



FINDINGS AND DECISION

DECISION DATE: September 19, 2024

FILE NUMBER: 05SPR-24

APPLICANT: Dickerhoof Properties
PO Box 1800
Corvallis, OR 97339

OWNER: Pinegreen LLC
PO Box 1800
Corvallis, OR 97339

LOCATION: The subject property is located at 51396 Hwy 97, La Pine, Oregon 97739. The Tax Lot number is 4301 on Deschutes County Assessor's Map 22-10-15AD.

REQUEST: The applicant is requesting Site Plan Review to establish a new Walgreens with a drive-thru pharmacy and related site improvements.

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

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

I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA

City of La Pine Development Code

Article 3. Zoning Districts

Section 15.22, Commercial and Mixed-Use Zones

Article 5. Development Standards

Section 15.80, Development Standards, Generally

Section 15.82, Landscaping, Buffering and Fences

Section 15.86, Parking and Loading

Section 15.88, Access and Circulation

Section 15.94, Improvement Procedures and Guarantees

II. BASIC FINDINGS

ZONING: The subject property is Traditional Commercial and is located entirely within the Downtown Overlay zone.

PARCEL SIZE: The subject property is approximately 0.99-acres.

LOT LEGALITY: The subject property was initially platted as multiple lots within the LaPine Subdivision. All of the lots were consolidated under land use file 09LLA-24, creating one legal lot of record.

REVIEW PERIOD: The subject application was submitted on May 7, 2024, and was deemed complete on June 6, 2024. The 120th day on which the City must take final action on this application is October 4, 2024.

PROPOSAL: The applicant proposes to demolish the existing buildings on site and construct a new 2,522 square foot building that will be occupied by a Walgreens. The building will include a drive-thru pharmacy and related landscaping, parking, and walkway areas.

EXISTING DEVELOPMENT: The subject property is developed with two vacant buildings that have previously been used for commercial purposes. Those buildings will be demolished. The grade of the property is relatively flat, rectangular in shape, and the property fronts on Highway 97 to the west, Finley Butte Road to the north, and Huntington Road to the east.

III. AGENCY AND PUBLIC COMMENTS

PUBLIC AGENCY COMMENTS: The La Pine Community Development Department sent mailed and electronic notice on June 13, 2024, to several public agencies and received the following comments:

La Pine Public Works, Kelly West

There will need to be a new backflow device installed within 3 feet of the meter. The city requires a backflow device on all service. Water meter to the north will need to be abandoned by disconnecting at city water main.

Just a reminder that Finley Butte and Huntington sidewalks need to be ADA compliant 6' wide with no more than 2% cross and no more than 8% linear. And sidewalks on U.S. 97 will need to be ADA compliant 8' wide and no more than 2% cross and 8% linear.

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

Backflow Device: The applicant will be required to install a backflow device within 3 feet of the meter.

Water Meter Abandonment: The water meter to the north will need to be abandoned by disconnecting at city water main.

Deschutes County Building Department, Randy Scheid

NOTICE: The Deschutes County Building Safety Divisions code mandates that Access, Egress, Setbacks, Fire & Life Safety, Fire Fighting Water Supplies, etc. must be specifically addressed during the appropriate plan review process with regard to any proposed structures and occupancies.

Accordingly, all Building Code required items will be addressed, when a specific structure, occupancy, and type of construction is proposed and submitted for plan review.

STAFF COMMENT: Compliance with the Building Departments comments will be reviewed during building permit submittal.

Deputy State Fire Marshall, Clara Butler

Findings: all fire code requirements shall be met.

WATER:

- Water Supply – 2022 OFC Appendix B / Fire Hydrant Spacing – 2022 OFC Section 507 and Appendix C
 - Type VB construction up to 3,600 square feet = 1,500 gpm = minimum of 1 hydrant(s) required with not more than 500 feet spacing between them and not more than 250 feet to a hydrant from any point on the street.
 - Note: Square footage is required to determine fire flow and hydrant spacing.
- Fire Flow Reductions – 2022 OFC B105.3 The total required fire flow may be reduced by the following section, but in no case shall the resulting fire flow be less than 1500 gallons per minute at 20 psi residual.
 - Sprinkler System – 2022 OFC B Table 105.2 A reduction in required fire flow of up to 75 %, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 (NFPA 13 2019) or 903.3.1.2 (NFPA 13R) of the OFC.
- Fire Hydrant – 2022 OFC 507.5.1
 - Where a portion of the building is more than 400 ft from a hydrant on a fire apparatus access road as measured by an approved route around the exterior of the building, on-site hydrants and mains shall be provided where required.
 - Exception: For buildings equipped throughout with an approved automatic sprinkler system, the distance requirement shall be 600 ft.
- Area Separation – 2022 OFC B104.2
 - Portions of buildings which are separated by fire walls without openings constructed in accordance with the International Building Code are allowed to be considered as separate fire flow calculation areas.
- Obstruction & Protection of Fire Hydrants – 2022 OFC 507.5.4 – 507.5.6
 - A 3 foot clear space shall be maintained around the circumference of fire hydrant. When exposed to vehicular damage, concrete curbing, sidewalks, or 4 inch concrete filled bollards placed 3 feet from hydrant shall suitably protect fire hydrants.
- Fire Safety during Construction – 2022 OFC 501.4
 - Approved fire department access roads, required water supply, fire hydrants, and safety precautions shall be installed and serviceable prior to and during the time of construction. The requirements of NFPA 241 (2019) shall be followed until project is complete.
- Fire Sprinkler Systems shall be installed per NFPA 13 (2019)
 - Separate permits will be required for the aboveground sprinkler system and the underground sprinkler supply line(s).
 - If there are greater than 20 sprinkler heads, the system is required to have a fire alarm monitoring system. All fire alarm systems require a FA permit.
 - 2022 OFC 912 Fire Department Connections: The location of fire department connections shall be approved by fire code official. The FDC/PIV shall not be under any combustible projections or overhangs.
 - NFPA 14 (2019)– 6.4.5.4 Fire department connections shall be located not more than 100 ft from the nearest fire hydrant connected to an approved water supply.

- NOTE – If the building is sprinklered, the sprinkler system will need to be designed to the specific use that will be occurring in the building. If the sprinkler system is not designed appropriately it will limit the types of businesses that can occupy the space. This also includes the height of storage in the building. In order to have high piled storage (greater than 12 ft), the sprinkler system shall be designed accordingly.
- Note: Before the application can be deemed complete a stamped engineered fire flow analysis will be required.

Access

- Premises Identification – 2022 OFC 505.1
 - Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background and visible at night. Number/letter shall be a minimum of 4” high and a 0.5” stroke width.
- Required Access – 2022 OFC 504.1
 - Exterior doors and openings shall be made readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided.
- Fire Apparatus Access Roads – 2022 OFC 503 & Appendix D
 - Fire apparatus access roads shall extend to within 150 ft of all portions of the building as measured by an approved route around the exterior of the building.
 - Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.
 - Fire apparatus roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.
 - The required turning radius shall be no less than 18’ inside and 38’ outside. The grade of the fire apparatus access roads shall be within the limits established by the fire code official.
 - The angles of approach and departure for fire apparatus access roads shall be within the limits established by the *fire code official* based on the fire department’s apparatus.
- Authority – 2022 OFC 503.2.2
 - The fire code official shall have the authority to modify the dimensions specified in 503.2.1.
- Fire Apparatus Access Roads-2022 OFC 503.1
 - Fire apparatus access roads shall be provided and maintained at all times during construction.
- Fire Lanes – 2022 OFC 503.3 & D103.6
 - Approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Such signs or notices shall be kept in legible conditions at all times. The stroke shall be 1 inch with letters 6 inches high and read “No Parking Fire Lane”. Spacing for signage shall be every 50 feet.
 - Recommended to also (in addition to Fire lane signs) paint fire lane curbs in bright red paint with white letters.
 - D103.6.1 Roads 20-26 Ft. Wide: Shall have Fire Lane signs posted on both sides of a fire lane.
 - D103.6.2 Roads more than 26-32 Ft. Wide: Roads 26-32 ft wide shall have a Fire Lane signs posted on one side of the road as a fire lane.
- Aerial Access Roads – 2022 OFC D105
 - Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet in height, for this section the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet, whichever is greater. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadways. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, all access

roads shall have an unobstructed width of not less than 26 feet and shall be positioned parallel to one entire side of the building and shall be approved by the fire code official.

- Dead-Ends – 2022 OFC 503.2.5 and D103.4
 - Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.
 - OFC Table D103.4 Dead Ends over 750 Feet- *Require special approval*. If approved, there shall be a turn-around no more than every 1000 feet with a bulb of 60 feet across and the width of the road shall be a minimum of 26 ft clear for fire apparatus.
- Additional Access – 2022 OFC 503.1.2
 - The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, conditions or terrain, climatic conditions or other factors that could limit access.
- Emergency Access Road Gates – 2022 OFC D103.5
 - Minimum 20 feet wide.
 - Gates shall be swinging or sliding type.
 - Shall be able to be manually operated by one person.
 - Electric gates shall be equipped with a means of opening by emergency personnel & approved by fire official.
 - Locking devices may be padlock.
 - Section 503.3: Install a sign on the gate “No Parking-Fire Lane”
- Key Boxes – 2022 OFC 506.1
 - An approved key box may be installed on all structures equipped with a fire alarm system and /or sprinkler system.
- Commercial & Industrial Development – 2022 OFC D104
 - Buildings exceeding three stories or 30 feet in height shall have at least 2 means of fire apparatus access for each structure.
 - Where 2 access roads are required, they shall be placed not less than ½ the length of the overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.
- Other fire code requirements to consider when designing-
 - 2022 OFC 304.3.3 Capacity exceeding 1.5 cubic yards. Dumpsters and containers with an individual capacity of 1.5 cubic yards [40.5 cubic feet (1.15 m3)] or more shall not be stored in buildings or placed within 5 feet (1524 mm) of combustible walls, openings or combustible roof eave lines.
 - Exceptions:
 - Dumpsters or containers that are placed inside buildings in areas protected by an approved automatic sprinkler system installed throughout in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
 - Storage in a structure shall not be prohibited where the structure is of Type I or IIA construction, located not less than 10 feet (3048 mm) from other buildings and used exclusively for dumpster or container storage.
 - Dumpsters or containers that are located adjacent to buildings where the exterior area is protected by an approved automatic sprinkler system.
 - 2022 OFC 304.3.4 Capacity of 1 cubic yard or more. Dumpsters with an individual capacity of 1.0 cubic yard [200 gallons (0.76 m3)] or more shall not be stored in buildings or placed within 5 feet (1524 mm) of combustible walls, openings or combustible roof eave lines unless the dumpsters are constructed of noncombustible materials or of combustible materials with a peak rate of heat release not exceeding 300 kW/m² where tested in accordance with ASTM E1354 at an incident heat flux of 50 kW/m² in the horizontal orientation.
 - Exceptions:

- Dumpsters in areas protected by an approved automatic sprinkler system installed throughout in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
- Storage in a structure shall not be prohibited where the structure is of Type I or IIA construction, located not less than 10 feet (3048 mm) from other buildings and used exclusively for dumpster or container storage

STAFF COMMENT: To ensure compliance with the Deputy State Fire Marshall’s comments, the following condition of approval has been added.

State Fire Marshall Comments: **Prior to occupancy**, the applicant shall confirm that all of the Deputy State Fire Marshalls requirements have been met.

Oregon Department of Transportation

Document	Comment By	Page	Comment	Anticipated Impact
TIA/Site Plan	Ben Fuller	n/a	The site plans show two egress lanes for the US 97 access for the southeastern property. The TIA states on Page 30 that "All site driveways should include a single outbound lane." Furthermore, the traffic impact analysis for the access is based on a single egress lane. Please confirm the access will only have one egress lane. Also, note that the future realignment/signalization of US 97/Morson-Finley Butte shows a raised median for the south leg, which would restrict this access to right-in/right-out.	Site Plan/Access
TIA/Site Plan	David Knitowski	5, 14 and 30	I agree with Ben's comment above that the site plan is showing a two-lane exit from Walgreens to US 97 when page 30 of the TIA says all site driveways should include a single outbound lane. Figure 8 on page 14 of the TIA shows just 9 peak hour trips exiting the site from that approach – definitely not enough to warrant a two-lane exit. I mentioned that at Monday’s DRT meeting and Mike Davis agreed with me. Recommended approach width for a commercial approach serving 21 to 150 peak hour trips is 28 to 32 feet wide in Table 500-1 of the 2023 Oregon Highway Design Manual.	Site plan needs revisions
TIA	David Knitowski	11 and 12	The TIA evaluated three developments together (Walgreens, AutoZone and Starbucks), and concluded that a “Change of Use” is occurring, because the total trip generation estimate for all three developments was 1,989 daily trips and 158 peak hour trips. The Change of Use threshold is an increase of 500 daily trips and 50 peak hour trips. However, if one looks at the Walgreens as a standalone development, a Change of Use is not occurring, because the total trip generation	A new Application for State Highway Approach is not required; however, an Application

			estimate for just Walgreens is 271 daily trips and 26 peak hour trips.	to Upgrade an Existing State Highway Approach <u>is</u> required.
TIA	David Knitowski	17	The TIA says Walgreens will access US 97 from a single access across from Morson Street and from an access to Huntington Road. It should say two accesses to Huntington Road.	None.
TIA	David Knitowski	18	The correct Intersection Sight Distance Standard (ISD) in OAR 734-051-4020(2)(c) is 475 feet, not 334.4 feet or 411.6 feet.	None.
Site Plan	Martin Matejsek	Site Plan	Please reference ODOT standard drawing RD740 for newly constructed driveways in ODOT R/W.	None.

STAFF COMMENT: Based on Oregon Department of Transportation’s comments and the recommended findings of the applicant’s submitted TIA, all site driveways should include a single outbound lane to improve sight lines and reduce the number of conflict points. Staff concurs with both ODOT and TIA’s recommendation and includes the following conditions of approval.

US 97 Driveway: **Prior to building permits**, the applicant shall submit a revised site plan that reflects a single outbound lane on the US 97 driveway. This change will not be considered a modification under LPDC Section 15.202.130 as the revision will not create a substantially new proposal.

ODOT Approval: **Prior to Occupancy**, the applicant shall confirm that they have received their approval from the Oregon Department of Transportation for an application to upgrade an existing state highway approach.

Deschutes County Road Department, Quinn Shubert

Following up on our discussion today regarding the proposed northern egress-only access on Huntington Road, I wanted to highlight a few concerns. The TIA states:

“Huntington Road is classified as an arterial, so the 300-foot access spacing standard applies. The northern egress-only access is located approximately 120 feet south of Finley Butte. Despite the reduced spacing, the restricted egress-only movements are intended to provide the necessary queue storage and circulation, with the southern access located about 280 feet south of Finley Butte at the southernmost property boundary.”

While I understand the intent behind this proposal, I have significant safety concerns about approving this approach given the deviation from both county and city code spacing requirements. Specifically, I see two critical safety issues with the proposed access:

1. Left-turning vehicles will still be accelerating after the proposed pedestrian refuge/splitter island, meaning the stopping sight distance may be inadequate for safe maneuvering.
2. Drivers using the proposed egress may not have sufficient sight distance when entering Huntington Road. The large radius and oblique angle at the Finley Butte/Huntington Road intersection enable high-speed right turns, which could worsen this issue by allowing motorists to carry speed through the turn.

In light of these concerns, I recommend the city re-evaluate the internal circulation plan for the drive-thru exit.

STAFF COMMENT: Staff reviewed the internal circulation pattern for the site plan to determine if the northern entrance onto Huntington Road could be removed. Because of the requirements for vehicular circulation on Pedestrian-Friendly Streets (LPDC Chapter 15.40), staff does not think that any vehicular circulation can occur between the building and Finley Butte Road.

However, staff recognizes the Road Departments concerns regarding the northern egress on Huntington Road. While the access permit will be approved by the County, staff may recommend that the north entrance be restricted to a right turn only egress to reduce the safety concerns from the Road Department. Staff is hopeful this will help mitigate traffic concerns, while keeping the site in compliance with the provisions of the Downtown Overlay zone.

The following agencies did not respond to the notice: La Pine Fire Department, Deschutes County Address Coordinator, and Midstate Electric.

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 13, 2024. No public comments were received.

IV. FINDINGS OF FACT

PART III, CITY OF LA PINE DEVELOPMENT CODE

Article 3, Zoning Districts

Chapter 15.22 – Commercial and Mixed-Use Zones

Section 15.22.200, Characteristics of the Commercial and Mixed-Use Zones

Commercial zones accommodate a mix of commercial services, retail, and civic uses, along with residential uses permitted in some circumstances. Four commercial zones provide for the full range of commercial land uses within the city. The zoning district regulations are intended to promote the orderly development and improvement of walkable commercial areas; facilitate compatibility between dissimilar land uses; provide employment opportunities in proximity, and with direct connections, to housing; and to ensure efficient use of land and public facilities.

...

A. *Traditional Commercial Zone (C).* *The C zone allows the widest range of commercial uses and limits residential uses in order to preserve land for commercial needs and maintain compatibility between adjacent uses. A portion of the C zone is located in the Downtown La Pine Overlay Zone. The overlay zone restricts some uses and establishes additional design standards to facilitate the development of a pedestrian-oriented downtown area.*

...

FINDING: The subject property is zoned Traditional Commercial, applicable criteria are discussed herein.

Section 15.22.300, Use Regulations

Uses may be designated as permitted, limited, conditional, or prohibited in the commercial and mixed-

use zones. As noted in Table 15.22-1, a use may also be subject to special use standards of article 6.

- A. **Permitted uses (P).** Uses allowed outright in the commercial and mixed-use zones are listed in Table 15.22-1 with a "P." In the C zone, any use that emits fumes or noxious odors, requires an air quality permit from the Oregon Department of Environmental Quality (DEQ), or emits noise beyond 20 decibels (dB) is required to obtain a conditional use permit pursuant to chapter 15.316, conditional uses.
- B. **Limited uses (L).** Uses allowed in the commercial and mixed-use zones subject to limitations are listed in Table 15.22-1 with an "L." The limitations are defined below and correspond with the footnote numbers in Table 15.22-1. In the C zone, any use that emits fumes or noxious odors, requires an air quality permit from the Oregon Department of Environmental Quality (DEQ), or emits noise beyond 20 decibels (dB) is required to obtain a conditional use permit pursuant to chapter 15.316, conditional uses.
 - 1. **Marijuana facilities in the C and CMX zones.** Allowed marijuana facilities in the C and CMX zone[s] are limited to marijuana testing laboratories. Marijuana production or processing uses are prohibited.
 - 2. **Mixed use development in the CRMX zone.** Non-residential uses noted with a (2) are allowed in combination with residential uses in the CRMX zone if the nonresidential uses are limited to a total of 60 percent of the gross floor area of all uses in the development. Business parks and funeral homes are prohibited nonresidential uses.
 - 3. **Wireless telecommunication facilities in the CRMX and CMX zones.** Communication antennas mounted on existing buildings, structures, or public utility transmission towers are permitted outright. Communication towers require a conditional use permit.
 - 4. **Retail sales and service in the CMX zone.** Automobile, RV, and truck sales uses require a conditional use permit. Funeral homes are prohibited. All other retail sales and service uses are permitted outright.
 - 5. **Commercial lodging in the CN zone.** Commercial lodging uses in the CN zone are limited to bed and breakfast inns.
 - 6. **Retail sales and service in the CN zone.** Automobile, RV, and truck sales and funeral homes are prohibited in the CN zone. Veterinary clinics and kennels require a conditional use permit. All other retail sales and service uses are permitted outright.
 - 7. **Parks and open areas in the CN zone.** Cemeteries require a conditional use permit in the CN zone. 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 15.22-1 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 15.22-1 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 15.22-1. Use Regulations in the Commercial and Mixed-Use Zones					
Use Category	C	CRMX	CMX	CN	Special Use Standards
Commercial Use Categories					
Campgrounds and RV Parks	N	CU (2)	CU	CU	Section 15.108.020
Commercial Lodging	P	L (2)	P	L (5)	-
Commercial Parking	CU	L (2)	P	N	-
Commercial Recreation	P	L (2)	P	P	Section 15.108.030
Eating and Drinking Establishments	P	L (2)	P	P	Section 15.108.070
Marijuana Dispensary	P	N	P	N	Section 15.108.050

Quick Vehicle Servicing	P	CU	CU	N	-
Office	P	L (2)	P	P	-
Retail Sales and Service	P	L (2)	L/CU (4)	L/CU (6)	-
Vehicle Repair	P	N	CU	N	-
Self-Service Storage	N	N	P	CU	-

FINDING: The applicant’s proposal includes a new 2,522 square foot building that will be occupied by a Walgreens with a drive-through pharmacy which is classified as a retail sales and services use under LPDC Section 15.14.240. Retail sales and services are a use that is permitted outright in the Traditional Commercial zone, subject to the provision discussed herein.

Section 15.22.400, Development Standards

- A. **Purpose.** *The development standards for commercial and mixed-use zones allow development flexibility, within parameters, that supports the intended characteristics of the specific zone. In addition, the regulations provide guidance to property owners, developers, and neighbors about the limits of what is allowed.*
- B. **Development standards.** *The development standards for commercial and mixed-use zones are presented in Table 15.22-2. Development standards may be modified as provided by chapter 15.320, variances. Additional standards may apply to specific zones or uses, see section 15.22.500.*

Table 15.22-2. Development Standards in the Commercial and Mixed-Use Zones				
Standard	C	CRMX	CMX	CN
Minimum Lot Width	None	None	None	25 feet
Minimum Setbacks	-	-	-	-
- Front or Street-Side Yard	20 feet	20 feet	20 feet	20 feet
- Side Yard	None	10 feet; None for Townhomes	10 feet; None for Townhomes	10 feet; None for Townhomes
- Rear Yard	None	10 feet	10 feet	15 feet
Maximum Building Height	70 feet	45 feet	45 feet	45 feet
Maximum Lot Coverage	80%	60%	60%	50%
Minimum Landscaped Area	See 15.18.500 and Chapter 15.82			
Minimum and Maximum Density	Residential; and mixed-use developments are subject to the minimum and maximum density standards of the RMF zones (see section 15.18.500)			

FINDING: Staff addresses each development criterion below.

Minimum Lot Width

The applicant’s proposal does not include the creation of a new lot; therefore, this development standard is not applicable.

Front Setback

The Traditional Commercial zone required a 20-foot setback from each street side yard. The subject property front on Highway 97, Finley Butte Road, and Huntington Road. Based on the submitted site plan, the applicant’s proposal meets this standard for each street-side yard.

Rear and Side Yard Setback

The Traditional Commercial zone does not have a required rear or side yard setback; therefore, these development standards are not applicable.

Maximum Building Height

The Traditional Commercial zone requires a maximum building height of 70 feet. The applicant's burden of proof states that the proposed building will be no more than 20 feet tall. This development standard is met.

Maximum Lot Coverage

The Traditional Commercial zone allows a maximum of 80% lot coverage. The applicant's burden of proof states that the total site area is 43,203 square feet and the proposed structure is 2,522 square feet (5.8% lot coverage). This development standard is met.

Minimum Landscaped Area

LPDC Chapter 15.82 includes provisions regarding minimum landscaping areas required for all developments. As discussed herein, this development standard is met.

Minimum and Maximum Density

The density standards of Table 15.22-2 do not apply to this proposal as the development is neither residential nor mixed-use. Therefore, this development standard is not applicable.

Staff finds that the development standards of Table 15.22-2 are met.

Section 15.22.500, Additional Standards

- A. *Corner lot frontages. For commercial uses located on corner lots where one street is predominantly residential, and one street is predominantly commercial, any commercial structure shall front on the street that is predominantly commercial.***

FINDING: The subject property is a corner lot that fronts on three roads, all of what are surrounded by land zoned commercial, therefore this criterion is not applicable.

- B. *Landscaping standard. Any portion of a lot developed for commercial uses which are not used for buildings, other structures, parking or loading spaces, or aisles, driveways, sidewalks, and designated storage areas shall be planted and maintained with grass or other all-season groundcover vegetation. Grass shall be kept neatly mowed. Landscaping with trees and shrubs is permitted and encouraged. See additional landscaping and buffering standards in article 5.***

FINDING: Based on the applicant's submitted landscape plan, all portions of the lot which are not used for buildings, parking, loading, or circulation will be planted and maintained with grass or other all season ground cover. This criterion is met.

- C. *Screening requirements.***
- 1. *Outdoor activities. Any business, servicing, or processing shall be conducted within a completely enclosed building, except for parking and loading facilities and for "drive-in" type establishments offering goods or services to customers waiting in parked motor***

vehicles.

FINDING: The applicant's proposal includes all business, servicing, and processing to be conducted inside of a building, this criterion is met.

2. ***Outdoor storage. All areas of a site containing or proposed to contain outdoor storage of materials, equipment, and vehicles, and areas containing junk, salvage materials, or similar contents, shall be screened from view from adjacent rights-of-way and residential uses by a sight-obscuring fence, wall, landscape screen, or combination of screening methods. See additional buffering and fence standards in article 5.***

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

3. ***Outdoor merchandise display. The outdoor display of merchandise for sale is not required to be screened from view, provided that all merchandise is located behind building setback lines unless otherwise approved by the city (e.g., to allow sidewalk sales).***

FINDING: The applicant's proposal does not include the outdoor display of merchandise; therefore, this criterion is not applicable.

- D. ***Vehicle access. Access driveways and entrances shall be permitted in a number and locations in which sight distance is adequate to allow safe movement of traffic in or out of the driveway or entrance, the free movement of normal highway traffic is not impaired, and the driveway or entrance will not create a hazard or an area of undue traffic congestion on highways to which it has access. The city may require the permit applicant to submit engineering data and/or traffic analyses to support its proposed plan of access driveways and entrances. See additional access and circulation standards in article 5.***

FINDING: As previously discussed, access permits will be reviewed by the Oregon Department of Transportation (ODOT) and the Deschutes County Road Department. Comments from ODOT and recommendations from the applicant's TIA will require a revised site plan highlight a single egress lane onto 97. Additionally, staff recommends a right turn only egress on the northern Huntington Road exit to help mitigate the concerns of the Deschutes County Road Department. As conditioned, this criterion is met.

- E. ***Emissions. No use shall emit any noxious, toxic, or corrosive fumes or gases nor shall it emit any offensive odors.***

FINDING: The applicant's proposed retail use is not expected to emit any fumes, gases, or odors. This criterion is not applicable.

- F. ***Noise. All uses shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment or uses or processes with electrical apparatus.***

FINDING: The applicant's proposed retail use does not include any mechanical equipment or electrical apparatuses that are expected to create noise. This criterion is not applicable.

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

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

Lighting: **At all times**, all exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.

Article 4, Overlay Zones

Chapter 15.40, Downtown Overlay Zone

Section 15.40.020, Applicability

- A. **Zone boundary and street designations.** *The boundaries of the downtown overlay zone are depicted in Figure 15.40-1. The standards of this chapter apply to development and redevelopment on properties within this boundary. Specific standards within this chapter apply to properties abutting streets designated as storefront streets and pedestrian friendly streets, as shown on Figure 15.40-1.*
- B. **New buildings.** *The standards of this chapter apply to all buildings subject to site plan review that include over 200 square feet in floor area.*
- ...

FINDING: The applicant’s proposal includes the development of a new building, therefore the provisions of LPDC Chapter 15.40 apply to this permit.

Section 15.40.025, Downtown Design Exception

- A. **The planning commission may allow exceptions to the design standards in 15.40.060 through 15.40.090 without the need to obtain a variance pursuant to chapter 15.320. For each standard for which a design exception is sought, the applicant must demonstrate that at least one of the following circumstances is met:**
 - 1. **The physical characteristics of the site or existing structure (e.g., steep slopes, wetlands, other bodies of water, trees or other significant natural features of the site, buildings or other existing development, utility lines and easements, etc.) make compliance with the standard impractical; or**
 - 2. **The alternative design better complies with the following:**
 - a. **The purpose of the Downtown La Pine Overlay as described in section 15.40.010; and**
 - b. **The intent of the standard for which the exception is being sought.**
- B. **Requests for a downtown design exception are subject to Type III review in accordance with the procedures in article 7. The request may be considered as part of the development application.**

FINDING: The applicant’s proposal does not include a request for an exception to the design standards of LPDC Chapter 15.40, therefore these criteria are not applicable.

Section 15.40.030, Uses

Uses permitted in the underlying base zone are permitted in the downtown overlay zone, except that the following uses and activities are prohibited on sites abutting a storefront street:

- A. **New drive-up and drive-through uses.**
- B. **New auto sales and service, including fuel stations.**
- C. **Ground floor residential dwelling units, except for horizontal mixed use where the residential**

dwelling units are located behind other uses.

FINDING: The subject property fronts on two streets within the Downtown Overlay, Highway 97 and Finley Butte Road. Which are classified as Pedestrian-Friendly streets, therefore these criteria are not applicable.

Section 15.40.040, Option for Required Parking

- A. Credit for on-street parking. The off-street parking standards of chapter 15.86 may be reduced by one parking space for every one on-street parking spaces located adjacent to the subject site, provided the parking spaces meet the dimensional standards of section 15.86.030.**

FINDING: The subject property is not adjacent to any current or proposed on-street parking in conjunction with this application. Therefore, this criterion is not applicable.

- B. Off-site parking. To allow flexibility in the location of required parking and to encourage efficient utilization of land, required parking may be located up to 800 feet from the development. Such parking shall be designated and signed as assigned to the remote development. Confirmation of the parking assignment shall be required prior to occupancy of the development.**

FINDING: The applicant’s proposal does not include any deviations from the parking requirements of LPDC Chapter 15.86, therefore this criterion is not applicable.

- C. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses) or that one of the sites has an excess supply of parking. The right of joint use must be evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. Shared parking requests shall be subject to review and approval through a Type II application.**

FINDING: The applicant’s proposal does not include any shared parking facilities; therefore, this criterion is not applicable.

Section 15.40.050, Summary of Design Standards

Table 15.40-1 provides an overview of the design standards that apply within the downtown overlay zone. See the referenced section of this chapter for specific regulations.

Table 15.40-1. Summary of Design Standards			
Standard	Storefront Streets	Pedestrian-Friendly Steets	Code Section
Building Setbacks			
No Minimum Front Setbacks	✓	✓	15.40.060(B)
No Parking Between Building and the Street	✓	✓	15.40.060(C)
75% of Building Within 5 ft of Front Lot Line	✓		15.40.060(D)
Building Entries			
Required Walkway Connection	✓	✓	15.40.070(B)
Entry Orientation	✓	✓	15.40.070(D)
Entry Design	✓	✓	15.40.070(C)

Window and Weather Protection Requirements			
Minimum Window Requirements	60%	40%	15.40.080(B)
Weather Protection Required	✓		
Architectural Design Standards			
Architectural Design Standards	✓	✓	15.40.090

FINDING: The subject property front on two streets within the Downtown Overlay zone, Highway 97 and Finley Butte Road, both of which are Pedestrian-Friendly streets. Applicable criteria are discussed herein.

Section 15.40.060, Setbacks

- A. Intent. The intent of the setback standards is to help ensure that buildings are placed close to the sidewalk to create both visual interest and a sense of enclosure or "an outdoor room." Buildings set back from the street with parking next to the sidewalk are less interesting and less comfortable for pedestrians. These standards apply to the primary building(s) on a site (e.g., not to accessory structures).**
- B. Front setbacks. No minimum front setback standards apply to developments in the downtown overlay zone.**

FINDING: The subject property fronts on three streets, Highway 97, Finley Butte Road, and Huntington Road. While this criterion allows development to have no minimum front setback, it does not require it. Based on the applicant’s site plan, this criterion is met.

- C. Location of parking areas. No vehicle parking or circulation areas are permitted between the front of the building and a storefront street or a pedestrian-friendly street (see Figure 15.40-3). If the development site has a frontage on both types of streets, then this standard only applies to the frontage on the storefront street. If the development site has frontage on more than one storefront street, then this standard shall only apply to one storefront street.**

FINDING: The subject property fronts on two pedestrian friendly streets. The applicant proposes vehicular parking and circulation areas between the building and Highway 97 while also providing a legal argument for how the Downtown Overlay may allow this design. The City reviewed the applicant’s legal argument with our own legal counsel and concurs that the applicant’s site plan is in compliance with LPDC Section 15.40.060(C). The applicant’s full legal argument can be seen in the record for this land use file. This criterion is met.

- D. Build-to-line standard. Development sites abutting a storefront street must conform to a build-to-line standard (see Figure 15.40-4). The purpose of this standard is to promote a continuous building frontage that creates visual interest and a sense of enclosure on the street. The standard is met when at least 75 percent of the width of the building is located within five feet of the front lot line that faces a storefront street. If the development site has frontage on more than one storefront street, then this standard shall only apply to one storefront street. The city planning official may waive this requirement where it finds that one of the following conditions is met:**
 - 1. The applicant proposes extending an adjacent sidewalk or plaza for public use, or some other pedestrian amenity is proposed to be placed between the building and public right-of-way.**
 - 2. A significant tree or other environmental feature precludes strict adherence to the standard and will be retained and incorporated in the design of the project.**
 - 3. A public utility easement or similar restricting legal condition that is outside the applicant's control makes conformance with the build-to line impossible. In this case, the building shall instead be placed as close to the street as possible given the legal**

constraint, and pedestrian amenities (e.g., plaza, courtyard, landscaping, outdoor seating area, etc.) shall be provided within the street setback.

FINDING: The subject property does not front on a storefront street; therefore, these criteria are not applicable.

Section 15.40.070, Building Entries

- A. Intent.** *These provisions ensure that all entrances to a primary building are visible and connected to the sidewalk by a pedestrian walkway. These features are important when the building is accessed by a pedestrian from the street (rather than from the parking lot). These standards apply to the primary building(s) on a site (e.g., not to accessory structures).*
- B. Required walkway.** *All primary entrances to a building (e.g., tenant entrance, lobby entrance, breezeway entrance, or courtyard entrance) must be connected to the sidewalk by a direct and continuous walkway.*

FINDING: Based on the applicant's submitted site plan and elevations, all entrances to the proposed building will be connected by a continuous walkway system. This criterion is met.

- C. Entry design.** *The primary building entrances must be architecturally emphasized through the use of one or more of the following features: recessed doorway(s); overhangs or canopies; transom windows; ornamental light fixtures; larger, transparent or more prominent doors; or pilasters or columns that frame the principal doorway.*

FINDING: The applicant's submitted burden of proof and elevation drawings indicate that the primary building entrance will be architecturally emphasized through an overhang and transom windows (Figure 1). This criterion is met.



Figure 1: Elevation of primary building entrance

- D. Entry orientation.** *All buildings must have at least one primary entrance facing that street (i.e., within 45 degrees of the street property line). For multi-tenanted nonresidential buildings, buildings with multiple entrances, or buildings with multiple frontages, only one primary entrance must comply with this standard. For multi-tenanted residential buildings on storefront streets, all residential units on the ground floor must have a private exterior entrance.*

FINDING: The applicant's proposed primary building entrance faces Finley Butte Road which is classified as a Pedestrian-Friendly street. This criterion is met.

Section 15.40.080, Window and Weather Protection Requirements

- A. ***Intent. Window area or "glazing" requirements ensure that building facades will be composed of windows that provide views of activity, people, and merchandise, creating an interesting pedestrian experience. The weather protection standards are intended to create a more comfortable experience for pedestrians on the sidewalk by providing protection from sun and rain. This standard is limited to storefront streets, where buildings are required to directly front the sidewalk and pedestrian comfort is a high priority. These standards apply to the primary building(s) on a site (e.g., not to accessory structures).***
- B. ***Window requirements.***
 - 1. ***Minimum window area required for nonresidential buildings.***
 - a. ***Building facades facing a pedestrian-friendly street must have windows, display areas, or glass doorways for at least 40 percent of the area of the ground level wall area (see Figure 15.40-5).***

FINDING: Based on the applicant's submitted burden of proof and legal argument surrounding the applicability of the Pedestrian-Friendly street standards, the building facade facing Finley Butte road must comply with above criterion. The applicant's proposed southern elevation drawing indicates that this façade will exceed the 40% standard. This criterion is met.

- b. ***Building facades facing a storefront street must have windows, display areas, or glass doorways for at least 60 percent of the area of the ground level wall area (see Figure 15.40-5).***

FINDING: The subject property does not abut any storefront streets; therefore, this criterion is not applicable.

- c. ***The ground level wall area is the wall area above 30 inches and below 108 inches, as measured from finished grade.***

FINDING: Staff uses the above criterion to calculate ground level wall area. This criterion is met.

- 2. ***Minimum window area required for residential buildings. Building facades that face a public street must have windows or glass doorways for at least 15 percent of the area of the entire facade.***

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

- 3. ***Transparency. All ground floor windows shall have a visible transmittance of 60 percent or higher.***

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

Window Transparency: ***Prior to the issuance of building permits***, the applicant must confirm that all ground floor windows shall have a visible transmittance of 60 percent or higher.

- C. **Weather protection.** *On building facades facing a storefront street, weather protection for pedestrians must be provided along at least 75 percent of the facade. Weather protection may be an awning, canopy, arcade, colonnade, recessed entry, or some combination of these elements. Where provided, weather protection shall meet the following standards:*
- a. *Be constructed of glass, metal, or a combination of these materials;*
 - b. *Project at least five feet from the building facade;*
 - c. *Have at least ten feet clearance above the sidewalk;*
 - d. *Match the width of the storefront or the window opening(s); and*
 - e. *Not obscure any existing or proposed transom windows.*

FINDING: The subject property does not face any storefront streets; therefore, these criteria are not applicable.

Section 15.40.090, Architectural Design Standards

- A. **Intent.** *The facade articulation standards in [subsection] B work together to help ensure that building facades that have variation and depth in the plane of the building in order to create a more interesting and welcoming environment to pedestrians. The screening standard in [subsection] C ensures that mechanical equipment is screened or otherwise minimized so that it does not detract for the pedestrian environment. The materials and Cascadian Style standards in [subsections] D and E are intended to create a distinct brand or identity for Downtown La Pine.*
- B. **Articulation.** *All building exterior walls greater than 100 feet in length that orient to a street or public space must have breaks in the wall plane (articulation) of not less than one break for every 40 feet of building length or width, as applicable, as follows:*
- ...

FINDING: None of the proposed exterior walls are greater than 100 feet in length, therefore this criterion is not applicable.

- C. **Screening of mechanical equipment.**
1. **Building walls.** *Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, is permitted on a building wall that abuts a public right-of-way or civic space, it shall be screened from view from the right-of-way or civic space. Standpipes, meters, vaults, and similar equipment need not be screened but shall not be placed on a front elevation when other feasible alternatives exist; such equipment shall be placed on a side or rear elevation where feasible.*

FINDING: The applicant proposes to screen all mechanical equipment that would otherwise be visible from a public right of way. This criterion is met.

2. **Rooftops.** *Except as provided below, rooftop mechanical units shall be setback or screened behind a parapet wall so that they are not visible from any public right-of-way or civic space. Where such placement and screening is not feasible, the decision authority may approve painting of mechanical units in lieu of screening; such painting may consist of muted, earth-tone colors that make the equipment visually subordinate to the building and adjacent buildings, if any.*

FINDING: The applicant proposes to place rooftop mechanical equipment behind the parapet, effectively screen the equipment from view. This criterion is met.

3. **Ground-mounted mechanical equipment.** *Ground-mounted equipment, such as generators, air compressors, trash compactors, and similar equipment, shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges, trellises, and similar plantings may also be used as screens where there is adequate air circulation and sunlight, and irrigation is provided. The city may require additional setbacks and noise dampening equipment for compatibility with adjacent uses.*

FINDING: The applicant does not propose any ground mounted mechanical equipment; therefore, this criterion is not applicable.

D. Materials. Building materials must be consistent with the Cascadian Style.

Table 15.40-2. Building Materials (Exterior Walls)			
Material	Allowed on Exterior Wall?		
	Primary	Secondary	Base
<i>Masonry, which includes natural and natural-looking stone, and rusticated brick or split-faced, colored concrete blocks</i>	Yes	Yes	Yes
<i>Wood board siding or wood shingles. Fiber cement boards or fiber reinforced extruded composite boards are also acceptable provided they have the appearance of natural wood</i>	Yes	Yes	No
<i>Architectural grade plywood, fiber cement, or wood composite panels (T1-11 plywood or OSB siding are not permitted)</i>	No	Yes	No
<i>Glass (except mirrored glass)</i>	Yes	Yes	No
<i>Commercial-grade stucco</i>	No	Yes	Yes
<i>Commercial-grade brick</i>	No	Yes	Yes
<i>Steel</i>	No	Yes	No
<i>Cast-in-place or pre-cast concrete</i>	No	Yes	Yes
<i>Plastic</i>	No	No	No
<i>Vinyl siding</i>	No	No	No
<i>Mirrored glass</i>	No	No	No
<i>Corrugated metal or fiberglass</i>	No	No	No
<i>Standard form concrete block (not including split-faced, colored or other block designs that mimic stone, brick or other similar masonry)</i>	No	No	No
<i>Back-lighted fabrics, except that awning signs may be backlit fabrics for individual letter or logos</i>	No	No	No

1. **Primary materials.** *A primary material is the predominant building material that covers a minimum of 60 percent of the building's exterior walls. Acceptable primary materials are identified in Table 15.40-2.*

FINDING: The applicant proposes a primary building material of “James Hardie” shingle siding in the color “Stone Beach” and proposes to cover at least 60% of the building’s exterior with this material. As identified in LPDC Table 15.40-2, wood shingles are allowed as a primary building material. This criterion is met.

2. **Secondary materials.** *A secondary material is not the predominant building material. Any one secondary material shall not cover more than 40 percent of the building's exterior walls. Acceptable secondary materials are identified in Table 15.40-2.*

FINDING: The applicant proposes a secondary building material (not to exceed 40%) of “Nichiha” Stone which gives

the appearance of a natural stone. As identified on LPDC Table 15.40-2, masonry, including natural looking stone, is allowed as a secondary building material. This criterion is met.

3. ***Base materials. The building base shall be defined as the lower portion of a wall just above where it meets ground, to 24 inches above grade. Base materials are identified in Table 15.40-2. Use of these materials shall be limited to the building base unless the material is also identified as an acceptable primary or secondary material. If the base material is identical to material used on the portion of the wall directly above the base, then a change in material color, texture, or a horizontal band must be used to differentiate the base.***

FINDING: The applicant proposes to construct the base materials of the same stone as used for the secondary materials. As identified in LPDC Table 15.40-2, masonry, including natural looking stone is allowed as a base material. This criterion is met.

- E. ***Cascadian architectural elements. Building exterior walls facing a public street shall incorporate at least three of the following features. Using these features may also help meet other Development Code requirements, such as those related to building articulation or weather protection:***
 1. ***Exposed, heavy timbers;***
 2. ***Exposed natural wood color beams, posts, brackets and/or trim (e.g., eaves or trim around windows);***
 3. ***Natural wood color shingles used as siding or to accent gable ends (or similar usage);***
 4. ***Metal canopies;***
 5. ***Heavy metal brackets (e.g., cast iron or similar appearance), which may be structural brackets or applied as cosmetic detailing;***
 6. ***Pitched roof over more than 50 percent of the building (roof pitch must have a rise/span ratio of at least 4/12) which is constructed of either metal painted a muted earthtone or other fire resistant material (e.g., no wood shingle roofs are permitted); and***
 7. ***Other similar features.***

FINDING: The applicant proposes to incorporate the Cascadian architectural elements by incorporating exposed natural wood color brackets (2), natural wood color shingles use as siding (3), and a metal canopy (4). This criterion is met.

Article 5, Development Standards

Chapter 15.82, Landscaping, Buffering and Fences

Section 15.82.010, Landscaping and Buffering Requirements

The following minimum landscape requirements are established for all developments subject to site plan approval, unless approved otherwise by the reviewing authority:

- A. ***Exemption. The provisions of this section may be exempted for uses existing on or before the effective date of this Development Code that are a permitted use in a specific zone in an existing building or buildings on a lot or parcel of land of the scale that there is no remaining room for landscaping; this exemption shall also apply to the exterior remodeling and/or expansion of not more than 25 percent of the total square footage of all enclosed structures on a lot or parcel existing under a unit ownership on or before the effective date of this Development Code.***

FINDING: The applicant's proposal does not include an exemption to the landscaping requirements of LPDC Chapter 15.82. Therefore, this criterion is not applicable.

- B. Area required. Except as approved otherwise by the city, the following minimum percent of a parcel area shall be landscaped for the following uses:**
- 1. Duplexes and triplexes: 25 percent.**
 - 2. Multi-family dwelling complexes containing four or more units and commercial residential mixed uses (CRMX): 20 percent.**
 - 3. Commercial uses including mixed use commercial (CMX): 15 percent.**
 - 4. Industrial uses. A minimum five-foot landscaped buffer along any adjoining public right-of-way of a collector or arterial street or highway, which may be computed toward an overall requirement of ten percent.**
 - 5. Minimum area requirements may include landscaping around buildings, in parking and loading areas, outdoor recreational use areas, screening and buffering areas, and surface water drainage areas.**

FINDING: The applicant's proposal includes a commercial use which requires a minimum of 15% of the subject property to be landscaped. The subject property is 43,203 square feet of which 16,062 square feet will be landscaped (37.2%). This criterion is met.

- C. Landscaping defined. Required landscaping may include, but is not limited to, a combination of any of the following materials: living plant material such as trees, shrubs, groundcover, flowers and lawn (including native vegetation); and nonliving materials such as benches, walkways and courtyards, consisting of brick, decorative rock or other decorative materials. The total amount of nonliving materials (including bark dust, chips, aggregate, or other non-plant ground covers) shall not exceed more than 50 percent of the required landscape area.**

FINDING: The applicant proposes to landscape 16,062 square feet of the subject property, however based on the minimum requirements of LPDC Section 15.82.010(B)(3), only 8,640 square feet must be landscaped. Based on the applicant's submitted landscape plan 7,422 square feet of that area will be grass which is 85.90% of the required landscaping area. The rest of the 8,640 square feet of landscaped area will be a mix of river rock and hemlock mulch. This criterion is met.

- D. Existing vegetation. Existing site vegetation may be utilized to the maximum extent possible consistent with building placement and the applicable proposed landscape plan.**

FINDING: Based on a staff site visit, there is no existing vegetation on the site. Therefore, this criterion is not applicable.

- E. Parking lots. Parking lots with space for ten or more vehicles must be landscaped in accordance with the following minimum requirements:**
- 1. In commercial and residential developments, parking areas shall be divided into bays, and between or at the end of each parking bay a curbed planter containing at least 16 square feet may be required.**

FINDING: The applicant's proposal includes 18 parking spaces, of which are divided into three bays of 6 spaces each. Therefore, since each bay is less than 10 spaces, this criterion is not applicable. However, staff notes that proposed landscape planters between two of the bays.

2. ***If required, each planter shall contain at least one tree or shrub and ground cover.***

FINDING: As stated previously, the planter requirements of LPDC Section 15.82.010(E) are not required for this application.

3. ***The areas shall be designed to be protected from being damaged by vehicles using the parking area.***

FINDING: As stated previously, the planter requirements of LPDC Section 15.82.010(E) are not required for this application.

4. ***Unless sidewalks are provided adjacent to a structure, customer or resident parking areas should be separated from the exterior wall of a commercial or residential structure by a minimum five-foot strip of landscaping.***

FINDING: One of the 6 space parking bays will be adjacent to the southern end of the proposed building. The applicant proposes to have a sidewalk between the building and parking area and therefore, this criterion is met.

5. ***Where a parking, loading or driveway area serving a multi-family, commercial, industrial or government use abuts a public right-of-way of a collector or arterial street or a local street across from a residential zone, or abuts a residential zone, a screen planting or other approved landscaped planter strip may be required between the parking area and the right-of-way without encroaching into a clear vision area or sidewalk.***

FINDING: The subject property is not adjacent to any land zoned residential; therefore, this criterion is not applicable.

F. *Buffering and screening.*

1. ***Purpose. The purpose of buffering and screening requirements are to reduce the impacts of a proposed use on adjacent uses and zones which provide for different types of uses. The city may waive or reduce the requirements where existing topography or vegetation is appropriate or otherwise negates the effectiveness or intended purpose or benefits of the buffering and screening.***

FINDING: The applicant's proposal did not include a request to waive or reduce the requirements of this section. Applicable criteria are discussed herein.

2. ***Where any permitted principal and/or accessory use in a commercial or industrial zone abuts any land zoned RSF, RMF, RMP or TA the following buffer and screening shall be required. These requirements shall apply in instances where such use is being newly developed on vacant land, expanded in floor area by 50 percent or greater, or removed and a new use developed.***

FINDING: Staff notes that while there are some residential uses to the east of the subject property, the lands are zones commercial and therefore the subject property does not abut any land zones RSF, RMF, RMP, nor TA, This criterion is not applicable.

3. ***Within commercial zones. A buffer strip at least ten feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts an RSF, RMF, RMP, or TA zone. Buffer strips shall not be used for parking, storage of vehicles,***

equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier. The buffer strip shall contain suitable screening, defined as either of the following:

...

FINDING: As stated previously, the subject property does not abut any land zones RSF, RMF, RMP, or TA, therefore this criterion is not applicable.

4. *Within industrial zones. A buffer strip at least 30 feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts any RSF, RMF, RMP, or TA zoned land. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier. The buffer shall meet the following standards:*

...

FINDING: The subject property is zones Commercial, not Industrial, therefore this criterion is not applicable.

5. *A buffer or screening area may only be occupied by screening utilities and landscaping materials, but the same may be located within the required yard or setback requirements provided vision clearance requirements are complied with.*

FINDING: As stated previously, the buffering and screening requirements of LPDC Section 15.82.010(F) are not required for this application, being as the subject property does not abut any land zoned RSF, RMF, RMP, or TA. Therefore, this criterion is not applicable.

6. *In lieu of the foregoing requirements, an applicant may provide for landscaping and screening, including plantings, fences, walls, walks and other features designed to afford the same degree of buffering as the standards above. A plan and specifications for an alternative shall be reviewed and approved by the review authority.*

FINDING: As stated previously, the buffering and screening requirements of LPDC Section 15.82.010(F) are not required for this application, being as the subject property does not abut any land zoned RSF, RMF, RMP, or TA. Therefore, this criterion is not applicable.

- G. *Plant material installation standards. Except as otherwise approved by the city, the following standards shall apply to plant materials and the installation thereof as provided in accordance with the provisions of this section:*
 1. *Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.*
 2. *Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.*
 3. *Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.*
 4. *Rows of plants should be staggered to provide for more effective coverage.*

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

Plant Installation Standards: **Prior to occupancy** the applicant shall confirm that the following plant installation standards are met for all landscaping:

1. Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or

pedestrian traffic or parking and loading.

2. Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.
3. Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.
4. Rows of plants should be staggered to provide for more effective coverage.

H. *Maintenance and plant survival. All landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.*

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

Maintenance and Plant Survival: ***At all times*** all landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.

Section 15.82.020, Fences and Walls

The yard and setback requirements of this Development Code shall not be deemed to restrict any otherwise lawful fence, wall, or sign, provided that no fence, wall, or sign shall be located on any right-of-way of a public road.

A. *Materials. Fences and walls shall not be constructed of nor contain any material that could cause bodily harm, such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials, except as provided below.*

...

B. *Standards.*

1. ***Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, non-uniform height, and uncontrolled growth of vegetation.***
2. ***All required swimming pool and hot tub fencing shall be a minimum of four feet in height and be equipped with a self-locking gate that closes automatically.***
3. ***Fences within a front or street side yard shall also conform to the clear vision requirements at intersections, which further restrict the use or height of sight-obscuring fences.***
4. ***In no instance shall a fence extend beyond the property line including into a public right-of-way. It is the responsibility of the property owner to determine the property line.***
5. ***Within residential and commercial zones, fences within the required front yard setback may not exceed four feet in height except that one incidental garden structure (e.g., arbor or gate) not exceeding eight feet in height and six feet in width is allowed within the required front yard provided it does not encroach into a required clear vision area. All other fences in all zones shall not exceed seven feet in height.***
6. ***Other provisions of this Development Code, or the requirements of the roadway authority, may limit allowable height of a fence or wall below the height limits of this section.***

FINDING: The applicant’s proposal does not include a fence, therefore LPDC Section 15.82.020 is not applicable.

Chapter 15.86, Parking and Loading

Section 15.86.020, Off-Street Loading

- A. ***Every commercial and industrial use which requires the receipt or distribution of material or merchandise by trucks with a 40-foot or longer wheelbase at a frequency of one or more vehicles per week shall provide off-street loading spaces in sufficient number to adequately serve the number and frequency of vehicle shipping and receiving projected for the use. The applicant shall provide supporting evidence of the projected shipping and receiving and how the number of spaces to be provided will be adequate.***
- B. ***Where an off-street loading space is required, it shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Each off-street loading space shall not be less than 12 feet wide by 55 feet long unless otherwise approved by the city through site design review.***
- C. ***Off-street loading space(s) shall also have adequate adjacent area for vehicle maneuvering so that vehicles using the space(s) are not required to back-up onto or back-up from a public street or alley to use the space. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.***
- D. ***Exceptions and adjustments. The city, through site design review, may approve a loading area adjacent to or within a street right-of-way where it finds that loading and unloading operations are short in duration (i.e., less than one hour), infrequent, do not obstruct traffic during peak traffic hours, do not interfere with emergency response services, and are acceptable to the applicable roadway authority.***

FINDING: The applicant’s burden of proof states that the proposed commercial use will require the receipt of materials/merchandise at a frequency of less than once a week, and therefore off-street loading is not required. In order to ensure compliance, the following condition of approval has been added. If at any time it is found that the commercial use is receiving these trucks at a frequency of once a week or more, a site plan alteration application will be required to provide off street loading.

Off Street Loading Frequency: ***At all times*** the subject property shall receive merchandise/materials on a truck with a 40-foot or longer wheelbase at a frequency of less than one vehicle per week.

Section 15.86.030, Off-Street Parking – Required

- A. ***Location of off-street loading and parking spaces. Except as otherwise permitted by this Development Code, required off-street loading and parking spaces shall be located on the same lot with the principal use they are intended to serve. In no case shall a required loading space be part of the area used to satisfy the parking requirements and vice versa. Also, in no case shall the required loading or parking space(s) of one use be used to satisfy the loading or parking space requirements of another use.***

FINDING: Based on the applicant’s submitted site plan, all of the required off-street parking spaces will be located on the same principal lot for the use they are intended to serve.

- B. ***Encroachment or reduction. A required loading or parking space shall not be encroached upon by***

a structure, storage, or other use, nor shall the number of spaces be reduced without replacement of a commensurate number of spaces in accordance with this section unless a special exception or variance has been approved.

FINDING: Based on the applicant's site plan, all of the required parking spaces will be free of encroachments. This criterion is met.

C. Calculations of amounts of required and allowed parking.

1. *When computing parking spaces based on floor area, parking structures and non-leasable floor spaces, such as storage closets, mechanical equipment rooms, and similar spaces, are not counted.*
2. *The number of parking spaces is computed based on the primary uses on the site except as stated in subsection 3, below. When there are two or more separate primary uses on a site, the minimum and maximum parking for the site is the sum of the required or allowed parking for the individual primary uses. For shared parking, see subsection 1 below.*
3. *When more than 20 percent of the floor area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 10,000 square foot building with a 7,000 square foot warehouse and a 3,000 square foot accessory retail area. The minimum and maximum parking would be computed separately for the retail and warehouse uses.*

FINDING: Staff calculates the required parking for the proposed use using the parameters identified in LPDC Section 15.86.030(C). Applicable criteria are discussed herein.

D. Use of required parking spaces. Except as otherwise provided by this section, required parking spaces must be available for residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for shared parking pursuant to subsection 1.

FINDING: Based on the applicant's burden of proof, the required parking spaces will be made available for the customers and employees of the proposed commercial use. This criterion is met.

E. Improvement of parking areas. Motorized vehicle parking is allowed only on streets with an improved shoulder of sufficient width; within garages, carports, and other approved structures; and on driveways or parking lots that have been developed in conformance with this Development Code.

FINDING: The applicant's proposal does not include any on-street parking, therefore this criterion is not applicable.

F. Minimum number of off-street automobile parking spaces. Except as required for Americans with Disabilities Act compliance under subsection L, off-street parking shall be provided pursuant to one of the following three standards:

1. *The standards in Table 15.86-1;*
2. *A standard from Table 15.86-1 for a use that the planning official determines is similar to the proposed use. For uses not specified in the table, the city shall determine parking based on submission of technical data from applicant or city sources; or*
3. *Subsection (H), parking exceptions, which includes a parking demand analysis option.*

Table 15.86-1. Automobile Parking Spaces by Use
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<i>Use Categories</i>	<i>Minimum Parking per Land Use</i>
Commercial Categories	
<i>Commercial Outdoor Recreation</i>	<i>One space for each three persons maximum occupancy; or per conditional use permit review, whichever is less</i>
<i>Bed and Breakfast Inn</i>	<i>One space per use, plus 0.5 space(s) for each bedroom offered as lodging</i>
<i>Educations Services</i>	<i>One space per 200 sqft floor area</i>
<i>Entertainment, Major Event</i>	<i>One space for each three persons maximum occupancy; or per conditional use permit review whichever is less</i>
<i>Hotels, Motels, and Similar Uses</i>	<i>0.75 space per guest room</i>
<i>Mortuary or Funeral Home</i>	<i>One space per 300 sqft floor area</i>
<i>Offices</i>	<i>General Office: one space per 500 sqft floor area</i>
	<i>Medical or Dental Office: one space per 500 sqft floor area</i>
<i>Outdoor Recreation, Commercial</i>	<i>Per conditional use permit review</i>
<i>Surface Parking Lot</i>	<i>Per conditional use permit review</i>
<i>Quick Vehicle Servicing or Vehicle Repair</i>	<i>Two spaces, excluding vehicle service or queuing area, or per conditional use permit review</i>
<i>Retail Sales and Commercial Service</i>	<i>Bank: One Space per 300 sqft floor area</i>
	<i>Retail: one space per 400 sqft floor area, except one space per 1,000 sqft for bulk retail</i>
	<i>Restaurants and Bars: one space per 200 sqft floor area</i>
	<i>Health Clubs, Gyms, Continuous Entertainment: one space per 500 sqft floor area</i>
	<i>Bowling Alleys: five spaces for each lane</i>
	<i>Theaters and Cinemas: one space per six seats</i>
	<i>Trailer and Monument Sales: one space per 2,500 sqft of gross area</i>
<i>Self-Service Storage</i>	<i>Two spaces, plus adequate space for loading/unloading</i>

FINDING: The applicant’s proposed building is 2,522 square feet. LPDC Table 15.86-1 requires 1 space per 400 square feet of floor are for retail uses, therefore the applicant’s proposal requires seven (7) parking spaces. The applicant’s submitted site plan indicates that there will be 18 total parking spaces, 6 of which will be used for snow storage. This criterion is met.

- G. Maximum number of off-street automobile parking spaces. The following standards for maximum number of automobile parking spaces promote efficient use of land and compact development patterns.**
- 1. Applicability. Developments subject to site plan review must conform to the maximum parking standards.**
 - 2. Standards. Unless otherwise approved by the city through site plan review, the maximum number of off-street automobile parking spaces allowed for a commercial development equals the minimum number of required spaces, pursuant to Table 15.86-1 times a factor of 2.0. Parking spaces that are located in snow storage areas do not count toward the maximum parking space requirements.**

FINDING: The applicant proposes 18 total parking spaces, 6 of which are located in snow storage areas. Based on LPDC Table 15.86-1, the maximum number of parking spaces (not including those located in snow storage areas) the site can have is 14 spaces. These criteria are met.

- H. **Exceptions and reductions to off-street parking.** An applicant may propose a parking standard that is different than the standards under subsections F or G, for review and action by the planning official through a Type II procedure. The applicant's proposal shall consist of a written request and a parking analysis prepared by a qualified professional. The parking analysis, at a minimum, shall assess the average parking demand and available supply for existing and proposed uses on the subject site; opportunities for shared parking with other uses in the vicinity; existing public parking in the vicinity; transportation options existing or planned near the site, such as frequent bus service, carpools, or private shuttles; and other relevant factors. The number of required off-street parking spaces may also be reduced through the provision of shared parking, pursuant to subsection I.

FINDING: The applicant's proposal did not include a request for an exception or reduction to the off-street parking requirements of LPDC Chapter 15.86, therefore this criterion is not applicable.

- I. **Shared parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and, provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. Shared parking requests shall be subject to review and approval through site plan review.

FINDING: The applicant's proposal includes only one use on the subject property with no proposed shared parking. This criterion is not applicable.

- J. **Parking stall design and minimum dimensions.** Where a new off-street parking area is proposed, or an existing off-street parking area is proposed for expansion, the entire parking area shall be improved in conformance with this Development Code. At a minimum the parking spaces and drive aisles shall be paved with asphalt, concrete, or other city-approved materials, provided the Americans with Disabilities Act requirements are met, and shall conform to the minimum dimensions in Table 15-86-2 and the figures below. All off-street parking areas shall contain wheel stops, perimeter curbing, bollards, or other edging as required to prevent vehicles from damaging buildings or encroaching into walkways, landscapes, or the public right-of-way. Parking areas shall also provide for surface water management.

Table 15.86-2. Parking Stall Dimensions

Parking Angle	Stall Width	20' Stall	Aisle Width (*one way)	Curb Length	Bay Width
0°	9'-0"	9.0	12.0	22.0	30.0
	9'-6"	9.5	12.0	22.0	31.0
	10'-0"	10.0	12.0	22.0	31.0
45°	9'-0"	19.8	13.0	12.7	52.5
	9'-6"	20.1	13.0	13.4	53.3
	10'-0"	20.5	13.0	14.1	54.0
60°	9'-0"	21.0	18.0	10.4	60.0
	9'-6"	21.2	18.0	11.0	60.4
	10'-0"	21.5	18.0	11.9	61.0
70°	9'-0"	21.0	19.0	9.6	61.0
	9'-6"	21.2	18.5	10.1	60.9

	10'-0"	21.2	18.0	10.6	60.4
90°	9'-0"	20.0	24.0	9.0	64.0
	9'-6"	20.0	24.0	9.5	64.0
	10'-0"	20.0	24.0	10.0	64.0
*24' minimum for two-way traffic					

FINDING: The applicant proposes parking stalls that are at 90-degree angles, with two-way access aisles. Each parking stall will be nine feet wide and 20 feet long, and each two-way access aisle will be 24 feet wide. This criterion is met.

- K. Adjustments to parking area dimensions. The dimensions in subsection (J) are minimum standards. The city planning official, through a Type II procedure, may adjust the dimensions based on evidence that a particular use will require more or less maneuvering area.**

FINDING: The applicant’s proposal does not include a request to adjust the parking area dimensions of LPDC Table 15.86-2. This criterion is not applicable.

- L. Americans with Disabilities Act (ADA). Parking shall be provided consistent with ADA requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.**

FINDING: The applicant’s proposal includes one ADA parking spot. Compliance with ADA requirements will be reviewed during building permit review by a Plans Examiner.

Section 15.86.040, Drive-Up and Drive Uses and Facilities

- A. Purpose. Where drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, provide for adequate vehicle queuing space, prevent automobile turning movement conflicts, and provide for pedestrian comfort and safety.**
- B. Standards. Drive-up and drive-through facilities (i.e., driveway queuing areas, customer service windows, teller machines, kiosks, drop-boxes, or similar facilities) shall meet all of the following standards:**
 - 1. The drive-up or drive-through facility shall orient to and receive access from a driveway that is internal to the development and not a street, as generally illustrated.**

FINDING: The applicant’s submitted site plan indicates that the proposed drive thru will be oriented to receive access from a driveway that is internal (See Figure 1). This criterion is met.

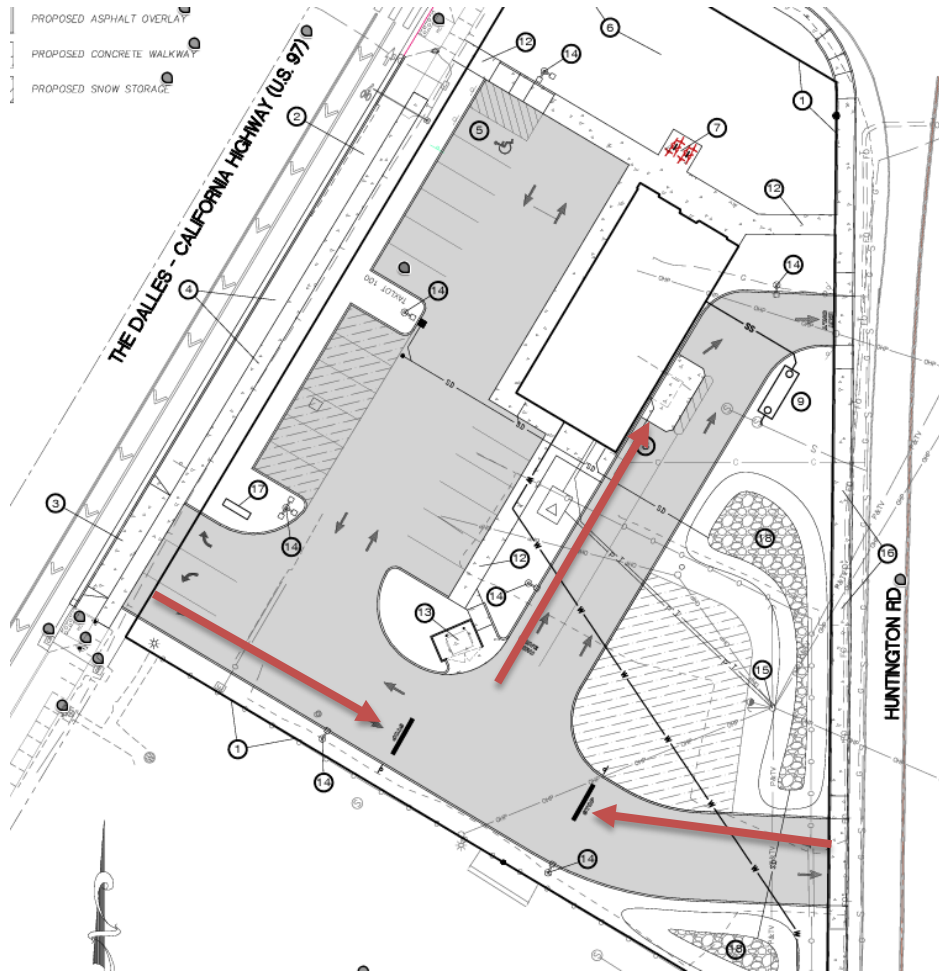


Figure 2: Applicant's site plan, red arrows indicate access to drive-thru

2. The drive-up or drive-through facility shall not be oriented to street corner.

FINDING: As depicted in the applicant's submitted site plan and Figure 2, the proposed drive thru is oriented internally and not towards a street corner. This criterion is met.

3. The drive-up or drive-through facility shall not be located within 20 feet of a street right-of-way.

FINDING: As depicted on the applicant's submitted site plan, the proposed drive-through is not located within 20 feet of a street right of way. This criterion is met.

4. Drive-up and drive-through queuing areas shall be designed so that vehicles will not obstruct any street, fire lane, walkway, bike lane, or sidewalk.

FINDING: As depicted on the applicant's submitted site plan and Figure 3, the queuing area for the proposed drive-through will not obstruct any street, fire lane, walkway, bike lane, or sidewalk. This criterion is met.

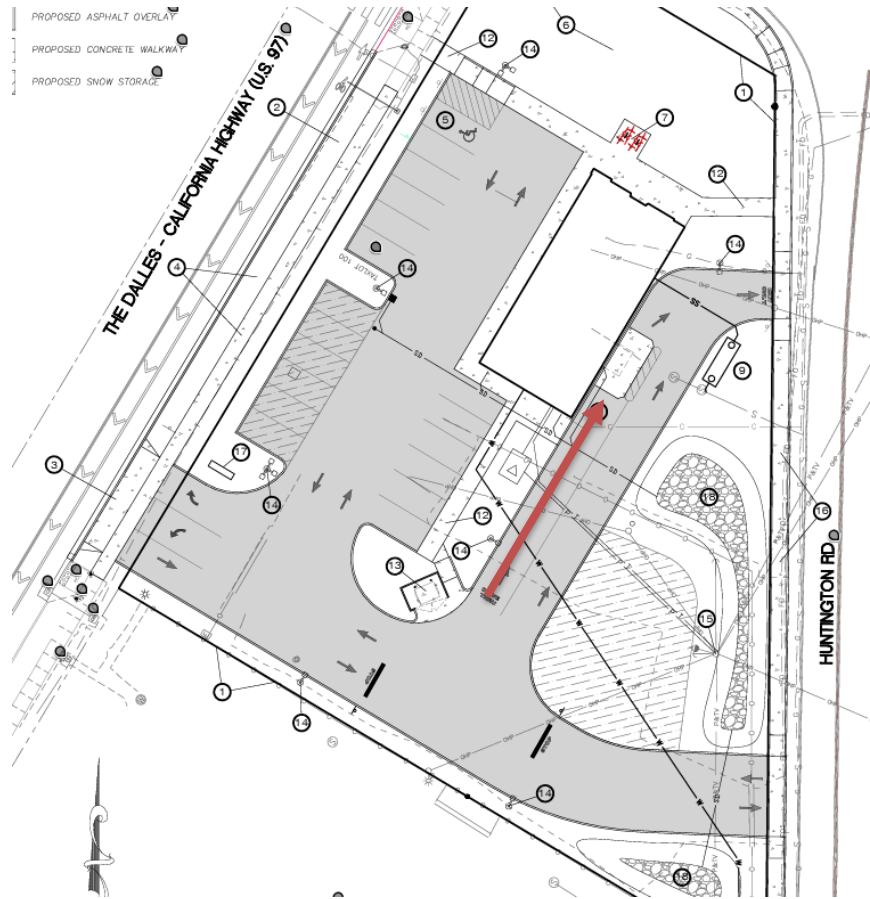


Figure 3: Applicant's site plan, red arrow indicates queuing area for the proposed drive-through

Section, 15.86.050, Bicycle Parking

- A. **Exemptions.** *This section does not apply to single-family and duplex housing, home occupations, and agricultural uses. The planning official may exempt other uses upon finding that, due to the nature of the use or its location, it is unlikely to have any patrons or employees arriving by bicycle.*

FINDING: The applicant's proposal does not include an exception to the bicycle parking requirements of LPDC Section 15.86.050, therefore this criterion is not applicable.

- B. **Standards.** *Bicycle parking spaces shall be provided with new development and, where a change of use occurs, at a minimum, shall follow the standards in Table 15.86-3. Where an application is subject to conditional use permit approval or the applicant has requested a reduction to an automobile-parking standard, the city may require bicycle parking spaces in addition to those in Table 15.86-3.*

Table 15.86-3. Minimum Required Bicycle Parking Spaces	
Use	Minimum Number of Spaces
Multi-family residential (not required for parcels with fewer than 4 dwelling units)	2 bike spaces per 4 dwelling units
Commercial	2 bike spaces per primary use or 1 per 5 vehicles spaces, whichever is greater
Industrial	2 bike spaces per primary use or 1 per 10 vehicle

	<i>spaces, whichever is greater</i>
<i>Community Service</i>	<i>2 bike spaces</i>
<i>Parks (active recreation areas only)</i>	<i>4 bike spaces</i>
<i>Schools (all types)</i>	<i>2 bike spaces per classroom</i>
<i>Institutional uses and places of worship</i>	<i>2 bike spaces per primary is or 1 per 10 vehicle spaces, whichever is greater</i>
<i>Other uses</i>	<i>2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater</i>

FINDING: The applicant's submitted site plan includes 18 parking spaces which requires 4 bicycle parking spaces. The applicant proposed a bicycle rack to the north of the proposed building (Figure 4) which has space for 4 bicycles. This criterion is met.



Figure 4: Applicant's site plan, proposed bicycle parking is circles in red

- C. Design. Bicycle parking shall consist of staple-design steel racks or other city-approved racks, lockers, or storage lids providing a safe and secure means of storing a bicycle. At a minimum, bicycle parking facilities shall be consistent with the following design guidelines:**
- 1. All bicycle parking shall be within 100 feet from a building entrance and located within a well-lit and clearly visible area;**

FINDING: As depicted on the applicant's submitted site plan, the proposed bicycle parking will be within 100 feet of the north entrance to the building and be located near two light sources. This criterion is met.

- 2. Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility;**

FINDING: The applicant's proposal includes signage at the front of the store directing users to the bicycle parking facility. This criterion is met.

- 3. Each bicycle parking space shall be at least two feet by six feet with a vertical clearance**

of six feet;

FINDING: The applicant's submitted site plan indicates that each bicycle parking space will be two feet by six feet, with a vertical clearance of six feet. This criterion is met.

4. *An access aisle of at least five feet shall be provided in each bicycle parking facility;*

FINDING: Based on the applicant's submitted site plan, there will be an access aisle of at least five feet surrounding the bicycling parking facility. This criterion is met.

5. *Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, i.e., a "rack," upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary). Note: businesses may provide long-term, employee parking by allowing access to a secure room within a building.*

FINDING: The applicant proposes a rack upon which each bicycle can be locked. The proposed rack will accommodate both cables and U-shaped locks to secure the bicycles. This criterion is met.

D. *Hazards. Bicycle parking shall not impede or create a hazard to pedestrians or vehicles, and shall be located so as to not conflict with the vision clearance standards of section 15.88.040.*

FINDING: Based on the applicant's submitted site plan, the bicycle parking will be located outside of the required clear vision areas, as well as proposed walkways and access aisles, this not creating a hazard. This criterion is met.

Section 15.6.060, Snow Storage Areas

- A. *Purpose. The purpose of these standards is to ensure that adequate space is be provided within a development for storage of snow in winter months in order to accommodate space needed for access, circulation, and off-street parking.***
- B. *Applicability. Snow storage standards apply to all subdivisions and to developments subject to site plan review.***
- C. *Standards.***
 - 1. *Minimum area. Snow storage areas must be designated on a site plan. The areas must total a minimum of 15 percent of the area to be cleared, including all access drives, parking areas, and walkways.***

FINDING: The applicant's site plan includes 3,387 square feet of snow storage areas (Figure 5) and the applicant proposes to clear 21,832 square feet (15.51%). This criterion is met.

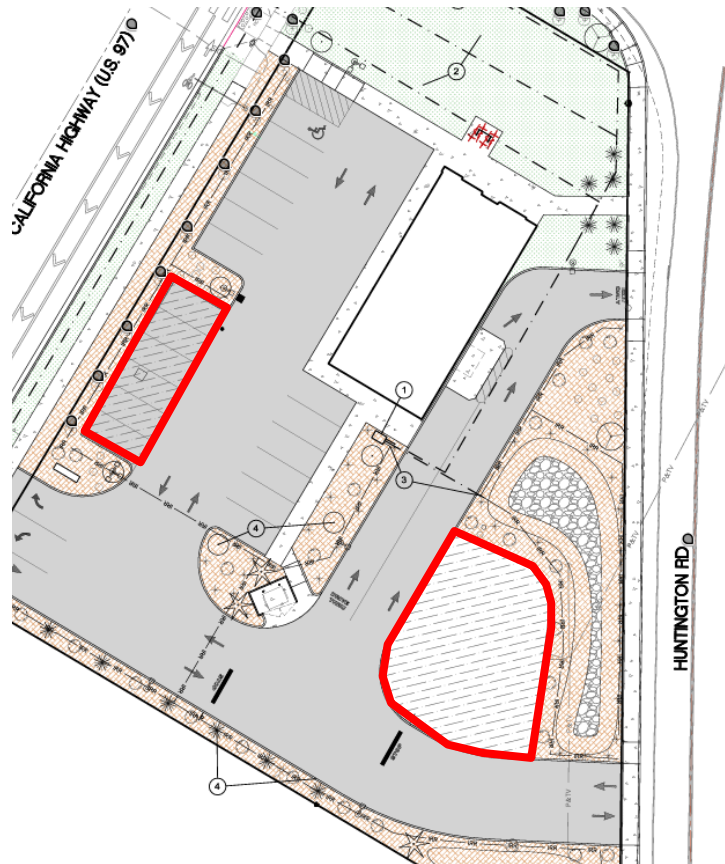


Figure 5: Applicant's site plan, snow storage areas are outlined in red

2. ***Location. Snow storage is not permitted on landscaped areas, except where these areas are limited to grass or rock cover. Snow storage may be permitted in parking areas, provided that the site can still accommodate enough parking spaces to meet minimum off-street parking requirements in winter months. Parking spaces that are located in snow storage areas do not count toward the maximum parking space requirements. It is encouraged that snow storage areas be located away from public view and that additional impervious surface areas are not created for the sole purpose of snow storage.***

FINDING: The applicant proposes 1, 136 square feet of snow storage area on 6 paved parking spaces, and 2,251 square feet of snow storage areas that are on gravel (rock cover). As stated previously, the 6 parking spaces proposed for snow storage are not required to meet the minimum parking requirements of LPDC Chapter 15.86. This criterion is met.

3. ***Exceptions and adjustments. The city may reduce or eliminate the required snow storage areas if a snow removal plan is presented which provides a continuous guarantee of removal.***

FINDING: The applicant's proposal does not include a request for an exception or adjustment to the snow storage requirements of LPDC Section 15.86.060, therefore this criterion is not applicable.

Chapter 15.88, Access and Circulation

Section 15.88.030, Vehicular Access and Circulation

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

FINDING: As discussed herein, the applicant is proposing vehicular access on two public streets in three locations. To ensure compliance with the above criterion, the following condition of approval has been included.

Approach Permit: **Prior to occupancy**, the applicant must submit approved approach/driveway permits for each entrance to the site.

- 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, findings from that analysis are incorporated herein.

- 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: As discussed previously; to help mitigate the Road Departments concerns regarding the northern access onto Huntington Road in relation to the space's standards, staff recommends the applicant install a right turn only sign for that egress.

- 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: In response to the Notice of Application ODOT sent several comments relation to the application which requested only one lane be used for egress instead of two for the driveway on Highway 97. After reviewing the submitted TIA, staff included a condition of approval that the applicant shall submit a revised site plan that reflects ODOTs request. This condition has previously been incorporated into the conditions of approval for this land use permit. As conditioned, this criterion is met.

- 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: None of the proposed approaches crosses a drainage ditch, canal, railroad, or other feature that is in the jurisdiction of another agency, therefore this criterion is not applicable.

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

FINDING: As discussed herein, the northern driveway on Huntington road does not meet the spacing standards of the La Pine TSP. However, based on the deign regulations of the Downtown Overlay, staff finds an exception to the spacing standards for this egress is needed. This criterion is met.

- 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 does not propose 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.

FINDING: Based on the applicant’s submitted site plan, there will be six clear vision areas (Figure 6). Applicable criteria are discussed herein.

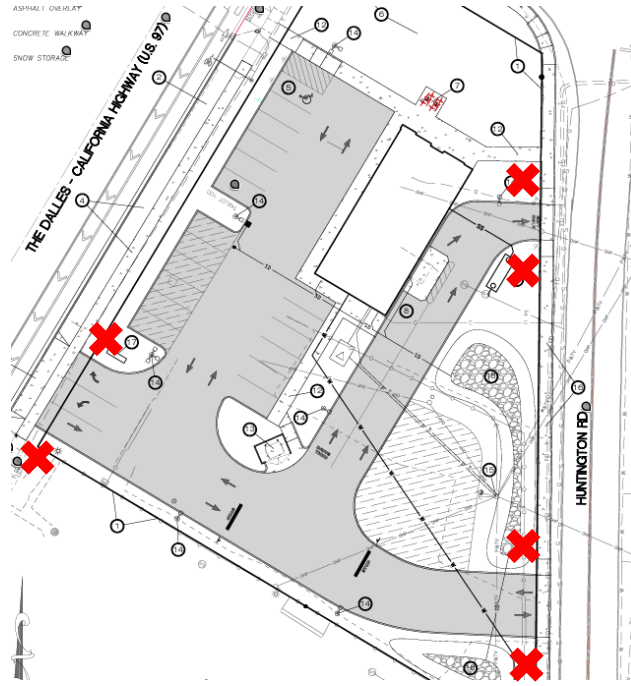


Figure 6: Applicant's site plan, clear vision areas identified by red x

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

1. *In an agricultural, forestry or industrial zone, the minimum distance shall be 30 feet; or at intersections including an alley, ten feet.*

FINDING: The subject property is not zoned agricultural, forestry, or industrial, therefore this criterion is not applicable.

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: Highway 97 and Huntington Road are both rights of way that are over 80 feet wide, therefore each clear vision area must be 20 feet. The applicant’s proposed site plan indicated each clear vision area meets this standard.

This criterion is met.

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 proposes an internal walkway system that extends through the development site and connects to all adjacent external sidewalks. 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: Based on the applicant's submitted site plan, all internal walkway systems travel in straight lines with no curves (Figure 6). This criterion is met.

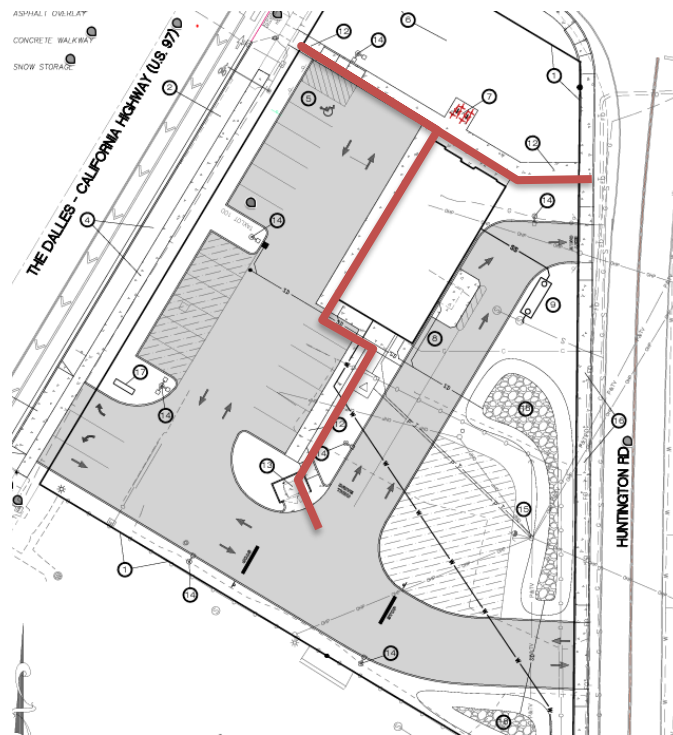


Figure 7: Applicant's site plan, internal walkways identified by red line

- 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 proposed walkways are reasonably free from hazards including vehicular and bicycle traffic. Additionally, the walkways will be required to be ADA compliant, providing a consistent surface. This criterion is met.

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

FINDING: There are several locations on the proposed site plan, where the internal walkway abuts a driveway or street. In those areas, the applicant proposes to raise the walkways six inches and include a curb along the edge of the driveway or street. 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: Based on the applicant's submitted site plan, there are no areas where the internal walkway crosses a parking area or driveway. 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 to construct the internal walkways that shall be no less than four feet in width and constructed and may be constructed by concrete, asphalt, brick, or masonry pavers.

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

FINDING: The applicant's proposal does not include any multi-use pathways; therefore, this criterion is not applicable.

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

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

FINDING: Comments from the City's Public Works Director did not indicate the need for any over-sizing to accommodate future development within the area as projected by the applicable facilities master plan. 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: The subject property fronts on three streets:

- Highway 97: Classified as a Highway in the La Pine TSP
- Finely Butte Road: Classified as an Arterial in the La Pine TSP
- Huntington Road: Classified as an Arterial in the La Pine TSP

The La Pine TSP provides the following standards for an Arterial Street:

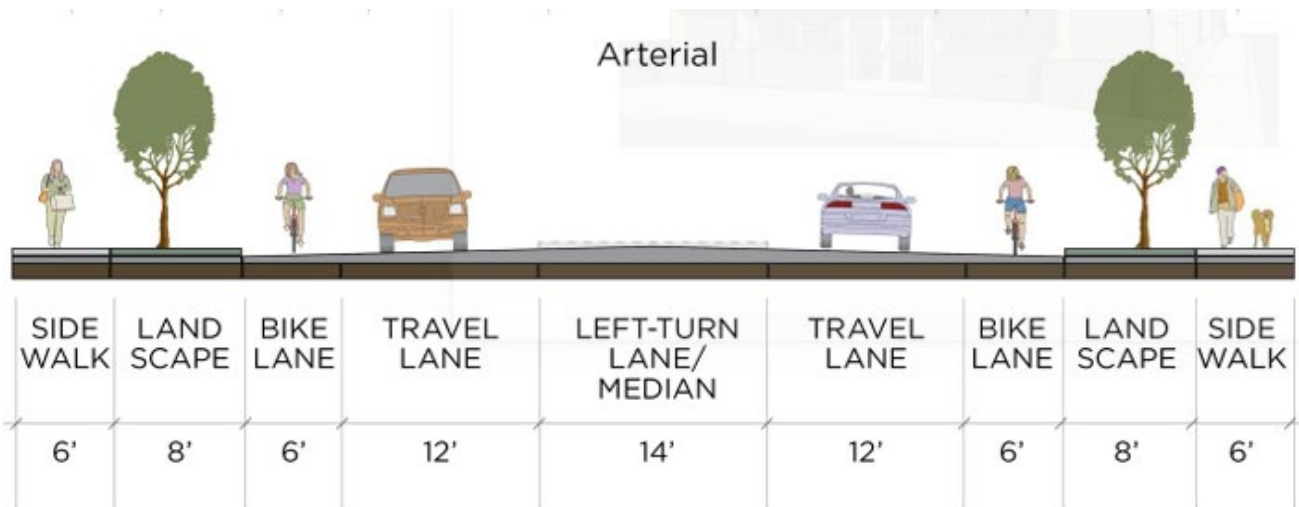


Figure 8: Cross section for Arterial Street (TSP page 63)

Table 4-4 Roadway Cross-Section Standards

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

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

² On-street parking provide adjacent to commercially zoned properties

Figure 9: Table 4-4 (TSP Page 61)

Additionally, the applicant's submitted TIA included the following recommendation:

- Frontage improvements along US 97, Morson Street, Finley Butte Road, and Huntington Road should conform to adopted City standards as identified within the Transportation System Plan.
 - Morson Street and Huntington Road north of US 97 should have 6-foot bicycle lanes, 8-foot sidewalks, and 8-foot planter strips.
 - Finley Butte Road and Huntington Road south of Finley Butte Road should have 6-foot bicycle lanes, 6-foot sidewalks, and 8-foot planter strips.
 - US 97 south of Finley Butte Road will require new curb and a sidewalk extension to fill in the existing gap.

Staff finds that the subject property fronts on inadequate streets in light of the requirements of the La Pine TSP and the recommendations from the applicants submitted TIA. To ensure compliance with the above criterion, the

following condition of approval has been added:

Inadequate Street Improvement: **Prior to occupancy** the developer shall complete the public improvements required to have both Highway 97, Finley Butte Road, and Huntington Road needed to meet the standards of the La Pine Transportation System Plan. This may include but are not limited to:

- Right of Way dedication to meet the standards for a 78-foot right of way for Huntington and Finley Butte
- Installation of 6-foot-wide concrete sidewalks on Huntington and South Finley Butte
- Installation of 8-foot-wide concrete sidewalks on Highway 97
- Street trees at an average spacing of 35 feet on Huntington, Finley Butte, and Highway 97
- Installation of a planter strip on Huntington, Finley Butte, and Highway 97
- Asphalt paving to meet the requirements of the travel lanes, left turn lane, and bike lanes for Arterial streets

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

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

Section 15.90.030, Sewer and Water

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

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

Sewer and Water Plan Approval: **Prior to construction** 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 Lift 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.**
- 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: In response to the above criteria the applicant provided the following information:

The site plan conversion will result in a net decrease of impervious surface by removing existing asphalt and structures to install new landscaping. All runoff from the developed areas will be routed to an onsite stormwater retention facility via overland flow and underground piping. The stormwater facility will consist of an above ground infiltration swales located as shown on the site plan.

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

Stormwater: **Prior to the issuance of building permits**, the City must review and approve the drainage facilities on site for compliance with LPDC Section 15.90.040

Section 15.90.050, Utilities

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

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

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

- C. **Subdivisions. In order to facilitate underground placement of utilities, the following additional standards apply to all new subdivisions:**
 - 1. **The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that no above ground equipment obstructs vision clearance areas for vehicular traffic.**
 - 2. **The city reserves the right to approve the location of all surface-mounted facilities.**
 - 3. **All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets.**
 - 4. **Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.**

FINDING: The applicant is not proposing a new subdivision; therefore, these criteria are not applicable.

- D. *Exception to undergrounding requirement. The city may grant exceptions to the undergrounding standard where existing physical constraints, such as geologic conditions, streams, or existing development conditions make underground placement impractical.***

FINDING: The applicant's proposal does not include a request for an exception to the undergrounding requirements of LPDC Section 15.90.050. 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.***
- 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: As part of the applicant's proposal, improvements relating to right-of-way facilities will be required. While no additional permits are required by the Development Code for that work, staff notes that the applicant should coordinate with the Public Works Director prior to construction to ensure their standards are met.

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

FINDING: The applicant's proposal does not include any temporary public road nor highway detours; therefore, 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 and highway related 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: Table 2-1 lists projects that are identified as a priority project in the City's TSP. The applicant's proposal does not include any of those projects listed as a priority project, therefore this criterion is not applicable.

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

FINDING: The applicant’s proposal does not include the design, construction, operation, nor maintenance of a tourist-oriented or public wayside. This criterion is not applicable.

Section 15.90.070, Design of Streets and Other Public Facilities

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

FINDING: The applicant’s proposal does not include a land division; therefore, this criterion is not applicable.

B. Street location and pattern. *The proposed street location and pattern shall be shown on the development plan, and the arrangement of streets shall:*

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

FINDING: The applicant’s proposal does not include the addition of any new streets; therefore, these criteria are not applicable.

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

FINDING: The applicant’s proposal does not include any new streets, cul-de-sacs, nor dead end streets; 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: The applicant's proposal does not include any new streets; therefore, this criterion is not applicable.

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

FINDING: As discussed herein, right of way dedication will be required per the La Pine TSP. This condition has previously been included. As conditioned, the 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 discussed herein, sidewalks will be required per the La Pine TSP. This condition has previously been included. As conditioned, the 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 discussed herein, bicycle lanes will be required per the La Pine TSP. This condition has previously been included. As conditioned, the criterion is met.

- H. *Culs-de-sac. A cul-de-sac street shall only be used where the city determines that environmental or topographical constraints, existing development patterns, or compliance with other applicable city requirements preclude a street extension. Where the city determines that a cul-de-sac is allowed, all of the following standards shall be met:***
- 1. *The cul-de-sac shall not exceed a length of 400 feet, except where the city through a Type II procedure determines that topographic or other physical constraints of the site require a longer cul-de-sac. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.***
 - 2. *A cul-de-sac shall terminate with a circular turn around with a minimum radius of 45 feet of paved driving surface and a 50 foot right-of-way and meeting the Uniform Fire Code.***
 - 3. *The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way between it and adjacent developable lands.***

FINDING: The applicant's proposal does not include a cul-de-sac; therefore, these criteria are not applicable.

- I. *Marginal access streets. Where a land development abuts or contains an existing or proposed***

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

FINDING: While the subject property abuts two existing arterial streets (Finley Butte Road and Huntington Road), the City has not determined that marginal street access is required for this development. 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 a request for 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: The applicant's proposal does not include any new streets; therefore, this criterion is not applicable.

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

FINDING: The applicant's proposal does not include any new streets or intersections; therefore, this criterion is not applicable.

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

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

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

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

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

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

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

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

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

FINDING: The applicant's proposal does not include any new traffic control signs; therefore this criterion is not applicable.

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

FINDING: The applicant's proposal does not include any 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: As addressed herein, curbs are required as part of the public improvements to adhere to the TSP. These requirements have previously been conditioned, and therefore this criterion is met.

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

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

applicable.

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

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

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.

- 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: As previously conditioned, drainage facilities on the subject property will be in accordance with the Central Oregon Stormwater Manual. As conditioned, this criterion is met.

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

FINDING: The applicant's proposal does not include any gates; 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 provided a Transportation Impact Analysis in compliance with the above criterion.

- 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 Traffic Impact Analysis was prepared by Joe Bessman of Transight Consulting, who is a registered professional engineer. 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 did not include a request for a waiver or deferral for the required street improvements; therefore, these criteria are not applicable.

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 with the above criterion, the following condition of approval has been added.

Plan Review and Approval: ***Prior to construction*** improvement work shall not commence until a Pre-Construction meeting has been held with the City of La Pine Public Works Department.

- 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: Staff includes this criterion as reference to the applicant should improvement work be discontinued.

- C. *Improvements as platted. Improvements shall be designed, installed and constructed as platted***

and approved, and plans therefore shall be filed with the final plat at the time of recordation or as otherwise required by the city.

FINDING: The applicant's proposal does not include any required improvements in conjunction with a land division; therefore, this criterion is not applicable.

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

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

Improvement 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.

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

Agreement for Improvements: **Prior to construction**, 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: To ensure compliance with the above criterion, the following condition of approval has been added.

Bond or Other Performance Assurance: **Prior to development** the developer shall file with the agreement, to ensure his/her full and faithful performance thereof, one of the following, pursuant to approval of the city attorney and city manager, and approval and acceptance by the city council:

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the city attorney.
2. A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability to proceed in accordance with the agreement.
3. Cash deposit.
4. Such other security as may be approved and deemed necessary by the city council to adequately ensure completion of the required improvements.

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

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

Amount of Security Required: The assurance of full and faithful performance shall be for a sum approved by the city

as sufficient to cover the cost of the improvements and repairs, including related engineering, inspection and other incidental expenses, plus an additional 20 percent for contingencies.

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

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

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

Section 15.94.040, Maintenance Surety Bond

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

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

Maintenance Surety Bond: ***At the completion of the construction of the required improvements,*** the city will require a one-year maintenance surety bond in an amount not to exceed 20 percent of the value of all improvements, to guarantee maintenance and performance for a period of not less than one year from the date of acceptance.

Article 8, Applications and Reviews

Chapter 15.312, Site Plan Review

Section 15.312.050, Approval Criteria

To ensure that the stated purposes of the site plan review process are met, the review authority shall be governed by the criteria below as they evaluate and render a decision on a proposal.

- A. *Statement of intent.***
- 1. The site plan review criteria are intended to provide a frame of reference for the applicant in the development of a site, building and landscape plans, as well as providing the city with a means of reviewing proposed plans.***
 - 2. These criteria provide a clear and objective means of evaluating residential development (and the residential components of a mixed use development) in accordance with ORS***

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3. ***The review authority is not authorized as a part of the site plan review process to approve projects which exceed specific development standards set forth by the applicable zone unless the exceptions are approved in accordance with specific variance or other provisions set forth in this Development Code.***

FINDING: As discussed herein, staff has reviewed the applicant's proposal under the site plan regulations highlighted above. These criteria are met.

B. *Site plan evaluation criteria. The following criteria shall be used in evaluating all site development plans:*

1. ***The application is complete, in accordance with the applicable procedures in article 7.***

FINDING: The application was deemed complete on June 6, 2024, in accordance with LPDC Article 7. This criterion is met.

2. ***The application complies with all applicable provisions of the underlying zoning district in article 3, including, but not limited to, setbacks, lot dimensions, density, lot coverage, building height, and other applicable standards.***

FINDING: As discussed herein, all applicable provisions of the underlying zone (Traditional Commercial) have been met and therefore, this criterion is met.

3. ***The application complies with the provisions of the any applicable overlay zones in article 4.***

FINDING: As discussed herein, all applicable provisions of the overlay zone (Downtown Overlay) have been met and therefore, this criterion is met.

4. ***The proposal complies with all applicable development and design standards of article 5.***

FINDING: As discussed herein, all applicable development and design standards of LPDC Article 5 have been met, therefore this criterion has been met.

5. ***The application complies with all applicable special use standards in article 6.***

FINDING: The applicant's proposal was not regulated by any special use standards of LPDC Article 6, therefore this criterion is not applicable.

6. ***Adequate public facilities and utilities are available or can be made prior to occupancy to serve the proposed development.***

FINDING: Notice of application was sent to several agencies including the La Pine Public Works Department and Midstate Electric. Staff did not receive any comments in the record that indicated there were not adequate public utilizes and facilities to support the development, besides the public improvements that have been discussed and conditioned previously. This criterion is met.

7. ***The proposed site plan conforms to the standards within the adopted La Pine Transportation System Plan (TSP), as may be amended from time to time, unless other design standards are specifically approved by the city.***

FINDING: As discussed herein, several public improvements were required to bring the development into compliance with the La Pine TSP. Those requirements have previously been added to the conditions of approval for this. As conditioned the site will be in compliance with the La Pine TSP and therefore, this criterion is met.

8. ***The proposed site plan conforms to the La Pine Sewer and Water Standards, as may be amended from time to time, unless other design standards are specifically approved by the city. All sewer improvements must comply with Oregon Administrative Rules chapter 340 division 52 requirements, including Appendix A - Sewer Pipelines.***

FINDING: Compliance with the La Pine Sewer and Water standards will be reviewed during the Pre-Construction meeting that will be held prior to development. To ensure this criterion is met, the following condition of approval has been met.

Pre-Construction Meeting: ***Prior to construction of the required public improvements***, the applicant shall have a Pre-Construction meeting with the City of La Pine Public Works Department.

9. ***The proposed site plan conforms to the Central Oregon Stormwater Manual (COSM), as may be amended from time to time, unless other design standards are specifically approved by the city.***

FINDING: As previously conditioned, prior to the issuance of building permits, the applicant's site plan will be reviewed for compliance with the Central Oregon Stormwater Manual. As conditioned this criterion is met.

10. ***All utilities shall be installed underground, unless otherwise specifically approved by the city.***

FINDING: As previously conditioned, all utilities shall be installed underground. As conditioned, this criterion is met.

11. ***The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.***

FINDING: As the applicant is proposing new development of the property and not altering a previous site plan approval, therefore, compliance with previous conditions of approval is not applicable to this proposal. Therefore, this criterion is not applicable.

Section 15.312.060, Additional Approval Criteria – Nonresidential Development

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

- A. ***Statement of intent.***
 1. ***The site plan review criteria for nonresidential development are intended to provide a frame of reference for the applicant in the development of a site, building and landscape plans, as well as providing the city with a means of reviewing proposed plans.***
 2. ***These criteria are not intended to be inflexible requirements, nor are they intended to discourage creativity. The specification of one or more architectural styles is not intended by these criteria.***
 3. ***The review authority is not authorized as a part of the design review process to approve projects which exceed specific development standards set forth by the applicable zone***

unless the exceptions are approved in accordance with specific variance or other provisions set forth in this chapter.

FINDING: As discussed herein, staff has reviewed the applicant's proposal under the site plan regulations highlighted above. These criteria are met.

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

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

FINDING: As addressed herein, the applicant's proposal complies with all development regulations and therefore staff finds the design is well suited to the natural characteristics and limitations of the site. This criterion is met.

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

FINDING: As discussed herein, the adherence to the Downtown Overlay design standards creates a visually interesting and compatible relationship between the proposed structures and adjacent structures. Therefore, this criterion is met.

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

FINDING: As previously discussed, there are no existing features such as streams, rocks, slopes, nor vegetation on the site to incorporate into the proposed design, therefore this criterion is not applicable.

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

FINDING: As discussed herein, the applicant's site plan incorporates a continuous walkway system and convenient bicycle parking. This criterion is met.

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

FINDING: As discussed herein, the improvements to the site are in adherence to the development code which does not unreasonably degrade the scenic values of the community. This criterion is met.

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

FINDING: As discussed herein, the parking and circulation requirements of LPDC Chapter 15.88 have been met which creates a system that provides safe circulation for vehicles, pedestrians, and bicycles. This criterion is met.

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

outside the site.

FINDING: As discussed herein, all mechanical equipment, utilizes, waste collection facilities will be screen from view. This criterion is met.

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

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

FINDING: As discussed herein, the landscape plan for the site meets and often exceeds the requirements of LPDC Chapter 15.82; therefore, this criterion is met.

V. CONCLUSION

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

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

VI. DECISION

APPROVAL, subject to the following conditions of approval.

VII. CONDITIONS OF APPROVAL:

AT ALL TIMES

- A. Application Materials: This approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.**
- B. Additional Permit Requirements: The applicant shall obtain necessary permits from the City of La Pine, Deschutes County Building Department, Deschutes County Onsite Wastewater Department, and any other necessary State or Federal permits.**
- C. Confirmation of Conditions: The applicant shall be responsible for confirming in detail how each specific condition of approval has been met if requested by City staff.**
- D. Maintenance and Plant Survival: *At all times* all landscaping approved or required as a part of a**

development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.

- E. Off Street Loading Frequency: **At all times** the subject property shall receive merchandise/materials on a truck with a 40-foot or longer wheelbase at a frequency of less than one vehicle per week.
- F. Lighting: **At all times**, all exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.
- G. Duties of Developer: It shall be the responsibility of the developer to construct all streets, curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, telephone and cable television lines necessary to serve the use or development in accordance with the specifications of the city and/or the serving entity.
- H. Underground Utilities: All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.
- I. 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.
- J. Improvement 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.
- K. 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**.
- L. 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.**

PRIOR TO BUILDING PERMITS

- M. US 97 Driveway: **Prior to building permits**, the applicant shall submit a revised site plan that reflects a single outbound lane on the US 97 driveway. This change will not be considered a modification under LPDC Section 15.202.130 as the revision will not create a substantially new proposal.
- N. Window Transparency: **Prior to the issuance of building permits**, the applicant must confirm that all ground floor windows shall have a visible transmittance of 60 percent or higher.
- O. Stormwater: **Prior to the issuance of building permits**, the City must review and approve the drainage facilities on site for compliance with LPDC Section 15.90.040

PRIOR TO OCCUPANCY

- P. Backflow Device: The applicant will be required to install a backflow device within 3 feet of the meter.

- Q. Water Meter Abandonment: The water meter to the north will need to be abandoned by disconnecting at city water main.
- R. State Fire Marshall Comments: **Prior to occupancy**, the applicant shall confirm that all of the Deputy State Fire Marshalls requirements have been met.
- S. ODOT Approval: **Prior to occupancy**, the applicant shall confirm that they have received their approval from the Oregon Department of Transportation for an application to upgrade an existing state highway approach if needed.
- T. Plant Installation Standards: **Prior to occupancy** the applicant shall confirm that the following plant installation standards are met for all landscaping:
1. Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.
2. Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.
3. Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.
4. Rows of plants should be staggered to provide for more effective coverage.
- U. Approach Permit: **Prior to occupancy**, the applicant must submit approved approach/driveway permits for each entrance to the site.
- V. Inadequate Street Improvement: **Prior to occupancy** the developer shall complete the public improvements required to have both Highway 97, Finley Butte Road, and Huntington Road needed to meet the standards of the La Pine Transportation System Plan. This may include but are not limited to:
 - Right of Way dedication to meet the standards for a 78-foot right of way for Huntington and Finley Butte
 - Installation of 6-foot-wide concrete sidewalks on Huntington and South Finley Butte
 - Installation of 8-foot-wide concrete sidewalks on Highway 97
 - Street trees at an average spacing of 35 feet on Huntington, Finley Butte, and Highway 97
 - Installation of a planter strip on Huntington, Finley Butte, and Highway 97
 - Asphalt paving to meet the requirements of the travel lanes, left turn lane, and bike lanes for Arterial streets
- W. 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 DEVELOPMENT/CONSTRUCTION

- X. Sewer and Water Plan Approval: **Prior to Construction** 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.
- Y. Plan Review and Approval: **Prior to Construction** improvement work shall not commence until a Pre-Construction meeting has been held with the City of La Pine Public Works Department.
- Z. Agreement for Improvements: **Prior to construction**, 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.

- AA.** Bond or Other Performance Assurance: ***Prior to development*** 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.
- AB.** 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.
- AC.** 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.
- AD.** Maintenance Surety Bond: ***At the completion of the construction of the required 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.
- AE.** Pre-Construction Meeting: ***Prior to construction of the required public improvements***, the applicant shall have a Pre-Construction meeting with the City of La Pine Public Works Department.

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