



Community Development Department
 PO Box 2460 16345 Sixth Street
 La Pine, Oregon 97739
 Phone: (541) 536-1432 Fax: (541) 536-1462
 Email: info@lapineoregon.gov

Partition Application

File Number # _____

PLEASE NOTE: INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

PROPERTY OWNER AND APPLICANT INFORMATION

Applicant Name Spacemaker LLC Phone 541-325-9611 Fax _____
 Address PO Box 2738 City Sunriver State OR Zip Code 97707
 Email aaronrehn.biz@gmail.com
 Property Owner Aaran Rehn Phone _____ Fax _____
 Address _____ City _____ State _____ Zip Code _____
 Email _____

PROPERTY DESCRIPTION

Property Location (address, intersection of cross street, general area) 17160 Rosland Road
SE down Rosland Rd past Drafter Rd
 Tax lot number T-1521SR-10E Section 36 Tax Lot(s) 104
 Zoning Industrial Total Land Area 518,320 (Square Ft.) 11.9 (Acres)
 Present Land Use Undeveloped



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PROJECT DESCRIPTION

Describe Project: Partition land into (3) parcels with
water and power to each one. Septic feasibility letters to be obtained.

PROFESSIONAL SERVICES

Surveyor/Engineer HWA Phone 541-389-9351 Fax _____
 Address 62930 O.B. Biley Rd Suite 100 City Bend State OR Zip Code 97703
 Email maxb@hwa-inc.org

FOR OFFICE USE ONLY

Date Received: _____
 Rec'd By: _____
 Fee Paid: _____
 Receipt #: _____

SUBMITTAL REQUIREMENTS

REQUIRED ITEMS TO BE SUBMITTED FOR PARTITION REVIEW.

Note: additional information may be required depending on the actual project.

Application. The application must be signed by the owner(s) and include information requested on the application form. If the owner does not sign, then a letter of authorization must be signed by the owner for the agent.

Title Report or subdivision guarantee, including legal description of property.



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- Fee, Plus, if needed- Hearing (Specially Set); Non Hearings Officer ***DEPOSIT ONLY- Fee May Be Higher Based on Actual Cost of Services
- Burden of proof statement, three (3) copies addressing approval criteria
- A vicinity map.
- Supplemental information: All agreements with local governments that affect the land and proposed use of property.
- Electronic copy of all plans and burden of proof on CD (Adobe or Jpeg preferred).
- Tentative Plan. Seven (7) copies of the tentative plan which must be folded individually, or in sets to 8 1/2" X 11" in size and one (1) 8 1/2" x 11" or 11" x 17" reduced copy of the tentative plan is required. The scale cannot be greater than 1 inch = 50 feet. The tentative plan shall be accurately drawn to scale, and shall include:
 - A north arrow, scale and date of map and property identified.
 - Location of the property by section, township and range, and a legal description defining the location and boundaries of the proposed tract to be divided.
 - Names, addresses, and telephone numbers of the property owner, applicant, and engineer or surveyor used.
 - Existing and proposed streets and alleys, including locations, name, pavement widths, rights-of-way width, approximate radius of curves, and street grades.
 - Adjacent property boundaries, property owners and land uses including zoning.
 - Access: The locations and widths of existing and proposed access points along with any off-site driveways effected by the proposal.
 - Easements: The locations, widths, and purposes of all existing and proposed easements on or abutting the property.
 - Utilities: The location of all existing and proposed public and private sanitary sewers, water lines and fire hydrants on and abutting the property.




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- Topography: Ground elevations shown 5 foot intervals for ground slopes 5% or greater.
- Trees: All trees with a diameter of 6+ inches at three feet above grade.
- Site features: Irrigation canals, ditches & areas subject to flooding or ponding, rock outcroppings, etc. shall be shown.
- Parcel dimensions: Dimensions of existing and proposed parcels.
- Parcel numbers: Parcel numbers for partitions numbers and blocks for land divisions.
- Setbacks from all property lines and present uses of all structures.
- All portions of land to be dedicated for public use.
- Zero lot line residential developments: All building footprints and setbacks shall be clearly indicated on the plan.

By signing this application, the undersigned certifies that he / she has read and understands the submittal requirements stated above. Please note: if the applicant makes a misstatement of fact on the application regarding ownership, authority to submit the application, acreage, or any other fact material relied upon in making a decision, the City may upon notice to the applicant and subject to an applicant's right to a hearing declare the application void.

Owner:  Date: 8/12/24
Signature

Applicant:  Date: 8/12/24
Signature

Please note: additional information may be required by the City prior to the application being deemed complete.

Max S:\Land Projects\240309-Reinn Partition\dwg\CIVIL\TP\SHEETS\240309_TP.dwg Thu Aug 08, 2024 - 3:52pm



17160 ROSLAND ROAD PARTITION TENTATIVE PLAN

LOCATED IN THE SE 1/4 OF SECTION 36
TOWNSHIP 21 SOUTH, RANGE 10 EAST,
WILLAMETTE MERIDIAN
CITY OF LA PINE, DESCHUTES COUNTY, OREGON

DEVELOPMENT DATA	OWNER / APPLICANT
GROSS AREA: 11.9 ACRES / 518,320 SQ. FT.	SPACEMAKER LLC
EXISTING LAND USE: UNDEVELOPED	(ATTN:) AARON REHN
ADJOINING LAND USES: RESIDENTIAL, COMMERCIAL, BLM	PO BOX 4531
WATER SUPPLY: CITY OF LA PINE	SUNRIVER, OR 97707
SEWAGE DISPOSAL: ON-SITE DISPOSAL	
ELECTRICITY: MIDSTATE ELECTRIC COOPERATIVE	
TELEPHONE: TDS	
GAS: N/A	
CABLE TV: TDS	
WATER RIGHTS: NONE PRESENT	
FIRE PROTECTION: LA PINE RURAL FIRE DISTRICT	
	PROPERTY INFO
	SITUS: 17160 ROSLAND ROAD
	LA PINE, OR 97739
	TAX MAP: 21103600
	TAX LOT: 104

- KEY NOTES**
- ① PROPOSED UNDERGROUND ELECTRIC SERVICE (TYP. OF THREE)
 - ② PROPOSED 1" WATER SERVICE (TYP. OF THREE)
 - ③ PROPOSED 1.0' ROW DEDICATION ALONG THE ENTIRE ROSLAND ROAD FRONTAGE

- GENERAL NOTES**
1. CLIENT TO OBTAIN SEPTIC FEASIBILITY LETTERS PRIOR TO PLAT APPROVAL
 2. CONSTRUCTION SHALL CONFORM TO THE 2021 OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION, 2016 CITY OF LA PINE STANDARDS AND SPECIFICATIONS, AND THE LA PINE WATER DISTRICT CONSTRUCTION STANDARDS.

LEGEND

PROPOSED	EXISTING	
---	---	PROPERTY BOUNDARY
---	---	PARTITION LINE
---	---	TAX LOT LINE
---	---	CENTERLINE (AS NOTED)
---	---	CURB
---	---	EASEMENT LINE
8"W	8"W	UNDERGROUND WATER LINE (SIZE AS NOTED)
FOX	FOX	UNDERGROUND FIBER OPTICS LINE
UGP	UGP	UNDERGROUND POWER LINE
TEL	TEL	TELEPHONE/COMMUNICATION LINE
E	E	PAD AND TRANSFORMER
FO	FO	FIBER OPTICS PEDESTAL
TP	TP	TELEPHONE PEDESTAL
EL	EL	ELECTRICAL PEDESTAL
FD	FD	FIRE HYDRANT
WV	WV	WATER VALVE
RS	RS	ROAD SIGN
FM	FM	FOUND MONUMENT AS NOTED
HP	HP	HMAC PAVEMENT
PCP	PCP	PCC PAVEMENT
3635	3635	CONTOUR LINE, 5' INTERVAL
3631	3631	CONTOUR LINE, 1' INTERVAL
DT	DT	DECIDUOUS TREE (SIZE AS NOTED)

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EXPIRES: 06/30/2025

17160 ROSLAND ROAD PARTITION

TENTATIVE PLAN
LA PINE, OREGON

REVISIONS:

HWA
CIVIL ENGINEERING / SURVEYING / PLANNING
1000 N. ROAD, STE. 100, BEND, OR 97703
WWW.HWANINC.ORG

DESIGNED BY: MMB	DATE: 08/09/2024
DRAWN BY: MMB	
CHECKED BY: GMH	
SCALE: AS NOTED	
FILE: 240309_TP.dwg	

VERIFY SCALES
0 1" BAR EQUALS ONE INCH ON ORIGINAL DRAWING

SHEET: **TP1.1**

HWA # 240309

Burden of Proof Statement

City of La Pine (Partition-Spacemakers)

- Applicant/
Owner:** Spacemakers LLC
Attn: Aaron Rehn
PO Box 4531
Sunriver, OR 97707
- Surveyor:** HWA Inc.
62930 O.B Riley, Suite 100
Bend, OR 97703
- Location:** The property is identified as 17160 Rosland Rd. and is further identified on the Deschutes County Tax Assessors Map 211036, as Tax Lot 104.
- Request:** The applicant is requesting Tentative Plan Review to divide an existing parcel into three parcels, resulting in parcel 1 being 4.2 acres (183,803 square feet), parcel 2 being 3.6 acres (156,807 square feet) and parcel 3 being 4.1 acres (177,612 square feet).

I. **Applicable Criteria and Procedures:**

1. City of La Pine Development Code

- ARTICLE 3 – ZONING DISTRICTS
 - Chapter 15.24 – Industrial and Public Facilities Zones
- ARTICLE 5 – DEVELOPMENT STANDARDS
 - Chapter 15.80 - Development Standards, Generally
 - Chapter 15.88 - Access and Circulation
 - Chapter 15.90 - Public Facilities
 - Chapter 15.92 - Additional Standards or Land Divisions
 - Chapter 15.94 - Improvement Procedures and Guarantees
- ARTICLE 7 - PROCEDURES
- ARTICLE 9 – LAND DIVISIONS
 - Chapter 15.402 - General Provisions
 - Chapter 15.410 - Land Partitions
 - Chapter 15.418 - Processing and Recording Procedures

II. **General Facts:**

1. **LOCATION:** The property is identified as 17160 Rosland Rd. and is further identified on the Deschutes County Tax Assessors Map 211036, as Tax Lot 104.

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS: The subject property is zoned Industrial on both the Comprehensive Plan and Zoning Maps.

3. SITE DESCRIPTION AND SURROUNDING DEVELOPMENT: The property is 11.09 acres in size and largely undeveloped. The south half of the property has been cleared and graded, while the northern portion of the property is heavily treed. The properties in the area consist of large acreage with a mixture of vacant and lightly developed properties to the north and south. The property to the east is outside the City limits and is Deschutes National Forest, while to the west are large industrial properties, a portion of which are developed.

4. PROPOSAL: The applicant is requesting Tentative Plan Review to divide an existing parcel into three parcels, resulting in parcel 1 being 4.2 acres (183,803 square feet), parcel 2 being 3.6 acres (156,807 square feet) and parcel 3 being 4.1 acres (177,612 square feet).

5. EXHIBITS: In addition to this burden of proof statement, the applicant submits the following exhibits in support of this proposal:

- Application Form and Fee
- Ownership Deed
- Tentative Partition Plan
- Title Report

III. Compliance with Standards of the Development Code:

Sec. 15.24.100. - Purpose.

Chapter 15.24 regulates allowed land uses ("uses") and sets forth lot and development standards, including without limitation minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development in the industrial and public facility zones. The regulations of this chapter are intended to implement the City of La Pine Comprehensive Plan.

Sec. 15.24.200. - Characteristics of the industrial and public facility zones.

Industrial and public facility zones accommodate a mix of intensive and less intensive uses engaged in manufacturing, processing, warehousing, distribution, and similar activities. Two industrial zoning districts, one for light industrial uses and one for general industrial uses, provide for the full range of planned industrial land uses within the city. Both districts are intended to provide for efficient use of land and public services, provide a high-quality environment for business, offer a range of parcel sizes and locations for industrial site selection,

avoid encroachment by incompatible uses, provide transportation options for employees and customers, and facilitate compatibility between dissimilar uses.

A. Light Industrial Zone (LI). The LI zone is intended to allow for a mix of industrial and manufacturing businesses alongside industrial services, research and development, and small-scale retail and professional services.

B. Industrial Zone (I). The I zone allows for the same uses as the LI zone, but also provides suitable locations for more intensive industrial uses, such as those with processing, manufacturing, assembly, packaging, distribution, or other activities.

C. Public Facility Zone (PF). The PF zone is intended to provide areas for large-scale public facility and utility uses that require separation from residential and commercial uses. Additionally, the PF zone accommodates industrial uses that are compatible with large-scale public facilities.

Applicant Response: The property is zoned Industrial. The property will serve as land to deliver future industrial uses. Future development upon the property will be reviewed for conformance with Development Code requirements to ensure compliance.

Sec. 15.24.300. - Use regulations.

Uses may be designated as permitted, limited, conditional, or prohibited in the industrial and public facility zones. As noted in Table 15.24-1, a use may also be subject to special use standards article 6.

Applicant Response: The Applicant recognizes that the property is zoned for industrial use, the proposal does not include any new uses at this time. The application is solely aimed at the division of the property. Future uses will be reviewed for compliance with the standards set forth in the code.

15.24.400. - Development standards.

A. Purpose. The development standards for industrial and public facility 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 industrial and public facility zones are presented in Table 15.24-2. Development standards may be modified as provided by chapter 15.320, variances. Additional standards may apply to specific zones or uses, see section 15.24.500.

<i>Table 15.24-2. Development Standards in the Industrial and Public Facility Zones</i>			
<i>Standard</i>	<i>LI</i>	<i>I</i>	<i>PF</i>
Minimum setbacks	—	—	—
- Front or street-side yard	20 feet	None	None
- Side yard	10 feet	None	None
- Rear yard	10 feet	None	None
Maximum building height	45 feet	75 feet	75 feet
Maximum lot coverage	60%	80%	80%
Minimum landscaped area	See 15.24.500.A and chapter 15.82		

Sec. 15.24.500. Additional standards.

A. Landscaping standard. Any portion of a lot developed for industrial 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 standards in article 5.

B. Screening requirements. All accessory storage of junk, waste, discarded or salvaged material, machinery, or equipment shall not be permitted except within a completely enclosed structure. Or if the lot area devoted to such use is over 200 square feet in area, the owner may have the alternative of enclosing it on all sides, except for an exit and entrance not over 25 feet in width, by a solid fence or wall at least six feet in height and maintained in good condition or by a cyclone or equal-wire fence at least six feet in height and surrounded, except for an exit and entrance not over 25 feet in width, by evergreens at least six feet in height and planted not further apart than six feet so as to form a solid screen. See also chapter 15.82 for additional screening requirements. See additional buffering and fence standards in article 5.

D. [C.] 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.

E. [D.] Emissions. Industrial uses shall comply with all applicable pollution control regulations enacted by the federal and state government and other governmental authorities.

F. [E.] Noise. Industrial uses shall provide necessary shielding or other protective measures against interference caused by mechanical and nuclear equipment, or uses or processes with electrical apparatus, to nearby residences.

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

Applicant Response: The proposal does not include any development and is solely a request to partition the property into 3 parcels. The proposed parcel sizes are as follows; Parcel 1 is 4.2 acres (183,803 square feet), parcel 2 is 3.6 acres (156,807 square feet) and parcel 3 is 4.1 acres (177,612 square feet). The proposed parcels contain adequate area to facilitate future uses and satisfy the standards above. Future uses shall be reviewed through a separate application for compliance with the applicable development standards. Based on the findings, it can be found that the partition as proposed does not preclude future development from meeting the standards above.

Chapter 15.80 - Development Standards, Generally

15.80.010 Purpose

Article 5 contains development and design standards for the built environment. The standards are intended to protect the public health, safety, and welfare through the provision of landscaping and buffering, parking and loading facilities, multimodal accessibility and interconnectivity, and adequate public facilities.

In interpreting and applying this title, the provisions herein shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

Applicant Response: This section establishes the purpose of these General Development Standards. This section does not include any approval criteria or development standards to measure compliance with. Compliance with the standards of this section will ensure that the Purpose stated herein is implemented.

15.80.020 Applicability

Any land division or development, and the improvements required therefore, shall be in compliance with the development, design and improvement standards and requirements set forth in this Article. Other provisions of this Code, other city ordinances, or state statutes or administrative rules may also apply.

Applicant Response: The proposal includes a land division; therefore, this section applies.

15.80.030 Exemption - Lot Size Requirements...

15.80.040 Exemption - Yard or Setback Requirements...

15.80.050 Supplementary Height Regulations...

15.80.060 Restrictions on the Use of Metal Shipping Containers...

Applicant Response: The proposed land division does not request an exception to lot size or setbacks, and no new structures are reviewed with the land division application; therefore, these sections do not apply.

Chapter 15.82 - Landscaping, Buffering and Fences

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...

Applicant Response: The proposal includes a land division, but not a Site Plan review; therefore, this section does not apply to the partition.

Chapter 15.86 - Parking and Loading

15.86.0101 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...

Applicant Response: The proposal includes a land division; it does not establish a new use. Therefore, this section does not apply to the partition.

Chapter 15.88 - Access and Circulation

15.88.010 Purpose

Chapter 15.88 contains standards for vehicular and pedestrian access, circulation, and connectivity. The standards promote safe, reasonably direct, and convenient options for walking and bicycling, while accommodating vehicle access to individual properties, as needed.

Applicant Response: This section establishes the purpose of these Development Standards. This section does not include any approval criteria or development standards to measure compliance with. Compliance with the standards of this section will ensure that the Purpose stated herein is implemented.

15.88.020 Applicability

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

Applicant Response: The proposal does not include new development or a land use necessitating a new or modified street or highway connection. Access points are not proposed at this time and will be identified at the time of site plan review for each property.

Chapter 15.90 Public Facilities

15.90.010 Public Facilities Improvement

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

Applicant Response: The proposal does not include public facility improvements outside of land use process; therefore, this section does not apply.

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.**

Applicant Response: The property is located in area that is developed with a network of streets and utilities. However, the streets are sub-standards and do not meet City standards, and some utilities are not within a reasonable distance of the property. Improvements to the roadways and utilities to bring them up to standards is not justified as the partition will not create any impacts. Rather, it is the impacts from the future uses of the parcels that will create impacts on the utility and roadway system. Therefore, it is reasonable to defer the improvements to future site plan review, providing a link between impacts and the improvements requirements. Furthermore, a comprehensive review at the time of site plan review will ensure that the appropriate improvements are made so that the area can continue to function, and all impacts are mitigated. It shall be noted that water and sewer services will be available to serve the property when ready to develop. Based on the proposal and the limited impact, it can be found that the existing roadway and utility network will adequately serve the partition as needed and

that future improvements will be made to mitigate associated impacts.

- 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.**

Applicant Response: As noted throughout this review, site plan reviews associated with future uses will allow the City to actively review the use and determine what impacts will require upsizing to serve the proposed use. Therefore, it is appropriate to apply this standard to future site plans and not the partition.

- 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.**

Applicant Response: The property is located within an industrial area that is partially developed with large industrial uses. In order to ensure that that the area is adequately served in the future, a ROW dedication is being made along the property frontage to create 32 feet ROW as measured from the centerline to the property line.

Currently the street improvements in the area do not meet City standards. However, the Applicant notes that the partition will have no impact on the City transportation system. Instead, it will be the physical development of the properties that will create traffic impacts. Therefore, deferring the improvements until future site plan review will ensure that a commensurate review is being completed which more accurately reflects the improvements needed to serve the area and associated uses. Therefore, the Applicant anticipates that no additional improvements will be required at this time and acknowledges that improvements will be associated with future development of the property.

Based on the sequencing of dedication and improvements as outlined above, this standard is accounted for and justified per the current impact.

- 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. ^(L)_(SEP)**

Applicant Response: The property abuts full streets; the half street provisions of this section are not applicable.

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.**

Applicant Response: A water main is located within the abutting right-of-way. The applicant proposes to extend water lateral connections to accommodate each individual parcel. As for the sewer line, it is located within a right-of-way over 300 feet away. The City has commented that based on the proximity of the sewer main to the property a septic site evaluation would be permitted in lieu of a sewer service lateral.

As outlined above, water and sewer service to the property can be accounted for to serve the property. Pursuant to this section, it is expected that permits will not be issued until the Public Works Director approves the improvement plans and associated documentation.

- 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.**

Applicant Response: The City has not raised any issues related to available capacity. Therefore, it can be found that the existing facilities have adequate capacity to accommodate the land division, and that development permits will not be restricted or rationed due to water or sewer capacity issues.

15.90.040 Stormwater.

- 1. 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.**
- 2. 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.**

Applicant Response: The land division will not result in any new impervious areas that necessitate stormwater treatment. However, the Applicant recognizes that future development will be required to meet the standards related to stormwater retention. The reviews for stormwater compliance will take place with either site plan review or a building permit.

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.**

Applicant Response: The applicant has coordinated with all utility providers and has confirmation of which utilities will be required to be extended with the partition. All new utilities that are planned to be extended will be underground, in conformance with these standards.

- 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.**

Applicant Response: The proposal includes a partition, but not a subdivision; it does not include new streets; therefore, these standards do not apply. Nonetheless, the applicant has coordinated with utility providers and plans to extend new services underground where required. The applicant understands that the City reserves the right to approve the location of any surface mounted facilities.

- 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.

Applicant Response: The proposal does not include an exception to providing new utilities underground; therefore, this standard does not apply.

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 Code.

- 1. 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.**
- 2. 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.**
- 3. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time when no longer needed.**
- 4. 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 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.**
- 5. 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.**
- 6. The design, construction, operation, and maintenance of a tourist-oriented or public wayside.**

Applicant Response: The partition application does not include street or highway improvements. Therefore, this section does not apply.

15.90.070 Design of Streets and Other Public Facilities.

- A. Traffic circulation system.** The overall street system shall assure 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 there from 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.

Applicant Response: The subject property is located within an area that has been developed with roadways necessary to serve proposed land division. The area was designed to facilitate the flow of traffic, ensuring that adequate and safe circulation would be maintained with the area. However, it is recognized that the incremental road improvements along property frontages as the area develops, will ensure that the adequate improvements are being made to mitigate the additional impacts created through development. With no direct impacts being created with the partition itself, the Applicant acknowledges that the deferral of the improvements until future site plan review would be more appropriate and beneficial for addressing the improvements needs of the area as it develops. Future development review will further study the area and ensure that the necessary improvements are being made to maintain the functionality of the street system that the serves the area.

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.**

Applicant Response: As noted above, the property is part of a developed area that was designed in a pattern to the serve future land divisions and existing parcels within the area. No new streets are needed to accommodate the Partition or future development. As designed, the proposal conforms to these standards.

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 10 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.

Applicant Response: No new streets are needed to accommodate the Partition. Further, all streets extend to the property boundary, allowing direct access to forest service land and other properties. Therefore, no additional access ways are required.

D. Future street extensions...

Applicant Response: No new streets are needed to accommodate the Partition. The existing street pattern includes connecting streets within the area that are necessary to serve the existing partition and parcels within the area.

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.

Applicant Response: As noted above, the partition will be served by the existing roadways that were developed prior. However, the existing abutting street was not developed in conformance with the TSP. Therefore, roadway improvements and dedications are needed to satisfy the above standards. In order to satisfy the City requirements along the property frontage, two feet of dedication and improvements, including street widening, are proposed along the entire property frontage. While the property frontage does not include sidewalks, the City has deferred sidewalk improvements to site plan review for the individual parcels. Therefore, the proposal with the acknowledged deferral, satisfies the requirements outlined in this section of the code.

Roadway Cross Section Standards

Table 4-4 presents the dimensional standards for the five proposed functional classifications in La Pine.

Table 4-4 Roadway Cross-Section Standards

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

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

² On-street parking provide adjacent to commercially zoned properties

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.

Applicant Response: As noted above, the applicable frontage is missing sidewalks. The City has commented that it will defer sidewalk improvements until site plan review for the individual parcels. As proposed, the requirements are accounted for and will ensure that the sidewalk is installed at the time the impact is being created.

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.

Applicant Response: No new streets or bike lanes are needed to accommodate the Partition. Further, the existing streets are local streets, which do not identify separated bike lanes.

H. Cul-de-sacs...

Applicant Response: The design does not include any cul-de-sacs; therefore, this section does not apply.

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.

Applicant Response: The proposal does not abut or contain any existing or proposed arterial streets; therefore, this section does not apply.

J. Streets adjacent to railroad right-of-way...

Applicant Response: The property is not adjacent to a railroad right of way; therefore, this section does not apply.

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.

Applicant Response: The property is not abutted by a reserve strip and no reserve strips are proposed; therefore, this section does not apply.

- L. Alignment...**
- M. Intersection angles...**
- N. Curves...**
- O. Street grades...**
- P. Street names...**

Applicant Response: The proposal includes a land division within an area with existing street right-of-way. The proposal does not modify the existing street alignment, intersection angles, curves, grades or names; therefore, the standards of these sections do not apply.

- 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.**

Applicant Response: Street signs exist in the vicinity of the property and no new streets are proposed. Therefore the installation of new street signs 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.**

Applicant Response: The partition does not propose the construction or realignment of any streets; therefore, the Applicant is not anticipating the installation of any traffic control signage.

- 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.**

Applicant Response: The development is proposed in an area with an established street grid. Future access drives will be provided to serve the new parcels in a manner that allows for access to off-street parking. Therefore, alleys are not required as part of this partition.

- 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.

Applicant Response: The above standard is directed primarily at a land division that creates new streets to the serve lots. As noted throughout this narrative, this is a partition of an existing parcel, with frontage along an existing street. The existing street network was permitted to be improved without curbs. However, the Applicant acknowledges that future curbs may be needed to accommodate the area as it develops. Therefore, in order to incorporate improvements that are commensurate with the impacts, the installation of curbs shall be deferred until the time of future site plan submittals. Based on the intent of the standard and timing of improvements, it can be found that the deferral of curb installation will satisfy the standard.

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 (1) fixture and be located at the intersection of streets.

Applicant Response: No comments have been made with regard new street lighting in the area; therefore, now new lighting is proposed. Based on determinations made by the City, it can be found that the lighting as it exists is adequate to serve the area, and that no additional street light installations are needed.

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.

Applicant Response: The applicant has coordinated with all utility providers and has confirmation that they can serve the new parcel. All new utilities that are required are planned to be extended underground, in conformance with these standards.

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.

Applicant Response: No new impervious areas are planned with this Partition Application. Stormwater design and construction will be associated with the future development of the property and will be reviewed as part of the appropriate permit process.

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.

Applicant Response: Neither private streets nor gates are proposed. This section

does not apply.

15.90.080 Traffic Impact Analysis

- A. Purpose.** The purpose of this subsection is 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 10 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.**

Applicant Response: Based on the limited number of trips that are generated by the partition, no TIA should be required to accompany the application.

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.

Applicant Response: Based on the limited number of trips that are generated by the partition, no TIA should be required to accompany the application.

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 (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.

Applicant Response: The subject property, while in an industrial area, is not a heavily developed industrial area at this time and is on the urban fringe. Development of the area is likely in the distant future and the coordinated sequencing of improvements to the area will ensure that the area is developed in a manner that will maintain adequate traffic circulation as the area expands. Piecemeal improvements can lead to a disjointed set of improvements that leaves prolonged gaps in the system that can have an impact on vehicular and/or pedestrian safety. Improvements that are typical for these safety concerns are related, but not limited to, curbing, sidewalks, bike lanes and road widening. Therefore, unless an area is developing at a rapid rate or has multiple application being reviewed at one time, it would be more pertinent to defer offsite improvements to future site plan reviews.

Based on the above finding, the Applicant requests deferral of off-site transportation improvements as noted throughout the narrative.

Chapter 15.92 Additional Standards for Land Divisions

15.92.010 Lots and Blocks.

- A. Blocks.** The resulting or proposed length, width and shape of blocks shall take into account the requirements for adequate building lot sizes, street widths, access needs and topographical limitations.
- 1.** No block shall be more than 660 feet in length between street corner lines with a maximum 1,400-foot perimeter unless it is adjacent to an arterial street, or unless topography or the location of adjoining streets justifies an exception, and is so approved by the reviewing authority.
 - 2.** The recommended minimum length of a block along an arterial street is 1,260 feet.
 - 3.** A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception; a standard exception is a block in which the building lots have rear yards fronting on an arterial or collector street.

Applicant Response: The above standards are primarily aimed at new subdivision development where blocks are created through the installation of the streets. The Applicant is not proposing any new street nor are any streets practical to the east as the property borders the UGB. Therefore, as designed with the existing constraint, it can be found that the partition will not violate the standard as it will rely on the existing approved street network that serves the area.

- B Lots.** The resulting or proposed size, width shape and orientation of building lots shall be appropriate for the type of development, and consistent with the applicable zoning and topographical conditions, specifically as lot sizes are so designated for each zoning district in the City of La Pine Development Code.

Applicant Response: A comprehensive review of the lot size requirements was addressed above. As detailed in that section, the proposal complies with the applicable lot size, width, shape, and orientation provisions; therefore, the proposal complies with this standard.

- C. Access.** Each resulting or proposed lot or parcel shall abut upon a public street, other than an alley, for a width of at least 50 feet except as otherwise provided for in this Code (e.g., for townhomes). For lots fronting on a curvilinear street or cul-de-sac, the City may approve a reduced width, but in no case shall a width of less than 35 feet be approved.

Applicant Response: As shown on the Plan Set, each of the parcel far exceeds the

50-foot frontage requirement; therefore, conforming to this standard.

- D. Side lot lines. The side lines of lots and parcels, as far as practicable, shall run at right angles to the street upon which they front; except that on curved streets they shall be radial to the curve.**

Applicant Response: While the parcels are irregular in shape, no new side parcel lines are created, and the side lot lines are at right angles, to the extent practical, to the abutting streets.

- E. Division by boundary, ROW and drainage ways. No lot or parcel shall be divided by the boundary line of the city, county or other taxing or service district, or by the right-of-way of a street, utility line or drainage way, or by an easement for utilities or other services, except as approved otherwise.**

Applicant Response: All parcels are created through a standard partition and are not a result of existing boundary lines created by a ROW, easement, other entity boundary or similar scenario. Therefore, the partition as proposed satisfies this standard.

- F. Grading, cutting and filling of building lots or sites...**

Applicant Response: The partition proposal does not include any grading, cutting, or filling of the parcel; therefore, this section does not apply.

- G. Through or double-frontage lots and parcels...**

Applicant Response: The proposal does not result in the creation of any through or double frontage parcels; therefore, this section does not apply.

- H. Special building setback lines. If special building setback lines, in addition to those required by the applicable zoning, are to be established in a development, they shall be shown on the final plat of the development and included in the deed restrictions.**

Applicant Response: No additional setbacks apply to the subject property; therefore, this standard does not apply,

- I. Large building lots; redivision. In the case where lots or parcels are of a size and shape that future redivision is likely or possible, the City may require that the blocks be of a size and shape so that they may be redivided into building sites as intended by the underlying zone. The development approval and site restrictions may require provisions for the extension and opening of streets at intervals which will permit a subsequent redivision of any tract of land into lots or parcels of smaller sizes than originally platted.**

Applicant Response: Large building lots are proposed as part of the partition and large lots are needed to facilitate uses that are associated with Industrial properties to accommodate large scale buildings associated with storage yards and parking and loading areas. Based on the future uses it is unlikely that the properties will ever be redivided as a majority of the property will be needed to serve the proposed industrial uses.

15.92.020 Easements

- A. Utility lines. Easements for sewer lines, water mains, electric lines or other public utilities shall be as required by the serving entity, but in no case be less than 10 feet wide and centered on a rear and/or side lot line unless approved otherwise by the City. Utility pole tie-back easements may be reduced to 5 feet in width.**

Applicant Response: No easements exist on the property. If additional easements are required by a serving entity, the applicant will provide utility easements, as referenced by this section.

- B. Water courses. If a tract is traversed by a water course, such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further widths as deemed necessary.**

Applicant Response: The property is not traversed by a water course; therefore, an easement for the purposes identified in this section is not applicable.

- C. Pedestrian and bicycle ways. When desirable for public convenience, a pedestrian and/or bicycle way of not less than 10 feet in width may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block, or to otherwise provide appropriate circulation and to facilitate pedestrian and bicycle traffic as an alternative mode of transportation. Improvement of the easement with a minimum 5- foot wide paved or other suitable surface will be required.**

Applicant Response: As noted above, facilities to serve the pedestrians will be reviewed and construction will be required with future site plan proposals on the lots. Therefore, no associated improvements are required at this time.

- D. Sewer and water lines. Easements may also be required for sewer and water lines, and if so required, shall be provided for as stipulated to by the City Public Works Department and/or Water and Sewer District.**

Applicant Response: Water and sewer lines are located in the nearby right-of-way and may be extended in the future as needed to serve the uses that will be proposed for

the parcels. At that time, it will be determined how the lots will be served and if they need any easements. Based on the need for future sewer/water line review and coordination, it can be found that no easement is needed at this time.

15.92.030 Land for Public Purposes

- A. If the City has an interest in acquiring a portion of a proposed development for a public purpose, it shall notify the property owner as soon as the City Council authorizes the transaction to proceed.**
- B. Within a development, or adjacent to a development in contiguous property owned by the developer, a parcel of land of not more than 5% of the gross area of the development may be required to be set aside and dedicated to the public for parks and recreation purposes by the developer. The parcel of land, if required, shall be determined to be suitable for the park and/or recreation purpose(s) intended, and the city may require the development of the land for the park or recreation use intended or identified as a need within the community.**
- C. In the event no such area is available that is found to be suitable for parks and/or recreation uses, the developer may be required, in lieu of setting aside land to pay to the appropriate parks and recreation agency a sum of money equal to the market value of the area required for dedication, plus the additional funds necessary for the development thereof if so required; if such is required, the money may only be utilized for capital improvements by the appropriate parks and recreation agency.**
- D. If there is a systems development charge in effect for parks, the foregoing land and development or money dedication (if required) may be provided for in lieu of an equal value of systems development charge assessment if so approved by the collecting agency in accordance with the applicable provisions of the system development charge ordinance. If the collecting agency will not permit the land or money dedication in lieu of an applicable systems development charge, then the land and development or money dedication shall not be required.**
- E. If the nature and design, or approval, of a development is such that over 30% of the tract of land to be developed is dedicated to public uses such as streets, water or sewer system facilities and the like, then the requirements of this subsection shall be reduced so that the total obligation of the developer to the public does not exceed 30%.**

Applicant Response: To date the applicant has not been informed of the need for public land. The applicant does not anticipate that the provisions of this section will be necessary.

Chapter 15.94 - Improvement Procedures and Guarantees

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 therefore have been reviewed and approved by the City or a designated representative thereof. The review and approval shall be at the expense of the developer.**
- B. Modification. Improvement work shall not commence until after the City has been notified and approval therefore has been granted, and if work is discontinued for any reason, it shall not be resumed until after the City is notified and approval thereof granted.**
- 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.**

Applicant Response: Based on the request to defer public improvements until future site plan submittals, there will be no required public improvements to serve the partition.

Future improvements will adhere to the provisions outlined in this section, as necessary and applicable, for any enhancements made within a right-of-way or to a public facility.

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.

- B. Bond or other performance assurance.** The developer shall file with the agreement, to assure 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 assure 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% 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.

Applicant Response: The partition does not include any improvements at this time as improvements are requested to be deferred until future site plan review. However, it is understood that the future improvements will be reviewed and approved prior to installation. Future development will plan to comply with the provisions of this section, to the extent applicable.

15.94.030 Building and Occupancy Permits...

Applicant Response: The proposal includes a land division, but no new development. The proposal does not necessitate a Building Permit; therefore, the provisions of this section do not apply.

15.94.040 Maintenance Surety Bond

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

15.94.050 Engineering/Special Services for Review

With regard to any development proposal for which the City deems it necessary to contract for engineering and/or other special technical services for the review thereof or for the design of facility expansions to serve the development, the developer may be required to pay all or part of the special services. In such cases, the choice of the contract service provider shall be at the discretion of the City, and the service provider shall perform the necessary services at the direction of the City. The costs for the services shall be determined reasonable, and an estimate of the costs shall be provided to the developer prior to contracting therefore.

Applicant Response: No public improvements are required as part of this application. However, it is understood that all future public improvements will need to be designed and installed to City standards and specification. In addition, it is understood that all agreements with relation to bonding will be required per code.

IV. Compliance with the Procedures of the Development Code - Article 7:

15.202.0010 Purpose and Applicability

- A. Purpose.** The purpose of this chapter is to establish decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 15.202-1 provides a key for determining the review procedure and the decision-making body for particular applications.

Applicant Response: This section addresses the procedures that will be utilized in the review of this application packet. The procedures do not include any development standards or approval criteria that the applicant needs to document conformance with. Instead this sections details how the applications are to be reviewed by the City. The majority of the provisions of this Article direct City Staff, however there are a few sections that identify applicant required procedural provisions. The applicant anticipates that the applicable procedures of this section will be followed by City Staff. The procedures that are requirements of the applicant (and those which could use further analysis), are addressed below.

- B. Applicability of Review Procedures.** All land use and development permit applications, except building permits, shall be decided by using the procedures contained in this article as modified by any applicable application-specific procedures identified in Articles 8 and 9. The procedure “type” assigned to each application governs the decision-making process for that application. There are four types of review procedures as described in subsections 1-4 below. Table 15.202-1 lists the City’s land use and development applications and corresponding review procedure(s)...

- 2. Type II Procedure (Administrative/Staff Review with Notice).** Type II decisions are made by the City Planning Official, with public notice and an opportunity for appeal to the Planning Commission. Alternatively, the City Planning Official may refer a Type II application to the Planning Commission for its review and decision in a public meeting.

Applicant Response: The proposal is a Minor Partition. Based upon Table 15.202-1, the applicant anticipates that the application will be reviewed via the Type II procedure.

15.202.020 Time Limit and Consolidated Review.

- C. Consolidated Review of Applications.** When an applicant applies for more than one type of application for the same one or more contiguous parcels of land, the proceedings shall be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and

decisions shall be made on each application.

Applicant Response: The applicant has submitted a Partition application only; therefore, there is no need to consolidate applications.

15.202.040 Pre-application conference

- A. A pre-application conference is encouraged for complex applications or for applicants who are unfamiliar with the land use process and is required for all Type III applications. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the applicable land use codes, to provide for an exchange of information regarding applicable requirements of the comprehensive plan, zoning code or land division code and to identify issues likely to arise in processing an application. The applicable zoning code may require that a pre-application conference be held for particular types of applications.**
- B. Required pre-application conferences must be held no more than one year prior to the submittal of a Type III land use application. Requests for pre-application conferences shall be made on a form provided by the City.**

Applicant Response: The application is not complex, and the applicant has experience with land divisions such as this. Furthermore, the applicant coordinated with City Staff prior to submittal.

15.202.050 Neighborhood Contact

- A. Purpose and Applicability. Unless waived by the City Planning Official, applicants for master plans, subdivisions with more than 10 lots, major variances and property owner-initiated for zone changes are required to contact neighboring property owners and offer to a hold meeting with them prior to submitting an application...**

Applicant Response: The proposal is for a Minor Partition. It is not for a master plan, subdivisions with more than 10 lots, major variance or property owner-initiated for zone change. Therefore, Neighborhood Contact is not required.

V. Compliance with Approval Criteria – Title 9

Chapter 15.402 - General Provisions

15.402.010 Purpose

It is the purpose of this Article 9, in accordance with the provisions of ORS Chapters 92 and 227, to provide for minimum standards governing the approval of land divisions, including subdivisions and land partitions, as necessary to carry out the needs and policies for adequate traffic movement, water supply, sewage disposal, drainage and other community facilities, to improve land records and boundary monumentation and to ensure equitable processing of

subdivision, partitioning and other land division activities within the city and the surrounding urban area.

Applicant Response: This section establishes the purpose of these Approval Criteria. This section does not include any approval criteria or development standards to measure compliance with. Compliance with the standards of this section will ensure that the Purpose is implemented.

15.402.020 Applicability

No person may subdivide, partition or otherwise divide land, or create a planned unit or cluster development, or create a street for the purpose of developing land except in accordance with the provisions of this Article 9, this chapter and ORS Chapters 92.012 and 277.100.

Applicant Response: The proposal includes a partition; therefore, compliance with Article 9 is necessary.

Chapter 15.406 - Subdivisions and Planned Unit Developments (PUD) ...

Applicant Response: The proposal includes the creation of three parcels of land, which is a partition. The proposal does not include a subdivision or a PUD; therefore, this Chapter does not apply.

Chapter 15.410 - Land Partitions

15.410.010 Applicability and Exemptions

- A. Applicability of regulations. All land partitions (as defined in Article 2) within the City, except as set forth in division (B) of this section, must be approved by the City as provided for in this section. Minor partitions are reviewed in accordance with the Type II procedures in Article 7 and Major partitions are reviewed in accordance with the Type III procedures in Article 7.**

Applicant Response: Article 2 provides the following definitions:

Partition, Major. A partition where a new street or road is created for access to one or more of the parcels created by the partitioning.

Partition, Minor. A partition where each lot or parcel created has access to an existing public road, street, highway or way; that is, a partitioning that does not include the creation of a new road or street for access to one or more of the lots or parcels being created. For the purposes of this definition and this definition only, an easement for access of more than 100 feet in length shall be considered a street or road.

The partition does not result in the creation of a new street or road; therefore, the proposal is for a Minor Partition and is expected to be processed in accordance with the Type II procedures of Article 7.

- B. Exemptions.** In addition to those exclusions set forth in the definition of “partition” in Article 2, the following land divisions shall be exempt from the land partitioning requirements set forth by this section and this chapter.
1. The partitioning of a tract of land in which not more than one parcel is created and the parcel is being transferred to a public or semi-public agency for the purpose of a public road, street, canal or utility right-of-way, or for public park, school, recreation facility, trail, bikeway, natural area or other similar public purpose.
 2. The transfer of one area of land between two adjoining ownerships where an additional parcel is not created and where no new or additional dwellings or other structures are involved, and where the existing ownership reduced in size by the transfer is not reduced below the minimum lot size of the applicable zone. A boundary line adjustment is still required however, and the requirements are set forth in Chapter 15.414.

Applicant Response: The partition will not result in the transfer of land to a public or semi-public agency and does not result in the transfer of land where a parcel is not created; therefore, the exceptions of this section do not apply to the proposal.

15.410.020 Applications - Partitions

- A. Filing procedures and requirements.** Any person proposing a land partition, or the authorized agent or representative thereof, shall prepare and submit copies of the tentative plan for the proposed partition, together with the materials required for a Type II review for a minor partition or Type III review for a major partition as specified in Article 7, to the Planning Official.
- B. Proposed partitioning shall be drawn.** The scale and format of the plans and the number of copies required shall be as specified on the application form.
- C. Requirements for the plan.** The plan shall include the following.
 1. A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways, properties and land use patterns.

2. **A plan of the proposed partitioning showing tract boundaries and dimensions, the area of each tract or parcel and the names, right-of-way widths and improvement standards of existing roads.**
3. **Names and addresses of the land owner, the partitioner, the mortgagee if applicable, and the land surveyor employed (or to be employed) to make necessary surveys and prepare the final partitioning map.**
4. **A statement regarding provisions for water supply, sewage disposal, solid waste disposal, fire protection, access, utilities and the like.**
5. **North point, scale and date of map and the property identification by tax lot, map number, section, township and range, subdivision lot and block or other legal description.**
6. **Statement regarding past, present and proposed use of the parcel(s) to be created, or the use for which the parcel(s) is to be created.**

Applicant Response: As documented on the attached Exhibits, the submittal materials include all of the items noted in these section that are necessary for review.

15.410.030 Decisions - Partitions

- A. **Minor partition. Review of a minor partition shall follow the Type II review procedures in Article 7.**
- B. **Major partition. Review of a major partition shall follow the Type III review procedures in Article 7.**

Applicant Response: As noted above, Article 2 provides the following definitions:

Partition, Major. A partition where a new street or road is created for access to one or more of the parcels created by the partitioning.

Partition, Minor. A partition where each lot or parcel created has access to an existing public road, street, highway or way; that is, a partitioning that does not include the creation of a new road or street for access to one or more of the lots or parcels being created. For the purposes of this definition and this definition only, an easement for access of more than 100 feet in length shall be considered a street or road.

The proposal does not result in the creation of a new street or road; therefore, the

proposal is for a Minor Partition and is expected to be process in accordance with the Type II procedures of Article 7.

- C. **Series partition. Any division of land resulting in a series partition shall be subject to review and approval by the Planning Commission. Applications for any series partition shall be made and processed in the same manner as a major partitioning. Approval requirements shall be the same as for any partition. However, the Planning Commission shall deny any such series partition when it is determined that the partitions are done for the purpose of circumventing applicable subdivision regulations.**

Applicant Response: Article 2 defines a series partition as follows:

Partition, Series. A series of partitions, major or minor, of a tract of land resulting in the creation of four or more parcels over a period of more than one calendar year, resulting in a de facto subdivision of land.

The proposal does not include a series partition; therefore, this section does not apply.

- D. **Final partition map procedures. In addition to the procedures required for City approval of a final map for a partitioning, other required processing procedures are set forth in Chapters 15.414 and 15.418.**

Applicant Response: The applicant anticipates that all applicable processing procedures will be followed by the City in the review of this application, including any applicable provisions of 15.414 and 15.418.

- E. **Requirements for approval. No partitioning shall be approved unless the following requirements are met.**
 - 1. **The proposal is in compliance with the applicable zoning regulations. All lots conform to the applicable lot standards of the zoning district including density, lot area, dimensions, setbacks, and coverage.**

Applicant Response: A comprehensive review of the applicable zone standards was included above; as detailed therein, the proposal complies with all applicable lot standards, density requirements, lot area, dimensions, setbacks, and lot coverage requirements. Because the proposal complies with the applicable standards, it also complies with this approval criterion.

- 2. **Each parcel is suited for the use intended or to be offered, including but not limited to sewage disposal, water supply, guaranteed access and utilities.**

Applicant Response: The proposal parcel sizes conform to the requirements of the applicable zone. Also, with the new services to parcel 2, both the parcels will be provided with water and sewer laterals along with all utilities needed to accommodate development. Given the proposed sizes and allowed uses within the zones, the parcels are suited for allowed uses, thus meeting the approval criterion.

3. All public services deemed necessary are reasonably available or are proposed to be provided by the partitioner.

Applicant Response: As noted above, the water main is located within the abutting rights-of-way and the proposal includes the extension of service laterals to the parcels. As for the sewer line it is located within a right of way over 300 feet away. The City has commented that based on the proximity of the sewer main to the property, a septic site evaluation would be permitted in lieu of a sewer service lateral. Based on the ability to provide water and sewer service to each lot, it can be found that the request conforms to this approval criterion.

4. Proposal will not have identifiable adverse impacts on adjoining or area land uses, public services and facilities, resource carrying capacities or on any significant resources.

Applicant Response: The Applicant has demonstrated with and without a condition of approval that the necessary utilities and services can be provided to the property accommodate the planned parcels. Also, the proposal does not impact any significant resources. The Development Code, including the development standards of the applicable zones, was established to prevent adverse impacts; therefore, no adverse impacts are identified.

F. Survey and improvement requirements. In the approval of any land partitioning, the need for a survey, and the need for street and other public facility improvements shall be considered and such may be required as a condition of approval. Any survey and/or improvement requirements that may be required for a subdivision or other land development may be required for a partitioning, including bonding or other assurance of compliance.

Applicant Response: The application is supported by a survey, and while this section allows the City to require any improvements that could be imposed upon a subdivision, given the minor size and scale of the proposed partition, the applicant does not anticipate that any additional public improvements will be required prior to final platting.

15.410.050 Final Map Requirements

Within 2-years of the approval of a partition, the partitioner shall have prepared and submitted to the City Planning Official a final partition map prepared by a licensed surveyor and any other materials or documents required by the

approval.

- A. The final map shall provide a certificate for approval of the subject partition by the Planning Official . The final map shall also contain a certificate for execution by the County Tax Collector and a certificate for execution by the County Assessor. The final map shall first be submitted to and approved by the County Surveyor prior to obtaining the required signatures.**
- B. Upon approval, the petitioner shall file the original map with the County Clerk, the true and exact copy with the County Surveyor and copies of the recorded plat and a computer file of the plat with the City Recorder, City Planning Official , or County Surveyor. The County Surveyor may request an additional number of copies required at the time of final plat review if deemed appropriate.**
- C. A final partition map prepared for this purpose shall comply with the recording requirements applicable to a final plat for a subdivision.**

Applicant Response: Subsequent to Tentative Plan Approval, the applicant plans to follow these final map requirements.

Chapter 15.418 - Processing and Recording Procedures

15.418.010 Processing and Recording Subdivision and Partition Maps

- A. Submit one reproducible paper, vellum or mylar map copy to the County Surveyor.**
- B. Submit closure sheets for the surveyor's certificate and a closure sheet for each lot or parcel created, and a closure sheet for dedicated areas such as roadways or public facility lots.**
- C. Submit the required County Surveyor review fee as appropriate for the subdivision or partition.**
- D. Submit a title report for the subdivision.**
- E. Submit a post-monumentation certificate stating the intent and completion date and a bonding estimate for all subdivision plats proposed for post-monumentation. The bonding estimate is to be 120% of the estimated actual costs, office and field.**
- F. After preliminary initial review of the plat, resubmit the final plat prepared on double matte four mil minimum thickness mylar, with corrections made, to the County Surveyor for final approval and signature.**

- G. Remaining approval signatures shall then be executed and the final maps and an exact copy thereof submitted to the County Surveyor for recording into the survey records prior to submittal to the County Clerk for recording. The exact copy shall comply with the requirements of ORS Ch. 92 and other applicable statutes and be submitted on four mil thickness mylar.**
- H. The County Surveyor recording fee shall be submitted with the final plat along with any required post- monumentation bond or letter executed by the City Attorney that the bonding requirements are met.**
- I. The plat shall then be submitted to the County Clerk along with the required recording fee. After recording information is placed on the exact copy by the County Clerk, the exact copy and the required number of prints showing the recording information shall be submitted to the County Surveyor to complete the process. The number of prints required shall be twelve for a subdivision plat and six prints for a partition unless a greater number is requested by the County Surveyor at initial review.**
- J. Copies of the exact copy of the final plat showing the recording information shall also be submitted to the City Planning Official, together with an electronic copy in a format approved by the City. The scale and format of the plans and the number of copies required shall be as specified on the application form.**

Applicant Response: Subsequent to Tentative Plan Approval, the applicant plans to follow these final map requirements.

VI. Summary and Conclusion:

Based on the discussion above, as well as the exhibits included with this application, the Applicant has documented that the Partition request meets the applicable approval criteria for a Partition. Because the proposal conforms to all applicable criteria and standards, the applicant respectfully requests that the City approve the Partition as proposed.

Deschutes County Official Records	2023-06485
D-D	03/22/2023 12:16 PM
Stn=2 AS	
\$15.00 \$11.00 \$10.00 \$61.00 \$6.00	\$103.00
I, Steve Dennison, County Clerk for Deschutes County, Oregon, certify that the instrument identified herein was recorded in the Official Records.	
Steve Dennison - County Clerk	

After recording return to:

John D. Sorlie
 Bryant, Lovlien & Jarvis, P.C.
 591 S.W. Mill View Way
 Bend, Oregon 97702

Until a change is requested, all tax statements shall be sent to the following address:

Spacemaker, LLC
Sidney Reynolds
P.O. Box 2738
Bend, OR 97707

BARGAIN AND SALE DEED

Other property or value was either part or the whole consideration for this conveyance.

CHASE REHN and AARON REHN and SIDNEY REYNOLDS, Grantors, convey to **SPACEMAKER LLC, an Oregon limited liability company**, Grantee, the real property located at Deschutes County, Oregon, being more particularly described as follows:

See attached Exhibit A

subject to all encumbrances, easements and restrictions of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424,

OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: 3/21/2023


Grantors:



CHASE REHN



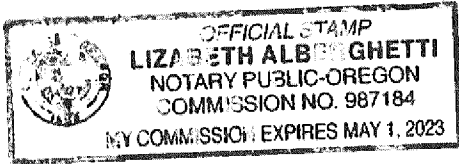
AARON REHN




SIDNEY REYNOLDS

STATE OF OREGON, County of Deschutes: ss.

This instrument was acknowledged before me on March 21, 2023, by CHASE REHN to be his voluntary act and deed. Before Me:

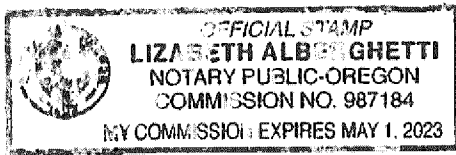





Notary Public for Oregon

STATE OF OREGON, County of Deschutes: ss.

This instrument was acknowledged before me on March 21, 2023, by AARON REHN to be his voluntary act and deed. Before Me:

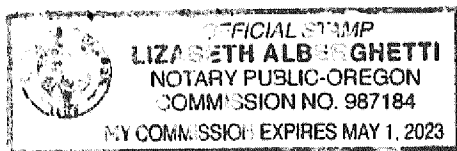





Notary Public for Oregon

STATE OF OREGON, County of Deschutes: ss.

This instrument was acknowledged before me on March 21, 2023, by SIDNEY REYNOLDS to be her voluntary act and deed. Before Me:





Notary Public for Oregon

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Deschutes, State of Oregon, described as follows:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 36, TOWNSHIP 21 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHENCE THE SOUTHEAST CORNER OF SAID SECTION 36 BEARS SOUTH 00°51'21" EAST 296.85 FEET; THENCE SOUTH 88°44'11" WEST 817.81 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF THE RELOCATED ROSLAND ROAD; THENCE ALONG SAID RIGHT-OF-WAY, NORTH 29°39'14" EAST 681.55 FEET; THENCE ALONG A 180.00 FOOT RADIUS CURVE LEFT, WHOSE CHORD BEARS NORTH 21°20'16" WEST 279.74 FEET, A DISTANCE OF 320.39 FEET; THENCE NORTH 72°19'46" WEST 9.37 FEET TO A POINT ON A 4717.37 FOOT RADIUS CURVE TO THE LEFT; THENCE LEAVING SAID RIGHT-OF-WAY OF RELOCATED ROSLAND ROAD ALONG THE ARC OF SAID 4717.37 FOOT RADIUS CURVE TO THE LEFT, WHOSE CHORD BEARS NORTH 17°08'24" EAST 29.12 FEET, A DISTANCE OF 29.12 FEET; THENCE LEAVING SAID CURVE, NORTH 88°44'11" EAST 569.56 FEET; THENCE SOUTH 00°51'21" EAST 878.15 FEET TO THE POINT OF BEGINNING.

NOTE: This legal description was created prior to January 1, 2008.

A.P.N.: 163475



First American

First American Title Insurance Company

395 SW Bluff Drive, Suite 100
Bend, OR 97702
Phn - (541)382-4201
Fax - (866)524-9203

First American Title Insurance Company
PO Box 3948 / , 57100 Beaver Drive, Bldg 6
Sunriver, OR 97707

Order No: 7064-4009022
10/25/2022

Attn: Shara Bauman, Escrow Officer
Phone No.: (541)593-4201 - Fax No.: (866)902-9874
Email: sbauman@firstam.com

Preliminary Title Report

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

Please be advised that any provision contained in this document, or in a document that is attached, linked or referenced in this document, that under applicable law illegally discriminates against a class of individuals based upon personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or any other legally protected class, is illegal and unenforceable by law.

Situs Address as disclosed on Deschutes County Tax Roll:

17160 Rosland Road, La Pine, OR 97739

2021 ALTA Owners Standard Coverage	Liability \$	950,000.00	Premium \$	2,025.00
2021 ALTA Owners Extended Coverage	Liability \$		Premium \$	
2021 ALTA Lenders Standard Coverage	Liability \$		Premium \$	
2021 ALTA Lenders Extended Coverage	Liability \$		Premium \$	
Endorsement			Premium \$	
Govt Service Charge			Cost \$	30.00
City Lien Search			Cost \$	
Other			Cost \$	

We are prepared to issue Title Insurance Policy or Policies of First American Title Insurance Company, a Nebraska Corporation in the form and amount shown above, insuring title to the following described land:

The land referred to in this report is described in Exhibit A attached hereto.

and as of October 14, 2022 at 8:00 a.m., [title to the fee simple estate is vested in:](#)

Vic Russell Construction, Inc., an Oregon corporation

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.

In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:

- A. Survey or alternative acceptable to the company
- B. Affidavit regarding possession
- C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
 - i. Satisfactory evidence that no construction liens will be filed; or
 - ii. Adequate security to protect against actual or potential construction liens;
 - iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon
6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
7. Taxes for the year 2022-2023

Tax Amount	\$	475.66
Unpaid Balance:	\$	475.66 , plus interest and penalties, if any
Code No.:		1119
Map & Tax Lot No.:		2110360000104
Property ID No.:		163475
8. Taxes for the year 2022-2023

Tax Amount	\$	442.94
Unpaid Balance:	\$	442.94 , plus interest and penalties, if any
Code No.:		1118
Map & Tax Lot No.:		2110360000104

Property ID No.: 274209

9. The county tax roll discloses a mobile home on the herein described premises which is not included in title insurance coverage. Subject to requirements and provisions of O.R.S. 311.280 pertaining to mobile home taxes becoming liens on real property. (APN 163475)
10. City liens, if any, of the City of La Pine.
11. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
12. Deed of Trust and the terms and conditions thereof.
Grantor/Trustor: Vic Russell Construction, Inc, as to Parcel I and Victor R. Russell and Vickie Lee Russell, as tenants by the entirety as to Parcel II
Grantee/Beneficiary: Mid Oregon Credit Union
Trustee: Western Title & Escrow Company
Amount: \$500,000.00
Recorded: February 14, 2011
Recording Information: Instrument No. [2011-05976](#)
(Affects said land and other property)

Note: This Deed of Trust contains Line of Credit privileges. If the current balance owing on said obligation is to be paid in full in the forthcoming transaction, confirmation should be made that the beneficiary will issue a proper request for full reconveyance.

Modification and/or amendment by instrument:
Recording Information: April 20, 2018 as Instrument No. [2018-015773](#)

Modification and/or amendment by instrument:
Recording Information: August 15, 2019 as Instrument No. [2019-29473](#)

13. Assignment of leases and/or rents and the terms and conditions thereof:
Assignor: Vic Russell Construction, Inc, as to Parcel I and Victor R. Russell and Vickie Lee Russell, as tenants by the entirety as to Parcel II
Assignee: Mid Oregon Credit Union
Recorded: February 14, 2011
Recording Information: Instrument No. [2011-05977](#)
(Affects said land and other property)
14. Deed of Trust and the terms and conditions thereof.
Grantor/Trustor: Vic Russell Construction, Inc, as to Parcel I and Victor R. Russell and Vickie Lee Russell, as tenants by the entirety as to Parcel II
Grantee/Beneficiary: Mid Oregon Federal Credit Union
Trustee: Western Title & Escrow Company
Amount: \$500,000.00
Recorded: September 19, 2013
Recording Information: Instrument No. [2013-039815](#)
(Affects said land and other property)
15. Evidence of the authority of the officers of Vic Russell Construction, Inc., an Oregon corporation , to execute the forthcoming instrument, copies of the current Articles of Incorporation, By-Laws and certified copies of appropriate resolutions should be submitted prior to closing.

16. Unrecorded leases or periodic tenancies, if any.

- END OF EXCEPTIONS -

NOTE: We find no matters of public record against Chase Rehn and Aaron Rehn and Sidney Reynolds that will take priority over any trust deed, mortgage or other security instrument given to purchase the subject real property as established by ORS 18.165.

NOTE: This Preliminary Title Report does not include a search for Financing Statements filed in the Office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the Office of the County Clerk covering Fixtures on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and block.

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: NONE

NOTE: Notice of Written Order, Deschutes County Forestland Classification Committee, recorded January 17, 2019 as Instrument No. [2019-01721](#), Deschutes County, Oregon.

Emily Pyle
TITLE OFFICER
EPyle@firstam.com

**THANK YOU FOR CHOOSING FIRST AMERICAN TITLE!
WE KNOW YOU HAVE A CHOICE!**

RECORDING INFORMATION

Filing Address: **Deschutes County**
1300 NW Wall Street
Bend, OR 97703

Recording Fees: \$ **93.00 First Page**
Comprised of:
\$ 5.00 per page
\$10.00 per document - Public Land Corner Preservation Fund
\$11.00 per document - OLIS Assessment & Taxation Fee
\$61.00 per document - Oregon Housing Alliance Fee
\$6.00 per document - GIS Fee

\$ 5.00 E-Recording fee per document
\$ 5.00 for each additional page
\$ 5.00 for each additional document title, if applicable
\$ 20.00 Non-Standard Document fee, if applicable
\$200.00 Re conveyance Fee

cc: Chase Rehn
cc: Vic Russell Construction Inc
cc: Clyde W. Browning, Cascade Hasson Sotheby's International Realty
57100 Beaver Dr Bldg 5 Ste 150, Sunriver, OR 97707
cc: Miaya Ashmead, MORE Realty
62968 OB Riley Road, Ste A3, Bend, OR 97703

Exhibit "A"

Real property in the County of Deschutes, State of Oregon, described as follows:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 36, TOWNSHIP 21 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHENCE THE SOUTHEAST CORNER OF SAID SECTION 36 BEARS SOUTH 00°51'21" EAST 296.85 FEET; THENCE SOUTH 88°44'11" WEST 817.81 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF THE RELOCATED ROSLAND ROAD; THENCE ALONG SAID RIGHT-OF-WAY, NORTH 29°39'14" EAST 681.55 FEET; THENCE ALONG A 180.00 FOOT RADIUS CURVE LEFT, WHOSE CHORD BEARS NORTH 21°20'16" WEST 279.74 FEET, A DISTANCE OF 320.39 FEET; THENCE NORTH 72°19'46" WEST 9.37 FEET TO A POINT ON A 4717.37 FOOT RADIUS CURVE TO THE LEFT; THENCE LEAVING SAID RIGHT-OF-WAY OF RELOCATED ROSLAND ROAD ALONG THE ARC OF SAID 4717.37 FOOT RADIUS CURVE TO THE LEFT, WHOSE CHORD BEARS NORTH 17°08'24" EAST 29.12 FEET, A DISTANCE OF 29.12 FEET; THENCE LEAVING SAID CURVE, NORTH 88°44'11" EAST 569.56 FEET; THENCE SOUTH 00°51'21" EAST 878.15 FEET TO THE POINT OF BEGINNING.

NOTE: This legal description was created prior to January 1, 2008.



First American Title Insurance Company

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

ALTA OWNER'S POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

SCHEDULE OF STANDARD EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

NOTE: A SPECIMEN COPY OF THE POLICY FORM (OR FORMS) WILL BE FURNISHED UPON REQUEST

TI 149 Rev. 7-22-08



Privacy Notice

Effective: October 1, 2019

Notice Last Updated: January 1, 2022

This Privacy Notice describes how First American Financial Corporation and its subsidiaries and affiliates (together referred to as "First American," "we," "us," or "our") collect, use, store, and share your information with the exception that a subsidiary or affiliate has their own privacy policy, that policy governs. This Privacy Notice applies to information we receive from you offline only, as well as from third parties, when you interact with us and/or use and access our services and products ("Products"). For more information about our privacy practices, including our online practices, please visit <https://www.firstam.com/privacy-policy/>. The practices described in this Privacy Notice are subject to applicable laws in the places in which we operate.

What Type Of Information Do We Collect About You? We collect a variety of categories of information about you. To learn more about the categories of information we collect, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Collect Your Information? We collect your information: (1) directly from you; (2) automatically when you interact with us; and (3) from third parties, including business parties and affiliates.

How Do We Use Your Information? We may use your information in a variety of ways, including but not limited to providing the services you have requested, fulfilling your transactions, comply with relevant laws and our policies, and handling a claim. To learn more about how we may use your information, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Share Your Information? We do not sell your personal information. We only share your information, including to subsidiaries, affiliates, and to unaffiliated third parties: (1) with your consent; (2) in a business transfer; (3) to service providers; and (4) for legal process and protection. To learn more about how we share your information, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Store and Protect Your Information? The security of your information is important to us. That is why we take commercially reasonable steps to make sure your information is protected. We use our best efforts to maintain commercially reasonable technical, organizational, and physical safeguards, consistent with applicable law, to protect your information.

How Long Do We Keep Your Information? We keep your information for as long as necessary in accordance with the purpose for which it was collected, our business needs, and our legal and regulatory obligations.

Your Choices We provide you the ability to exercise certain controls and choices regarding our collection, use, storage, and sharing of your information. You can learn more about your choices by visiting <https://www.firstam.com/privacy-policy/>.

International Jurisdictions: Our Products are offered in the United States of America (US), and are subject to US federal, state, and local law. If you are accessing the Products from another country, please be advised that you may be transferring your information to us in the US, and you consent to that transfer and use of your information in accordance with this Privacy Notice. You also agree to abide by the applicable laws of applicable US federal, state, and local laws concerning your use of the Products, and your agreements with us.

We may change this Privacy Notice from time to time. Any and all changes to this Privacy Notice will be reflected on this page, and where appropriate provided in person or by another electronic method. **YOUR CONTINUED USE, ACCESS, OR INTERACTION WITH OUR PRODUCTS OR YOUR CONTINUED COMMUNICATIONS WITH US AFTER THIS NOTICE HAS BEEN PROVIDED TO YOU WILL REPRESENT THAT YOU HAVE READ AND UNDERSTOOD THIS PRIVACY NOTICE.**

Contact Us dataprivacy@firstam.com or toll free at 1-866-718-0097.



For California Residents

If you are a California resident, you may have certain rights under California law, including but not limited to the California Consumer Privacy Act of 2018 ("CCPA"). All phrases used in this section shall have the same meaning as those phrases are used under California law, including the CCPA.

Right to Know. You have a right to request that we disclose the following information to you: (1) the categories of personal information we have collected about or from you; (2) the categories of sources from which the personal information was collected; (3) the business or commercial purpose for such collection and/or disclosure; (4) the categories of third parties with whom we have shared your personal information; and (5) the specific pieces of your personal information we have collected. To submit a verified request for this information, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097

Right of Deletion. You also have a right to request that we delete the personal information we have collected from and about you. This right is subject to certain exceptions available under the CCPA and other applicable law. To submit a verified request for deletion, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097.

Verification Process. For either a request to know or delete, we will verify your identity before responding to your request. To verify your identity, we will generally match the identifying information provided in your request with the information we have on file about you. Depending on the sensitivity of the information requested, we may also utilize more stringent verification methods to verify your identity, including but not limited to requesting additional information from you and/or requiring you to sign a declaration under penalty of perjury.

Notice of Sale. We do not sell California resident information, nor have we sold California resident information in the past 12 months. To the extent any First American affiliated entity has a different practice, it will be stated in the applicable privacy policy. We have no actual knowledge of selling the information of minors under the age of 16.

Right of Non-Discrimination. You have a right to exercise your rights under California law, including under the CCPA, without suffering discrimination. Accordingly, First American will not discriminate against you in any way if you choose to exercise your rights under the CCPA.

Notice of Collection. To learn more about the categories of personal information we have collected about California residents over the last 12 months, please see "What Information Do We Collect About You" in <https://www.firstam.com/privacy-policy>. To learn about the sources from which we have collected that information, the business and commercial purpose for its collection, and the categories of third parties with whom we have shared that information, please see "How Do We Collect Your Information", "How Do We Use Your Information", and "How Do We Share Your Information" in <https://www.firstam.com/privacy-policy>.

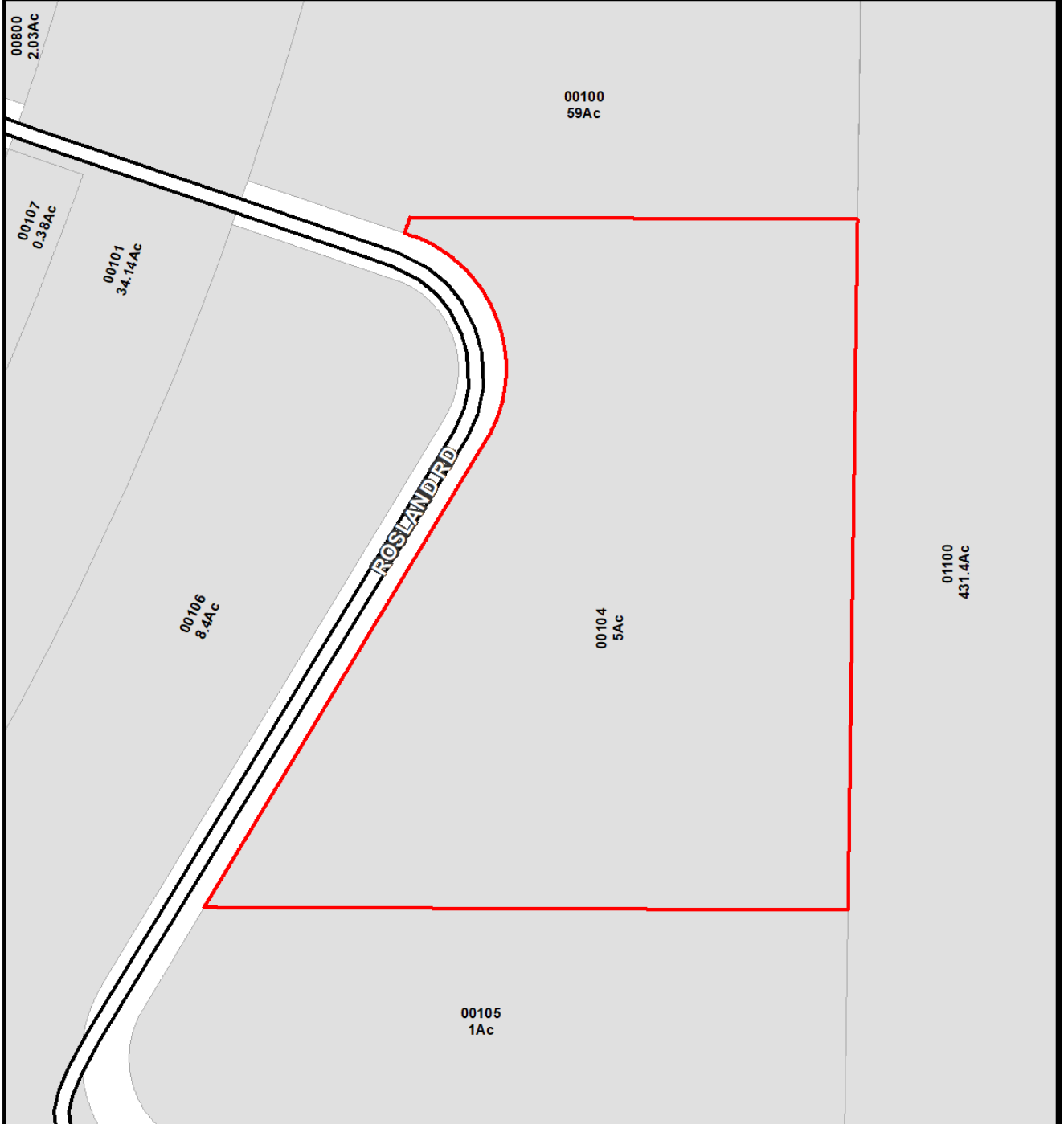
Notice of Sale. We have not sold the personal information of California residents in the past 12 months.

Notice of Disclosure. To learn more about the categories of personal information we may have disclosed about California residents in the past 12 months, please see "How Do We Use Your Information" and "How Do We Share Your Information" in <https://www.firstam.com/privacy-policy>.



First American Title

211036 00 00104
17160 Rosland Rd
La Pine, OR 97739



Taxlot



Subject



Taxlot

10/21/2022

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