



FINDINGS AND DECISION

- DECISION DATE:** February 19, 2025
- FILE NUMBER:** 08SPR-24
- APPLICANT:** Pinegreen LLC
PO Box 1800
Corvallis, OR 97330
- OWNER:** Pinegreen LLC
PO Box 1800
Corvallis, OR 97330
- LOCATION:** The subject property is located at 51425 Hwy 97, La Pine, Oregon 97739. The Tax Lot number is 4100 on Deschutes County Assessor’s Map 22-10-15AD.
- REQUEST:** The applicant is requesting Site Plan Review to construct a new coffee shop with a drive thru and related site improvements.
- STAFF CONTACT:** Brent Bybee, Community Development Director
Email: bbybee@lapineoregon.gov
Phone: (541) 668-1135
- DECISION:** Approved, subject to the conditions of approval identified below.

I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA

PART III, CITY OF LA PINE DEVELOPMENT CODE

ARTICLE 3 - ZONING DISTRICTS

CHAPTER 15.22 – COMMERCIAL AND MIXED-USE ZONES

ARTICLE 4 - OVERLAY ZONES

CHAPTER 15.40. - DOWNTOWN OVERLAY ZONE

ARTICLE 5 - DEVELOPMENT STANDARDS

CHAPTER 15.80 – DEVELOPMENT STANDARDS, GENERALLY

CHAPTER 15.82. - LANDSCAPING, BUFFERING AND FENCES

CHAPTER 15.86. - PARKING AND LOADING

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CHAPTER 15.90. - PUBLIC FACILITIES

CHAPTER 15.94. - IMPROVEMENT PROCEDURES AND GUARANTEES

ARTICLE 6 - SPECIAL USE STANDARDS

CHAPTER 15.102. - SPECIAL USES - GENERAL PROVISIONS

CHAPTER 15.108. - SPECIAL USE STANDARDS - NON-RESIDENTIAL USES

ARTICLE 8 - APPLICATIONS AND REVIEWS

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II. BASIC FINDINGS

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

PARCEL SIZE: The subject property is 39,582 square feet in size.

LOT LEGALITY: The subject property was initially platted as several lots within the LaPine Subdivision (Platted May 1910). The property lines were recently reconfigured under file 10LLA-24 making the subject property one legal lot of record. It is noted that the property line adjustment is not on file with the Deschutes County Surveyor. To ensure compliance, the following condition of approval is added.

Property Line Adjustment Filing: **Prior to building permits**, the property owner shall finalize property line adjustment 10LLA-24, and meet the conditions of approval within that decision.

REVIEW PERIOD: The subject application was submitted on October 1, 2024, and deemed incomplete by the Planning Division October 31, 2024. A response to the Incomplete Letter was received and the application was deemed complete on November 13, 2024. The 120th day on which the City must take final action on this application is March 13, 2025.

EXISTING DEVELOPMENT: The subject property has historically been developed with a 7,600 square foot commercial building, however that structure has recently been demolished (permit 247-24-005489-DEMO). The property is currently undeveloped.

PERMIT HISTORY*:

- SP-77-40 | Application to construct a 3,100 square foot commercial building with two retail tenant spaces. The new building would be located north of the existing La Pine Highway Cetner store.
- S-02-10 | Application to alter a free-standing sign on the subject property to reflect Twigs Gift Company and the Red Rooster Coffee House
- S-03-9 | Application to alter the existing free-standing sign on the subject property to reflect a quilt shop.
- S-03-20/21 | Application for two new wall signs for TV and appliance store

**Staff notes that based on building permits (electrical/plumbing/mechanical) There were many alterations to the subject property that did not receive land use approval and therefore there is no history of them.*

III. AGENCY AND PUBLIC COMMENTS

PUBLIC AGENCY COMMENTS: The La Pine Community Development Department sent mailed and electronic notice on November 19, 2024, to several public agencies and received the following comments:

Oregon State Fire Marshal, Clara Butler

WATER:

- **Water Supply – 2022 OFC Appendix B / Fire Hydrant Spacing – 2022 OFC Section 507 and Appendix C**
 - Type VB construction at 2,122 square feet = 1,500 gpm = minimum of 1 hydrant(s) required with not more than 500 feet spacing between them and not more than 250 feet to a hydrant from any point on the street.
- **Fire Flow Reductions – 2022 OFC B105.3** The total required fire flow may be reduced by the following section, but in no case shall the resulting fire flow be less than 1500 gallons per minute at 20 psi residual.
 - **Sprinkler System – 2022 OFC B Table 105.2** A reduction in required fire flow of up to 75 %, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 (NFPA 13 2019) or 903.3.1.2 (NFPA 13R) of the OFC.
- **Fire Hydrant – 2022 OFC 507.5.1**
 - Where a portion of the building is more than 400 ft from a hydrant on a fire apparatus access road as measured by an approved route around the exterior of the building, on-site hydrants and mains shall be provided where required.
 - Exception: For buildings equipped throughout with an approved automatic sprinkler system, the distance requirement shall be 600 ft.
- **Area Separation – 2022 OFC B104.2**
 - Portions of buildings which are separated by fire walls without openings constructed in accordance with the International Building Code are allowed to be considered as separate fire flow calculation areas.
- **Obstruction & Protection of Fire Hydrants – 2022 OFC 507.5.4 – 507.5.6**
 - A 3 foot clear space shall be maintained around the circumference of fire hydrant. When exposed to vehicular damage, concrete curbing, sidewalks, or 4 inch concrete filled bollards placed 3 feet from hydrant shall suitably protect fire hydrants.
- **Fire Safety during Construction – 2022 OFC 501.4**
 - Approved fire department access roads, required water supply, fire hydrants, and safety precautions shall be installed and serviceable prior to and during the time of construction. The requirements of NFPA 241 (2019) shall be followed until project is complete.
- **Fire Sprinkler Systems-** if a sprinkler system is install for water requirement reduction, it shall be installed per NFPA 13 (2019)
 - Separate permits will be required for the aboveground sprinkler system and the underground sprinkler supply line(s).
 - If there are greater than 20 sprinkler heads, the system is required to have a fire alarm monitoring system. All fire alarm systems require a FA permit.
 - 2022 OFC 912 Fire Department Connections: The location of fire department connections shall be approved by fire code official. The FDC/PIV shall not be under any combustible projections or overhangs.
 - NFPA 14 (2019)– 6.4.5.4 Fire department connections shall be located not more than 100 ft from the nearest fire hydrant connected to an approved water supply.
 - NOTE – If the building is sprinklered, the sprinkler system will need to be designed to the specific use that will be occurring in the building. If the sprinkler system is not designed appropriately it will limit the types of businesses that can occupy the space. This also

includes the height of storage in the building. In order to have high piled storage (greater than 12 ft), the sprinkler system shall be designed accordingly.

- **Note: Before the application can be deemed complete a stamped engineered fire flow analysis will be required.**

ACCESS:

- **Premises Identification – 2022 OFC 505.1**
 - Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background and visible at night. Number/letter shall be a minimum of 4" high and a 0.5" stroke width.
- **Required Access – 2022 OFC 504.1**
 - Exterior doors and openings shall be made readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided.
- **Fire Apparatus Access Roads – 2022 OFC 503 & Appendix D**
 - Fire apparatus access roads shall extend to within 150 ft of all portions of the building as measured by an approved route around the exterior of the building.
 - Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.
 - Fire apparatus roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.
 - The required turning radius shall be no less than 18' inside and 38' outside. The grade of the fire apparatus access roads shall be within the limits established by the fire code official.
 - The angles of approach and departure for fire apparatus access roads shall be within the limits established by the *fire code official* based on the fire department's apparatus.
- **Authority – 2022 OFC 503.2.2**
 - The fire code official shall have the authority to modify the dimensions specified in 503.2.1.
- **Fire Apparatus Access Roads-2022 OFC 503.1**
 - Fire apparatus access roads shall be provided and maintained at all times during construction.
- **Fire Lanes – 2022 OFC 503.3 & D103.6**
 - Approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Such signs or notices shall be kept in legible conditions at all times. The stroke shall be 1 inch with letters 6 inches high and read "No Parking Fire Lane". Spacing for signage shall be every 50 feet.
 - Recommended to also (in addition to Fire lane signs) paint fire lane curbs in bright red paint with white letters.
 - **D103.6.1 Roads 20-26 Ft. Wide:** Shall have Fire Lane signs posted on both sides of a fire lane.
 - **D103.6.2 Roads more than 26-32 Ft. Wide:** Roads 26-32 ft wide shall have a Fire Lane signs posted on one side of the road as a fire lane.
- **Dead-Ends – 2022 OFC 503.2.5 and D103.4**

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

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

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

City of La Pine Engineering, Troy Baker

Per the City of La Pine, Oregon's request, Anderson Perry & Associates, Inc., has reviewed the Site Plan Application for Starbucks located at 51425 Highway 97 on Tax Lots 221015AD00500, 221015AD00600, and 221015AD04100 concerning the coffee shop's potential impacts to the City's public utilities and roadways. The public improvements shown on the Site Plan were reviewed using the City's 2016 Standards and Specifications Design Standards (Design Standards). The comments are listed below by the public facility.

General

- Show an Americans with Disabilities Act (ADA) parking sign for the ADA parking space shown on the Site Plan.
- Show ADA compliance for accessible paths on the Site Plan.
- Call out any directional striping or signage, including a directional sign to the drive-through access.

Street

- Dedicate 11 feet along the Morson Street frontage to comply with the ROW requirements for a downtown arterial street per the Design Standards, II. Design Parameters, A. Street, 1. General.
- Construct a concrete driveway apron 25 feet from the existing ROW centerline for Morson Street driveway access. Construct an asphalt taper from the concrete driveway apron to the existing pavement on Morson Street per the Design Standards, II. Design Parameters, A. Street, 19. Pavement Taper.
- The pavement section for the taper improvement is required to be constructed with 5 inches of asphalt concrete on 12 inches of base rock per the Design Standards, II. Design Parameters, A. Street, 17 Pavement Section, for arterial streets.
- Provide a design for street improvements in public ROW that meets the requirements of the Design Standards, II. Design Parameters, A. Street.
- Coordinate with the Oregon Department of Transportation regarding any additional requirements for Highway 97 frontage and the Highway 97 and Huntington Road intersection.

Stormwater

- Provide a design and calculations meeting the requirements of the Design Standards, II. Design Parameters, B. Stormwater for roadway improvements and site development. The stormwater runoff from the site must be retained on site.

Sewer

- Show abandonment of unused existing septic tank effluent gravity system and unused effluent line.
- Install sewer service to the applicable requirements of the Design Standards, II. Design Parameters, C. Sewer.

Water

- Show the water service, meter box, and backflow prevention device on the Site Plan per the requirements of the Design Standards, II. Design Parameters, D. Water, d. Service Lines.
- Show abandonment of any unused water service lines.
- Coordinate with the La Pine Rural Fire District to verify if any additional fire hydrants are required for the redevelopment of the site.

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

ADA Compliance: **Prior to building permits**, the applicant must submit a revised site plan showing an Americans with Disabilities Act (ADA) parking sign for the ADA parking space, ADA accessible paths, and any directional striping or signage, including a directional sign to the drive-through access..

Morson Street ROW Dedication: **Prior to building permits**, the applicant shall dedicate 11 feet along the Morson Street frontage to comply with the ROW requirements for a downtown arterial street per the Design Standards, II. Design Parameters, A. Street, 1. General.

Morson Street Driveway Entrance: **Prior to occupancy**, the applicant shall construct a concrete driveway apron 25 feet from the existing ROW centerline for Morson Street driveway access. Construct an asphalt taper from the concrete driveway apron to the existing pavement on Morson Street per the Design Standards, II. Design Parameters, A. Street, 19. Pavement Taper. The pavement section for the taper improvement is required to be constructed with 5 inches of asphalt concrete on 12 inches of base rock per the Design Standards, II. Design Parameters, A. Street, 17 Pavement Section, for arterial streets.

Street Improvement Design: **Prior to building permits**, the applicant shall provide a design for street improvements in public ROW that meets the requirements of the Design Standards, II. Design Parameters, A. Street.

ODOT Coordination: **Prior to development**, the applicant shall coordinate with the Oregon Department of Transportation regarding any additional requirements for Highway 97 frontage for the Highway 97 and Morson Street intersection.

Stormwater: **Prior to building permits**, the applicant shall provide a design and calculations meeting the requirements of the Design Standards, II. Design Parameters, B. Stormwater for roadway improvements and site development. The stormwater runoff from the site must be retained on site.

Sewer Connection and Septic Tanks: **Prior to building permits**, the applicant shall submit a new site plan that shows abandonment of the unused existing septic tank effluent gravity system and unused effluent line.

Sewer Service: **Prior to Occupancy**, the applicant shall install sewer service to the applicable requirements of the Design Standards, II. Design Parameters, C. Sewer.

Water Service Lines: **Prior to building permits**, the applicant shall submit a new site plan that shows the water service, meter box, and backflow prevention device on the Site Plan per the requirements of the Design Standards, II. Design Parameters, D. Water, d. Service Lines. The site plan shall also show abandonment of any unused water service lines.

Fire Hydrants: **Prior to building permits**, the applicant shall submit a new site plan that shows the location of the nearest fire hydrant(s).

La Pine Fire Coordination: **Prior to development**, the applicant shall coordinate with the La Pine Rural Fire District to verify if any additional hydrants are required for the redevelopment of the site.

The following agencies did not respond to the notice: Deschutes County Road Department, Deschutes County Building Department, La Pine Public Works, Department of State Lands, La Pine Fire Department, State Fire Marshall, Oregon Department of Transportation, Midstate Electric, Republic Services.

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 November 19, 2024. The following public comment was received.

Rich Harp

I saw the demolition for the new Starbucks. I'm very excited about these new retail developments.

I am not sure of your and ODOT's infrastructure plans, but would like to suggest rerouting of Morson to line up with Finley Butte. Or potentially Huntington if even remotely possible.

I expect a lot of congestion in that area and a 4 way stoplight may be required in the near future

STAFF COMMENT: The Morson and Finley Butte alignment is identified as a project within the current La Pine Transportation System Plan, and ODOT's US 97/La Pine Corridor Plan. The subject property is not identified as a property affected by the realignment.

IV. FINDINGS OF FACT

PART III, CITY OF LA PINE DEVELOPMENT CODE

ARTICLE 3 - ZONING DISTRICTS

CHAPTER 15.22 – COMMERCIAL AND MIXED-USE ZONES

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

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

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

...

FINDING: The subject property is zoned Traditional Commercial. Applicable criteria are addressed herein.

Sec. 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.*

FINDING: The applicant proposes a coffee shop with a drive thru which is a use classified as an “eating and drinking establishment”, which is permitted outright within the Traditional Commercial zone. Applicable criteria are

addressed herein.

Sec. 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.*

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

FINDING: Staff addresses each development standard below.

Minimum Lot Width

The applicant is not proposing any new or altered lot lines therefore, this development standard is not applicable.

Front Setback

The subject property has two front yard setbacks off Highway 97 and Huntington Road. The proposed building will be set back more than 20 feet from each front lot line. This development standard is met.

Side Yard Setback

The Traditional Commercial zone does not have any minimum or maximum standards for side yard setbacks. Therefore, this development standard is not applicable.

Rear Yard Setback

The Traditional Commercial zone does not have any minimum or maximum standards for rear yard setbacks. Therefore, this development standard is not applicable.

Maximum Building Height

The Traditional Commercial zone has a maximum allowable height of 70 feet. The applicant’s proposed building will be 30 feet tall. This development standard is met.

Maximum Lot Coverage

The Traditional Commercial zone has a maximum lot coverage of 80%. Based on the applicant's submitted site plan, 2,122 square feet of the 39,582 square feet will be covered (5.4%). This development standard is met.

Based on staff's review, all relevant development standards have been met. This criterion is met.

Section 15.22.500, Additional Standards

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

FINDING: The subject property is a corner lot, however there are not residential uses nearby; 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, any portion of the lot that is not developed for commercial use or public improvements will be landscaped. 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 proposes a new coffee shop with a drive through use. The above criterion does not require those uses to take place inside an enclosed building; therefore, this criterion is not applicable.

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

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

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

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

- D. *Vehicle access. Access driveways and entrances shall be permitted in a number and locations in*

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

FINDING: The applicant proposes an approach to the property from Highway 97 which is under the jurisdiction of the Oregon Department of Transportation and Morson Street which is under the jurisdiction of Deschutes County. To ensure compliance with the above criterion, the following conditions of approval have been added

ODOT Permit: **Prior to building permits**, the applicant must provide an approved access permit for the proposed driveway on Highway 97 from the Oregon Department of Transportation.

Deschutes County Access: **Prior to building permits**, the applicant must provide an approved access permit for the proposed driveway on Morson Street from Deschutes County.

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 commercial use is not expected to emit any noxious, toxic or corrosive fumes. 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 use is not expected to generate any noise from mechanical equipment; therefore, this criterion is not applicable.

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

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

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

ARTICLE 4 - OVERLAY ZONES

CHAPTER 15.40. - DOWNTOWN OVERLAY ZONE

Sec. 15.40.010. - Purpose.

The purpose of the downtown overlay zone is to create a pedestrian-oriented downtown area that will serve as the center of commercial and civic activity in the community and as a destination for residents and visitors. Pedestrian-oriented places provide visual interest at eye-level, feel safe and comfortable for people walking, contain a variety of activities and services, are easy to navigate on foot, and provide open areas and amenities for gathering and resting. This overlay zone modifies the

regulations of the underlying base zones to ensure pedestrian-oriented land uses and design. Within the overlay, streets have been designated as either "Storefront Streets" or "Pedestrian-Friendly Streets."

- A. *Storefront streets. Storefront streets prioritize the pedestrian experience. These streets provide places to walk that are not only safe and comfortable, but that also provide visually interesting and engaging experiences. This is achieved through placing buildings closer to the street, designing buildings with architectural detail, and encouraging storefront shopping.*
- B. *Pedestrian-friendly streets. Pedestrian-friendly streets balance the pedestrian experience with the need to accommodate a range of development types. These streets are safe and comfortable for pedestrians. Buildings are encouraged to be placed close to the street, but not required. Other standards are relaxed slightly to provide flexibility in design while maintaining a pedestrian-friendly environment.*

FINDING: The subject property fronts on Hwy 97 (Pedestrian Friendly) to the south. The northeast corner of the property meets at the intersection of Hwy 97 and Huntington Road which is a storefront street, but it does not abut that street. Applicable criteria are addressed herein.

Sec. 15.40.020. - Applicability.

- A. *Zone boundary and street designations.* The boundaries of the downtown overlay zone are depicted in Figure 15.40-1. The standards of this chapter apply to development and redevelopment on properties within this boundary. Specific standards within this chapter apply to properties abutting streets designated as storefront streets and pedestrian friendly streets, as shown on Figure 15.40-1.

FINDING: The subject property is located entirely within the Downtown Overlay. Applicable criteria are addressed herein.

- B. *New buildings.* The standards of this chapter apply to all buildings subject to site plan review that include over 200 square feet in floor area.

FINDING: The applicant's proposal includes a new building that is over 200 square feet in floor area and is subject to site plan review.

- C. *Expansions and alterations to existing nonresidential buildings.* The standards of this chapter apply to expansions and alterations to nonresidential buildings that are subject to site plan review, in accordance with [chapter 15.312](#). The standards are applicable as follows:
 - 1. Expansions or additions to nonresidential buildings of over 500 square feet that are visible from a public street or public space are required to be in conformance with the standards of this chapter. The standards only apply to the expansion or addition.
 - 2. Expansions or additions to nonresidential buildings that front a storefront street must not increase the length of street-facing facade that does not conform to the build-to-line standard and must, to the extent feasible, reduce the area dedicated to parking and vehicular circulation between the building and the right-of-way (See Figure 15.40-2).

3. Expansions or additions to nonresidential buildings that front a pedestrian-friendly street must, to the extent feasible, reduce the area dedicated to parking and vehicular circulation between the building and the right-of-way.
 4. Exterior alterations or remodels of existing nonresidential buildings that do not conform to the standards for ground floor windows, weather protection, and architectural design must improve compliance with these standards where possible, and at a minimum must not increase nonconformance.
- D. *Expansions and alterations to parking and vehicle circulation areas.* Expansions or alterations to existing parking and vehicle circulation areas must not increase non-conformity with the standard for location of parking areas (15.40.060.B).

FINDING: The applicant's proposal does not include any expansion or alteration, but does include new development; therefore, these criteria are not applicable.

Sec. 15.40.025. - Downtown design exception.

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

FINDING: The applicant's proposal does not include a request for a design exception; therefore, these criteria are not applicable.

Sec. 15.40.030. - Uses.

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

- A. New drive-up and drive-through uses.
- B. New auto sales and service, including fuel stations.

- C. Ground floor residential dwelling units, except for horizontal mixed use where the residential dwelling units are located behind other uses.

FINDING: The applicant proposes a new coffee shop (eating and drinking establishment) with a drive thru, and the site abuts a Pedestrian Friendly Street. This criterion is met.

Sec. 15.40.040. - Options for required parking.

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

FINDING: The applicant’s proposal does not include a request for any on-street parking credits; therefore, this criterion is not applicable.

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

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

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

FINDING: The applicant’s proposal includes a shared parking facility with the property to the west. Staff notes that both properties are owned by the same entity so a joint use access agreement is feasible. Compliance with joint use access easements is discussed further on in this decision. This criterion is met.

Sec. 15.40.050. - Summary of design standards.

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

<i>Table 15.40-1. Summary of Design Standards</i>			
<i>Standard</i>	<i>Storefront Street</i>	<i>Pedestrian-Friendly Street</i>	<i>Code Section</i>
<i>Building Setbacks</i>			
<i>No minimum front setbacks</i>	X	X	<i>15.40.060(B)</i>
<i>No parking between buildings and streets</i>	X	X	<i>15.40.060(C)</i>
<i>75% of buildings within 5ft of front lot line</i>	X		<i>15.40.060(D)</i>
<i>Building Entries</i>			
<i>Required walkway connection</i>	X	X	<i>15.40.070(B)</i>
<i>Entry orientation</i>	X	X	<i>15.40.070(D)</i>

Entry design	X	X	15.40.070(C)
<i>Window and Weather Protection Requirements</i>			
Minimum window requirements	60%	40%	15.40.080(B)
Weather protection requirements	X		15.40.080(C)
<i>Architectural Design Standards</i>			
Architectural design standards	X	X	15.40.090

FINDING: The subject property abuts a Pedestrian-Friendly Street. Compliance with the design standards are addressed herein.

Sec. 15.40.060. - Setbacks.

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

FINDING: The applicant proposes a minimum front setback of 14 feet from the lot line to the building, with an outdoor seating area between the building and the property line. This criterion is met.

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

FINDING: The applicant's proposed parking is located to the rear or directly adjacent to the front of the building, with no spaces between the front of the building and Highway 97. This criterion is met.

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

3. *A public utility easement or similar restricting legal condition that is outside the applicant's control makes conformance with the build-to line impossible. In this case, the building shall instead be placed as close to the street as possible given the legal constraint, and pedestrian amenities (e.g., plaza, courtyard, landscaping, outdoor seating area, etc.) shall be provided within the street setback.*

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

Sec. 15.40.070. - Building entries.

- A. *Intent. These provisions ensure that all entrances to a primary building are visible and connected to the sidewalk by a pedestrian walkway. These features are important when the building is accessed by a pedestrian from the street (rather than from the parking lot). These standards apply to the primary building(s) on a site (e.g., not to accessory structures).*
- B. *Required walkway. All primary entrances to a building (e.g., tenant entrance, lobby entrance, breezeway entrance, or courtyard entrance) must be connected to the sidewalk by a direct and continuous walkway.*
- C. *Entry design. The primary building entrances must be architecturally emphasized through the use of one or more of the following features: recessed doorway(s); overhangs or canopies; transom windows; ornamental light fixtures; larger, transparent or more prominent doors; or pilasters or columns that frame the principal doorway.*
- D. *Entry orientation. All buildings must have at least one primary entrance facing that street (i.e., within 45 degrees of the street property line). For multi-tenanted nonresidential buildings, buildings with multiple entrances, or buildings with multiple frontages, only one primary entrance must comply with this standard. For multi-tenanted residential buildings on storefront streets, all residential units on the ground floor must have a private exterior entrance.*

FINDING: Based on the applicant's submitted site plan and elevations, all entrances to the proposed building will be connected by a continuous walkway system. The applicant's submitted burden of proof and elevation drawings indicate that the primary building entrance will be architecturally emphasized through an overhang with transom windows, as evidenced by the design illustration below. The applicant's proposed primary building entrance faces Hwy 97 which is classified as a Pedestrian-Friendly street. This criterion is met.



Sec. 15.40.080. - Window and weather protection requirements.

- A. *Intent. Window area or "glazing" requirements ensure that building facades will be composed of windows that provide views of activity, people, and merchandise, creating an interesting pedestrian experience. The weather protection standards are intended to create a more comfortable experience for pedestrians on the sidewalk by providing protection from sun and rain. This standard is limited to storefront streets, where buildings are required to directly front the sidewalk and pedestrian comfort is a high priority. These standards apply to the primary building(s) on a site (e.g., not to accessory structures).*
- B. *Window requirements.*
1. *Minimum window area required for nonresidential buildings.*
 - a. *Building facades facing a pedestrian-friendly street must have windows, display areas, or glass doorways for at least 40 percent of the area of the ground level wall area (see Figure 15.40-5).*
 - b. *Building facades facing a storefront street must have windows, display areas, or glass doorways for at least 60 percent of the area of the ground level wall area (see Figure 15.40-5).*
 - c. *The ground level wall area is the wall area above 30 inches and below 108 inches, as measured from finished grade.*
 2. *Minimum window area required for residential buildings. Building facades that face a public street must have windows or glass doorways for at least 15 percent of the area of the entire facade.*
 3. *Transparency. All ground floor windows shall have a visible transmittance of 60 percent or higher.*
- C. *Weather protection. On building facades facing a storefront street, weather protection for pedestrians must be provided along at least 75 percent of the facade. Weather protection may be an awning, canopy, arcade, colonnade, recessed entry, or some combination of these elements. Where provided, weather protection shall meet the following standards:*
- a. *Be constructed of glass, metal, or a combination of these materials;*
 - b. *Project at least five feet from the building facade;*
 - c. *Have at least ten feet clearance above the sidewalk;*
 - d. *Match the width of the storefront or the window opening(s); and*
 - e. *Not obscure any existing or proposed transom windows.*

FINDING: Based on the applicant's submitted burden of proof and legal argument surrounding the applicability of the Pedestrian-Friendly street standards, the building facade facing Hwy 97 must comply with above criterion. The

applicant's proposed southern elevation drawing indicates that this facade will exceed the 40% standard. Through staff's review of the proposed development, the ground level wall area calculations were utilized in demonstrating compliance. No residential buildings are proposed, and no building facades are proposed facing a storefront street. To ensure compliance with the above transparency criterion, the following condition of approval has been added.

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

This criterion is met.

Sec. 15.40.090. - Architectural design standards.

- A. *Intent. The facade articulation standards in [subsection] B work together to help ensure that building facades that have variation and depth in the plane of the building in order to create a more interesting and welcoming environment to pedestrians. The screening standard in [subsection] C ensures that mechanical equipment is screened or otherwise minimized so that it does not detract for the pedestrian environment. The materials and Cascadian Style standards in [subsections] D and E are intended to create a distinct brand or identity for Downtown La Pine.*
- B. *Articulation. All building exterior walls greater than 100 feet in length that orient to a street or public space must have breaks in the wall plane (articulation) of not less than one break for every 40 feet of building length or width, as applicable, as follows:*
- 1. A "break" is a feature or variation in the wall plane that projects or recedes at least six inches for a length of at least two feet. Breaks may include, but are not limited to, an offset, recess, window reveal, pilaster, frieze, pediment, cornice, parapet, gable, dormer, eave, coursing, canopy, awning, column, building base, balcony, permanent awning or canopy, marquee, or similar architectural feature.*
 - 2. Changes in paint color and features that are not designed as permanent architectural elements, such as display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features, do not meet the break-in-wall-plane standard.*

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

C. *Screening of mechanical equipment.*

- 1. Building walls. Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, is permitted on a building wall that abuts a public right-of-way or civic space, it shall be screened from view from the right-of-way or civic space. Standpipes, meters, vaults, and similar equipment need not be screened but shall not be placed on a front elevation when other feasible alternatives exist; such equipment shall be placed on a side or rear elevation where feasible.*
- 2. Rooftops. Except as provided below, rooftop mechanical units shall be setback or screened behind a parapet wall so that they are not visible from any public right-of-way or civic space. Where such placement and screening is not feasible, the decision authority may approve painting of mechanical units in lieu of screening; such painting may consist of muted, earth-*

tone colors that make the equipment visually subordinate to the building and adjacent buildings, if any.

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

FINDING: As demonstrated by the applicant, the illustrations submitted for review do not depict any form of mechanical equipment. To ensure compliance with the above transparency criterion, the following condition of approval has been added.

Screening of mechanical equipment: **Prior to issuance of building permits**, if any form of mechanical equipment is proposed through the request, or added after land use approval has been granted, the developer shall submit updated plans demonstrating compliance with the standards of LPDC Sec. 15.40.090.C.

Criteria is met.

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

- 1. Primary materials. A primary material is the predominant building material that covers a minimum of 60 percent of the building's exterior walls. Acceptable primary materials are identified in Table 15.40-2.*
- 2. Secondary materials. A secondary material is not the predominant building material. Any one secondary material shall not cover more than 40 percent of the building's exterior walls. Acceptable secondary materials are identified in Table 15.40-2.*
- 3. Base materials. The building base shall be defined as the lower portion of a wall just above where it meets ground, to 24 inches above grade. Base materials are identified in Table 15.40-2. Use of these materials shall be limited to the building base unless the material is also identified as an acceptable primary or secondary material. If the base material is identical to material used on the portion of the wall directly above the base, then a change in material color, texture, or a horizontal band must be used to differentiate the base.*

FINDING: As demonstrated in the application submitted for review, the primary materials for the building consists of masonry and natural wood siding which as proposed will cover the structure a minimum of 60%. The secondary material utilized for the building will be natural appearing wood and glass, which as proposed will not cover more than 40% of the structure. The base material is similar to the materials used for the other portions of the building, and as required by the above criteria, the applicant will be utilizing a different color material. Criteria met.

E. Cascadian architectural elements. Building exterior walls facing a public street shall incorporate at least three of the following features. Using these features may also help meet other Development Code requirements, such as those related to building articulation or weather protection:

- 1. Exposed, heavy timbers;*

2. *Exposed natural wood color beams, posts, brackets and/or trim (e.g., eaves or trim around windows);*
3. *Natural wood color shingles used as siding or to accent gable ends (or similar usage);*
4. *Metal canopies;*
5. *Heavy metal brackets (e.g., cast iron or similar appearance), which may be structural brackets or applied as cosmetic detailing;*
6. *Pitched roof over more than 50 percent of the building (roof pitch must have a rise/span ratio of at least 4/12) which is constructed of either metal painted a muted earthtone or other fire resistant material (e.g., no wood shingle roofs are permitted); and*
7. *Other similar features.*

FINDING: As demonstrated in the application materials submitted by the applicant, the proposed structure will be utilizing at least three of the required elements listed above. The proposed structure will contain exposed heavy timbers under the roofline, exposed natural wood trim around the windows, and a pitched roof over more than 50% of the proposed structure which will be constructed of a metal roof painted a dark brown muted earthtone. Criteria met.

ARTICLE 5 - DEVELOPMENT STANDARDS

CHAPTER 15.82. - LANDSCAPING, BUFFERING AND FENCES

Sec. 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.*
- B. *Area required. Except as approved otherwise by the city, the following minimum percent of a parcel area shall be landscaped for the following uses:*
 1. *Duplexes and triplexes: 25 percent.*
 2. *Multi-family dwelling complexes containing four or more units and commercial residential mixed uses (CRMX): 20 percent.*
 3. *Commercial uses including mixed use commercial (CMX): 15 percent.*

4. *Industrial uses. A minimum five-foot landscaped buffer along any adjoining public right-of-way of a collector or arterial street or highway, which may be computed toward an overall requirement of ten percent.*
5. *Minimum area requirements may include landscaping around buildings, in parking and loading areas, outdoor recreational use areas, screening and buffering areas, and surface water drainage areas.*

FINDING: The applicant proposes to commercial develop the property which requires a 15 % landscaping standard. The subject property is 39,582 square feet in size and the applicant proposes to landscape 14,822 square feet (37%). This criterion is met.

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

FINDING: The applicant proposes to landscape with native plants and grasses for more than 50% of the 14,822 square feet of landscaped area, and the rest as hardscaping including rock and bark. This criterion is met.

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

FINDING: Based on a staff site visit, there is no existing vegetation on site that the applicant may utilize; therefore, this criterion is not applicable.

- E. *Parking lots. Parking lots with space for ten or more vehicles must be landscaped in accordance with the following minimum requirements:*
 1. *In commercial and residential developments, parking areas shall be divided into bays, and between or at the end of each parking bay a curbed planter containing at least 16 square feet may be required.*
 2. *If required, each planter shall contain at least one tree or shrub and ground cover.*
 3. *The areas shall be designed to be protected from being damaged by vehicles using the parking area.*
 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.*
 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 applicant's proposal includes three parking bays that have curbed planters of at least 16 square feet on either end. This criterion is met.

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.*
- 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:*
 - a. A solid fence or wall, architecturally compatible with existing structures in the area, no less than five feet nor more than eight feet in height; or*
 - b. A sight-obscuring planting of evergreens, not less than four feet in height at the time of planting and of a variety that will maintain full, dense growth from the ground up to a height of not less than six feet upon maturity, planted at a spacing of the lesser of eight feet or the diameter of a mature specimen of the species being planted.*
 - c. Areas of the buffer strip not covered with a fence, wall, or screening plantings, shall be planted with appropriate ground cover vegetation, including native species. Xeriscape methods are highly encouraged.*
 - d. Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the "C" type zone permitted use is located. Installation must be completed prior to issuance of a certificate of use and occupancy by the city. Fences or walls must be maintained in safe and structurally sound condition. Dead or diseased plants shall be removed and replaced in a timely manner. Grass shall be kept neatly mowed.*
- 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:*

- a. *The buffer shall be planted with evergreens capable of obtaining and maintaining a dense growth to a full height and a full canopy diameter of no less than 12 feet. The minimum height at the time of planting shall be six feet. Plants shall be situated in two rows within the buffer strip, each row being located at least ten feet from the edge of the buffer strip. Plants in each row shall be spaced no more than 20 feet center-to-center and the two rows shall be situated in an alternating pattern so that the trees in one row are located centrally between the trees in the other row. Plants shall be allowed to obtain a minimum height of 12 feet and shall not be trimmed below that height thereafter.*
 - b. *Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the industrial use is located. Installation must be completed prior to issuance of a certificate of use and occupancy by the city. Dead or diseased plants shall be removed and replaced in a timely manner. Xeriscape methods and use of native species is highly encouraged.*
 - c. *A property owner may not sell, lease, or otherwise transfer property if such action results in a reduction of a separation distance for a commercial or light manufacturing use below the minimum required in this section. Likewise, a property owner may not remove or alter natural vegetation or landforms serving upon a waiver from the city as buffer and screening for a commercial or light manufacturing use if such action results in the natural buffer and screening being less effective than as required in this and other sections of this Development Code.*
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.*
 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 did not include a request to waive or reduce the requirements of this section. Staff notes that while there are some residential uses to the west of the subject property, the lands are zoned commercial, and therefore the subject property does not abut any land zoned RSF, RMF, RMP, nor TA. Criterion is not applicable.

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

4. *Rows of plants should be staggered to provide for more effective coverage.*

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

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

1. Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.
2. Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.
3. Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.
4. Rows of plants should be staggered to provide for more effective coverage.

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

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

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

Sec. 15.82.020. - Fences and walls.

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

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

1. *Barbed wire fences intended to contain or restrict cattle, sheep, horses or other livestock, are permitted in any zone where the keeping of livestock is permitted.*
2. *Electric fences are permitted in any zone where the keeping of livestock is permitted, provided the following standards are met:*
 - a. *The fence product shall be listed by a State of Oregon approved testing laboratory.*
 - b. *The fence shall be installed and used in accordance with the testing laboratory listing.*
 - c. *Electrical permits and inspections shall be required for the installation.*

- d. *Warning signs which notify individuals of a dangerous fence shall be posted on the fence, at intervals not to exceed 50 feet. The statement, DANGER - Electrified Fence, or an equivalent statement, shall be on the warning signs.*
- e. *The fence must be located outside any front yard setback and required landscaping, buffering or screening areas.*

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

B. Standards.

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

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

CHAPTER 15.86. - PARKING AND LOADING

Sec. 15.86.010. - Applicability.

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

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

Sec. 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: Within the burden of proof submitted by the applicant, it states that “No trucks 40-feet or longer wheelbase at a frequency of one or more vehicles per week will deliver materials or merchandise to this business.” Since there is no required off-street loading space proposed for the development, the criterion does not apply.

Sec. 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.*
- 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 submitted site plan, all of the required off-street parking spaces will be located on the same principal lot for the use they are intended to serve. No encroachments or reductions are proposed. Criteria met.

- C. *Calculations of amounts of required and allowed parking.*

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

FINDING: The proposed parking was calculated in accordance with the above criteria. The total floor area utilized for the calculations is 2,122 square feet of the proposed building's footprint, which is the entire building. The minimum number of parking spaces is computed based on the primary use of a restaurant. No other uses are proposed, and shared parking standards are addressed below. No accessory uses are proposed. Criteria met.

- D. *Use of required parking spaces. Except as otherwise provided by this section, required parking spaces must be available for residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for shared parking pursuant to subsection I.*
- 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: Based on the applicant's burden of proof, the required parking spaces will be made available for the customers and employees of the proposed commercial use. This criterion is met.

- 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.*
- G. *Maximum number of off-street automobile parking spaces. The following standards for maximum number of automobile parking spaces promote efficient use of land and compact development patterns.*

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

FINDING: The applicant's proposed building is 2,122 square feet. LPDC Table 15.86-1 requires 1 space per 200 square feet of floor area for restaurant uses, therefore the applicant's proposal requires eleven (11) parking spaces. The applicant's submitted site plan indicates that there will be 20 total parking spaces, 6 of which will be used for snow storage. Based on LPDC Table 15.86-1, the maximum number of parking spaces (not including those located in snow storage areas) the site can have is 22 spaces. Since the proposed parking on the subject property will not fall below the minimum, or above the maximum allowed number of 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 did not include a request for an exception or reduction to the off-street parking requirements of LPDC Chapter 15.86, therefore this criterion is not applicable.

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

FINDING: The applicant's proposal includes shared parking on the neighboring property the west. The adjacent property is owned by the same property owner, and will be developed with parking for any potential future uses. The parking to be constructed is not being utilized to meet the parking requirements for the proposal, but it is important to note that it is likely the parking will be utilized by the proposed use given its proximity and accessibility to the subject property. Since no use is proposed on the neighboring property at this time, the need for parking is not expected to overlap with another use. The proposal is being reviewed through a site plan review. To ensure compliance with the above criteria, the following condition of approval has been added.

Shared parking: **Prior to issuance of building permits**, the applicant shall provide proof that the right of joint use parking has been demonstrated by a recorded deed, lease, contract, or similar written instrument establishing the joint use.

Criteria met.

- 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
<i>*24' minimum for two-way traffic</i>					

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

- K. *Adjustments to parking area dimensions. The dimensions in subsection (J) are minimum standards. The city planning official, through a Type II procedure, may adjust the dimensions based on evidence that a particular use will require more or less maneuvering area.*
- L. *Americans with Disabilities Act (ADA). Parking shall be provided consistent with ADA requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.*

FINDING: The applicant’s proposal does not include a request to adjust the parking area dimensions of LPDC Table 15.86-2. The applicant’s proposal includes two ADA parking spots. Compliance with ADA requirements will be reviewed during building permit review by a Plans Examiner. Criteria met.

Sec. 15.86.040. - Drive-up and drive-through uses and facilities.

- A. *Purpose. Where drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, provide for adequate vehicle queuing space, prevent automobile turning movement conflicts, and provide for pedestrian comfort and safety.*
- B. *Standards. Drive-up and drive-through facilities (i.e., driveway queuing areas, customer service windows, teller machines, kiosks, drop-boxes, or similar facilities) shall meet all of the following standards:*
 - 1. *The drive-up or drive-through facility shall orient to and receive access from a driveway that is internal to the development and not a street, as generally illustrated.*
 - 2. *The drive-up or drive-through facility shall not be oriented to street corner.*
 - 3. *The drive-up or drive-through facility shall not be located within 20 feet of a street right-of-way.*
 - 4. *Drive-up and drive-through queuing areas shall be designed so that vehicles will not obstruct any street, fire lane, walkway, bike lane, or sidewalk.*

FINDING: The applicant’s submitted site plan indicates that the proposed drive thru will be oriented to receive access from a driveway that is internal (See Figure 1), shall not be oriented to a street corner, shall not be located within 20 feet of a street right of way, and the proposed queuing areas are designed so that vehicles will not obstruct street, fire lane, walkway, bike lane, or sidewalk areas. As demonstrated in the site plan, the proposed drive through will be able to contain 14 vehicles onsite within the drive through without encroaching into the required parking or access ways. This criterion is met.

Sec. 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.*
- 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	
<i>Use</i>	<i>Minimum Number of Spaces</i>
<i>Muli-family residential (not required for parcels with fewer than 4 dwelling units)</i>	<i>2 bike spaces per 4 dwelling units</i>
<i>Commercial</i>	<i>2 bike spaces per primary use or 1 per 5 vehicles spaces, whichever is greater</i>
<i>Industrial</i>	<i>2 bike spaces per primary use or 1 per 10 vehicle</i>

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

- C. *Design. Bicycle parking shall consist of staple-design steel racks or other city-approved racks, lockers, or storage lids providing a safe and secure means of storing a bicycle. At a minimum, bicycle parking facilities shall be consistent with the following design guidelines:*
1. *All bicycle parking shall be within 100 feet from a building entrance and located within a well-lit and clearly visible area;*
 2. *Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility;*
 3. *Each bicycle parking space shall be at least two feet by six feet with a vertical clearance of six feet;*
 4. *An access aisle of at least five feet shall be provided in each bicycle parking facility;*
 5. *Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, i.e., a "rack," upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary). Note: businesses may provide long-term, employee parking by allowing access to a secure room within a building.*
- 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: The applicant’s proposal does not include an exception to the bicycle parking requirements of LPDC Section 15.86.050. The applicant’s submitted site plan includes 20 parking spaces which requires 4 bicycle parking spaces. The applicant proposed a bicycle rack to the east of the proposed building, which has space for 4 bicycles. As depicted on the applicant’s submitted site plan, The proposed bicycle parking will be within 100 feet of the east entrance, which will be well lit within the right of way of Hwy 97, and will be easy to find. Each space is proposed to be two feet by six feet with a vertical clearance of six feet. The proposed bike racks will be designed to allow for cable and U-shaped locks, allowing both wheels to be secured. The bicycle parking will be located on the subject property within a paved outside dining area, and will not impede or create a hazard to pedestrians or vehicles, and will not conflict with the standards of LPDC Sec. 15.88.040. Criteria met.

Sec. 15.86.060. - Snow storage areas.

- A. *Purpose. The purpose of these standards is to ensure that adequate space is be provided within a development for storage of snow in winter months in order to accommodate space needed for access, circulation, and off-street parking.*

- B. *Applicability. Snow storage standards apply to all subdivisions and to developments subject to site plan review.*
- 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.*
 - 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.*
 - 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: Since the proposal is being reviewed through a site plan review, the above criteria apply to the request and requires on site snow storage to accommodate space needed for access, circulation, and off-street parking. As illustrated on the proposed site plan, snow storage will occur within six of the proposed on-site parking spaces (1,073 square feet) that are not required to meet the minimum parking standards, and within a gravel/river rock area (2,950 square feet), providing a total of 4,023 square feet of snow storage. The proposed asphalt areas and walkways total 19,688 square feet. The proposed snow areas total 20% of the area to be cleared, exceeding the 15% requirement. The applicant's proposal does not include a request for an exception or adjustment to the snow storage requirements of LPDC Section 15.86.060. Criteria met.

CHAPTER 15.88. - ACCESS AND CIRCULATION

Sec. 15.88.030. - Vehicular access and circulation.

- A. *Purpose and intent. [Section 15.88.030](#) implements the street access guidelines of the City of La Pine Transportation System Plan. It is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations in conformance with adopted standards. "Safety," for the purposes of this chapter, extends to all modes of transportation.*
- B. *Permit required. Vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority.*
- 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: As discussed herein, the applicant is proposing vehicular access on two public streets in three locations. The applicant's burden of proof included a traffic impact analysis, findings from that analysis are incorporated herein. To ensure compliance with the above criterion, the following condition of approval has been included.

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

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 subject property does not abut an arterial or collector; 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: In reviewing the submitted TIA; staff finds that the above referenced traffic improvements are not required for the applicant's proposal. These criteria are not applicable.

E. ODOT approval. Where a new approach onto a state highway or a change of use adjacent to a state highway requires ODOT approval, the applicant is responsible for obtaining ODOT

approval. The city may approve a development conditionally, requiring the applicant first obtain required ODOT permit(s) before commencing development, in which case the city will work cooperatively with the applicant and ODOT to avoid unnecessary delays.

FINDING: The subject property fronts on Highway 97, which is a right of way owned by the Oregon Department of Transportation. To ensure compliance with the above criterion, the following condition of approval has been added.

ODOT Approval: **Prior to occupancy**, the applicant must submit ODOT approval for the proposed access on highway 97.

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 subject property does not cross any of the features in the criterion above; therefore, this criterion is not applicable.

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

FINDING: The applicant's proposal does not include a request for an exception or adjustment to the spacing standards; 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 proposal identifies a driveway on the neighboring property to the west, that could potentially be utilized by the proposed development. To ensure compliance, the following condition of approval has been added.

Joint Use Access Easement and Maintenance Agreement: **Prior to occupancy**, the property owners shall record an easement with the deed allowing joint use of and cross access between the adjacent property. 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.

Sec. 15.88.040. - Clear vision areas (visibility at intersections).

A. In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, wall, structure, private signage, or temporary or permanent obstruction exceeding 3½

feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade.

- B. A clear vision area shall consist of a triangular area on the corner of a lot at the intersection of two streets or a street and a railroad (see Figure 18.88-1). Where lot lines have rounded corners, the specified distance is measured from a point determined by the extension of the lot lines to a point of intersection. The third side of the triangle is the line connecting the ends of the measured sections of the street lot lines. The following measurements shall establish clear vision areas within the city:*
- 1. In an agricultural, forestry or industrial zone, the minimum distance shall be 30 feet; or at intersections including an alley, ten feet.*
 - 2. In all other zones, the minimum distance shall be in relationship to street and road right-of-way widths as follows:*

FINDING: Based on the applicant's submitted site plan, the site provides 20 foot clear vision areas on either side of the entrance onto highway 97. These criteria are met.

Sec. 15.88.050. - Pedestrian access and circulation.

- A. Purpose and intent. This section implements the pedestrian access and connectivity policies of City of La Pine Transportation System Plan and the requirements of the Transportation Planning Rule (OAR 660-012). It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.*
- B. Standards. New subdivisions, multi-family developments, planned developments, commercial developments and institutional developments shall conform to all of the following standards for pedestrian access and circulation:*
- 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.*
 - 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.*
 - 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.*

- 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.*
- 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.*
- 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.*
- 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 submitted site plan includes that there will be a continuous walkway system that runs in straight lines from the sidewalk on Highway 97, to the parking area, and front entrance of the coffee shop. The proposed walkways will be constructed from concrete and will be protected by a curb next to parking areas. These criteria are met.

CHAPTER 15.90. - PUBLIC FACILITIES

(*)**

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

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

FINDING: Comments from the City's Public Works Director did not indicate the need for any over-sizing to accommodate future development within the area as projected by the applicable facilities master plan. Therefore, this criterion is not applicable.

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

FINDING: The subject property is adjacent to Hwy 97, and the neighboring property to the west is adjacent to Hwy 97 and Morson St. A condition of approval has been included requiring coordination with ODOT to ensure any design standards are met. Conditions have been included from the City Engineer to ensure that improvements are addressed along Morson St, which includes right of way dedication, and design conformance with the La Pine Transportation System Plan. As proposed, and evidenced by the submitted site plan, criteria met.

- 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.

Sec. 15.90.030. - Sewer and water.

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

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 department has approved all sanitary sewer and water plans in conformance with city standards.

Sec. 15.90.040. - Stormwater.

- A. *Accommodation of upstream drainage. Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the city engineer.*
- B. *Effect on downstream drainage. Where it is anticipated by the city engineer that the additional runoff resulting from the development will overload an existing drainage facility, the city shall withhold approval of the development until provisions have been made for improvement of the*

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

FINDING: The applicant did not address the above standards. To ensure compliance, the following condition of approval has been added.

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

Sec. 15.90.050. - Utilities.

- A. *General provision. The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.*
- B. *Underground utilities. All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.*
- 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.*
- 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 is not proposing a new subdivision, and the applicant's proposal does not include a request for an exception to the undergrounding requirements of LPDC Section 15.90.050. To ensure compliance, the following condition of approval has been added.

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

Sec. 15.90.060. - Public street/highway improvement.

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

- A. *Installation of additional and/or passing lanes, including pedestrian ways and/or bikeways, within a public street or highway right-of-way existing as of the effective date of this chapter, unless such adversely impacts on-street parking capacities and patterns.*
- B. *Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, and/or no new land parcels result.*

FINDING: As part of the applicant's proposal, improvements relating to right-of-way facilities will be required. While no additional permits are required by the Development Code for that work, staff notes that the applicant should coordinate with the Public Works Department prior to construction to ensure their standards are met.

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

FINDING: The applicant's proposal does not include any temporary public road nor highway detours; therefore, this criterion is not applicable.

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

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

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

FINDING: Table 2-1 lists projects that are identified as a priority project in the City's TSP. The applicant's proposal does not include any of those projects listed as a priority project, therefore this criterion is not applicable.

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

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

Sec. 15.90.070. - Design of streets and other public facilities.

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

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

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

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

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

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

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

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

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

E. Minimum right-of-way and roadway widths. Unless otherwise approved in the tentative development plan, street, sidewalk and bike rights-of-way and surfacing widths shall not be less

than the minimum widths in feet set forth in the La Pine Transportation System Plan, and shall be constructed in conformance with applicable standards and specifications set forth by the city.

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

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

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

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

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

H. 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FINDING: As addressed herein, curbs are required as part of the public improvements to adhere to the TSP. These requirements have previously been conditioned, and therefore this criterion is met.

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

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

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

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

Utilities: **Prior to building permits**, the developer shall make necessary arrangements with the serving utility

companies for the installation of all proposed or required utilities, which may include electrical power, natural gas, telephone, cable television and the like.

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

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

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

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

Sec. 15.90.080. - Traffic impact analysis.

- A. Purpose. The purpose of this subsection is [to] coordinate the review of land use applications with roadway authorities and to implement section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a traffic impact analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a traffic impact analysis; and who is qualified to prepare the analysis.*
- B. When a traffic impact analysis is required. The city or other road authority with jurisdiction may require a traffic impact analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:*
- 1. A change in zoning or a plan amendment designation;*
 - 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.*
- C. *Traffic impact analysis preparation. A professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority, shall prepare the traffic impact analysis.*
- 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 provided a Transportation Impact Analysis in compliance with the above criterion. The applicant's Traffic Impact Analysis was prepared by Joe Bessman of Transight Consulting, who is a registered professional engineer. The applicant's proposal did not include a request for a waiver or deferral for the required street improvements. Criteria met.

CHAPTER 15.94. - IMPROVEMENT PROCEDURES AND GUARANTEES

Sec. 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.*
- 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.*
- 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.*

- 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.*
- 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.*
- 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: Staff includes the above criterion towards “Modification” as reference to the applicant, should improvement work be discontinued. The applicant’s proposal does not include any required improvements in conjunction with a land division. To ensure compliance with the remaining above criterion, the following conditions of approval have been added.

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

Improvement Inspection: **At all times**, 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.

Utilities: **Prior to occupancy**, 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**.

As Built Plans: **Prior to occupancy**, 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.**

Sec. 15.94.020. - Completion or assurance of improvements.

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

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

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

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

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

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

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

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

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

Amount of Security Required: **Prior to development**, the assurance of full and faithful performance shall be for a

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

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

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

Default Status: **At all times**, 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.

ARTICLE 8 - APPLICATIONS AND REVIEWS

CHAPTER 15.312. - SITE PLAN REVIEW

Sec. 15.312.050. - Approval criteria - all residential and nonresidential.

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 November 13, 2024, in accordance with LPDC Article 7. This criterion is met.

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

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

- 3. The application complies with the provisions of the any applicable overlay zones in [article 4](#).*

FINDING: As discussed herein, the subject property is entirely within the Downtown Overlay zone and compliance with applicable provisions have been met and therefore, this criterion is met.

- 4. The proposal complies with all applicable development and design standards of [article 5](#).*

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

- 5. The application complies with all applicable special use standards in [article 6](#).*

FINDING: 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. Previous approvals are also currently under review, as the decisions are within the two year approval window, and have not been fully completed. Compliance with those existing conditions of approval will continue to be reviewed and verified by staff. Therefore, this criterion is not applicable.

Sec. 15.312.060. - Additional approval criteria - nonresidential development.

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

A. Statement of intent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

V. **CONCLUSION**

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

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

VI. **DECISION**

APPROVAL, subject to the following conditions of approval.

VII. **CONDITIONS OF APPROVAL:**

AT ALL TIMES

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

- D. Exterior Lighting: **At all times**, All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.
- E. Maintenance and Plant Survival: **At all times** all landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.
- F. Duties of Developer: **At all times**, 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.
- G. Underground Utilities: **At all times**, all new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.
- H. Improvement Inspection: **At all times**, 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.
- I. Default Status: **At all times**, 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.

PRIOR TO BUILDING PERMITS

- J. Property Line Adjustment Filing: **Prior to building permits**, the property owner shall finalize property line adjustment 10LLA-24, and meet the conditions of approval within that decision.
- K. ADA Compliance: **Prior to building permits**, the applicant must submit a revised site plan showing an Americans with Disabilities Act (ADA) parking sign for the ADA parking space, ADA accessible paths, and any directional striping or signage, including a directional sign to the drive-through access.
- L. Morson Street ROW Dedication: **Prior to building permits**, the applicant shall dedicate 11 feet along the Morson Street frontage to comply with the ROW requirements for a downtown arterial street per the Design Standards, II. Design Parameters, A. Street, 1. General.
- M. Street Improvement Design: **Prior to building permits**, the applicant shall provide a design for street improvements in public ROW that meets the requirements of the Design Standards, II. Design Parameters, A. Street.
- N. Stormwater: **Prior to building permits**, the applicant shall provide a design and calculations meeting the requirements of the Design Standards, II. Design Parameters, B. Stormwater for roadway improvements and site development. The stormwater runoff from the site must be retained on site.

- O. Sewer Connection and Septic Tanks: **Prior to building permits**, the applicant shall submit a new site plan that shows abandonment of the unused existing septic tank effluent gravity system and unused effluent line.
- P. Water Service Lines: **Prior to building permits**, the applicant shall submit a new site plan that shows the water service, meter box, and backflow prevention device on the Site Plan per the requirements of the Design Standards, II. Design Parameters, D. Water, d. Service Lines. The site plan shall also show abandonment of any unused water service lines.
- Q. Fire Hydrants: **Prior to building permits**, the applicant shall submit a new site plan that shows the location of the nearest fire hydrant(s).
- R. ODOT Permit: **Prior to building permits**, the applicant must provide an approved access permit for the proposed driveway on Highway 97 from the Oregon Department of Transportation.
- S. Deschutes County Access: **Prior to building permits**, the applicant must provide an approved access permit for the proposed driveway on Morson Street from Deschutes County.
- T. Window Transparency: **Prior to the issuance of building permits**, the applicant must confirm that all ground floor windows shall have a visible transmittance of 60 percent or higher.
- U. Screening of mechanical equipment: **Prior to issuance of building permits**, if any form of mechanical equipment is proposed through the request, or added after land use approval has been granted, the developer shall submit updated plans demonstrating compliance with the standards of LPDC Sec. 15.40.090.C.
- V. Shared parking: **Prior to issuance of building permits**, the applicant shall provide proof that the right of joint use parking has been demonstrated by a recorded deed, lease, contract, or similar written instrument establishing the joint use.
- W. Sewer and Water Plan Approval: **Prior to building permits**, development permits for sewer and water improvements shall not be issued until the public works department has approved all sanitary sewer and water plans in conformance with city standards.
- X. Stormwater: **Prior to the issuance of building permits**, the City must review and approve the drainage facilities on site for compliance with LPDC Section 15.90.040
- Y. Utilities: **Prior to building permits**, 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.

PRIOR TO OCCUPANCY

- Z. State Fire Marshall Comments: **Prior to occupancy**, the applicant shall confirm that all of the Deputy State Fire Marshalls requirements have been met.
- AA. Morson Street Driveway Entrance: **Prior to occupancy**, the applicant shall construct a concrete driveway apron 25 feet from the existing ROW centerline for Morson Street driveway access. Construct an asphalt taper from the concrete driveway apron to the existing pavement on Morson Street per the Design Standards, II. Design Parameters, A. Street, 19. Pavement Taper. The pavement section for the taper

improvement is required to be constructed with 5 inches of asphalt concrete on 12 inches of base rock per the Design Standards, II. Design Parameters, A. Street, 17 Pavement Section, for arterial streets.

BB. Joint Use Access Easement and Maintenance Agreement: *Prior to occupancy*, the property owners shall record an easement with the deed allowing joint use of and cross access between the adjacent property. 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.

CC. Sewer Service: *Prior to Occupancy*, the applicant shall install sewer service to the applicable requirements of the Design Standards, II. Design Parameters, C. Sewer.

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

1. Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.
2. Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.
3. Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.
4. Rows of plants should be staggered to provide for more effective coverage.

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

FF. ODOT Approval: *Prior to occupancy*, the applicant must submit ODOT approval for the proposed access on highway 97.

GG. Utilities: *Prior to occupancy*, 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*.

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

PRIOR TO DEVELOPMENT

II. ODOT Coordination: *Prior to development*, the applicant shall coordinate with the Oregon Department of Transportation regarding any additional requirements for Highway 97 frontage for the Highway 97 and Morson Street intersection.

JJ. La Pine Fire Coordination: *Prior to development*, the applicant shall coordinate with the La Pine Rural Fire District to verify if any additional hydrants are required for the redevelopment of the site.

KK. Plan Review and Approval: *Prior to construction* improvement work shall not commence until a Pre-

Construction meeting has been held with the City of La Pine Public Works Department.

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

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

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

NN. Amount of Security Required: *Prior to development*, 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.

OO. 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.

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: Brent Bybee, Community Development Director