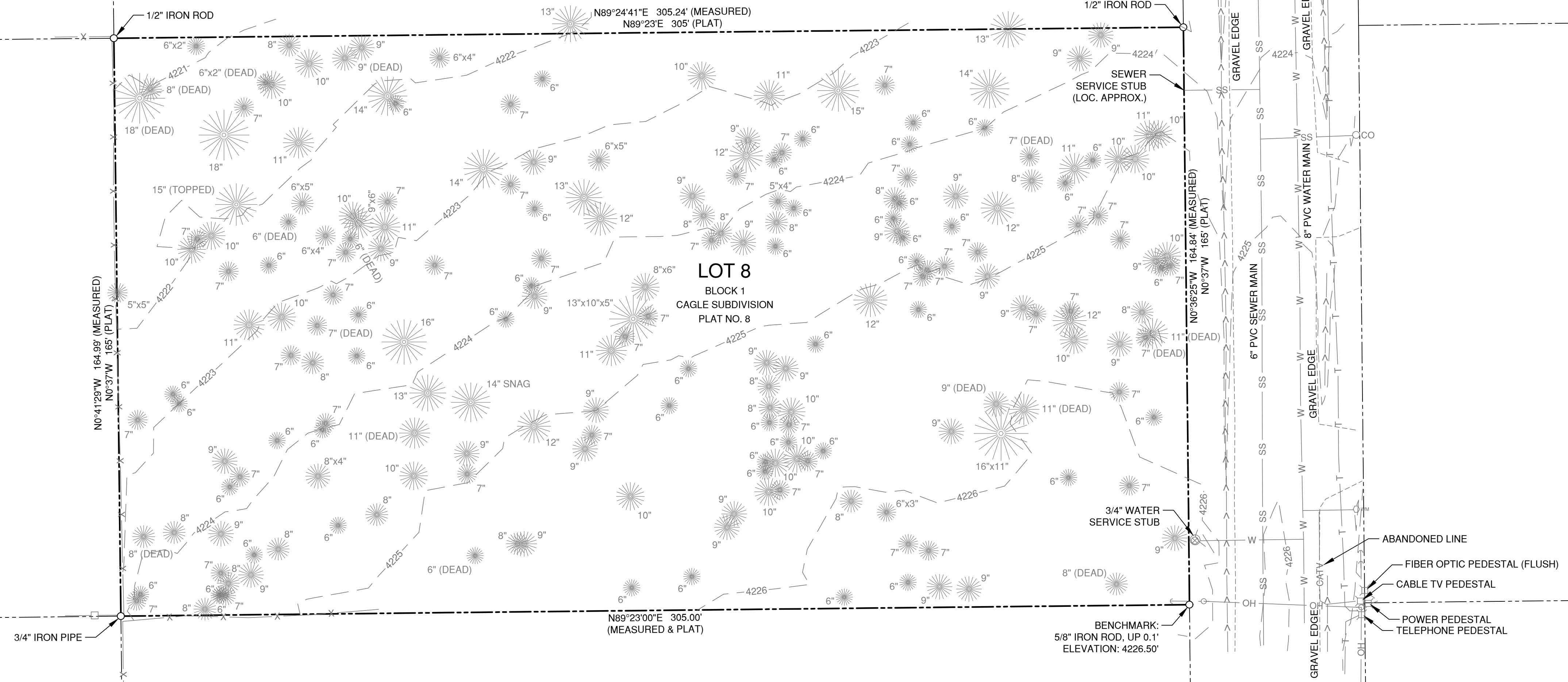
**LOT 7**  
BLOCK 1  
CAGLE SUBDIVISION  
PLAT NO. 8

**LOT 8**  
BLOCK 4  
CAGLE SUBDIVISION  
PLAT NO. 5

**LOT 8**  
BLOCK 1  
CAGLE SUBDIVISION  
PLAT NO. 8

**LOT 1**  
BLOCK 3  
CAGLE SUBDIVISION  
PLAT NO. 5

**LOT 1**  
BLOCK 2  
CAGLE SUBDIVISION  
PLAT NO. 8



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Chris Munson*

OREGON  
MARCH 11, 2014  
CHRISTOPHER R. MUNSON  
80548PLS

RENEWS: 12/31/2024

**M&A** Munson & Associates  
civil engineers | land surveyors

845 NORTHEAST 11TH STREET • BEND, OREGON 97701  
(541) 550-7396 • www.munson-assoc.com

REVISIONS:


PROJECT CLIENT:  
**52603 SKIDGEL ROAD  
TOPOGRAPHY SURVEY  
FIRST CABIN INVESTMENTS LLC  
723 NW NEGUS PL.  
REDMOND, OR 97756**

DESIGNED BY: ...  
DRAWN BY: CRM  
SCALE: 1"=20'  
FILE: 24-003  
DATE: 4/15/2024

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

V1



# TENTATIVE PLAN

LOT 8, BLOCK 1, CAGLE SUBDIVISION PLAT NO. 8,  
CITY OF LA PINE, DESCHUTES COUNTY, OREGON

**OWNER/DEVELOPER:**  
FIRST CABIN INVESTMENTS LLC  
723 NW NEGUS PL.  
REDMOND, OR 97756  
(503) 504-9977

**CIVIL ENGINEER/LAND SURVEYOR:**  
MUNSON & ASSOCIATES  
845 NE 11TH ST.  
BEND, OR 97701  
(541) 550-7396

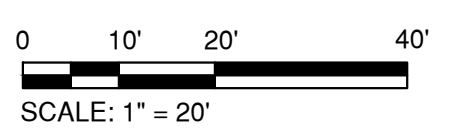
**SITE INFORMATION:**  
ADDRESS: 52603 SKIDGEL ROAD  
TAX LOT: 21-10-36BD-02500  
GROSS AREA: 1.16 AC. (50,318 S.F.)  
ZONING: RESIDENTIAL SINGLE-FAMILY (RSF)  
COMPREHENSIVE PLAN: RESIDENTIAL (LPR)

**UTILITY/SERVICE PROVIDERS:**

**WATER:** CITY OF LA PINE  
**SEWER:** CITY OF LA PINE  
**POWER:** MIDSTATE ELECTRIC COOPERATIVE  
**TELEPHONE:** CENTURYLINK  
**CABLE:** TDS  
**SCHOOLS:** BEND-LA PINE SCHOOL DIST. #1  
**FIRE:** LA PINE RURAL FIRE PROTECTION DISTRICT

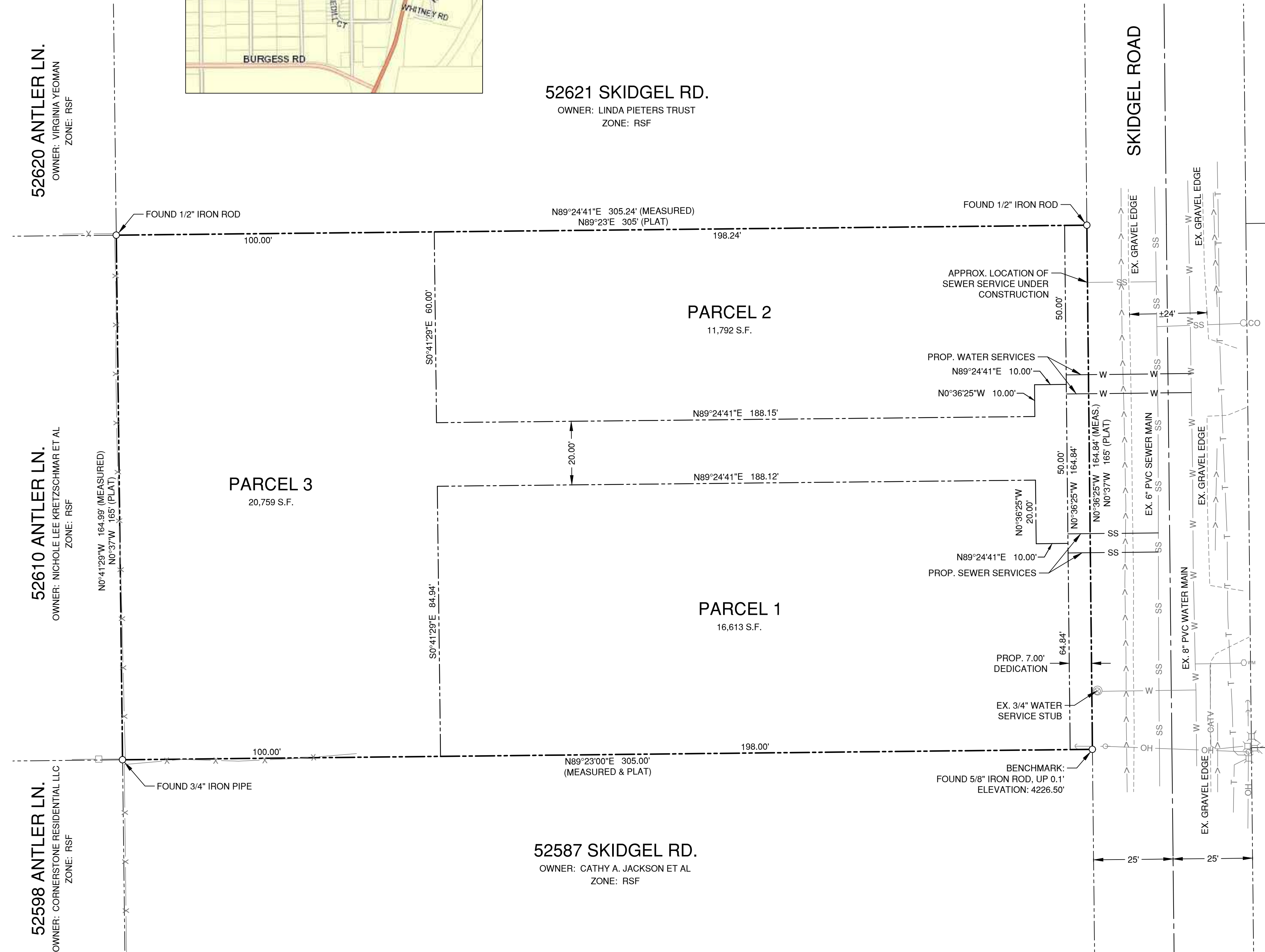
**LEGEND**

	BENCHMARK (FOUND)		BANK (BOTTOM)
	BENCHMARK (SET)		BANK (TOP)
	CATCH BASIN		CABLE TV
	CLEANOUT		CANAL
	CONCRETE		CENTERLINE
	CONIFEROUS TREE		DITCH (CENTER)
	CONTROL MON		EDGE OF CONCRETE
	CULVERT		EDGE OF GRAVEL
	DECIDUOUS TREE		EDGE OF PAVEMENT
	DOWNSPOUT		EASEMENT
	DRYWELL		FENCE (OTHER)
	GAS METER		FENCE (SILT)
	GAS VALVE		FENCE (STEEL)
	GRAVEL		FENCE (WOOD)
	GUY WIRE		FIBER OPTICS
	HANDICAP		FORCE MAIN
	IRRIGATION CONTROL BOX		GAS
	MAILBOX		GRADE BREAK
	MONUMENT (FOUND)		GUARDRAIL
	MONUMENT (SET)		IRRIGATION
	GATE		JERSEY BARRIER
	SANITARY MANHOLE		PAVEMENT REPAIR
	SIGN		PROPERTY BOUNDARY
	SPOT ELEVATION		PROPERTY SETBACKS
	STORM MANHOLE		POWER
	COMMUNICATIONS RISER/BOX		POWER (OVERHEAD)
	TELEPHONE MANHOLE		RAILROAD
	TRAFFIC SIGNAL CONTROL BOX		RIVER
	TRAFFIC SIGNAL W/ MAST ARM		SANITARY SEWER
	UTILITY POLE		STORM DRAIN
	UTILITY POLE/LIGHT		TELEPHONE
	POWER VAULT		TERRAIN CONTOUR
	WATER FIRE HYDRANT		WATER
	WATER VALVE		
	WATER METER		
	WATER PRESSURE REDUCING VALVE		
	WATER THRUST BLOCK		



**VICINITY MAP**

NO SCALE



**EASEMENT NOTES:**

EASEMENTS NOTED BELOW ARE FROM TITLE INSURANCE POLICY 4129902, DATED JANUARY 26, 2024 AND ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY.

1. THERE EXISTS A TEMPORARY, RELOCATABLE PEDESTRIAN AND BICYCLE ACCESS EASEMENT TO THE CITY OF BEND PER DOCUMENT NO. 2014-04413, DESCHUTES COUNTY OFFICIAL RECORDS (RE-RECORDED AS DOCUMENT NO. 2021-48843). THIS EASEMENT LIES OUTSIDE THE BOUNDARIES OF THE SUBJECT PROPERTY.



**M&A Munson & Associates**  
civil engineers | land surveyors  
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(541) 550-7396 • www.munson-assoc.com

REVISIONS:


PROJECT CLIENT:  
**FIRST CABIN INVESTMENTS LLC**  
52603 SKIDGEL ROAD  
TENTATIVE PLAN  
723 NW NEGUS PL.  
REDMOND, OR 97756

DESIGNED BY: CRM	DATE: 4/16/2024
DRAWN BY: CRM	
SCALE: 1"=20'	
FILE: 24-003	
VERIFY SCALES	
0 1"	
BAR EQUALS ONE INCH ON ORIGINAL DRAWING	

C1



**BURDEN OF PROOF/NARRATIVE  
for the Tentative Land Division of  
52603 Skidgel Road**

**APPLICANT/OWNER:** *First Cabin Investments LLC  
723 NW Negus Pl.  
Redmond, OR 97756*

**ENGINEER/LAND SURVEYOR:** *Munson & Associates  
Attn: Chris Munson, PE, PLS  
845 NE 11<sup>th</sup> St.  
Bend, OR 97701  
(541) 550-7396  
chris@munson-assoc.com*

**LOCATION:** *The subject property is addressed as 52603 Skidgel Rd., La Pine, OR 97739.*

**REQUEST:** *Tentative plan approval for a three-parcel land partition in the RSF zone.*

**APPLICABLE STANDARDS, PROCEDURES AND CRITERIA:**

*City of La Pine Development Code (LDC)*

*Article 3 – Zoning Districts  
Chapter 15.18 – Residential Zones*

*Article 5 – Development Standards  
Chapter 15.88 – Access and Circulation  
Chapter 15.90 – Public Facilities  
Chapter 15.92 – Additional Standards for Land Divisions*

*Article 7 – Procedures  
Chapter 15.204 – Application Procedures*

*Article 9 – Land Divisions  
Chapter 15.410 – Land Partitions*

**FACTS:**

1. **LOCATION:** *The subject property is legally described as Lot 8, Block 1, Cagle Subdivision Plat No. 8, City of La Pine, Deschutes County, Oregon. The property is identified as Tax Lot 2500 on Deschutes County Assessor's Map #21-10-36BD, and is addressed as 52603 Skidgel Road, La Pine, Oregon 97739.*
2. **ZONING:** *The subject property is zoned RSF—Residential Single-Family on the City of La Pine Zoning Map and designated LPR—Residential on the City of La Pine Comprehensive Plan Map.*
3. **SITE DESCRIPTION & SURROUNDING USES:** *The subject property is 1.16 acres in area as surveyed by Munson & Associates, and is currently vacant and undeveloped. The property has a gentle grade, generally sloping downhill from southeast to northwest, and contains a multitude of lodgepole pine trees with an understory consisting of native shrubs and grasses.*

*The subject property is bounded by Skidgel Road to the east, which is surfaced with gravel approximately 24 feet in width and improved with an 8-inch water main and a 6-inch sewer main along with power, fiber optic and telephone utilities, all within a 50-foot wide right-of-way. Abutting properties to the south, west and northwest are developed with single-family detached dwellings and accessory structures. The abutting property north is vacant and undeveloped. The abutting property to the southwest was previously developed but extensive demolition and clearing activities were observed during the land survey of the subject lot. All abutting properties are zoned RSF—Residential Single-Family on the City of La Pine Zoning Map and designated LPR—Residential on the City of La Pine Comprehensive Plan Map.*

4. **PROPOSAL:** *The applicant proposes to partition the property into three separate parcels for future use as single-family dwellings or any other permitted use in the RSF zone.*



# **Burden of Proof/Conformance with City of La Pine Development Code**

## **Article 3 - ZONING DISTRICTS**

### **Sec. 15.18.200. - Characteristics of the residential zones.**

Residential zones are intended to accommodate a mix of residential uses at planned densities, consistent with the housing needs of the city; promote the orderly development and improvement of neighborhoods; facilitate compatibility between dissimilar land uses; allow residences in proximity, and with direct connections, to schools, parks, and community services; and to ensure efficient use of land and public facilities. There are two residential zones in the city:

A. *Residential Single-Family Zone (RSF)*. The RSF zone permits residential uses at densities between one and seven dwelling units per gross acre. Permitted residential uses consist primarily of detached single-family housing, duplexes, and low density multi-family developments. The RSF zone also allows community service uses such as churches, schools, and parks that may be subject to special use standards.

**Response:** *According to the City of La Pine Zoning Map, the property is located within the Residential Single-Family Zone (RSF).*

### **Sec. 15.18.300. - Use regulations.**

Uses may be designated as permitted, limited, conditional, or prohibited in the residential zones. As noted in Table 15.18-1, a use may also be subject to special use standards of article 6.

A. *Permitted uses (P)*. Uses allowed outright in the residential zones are listed in Table 15.18-1 with a "P."

B. *Limited uses (L)*. Uses allowed in the residential zones subject to limitations are listed in Table 15.18-1 with an "L." The limitations are defined below and correspond with the footnote numbers in Table 15.18-1.

1. *Commercial lodging*. Commercial lodging uses in the RSF and RMF zones are limited to bed and breakfast inns.
2. *Retail sales and service*. Retail sales and service uses in the RSF and RMF zones are limited to veterinary clinics and commercial kennels where the animal-related facilities are primarily indoors.
3. *Self-service storage*. Self-service storage uses are required to have a minimum lot size of five acres.



4. *Parks and open areas.* Cemeteries require a conditional use permit in the RSF and RMF zones. All other parks and open areas uses permitted outright.

C. *Conditional uses (CU).* Uses which are allowed if approved through the conditional use review process are listed in Table 15.18-1 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 15.18-1 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.

<i>Table 15.18-1. Use Regulations in the Residential Zones</i>			
<i>Use Category</i>	<i>RSF</i>	<i>RMF</i>	<i>Special Use Standards</i>
<i>Residential Use Categories</i>			
- Single-family dwelling	P	P	—

**Response:** *The applicant intends for the newly created parcels to be developed with single-family dwellings, a permitted use per the truncated version of Table 15.18-1 above, although the applicant or any future owner reserves the right to develop the parcels in conformance with any permitted, limited or conditional uses identified in the entirety of Table 15.18-1 and in conformance with City of La Pine Development Code.*

**Sec. 15.18.400. - Development standards.**

A. *Purpose.* The development standards for residential zones work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally ensure that new development will be compatible with the city's character. At the same time, the standards allow for flexibility for new development. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

B. *Development standards.* The development standards for residential zones are presented in Table 15.18-2. Development standards may be modified as provided by chapter 15.320, variances. Additional standards may apply to specific zones or uses, see section 15.18.500. Footnotes in the table correspond to the sections below.

1. Minimum density standard in the RSF zone only applies to subdivisions. Development on existing lots and partitions are exempt from this standard.

2. Accessory dwellings do not count toward the maximum density standard in the RSF zone.

<i>Table 15.18-2. Development Standards in the Residential Zones</i>		
<i>Standard</i>	<i>RSF</i>	<i>RMF</i>
Minimum density	1 unit per acre (1)	5 units per acre
Maximum density	7 units per acre (2)	40 units per acre
Minimum lot size	None	None for single-family dwelling, cottage cluster development, duplex, or townhomes. Multi-family development: 3,000 sq. ft. for first dwelling unit, plus 1,000 sq. ft. for each dwelling unit thereafter on the same property, provided that urban services are available to serve the development.
Minimum street frontage	50 feet 35 feet on cul-de-sac street 25 feet for townhomes	50 feet 35 feet on a cul-de-sac street 25 feet for townhomes
Minimum setbacks	—	—
- Front or street-side yard	20 feet	20 feet
- Side yard	10 feet None for townhomes	10 feet None for townhomes
- Rear yard	20 feet	20 feet
Maximum building height	45 feet	45 feet

<i>Table 15.18-2. Development Standards in the Residential Zones</i>		
<i>Standard</i>	<i>RSF</i>	<i>RMF</i>
Maximum lot coverage	75% for townhomes 50% for all other uses	75% for townhomes 50% for all other uses
Minimum landscaped area	See <a href="#">chapter 15.82</a>	

**Response:** *The subject property is 1.16 acres in size. The proposed land division is for three parcels, resulting in a density of 2.6 units per acre, under the maximum density allowed by Table 15.18-2 above. Per LDC 15.18.400(B)(1), minimum density does not apply to land partitions.*

*As shown on the submitted tentative plan, each parcel has a street frontage of 50.00 feet or greater on Skidgel Road, meeting the minimum requirements of Table 15.18-2. There are no lot size minimums in the RSF per this table.*

*No buildings currently exist on the subject property or are proposed with this land division application. Any future application for building permits or site plan review will require compliance with the setback, building height, lot coverage and landscape areas per the above table, and will be examined for compliance during building permit review.*

**Sec. 15.18.500. - Additional standards.**

A. RSF zone. The following standards apply to all development in the RSF zone:

1. No dwelling structures shall have visible, unclosable openings, which allow penetration of air, outside elements, or animals into the structure's interior, except for screened-in porches.
2. All dwelling structures shall be placed on a basement foundation, concrete pad or piers, or other permanent foundation and secured, anchored, or tied down in accordance with the current International Building Code and all other applicable FHA requirements.
3. See [article 5](#) for additional development standards.

**Response:** *Any future application for building permits or site plan review will require compliance with the additional standards of the above subsections, and will be examined for compliance during building permit review.*

## Article 5 - DEVELOPMENT STANDARDS

### CHAPTER 15.88. - ACCESS AND CIRCULATION

#### Sec. 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.

**Response:** *No new or modified driveway connections are proposed with this land division application. Any future driveway connections to the parcels created with this land division application will require an approach permit in conformance with this subsection.*

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.

**Response:** *Traffic study requirements are discussed in the response to LDC 15.90.080 below.*

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.

**Response:** *The subject property fronts onto Skidgel Road, which is neither a collector or arterial street per the City of La Pine Transportation System Plan, and therefore the preceding access restriction techniques do not apply and/or cannot be required of the proposed land division.*

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.

**Response:** *No driveways are proposed with this land division application and therefore consideration of offsetting driveways need not be examined.*

*The subject property and resulting parcels front onto Skidgel Road, a local street per the City of La Pine Transportation System Plan; acceleration, deceleration & right-turn only lanes, median barriers and/or side barriers are not generally considered to be appropriate treatments for local streets, and there are no special circumstances with respect to the subject property that would dictate otherwise.*



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.

***Response:*** *The subject property and associated land division does not front or otherwise require access to a state highway; therefore this criterion does not apply.*

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.

***Response:*** *There are no existing drainage ditches, canals, railroads or other features under other agency jurisdiction that would affect any future driveway approach onto Skidgel Road from the proposed land division, and therefore this criterion does not apply.*

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.

***Response:*** *There is no existing driveway connection from the subject property to Skidgel Road, and therefore this criterion does not apply.*

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.

***Response:*** *No joint use driveway is proposed with this land division application. Should the owner/developer of the property, either current or future, desire to create a joint access driveway, an easement will be created and recorded in accordance with this subsection.*

#### **Sec. 15.88.040. - Clear vision areas (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.

**Response:** *The subject property does not exist at or create an intersection of two streets or a street and a railroad, and therefore the clear vision standards of this section do not apply.*

#### **Sec. 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:

**Response:** *The applicant proposes a land partition, not a subdivision, multi-family development, planned development, commercial development or an institutional development, and therefore the pedestrian access and circulation standards of this section do not apply.*

#### **CHAPTER 15.90. - PUBLIC FACILITIES**

##### **Sec. 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.

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.

**Response:** *A large scale City-initiated construction project is nearing completion in Skidgel Road adjacent the subject property, in which new sewer and water mains are*

*being installed, as well as one water and sewer service each to the subject property, as shown on the submitted tentative plan. Additional water and sewer services are proposed by the applicant connecting to these sewer and water mains so that each resultant parcel will have an individual sewer and water service available to it.*

**Sec. 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.

***Response:*** *A newly formed drainage ditch serving Skidgel Road exists along the subject property frontage. The proposed land division itself will not result in any additional stormwater runoff to Skidgel Road. Any additional stormwater runoff anticipated to be generated by future development will be examined at the time of building permit submittal, with appropriate mitigation measures implemented as required and in accordance with this section.*

**Sec. 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.

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

***Response:*** *Power, telephone and fiber optic utilities exist in Skidgel Road opposite the southeast corner of the subject property. The developer will coordinate for the provision of necessary or desirable utility services to each of the proposed parcels in accordance with this subsection. All new utility extensions will be underground.*

C. *Subdivisions.* In order to facilitate underground placement of utilities, the following additional standards apply to all new subdivisions:

***Response:*** *The applicant proposes a partition, not a subdivision, and therefore this subsection does not apply.*

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.

**Response:** *The applicant currently knows of no existing condition that would qualify for an exception to the utility undergrounding requirement, and accordingly does not seek an exception with this partition application.*

**Sec. 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.

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.

**Response:** *The applicant proposes a minor partition, with no new streets to be created or extended. Additionally, there are no planned streets within the City of La Pine Transportation System Plan that affect the subject property or existing streets with opportunity to be continued.*

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.

**Response:** *The applicant does not propose the creation of a cul-de-sac or dead-end street, and therefore this subsection does not apply.*

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.

**Response:** *The proposed minor partition is not a subdivision, and does not affect the development or land division of abutting properties; each of these abutting properties has existing direct access to a public street.*

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.

**Response:** *Skidgel Road abutting the proposed partition is a local street, and is improved with a gravel surface approximately 24 feet in width, within a 50-foot right-of-way (25 feet on each side of centerline) platted with Cagle Subdivision Plat No. 8 in 1967. Table 4-4 of the City Transportation System Plan is reprinted below:*

**Table 4-4 Roadway Cross-Section Standards**

Functional Classification	Features/Dimensions (Each Direction)					Left Turn Lane/ Median	Total Paved Width	Total Right-of-Way Width
	Travel Lane	Bike Lane	On-Street Parking	Sidewalk	Planter Strip			
Arterial	12'	6'	None	6'	8'	Left-Turn Lanes, 14'	36' to 50'	78'
Major Collector	11'	6' <sup>1</sup>	7' <sup>2</sup>	6'	8'	None	34 <sup>1</sup> - 48'	76'
Local Street	11'	None	7'	6'	8'	None	36'	64'
Downtown Arterial	12'	6'	Optional, 7'	8'	8'	Optional Landscaped Median, 14'	50'	82'
Minor Collector	11'	6'	None	6'	8'	None	34'	62'
Industrial Collector	14'	6'	None	6'	None	None	40'	52'

<sup>1</sup> On low volume, low speed (>30 mph) facilities, alternative bicycle facilities can be considered at the discretion of the City

<sup>2</sup> On-street parking provide adjacent to commercially zoned properties

*The substandard right-of-way width is proposed to be partially remedied by the applicant with a dedication of 7 feet along the subject property frontage, for a total of 32 feet to centerline. The remaining 7 feet of right-of-way deficiency will be dedicated by the property immediately east of Skidgel Road upon future development.*

*Existing roadway width of 24 feet (two travel lanes, each 12 feet wide) exceeds the required 11-foot travel lanes in the City Transportation System Plan (TSP) for local streets.*

*Additional roadway width for on street parking does not exist on Skidgel Road for its entire 3/4-mile length. Per the adopted Transportation System Plan:*

*“On-street parking can be provided or not provided based on the context of the area being served.”*

*The creation of two additional parcels with the proposed land partition, with the resultant parcels ranging in size from a quarter to almost half an acre in size, provides ample opportunity for future onsite parking. Further, a relatively short increase in width of the roadway along the property frontage followed by a decrease in width of the roadway is not desirable from a traffic operations perspective; therefore roadway widening for on street parking is not proposed nor should it be required, in accordance with this subsection, which allows approval otherwise. A waiver for roadway widening for on-street parking is hereby requested in accordance with LDC 15.90.080(D) below.*

*Bike lanes and sidewalks are discussed in detail with the responses to applicable subsections below.*

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.

**Response:** *Table 4-4 of the City Transportation System Plan states the standard sidewalk width for local streets is 6 feet. However, no sidewalks currently exist on the entirety of Skidgel Road, which is approximately 4,000 feet long. To construct an island-like 165-foot long sidewalk on one side of the road creates no significant benefit to the public but does add significant cost to this land for needed housing. Accordingly, a waiver for sidewalk construction is hereby requested in accordance with LDC 15.90.080(D) below.*

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.

**Response:** *Skidgel Road is a local street. Table 4-4 of the City Transportation System Plan states that bike lanes are not required for local streets.*

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

**Response:** *A cul-de-sac is not proposed for this minor land partition; therefore this subsection does not apply.*

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.

**Response:** *The proposed partition does not abut or contain an arterial street; therefore this subsection does not apply.*

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.

**Response:** *The proposed partition does not abut or contain railroad right-of-way; therefore this subsection does not apply.*

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.

**Response:** *The applicant does not propose a reserve strip or street plug, and therefore this subsection does not apply.*

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.

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.

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.

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.

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.

**Response:** *This minor partition application does not propose any new streets or extensions of any existing streets, and therefore the above subsections do not apply.*

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.

**Response:** *The proposed partition does not abut or create a street intersection, and therefore this subsection does not apply.*

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.

**Response:** *The proposed partition does not cause any material changes to the abutting street, Skidgel Road, and the addition of two land parcels created by the land division will have a de minimis impact on the surrounding street network; therefore, this subsection does not apply unless supported by substantial and appropriate findings made by the City.*

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.

**Response:** *No alleys are proposed by the applicant with this residential land division, and according to this subsection, none are required.*

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.

**Response:** *No curbs exist on Skidgel Road for the entirety of its 4,000-foot length. To install a short section of curbing along the 165-foot frontage of the subject property is not desirable from a traffic operations and street maintenance standpoint, and the*

*applicant requests the City Engineer make a determination that curbs are not required with this minor partition.*

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.

**Response:** *The subject property is not located at an existing street intersection nor does it create a new intersection; therefore no street lights are required.*

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.

**Response:** *Power, telephone and fiber optic utilities exist in Skidgel Road opposite the southeast corner of the subject property. The developer will coordinate for the provision of necessary or desirable utility services to each of the proposed parcels in accordance with this subsection. All new utility extensions will be underground.*

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.

**Response:** *A newly formed drainage ditch serving Skidgel Road exists along the subject property frontage. The proposed land division itself will not result in any additional stormwater runoff to Skidgel Road. Any additional stormwater runoff anticipated to be generated by future development will be examined at the time of building permit submittal, with appropriate mitigation measures implemented as required and in accordance with this section.*

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.

**Response:** *The applicant does not propose any gates as part of this partition application. Any future gates that may be installed shall conform with this subsection.*

#### **Sec. 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;

**Response:** *The applicant does not seek a zone change or plan amendment, and therefore a traffic impact analysis is not required under this subsection.*

2. Operational or safety concerns documented in writing by a road authority;

**Response:** *The applicant is not aware of any documented operational or road safety concerns in the vicinity of the subject property, and absent further proof otherwise, a traffic impact analysis would not be required under this subsection.*

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;

**Response:** *The applicant proposes a partition creating three total parcels out of one existing platted lot. As discussed previously, the applicant intends for each of the resultant parcels to be developed with a single-family dwelling, which is consistent with the existing development pattern in the surrounding Cagle Subdivision.*

*The Institute of Transportation Engineers' (ITE) Trip Generation Manual, 11th Edition, states that single-family detached housing is expected to generate 9.43 average daily trips (ADT) per unit and 0.94 PM peak hour trips per unit (PM peak hour trips are the preferred metric for estimating peak hour trips in the Central Oregon region). Accordingly, the resultant three parcels of the proposed partition are expected to generate a total of approximately 28 average daily trips and 3 PM peak hour trips, even without crediting the existing platted lot that is subject to immediate and outright permitted single-family dwelling development absent this subject partition proposal.*

*The 28 ADT expected to be generated by the partition is far below the 300 ADT that would trigger a TIA per the above subsections.*

*Approximately 25 existing single-family dwellings currently front the block in Skidgel Road formed by Cagle Road to the north and Burgess Road to the south. Adding three single-family dwellings would result in an increase of PM peak hour trips of approximately 12%, far below the 20% threshold that would trigger a TIA per the above subsections.*

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;

***Response:*** *The proposed land partition is located in a residential zone and intended for residential use; as such, no regular or substantial increase in heavy vehicle traffic typically generated by commercial uses are expected.*

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;

***Response:*** *No existing approaches exist on the subject property and no new approaches or access connections are proposed by the applicant with this partition application. Skidgel Road is a local street with no vehicular access restrictions. Skidgel Road is also straight, level and uninterrupted by any public street intersections for approximately 1,000 feet to the north and 2,000 feet to the south, and is unlikely to have sight distance conflicts near the subject property.*

*Any future approaches to the new parcels resulting from this partition application will be required to meet minimum spacing and sight distance requirements dictated by City of La Pine code and standards. As such, no TIA is required with this partition request.*

7. A change in internal traffic patterns that may cause safety concerns; or

***Response:*** *The applicant proposes a minor partition with no new streets; as such, it is not expected that this land division will cause any significant change in internal traffic patterns within the neighboring Cagle Subdivision.*

8. A TIA required by ODOT pursuant to OAR 734-051.

***Response:*** *OAR 731-051 addresses approaches, access control, spacing standards and medians on the State highway system. As the subject property does not front a State highway, these TIA requirements do not apply.*

**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.



**Response:** As detailed above in the responses to LDC 15.90.080(B), no traffic impact analysis is required.

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.

**Response:** *The subject property is located within the Cagle Subdivision, where the majority of lots are developed with single-family homes, although a few scattered lots remain vacant such as the subject property. Additionally, the applicant proposes a minor partition in the RSF zone (noted as "RL" above) that does not create any new streets.*

*The conditions of both subsections 3 and 4 above being met, the applicant requests a waiver of standard street improvements that may otherwise be required according to this code, including the waiver of sidewalk improvements and roadway improvements (including but not limited to roadway widening, curbs, paving and drainage facilities). The construction of these improvements along a short, 165-foot stretch of 4,000-foot long Skidgel Road does not significantly improve transportation operations or safety.*

*As a condition of the requested waiver of street improvements above, the applicant will agree to sign and cause to be recorded a waiver of remonstrance against the formation of a future local improvement district. Such a local improvement district would be the best path forward for area-wide improvements to all of the streets in the Cagle Subdivision, including Skidgel Road, rather than a scattered and piecemeal approach of improving a very small, island-like portion of the adjacent roadway to no significant overall benefit to the public as a whole.*

## CHAPTER 15.92. - ADDITIONAL STANDARDS FOR LAND DIVISIONS

### Sec. 15.92.010. - Lots and blocks.

A. *Blocks.* The resulting or proposed length, width and shape of blocks shall take into account the requirements for adequate building lot sizes, street widths, access needs and topographical limitations.

1. No block shall be more than 660 feet in length between street corner lines with a maximum 1,400-foot perimeter unless it is adjacent to an arterial street, or unless topography or the location of adjoining streets justifies an exception, and is so approved by the reviewing authority.
2. The recommended minimum length of a block along an arterial street is 1,260 feet.
3. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception; a standard exception is a block in which the building lots have rear yards fronting on an arterial or collector street.

**Response:** *The subject property is located within the previously platted Cagle Subdivision. The applicant does not propose any streets with this minor partition application, and there is no opportunity to create a street with this existing lot that measures 165 feet by 305 feet. As such, no blocks will be created and this subsection does not apply.*

B. *Lots.* The resulting or proposed size, width shape and orientation of building lots shall be appropriate for the type of development, and consistent with the applicable zoning and topographical conditions, specifically as lot sizes are so designated for each zoning district in the City of La Pine Development Code.

**Response:** *As discussed in the responses to LDC 15.18.400 above, the proposed parcels meet the lot size requirements of the RSF zone. As shown on the submitted tentative plan, the proposed parcels, which will be sewerred, are sized at no less than a quarter acre in area, have a gentle grade and shaped to be suitable for constructing single-family homes, the intended use.*

C. *Access.* Each resulting or proposed lot or parcel shall abut upon a public street, other than an alley, for a width of at least 50 feet except as otherwise provided for in this Development Code (e.g., for townhomes). For lots fronting on a curvilinear street or cul-de-sac, the city may approve a reduced width, but in no case shall a width of less than 35 feet be approved.

**Response:** *As shown on the submitted tentative plan, each proposed parcel abuts Skidgel Road, a public street, for at least 50 feet, in accordance with this subsection.*

D. *Side lot lines.* The side lines of lots and parcels, as far as practicable, shall run at right angles to the street upon which they front; except that on curved streets they shall be radial to the curve.

**Response:** *As shown on the submitted tentative plan, the side lot lines are at right angles to the Skidgel Road right-of-way as near as practicable, for a total distance of almost 200 feet, save for minor 10- and 20-foot jogs near Skidgel Road necessary to achieve the lot frontage standards of Table 15.18-2 and LDC 15.92.010(D) above.*

E. *Division by boundary, ROW and drainage ways.* No lot or parcel shall be divided by the boundary line of the city, county or other taxing or service district, or by the right-of-way of a street, utility line or drainage way, or by an easement for utilities or other services, except as approved otherwise.

**Response:** *The proposed parcels are not divided by a right-of-way, City or County boundary line, and the applicant is unaware of any other taxing or service district line that divides the proposed parcels. The applicant does not propose or anticipate any future utility line, drainage way or easement that would bisect any of the parcels created with this minor land partition.*

F. *Grading, cutting and filling of building lots or sites.* Grading, cutting and filling of building lots or sites shall conform to the following standards unless physical conditions warrant other standards as demonstrated by a licensed engineer or geologist, and that the documentation justifying such other standards shall be set forth in writing thereby:

1. Lot elevations may not be altered to more than an average of three feet from the natural pre-existing grade or contour unless approved otherwise by the city.
2. Cut slopes shall not exceed one foot vertically to 1½ feet horizontally.
3. Fill slopes shall not exceed one foot vertically to two feet horizontally.
4. Where grading, cutting or filling is proposed or necessary in excess of the foregoing standards, a site investigation by a registered geologist or engineer shall be prepared and submitted to the city as a part of the tentative plan application.
  - a. The report shall demonstrate construction feasibility, and the geologist or engineer shall attest to such feasibility and shall certify an opinion that construction on the cut or fill will not be hazardous to the development of the property or to surrounding properties.

b. The planning commission shall hold a public hearing on the matter in conformance with the requirements for a conditional use permit, however, such may be included within the initial hearing process on the proposed development.

c. The planning commission's decision on the proposal shall be based on the following considerations:

(1) That based on the geologist's or engineer's report, that construction on the cut or fill will not be hazardous or detrimental to development of the property or to surrounding properties.

(2) That construction on such a cut or fill will not adversely affect the views of adjacent property(ies) over and above the subject site without land alteration, or that modifications to the design and/or placement of the proposed structure will minimize the adverse impact.

(3) That the proposed grading and/or filling will not have an adverse impact on the drainage on adjacent properties, or other properties down slope.

(4) That the characteristics of soil to be used for fill, and the characteristics of lots made usable by fill shall be suitable for the use intended.

***Response:*** *No grading, cutting or filling of the subject property or resultant parcels is proposed with this land division application. Any such future grading that may occur shall conform with the provisions of this subsection.*

G. *Through or double-frontage lots and parcels.* Through or double-frontage lots and parcels are to be avoided whenever possible, except where they are essential to provide separation of residential development and to avoid direct vehicular access from major traffic arterials or collectors, and from adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. When through or double-frontage lots or parcels are desirable or deemed necessary, a planting screen easement of at least four to six feet in width, and across which there shall be no right of vehicular access, may be required along the line of building sites abutting such a traffic way or other incompatible uses.

***Response:*** *No through or double-frontage parcels are proposed with this land division.*

H. *Special building setback lines.* If special building setback lines, in addition to those required by the applicable zoning, are to be established in a development,

they shall be shown on the final plat of the development and included in the deed restrictions.

**Response:** *No special building setback lines are proposed with this partition application.*

I. *Large building lots; redivision.* In the case where lots or parcels are of a size and shape that future redivision is likely or possible, the city may require that the blocks be of a size and shape so that they may be redivided into building sites as intended by the underlying zone. The development approval and site restrictions may require provisions for the extension and opening of streets at intervals which will permit a subsequent redivision of any tract of land into lots or parcels of smaller sizes than originally platted.

**Response:** *The subject property is 1.16 acres in size. The proposed land division is for three parcels, resulting in a density of 2.6 units per acre, within the stated density range of 1-7 units per acre for land in the RSF zone according to Table 15.18-2 above. As such, future redivision is unlikely, and it is unnecessary to apply any additional size, shape or other special provisions to the parcels created with this partition.*

#### **Sec. 15.92.020. - Easements.**

A. *Utility lines.* Easements for sewer lines, water mains, electric lines or other public utilities shall be as required by the serving entity, but in no case be less than ten feet wide and centered on a rear and/or side lot line unless approved otherwise by the city. Utility pole tie-back easements may be reduced to five feet in width.

**Response:** *At the time of this partition application, no public utility has identified a need for a facility or associated easement to encumber the subject property.*

B. *Water courses.* If a tract is traversed by a water course, such as a drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the water course, and such further widths as deemed necessary.

**Response:** *No water courses traverse the subject property, and therefore this criterion does not apply.*

C. *Pedestrian and bicycle ways.* When desirable for public convenience, a pedestrian and/or bicycle way of not less than ten feet in width may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block, or to otherwise provide appropriate circulation and to facilitate pedestrian and bicycle traffic as an alternative mode of transportation. Improvement of the easement with a minimum five-foot wide paved or other suitable surface will be required.

**Response:** *No cul-de-sac exists or is proposed by the applicant on or near the subject property. And as the abutting property to the west is already developed with a single-family dwelling and large accessory structures, there is no opportunity to provide a pedestrian or bicycle way connecting Skidgel Road with Antler Lane to the west.*

D. *Sewer and water lines.* Easements may also be required for sewer and water lines, and if so required, shall be provided for as stipulated to by the city public works department and/or water and sewer district.

**Response:** *Sewer and water mains already exist fully within the right-of-way of Skidgel Road, and no additional sewer or water mains are necessary to service the subject development or surrounding properties.*

**Sec. 15.92.030. - Land for public purposes.**

A. If the city has an interest in acquiring a portion of a proposed development for a public purpose, it shall notify the property owner as soon as the city council authorizes the transaction to proceed.

B. Within a development, or adjacent to a development in contiguous property owned by the developer, a parcel of land of not more than five percent of the gross area of the development may be required to be set aside and dedicated to the public for parks and recreation purposes by the developer. The parcel of land, if required, shall be determined to be suitable for the park and/or recreation purpose(s) intended, and the city may require the development of the land for the park or recreation use intended or identified as a need within the community.

C. In the event no such area is available that is found to be suitable for parks and/or recreation uses, the developer may be required, in lieu of setting aside land to pay to the appropriate parks and recreation agency a sum of money equal to the market value of the area required for dedication, plus the additional funds necessary for the development thereof if so required; if such is required, the money may only be utilized for capital improvements by the appropriate parks and recreation agency.

D. If there is a systems development charge in effect for parks, the foregoing land and development or money dedication (if required) may be provided for in lieu of an equal value of systems development charge assessment if so approved by the collecting agency in accordance with the applicable provisions of the system development charge ordinance. If the collecting agency will not permit the land or money dedication in lieu of an applicable systems development charge, then the land and development or money dedication shall not be required.



E. If the nature and design, or approval, of a development is such that over 30 percent of the tract of land to be developed is dedicated to public uses such as streets, water or sewer system facilities and the like, then the requirements of this subsection shall be reduced so that the total obligation of the developer to the public does not exceed 30 percent.

**Response:** *The applicant is unaware of any public need for the subject property, aside from the Skidgel Road right-of-way dedication discussed previously, and therefore does not anticipate the provisions of this section apply to this minor land partition request.*

## Article 9 - LAND DIVISIONS

### CHAPTER 15.410. - LAND PARTITIONS

#### Sec. 15.410.030. - Decisions - partitions.

A. *Minor partition.* Review of a minor partition shall follow the Type II review procedures in [article 7](#).

B. *Major partition.* Review of a major partition shall follow the Type III review procedures in [article 7](#).

**Response:** *The proposed land partition does not create any new streets and is therefore considered a minor partition, to be processed by a Type II review procedure.*

C. *Series partition.* Any division of land resulting in a series partition shall be subject to review and approval by the planning commission. Applications for any series partition shall be made and processed in the same manner as a major partitioning. Approval requirements shall be the same as for any partition. However, the planning commission shall deny any such series partition when it is determined that the partitions are done for the purpose of circumventing applicable subdivision regulations.

**Response:** *A series partition is defined under ORS Chapter 92 as a series of partitions creating four or more parcels within one calendar year. The subject property has not been partitioned in this calendar year and so the series partition requirements of this subsection do not apply to the partition application at hand.*

D. *Final partition map procedures.* In addition to the procedures required for city approval of a final map for a partitioning, other required processing procedures are set forth in chapters [15.414](#) and [15.418](#).

**Response:** *The applicant will cause for a final partition map to be prepared according to applicable procedures in La Pine Development Code.*

E. *Requirements for approval.* No partitioning shall be approved unless the following requirements are met:

1. The proposal is in compliance with the applicable zoning regulations. All lots conform to the applicable lot standards of the zoning district, including density, lot area, dimensions, setbacks, and coverage.

**Response:** *This burden of proof statement illustrates compliance with all applicable zoning regulations affecting the proposed partition, including density, lot area, dimensions, setbacks and coverage.*

2. Each parcel is suited for the use intended or to be offered, including, but not limited to, sewage disposal, water supply, guaranteed access and utilities.

3. All public services deemed necessary are reasonably available or are proposed to be provided by the partitioner.

**Response:** *As discussed prior in this burden of proof statement, each parcel is suitable for the intended use of future single-family dwellings. Sewer and water mains are available in the adjoining right-of-way of Skidgel Road, and each parcel has the minimum required frontage on the same. Additionally, power, fiber optic and telephone utilities are present in Skidgel Road near the southeast corner of the subject property.*

4. Proposal will not have identifiable adverse impacts on adjoining or area land uses, public services and facilities, resource carrying capacities or on any significant resources.

**Response:** *Properties adjacent to the proposed partition are all zoned Residential Single-Family (RSF), as is the subject property itself. The proposed partition is identified for residential use, and no adverse impacts are expected on adjacent properties also zoned for residential use.*

*This minor partition adds only two additional parcels to the much larger Cagle Subdivision; these additional parcels are expected to have no significant adverse impact on public services, facilities or resources.*

F. *Survey and improvement requirements.* In the approval of any land partitioning, the need for a survey, and the need for street and other public facility improvements shall be considered and such may be required as a condition of approval. Any survey and/or improvement requirements that may be required for a subdivision or other land development may be required for a partitioning, including bonding or other assurance of compliance.

**Response:** *The applicant will cause any survey or improvements necessary for the approval of this partition application and final plat recordation.*

**SUMMARY:** *As illustrated above, the request for tentative plan approval for the proposed land partition meets all relevant criteria and standards of La Pine Development Code, and approval of the same is hereby requested.*