



FINDINGS AND DECISION

- DECISION DATE:** December 23, 2024
- FILE NUMBER:** 07SPR-24
- APPLICANT:** 52695 Drafter Road
69 NW Newport Ave #200
Bend, OR 97703
- OWNER:** Deschutes County
PO Box 6005
Bend, OR 97708
- LOCATION:** The subject property is located at 52695 Drafter Road, La Pine, Oregon 97739. The Tax Lot number is 100 on Deschutes County Assessor’s Map 21-10-36AD.
- REQUEST:** The applicant is requesting Site Plan Review to establish a new 3 story, 39-unit affordable multifamily apartment building consisting of 1-, 2-, and 3-bedroom units the Commercial Mixed-Use zone. All the units will remain in the ownership of the property owner and be leased for long-term residential occupancy.
- 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

Chapter 15.22, Commercial and Mixed-Use Zones

Article 5. Development Standards

Chapter 15.80, Development Standards, Generally

Chapter 15.82, Landscaping, Buffering and Fences

Chapter 15.86, Parking and Loading

Chapter 15.88, Access and Circulation

Chapter 15.94, Improvement Procedures and Guarantees

Article 6. Special Use Standards

Chapter 15.104, Special Use Standards – Residential Uses and Accessory Uses

Article 8. Applications and Reviews

Chapter 15.312, Site Plan Review

II. BASIC FINDINGS

ZONING: The subject property is zoned Commercial Mixed Use (CMX) and is not located within any overlay zones.

PARCEL SIZE: The subject property is 1.12-acres in size.

LOT LEGALITY: The subject property was platted as Lot 9 within Block 1 of the LaPine Meadows Subdivision.

PROPOSAL: The applicant proposes to construct a three-story, 40,026 square foot, 39-unit multi-family development. The project includes one-, two- and three-bedroom units, ground level community rooms, offices, and utility spaces. The proposal will include landscaping and 48 parking spaces.

EXISTING DEVELOPMENT: The subject property is currently undeveloped with a dense covering of native pine trees throughout the property. The subject property is rectangular in shape and fronts on Drafter Road to the east which is currently unimproved. The grade of the property is relatively level.

SURROUNDING LAND USES: The property to the north and south are similar in size, zoned Commercial Mixed-Use, and are currently undeveloped. The properties to the west of the subject property are smaller in size, zoned Commercial Mixed-Use, and are developed with several commercial structures and accessory structures. To the east of the subject property is Drafter Road, which is currently unimproved.

PERMIT HISTORY:

- There is no known permitting history for the subject property.

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:

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 Building Code requirements will be reviewed upon building permit submittal.

City of La Pine Contract Engineer, Anderson Perry

Per the City of La Pine, Oregon's request, Anderson Perry & Associates, Inc., has reviewed the site plan for the Wickiup Station multifamily development, located at 52695 Drafter Road on Tax Lot No. 211036AD00100, with respect to its potential impacts to City public utilities and roadways. The public improvements shown on the site plan were reviewed using the City of La Pine, Oregon, 2016 Standards and Specifications Design Standards (Design Standards). The comments are listed below by the corresponding public facility.

Street

1. Drafter Road is designated as a minor collector on the current Transportation System Plan and is incorrectly labeled as a local street on Sheets C101, C201, and C301.
2. The minor collector street design parameters shown on the site plan are met per the Design Standards, II. Design Parameters, A. Street, 1. General, for sidewalk width, planter strip width, and total paved width. Additionally, the 1-foot dedication meets the right-of-way width from the existing centerline.
3. The curb shown on the site plan is a 12-inch concrete curb with 6-inch curb exposure. Drafter Road is designated as a minor collector with a design speed of 35 miles per hour and requires a 16-inch concrete curb with 7-inch curb exposure per the Design Standards, II. Design Parameters, A. Street, 10. Curbs.
4. A proposed cluster postal delivery box per the Design Standards, II. Design Parameters, A. Street, 15. Cluster Postal Delivery Boxes, should be shown on the site plan and located an adequate distance from the driveway to minimize driveway turning movement conflicts.
5. Drafter Road is required to meet the collector pavement section shown per the Design Standards, II. Design Parameters, A. Street 17. Pavement Section.
6. The pavement taper shown is inadequate and is required to meet the Design Standards, II. Design Parameters, A. Street 19. Pavement Taper.
7. Submit design Drawings for Drafter Road meeting the requirements of the Design Standards, II. Design Parameters A. Street.

Stormwater

1. The three-chamber system proposed on Sheet C201 appears to be adequately sized from the provided stormwater model results to handle the 25-year/24-hour peak stormwater runoff for the site. The testing and engineer certification by the applicant's engineer will ensure adequate infiltration capacity. Provide testing results and engineer's certification to the City Public Works Department.
2. No stormwater facilities are shown for the Drafter Road improvements. Submit design drawings for Drafter Road meeting the requirements of the Design Standards, II. Design Parameters, B. Stormwater.

Sewer

1. Show 6-inch cleanouts at the beginning and at the end connection of the 4-inch gravity sanitary sewer line to the new 6-inch polyvinyl chloride (PVC) gravity sanitary sewer main across the site.
2. The anticipated peak wastewater flow from the proposed development is approximately 14 gallons per minute (gpm).
3. The design flow capacity for the existing 4-inch PVC sewer main flowing 80 percent full at 0.00125 feet per foot (ft/ft) slope is approximately 38 gpm. The peak wastewater flow from the proposed development represents approximately 37 percent of the existing 4-inch PVC gravity sewer main's flow capacity.
4. The 4-inch PVC gravity sewer main should be replaced with 6-inch PVC gravity sewer main across the site as shown. The off-site 6-inch PVC gravity sewer main replacement shown on Sheet C401 should be completed.
5. The City should continue to monitor the flow in 4-inch PVC gravity sewer mains serving developments along Highway 97 and Drafter Road for future replacement with a 6-inch PVC gravity sewer main to ensure adequate flow capacity for further development.
6. Erik Huffman, P.E., of BECON Civil Engineering & Land Surveying, provided Kelly West, City Public Works Director, with an analysis of the 6-inch PVC gravity sewer crossing under Highway 97. The design flow capacity for the 6-inch PVC gravity sewer main crossing flowing 80 percent full at 0.00125 ft/ft slope is approximately 113 gpm. The analysis concluded that the 6-inch PVC gravity sewer main could convey the flow for 224 equivalent dwelling units. Based on the results of BECON's flow capacity analysis, the existing 6-inch gravity sewer crossing under Highway 97 should provide adequate capacity to accommodate the proposed development and continue to serve existing developments in the affected service area. The City

should continue to monitor flow in this sewer main to ensure adequate flow capacity continues to be available as development occurs upstream of the Highway 97 crossing.

7. Submit design Drawings for the 6-inch PVC gravity sewer main meeting the requirements of the Design Standards, II. Design Parameters C. Sewer.

Water

1. The 8-inch PVC water main on Drafter Road across the site's frontage is connected to a 12-inch PVC water line on Highway 97 at the north and along Rosland Road to the south, forming a loop. A 16-inch water transmission main was recently tied into the 8-inch water mains on Drafter and Rosland Roads. No off-site water system improvements are needed. Test flows should be completed for the hydrants near the site to determine an available fire flow for the design of the fire sprinkler system by the applicant's engineer. Copies of the fire hydrant tests should be provided to the City Public Works Department.

STAFF COMMENT: To ensure compliance with the contract city engineers' comments, the following conditions of approval have been added.

Drafter Road Designation Correction: **Prior to building permits** Drafter Road must be correctly labeled as a minor collector on Sheets C101, C201, and C301.

Curb Correction: **Prior to construction**, updated construction plans must be submitted that reflect a 16-inch concrete curb with 7-inch curb exposure per the Design Standards, II. Design Parameters, A. Street, 10. Curbs.

Cluster Mailbox: **Prior to building permits**, a proposed cluster postal delivery box per the Design Standards, II. Design Parameters, A. Street, 15. Cluster Postal Delivery Boxes, should be shown on the site plan and located an adequate distance from the driveway to minimize driveway turning movement conflicts.

Drafter Road Pavement: **Prior to occupancy**, Drafter Road is required to meet the collector pavement section shown per the Design Standards, II. Design Parameters, A. Street 17. Pavement Section.

Pavement Taper: **Prior to construction**, updated construction plans must be submitted that reflects the pavement taper which meets the Design Standards, II. Design Parameters, A. Street 19. Pavement Taper.

Design Drawings: **Prior to construction**, design Drawings for Drafter Road meeting the requirements of the Design Standards, II. Design Parameters A. Street must be submitted.

Stormwater Test Results: **Prior to occupancy**, provide testing results and engineer's certification of the proposed three-chamber stormwater system to the City Public Works Department.

Drafter Road Stormwater: **Prior to construction**, submit design drawings for Drafter Road meeting the requirements of the Design Standards, II. Design Parameters, B. Stormwater.

Cleanouts: **Prior to construction**, updated construction plans must be submitted with 6-inch cleanouts at the beginning and at the end connection of the 4-inch gravity sanitary sewer line to the new 6-inch polyvinyl chloride (PVC) gravity sanitary sewer main across the site.

Sewer Main: **Prior to occupancy**, the 4-inch PVC gravity sewer main should be replaced with 6-inch PVC gravity sewer main across the site as shown. The off-site 6-inch PVC gravity sewer main replacement shown on Sheet C401 should be completed.

Sewer Main Design: **Prior to construction**, drawings for the 6-inch PVC gravity sewer main meeting the requirements of the Design Standards, II. Design Parameters C. Sewer shall be submitted.

Fire Flow Tests: **Prior to occupancy**, test flows should be completed for the hydrants near the site to determine an available fire flow for the design of the fire sprinkler system by the applicant’s engineer. Copies of the fire hydrant tests should be provided to the City Public Works Department.

PUBLIC COMMENTS: The La Pine Community Development Department mailed notice of the application to all property owners within 100 feet of the subject property on 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. 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

Use Category	C	CRMX	CMX	CN	Special Use Standards
Residential Use Categories					
Household Living	-	-	-	-	-
- Single-Family Dwelling	CU	P	P	P	-
- Cottage Cluster Development	P	P	P	P	Section 15.104.050
- Townhome	CU	P	P	P	Section 15.104.020
- Duplex	P	P	P	P	Section 15.104.030
- Multi-Family Development	P	P	P	P	Section 15.104.040
- Manufacture Dwelling	CU	P	P	P	-
- Manufacture Dwelling Park	P	P	P	P	Section 15.104.060
- Accessory Dwelling Unit	P	P	P	P	Section 15.104.010
- Residential Care Home	CU	P	P	P	Section 15.104.080
Group Living	-	-	-	-	-
- Room and Board Facility	CU	CU	CU	CU	-
- Residential Care Facility	P	P	P	P	Section 15.104.080
- Long-Term Care Facility	P	CU	CU	P	-

FINDING: The applicant proposes a multifamily development which is a use permitted outright in the CMX zone,

subject to the provisions of LPDC Section 15.104.040. Applicable criteria are addressed 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 standard below.

Minimum Lot Width

The applicant is not proposing to alter the existing lot width of the subject property therefore, this development standard is not applicable.

Front Yard Setbacks

The CMX zone requires a 20-foot front yard setback from Drafter Road (east property line). The applicant’s submitted site plan shows the easternmost structure (bike rack) will adhere to the 20-foot setback from Drafter Road. This development standard is met.

Side Yard Setback

The CMX zones require a 10-foot setback from each side yard on the subject property (north and south property lines). The southernmost structure (multifamily dwelling building) will adhere to the 10-foot setback from the southern property line. The northernmost structure (trash enclosure) will adhere to the 10-foot setback from the northern property line. This development standard is met.

Rear Yard Setback

The CMX zone requires a 10-foot setback from the rear yard on the subject property (western property line). The

westernmost structure (multifamily dwelling building) will adhere to the 10-foot setback from the western property line. This development standard is met.

Maximum Building Height

The CMX zone allows a maximum building height of 45 feet. LPDC Section 15.12.020 defines building height as:

Height of building or structure means the vertical distance from the average grade to the highest point on a building or structure. To identify the average grade plane of the site, measure six feet out from each corner of the building and calculate the average of the elevation measurements. This number is the grade plane from which the building height is measured.

LPDC Section 15.80.050(B) states:

The maximum height limitations shall not apply to:...(B)The following appurtenances attached to or part of a principal or accessory structure: Church spire, belfry, cupola, dome, monument, smoke-stack, derrick, conveyor, flag pole, mast, antenna, aerial, roof tank; ventilating air conditioning and similar building service equipment; roof structure, chimney and/or parapet wall, provided it shall be set back in conformance with the setback and yard requirements plus one foot horizontally for each foot in which it exceeds 45 feet in height above ground level. The principal or accessory structure to which it is attached may conform to setback and yard requirements with no additional setback provided the principal or accessory structure conforms to the height limitations of the zone.

Based on the applicant's submitted site plan, the height of the structure is 47'-7 $\frac{1}{4}$ " which exceeds the standards of the CMX zone. However, based on the applicant's burden for poof, the only elements of the structure that exceed 45 feet are the cupolas, which are exempt from the maximum height requirements per LPDC Section 15.80.050(B). Additionally, the proposed cupolas are set back at least 13 feet from the southern and western property line. This development standard is met as the height of the building is 45 feet.

Maximum Lot Coverage

The CMX zone allows a maximum lot coverage of 60% which applies to primary and accessory structures per LPDC Section 15.12.020. The subject property is 48,476 square feet in size and the building footprint is 14,542 square feet (30%). This development standard is met.

Minimum Landscaped Area

Compliance with the landscaping requirements of LPDC Chapter 15.82 is reviewed herein.

Minimum and Maximum Density

Residential developments in the CMX zone are subject to the minimum and maximum density requirements of RMF zone which requires a minimum density of 5 units per acre and a maximum density of 40 units per acre. The subject property is 1.11 acres and the applicant proposes 39 units (35.13 units per acre). This development standard is met.

Staff finds based on the information detailed above, the development standards of LPDC 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 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: Based on the applicant's submitted site plan, the entirety of the lot that is not occupied by buildings, accessory structures, parking/loading spaces, aisle, driveways, sidewalks, and storage area will be planted and maintained with landscaped areas in accordance with LPDC Chapter 15.82. 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 proposed residential use does not include any business, servicing, or processing; 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 proposed residential use does not include the outdoors storage of materials, equipment, vehicles, junk, salvage materials, or similar contents; 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 proposed residential use 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: The applicant is proposing two access points on Drafter Road. Staff reviewed the access points for compliance with sight distance standards found in the La Pine Transportation System Plan and found them to be in

compliance. 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 residential use is not expected to emit any noxious, toxic, corrosive fumes, 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 proposed residential use is not expected to create any noise associated with mechanical equipment. 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.

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

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 from the requirements of LPDC Chapter 15.82. Applicable criteria are addressed 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:**

...

- 2. **Multi-family dwelling complexes containing four or more units and commercial residential mixed uses (CRMX): 20 percent.**

...

FINDING: The applicant proposes a multi-family dwelling complex with 39 units; therefore, the property must contain at least 20% landscaped area. The subject property is 48,476 square feet and the applicant proposes 10,710

square feet of landscaped area (22%). 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 proposes landscaping in the areas defined in the criterion 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 proposes to utilize trees, shrubs, groundcover, flowers and grass for the proposed living materials and decorative rock or other materials for the non-living portion of the required landscaping. Based on the applicant's submitted site plan, no more than 50% of the required landscaping will be non-living materials. 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: The applicant does not propose to keep any existing vegetation on site. Staff finds the above criterion does not require the applicant to utilize 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 proposes four bays of parking (10 spaces each bay), and each bay has a curbed planter that is at least 16 square feet. This criterion is met.

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

FINDING: The applicant proposes one tree in each of the six curbed planters. This criterion is met.

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

FINDING: Based on the applicant's burden of proof, each planter will be protected from damage by vehicles through the use of curbs along the perimeter of each planter. 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: As depicted on the applicant's submitted site plan, a sidewalk is provided along the northern façade of

the building, separating the structure from the parking areas. 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 proposed driveway areas for the applicant’s multifamily development abuts a Minor Collector street (Drafter Road), however the street is not across from a residential zone but instead more commercial zoned properties; therefore, staff finds that a planted strip is not required.

Nevertheless, as depicted on the submitted site plan, the applicant proposes a 20-foot landscaping area between the parking area and Drafter Road.

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 zoned commercial, but does not abut any land zoned RSF, RMF, RMP, or TA; therefore, 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: The subject property does not abut any land zoned 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 not within an industrial zone; 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 addressed above, buffering/screening areas are not required being as that the subject property does not abut any residentially zoned land; 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: The applicant's proposal does not include an alternative to the landscaping and buffering requirements; 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 Material Installation Standards: 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.

- 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*** 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.*

- 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:*

...

FINDING: The applicant proposes a 4-foot-tall fence along the western property line and surrounding the proposed playground on the eastern side of the property. The proposed fencing will be vinyl coated chain link fencing, which is designed to not cause bodily harm. This criterion is met.

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.*

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

Fence Maintenance: **At all times**, 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.*

FINDING: The applicant's proposal does not include a swimming pool or hot tub; therefore, this criterion is not applicable.

- 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.*

FINDING: The applicant's proposed fencing is not within a front or street side yard; therefore, this criterion is not applicable.

- 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.*

FINDING: The applicant's proposed fencing does not extend beyond the property line nor into the public right of way. This criterion is met. Staff notes that if the fence is constructed in the wrong location, the property owner will

be required to move the fence.

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.***

FINDING: The applicant's proposed fencing does not exceed 4 feet in height. This criterion is met.

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: Drafter Road is owned by the City of La Pine. No comments were received from the City Public Works Director nor City Engineer regarding allowable fence height. Therefore, this criterion 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 proposal does not include a use which requires the receipt or distribution of materials or merchandise by trucks with a 40 foot or longer wheelbase; therefore, the provisions of LPDC Section 15.86.020 do not apply to the applicant's proposal.

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 parking will be located on the same lot as the proposed apartment building. This criterion is met.

- 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 burden of proof all required parking spaces are designed solely for that use and will not be encroached upon for another purpose. 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 amount of required parking based on the criteria above.

- 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: The applicant's burden of proof indicates that the proposed parking spaces will be available for customers and employees of the 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 is not proposing 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	
Use Categories	Minimum Parking per Land Use
Residential Categories	
Single-family dwelling, including manufactured dwellings on lots or in parks	One space per dwelling
Duplex	Two spaces per duplex
Accessory dwelling (second dwelling on a single-family lot)	Two spaces total for primary dwelling and accessory dwelling
Multi-family	One space per dwelling unit
Group Living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing	0.5 spaces per four bedrooms

FINDING: The applicant’s proposal includes a new 39-unit multifamily apartment building which requires 39 parking spaces. Based on the submitted site plan the subject property will have 48 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: Based on Table 15.86-1 the maximum number of parking spaces, a 39-unit multifamily building could have is 78 spaces. The applicant’s site plan indicates there will be 48 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 a request for an exception or reduction to the off-street parking standards. 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 shared parking facilities; 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

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: Based on the submitted site plan each parking space will be at 90-degree angles and will measure 9 feet wide by 20 feet long. All access aisles within the parking area will be designed for two-way traffic and measure at a distance of at least 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 an adjustment to the parking area dimensions. 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 Americans with Disabilities Act will be reviewed during the building permit review. To ensure compliance the following condition of approval has been added

Americans with Disabilities Act: **Prior to the issuance of building permits,** the applicant shall confirm that parking has been found to be in compliance with all applicable ADA requirements.

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 listed above. 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
Muli-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 spaces, whichever is greater
Community Service	2 bike spaces
Parks (active recreation areas only)	4 bike spaces
Schools (all types)	2 bike spaces per classroom
Institutional uses and places of worship	2 bike spaces per primary is or 1 per 10 vehicle spaces, whichever is greater
Other uses	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater

FINDING: The applicant’s proposal includes a new 39-unit multifamily residential building which requires 20 bicycle parking spaces. The applicant proposes 20 bicycle parking spaces on the subject property. 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;**

FINDING: Based on the applicant's submitted sit plan, the proposed bicycle parking area will be located within 100 feet of multiple building entrances. Additionally, the bicycle parking area will be well lit and located underneath its own structure.

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 proposed bicycle parking is located to the east of the multifamily building, clearly visible from the entrance on Drafter Road and the parking lot. Staff finds the location is convenient and easy to use. 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: Based on the applicant's submitted burden of proof, each bicycle parking space will be at least two feet by six feet and there will be at least six feet of vertical clearance between the racks and the ceiling. 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 throughout the proposed bicycle 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 racks for each bicycle space that can accommodate U locks and cables. 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 site plan, the proposed location for the bicycle parking will be located away from vehicle maneuvering areas and pedestrian sidewalks as to not create any hazards. This criterion is met.

Section 15.86.060, Snow Storage Areas

A. **Purpose. The purpose of these standards is to ensure that adequate space is 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 is subject to site plan review; therefore, the provisions of LPDC Section 15.86.060 apply to the applicants proposal. 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: Based on the applicant's submitted site plan, the total area to be cleared is 18,442 which requires 2,766 square feet of snow storage. The applicant's proposal includes 2,955 square feet of snow storage areas. 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 proposed snow storage areas are located within the nine extra parking spaces and landscaped areas that are limited to rock cover. Utilization of the nine extra parking spaces will leave 39 spaces remaining during the winter months, allowing for the required number of parking stalls. 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 an exception or adjustment to the snow storage standards of this chapter; 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: The applicant's proposed accesses to the site are from Drafter Road which is a City owned right of way. At this point the City has no official access permit for City owned right of ways, however the two new access points were reviewed by staff and found to be in compliance with all applicable standards within the La Pine Transportation

System Plan. This criterion is met.

- 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 Trip Generation Report from Ferguson and Associates. Based on the findings in the submitted Trip Generation Report, staff finds that a Traffic Impact Analysis is not required for the applicant's proposal. Additionally Notice of Application was sent to the Oregon Department of Transportation and Deschutes County Road Department and neither submitted comments in response to the application This criterion is not applicable.

- 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.***

FINDING: The applicant's proposal includes two new access points on a Minor Collector street (Drafter Road). Staff finds that due to the traffic patterns of the existing area and requirements of the La Pine Transportation System Plan, the restriction methods identified above are not required; therefore, these criteria are not applicable.

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

FINDING: The applicant's proposal includes two new access points onto Drafter Road which is classified as a Minor Collector Based on the applicants Trip General Statement and La Pine Transportation System Plan, staff finds the proposed development and increased traffic will not require any of the above referenced access management

methods. This criterion is not applicable.

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

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

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

FINDING: The applicant's proposed approach driveways do not cross any drainage ditches, canals, railroads, or other features that are under the jurisdiction of another agency; therefore, this criterion is not available.

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

FINDING: The applicant's proposal does not include an exception nor adjustments to the spacing standards of the subsections above; therefore, this criterion is not applicable.

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

FINDING: The applicant proposes a joint use driveway on the property to the north. Staff has confirmed that both properties will be under the same ownership; thus making a joint maintenance agreement feasible. To ensure compliance with the above criterion, the following condition of approval has been added.

Joint Use Access Easement: **Prior to Occupancy**, 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.

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: The subject property has clear vision areas on each corner of the property and each side of the proposed driveways. Applicable criteria are addressed herein.

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 within an agricultural, forestry, or industrial zone; 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: Drafter Road is a right of way that is less than 80 feet in width. Based on the applicant’s submitted site plan, each clear vision area will be at least 30 feet. 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: Based on the applicant submitted site plan, there is a continuous walkway system throughout the entire subject property that connects Drafter Road to the entrances of the apartment building. 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: All of the applicant's proposed walkways are in a straight line and at 90-degree angles at direction changes. This criterion is met.

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

FINDING: Based on the applicant's submitted site plan and proposed circulation plan, the proposed walkways are designed for pedestrian safety and are reasonably free of hazards. Each sidewalk will be constructed of concrete and meet ADA standards. 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: Based on the applicant's submitted site plan, walkway areas have been designed to avoid driveway and parking areas where possible. Those areas where walkways do abut parking areas are separated by curb stops. 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 will be one crosswalk area between the apartment building and dumpster area. The crosswalk area will be constructed with a contrasting paving material (concrete) from the driveway area (asphalt). This criterion is met.

- 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 concrete walkways. This criterion is met.

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

FINDING: The applicant's proposal does not include any multi-use pathways. 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 Engineer indicated that the sewer main on the property shall be replaced with a new 6-inch system, however no oversizing off the property was required; 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 Drafter Road which classified as a Minor Collector within the La Pine Transportation System Plan. As discussed herein, the existing right of way is inadequate and several public improvements will be required to bring the right of way into compliance with standards of the La Pine Transportation System Plan.

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

The anticipated peak wastewater flow from the proposed development is approximately 14 gallons per minute (gpm).

The design flow capacity for the existing 4-inch PVC sewer main flowing 80 percent full at 0.00125 feet per foot (ft/ft) slope is approximately 38 gpm. The peak wastewater flow from the proposed development represents approximately 37 percent of the existing 4-inch PVC gravity sewer main's flow capacity.

The 4-inch PVC gravity sewer main should be replaced with 6-inch PVC gravity sewer main across the site as shown. The off-site 6-inch PVC gravity sewer main replacement shown on Sheet C401 should be completed.

The City should continue to monitor the flow in 4-inch PVC gravity sewer mains serving developments along Highway 97 and Drafter Road for future replacement with a 6-inch PVC gravity sewer main to ensure adequate flow capacity for further development.

Erik Huffman, P.E., of BECON Civil Engineering & Land Surveying, provided Kelly West, City Public Works Director, with an analysis of the 6-inch PVC gravity sewer crossing under Highway 97. The design flow capacity for the 6-inch PVC gravity sewer main crossing flowing 80 percent full at 0.00125 ft/ft slope is approximately 113 gpm. The analysis concluded that the 6-inch PVC gravity sewer main could convey the flow for 224 equivalent dwelling units. Based on the results of BECON's flow capacity analysis, the existing 6-inch gravity sewer crossing under Highway 97 should provide adequate capacity to accommodate the proposed development and continue to serve existing developments in the affected service area. The City should continue to monitor flow in this sewer main to ensure adequate flow capacity continues to be available as development occurs upstream of the Highway 97 crossing.

Staff finds that while the City Engineer recommends monitoring of the existing system, there are no existing inadequate facilities; therefore, this criterion is not applicable.

Section 15.90.040, Stormwater

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

FINDING: Comments from the City Engineer indicated that all drainage must be contained onsite and be in compliance with the Central Oregon Stormwater Manual. To ensure compliance with the above criterion; the following condition of approval has been added.

Onsite Drainage: ***Prior to the issuance of building permits***, the applicant must provide confirmation that the onsite drainage is in compliance with the requirements of the Central Oregon Stormwater Manual.

- B. *Effect on downstream drainage. Where it is anticipated by the city engineer that the additional runoff resulting from the development will overload an existing drainage facility, the city shall***

withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with city standards.

FINDING: Comments from the City Engineer did not indicate that the proposed development would result in any additional runoff that would overload the existing drainage facility; therefore, this criterion is not applicable.

Section 15.90.050, Utilities

- A. *General provision. The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.***

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

Utility Provider Coordination: 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: The applicant proposes to install and extend all new utility lines underground. To ensure compliance with following condition of approval has been added.

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

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

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

Section 15.90.060, Public Street/Highway Improvement

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

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

FINDING: The applicant's proposal will include several improvements to Drafter Road which are permitted outright and exempt from the permit requirements of this Development Code per the subsections above. These criteria are met.

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 any division of land; 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: While the applicant's proposal includes public improvements in the existing right of way, no new streets are included in this proposal; 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 a cul-de-sac or dead-end street; 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: Based on the existing zoning and development patterns of the area, staff finds that accessways for future street extensions is not required for the applicant's proposal. 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: Drafter Road is classified as a Minor Collector within the La Pine Transportation System Plan which requires a 62-foot right of way. To bring the right of way into compliance, the applicant will be required to dedicate 1 foot of right of way, construct a 6-foot sidewalk, 8-foot planter strip/swale, and 34 feet of pavement. To ensure compliance, the following conditions of approval have been added.

Right Of Way Dedication: **Prior to Occupancy**, the applicant will be required to dedicate 1 foot of right of way along the entire property frontage of Drafter Road. The dedication will need to be reflected in a new deed that is recorded with Deschutes County.

Drafter Road Sidewalk: **Prior to Occupancy**, the applicant will be required to construct a 6-foot-wide sidewalk along the entire property frontage on Drafter Road that is in conformance with City Standards.

Planter Strip/Drainage Swale: **Prior to Occupancy**, the applicant will be required to construct an 8-foot-wide planter strip with street trees at an average of 35 foot spacing.

Drafter Road Paving: **Prior to Occupancy**, the applicant will be required to pave 34 feet of asphalt along the entire property frontage along Drafter Road.

Drafter Road Improvements: **Prior to Occupancy**, the required public improvements and right of way dedication must be completed for both 52695 Drafter Road and 52711 Drafter Road.

- 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: Drafter Road is classified as a Minor Collector within the La Pine Transportation System Plan which requires a 6-foot-wide concrete sidewalk. This requirement has previously been conditioned in this land use decision. As conditioned, this criterion is met.

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

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

The abutting road (Drafter Road) is a Minor Collector street and bike lanes are do not currently exists thereupon. Bike lanes are most efficiently established by the City, so that they can serve a usable area (as opposed to randomly placed along newly developed properties). Rather than establishing bicycle lanes at this time (only adjacent to this property), it is anticipated that the City will take on an area-wide project in the future.

Staff concurs with the applicant’s argument regarding it not being necessary to paint a bike lane on the stretch of pavement that will be added on Drafter Road. This criterion is not applicable.

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

...

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

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

FINDING: The subject property does not abut any roads classified as arterial streets within the La Pine Transportation System Plan; therefore, this criterion is not applicable.

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

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

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

FINDING: The applicant's proposal does not include any reserve streets; 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.
- M. Intersection angles.** Streets shall be laid out to intersect at angles as near to right angles as practicable, and in no case shall an acute angle be less than 80 degrees unless there is a special intersection design approved by the city engineer or other duly designated city representative as applicable. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection, and the intersection of more than two streets at any one point will not be approved.
- N. Curves.** Centerline radii of curves should not be less than 500 feet on major arterials, 300 feet on minor arterials, 200 feet on collectors or 100 feet on other streets and shall be on an even ten feet. Where existing conditions, particularly topography, make it otherwise impractical to provide building sites, the city may accept steeper grades and sharper curves than provided for herein in this subsection.
- O. Street grades.** Street grades shall not exceed eight percent on arterials, ten percent on collectors and 12 percent on all other streets including private driveways entering upon a public street or highway; however, for streets at intersections, and for driveways entering upon a public street or highway, there should be a distance of three or more car lengths (approximately 50 feet) where the grade should not exceed six percent to provide for proper stopping distance during inclement weather conditions.
- P. Street names.** Except for the extension of existing streets, no street names shall be used which will duplicate or be confused with the name of an existing street in the city or within a radius of six miles of the city or within the boundaries of a special service district such as fire or ambulance. Such street names shall be approved by the Deschutes County street name coordinator.
- 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 is adjacent to an existing right of way and does not include the creation of a new right of way; therefore, these criteria are 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 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 alleyways and staff finds that based on the existing development pattern and La Pine Transportation System Plan, alleyways are not required. This criterion is not applicable.

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

FINDING: The City Engineer found that based on the existing development pattern, curbs would not be required for the applicant's proposal. This criterion is not applicable

- 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: The applicant's proposal does not include any streetlights and staff finds that based on the existing development pattern and La Pine Transportation System Plan, streetlights are not required. 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 conditions of approval has been added.

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

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

FINDING: The applicant's proposal requires all drainage to be contained onsite and the addition of drainage swales in the right of way. Given the high infiltration potential of the area, staff finds that additional drainage facilities will not be required. This criterion is not applicable.

- 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’s burden of proof included a Trip Generation Statement by Scott Ferguson, a licensed Professional Engineer. The report states that the proposed development will generate 20 p.m. peak hour trips and 263 daily trips. Based on the findings of the report, a Traffic Impact Analysis is not required under any of the criteria above. Additionally, Notice of Application was sent to the Oregon Department of Transportation and Deschutes County Road Department who did not have any comments in response to the applicant proposal. These criteria are not applicable.

- B. 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: As stated previously, a Traffic Impact Analysis is not required for the applicant’s proposal. This criterion is not applicable.

- D. Waiver or deferral.** *The city may waive or allow deferral of standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in [subsections] 1 through 4 is met. Where the city agrees to defer a street improvement, it shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future:*
 - 1.** *The standard improvement conflicts with an adopted capital improvement plan.*

2. *The standard improvement would create a safety hazard.*
3. *It is unlikely due to the developed condition of adjacent property that the subject improvement would be extended in the foreseeable future, and the improvement under consideration does not by itself significantly improve transportation operations or safety.*
4. *The improvement under consideration is part of an approved partition in the [RL or RM] and the proposed partition does not create any new street.*

FINDING: The applicant's proposal does not include a request for a waiver or deferral from the standard 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: The applicant's proposal requires several improvements within a public right of way. To ensure compliance with the above criterion, the following condition of approval has been added.

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

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

FINDING: The applicant's proposal requires several improvements within the public right of way. To ensure compliance with the above criterion, the following condition of approval has been added.

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

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

FINDING: The applicant's proposal requires several improvements within the public right of way. To ensure compliance with the above criterion, the following condition of approval has been added.

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

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

FINDING: The applicant's proposal requires several improvements within the public right of way. To ensure compliance with the above criterion, the following condition of approval has been added.

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

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

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

Underground Utility Installation: 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: ***At the completion of all improvements,*** 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: The applicant's proposal includes improvements in the public right of way. To ensure compliance with the above criterion, the following condition of approval has been added.

Agreement for Improvements: ***Prior to occupancy***, 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 engineering 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.***

FINDINGS: The applicant will be required to submit a bond or other performance assurance to cover the required public improvements. Staff finds the applicant can use any of the assurance methods detailed in the criteria above.

- B. *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: The required bond or performance assurance shall cover 120% of the total estimated cost for the required public improvements. To ensure compliance, 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: Staff includes this section as reference for the applicant should they fail to carry out the public

improvements.

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: ***Prior to occupancy***, 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 6, Special Use Standards

Chapter 15.104, Special Use Standards – Residential Uses and Accessory Uses¹

Section 15.104.040, Multi-Family Development

- A. *Applicability. New multi-family developments, where allowed, are subject to review and approval through a Type II procedure, pursuant to chapter 15.312, site plan review, and shall conform to all of the following standards. Multiple detached single-unit dwellings or duplexes located on the same lot are classified as cottage cluster developments and subject to section 15.104.050.***

FINDING: The applicant’s proposal includes a new multifamily development that is subject to site plan review. Applicable criteria are addressed herein.

- B. *Standards for multi-family structures.***
- 1. *Articulation. Plans for multi-family structures shall incorporate design features such as varying rooflines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements that break up otherwise long, uninterrupted elevations (see Figure 15.104-1). Such elements shall occur at a minimum interval of 30 feet, and each floor shall contain at least two elements from the following options:***
 - a. *Recess (e.g., porch, courtyard, entrance balcony, or similar feature) that has a minimum depth of four feet;***
 - b. *Extension (e.g., floor area, porch, entrance, balcony, overhang, or similar feature) that projects a minimum of two feet and runs horizontally for a minimum length of four feet; or***
 - c. *Offsets or breaks in roof elevation of two feet or greater in height.***

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

As detailed on the Plan Set, the proposed building contains an efficient, thoughtful and attractive building

¹ State Law reference – Restrictions on manufactured dwellings and recreation vehicles and parks, ORS 197.475 et seq.

design. While the building design may not conform to the limited and prescriptive measurements noted in this section, it has plenty of articulation and carries out the intent of this section.

For the items that do not rigidly meet the standards of the La Pine Development Code, given that this project is an affordable housing development, it is able to rely upon the provisions of Oregon Senate Bill 1537, which direct a local government to grant an adjustment to design standards for affordable housing projects in certain circumstances. A comprehensive review of SB 1537 is included below, and as documented therein the proposal conforms to all applicable provisions of the bill. Given that the proposal conforms to the applicable provisions of that bill, the design requirements of this section can be adjusted.

The applicant proposes to adhere to the above criterion, with the exception of requiring balconies and porches to create offsets in the facades. After reviewing Senate Bill 1537, staff finds that the applicants proposal adheres to the requirements of Senate Bill 1537 and the above criteria to the greatest extent feasible. Compliance with Senate Bill 1537 is addressed herein. These criteria are met.

2. ***Detailed design. All structures shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least two of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):***
 - a. ***Covered front porch: not less than six feet in depth and not less than 30 percent of the width of dwelling, excluding the landing for dwelling entrance.***
 - b. ***Dormers: must be a functional part of the structure, for example, providing light into a living space.***
 - c. ***Recessed entrance: not less than three feet deep.***
 - d. ***Windows: not less than 30 percent of surface area of all street-facing elevation(s).***
 - e. ***Window trim: minimum four-inch width (all elevations).***
 - f. ***Eaves: overhang of not less than 12 inches.***
 - g. ***Offset: offset in facade or roof (see subsection 1, "Articulation").***
 - h. ***Bay window: projects from front elevation by 12 inches.***
 - i. ***Balcony: one per dwelling unit facing street.***
 - j. ***Decorative top: e.g., cornice or pediment with flat roof or brackets with pitched roof.***
 - k. ***Other: feature not listed but providing visual relief or contextually appropriate design similar to [subsections] a—j, as approved by the planning official through a Type II procedure.***

FINDING: Based on the applicant's submitted Plan Set the proposed design incorporates the following features:

- The north elevation includes windows (d), eaves of at least 12" (f), offsets (g) and other features
- The east elevation includes windows (d), eaves of at least 12" (f), offsets (g) features
- The south elevation includes windows (d), eaves of at least 12" (f), offsets (g) and other features
- The west elevation includes windows (d), eaves of at least 12" (f), and other features

These criteria are met.

3. ***Common open space and landscaping. A minimum of 15 percent of the site area in residential zones shall be designated and permanently reserved as common area or open space, in accordance with all of the following criteria:***
 - a. ***"Site area," for the purposes of this section, is defined as the subject lot or lots after subtracting any required dedication of street right-of-way.***

- b. *The common area or open space shall contain one or more of the following: outdoor recreation area, tree grove (e.g., existing mature trees), turf play fields or playgrounds, sports courts, swim pool, walking fitness course, natural area with picnic benches, or similar open space amenities as appropriate for the intended residents.*
- c. *In order to be counted as eligible toward the minimum open space area, such areas shall have dimensions of not less than 20 feet.*
- d. *Open space and common areas not otherwise developed with recreational facilities shall be landscaped; alternatively, the city may approve a tree preservation plan (retain mature tree groves) in lieu of landscaping.*

FINDING: The subject property is Commercial Mixed Use and not Residential; therefore, the above criteria are not applicable.

- 4. *Private open space. Private open space areas shall be required for dwelling units based on the following criteria:*
 - a. *A minimum of 40 percent of all ground-floor dwelling units shall have front or rear patios or decks containing at least 48 square feet of usable area. Ground floor housing means the housing unit entrance (front or rear) is within five feet of the finished ground elevation (i.e., after grading and landscaping).*
 - b. *A minimum of 40 percent of all upper-floor housing units shall have balconies or porches containing at least 48 square feet of usable area. Upper-floor housing means housing units that are more than five feet above the finished grade.*

FINDING: As stated above, staff is waiving the requirement for outdoor balconies/patios/porches in accordance with Senate Bill 1537. Therefore, these criteria are not applicable. However, staff notes that while private open spaces are not required for this proposal under the provisions of Senate Bill 1537, the applicant has worked multiple public open spaces into the site design including a playground and garden.

- 5. *Landscaping, fences, parking and loading, public facilities. The standards of article 5 shall be met.*

FINDING: As addressed herein, all the standards of LPDC Article 5 have been met; therefore, this criterion is met.

- 6. *Trash storage. Trash receptacles, recycling, and storage facilities shall be oriented away from building entrances, setback at least ten feet from any public right-of-way and adjacent residences, and shall be screened with an evergreen hedge or solid fence or wall of not less than six feet in height. Receptacles must be accessible to trash pick-up trucks.*

FINDING: Based on the applicant's submitted site plan, the proposed is located more than 10 feet away from Drafter Road and adjacent residences, and is also oriented away from the building entrance. The trash receptacles are within an enclosed area that will also be screened. This criterion is met.

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: 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 August 12, 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 (Commercial Mixed Use) 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, 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, 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: As discussed herein, all applicable development and design standards of LPDC Article 6 have been met, therefore this criterion has been met.

- 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 are required to bring the development into compliance with the La Pine Transportation System Plan. Those requirements have previously been added to the conditions of approval for this land use decision. As conditioned the site will be in compliance with the La Pine Transportation System Plan 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 the 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: 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.

Senate Bill 1537

Housing Land Use Adjustments

Section 37 Sections 38 to 41 of this 2024 Act are added to and made a part of ORS chapter 197A.

Section 38 Mandatory Adjustments to Housing Development Standards

(1) As used in sections 38 to 41 of this 2024 Act:

(a) "Adjustment" means a deviation from an existing land use regulation.

(b) "Adjustment" does not include:

(A) A request to allow a use of property not otherwise permissible under applicable zoning requirements;

(B) Deviations from land use regulations or requirements related to accessibility, affordability, fire ingress or egress, safety, local tree codes, hazardous or contaminated site clean-up, wildlife protection, or statewide land use planning goals relating to natural resources, natural hazards, the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes or ocean resources;

(C) A complete waiver of land use regulations or any changes beyond the explicitly requested and allowed adjustments; or

(D) Deviations to requirements related to the implementation of fire or building codes, federal or state air, water quality or surface, ground or stormwater requirements, or requirements

FINDING: The above criteria outline what an adjustment means and what is not included in the definition. The applicant's requested adjustment does not include any of the criteria included in subsection (b). Therefore, staff finds that the applicant's proposal meets the definition of adjustment as outlined in Senate Bill 37.

(2) Except as provided in section 39 of this 2024 Act, a local government shall grant a request for an adjustment in an application to develop housing as provided in this section. An application qualifies for an adjustment under this section only if the following conditions are met:

(a) The application is for a building permit or a quasi-judicial, limited or ministerial land use decision;

FINDING: The applicant's proposal is for a limited land use decision; therefore, this criterion is met.

(b) The development is on lands zoned to allow for residential uses, including mixed-use residential;

FINDING: The subject property is zoned Commercial Mixed-Use which allowed residential uses permitted outright. This criterion is met.

(c) The residential development is for densities not less than those required under section 55 (3)(a)(C) of this 2024 Act;

FINDING: The applicant's proposal creates a residential density of 35.1 units per acre, which qualifies under Section 55(3)(a)(C)(i). This criterion is met.

(d) The development is within an urban growth boundary, not including lands that have not been annexed by a city;

FINDING: The subject property is located within the La Pine Urban Growth Boundary. This criterion is met.

(e) The development is of net new housing units in new construction projects, including:

- (A) Single-family or multifamily;***
- (B) Mixed-use residential where at least 75 percent of the developed floor area will be used for residential uses;***
- (C) Manufactured dwelling parks;***
- (D) Accessory dwelling units; or***
- (E) Middle housing as defined in ORS 197A.420;***

FINDING: The applicant's proposal includes a 39-unit multifamily housing complex which meets subsection (A). This criterion is met.

(f) The application requests not more than 10 distinct adjustments to development standards as provided in this section. A "distinct adjustment" means:

- (A) An adjustment to one of the development standards listed in subsection (4) of this section where each discrete adjustment to a listed development standard that includes multiple component standards must be counted as an individual adjustment; or***
- (B) An adjustment to one of the development standards listed in subsection (5) of this section where each discrete adjustment to a listed development standard that includes multiple component standards must be counted as an individual adjustment; and***

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

The proposal includes adjustments to La Pine Development Code Section 15.104.040 which requires patios/decks and prescribes articulation requirements. Both of these are development standards listed in subsection (5) of this section, specifically (5)(b) articulation and (5)(h)(C) and (D). Only 2 distinct adjustments are being requested; therefore the proposal qualifies under this section.

Staff concurs with the applicant's statements and finds this criterion is met.

(g) The application states how at least one of the following criteria apply:

- (A) The adjustments will enable development of housing that is not otherwise feasible due to cost or delay resulting from the unadjusted land use regulations;***
- (B) The adjustments will enable development of housing that reduces the sale or rental prices per residential unit;***
- (C) The adjustments will increase the number of housing units within the application;***
- (D) All of the units in the application are subject to an affordable housing covenant as described in ORS 456.270 to 456.295, making them affordable to moderate income households as defined in ORS 456.270 for a minimum of 30 years;***
- (E) At least 20 percent of the units in the application are subject to an affordable housing covenant as described in ORS 456.270 to 456.295, making them affordable to low income households as defined in ORS 456.270 for a minimum of 60 years;***
- (F) The adjustments will enable the provision of accessibility or visitability features in housing units that are not otherwise feasible due to cost or delay resulting from the unadjusted land use regulations; or***
- (G) All of the units in the application are subject to a zero equity, limited equity, or shared equity ownership model including resident-owned cooperatives and community land trusts making them affordable to moderate income households as described in ORS 456.270 to 456.295 for a period of 90 years.***

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

The proposed design, will allow for more cost effective and efficient construction, which will lessen the cost, improve the financial feasibility of the project and allow for reduced rents. Furthermore, all of the units in the application are subject to an affordable housing covenant as described in ORS 456.270 to 456.295, making them affordable to moderate income households as defined in ORS 456.270 for a minimum of 30 years. Therefore the proposal qualifies under this section.

Staff concurs with the applicant's statements and finds this criterion is met.

(3) A decision on an application for an adjustment made under this section is a limited land use decision. Only the applicant may appeal the decision. No notice of the decision is required if the application is denied, other than notice to the applicant. In implementing this subsection, a local government may:

- (a) Use an existing process, or develop and apply a new process, that complies with the requirements of this subsection; or***
- (b) Directly apply the process set forth in this subsection.***

FINDING: The City is approving the applicant's adjustment. Staff includes these criteria for reference to the applicant.

(4) A local government shall grant an adjustment to the following development standards:

- (a) Side or rear setbacks, for an adjustment of not more than 10 percent.***
- (b) For an individual development project, the common area, open space or area that must be landscaped on the same lot or parcel as the proposed housing, for a reduction of not more than 25 percent.***
- (c) Parking minimums.***
- (d) Minimum lot sizes, not more than a 10 percent adjustment, and including not more than a 10 percent adjustment to lot widths or depths.***
- (e) Maximum lot sizes, not more than a 10 percent adjustment, including not more than a 10 percent adjustment to lot width or depths and only if the adjustment results in:***
 - (A) More dwelling units than would be allowed without the adjustment; and***
 - (B) No reduction in density below the minimum applicable density.***
- (f) Building lot coverage requirements for up to a 10 percent adjustment.***
- (g) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multifamily housing and mixed-use residential housing:***
 - (A) Requirements for bicycle parking that establish...***
 - (B) For uses other than cottage clusters...***
 - (C) Unit density maximums...***

FINDING: The applicant's proposal does not include an adjustment to any of the above referenced design standards; therefore, this criterion is not applicable.

(5) A local government shall grant an adjustment to design standards that regulate:

- (a) Facade materials, color or pattern.***
- (b) Facade articulation.***
- (c) Roof forms and materials.***
- (d) Entry and garage door materials.***
- (e) Garage door orientation, unless the building is adjacent to or across from a school or public park.***
- (f) Window materials, except for bird-safe glazing requirements.***

(g) Total window area, for up to a 30 percent adjustment, provided the application includes at least 12 percent of the total facade as window area.

(h) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multi-family housing and mixed-use residential:

(A) Building orientation requirements, not including transit street orientation requirements.

(B) Building height transition requirements, not more than a 50 percent adjustment from the base zone.

(C) Requirements for balconies and porches.

(D) Requirements for recesses and offsets.

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

The proposal includes adjustments to La Pine Development Code Section 15.104.040 which requires patios/decks and Section 15.104.040, which prescribes articulation requirements. Both of these are development standards listed in this section, specifically (5)(b) articulation and (5)(h)(C) and (D). The adjustments shall be granted under this section.

Staff concurs with the applicant's statements and finds 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. Exterior Lighting: **At all times**, all exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.
- B. Plant Material Installation Standards: 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.

- C. Maintenance and Plant Survival: **At all times** 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.
- D. Fence Maintenance: **At all times**, 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.
- E. Utility Responsibility: **At all times**, 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.
- F. Modification of Improvements: 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.
- G. 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.
- H. Inspection of Improvements: Improvement work shall be constructed under the inspection and approval of an inspector designated by the city, and the expenses incurred therefore shall be borne by the developer. Fees established by the city council for such review and inspection may be established in lieu of actual expenses. The city, through the inspector, may require changes in typical sections and details of improvements if unusual or special conditions arise during construction to warrant such changes in the public interest.
- I. Underground Utility Installation: Underground utilities, including, but not limited to, electric power, telephone, water mains, water service crossings, sanitary sewers and storm drains, to be installed in streets, shall be constructed by the developer prior to the surfacing of the streets.
- J. 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.
- K. 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.

- L. Utility Provider Coordination: 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.
- M. Underground Utilities: All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.
- N. As Built Plans: **At the completion of all improvements**, 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.
- O. 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.

PRIOR TO BUILDING PERMITS

- P. Drafter Road Designation Correction: **Prior to building permits** Drafter Road must be correctly labeled as a minor collector on Sheets C101, C201, and C301.
- Q. Cluster Mailbox: **Prior to building permits**, a proposed cluster postal delivery box per the Design Standards, II. Design Parameters, A. Street, 15. Cluster Postal Delivery Boxes, should be shown on the site plan and located an adequate distance from the driveway to minimize driveway turning movement conflicts.
- R. Onsite Drainage: **Prior to the issuance of building permits**, the applicant must provide confirmation that the onsite drainage is in compliance with the requirements of the Central Oregon Stormwater Manual.
- S. Americans with Disabilities Act: **Prior to the issuance of building permits**, the applicant shall confirm that parking has been found to be in compliance with all applicable ADA requirements.

PRIOR TO CONSTRUCTION

- T. Curb Correction: **Prior to construction**, updated construction plans must be submitted that reflect a 16-inch concrete curb with 7-inch curb exposure per the Design Standards, II. Design Parameters, A. Street, 10. Curbs.
- U. Pavement Taper: **Prior to construction**, updated construction plans must be submitted that reflects the pavement taper which meets the Design Standards, II. Design Parameters, A. Street 19. Pavement Taper.
- V. Design Drawings: **Prior to construction**, design Drawings for Drafter Road meeting the requirements of the Design Standards, II. Design Parameters A. Street must be submitted.
- W. Drafter Road Stormwater: **Prior to construction**, submit design drawings for Drafter Road meeting the requirements of the Design Standards, II. Design Parameters, B. Stormwater.

- X. Cleanouts: **Prior to construction**, updated construction plans must be submitted with 6-inch cleanouts at the beginning and at the end connection of the 4-inch gravity sanitary sewer line to the new 6-inch polyvinyl chloride (PVC) gravity sanitary sewer main across the site.
- Y. Sewer Main Design: **Prior to construction**, drawings for the 6-inch PVC gravity sewer main meeting the requirements of the Design Standards, II. Design Parameters C. Sewer shall be submitted.
- Z. Improvement Work: **Prior to Construction**, Improvement work shall not be commenced until plans therefore have been reviewed and approved by the city or a designated representative thereof. The review and approval shall be at the expense of the developer.
- AA. Pre-Construction Meeting: **Prior to the construction of the required public improvements**, the applicant shall have a Pre-Construction meeting with the City of La Pine Public Works Department.

PRIOR TO OCCUPANCY

- AB. Right Of Way Dedication: **Prior to Occupancy**, the applicant will be required to dedicate 1 foot of right of way along the entire property frontage of Drafter Road. The dedication will need to be reflected in a new deed that is recorded with Deschutes County.
- AC. Drafter Road Sidewalk: **Prior to Occupancy**, the applicant will be required to construct a 6-foot-wide sidewalk along the entire property frontage on Drafter Road that is in conformance with City Standards.
- AD. Planter Strip/Drainage Swale: **Prior to Occupancy**, the applicant will be required to construct an 8-foot-wide planter strip with street trees at an average of 35 foot spacing.
- AE. Drafter Road Paving: **Prior to Occupancy**, the applicant will be required to pave 34 feet of asphalt along the entire property frontage along Drafter Road.
- AF. Drafter Road Improvements: **Prior to Occupancy**, the required public improvements and right of way dedication must be completed for both 52695 Drafter Road and 52711 Drafter Road.
- AG. Draft Road Pavement: **Prior to occupancy**, Drafter Road is required to meet the collector pavement section shown per the Design Standards, II. Design Parameters, A. Street 17. Pavement Section.
- AH. Stormwater Test Results: **Prior to occupancy**, provide testing results and engineer's certification of the proposed three-chamber stormwater system to the City Public Works Department.
- AI. Sewer Main: **Prior to occupancy**, the 4-inch PVC gravity sewer main should be replaced with 6-inch PVC gravity sewer main across the site as shown. The off-site 6-inch PVC gravity sewer main replacement shown on Sheet C401 should be completed.
- AJ. Agreement for Improvements: **Prior to occupancy**, 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 engineering services directly attributed to the project

- AK.** Fire Flow Tests: ***Prior to occupancy***, test flows should be completed for the hydrants near the site to determine an available fire flow for the design of the fire sprinkler system by the applicant's engineer. Copies of the fire hydrant tests should be provided to the City Public Works Department.
- AL.** Joint Use Access Easement: ***Prior to Occupancy***, 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.
- AM.** Maintenance Surety Bond: ***Prior to occupancy***, 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.

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

Attachment: Site Plan

