



STAFF REPORT

FILE NUMBER: 02SUB-24

APPLICANT: Evans Property Holdings LLC
17140 Shawnee Circle
Sunriver, OR 97707

OWNER: Evans Property Holdings LLC
17140 Shawnee Circle
Sunriver, OR 97707

LOCATION: The subject property is located at 51305 Evans Way, La Pine, Oregon 97739. The Tax Lot number is 100 on Deschutes County Assessor's Map 22-10-14CD.

REQUEST: The applicant is requesting Tentative Plan approval for a new 89-lot residential single-family subdivision to be completed in three phases.

STAFF CONTACT: Rachel Vickers, Associate Planner
Email: rvickers@lapineoregon.gov
Phone: (541) 280-5680

RECOMMENDATION: Approved, subject to the conditions of approval identified below

I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA

City of La Pine Development Code

Article 3. Zoning Districts

Chapter 15.18, Residential Zones

Article 5. Development Standards

Chapter 15.86, Parking and Loading

Chapter 15.88, Access and Circulation

Chapter 15.94, Improvement Procedures and Guarantees

Article 9, Land Division

Chapter 15.406, Subdivision and Planned Unit Developments (PUD)

Oregon Revised Statute

Chapter 92, Subdivisions and Partitions

II. BASIC FINDINGS

ZONING: The subject property is zoned Residential Single-Family (RSF) with no overlay zones.

PARCEL SIZE: The subject property is 18.97-acres in size.

LOT LEGALITY: The subject property was created as Parcel 1 in Partition Plat No 2018-45.

REVIEW PERIOD: The subject application was partially submitted on May 2, 2024, and the rest of the required application materials (updated TIA) were submitted on May 20, 2024. The application was deemed complete on June 19, 2024. The 120th day on which the City must take final action on this application is October 18, 2024.

PROPOSAL: The applicant proposes to divide the subject property into 89 lots to be developed with detached single-family residence. The applicant's proposal does not include phases.

EXISTING DEVELOPMENT: The subject property is currently undeveloped with generally level topography and a dense covering of native shrubs and grasses.

SURROUNDING LAND USES: To the south is property owned by the Bureau of Land Management and is zoned Forest Use by Deschutes County and is outside of the La Pine City Limits and Urban Growth Boundary (UGB). To the north are two residential lots with single-family dwellings. The property abuts the public right-of way of Evans Way to the northwest and Walling Lane to the northeast. To the west are the Evans Way Estates and Oksenholt Estates RSF residential subdivisions. The property abuts the public right-of ways of Heath Drive and Bassett Drives to the west. To the east is Tax Lot 302 on Deschutes County Assessor's Map 22-10-14. It is a vacant 38.7-acre parcel zoned Industrial and owned by the County.

PERMIT HISTORY:

- 01PA-18 | Three parcel partition to divide a 40-acre parcel into three new lots.

III. AGENCY AND PUBLIC COMMENTS

PUBLIC AGENCY COMMENTS: The La Pine Community Development Department sent electronic notice of public hearing on August 1, 2024, to several public agencies and received the following comments:

Deschutes County Address Coordinator, Tracy Griffin

Once the tentative plat has been provided, addresses and road names need to be determined for Title 16 compliancy.

City of La Pine Public Works Director, Kelly West

8/12/2024

Septic Tank: A septic tank is required at each developed property. Tank capacity shall be 1000 gallons minimum and shall be sized according to OAR 340-71-220(3). All new septic tanks, existing septic tanks, or used septic tanks must pass a leakage test prior to use. The City maintains septic tanks within city limits. The maintenance of septic tanks ends at the upstream wall of the septic tank. A maintenance easement must be created outside of public right away around septic tanks. Sewer lines upstream of the septic tanks are private and are not maintained by the City.

Construction Plans: Engineering firms submitting sewer plans shall include a sewer profile. The profile will include the existing ground elevation, proposed street grade, existing utilities or other underground apparatus, pipe diameter, material and slope, manhole locations, station and invert elevations, horizontal and vertical scales, and trench backfill information. Plan views shall show all horizontal control required to build the sewer, streets, property lines and right-of-way, all planimetrics, utilities, north arrow and scale.

Septic Tanks and Inlet Piping

- Single tanks serving multiple lots under separate ownership will not be allowed. Each property shall have a separate septic tank and sewer lateral.
- Systems serving facilities such as RV parks, mobile home parks, apartments, and unit developments are usually under the control of a single customer or responsible association. At the discretion of the engineer, such systems may be designed with shared tanks, subject to requirements of the Oregon State Plumbing Code.
- Tanks shall be sized according to flow per criteria published in OAR 340-71-220(3). Minimum tank capacity shall be 1000 gallons.
- Construction details and configuration of tanks shall generally conform to OAR 340-73-050, Dosing Tank Construction. All tanks shall feature inlet and outlet risers with lockable covers. Covers shall be designed for H-20 loading in traffic areas. Inlet riser shall be minimum 24" diameter. Outlet risers shall be sized to accommodate and access the equipment installed, with 24" diameter as a minimum. Intermediate 24" risers will be required on large tanks over 3000 gallons.
- Tanks shall be designed for all anticipated structural loads, including soil backfill. Where vehicle access is allowed, the tank shall be protected with an appropriate structural slab and steel covers for the tank risers. All designs shall be stamped per OAR 34-052.
- To assure retention of solids and grease in the tank, all tanks shall feature a plastic effluent screen. Screens shall conform to the standard published in OAR 340-73-056. No unscreened discharges will be allowed.
- Flotation of tanks in areas of high groundwater shall be anticipated in system design. Structural design features and operational procedures shall be employed to prevent flotation.
- Existing tanks which fully meet the requirements, including leakage test, may be considered for use in the STEG system case-by-case.
- Pipe connections to tanks shall be made with an approved commercial water stop manufactured for the intended purpose. Field improvised water stops or adapters will not be approved.
- All sewage from the building including kitchen, laundry, and bath wastes shall be intercepted and conveyed to the STEG tank. No grey water systems will be allowed.
- Septic tanks shall be tested hydrostatically after installation and after all pipe penetrations have been completed.
- For leakage testing, tanks shall be filled to a marked point 2" above the base of the risers. Leakage shall not exceed 1 gallon in 24 hours.

8/14/2024

With current load on the industrial park lift station being at max capacity of flow, the city will not be able to accommodate new services until our new Industrial Park Lift Station has been completed. The new List station has been approved and will be moving forward with construction shortly.

STAFF COMMENT: To ensure compliance with the Public Works Directors comments, the following conditions of approval have been added

Septic Tank: **Prior to final plat approval** a septic tank is required at each developed property. Tank capacity shall be 1000 gallons minimum and shall be sized according to OAR 340-71-220(3). All new septic tanks, existing septic tanks, or used septic tanks must pass a leakage test prior to use. The City maintains septic tanks within city limits. The maintenance of septic tanks ends at the upstream wall of the septic tank. A maintenance easement must be created outside of public right away around septic tanks. Sewer lines upstream of the septic tanks are private and are not maintained by the City.

Construction Plans: **Prior to construction** engineering firms submitting sewer plans shall include a sewer profile. The profile will include the existing ground elevation, proposed street grade, existing utilities or other underground apparatus, pipe diameter, material and slope, manhole locations, station and invert elevations, horizontal and vertical scales, and trench backfill information. Plan views shall show all horizontal control required to build the sewer, streets, property lines and right-of-way, all planimetrics, utilities, north arrow and scale.

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

City of La Pine Contract Engineering, Erik Huffman

1. Prior to final plat approval, applicant shall prepare and design engineered stamped construction plans to construct public improvements as proposed on the submitted tentative plans as well as those items required per City public works standards including street trees and street lights. Construction plans shall be submitted to the City for review and approval. Final plans shall be submitted to the City with a signature line for City of La Pine Public Works Director.
2. Prior to the approval of construction plans, designs shall include extensions of water and sewer mains to and through the development to the exterior boundary of the subject property.
3. Prior to the approval of construction plans, designs shall include street trees at an average spacing of 35 feet along all road frontages.
4. Prior to the approval of construction plans, designs shall include a minimum of 12" wide compacted shoulder rock along all roadway pavement edges.
5. Prior to the approval of construction plans, provide the City with drainage calculations indicating compliance with the Central Oregon Stormwater Manual.
6. Prior to final plat approval, all required public right of way and easements shall be depicted on the final plat map for grant or dedication by the recording of the plat.
7. Prior to final plat approval, the applicant shall provide the City with a performance bond of 120% of the cost of public improvements prior to beginning construction. Prior to construction, a pre-construction meeting with the construction contractor shall be held with City staff.
8. Prior to final plat approval, all required public right of way and easements shall be depicted on the final plat map for grant or dedication by the recording of the plat.
9. Prior to final plat approval, as a minimum, all water and sewer infrastructure, compacted base rock, and street signage must be installed and inspected by the City.
10. At the completion of construction of required improvements, the City will require a one-year maintenance surety bond for 10% of the value of all improvements, to guarantee maintenance and performance for a period of one year from the date of acceptance of the improvements.

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

Construction Plans: **Prior to final plat approval**, applicant shall prepare and design engineered stamped construction plans to construct public improvements as proposed on the submitted tentative plans as well as those items required per City public works standards including street trees and street lights. Construction plans shall be

submitted to the City for review and approval. Final plans shall be submitted to the City with a signature line for City of La Pine Public Works Director.

Water and Sewer Extensions: ***Prior to the approval of construction plans***, designs shall include extensions of water and sewer mains to and through the development to the exterior boundary of the subject property.

Street Trees: ***Prior to the approval of construction plans***, designs shall include street trees at an average spacing of 35 feet along all road frontages.

Shoulder Rock: ***Prior to the approval of construction plans***, designs shall include a minimum of 12" wide compacted shoulder rock along all roadway pavement edges.

Drainage Calculations: ***Prior to the approval of construction plans***, provide the City with drainage calculations indicating compliance with the Central Oregon Stormwater Manual.

ROW and Easements: ***Prior to final plat approval***, all required public right of way and easements shall be depicted on the final plat map for grant or dedication by the recording of the plat.

Performance Bond: ***Prior to final plat approval***, the applicant shall provide the City with a performance bond of 120% of the cost of public improvements prior to beginning construction. Prior to construction, a pre-construction meeting with the construction contractor shall be held with City staff.

Water and Sewer Installation: ***Prior to final plat approval***, as a minimum, all water and sewer infrastructure, compacted base rock, and street signage must be installed and inspected by the City.

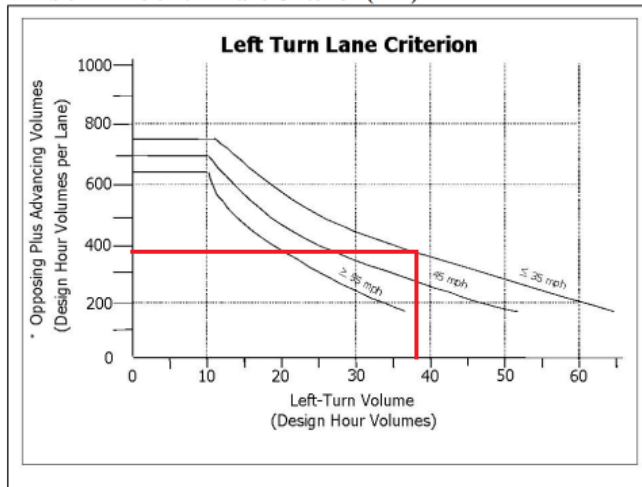
Maintenance Surety Bond: ***At the completion of construction of required improvements***, the City will require a one-year maintenance surety bond for 10% of the value of all improvements, to guarantee maintenance and performance for a period of one year from the date of acceptance of the improvements.

Deschutes County Road Department, Quinn Shubert

This development, while off-system, has a significant impact on the surrounding county road systems. The intersection operations summary tables on pages 14 and 18 (Tables 4 and 5) need to be updated to accurately reflect the county's jurisdiction over these intersections. Additionally, the TIA cites new clear and objective criteria on page 6 that limit the ability of other jurisdictions to expand the area of potential impact for this development. This limitation effectively reduces the county's capacity to provide feedback on developments within the city of La Pine. However, it's important to note that clear and objective code requirements necessitate adoption by governing bodies. Any deviations from existing code must still undergo the appropriate approval process.

Regarding the traffic analysis, I concur with the scope of the traffic impact outlined in the TIA. However, the assertion that "The payment of Transportation SDC fees with future development of the subdivision will provide funding for this intersection improvement. No additional contributions or mitigation measures should be required" requires further scrutiny. SDCs are designed to address the increased demand on the transportation system due to development. Mitigation, on the other hand, is meant to address deficiencies specifically created or exacerbated by the development. The intersection analysis for "year 2026 with project conditions" on page 17 of the TIA shows traffic volumes sufficient to trigger the need for a median left-turn lane at the Finley Butte and Huntington Rd intersection, as indicated by the TTI curves (see below).

Exhibit 12-1 Left Turn Lane Criterion (TTI)



*(Advancing Volume/Number of Advancing Through Lanes) + (Opposing Volume/Number of Opposing Through Lanes)
Opposing left turns are not counted as opposing volumes

Figure 1 Source: Texas Transportation Institute

The threshold for a median left-turn lane is met by the additional traffic generated from the development, despite the analysis only providing a two-year traffic forecast. If the US97/Finley Butte intersection were to be signalized and realigned with Morson St, as suggested in the TIA, the Huntington/Finley Butte intersection would be positioned within the storage bay of any left-turn lane installed at this location, further complicating the functionality of the Huntington/Finley Butte intersection. Additional investigation is necessary, and I recommend that the City of La Pine assess the need for mitigation in this area.

The following agencies did not respond to the notice: La Pine City Manager, La Pine Finance Director, La Pine Rural Fire District, State Fire Marshall, Midstate Electric, Oregon Department of Transportation and Deschutes County Building Department.

PUBLIC COMMENTS: The La Pine Community Development Department mailed notice of the application to all property owners within 100 feet of the subject property on June 6, 2024, and notice of public hearing to all property owners within 100 feet of the subject property on August 1, 2024. No public comments were received.

IV. FINDINGS OF FACT

PART III, CITY OF LA PINE DEVELOPMENT CODE

Article 3, Zoning Districts

Chapter 15.18 – Residential Zones

Section 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.

FINDING: The subject property is zoned Residential Single Family (RSF). Applicable criteria are addressed herein.

Section 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.*

Table 15.18-1. Use Regulations in Residential Zones			
Use Category	RSF	RMF	Special Use Standards
Residential Use Categories			
Household Living	-	-	-
- Single-Family Dwelling	P	P	-
- Cottage Cluster Development	P	P	Section 15.104.050
- Townhome	P	P	Section 15.104.020
- Duplex	P	P	Section 15.104.030
- Multi-Family Development	P	P	Section 15.104.040
- Manufacture Dwelling	P	P	-
- Manufacture Dwelling Park	P	P	Section 15.104.060
- Accessory Dwelling Unit	P	P	Section 15.104.010
- Residential Care Home	P	P	Section 15.104.080
Group Living	-	-	-
- Room and Board Facility	CU	CU	-
- Residential Care Facility	CU	P	Section 15.104.080

- Long-Term Care Facility	CU	CU	-
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FINDING: The applicant proposed an 89-lot residential single-family subdivision. Applicable criteria are addressed herein.

Section 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.*

Table 15.18-2. Development Standards in the Residential Zones		
Standard	RSF	RMF
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 streets 25 feet for townhomes	50 feet 35 feet on cul-de-sac streets 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
Maximum Lot Coverage	75% for townhomes 50% for all other uses	75% for townhomes 50% for all other uses
Minimum Landscaped Area	See Chapter 15.82	

FINDING: Staff addresses each development standard below:

Minimum and Maximum Density:

The RSF zone requires new subdivisions to have at least one unit per acres and a maximum of 7 units per acre. The applicant is proposing 89 units in an 18.97-acre parcel (4.69 units per acres). These standards are met.

Maximum Lot Size:

The RSF zone does not have any requirements for lot size, therefore this standard is not applicable.

Minimum Street Frontage:

The RSF zone requires each newly created lot to have at least 50 feet of street frontage. Based on the applicant submitted tentative plat, each of the newly create 89 lots will exceed this standard.

Minimum Setbacks, Building Height, and Lot Coverage:

Since no development is proposed at this time, staff cannot confirm if setbacks, building heights, and lot coverage requirements are met. Instead, this will be reviewed once a building permit has been submitted to construct a single-family dwelling on each lot. Staff finds that while these development standards are not relevant at this time, each newly created lot is large enough to reasonably accommodate a single-family dwelling while meeting these minimum development standards of the RSF zone.

Minimum Landscaped Area:

The RSF zone looks to LPDC Chapter 15.82 for landscaping minimums. Within LPDC Section 15.82.010, the code states that landscaping requirements only apply to development subject to site plan review. Since the applicant proposes a residential subdivision, site plan review will not be required prior to construction and therefore, there will be no minimum landscaped area requirements. Staff notes that this does not exclude the development from the street tree requirements referenced later on in this decision.

Staff finds that all relevant development standards are met.

Section 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.**

FINDING: While the applicant proposes a new 89 lot subdivision, no development is proposed at this time. Therefore, compliance with LPDC Section 15.18.500 will be reviewed during the building permit submittal phase. Staff keeps the section for reference to the applicant.

Article 5, Development Standards

Chapter 15.80 – Development Standards, Generally

Section 15.80.030, Exemption – Lot Size Requirements

- A. *The following exemptions to minimum lot size requirements shall apply:*
1. *Non-conforming lots or aggregate of contiguous lots or parcels held in a single ownership has an area or dimensions which do not meet the lot size or dimensional requirements of the applicable zone, the lot or aggregate holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone; providing, however, residential use shall be limited to single-family dwelling unit or to the number of dwelling units consistent with the equivalent densities of the zone.*
 2. *Any parcel of land or portion thereof, which is to be dedicated to a public, semi-public or public utility for a park, school, road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements of this chapter and the applicable zone.*
- B. *For all other lot size requirements in all other zones, applicants may propose approval of exceptions or variances in accordance with the application requirements in article 8.*

FINDING: The applicant's subdivision proposal does not include any request for exemptions to the lot size requirements of the RSF zone, therefore these criteria are not applicable.

Chapter 15.88, Access and Circulation

Section 15.88.020, Applicability

Chapter 15.88 applies to new development and changes in land use necessitating a new or modified street or highway connection. Except where the standards of a roadway authority other than the city supersede city standards, chapter 15.88 applies to all connections to a street or highway, and to driveways and walkways.

Section 15.88.030, Vehicular Access and Circulation

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

FINDING: Comments from the City Engineer did not indicate the need for any approach permits onto the adjacent City owned rights of way, therefore this criterion is not applicable.

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

FINDING: The applicant's burden of proof included a Traffic Impact Analysis (TIA). The submitted TIA included the following findings and recommendations:

Based on this review, the extension of local streets and development of the planned residential subdivision can occur in compliance with City requirements. As previously identified, there are improvement needs at the US 97/Finley Butte – Morson Street intersection to address roadway alignments and long-term capacity needs for the overall City of La Pine. There have historically been long summertime delays on the westbound approach, and the installation of a pedestrian crossing refuge supports multimodal connections as an interim treatment but conflicts with the identified signalization plan. The City’s adopted Transportation SDC is intended to provide City funds toward this and other projects of citywide significance.

- City streetscape sections should conform to adopted City standards as identified within the Transportation System Plan and include 36-foot wide street sections to support on-street parking on both sides of the street.
- Accessible crossings should be provided at all intersections within the subdivision, and all adjacent roadway stubs should be extended as identified in the proposed development plan.
- All “T” approaches within the subdivision should be stop-sign controlled to provide clear designation of roadway right-of-way.
- Fencing, utilities, landscaping, and other above-ground features should be prohibited within the intersection sight distance triangles near internal intersections. Within these areas a clear space should be maintained between two-feet and eight-feet in height.
- While the City of La Pine does not have adopted TIA requirements that would comply with the required “Clear and Objective” standards, for informational purposes analysis was conducted at nearby intersections. This showed that all of the intersections operate acceptably with exception of US 97/Finley Butte Road. Realignment and signalization of this intersection is listed on the City’s Capital Improvement Program, and payment of Transportation SDC fees will contribute toward this critical City need.

Staff finds the each tangible recommendation will either be conditioned in this land use decision, or collected at the time of System Development Charge payment.

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

1. **Access points to arterials and collectors may be restricted through the use of the following techniques:**
 - a. **Restricting spacing between access points based on the type of development and the speed along the serving collector or arterial.**
 - b. **Sharing of access points between adjacent properties and developments.**
 - c. **Providing access via a local order of street; for example, using a collector for access to an arterial, and using a local street for access to a collector.**
 - d. **Constructing frontage or marginal access roads to separate local traffic from through traffic.**
 - e. **Providing service drives to prevent overflow of vehicle queues onto adjoining roadways.**
2. **Consideration of the following traffic and facility improvements for access management:**

- a. ***Providing of acceleration, deceleration and right-turn-only lanes.***
- b. ***Offsetting driveways to produce T-intersections to minimize the number of conflict points between traffic using the driveways and through traffic.***
- c. ***Installation of median barriers to control conflicts associated with left turn movements.***
- d. ***Installing side barriers to the property along the serving arterial or collector to restrict access width to a minimum.***

FINDING: The new subdivision will connect to Health Drive, Basset Dr, Evans Way and Walling Lanes which are classified as local streets within the La Pine Transportation System Plan. Therefore, the subdivision will not be directly connected to any access points from arterial or collector streets and therefore these criteria are not applicable.

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

FINDING: The applicant's proposal does not include a new approach onto a state highway; therefore, this criterion is not applicable.

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

FINDING: The applicant's proposal does not cross a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency. This criterion is not applicable.

- G. ***Exceptions and adjustments. The city may approve adjustments to the spacing standards of subsections above, where an existing connection to a city street does not meet the standards of the roadway authority and the proposed development moves in the direction of code compliance.***

FINDING: The applicant's proposal does not include a request for adjustments to the spacing standards of the subsections above, therefore this criterion is not applicable.

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

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

Section 15.88.040, Clear Vision Area (Visibility at Intersections)

- A. ***In all zones, a clear vision area shall be maintained on the corners of all property at the***

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

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

- 1. In an agricultural, forestry or industrial zone, the minimum distance shall be 30 feet; or at intersections including an alley, ten feet.*
- 2. In all other zones, the minimum distance shall be in relationship to street and road right-of-way widths as follows:*

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

FINDING: Clear vision standards shall be provided for throughout the development of the subdivision. The required street trees will be omitted in these areas. Fencing, utilities, landscaping, and other above ground features should be prohibited within the intersection sight distance triangles near internal intersections. Within these areas a clear space should be maintained between two feet and eight feet in height. To ensure compliance with the clear vision area requirements, the following conditions of approval have been added.

Clear Vision Area: **At all times** 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 that meet the requirements of LPDC Section 15.88.040.

Clear Vision Areas on Plans: **Prior to construction**, construction plans shall demonstrate compliance with these clear vision standards and shall be submitted to the City for review and approval prior to construction. No above ground equipment shall obstruct vision clearance areas for vehicular traffic.

Section 15.88.050, Pedestrian Access and Circulation

A. *Purpose and intent. This section implements the pedestrian access and connectivity policies of City of La Pine Transportation System Plan and the requirements of the Transportation Planning Rule (OAR 660-012). It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.*

B. *Standards. New subdivisions, multi-family developments, planned developments, commercial developments and institutional developments shall conform to all of the following standards for pedestrian access and circulation:*

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

FINDING: The applicant’s burden of proof and submitted tentative plan indicate that each street within the proposed subdivision (Heath Drive, Basse Drive, Street ‘A’ and Street ‘B’) will have a sidewalk on either side of the right of way. The sidewalks will connect to the existing sidewalks on Heath Drive and Bassett Drive that are already constructed in the subdivision directly to the west (Oskenholt Estates). Additionally, the applicant proposed to

construct a sidewalk on the east side of Evans Way and the west side of Walling Lane. Staff finds that the applicant's proposed walkway system extends through the development and connects to all existing sidewalks that are adjacent to the subdivision. This criterion is met.

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

FINDING: The applicant's proposed walkways will be provided in the form on the sidewalks on each side of the streets, which run in straight lines at right angles, and does not involve any out of direction travel. This criterion is met.

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

FINDING: The applicant's proposed sidewalk will be required to pass inspection from our Public Works department which will ensure the proposed walkway meets the above criterion. This criterion will be met during the required inspection.

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

FINDING: The applicant's burden of proof indicates that pedestrian walkways will be separated from streets by a drainage swale and landscaping in accordance with the design standards highlighted in the La Pine TSP for local streets. Staff finds this design method will provide effective vehicle and walkway separation and therefore, this criterion is met.

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

FINDING: The applicant's proposal does not include any crosswalks and based on the La Pine TSP, staff finds they are not necessary for the applicant's proposal. Therefore, this criterion is not applicable.

- e. ***Walkway construction. Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other city-approved durable surface meeting ADA***

requirements. Walkways shall be not less than four feet in width, except that the city may require five-foot wide, or wider, sidewalks in developments where pedestrian traffic warrants walkways wider than four feet.

FINDING: The applicant proposes concrete sidewalks throughout the subdivision that must be 6 feet wide per the requirements of the La Pine TSP. This criterion is met.

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

FINDING: The applicant's proposal includes a multiuse path running through the middle of the subdivision. The proposed multiuse path adheres to these design standards. This criterion is met.

Chapter 15.90, Public Facilities

Section 15.90.020, Developer Responsibility for Streets and Other Public Facilities

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

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

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

Additionally, staff notes that the Public Works Director included the following comments:

Septic Tank: A septic tank is required at each developed property. Tank capacity shall be 1000 gallons minimum and shall be sized according to OAR 340-71-220(3). All new septic tanks, existing septic tanks, or used septic tanks must pass a leakage test prior to use. The City maintains septic tanks within city limits. The maintenance of septic tanks ends at the upstream wall of the septic tank. A maintenance easement must be created outside of public right away around septic tanks. Sewer lines upstream of the septic tanks are private and are not maintained by the City.

This requirement has previously been added to the conditions of approval for this land use permit. As conditioned, this criterion is met.

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

FINDING: Comments from the City Engineer did not indicate the need for oversizing; therefore, this criterion is not

applicable.

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

FINDING: Comments from the City Engineer did not indicate there were existing inadequate streets adjacent to the subject property, therefore this criterion is not applicable.

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

FINDING: The applicant's proposal includes a half street on Walling Lane due to the proposed orientation of the subdivision. Staff finds the inclusion of this half street is essential to the reasonable development of the site and therefore this criterion is met.

Section 15.90.030, Sewer and Water

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

FINDING: The City's Public Works Director provided the following comment in response to this criterion:

Construction Plans: Engineering firms submitting sewer plans shall include a sewer profile. The profile will include the existing ground elevation, proposed street grade, existing utilities or other underground apparatus, pipe diameter, material and slope, manhole locations, station and invert elevations, horizontal and vertical scales, and trench backfill information. Plan views shall show all horizontal control required to build the sewer, streets, property lines and right-of-way, all planimetrics, utilities, north arrow and scale.

This comment has previously been added to the conditions of approval for this land use permit and to ensure complete compliance, the following condition of approval has been added.

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

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

FINDING: The City's Public Works Director provided the following comment in response to this criterion:

With current load on the industrial park lift station being at max capacity of flow, the city will not be able to accommodate new services until our new Industrial Park Lift Station has been completed. The new List

station has been approved and will be moving forward with construction shortly.

To ensure compliance with the City's Public Works Director and the above criterion, the following condition of approval has been added.

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

Section 15.90.040, Stormwater

- A. ***Accommodation of upstream drainage. Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the city engineer.***

FINDING: In response to the above criterion, the City Engineer provided the following comments:

Prior to the approval of construction plans, provide the City with drainage calculations indicating compliance with the Central Oregon Stormwater Manual.

This requirement has previously been added to the conditions of approval for this land use decision. As conditioned, this criterion is met.

- B. ***Effect on downstream drainage. Where it is anticipated by the city engineer that the additional runoff resulting from the development will overload an existing drainage facility, the city shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with city standards.***

FINDING: Comments from the City Engineer did not indicate that additional runoff from the development would overload an existing drainage facility. This criterion is not applicable.

Section 15.90.050, Utilities

- A. ***General provision. The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.***
- B. ***Underground utilities. All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.***

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

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

- C. ***Subdivisions. In order to facilitate underground placement of utilities, the following additional standards apply to all new subdivisions:***
1. ***The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that no above ground equipment obstructs vision clearance areas for vehicular traffic.***

2. ***The city reserves the right to approve the location of all surface-mounted facilities.***
3. ***All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets.***
4. ***Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.***

FINDING: The applicant's burden of proof included the following statement:

All utilities serving the development will be provided by underground service, as designed by the serving utility. Measures will be taken to ensure that above ground equipment does not obstruct vision clearance areas for vehicular traffic. Compliance with (C)(1) through (4) can be ensured through the implementation of conditions of approval.

To ensure compliance with the applicant's statement and the above criteria, the following condition of approval has been added.

Subdivision Utilities: ***Prior to final plat approval***, the developer shall confirm the following standards have been met:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that no above ground equipment obstructs vision clearance areas for vehicular traffic.
 2. The city reserves the right to approve the location of all surface-mounted facilities.
 3. All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets.
 4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
- D. *Exception to undergrounding requirement. The city may grant exceptions to the undergrounding standard where existing physical constraints, such as geologic conditions, streams, or existing development conditions make underground placement impractical.***

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

Section 15.90.060, Public Street/Highway Improvement

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

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

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

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

FINDING: The applicant's proposal does not include the reconstruction or modification of existing public roads,

therefore this criterion is not applicable.

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

FINDING: The applicant's proposal does not include temporary public road nor highway detour. This criterion is not applicable.

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

FINDING: The applicant's proposal does not include the minor betterment of existing public road facilities; therefore, this criterion is not applicable.

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

FINDING: The applicant's proposal does not include the alteration of a public street or highway that is identified as a priority project in the La Pine TSP.

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

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

Section 15.90.070, Design of Streets and Other Public Facilities

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

FINDING: In response to the above criterion, the applicant submitted the following:

This code section provides for a subjective review to determine the adequacy and appropriateness of the traffic circulation pattern. It also directs the City to consider the location, width and grade of streets in relationship to existing and planned roads based on subjective factors. This code section, therefore, is not clear and objective and does not serve as a relevant approval criterion for the applicant's proposed subdivision.

The applicant has submitted a Traffic Impact Analysis (TIA) prepared by Transportation Engineer Joe

Bessman, P.E. with Transight Consulting, LLC with its application. It provides information regarding the traffic circulation system that will serve the proposed subdivision. That information supports a finding that the overall street system will provide for adequate traffic circulation with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain of the development and the area.

Comments from the City Engineer did not indicate any deficiencies in the applicants proposed traffic circulation system and therefore, staff finds this criterion is met.

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

FINDING: In response to the above criteria, the applicant provided the following:

As depicted on the tentative plan, the proposed location and pattern of proposed streets provides for appropriate and practical continuation of existing local streets on abutting properties. The street grid proposed extends Bassett and Heath drives into the proposed development, being the principal through streets to Huntington Road (an Arterial class roadway). Both Bassett and Heath Drives are extended through the development to the east property line allowing for continuation as part of future development of the County-owned, industrial-zoned property to the east, Tax Lot 302, 22-1014.

Heath Drive and Bassett Drive are proposed to extend to the eastern boundary of the proposed subdivision, providing connectivity to future the undeveloped of property to the east. An Evans Way right-of-way dedication is proposed with this application to extend Evans Way from that portion approved with the Evans Way Estates plat. Interim secondary access via Walling Lane can be provided for alternative circulation until further development occurs. Such location and pattern of proposed streets conforms to the La Pine Transportation Plan and these standards can be satisfied.

...

Comments from the City Engineer did not identify any deficiencies in the applicant's proposed street location and patterns. As discussed herein, the streets will adhere to the design regulations of the local streets as identified in the La Pine TSP. This criterion is met.

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

FINDING: Comments from the City Engineer did not include a requirement for an access way; therefore, this criterion is not applicable.

- D. Future street extensions. Where necessary to give access to or permit future subdivision or development of adjoining land, streets shall be extended to the boundary of the proposed development or subdivision. Where a subdivision is proposed adjacent to other developable land, a future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other divisible parcels within 600 feet surrounding and adjacent to the proposed subdivision. The street plan is not binding, but is intended to show potential future street extensions with future development. The plan must demonstrate, pursuant to city standards, that the proposed development does not preclude future street connections to adjacent development land. Wherever appropriate, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. Street ends shall contain turnarounds constructed to Uniform Fire Code standards, as the city deems applicable, and shall be designed to facilitate future extension in terms of grading, width, and temporary barricades.**

FINDING: In response to the above criterion, the applicant provided the following:

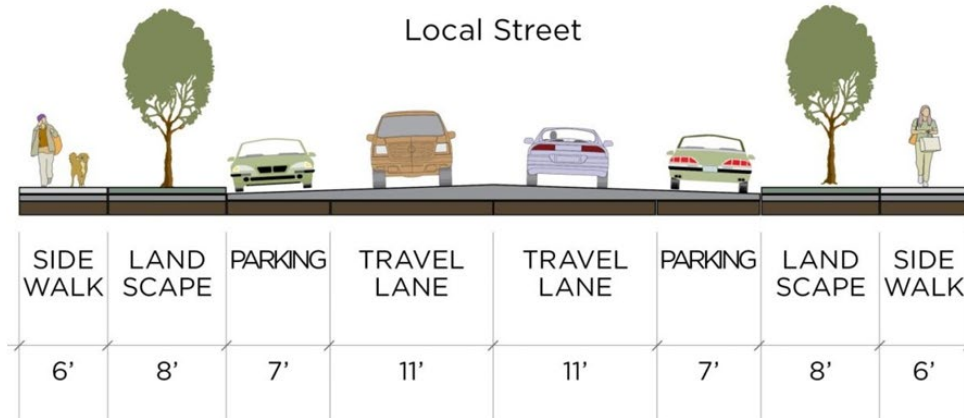
Property to the east, Tax lot 302, 22-10-14 is a vacant, 38.73 acre, County-owned parcel that is zoned Light Industrial (LI), thus, is potentially developable. Property to the south is outside of the City Limits/UGB of La Pine and consists of government-owned Forest-zoned property, Forest Use (F1). To the west are Evans Way Estates and Oksenholt Estates single-family residential developments. Farther to the west is Huntington Meadows subdivision. To the north of the subject property are two parcels zoned RSF: Tax Lot 3100, 22-10-14CA, 1.14 acres in size and developed with a single-family dwelling; and Tax Lot 3200, 22-10-14CA, 1.25 acres in size and developed with a single-family dwelling. The proposed subdivision provides for continuation of streets to the north to extent practicable through Evans Way and Walling Lane. As evident from the submitted tentative plan, the vacant parcel to the east can be accessed through stubs to Heath Drive and Bassett Drive, providing connectivity for future development. Based on the above, and the submitted tentative plan, (D) is met.

...

Comments from the City Engineer did not indicate any deficiencies in the applicant's proposed extensions for future streets. Staff finds that the applicant's proposed extension of Heath and Basset Drive to the eastern edge of the subdivision allows for the future extension of those roads. This criterion is met.

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

FINDING: The La Pine TSP provides the following right of way and roadway width for local streets:



Based on the applicant’s submitted burden of proof, these standards will be met and therefore, this criterion is met.

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

FINDING: As stated previously, all rights of way within the proposed subdivision are classified as local streets which require 6-foot-wide sidewalks. The applicant’s proposal included this design standard. This criterion is met.

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

FINDING: As stated previously, all rights of way within the proposed subdivision are classified as local streets which do not require bike lanes. This criterion is not applicable.

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

...

FINDING: The applicant’s proposal does not include a cul-de-sac; therefore, this criterion is not applicable.

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

FINDING: The subject property does not abut or contain an arterial street; therefore, this criterion is not applicable.

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

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

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

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

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

FINDING: In response to the above criterion, the applicant provided the following:

The submitted tentative plan illustrates compliance with this standard. Aligned connections are provided at Heath Drive and Bassett Drive to connect with streets within the Evans Way Estates and Oksenholt Estates developments. A slight curvature of both Heath and Bassett Drives, northward and southward respectively, is necessary to accommodate the gradual decrease in depth to lots at the north end of the proposed subdivision, as well as the lots at the south end of the development.

The curvature of Heath Drive is necessary due to Lot 11 being a corner lot and having to be the length of approximately 157 feet for proper alignment with the right-of way of Heath Drive to the west. This is also applicable to the curvature of Bassett Drive where Lot 74 having to possess a length of approximately 161.4 feet for proper alignment with the right-of-way of Bassett Drive to the west. The curvature of the right-of-way for Heath Drive straightens out at Lot 6 and the east end of Lot 13. The curvature of the right-of-way for Bassett Drive straightens out at Lots 38 and 39.

Additionally, Evans Way is extended to the north in alignment with its existing right-of-way as part of this proposed development. This criterion is satisfied to the extent practicable and where not achieved, the proposed design addresses a relevant need.

Staff finds that based on the applicant's burden of proof, the applicant's proposed streets align as far as practical with the adjacent existing streets. This criterion is met.

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

FINDING: In response to the above criterion, the applicant provided the following response:

The submitted tentative plan illustrates compliance with this standard. All intersections are as near to right angles as practicable. None intersect at an angle less than 80 degrees. The only intersections where streets do not intersect at a right angle are the intersections of "A" Street and Heath Drive and "A" Street and Bassett Drive. The existing alignments established by the plats of Evans Way Estates and Oksenholt Estates to the west are carried through. A slight curvature of both Heath and Bassett Drives, northward and southward respectively, is necessary to accommodate the gradual decrease in depth to lots at the north end and south end of the development. These are low-speed local streets that the City Engineer found to be acceptable in the decision for Evans Way Estates Subdivision.

The City Engineer did not identify any deficiencies in the applicant's proposed intersection angles; therefore, this criterion is met.

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

FINDING: All of the streets in the proposed subdivision are categorized as "other" streets. Based on the applicant's submitted burden of proof, the radii of all the curves will be no less than 100 feet. This criterion is met.

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

FINDING: All of the streets in the proposed subdivision are categorized as "other" streets. Based on the applicant's submitted burden of proof, the grades of each street will not exceed 12 percent. This criterion is met.

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

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

Street Names: ***Prior to final plat approval***, street names shall be approved by the Deschutes County street name coordinator.

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

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

Street Name Signs: ***Prior to final plat approval*** 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.

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

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

Traffic Control Signs: ***Prior to final plat approval*** 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.

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

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

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

FINDING: The applicant's proposal includes a request for the City Engineer to waive the curb requirements and states the following:

This standard allows the City Engineer to waive curb requirements during tentative plan review on the basis of special circumstances. Curbs are not proposed with the subdivision, rather, an attractive landscape swale supporting street trees and vegetation is proposed. Landscape swales containing street trees is not only more aesthetically pleasing than concrete curbs, but provide improved drainage capacity and flow during times of snow melt and heavy rains.

Concentrated flow created by curb lines requires point containment and disposal, which is ineffective in areas of higher groundwater, such as the subject property. Conversely, vegetated swales allow the storm waters to dissipate over a greater area, causing fewer areas of storm water concentration. Additionally, areas between street trees can provide for much-needed snow storage during excessive winter storms, when curbs can also be obscured by snow. The La Pine TSP allows for flexibility or variation to street sections. Specifically, page 62 of the TSP provides (excerpted):

Context-Sensitive Variation

The street sections in the City of La Pine vary depending on whether they are located downtown core areas, residential sections, commercial hubs, or more rural environments. Context-specific considerations include:

Planter strips outside urbanized areas are optional, due to maintenance costs.

Constrained roadways in more rural areas can be designed with shoulders to accommodate bikes and pedestrians when the right-of-way is limited.

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

Curbs should be included in the downtown core area. However, they may be optional in areas outside the downtown core when drainage issues warrant such consideration.

In downtown areas, options are available to replace center turn lanes and medians with on-street parking, as shown by the two figures in the following section.

Based on the above, the location of the proposed project being in an outlying area of the city, with no curbed streets in the vicinity, curbs are not necessary for the proposed subdivision and Applicant proposes the landscape swales as depicted on in the local street cross section illustrated on the submitted tentative plan are more appropriate, efficient, and effective in this area. This is also consistent with the Evans Way Estates and Oksenholt Estates developments to the west.

City staff concurs with the applicant's reasoning for the curb exemption requests. The applicant's request to waive the curb requirements for this subdivision is approved. Therefore, this criterion is not applicable to the applicant proposal.

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

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

Street Lights: ***Prior to final plat approval*** if deemed necessary by the city, street lights 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.

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

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

Utilities: ***Prior to final plat approval*** the developer shall make necessary arrangements with the serving utility companies for the installation of all proposed or required utilities, which may include electrical power, natural gas, telephone, cable television and the like.

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

FINDING: The applicant proposes drainage facilities in the form of vegetative swales within each right of way. In order to ensure compliance, the following condition of approval has been added.

Drainage Facilities: ***Prior to final plat approval*** drainage facilities shall be provided as required by the city in accordance with all applicable city and Oregon Department of Environmental Quality standards.

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

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

Section 15.90.080, Traffic Impact Analysis

- A. Purpose.** *The purpose of this subsection is [to] coordinate the review of land use applications with roadway authorities and to implement section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a traffic impact analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a traffic impact analysis; and who is qualified to prepare the analysis.*
- B. When a traffic impact analysis is required.** *The city or other road authority with jurisdiction may require a traffic impact analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:*
- 1. A change in zoning or a plan amendment designation;*
 - 2. Operational or safety concerns documented in writing by a road authority;*
 - 3. An increase in site traffic volume generation by [300] average daily trips (ADT) or more;*
 - 4. An increase in peak hour volume of a particular movement to and from a street or highway by [20] percent or more;*
 - 5. An increase in the use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by ten vehicles or more per day;*
 - 6. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;*
 - 7. A change in internal traffic patterns that may cause safety concerns; or*
 - 8. A TIA required by ODOT pursuant to OAR 734-051.*

FINDING: The applicant's burden of proof included a Traffic Impact Analysis dated May 16, 2024. Applicable criteria are discussed herein.

- 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.*

FINDING: The applicant's submitted TIA was prepared by Joe Bessman of Transight Consulting, a Registered Professional Engineering within the State of Oregon. This criterion is met.

- D. Waiver or deferral.** *The city may waive or allow deferral of standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in [subsections] 1 through 4 is met. Where the city agrees to defer a street improvement, it shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future:*
- 1. The standard improvement conflicts with an adopted capital improvement plan.*
 - 2. The standard improvement would create a safety hazard.*
 - 3. It is unlikely due to the developed condition of adjacent property that the subject improvement would be extended in the foreseeable future, and the improvement under consideration does not by itself significantly improve transportation operations or safety.*
 - 4. The improvement under consideration is part of an approved partition in the [RL or RM] and the proposed partition does not create any new street.*

FINDING: The applicant's proposal does not include a request for the above-mentioned waiver or deferral in respect to the TIA, therefore these criteria are not applicable.

Chapter 15.92, Additional Standards for Land Divisions

Section 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.***

FINDING: In response to the above criterion, the applicant provided the following statement:

As shown on the submitted tentative plan, block length and block perimeter is exceeded on proposed 'A' and 'B' Streets. Applicant seeks an exception to this standard on the basis that this exception is required in order to provide larger mid-range lots and promote additional accessory uses on the lots with additional space for vehicles to park off street.

The existing development pattern established by Huntington Meadows, particularly the east-west street grid, was carried eastward in the development design for Evans Way Estates, but limited to-and through streets to Heath Drive and Bassett Drive. Applicant proposes to continue the pattern of development approved under Evans Way Estates and Oksenholt Estates by orienting the lots mostly in east-west fashion, with north-south oriented lots being at the north and south ends of the development, and extend Heath and Bassett Drive through the proposed development.

The block length standard of LDC 15.92.010 allows the City to grant an exception to the maximum block length due to topography or location of adjoining streets. The subject property is relatively flat, without topographical challenges. The proposed subdivision is flanked on its north and south by Heath Drive and Bassett Drive, both of which will connect to and terminate at Huntington Road, the nearest north-south arterial. Traffic traveling south from the proposed subdivision will utilize the route through Bassett Drive, while traffic traveling north can utilize Heath Drive or Evans Way.

Further, maximum block lengths are typically provided to both minimize pedestrian walking distances and to provide traffic-calming to minimize a "thoroughfare" effect. The proposed subdivision includes a multi-use path shown on the tentative plan, for pedestrians and bicyclists that is in alignment with the multi-use path in Oksenholt Estates subdivision to the west.

Inclusion of the multi-use path will minimize walking and bicycling distances, as well as provide traffic calming at the intersections/crosswalks of the path with A and B Streets. To provide this ped/bike connection at the time when the block length of B Street exceeds City maximum lengths, the multi-use path will be constructed. Applicant believes that the proposed subdivision warrants an exception to maximum block length due to the location of adjoining streets and the inclusion of the mid-block multiuse path.

Based on the applicant's response to the above criteria, as well as the surrounding land use pattern, staff finds the exception to the block length requirements is justified and therefore approved. These criteria are met.

- 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.**

FINDING: Each newly created lot will be rectangular in shape, with relatively flat topography, and large enough to reasonably accommodate a single-family dwelling, while meeting the development standards of the RSF zone. This criterion is met.

- 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.**

FINDING: Each newly created lot abuts on a public street and has more than 50 feet of frontage. This criterion is met.

- 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.**

FINDING: Each newly created parcel has side lot lines that run at 90-degree angles from the street upon which it fronts. This criterion is met.

- 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.**

FINDING: The applicant's proposal does not include a land division by any of the means listed above. This criterion is met.

- 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.*

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

Grading, Cutting, and Filling: Grading, cutting and filling of building lots or sites shall conform to LPDC Section 15.92.010(F).

- 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.*

FINDING: LPDC Section 15.12.020 includes the following definitions:

Lot, double frontage, means an interior lot whose front and rear lot lines abut roads, or a corner lot with two opposite lot lines abutting a road.

Staff notes that the corner lots that are created, while fronting on two roads, are not considered double frontage lots. Therefore, the applicant's proposal does not include any through or double frontage lots. This criterion is met.

- 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.*

FINDING: The applicant's proposal does not include any special setback lines; therefore, this criterion is not applicable.

- 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.

FINDING: Based on the size of each of the proposed lots, future redivision is not likely, therefore, this criterion is not applicable.

Section 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.***

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

Utility Lines: ***Prior to final plat approval***, 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.

- 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.***

FINDING: The subject property is not traversed by a water course; therefore, this criterion is not applicable.

- 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.***

FINDING: Based on the requirements of the La Pine TSP and comments from the City Engineer, additional pedestrian and/or bikeway of no less than ten feet in width are not required for this proposal. Therefore, this criterion is not applicable.

- 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.***

FINDING: The Public Works Director indicated that there is no need for additional sewer and water line easements as part of this partition, therefore this criterion is not applicable to the current application.

Chapter 15.94, Improvement Procedures and Guarantees

Section 15.94.010, Improvement Procedures

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

conform to the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FINDING: Comments from the City Engineer and Public Works Director included several modification/additions that need to be included in the applicants proposed tentative plan. These additions include:

- Prior to final plat approval, applicant shall prepare and design engineered stamped construction plans to construct public improvements as proposed on the submitted tentative plans as well as those items required per City public works standards including street trees and street lights. Construction plans shall be submitted to the City for review and approval. Final plans shall be submitted to the City with a signature line for City of La Pine Public Works Director.
- Prior to the approval of construction plans, designs shall include extensions of water and sewer mains to and through the development to the exterior boundary of the subject property.
- Prior to the approval of construction plans, designs shall include street trees at an average spacing of 35 feet along all road frontages.
- Prior to the approval of construction plans, designs shall include a minimum of 12" wide compacted shoulder rock along all roadway pavement edges.
- Prior to the approval of construction plans, provide the City with drainage calculations indicating compliance with the Central Oregon Stormwater Manual.
- Prior to final plat approval, all required public right of way and easements shall be depicted on the final plat map for grant or dedication by the recording of the plat.
- Construction Plans: Engineering firms submitting sewer plans shall include a sewer profile. The profile will include the existing ground elevation, proposed street grade, existing utilities or other underground apparatus, pipe diameter, material and slope, manhole locations, station and invert elevations, horizontal and vertical scales, and trench backfill information. Plan views shall show all horizontal control required to build the sewer, streets, property lines and right-of-way, all planimetrics, utilities, north arrow and scale.

Staff notes that these modifications do not constitute a substantial change to the proposal as identified in LPDC Section 15.202.130 and therefore, the changes to the as built plans can be made between the tentative plat and final plat stage. To ensure compliance with the above criterion, the following condition of approval has been added.

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

Section 15.94.020, Completion or Assurance of Improvements

- A. *Agreement for improvements. Prior to final plat approval for a subdivision, partition, PUD or other land development, or the final approval of a land use or development pursuant to***

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

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

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

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

FINDING: Comments from the City Engineer indicated that a performance bond would be required for the applicant's proposal. The required amount is discussed in the following criterion.

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

FINDING: City Engineering provided the following comment regarding the required performance bond.

Prior to final plat approval, the applicant shall provide the City with a performance bond of 120% of the cost of public improvements prior to beginning construction. Prior to construction, a pre-construction meeting with the construction contractor shall be held with City staff.

This requirement has previously been added to the conditions of approval in this land use decision. As conditioned, this criterion is met.

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

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

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

Section 15.94.040, Maintenance Surety Bond

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

FINDING: The City Engineer provided the following comments in response to the above criterion:

At the completion of construction of required improvements, the City will require a one-year maintenance surety bond for 10% of the value of all improvements, to guarantee maintenance and performance for a period of one year from the date of acceptance of the improvements.

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

Article 9, Land Divisions¹

Chapter 15.406, Subdivision and Planned Unit Developments (PUD)

Section 15.406.010, Subdivision Applications

- A. Application.** *Any person proposing a subdivision, or the authorized agent or representative thereof, shall submit an application for a subdivision to the city. The application shall be accompanied with either an outline development plan as provided for in division [subsection] B of this section, or a tentative plan as set forth in division [subsection] C of this section, together with improvement plans and other supplementary material as may be required, and the materials required for the applicable review type as specified in article 7. The number of copies required shall be as specified on the application form. The date of filing shall be construed to be the date on which all of the foregoing materials are received and accepted by the appropriate city official.*

¹ State Law reference— Subdivision and other divisions of land, ORS 92.010 et seq.; city planning, ORS 227.010 et seq.

FINDING: The applicant’s subdivision application was accompanied by a tentative plan. Applicable criteria are discussed herein.

- B. *Outline development plan. The submittal of an outline development plan in the subdivision application process is at the option of the applicant and/or developer. If an outline development plan is prepared and submitted with the application for a subdivision, it shall include both maps and written statements as set forth below.***
 - 1. *The maps which are part of an outline development plan may be in schematic form, but shall be to scale and shall contain the following information:***
...
 - 2. *Written statements which shall be part of the outline development plan submittal shall contain the following information:***
...
 - 3. *Approval of an outline development plan for a subdivision shall constitute only a conceptual approval of the proposed development for general compliance with the city's urban area comprehensive plan, applicable zoning and this chapter.***
 - 4. *Review and action on an outline development plan shall follow the requirements for review of Type III land use action procedures, hearings and decisions in article 7 as may be applicable.***

FINDING: The applicant opted out of the development plan, and instead chose to submit a tentative plan, therefore these criteria relating to a development plan are not applicable.

- C. *Tentative plan required. Following or in conjunction with submittal and approval of an outline development plan and subdivision application, or as an initial subdivision application, any person proposing a subdivision shall submit a tentative plan together with the accompanying information and supplemental data, prepared and submitted in accordance with the provisions of this section and materials required for a Type III review as specified in article 7. (ORS 92.040). Note: Applicants should review the design standards set forth in article 5 prior to preparing a tentative plan for a development.***
 - 1. *Scale of tentative plan. The tentative plan of a proposed subdivision shall be drawn on a sheet 18 [inches] by 24 inches in size or multiples thereof at a scale of one inch equals 100 feet or multiples thereof as approved by the planning official. (ORS 92.080). In addition, at least one copy of the plan on a sheet of paper measuring 8½ inches by 11 inches or 11 inches by 17 inches shall be provided for public notice requirements.***
 - 2. *Information requirements. The following information shall be shown on the tentative plan or provided in accompanying materials. No tentative plan submittal shall be considered complete unless all such information is provided, unless approved otherwise by the planning official.***
 - a. *General information required.***
...
 - b. *Information concerning existing conditions.***
...
 - c. *Information concerning proposed subdivision.***
...

FINDING: The applicant’s submitted burden of proof includes all of the above requirements for a tentative plan. These criteria are met.

D. Master development plan required. An overall master development plan shall be submitted for all developments planning to utilize phase or unit development. The plan shall include, but not be limited to, the following elements:

- 1. Overall development plan, including phase or unit sequences and the planned development schedule thereof.**
- 2. Schedule of improvements initiation and completion.**
- 3. Sales program timetable projection.**
- 4. Development plans of any common elements or facilities.**
- 5. Financing plan for all improvements.**

FINDING: The applicant does not propose to utilize phase or unit development of the subdivision, and instead complete the subdivision in one phase, therefore a master development plan is not required for this applicant. Therefore, these criteria are not applicable.

E. Supplemental information required. The following supplemental information shall be submitted with the tentative plan for a subdivision:

- 1. Proposed deed restrictions or protective covenants, if such are proposed to be utilized for the proposed development.**

FINDING: The applicant is not proposing any deed restrictions or protective covenants for the subdivision; therefore, this criterion is not applicable.

- 2. Reasons and justifications for any variances or exceptions proposed or requested to the provisions of this subchapter [section], the applicable zoning regulations or any other applicable local, state or federal ordinance, rule or regulation.**

FINDING: The applicant's proposal included a waiver from the curb requirements of LPDC Section 15.90.070(T) as well as the block length requirements of LPDC Section 15.92.010(A). These requests were accompanied by a detailed justification and as discussed herein; the waivers were granted. This criterion is met.

F. Tentative plan review procedures.

- 1. Tentative plan review shall follow the Type III review procedures in article 7.**
- 2. The decision on a tentative plat shall be set forth in a written decision, and in the case of approval shall be noted on not less than two copies of the tentative plan, including references to any attached documents setting forth specific conditions.**

FINDING; Staff is processing this application in accordance with the Type III review procedures outlines in Article 7 of LPDC. These criteria are met.

G. Tentative approval relative to final plan. Approval of the tentative plan shall not constitute final acceptance of the final plat of the proposed subdivision for recording. However, approval of the tentative plan shall be binding upon the city for preparation of the final plat and the city may require only such changes as are deemed necessary for compliance with the terms of its approval of the tentative plan.

FINDING: The applicant's burden of proof acknowledges this criterion and notes that staff will be requiring a separate final plat review process. Once the final plat has been approved, this criterion will be met.

H. Resubmission of denied tentative plan. Resubmittal shall be considered a new filing, but shall require the applicant to consider all items for which the prior denial was based, in addition to the

other filing requirements set forth by this chapter.

FINDING: While staff is recommending approval of the applicant's proposal, staff keeps this criterion as reference to the applicant.

- 1. Requirements for approval. An outline development plan or a tentative plan for a subdivision shall not be approved unless it is found, in addition to other requirements and standards set forth by this chapter and other applicable City of La Pine ordinances, standards and regulations, that the following requirements have been met:***
 - 1. The proposed development is consistent with applicable density and development standards set forth of the applicable zone in article 3. All lots conform to the applicable lot standards of the zoning district, including density, lot area, dimensions, setbacks, and coverage.***

FINDING: As previously discussed, all of the applicable density and development standards set forth in the Residential Single-Family zone are met and therefore, this criterion is met.

- 2. The proposal is in compliance with any applicable overlay zone regulations in article 4.***

FINDING: The applicant's proposal is not within any overlay zones; therefore, this criterion is not applicable.

- 3. The proposal is in compliance with the design and improvement standards and requirements set forth in article 5, or as otherwise approved by the city, or that such compliance can be assured by conditions of approval.***

FINDING: As discussed herein, the applicant's proposal is in compliance with the design and improvement standards set forth in Article 5. This criterion is met.

- 4. The applicant has demonstrated that adequate public facilities are available or can be made available at the time of development, and, if necessary, that the developer has proposed adequate and equitable improvements and expansions to the facilities to bring the facilities and services up to an acceptable capacity level.***

FINDING: As discussed herein, the applicant has demonstrated that adequate public facilities are available or can be made available at the time of development. This criterion is met.

- 5. The development provides for the preservation of significant scenic, archaeological, natural, historic and unique resources in accordance with applicable provisions of this Development Code and the comprehensive plan.***

FINDING: The subject property does not contain any significant scenic, archaeological, natural, historic, or unique resources, therefore this criterion is not applicable.

- 6. The proposed name of the subdivision is not the same as, similar to or pronounced the same as the name of any other subdivision in the city or within a six-mile radius thereof, unless the land platted is contiguous to and platted as an extension of an existing subdivision. (ORS 92.090)***

FINDING: The applicant proposes the name "Finley Butte Ranch" for the new 89 lot subdivision. In order to ensure compliance with the above criterion, the following condition of approval has been included.

Subdivision Name: ***Prior to final plat approval***, the applicant shall receive approval for the proposed subdivision name from the County Surveyor.

7. ***The streets and roads are laid out so as to conform to an adopted transportation system plan for the area, and to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern.***

FINDING: As discussed herein, the proposed streets are laid out to conform with the La Pine TSP. This criterion is met.

8. ***Streets and roads for public use are to be dedicated to the public without any reservation or restriction; and streets and roads for private use are approved by the city as a variance to public access requirements.***

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

ROW Dedication: ***Prior to final plat approval*** streets and roads for public use are to be dedicated to the public without any reservation or restriction; and streets and roads for private use are approved by the city as a variance to public access requirements.

9. ***Adequate mitigation measures are provided for any identified and measurable adverse impacts on or by neighboring properties or the uses thereof or on the natural environment.***

FINDING: As discussed herein, adequate mitigation measures, including compliance with the RSF zone development regulations as well as development standards of article 5 have been met. Furthermore, staff sent notice of public hearing to nearby property owners, posted notice on the subject property, and published notice in the Bend Bulletin. Staff did not receive any comments in opposition to the application. This criterion is met.

10. ***Provisions are made for access to abutting properties that will likely need such access in the future, including access for vehicular and pedestrian traffic, public facilities and services and utilities.***

FINDING: As discussed herein, the applicant's proposal includes a design so that future extension of the streets will be feasible. This criterion is met.

State Law reference— Approval of subdivision or partition application, ORS 92.040; requirements for plat preparation, ORS 92.080; approval of name of plat, ORS 92.090.

Section 15.406.020, Final Plat for A Subdivision

A. *Submission of final plat.*

1. *Time requirement.*

- a. ***Except as otherwise approved in accordance with the approval of a master plan for a subdivision planned for unit or phase development, the subdivider shall, within two years after the date of approval of the tentative plan for a subdivision, prepare and submit the final plat for a subdivision that is in conformance with the tentative plan as approved and with all conditions applicable thereto. The***

- number of copies required shall be as specified on the application form.*
- b. Final plats shall be subject to the Type I review procedure in article 7. If the subdivider fails to file the final plat before the expiration of the two-year period, the tentative plan approval shall be declared null and void and a new submittal required if the subdivider wishes to proceed with the development, unless an extension is granted by the city.*
 - 2. Master development plan. In the case of a subdivision for which a master development plan has been approved, the tentative plans for each unit or phase thereof shall be submitted in accordance with the phasing schedule approved as a part of the master plan.*
 - 3. Form of final plat. The final plat shall be prepared in conformance with the applicable standards of ORS 92 and the requirements of the Deschutes County Surveyor and Deschutes County Clerk. A reduced copy of the final plat shall also be provided on a sheet of paper measuring 8½ inches by 11 inches or 11 inches by 17 inches for public review requirements. The final plat data shall also be provided in an electronic format adaptive to the city's and county's computer mapping system.*
- B. Requirements of survey and plat of subdivision.*
- 1. The survey for the plat of a subdivision shall be of such accuracy and with reference to such guidelines as required by ORS 92.*
 - 2. The survey and plat shall be made by a registered professional land surveyor.*
 - 3. The plat shall be of such scale that all survey and mathematical information, and all other details, may be clearly and legibly shown thereon.*
 - 4. The locations and descriptions of all monuments shall be recorded upon all plats and the proper courses and distances of all boundary lines shown.*
- C. Monumentation requirements. Monumentation of all subdivisions and plats therefor shall be in compliance with the provisions of ORS 92.060 and 92.065.*
- D. Information required on final plat. In addition to that required by the tentative plan approval or otherwise required by law, the following information shall be shown on the final plat:*
- 1. All survey reference information.*
 - 2. Tract and lot boundary lines, and street rights-of-way and centerlines, with dimensions, bearings or deflection angles. Tract boundaries and street bearings shall be to the nearest second; distances to the nearest 0.01 feet. No ditto marks are permitted.*
 - 3. Width of streets being dedicated. Curve data based on centerlines for streets on curvature; the radius, central angle, arc length, chord length and chord bearing shall be shown.*
 - 4. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference.*
 - 5. Lot numbers beginning with the number "1" and numbered consecutively and without omission, in sequential order with phasing if applicable.*
 - 6. The initial point shall be marked with an aluminum pipe or galvanized iron pipe not less than two inches inside diameter, 30 inches long before flaring with a 2½ inch minimum diameter aluminum or galvanized cap as appropriately securely attached marked with steel ties with the following information for that subdivision: initial point, subdivision name, year and land surveyor registration number.*
- E. Certificates required on final plat. The following certificates are required on the final plat:*
- 1. Certificate signed and acknowledged by all parties having record title interest in the land, consenting to the preparation and recording of the plat.*
 - 2. Certificate signed and acknowledged as above dedicating all land intended for public use.*
 - 3. Certificate with the seal of and signed by the land surveyor responsible for the survey and the final plat preparation.*
 - 4. Certificate for the county surveyor.*

5. *Certificate for the county tax collector.*
 6. *Certificate for the county assessor.*
 7. *Certificates for the city public works director and city planning official or other duly designated city representative.*
 8. *Other certificates required by state law or by the city.*
 9. *Certificate for approval or execution by the city council.*
- F. *Supplemental information with final plat. The following data, in addition to any other data required as a part of the tentative plan approval, shall be submitted with the final plat:*
1. *A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary, and evidence of a clear and marketable title.*
 2. *A copy of any deed restrictions or protective covenants applicable to the subdivision or planned unit development.*
 3. *A copy of any dedication requiring separate documents such as for parks, playgrounds and the like.*
 4. *A copy of any homeowner's association agreements proposed or required for the development.*
 5. *For any and all improvements such as streets, sewer, water, utilities and the like that are required or proposed as a part of the tentative plan approval, the following shall be required to be submitted with the final plat, and such shall be prepared by a licensed surveyor or engineer:*
 - a. *Cross-sections of proposed streets, widths of roadways, types of surfacing, curb locations and specifications, width and location of sidewalks, other pedestrian ways and/or bikeways.*
 - b. *Plans and profiles of proposed sanitary sewers, location of manholes and proposed drainage facilities.*
 - c. *Plans and profiles of proposed water distribution systems showing pipe sizes, location of valves and fire hydrants as applicable.*
 - d. *Specifications for the construction of all proposed utilities.*
 - e. *Proof of guaranteed access to the primary serving public street or highway.*
 - f. *Digital data of construction plans and as-built specifications for all improvements in a format approved by the city engineer, public works director or other duly designated city representatives, such being necessary for electronic record keeping.*

...

FINDING: While staff includes this Section of code for reference to the applicant, in order to ensure compliance with the time requirements of LPDC Section 15.406.020(1)(A) staff includes the following condition of approval.

Submission of Final Plat: The subdivider shall, within two years after the date of approval of the tentative plan for a subdivision, prepare and submit the final plat for a subdivision that is in conformance with the tentative plan as approved and with all conditions applicable thereto.

V. CONCLUSION

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

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

VI. STAFF RECOMENDATION

APPROVAL, subject to the following conditions of approval.

VII. CONDITIONS OF APPROVAL:

GENERAL

- A. Application Materials: This approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.
- B. Additional Permit Requirements: The applicant shall obtain necessary permits from the City of La Pine, Deschutes County Building Department, Deschutes County Onsite Wastewater Department, and any other necessary State or Federal permits.
- C. Confirmation of Conditions: The applicant shall be responsible for confirming in detail how each specific condition of approval has been met if requested by City staff.
- D. Clear Vision Area: **At all times** 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 that meet the requirements of LPDC Section 15.88.040.
- E. Maintenance Surety Bond: **At the completion of construction of required improvements**, the City will require a one-year maintenance surety bond for 10% of the value of all improvements, to guarantee maintenance and performance for a period of one year from the date of acceptance of the improvements.
- F. Underground Utilities: All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.
- G. Grading, Cutting, and Filling: Grading, cutting and filling of building lots or sites shall conform to LPDC Section 15.92.010(F).
- H. Inspection: Improvement work shall be constructed under the inspection and approval of an inspector designated by the city, and the expenses incurred therefore shall be borne by the developer. Fees established by the city council for such review and inspection may be established in lieu of actual expenses. The city, through the inspector, may require changes in typical sections and details of improvements if unusual or special conditions arise during construction to warrant such changes in the public interest.
- I. Utilities: Underground utilities, including, but not limited to, electric power, telephone, water mains, water service crossings, sanitary sewers and storm drains, to be installed in streets, shall be constructed by the developer prior to the surfacing of the streets.
- J. As Built Plans: As built plans for all public improvements shall be prepared and completed by a licensed engineer and filed with the city upon the completion of all such improvements. A copy of the as built plans shall be filed with the final plat of a subdivision or other development by and at the cost of the developer.

The plans shall be completed and duly filed within 30 days of the completion of the improvements.

- K. Default Status: If a developer fails to carry out provisions of the agreement, and the city has unreimbursed costs or expenses resulting from the failure, the city shall call on the bond or other assurance for reimbursement of the costs or expenses. If the amount of the bond or other assurance deposit exceeds costs and expenses incurred by the city, it shall release the remainder. If the amount of the bond or other assurance is less than the costs or expenses incurred by the city, the developer shall be liable to the city for the difference plus any attorney fees and costs incurred.
- L. Submission of Final Plat: The subdivider shall, within two years after the date of approval of the tentative plan for a subdivision, prepare and submit the final plat for a subdivision that is in conformance with the tentative plan as approved and with all conditions applicable thereto.

PRIOR TO FINAL PLAT APPROVAL

- M. Septic Tank: ***Prior to final plat approval*** a septic tank is required at each developed property. Tank capacity shall be 1000 gallons minimum and shall be sized according to OAR 340-71-220(3). All new septic tanks, existing septic tanks, or used septic tanks must pass a leakage test prior to use. The City maintains septic tanks within city limits. The maintenance of septic tanks ends at the upstream wall of the septic tank. A maintenance easement must be created outside of public right away around septic tanks. Sewer lines upstream of the septic tanks are private and are not maintained by the City.
- N. Construction Plans: ***Prior to final plat approval***, applicant shall prepare and design engineered stamped construction plans to construct public improvements as proposed on the submitted tentative plans as well as those items required per City public works standards including street trees and street lights. Construction plans shall be submitted to the City for review and approval. Final plans shall be submitted to the City with a signature line for City of La Pine Public Works Director.
- O. ROW and Easements: ***Prior to final plat approval***, all required public right of way and easements shall be depicted on the final plat map for grant or dedication by the recording of the plat.
- P. Performance Bond: ***Prior to final plat approval***, the applicant shall provide the City with a performance bond of 120% of the cost of public improvements prior to beginning construction. Prior to construction, a pre-construction meeting with the construction contractor shall be held with City staff.
- Q. Water and Sewer Installation: ***Prior to final plat approval***, as a minimum, all water and sewer infrastructure, compacted base rock, and street signage must be installed and inspected by the City.
- R. Duties of Developer: ***Prior to final plat approval***, it shall be the responsibility of the developer to construct all streets, curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, telephone and cable television lines necessary to serve the use or development in accordance with the specifications of the city and/or the serving entity.
- S. Subdivision Utilities: ***Prior to final plat approval***, the developer shall confirm the following standards have been met:
 1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that no above ground equipment obstructs vision clearance areas for vehicular traffic.
 2. The city reserves the right to approve the location of all surface-mounted facilities.
 3. All underground utilities installed in streets must be constructed and approved by the applicable

utility provider prior to the surfacing of the streets.

4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
- T. Street Names: **Prior to final plat approval**, street names shall be approved by the Deschutes County street name coordinator.
- U. Street Name Signs: **Prior to final plat approval** 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.
- V. Traffic Control Signs: **Prior to final plat approval** 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.
- W. Street Lights: **Prior to final plat approval** if deemed necessary by the city, street lights shall be installed by the developer in accordance with standards set forth by the city and the serving utility company. Street lights, if required, shall include one fixture and be located at the intersection of streets.
- X. Utilities: **Prior to final plat approval** 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.
- Y. Drainage Facilities: **Prior to final plat approval** drainage facilities shall be provided as required by the city in accordance with all applicable city and Oregon Department of Environmental Quality standards.
- Z. Utility Lines: **Prior to final plat approval**, 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.
- AA. Improvements as Platted: Improvements shall be designed, installed and constructed as platted and approved, and plans therefore shall be filed with the final plat at the time of recordation or as otherwise required by the city.
- AB. Subdivision Name: **Prior to final plat approval**, the applicant shall receive approval for the proposed subdivision name from the County Surveyor.
- AC. ROW Dedication: **Prior to final plat approval** streets and roads for public use are to be dedicated to the public without any reservation or restriction; and streets and roads for private use are approved by the city as a variance to public access requirements.
- AD. Agreement for Improvements: **Prior to final plat approval**, where public improvements are required, the owner and/or developer shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or shall execute and file with the city an agreement between him/herself and the city specifying the period in which improvements and repairs shall be completed and, providing that if the work is not completed within the period specified, that the city may complete the work and recover the full costs thereof, together with court costs and attorney costs necessary to collect the amounts from the developer. The agreement shall also provide for payment to the city for the cost of inspection and other engineer services directly attributed to the project.

PRIOR TO OCCUPANCY

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

PRIOR TO CONSTRUCTION

- AF. Construction Plans: **Prior to construction** engineering firms submitting sewer plans shall include a sewer profile. The profile will include the existing ground elevation, proposed street grade, existing utilities or other underground apparatus, pipe diameter, material and slope, manhole locations, station and invert elevations, horizontal and vertical scales, and trench backfill information. Plan views shall show all horizontal control required to build the sewer, streets, property lines and right-of-way, all planimetrics, utilities, north arrow and scale.
- AG. Water and Sewer Extensions: **Prior to the approval of construction plans**, designs shall include extensions of water and sewer mains to and through the development to the exterior boundary of the subject property.
- AH. Street Trees: **Prior to the approval of construction plans**, designs shall include street trees at an average spacing of 35 feet along all road frontages.
- AI. Shoulder Rock: **Prior to the approval of construction plans**, designs shall include a minimum of 12" wide compacted shoulder rock along all roadway pavement edges.
- AJ. Drainage Calculations: **Prior to the approval of construction plans**, provide the City with drainage calculations indicating compliance with the Central Oregon Stormwater Manual.
- AK. Clear Vision Areas on Plans: **Prior to construction**, construction plans shall demonstrate compliance with these clear vision standards and shall be submitted to the City for review and approval prior to construction. No above ground equipment shall obstruct vision clearance areas for vehicular traffic.
- AL. 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.
- AM. Plan Review and Approval: Improvement work shall not be commenced until development plans therefore have been reviewed and approved by the city or a designated representative thereof. The review and approval shall be at the expense of the developer.
- AN. Modification: Improvement work shall not commence until after the city has been notified and approval therefore has been granted, and if work is discontinued for any reason, it shall not be resumed until after the city is notified and approval thereof granted.

VIII. DURATION OF APPROVAL, NOTICE, AND APPEALS

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

THIS DECISION BECOMES FINAL TWELVE (12) DAYS AFTER THE DATE MAILED, UNLESS APPEALED BY THE

APPLICANT OR A PARTY OF INTEREST IN ACCORDANCE WITH ARTICLE 7, CHAPTER 15.212 OF THE CITY OF LA PINE LAND DEVELOPMENT CODE. PURSUANT TO ARTICLE 7, CHAPTER 15.212 OF THE CITY OF LA PINE LAND DEVELOPMENT CODE, APPEALS MUST BE RECEIVED BY 5:00 PM ON THE 12TH DAY FOLLOWING MAILING OF THIS DECISION.

CITY OF LA PINE COMMUNITY DEVELOPMENT DEPARTMENT

Written By: Rachel Vickers, Associate Planner