



## FINDINGS AND DECISION

- DECISION DATE:** September 24, 2024
- FILE NUMBER:** 06SPR-24
- APPLICANT:** St Charles Health System  
PO Box 5789  
Bend, OR 97708
- OWNER:** St Charles Health System  
PO Box 5789  
Bend, OR 97708
- LOCATION:** The subject property is located at 51781 Huntington Road, La Pine, Oregon 97739. The Tax Lot number is 200 on Deschutes County Assessor's Map 22-10-11BC.
- REQUEST:** The applicant is requesting site plan alteration to add 13 parking spaces to the existing parking lot for the St Charles Medical Clinic
- STAFF CONTACT:** Rachel Vickers, Associate Planner  
Email: [rvickers@lapineoregon.gov](mailto: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 zoned Mixed-Use Commercial and is not located within any overlay zones.

**PARCEL SIZE:** The subject property is 2.05-acres in size.

**LOT LEGALITY:** The subject property was platted as Parcel 2 in Partition Plat No. PP2017-4.

**REVIEW PERIOD:** The subject application was submitted on July 2, 2024, and deemed complete on August 1, 2024. The 120<sup>th</sup> day on which the City must make a decision is November 29, 2024.

**EXISTING DEVELOPMENT:** The subject property is developed with an existing 11, 574 square foot medical clinic and related site improvements.

**PERMIT HISTORY:**

- SPR 2016-45SP | Site plan review to establish a new 11,574 square foot medical clinic with the following site improvements:
  - 52 parking spaces (47 normal and 5 ADA)
  - 38,685 SF of landscaping (43%)

**III. AGENCY AND PUBLIC COMMENTS**

**PUBLIC AGENCY COMMENTS:** The La Pine Community Development Department sent mailed and electronic notice on August 26, 2024, to several public agencies and received the following comments: and did not receive any comments. Staff notes this is likely due to the minimal impact this alteration will have.

**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 August 26, 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.*

...

**C. Commercial Mixed-Use Zone (CMX).** *The CMX zone is intended to allow for a wide range of both*

*commercial and residential uses. Unlike the CRMX zone, residential uses are not limited and are allowed to be developed on standalone sites. Some commercial uses that may not be compatible with residential uses are prohibited or limited. The CMX zone allows for flexible uses that can respond to market demand.*

...

**FINDING:** The subject property is zoned Commercial Mixed-Use (CMX). Applicable criteria are addressed 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**

<b>Use Category</b>	<b>C</b>	<b>CRMX</b>	<b>CMX</b>	<b>CN</b>	<b>Special Use Standards</b>
<b>Commercial Use Categories</b>					
<b>Campgrounds and RV Parks</b>	<b>N</b>	<b>CU(2)</b>	<b>CU</b>	<b>CU</b>	<b>Section 15.108.020</b>
<b>Commercial Lodging</b>	<b>P</b>	<b>L(2)</b>	<b>P</b>	<b>L(5)</b>	<b>-</b>
<b>Commercial Parking</b>	<b>CU</b>	<b>L(2)</b>	<b>P</b>	<b>N</b>	<b>-</b>
<b>Commercial Recreation</b>	<b>P</b>	<b>L(2)</b>	<b>P</b>	<b>P</b>	<b>Section 15.108.030</b>
<b>Eating and Drinking Establishments</b>	<b>P</b>	<b>L(2)</b>	<b>P</b>	<b>P</b>	<b>Section 15.108.070</b>
<b>Marijuana Dispensary</b>	<b>P</b>	<b>N</b>	<b>P</b>	<b>N</b>	<b>Section 15.108.050</b>
<b>Quick Vehicle Servicing</b>	<b>P</b>	<b>CU</b>	<b>CU</b>	<b>N</b>	<b>-</b>
<b>Office</b>	<b>P</b>	<b>L(2)</b>	<b>P</b>	<b>P</b>	<b>-</b>
<b>Retail Sales and Service</b>	<b>P</b>	<b>L(2)</b>	<b>L/CU(4)</b>	<b>L/CU(6)</b>	<b>-</b>
<b>Vehicle Repair</b>	<b>P</b>	<b>N</b>	<b>CU</b>	<b>N</b>	<b>-</b>
<b>Self-Service Storage</b>	<b>N</b>	<b>N</b>	<b>P</b>	<b>CU</b>	<b>-</b>

**FINDING:** The existing use on the subject property was approved as an Office use per the definition of LPDC Section 15.14.235, which is a use permitted outright in the CMX zone. The applicant proposed site plan alteration will not change the existing use. This criterion is met.

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**

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

**FINDING:** Staff addresses each development standard below.

Minimum Lot Width

The applicant’s proposal does not include the change in the existing width of the subject property; therefore, this

development standard is not applicable.

Minimum Setbacks

The applicant's proposal does not include any new structures; therefore, the setback standards of Table 15.22-2 do not apply to this application.

Maximum Building Height

The applicant's proposal does not include any new structures; therefore, the building height standard of Table 15.22-2 does not apply to this application.

Maximum Lot Coverage

LPDC Chapter 15.12 defines lot coverage as pertaining to the percentage of the lot covered by primary or accessory structures. Since the applicant is not proposing any new structures, this development standard is not applicable.

Minimum Landscaped Area

As discussed herein, the landscaping provisions of LPDC Chapter 15.82 are met; therefore, this development standard is met.

Minimum and Maximum Density

The applicant's proposal does not include the addition of any dwelling units; therefore, this development standard is not applicable.

Staff finds that the applicant's proposal meets all applicable development standards of LPDC Table 15.22-2. This criterion is 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 not a corner lot; 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:** Compliance with this criterion was reviewed under file SPR2016-45SP, staff finds that based on the applicant submitted site plan, the proposed alteration will continue to be in compliance with the requirements of this criterion. 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 does not include any outdoor activities; therefore, this criterion is not applicable.

- 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 the addition of any new outdoor storage areas; 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 addition of any outdoor 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:** The applicant's addition of 13 parking spaces will not alter the exiting approved access that was reviewed under SPR 2016-45SP. 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 addition of 13 parking spaces is not expected to create any emission nor offensive odors. This criterion is met.

- 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 proposal does not include the addition of any new mechanical or electrical apparatuses; therefore, 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:** The applicant's proposal does include any new exterior lighting; therefore, this criterion is not applicable.

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 meet the criteria for an exemption to the provisions of LPDC Chapter 15.82. Applicable criteria are discussed herein.

**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:*

...

**3. Commercial uses including mixed use commercial (CMX): 15 percent.**

...

**FINDING:** The applicant proposes to alter an existing commercial use which requires a 15% minimum landscaping standard. The subject property is 11,856 square feet in size and the applicant’s alteration will bring the total landscaped area to 4,526 square feet (35.8%). This criterion is met.

**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 proposed landscaped areas include landscaping areas in the areas identified above. 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’s proposal does not include the addition of any new landscaped areas. Compliance with this criterion was reviewed under SPR 2016-45SP and staff finds the applicants proposal will continue to remain in compliance with the above criterion.

**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:** The applicant's proposal includes the removal of four existing trees. Staff finds this criterion does not require the applicant to keep any existing vegetation on site; therefore, this criterion is met.

**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 the expansion of two parking bays. At the end of each parking bay, curbed planters will be utilized. This criterion is met.

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

**FINDING:** The applicants' existing and proposed bays will contain trees and other ground cover. This criterion is met.

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

**FINDING:** The existing and proposed bays will be protected through the use of curbs around the parking areas. This criterion is met.

- 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:** Compliance with this criterion was reviewed under file SPR 2016-45SP. The applicant's proposal does not include the addition or removal of any new sidewalks adjacent to parking areas; therefore, this criterion is not applicable.

- 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 across the street from a residential zone, nor does the subject property abut a residential zone. 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.***
- 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:** The subject property is not zoned RSF, RMF, RMP, or TA; therefore, the above 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:** The subject property does not abut any land zoned RSF, RMF, RMP, nor TA, therefore the above 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 not zoned industrial; therefore, the above 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 addressed previously, the applicant's proposal does not require any buffering or screening. 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:** The applicant's proposal does not include the above referenced request to the buffering and screening standards; 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:** This requirement is an ongoing condition of approval from file SPR 2016-45SP. The applicant's proposal will not alter this condition; therefore, the above criteria are met.

- 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:** This requirement is an ongoing condition of approval from file SPR 2016-45SP. The applicant's proposal will not alter this condition; therefore, the above criterion is met.

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.*
- 1.** *Barbed wire fences intended to contain or restrict cattle, sheep, horses or other livestock, are permitted in any zone where the keeping of livestock is permitted.*
  - 2.** *Electric fences are permitted in any zone where the keeping of livestock is permitted, provided the following standards are met:*
    - a.** *The fence product shall be listed by a State of Oregon approved testing laboratory.*
    - b.** *The fence shall be installed and used in accordance with the testing laboratory listing.*
    - c.** *Electrical permits and inspections shall be required for the installation.*
    - d.** *Warning signs which notify individuals of a dangerous fence shall be posted on the fence, at intervals not to exceed 50 feet. The statement, DANGER - Electrified Fence, or an equivalent statement, shall be on the warning signs.*
    - e.** *The fence must be located outside any front yard setback and required landscaping, buffering or screening areas.*
- 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 any new or altered fencing, therefore, LPDC Section 15.82.020 is not applicable to the application.

## Chapter 15.86, Parking and Loading

### Section 15.86.010, Applicability

*Off-street loading and vehicle and bicycle parking spaces shall be provided in accordance with the specifications of this chapter in all zones whenever any new use is established, an existing use is enlarged, or an existing use of land or structure is changed to a new use. Such new, enlarged, or changed use shall fully comply with the specifications of this chapter prior to being given a certificate of use and occupancy.*

### 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 existing use on the subject property does not require the receipt or distribution of material or merchandise by trucks with a 40-foot or longer wheelbase. The applicant's proposed alteration will not require it either. Therefore, these criteria are not applicable.

### 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:** The applicants proposed 13 parking spaces will be located on the same lot as the medical office.

- 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, neither of the existing nor proposed parking spaces will be encroached upon by any structure or storage. 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 I 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 and allowed parking following the above referenced criteria.

- 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 I.***

**FINDING:** The applicant's burden of proof indicates that the proposed and existing parking spaces will be made available for customers and employees of the medical clinic. 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, the above 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.*

<i>Table 15.86-1. Automobile Parking Spaces by Use</i>	
<i>Use Categories</i>	<i>Minimum Parking per Land Use</i>
<i>Medical Center</i>	<i>One space per 300 sqft floor area</i>

**FINDING:** The applicant’s proposal to add 13 new parking spaces to the existing 52 (47 regular and 5 ADA) space parking lot. The medical office on site is 11,574 square feet which requires 39 parking spaces. 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 maximum number of automobile parking spaces allowed is 78 spaces. The applicant’s proposed addition of 13 parking spaces will bring the total number to 65 spaces. This criterion is 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 does not include an exception or reduction to the requirements of LPDC Section 15.86.030; 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 does not include any new shared parking areas; therefore, 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**

<b>Parking Angle</b>	<b>Stall Width</b>	<b>20' Stall</b>	<b>Aisle Width (*one way)</b>	<b>Curb Length</b>	<b>Bay Width</b>
<b>0°</b>	<b>9'-0"</b>	<b>9.0</b>	<b>12.0</b>	<b>22.0</b>	<b>30.0</b>
	<b>9'-6"</b>	<b>9.5</b>	<b>12.0</b>	<b>22.0</b>	<b>31.0</b>
	<b>10'-0"</b>	<b>10.0</b>	<b>12.0</b>	<b>22.0</b>	<b>31.0</b>
<b>45°</b>	<b>9'-0"</b>	<b>19.8</b>	<b>13.0</b>	<b>12.7</b>	<b>52.5</b>
	<b>9'-6"</b>	<b>20.1</b>	<b>13.0</b>	<b>13.4</b>	<b>53.3</b>
	<b>10'-0"</b>	<b>20.5</b>	<b>13.0</b>	<b>14.1</b>	<b>54.0</b>
<b>60°</b>	<b>9'-0"</b>	<b>21.0</b>	<b>18.0</b>	<b>10.4</b>	<b>60.0</b>
	<b>9'-6"</b>	<b>21.2</b>	<b>18.0</b>	<b>11.0</b>	<b>60.4</b>
	<b>10'-0"</b>	<b>21.5</b>	<b>18.0</b>	<b>11.9</b>	<b>61.0</b>
<b>70°</b>	<b>9'-0"</b>	<b>21.0</b>	<b>19.0</b>	<b>9.6</b>	<b>61.0</b>
	<b>9'-6"</b>	<b>21.2</b>	<b>18.5</b>	<b>10.1</b>	<b>60.9</b>
	<b>10'-0"</b>	<b>21.2</b>	<b>18.0</b>	<b>10.6</b>	<b>60.4</b>
<b>90°</b>	<b>9'-0"</b>	<b>20.0</b>	<b>24.0</b>	<b>9.0</b>	<b>64.0</b>
	<b>9'-6"</b>	<b>20.0</b>	<b>24.0</b>	<b>9.5</b>	<b>64.0</b>
	<b>10'-0"</b>	<b>20.0</b>	<b>24.0</b>	<b>10.0</b>	<b>64.0</b>
<b>*24' minimum for two-way traffic</b>					

**FINDING:** The applicants proposal includes 24 feet wide access aisles and parking spaces that are all at 90-degree angles and measure 9 feet wide by 20 feet long. 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 for an adjustment to the parking area dimensions; therefore, 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:** Compliance with the requirements of ADA parking was reviewed under building permit 247-17-000299-

STR. The applicant’s proposal does not include any alterations to the structure on site, nor the addition of any new structure; therefore, the new parking spaces will not have to comply with ADA regulations. This criterion is not applicable.

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 meet the criteria for an exemption to the standards of LPDC Section 15.86.050. Applicable criteria are addressed herein.

**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.*

<b>Table 15.86-3. Minimum Required Bicycle Parking Spaces</b>	
<b>Use</b>	<b>Minimum Number of Spaces</b>
<b>Muli-family residential (not required for parcels with fewer than 4 dwelling units)</b>	<b>2 bike spaces per 4 dwelling units</b>
<b>Commercial</b>	<b>2 bike spaces per primary use or 1 per 5 vehicles spaces, whichever is greater</b>
<b>Industrial</b>	<b>2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater</b>
<b>Community Service</b>	<b>2 bike spaces</b>
<b>Parks (active recreation areas only)</b>	<b>4 bike spaces</b>
<b>Schools (all types)</b>	<b>2 bike spaces per classroom</b>
<b>Institutional uses and places of worship</b>	<b>2 bike spaces per primary is or 1 per 10 vehicle spaces, whichever is greater</b>
<b>Other uses</b>	<b>2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater</b>

**FINDING:** The applicant’s proposal includes the addition of 13 parking spaces which brings the total number of parking spaces to 65. Based on Table 15.86-3, 65 parking spaces requires 13 bicycles parking spaces. Staff finds the existing bicycle parking facility that were reviewed under SPR 2016-45SP meets this increased requirement. This criterion is met.

**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;**
- 2. Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility;**
- 3. Each bicycle parking space shall be at least two feet by six feet with a vertical clearance of six feet;**

4. ***An access aisle of at least five feet shall be provided in each bicycle parking facility;***
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:** Compliance with these criteria was reviewed under SPR 2016-45SP. The applicant's proposal does not require additional bicycle parking; therefore, these criteria continue to be 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:** Compliance with these criteria was reviewed under SPR 2016-45SP. The applicant's proposal does not require additional bicycle parking; therefore, these criteria continue to be met.

Section 15.86.060, 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.***

**FINDING:** The applicant's proposal requires site plan review, therefore the provisions of LPDC Section 15.86.060 apply to this application. Applicable criteria are addressed herein.

- 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 increase in parking area will bring the total area to be cleared to 4,572 square feet of cleared area. The applicant's proposal includes additional snow storage areas, bringing to total area to 4,600 square feet. This criterion is met.

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's existing and proposed snow storage areas will be limited to areas that are covered in grass and rock. 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 nor adjustment to the snow storage requirements, therefore this criterion is not applicable.

#### **Chapter 15.88, Access and Circulation**

##### Section 15.88.020, Applicability

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

**FINDING:** The existing access to the site was approved through under file SPR 2016-45SP. The applicant's proposal does not necessitate a new or modified street connection; therefore, LPDC Chapter 15.88 is not applicable.

#### **Chapter 15.90, Public Facilities**

##### Section 15.90.010, Public Facility Improvement

***Minor betterment, improvements, replacement or reconstruction of existing public facilities such as sewer and water lines, stormwater drainage facilities, sidewalks and other pedestrian ways or facilities, bikeways and similar public facilities within rights-of-ways and easements for the purposes existing on or before the effective date of this chapter, or on contiguous publicly-owned property designated, intended or utilized to support the facilities, or the facilities that are set forth within an adopted public facilities plan or other capital improvement plan duly adopted on or before the effective date of this ordinance, are exempt from permit requirements, unless specifically set forth otherwise.***

**FINDING:** Based on the applicant's proposal to add 13 parking spaces to the existing site, no public improvements will be required for this application. Therefore, LPDC Chapter 15.90 is 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:***

...

**FINDING:** As stated previously, the applicant's site plan alteration does not trigger the need or public improvements, therefore LPDC Chapter 15.94 does not apply to this application.

#### **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 197.***
- 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:** Staff reviews applicant's proposal based on the above criteria.

**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 August 1, 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, the application complies with all the applicable provisions of the Commercial-Mixed Use zone. This criterion is met.

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

**FINDING:** The subject property is not within any overlay zones therefore this criterion is not applicable.

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

**FINDING:** As discussed herein, the applicant's proposal complies with all applicable development and design standards of article 5. This criterion is met.

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

**FINDING:** The applicant's proposed addition of 13 parking spaces is not regulated by any special use standards; 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:** Based on existing availability of public facility and utilities that are made to the site, staff finds this criterion will be 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:** Compliance with the La Pine TSP was reviewed under file SPR 2016-45SP. Staff finds the applicant's current proposal will continue to be in compliance with those requirements. 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 was reviewed under file SPR 2016-45SP. Staff finds the applicant's current proposal will continue to be in compliance with those requirements. This criterion is met.

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:** Compliance with the Central Oregon Stormwater Manual was reviewed under file SPR 2016-45SP. Staff finds the applicant's current proposal will continue to be in compliance with those requirements. This criterion is met.

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

**FINDING:** Staff finds the applicant's proposal will not include the addition of any utilizes; therefore, this criterion is not applicable.

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:** Staff finds all conditions of approval from file SPR 2016-45SP are met; 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. SPR 2016-45SP: All relevant conditions of approval for file SPR 2016-45SP remain in effect.

**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 12<sup>TH</sup> DAY FOLLOWING MAILING OF THIS DECISION.**

**CITY OF LA PINE COMMUNITY DEVELOPMENT DEPARTMENT**

Written By: Rachel Vickers, Associate Planner