



FINDINGS AND DECISION

- DECISION DATE:** March 13, 2025
- FILE NUMBER:** 12SPR-24/02CU-24
- APPLICANT:** Barghausen Consulting Engineers
18215 72nd Avenue South
Kent, WA 98032
- OWNER:** Martin Cuneo
2890 NE Rainier Dr
Bend, OR 97701
- LOCATION:** The subject property is located at 52390 Huntington Road, La Pine, Oregon 97739. The Tax Lot number is 500 on Deschutes County Assessor's Map 22-10-02AB.
- REQUEST:** The applicant is requesting Site Plan Review to construct a new gas station with one 3,728 fuel canopy and 7 fuel dispensers, a 4,238 square foot convenience store, and a 1,000 square foot quick service restaurant.
- STAFF CONTACT:** Brent Bybee, Community Development Director
Email: bbybee@lapineoregon.gov
Phone: (541) 668-1135
- DECISION:** Approved, subject to the conditions of approval identified below

I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA

PART III, CITY OF LA PINE DEVELOPMENT CODE

ARTICLE 3 - ZONING DISTRICTS

CHAPTER 15.22 – COMMERCIAL AND MIXED-USE ZONES

ARTICLE 5 - DEVELOPMENT STANDARDS

CHAPTER 15.80 – DEVELOPMENT STANDARDS, GENERALLY

CHAPTER 15.82. - LANDSCAPING, BUFFERING AND FENCES

CHAPTER 15.86. - PARKING AND LOADING

CHAPTER 15.88. - ACCESS AND CIRCULATION

CHAPTER 15.90. - PUBLIC FACILITIES

CHAPTER 15.94. - IMPROVEMENT PROCEDURES AND GUARANTEES

ARTICLE 7 - PROCEDURES

CHAPTER 15.202. - SUMMARY OF APPLICATION TYPES AND GENERAL PROVISIONS

CHAPTER 15.204. - APPLICATION PROCEDURES

ARTICLE 8 - APPLICATIONS AND REVIEWS

CHAPTER 15.312. - SITE PLAN REVIEW

II. BASIC FINDINGS

ZONING: The subject property is zoned Commercial Mixed Use (CMX).

PARCEL SIZE: The subject property is 2.02-acres in size.

LOT LEGALITY: The subject property was created by a Lot Line Adjustment, LL 12-036, completed on May 9, 2013, and on file with the Deschutes County Surveyors office CS# 18521.

REVIEW PERIOD: The subject application was submitted on November 14, 2024, and deemed complete by the Planning Division December 14, 2024. The 120th day on which the City must take final action on this application is April 13, 2025.

EXISTING DEVELOPMENT: The subject property is currently developed with a dwelling and accessory structures.

SURROUNDING LAND USES: Surrounding properties to the north, west, and south are zoned Mixed-Use Commercial. The property to the north is vacant, the property to the west is commercially developed with a pre-school and daycare center, and the property to the south contains a dwelling and accessory structures. The property to the east is zoned Residential Single Family and is developed with dwellings and accessory structures.

UTILITIES: The subject property has the following utility connections and service providers:

- Water: City of La Pine
- Sewer: City of La Pine
- Fire: La Pine Rural Fire Protection District
- Road Access: Deschutes County Road Department
- Sidewalks: City of La Pine

PERMIT HISTORY:

- LL 12-036 | Lot Line Adjustment

III. AGENCY AND PUBLIC COMMENTS

PUBLIC AGENCY COMMENTS: The La Pine Community Development Department sent mailed and electronic notice on December 17, 2024, to several public agencies and received the following comments:

City of La Pine Engineering, Anderson Perry

General

- Show an Americans with Disabilities Act (ADA) parking sign for the ADA parking space shown on the Site Plan.
- Show ADA compliance for accessible paths on the Site Plan.
- The traffic impact analysis recommends the Burgess Road access be restricted to right-in and right-out movements; show signage and a splitter island for this driveway access.

Street

- Provide a design for culverts, drain infiltration swales, asphalt driveways, and asphalt path improvements in public right-of-way meeting the requirements of the Design Standards, II. Design Parameters, and III. Drawings.

Stormwater

- Provide a design and calculations meeting the requirements of the Design Standards, II. Design Parameters, B. Stormwater for roadway improvements and site development. The stormwater runoff from the site must be retained on site.
- Stormwater from the concrete fuel slab proposed under the canopy catch basin and the canopy oil/water separator shall be conveyed to the proposed infiltration swale and not to the City sanitary sewer system.

Sewer

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

Water

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

STAFF COMMENT: To ensure compliance with the City Engineers' comments, the following conditions of approval have been added. Conditions related to his reference towards the Burgess Road access are addressed in comments received from the Deschutes County Road Department Below.

ADA Compliance: **Prior to building permits**, the applicant must submit a revised site plan showing an Americans with Disabilities Act (ADA) parking sign for the ADA parking space and ADA accessible paths.

Public Improvement Plans: **Prior to building permits**, the applicant shall provide a design for culverts, drain infiltration swales, asphalt driveways, and asphalt path improvements in public right-of-way meeting the requirements of the Design Standards, II. Design Parameters, and III. Drawings. Plans shall be reviewed and approved by the city.

Stormwater Design: **Prior to building permits**, the applicant must provide a design and calculations meeting the requirements of the Design Standards, II. Design Parameters, B. Stormwater, for roadway improvements and site development. The stormwater runoff from the site must be retained on site. Storm drains are not allowed to be connected to the sanitary sewer system. The stormwater runoff collected from under the fuel station canopy must be directed from the catch basins to the oil/water separator and then to the infiltration swale.

Septic System Abandonment: **Prior to building permits**, the applicant shall abandon the existing septic tank effluent gravity system and unused effluent line.

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

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

Water Line Abandonment: **Prior to building permits**, the applicant shall show abandonment of any unused water service lines on the site plan.

Fire Hydrants: **Prior to building permits**, the applicant shall coordinate with the La Pine Rural Fire District to verify if any additional fire hydrants are required for the redevelopment of the site, and identify them on the site plan.

Deschutes County Road Department, Quinn Shubert 3/3/2025

Regarding the Huntington Rd access, the proposed location is generally suitable; however, full turning movements at this location require revisions to the existing roadway traffic marking layout on the adjacent section of Huntington Rd. The access is currently proposed within the approach taper of the Huntington Rd left-turn lane, which is undesirable. Additionally, the ADT on Huntington Rd, in conjunction with proximity to the intersection, and the estimated trip generation from the development, supports the need for a dedicated left-turn lane serving the proposed gas station approach. The roadway layout must be revised to safely accommodate both the unrestricted turning movement at the proposed access and the necessary left-turn lane on Huntington Rd.

Regarding the proposed approach on Burgess Rd, there are more significant issues. Burgess Rd is classified as an arterial in both the Deschutes County and City of La Pine Transportation System Plans. The available frontage on the subject property is insufficient to meet either jurisdiction's access spacing standards. As a result, this approach should be restricted to right-in, right-out movements to minimize impacts to the adjacent intersection. To ensure compliance with this restriction, a concrete median or raised curb should be installed on Burgess Rd to physically prevent left-turn movements. While a "pork chop" island could be considered, it must be adequately sized to be effective. However, a properly designed pork chop island would extend the right-in portion of the approach too close to the intersection, making this potential solution only suitable for right-out turning movements.

This access constraints were discussed in detail at our pre-application meeting last summer, however, perhaps enough time has elapsed and enough new staff has entered the fray that it may be helpful to meet again and discuss the access constraints of this particular site.

STAFF COMMENT: Following up on Shubert's email, staff contacted him by phone to discuss his comments. Staff requested that the department provide recommended conditions of approval to ensure the development is in compliance with all jurisdictional standards. Those conditions are discussed below in additional comments received from Shubert.

Deschutes County Road Department, Quinn Shubert 3/7/2025

Following-up on our phone call, please review the Deschutes County requested conditions of approval for the above-referenced application. While some of these conditions likely overlap with those you have already drafted, I wanted to provide a comprehensive list of all considerations within the County Road Right-of-Way for this development.

1. Huntington Left-Turn Lane
Per the recommendation in the applicants submitted TIA the applicant shall construct a dedicated left turn lane on Huntington Rd at the proposed approach to mitigate traffic impacts associated with the

development. The applicant is responsible for any necessary road widening to meet Deschutes County Road Standards and City of La Pine Standards.

2. Burgess Approach Turning Movement Restrictions

Due to intersection conflicts, the proposed Burgess Rd approach shall be limited to right-in, right-out movements through the installation of either:

- a. A concrete median or raised median curb on Burgess Rd to physically prevent left-turn movements, or
- b. A channelized right-out only exit, designed to geometrically restrict the approach to right-out turn movements.

The applicant shall be responsible for any necessary road widening to meet Deschutes County Road Standards and City of La Pine Standards to accommodate the selected access control measure.

3. Frontage Improvements

The applicant shall provide sidewalk and pedestrian infrastructure improvements in compliance with current Public Right-of Way Accessibility Guidelines (PROWAG) and City of La Pine and Deschutes County Road Standards. All new pedestrian facilities shall be designed and constructed to properly interface with the existing pedestrian push buttons at the southeast corner of Huntington Rd and Burgess Rd in accordance with PROWAG. Drainage improvement for Huntington and Burgess road shall be provided in accordance with City of La Pine and Deschutes County Road Standards and the current Central Oregon Stormwater Manual(COSM).

4. Improvement Plan Submittal & Approval

Prior to issuance of permits, the applicant shall submit detailed engineering plans stamped by registered professional engineer in the State of Oregon for the road improvements. Plans must be reviewed and approved by the Deschutes County Road Department and the City of La Pine before construction.

5. Design Standards

Any road improvements shall be designed in accordance with Deschutes County Road Department roadway design standards, including required taper lengths, storage lengths, and appropriate striping per the ASSHTO Geometric Design of Highways and Streets. All pavement markings and signage associated with the road improvements shall comply with the Manual for Uniform Traffic Control(MUTCD) standards.

6. Construction

The applicant shall provide all necessary traffic control measures during construction on Huntington Rd in compliance with the MUTCD or Oregon Temporary Traffic Control Handbook(OTTCH). All construction activities performed within the County Road Right-of-Way shall be in accordance with the Oregon Standards for Construction. The applicant shall coordinate with the Deschutes County Road Department and the City of La Pine for a final inspection to verify compliance with the approved plans.

7. Financial Responsibility

All costs associated with the design, permitting, and construction of the required road improvements lane shall be the responsibility of the applicant/developer. The applicant shall provide a performance guarantee or bond to ensure completion of the road improvements to the city of La Pine.

STAFF COMMENT: To ensure compliance with the road authority comments, the following conditions of approval have been added.

Huntington Left-Turn Lane: **Prior to occupancy**, the applicant shall construct a dedicated left turn lane on Huntington Rd at the proposed approach to mitigate traffic impacts associated with the development. The applicant is responsible for any necessary road widening to meet Deschutes County Road Standards and City of La Pine Standards for arterials within the La Pine TSP.

Burgess Approach Turning Movement Restrictions: **Prior to occupancy**, the proposed Burgess Rd approach shall be limited to right-in, right-out movements through the installation of either:

- a. A concrete median or raised median curb on Burgess Rd to physically prevent left-turn movements into or out of the subject property, or
- b. A channelized right-out only exit, designed to geometrically restrict the approach to right-out turn movements.

The applicant shall be responsible for any necessary road widening to meet Deschutes County Road Standards and City of La Pine Standards to accommodate the selected access control measure, and to match the arterial requirements within the La Pine TSP.

Frontage Improvements: **Prior to occupancy**, the applicant shall provide sidewalk and pedestrian infrastructure improvements in compliance with current Public Right-of Way Accessibility Guidelines (PROWAG) and City of La Pine and Deschutes County Road Standards. All new pedestrian facilities shall be designed and constructed to properly interface with the existing pedestrian push buttons at the southeast corner of Huntington Rd and Burgess Rd in accordance with PROWAG. Drainage improvement for Huntington and Burgess road shall be provided in accordance with City of La Pine and Deschutes County Road Standards and the current Central Oregon Stormwater Manual (COSM).

Improvement Plan Submittal & Approval: **Prior to building permits**, the applicant shall submit detailed engineering plans stamped by registered professional engineer in the State of Oregon for all proposed and conditioned improvements. A pre-construction meeting will be held between the applicant, Deschutes County Road Department, and the City of La Pine. Plans must be reviewed and approved by the Deschutes County Road Department and the City of La Pine before construction.

Design Standards: **Prior to building permits**, any road improvements shall be designed in accordance with Deschutes County Road Department roadway design standards, including required taper lengths, storage lengths, and appropriate striping per the ASSHTO Geometric Design of Highways and Streets. All pavement markings and signage associated with the road improvements shall comply with the Manual for Uniform Traffic Control(MUTCD) standards.

Construction: **Prior to occupancy**, the applicant shall provide all necessary traffic control measures during construction on Huntington Road in compliance with the MUTCD or Oregon Temporary Traffic Control Handbook(OTTCH). All construction activities performed within the County Road Right-of-Way shall be in accordance with the Oregon Standards for Construction. The applicant shall coordinate with the Deschutes County Road Department and the City of La Pine for a final inspection to verify compliance with the approved plans.

Financial Responsibility: **Prior to building permits**, all costs associated with the design, permitting, and construction of the required road improvements shall be the responsibility of the applicant/developer. The applicant shall provide a performance guarantee or bond to ensure completion of the road improvements to the City of La Pine.

Deputy State Fire Marshal, Clara Butler

WATER:

- **Water Supply – 2022 OFC Appendix B / Fire Hydrant Spacing – 2022 OFC Section 507 and Appendix C**
 - Type VB construction at 5,238 square feet = 2,000 gpm = minimum of 2 hydrant(s) required with not more than 450 feet spacing between them and not more than 225 feet to a hydrant from any point on the street.

- **Fire Flow Reductions – 2022 OFC B105.3** The total required fire flow may be reduced by the following section, but in no case shall the resulting fire flow be less than 1500 gallons per minute at 20 psi residual.
 - **Sprinkler System – 2022 OFC B Table 105.2** A reduction in required fire flow of up to 75 %, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 (NFPA 13 2019) or 903.3.1.2 (NFPA 13R) of the OFC.

- **Fire Hydrant – 2022 OFC 507.5.1**
 - Where a portion of the building is more than 400 ft from a hydrant on a fire apparatus access road as measured by an approved route around the exterior of the building, on-site hydrants and mains shall be provided where required. ☒ Exception: For buildings equipped throughout with an approved automatic sprinkler system, the distance requirement shall be 600 ft.

- **Area Separation – 2022 OFC B104.2**
 - Portions of buildings which are separated by fire walls without openings constructed in accordance with the International Building Code are allowed to be considered as separate fire flow calculation areas.

- **Obstruction & Protection of Fire Hydrants – 2022 OFC 507.5.4 – 507.5.6**
 - A 3 foot clear space shall be maintained around the circumference of fire hydrant. When exposed to vehicular damage, concrete curbing, sidewalks, or 4 inch concrete filled bollards placed 3 feet from hydrant shall suitably protect fire hydrants.

- **Fire Safety during Construction – 2022 OFC 501.4**
 - Approved fire department access roads, required water supply, fire hydrants, and safety precautions shall be installed and serviceable prior to and during the time of construction. The requirements of NFPA 241 (2019) shall be followed until project is complete.

- **Fire Sprinkler Systems** shall be installed per NFPA 13 (2019)
 - Separate permits will be required for the aboveground sprinkler system and the underground sprinkler supply line(s).
 - If there are greater than 20 sprinkler heads, the system is required to have a fire alarm monitoring system. All fire alarm systems require a FA permit.
 - 2022 OFC 912 Fire Department Connections: The location of fire department connections shall be approved by fire code official. The FDC/PIV shall not be under any combustible projections or overhangs.
 - NFPA 14 (2019)– 6.4.5.4 Fire department connections shall be located not more than 100 ft from the nearest fire hydrant connected to an approved water supply.
 - NOTE – If the building is sprinklered, the sprinkler system will need to be designed to the specific use that will be occurring in the building. If the sprinkler system is not designed appropriately it will limit the types of businesses that can occupy the space. This also includes the height of storage in the building. In order to have high piled storage (greater than 12 ft), the sprinkler system shall be designed accordingly.

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

ACCESS:

- **Premises Identification – 2022 OFC 505.1**
 - Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background and visible at night. Number/letter shall be a minimum of 4” high and a 0.5” stroke width.
- **Required Access – 2022 OFC 504.1**
 - Exterior doors and openings shall be made readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided.
- **Fire Apparatus Access Roads – 2022 OFC 503 & Appendix D**
 - Fire apparatus access roads shall extend to within 150 ft of all portions of the building as measured by an approved route around the exterior of the building.
 - Fire apparatus access roads shall have an unobstructed width of **not less than 20 feet** and an unobstructed vertical clearance of not less than 13 feet 6 inches.
 - Fire apparatus roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide **all-weather driving** capabilities.
 - The required **turning radius** shall be no less than 18’ inside and 38’ outside. The **grade** of the fire apparatus access roads shall be within the limits established by the fire code official.
 - The angles of approach and departure for fire apparatus access roads shall be within the limits established by the *fire code official* based on the fire department’s apparatus.
- **Authority – 2022 OFC 503.2.2**
 - The fire code official shall have the authority to modify the dimensions specified in 503.2.1.
- **Fire Apparatus Access Roads-2022 OFC 503.1**
 - Fire apparatus access roads shall be provided and maintained at all times during construction.
- **Fire Lanes – 2022 OFC 503.3 & D103.6**
 - Approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Such signs or notices shall be kept in legible conditions at all times. The stroke shall be 1 inch with letters 6 inches high and read **“No Parking Fire Lane”**. Spacing for signage shall be every 50 feet.
 - Recommended to also (in addition to Fire lane signs) paint fire lane curbs in bright red paint with white letters.
 - **D103.6.1 Roads 20-26 Ft. Wide:** Shall have Fire Lane signs posted on both sides of a fire lane.
 - **D103.6.2 Roads more than 26-32 Ft. Wide:** Roads 26-32 ft wide shall have a Fire Lane signs posted on one side of the road as a fire lane.
- **Key Boxes – 2022 OFC 506.1**
 - An approved key box **may** be installed on all structures equipped with a fire alarm system and /or sprinkler system.

- **Other fire code requirements to consider when designing-**

- **2022 OFC 304.3.3 Capacity exceeding 1.5 cubic yards.** Dumpsters and containers with an individual capacity of 1.5 cubic yards [40.5 cubic feet (1.15 m³)] or more shall not be stored in buildings or placed within 5 feet (1524 mm) of combustible walls, openings or combustible roof eave lines.

Exceptions:

1. Dumpsters or containers that are placed inside buildings in areas protected by an *approved automatic sprinkler system* installed throughout in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Storage in a structure shall not be prohibited where the structure is of Type I or IIA construction, located not less than 10 feet (3048 mm) from other buildings and used exclusively for dumpster or container storage.
3. Dumpsters or containers that are located adjacent to buildings where the exterior area is protected by an approved automatic sprinkler system.

- **2022 OFC 304.3.4 Capacity of 1 cubic yard or more.** Dumpsters with an individual capacity of 1.0 cubic yard [200 gallons (0.76 m³)] or more shall not be stored in buildings or placed within 5 feet (1524 mm) of combustible walls, openings or combustible roof eave lines unless the dumpsters are constructed of noncombustible materials or of combustible materials with a peak rate of heat release not exceeding 300 kW/m² where tested in accordance with ASTM E1354 at an incident heat flux of 50 kW/m² in the horizontal orientation.

Exceptions:

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

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

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

City of La Pine Engineering, Anderson Perry

When we reviewed the site plan for the proposed ARCO located at the intersection of Huntington and Burgess Roads, the property-tight 10-foot asphalt pathway shown on the site plan seemed appropriate given the rural nature of the roadways. We have seen separated combined pedestrian/bike pathways for other jurisdictions that desired additional safety by separating bike riders and pedestrians from vehicular traffic on higher speed roadways. Hard core cyclists will tend to use the bike lanes on the roads, whereas casual riders will most likely ride their bikes on the separated path to the convenience store. Drainage swales along the roadways also have lower maintenance than the catch basins and drywells that would go in with sidewalk improvements.

We assumed the developer’s design engineer had talked to City regarding the proposed asphalt pathway since there is a callout on the site plan that states, “Proposed 10’ Asphalt Path per City of La Pine Standards”. Since it is our understanding that the City of La Pine does not currently have a rural arterial standard with separated asphalt paths in the TSP, we recommend the City use the term “interim improvements” for the asphalt pathway

shown on plans and require the developer to sign a non-remonstrance agreement for a future local improvement district (LID) to improve Huntington Road and Burgess Road.

STAFF COMMENT: Staff appreciates the additional clarification from the City Engineer with regard to the proposed asphalt sidewalks. Staff has conditioned additional standards towards the development to ensure the improvement widths identified within the La Pine TSP for arterials is addressed.

The following agencies did not respond to the notice: La Pine Public Works, La Pine Fire Department, Deschutes Building Department, Deschutes Address Coordinator.

PUBLIC COMMENTS: The La Pine Community Development Department mailed notice of the application to all property owners within 100 feet of the subject property on December 18, 2024. The following public comments were received.

Brian Earls

To Whom it May,

I am writing on the development of the 52390 Huntington Rd that is proposing a fueling station at that corner. I have read the traffic study and I am under the opinion it does not go far enough to address how they plan to mitigate traffic at an intersection that will only become more congested with time.

I believe this location over time will become a major bottle neck and perhaps even hazardous to local drivers who depend on this as a major route to travel to highway 97 and even heading north on Huntington Rd towards Sunriver. At the very least a several righthand turns should be developed and extra space for reserve in case we need this artery to be enlarged to a potential two lanes heading north as we see growth in Lapine. And I firmly believe any left hand turn into this property should not be allowed as it is clearly a safety issue.

Not all development is wise development. I understand that people have the right to develop property as the see fit when it fully meets the used with the zoning. But in this case the property was zoned as mixed used but has always been residential use, but was switched to mixed commercial during the inception of the city.

Also, I am concerned for safety of pedestrians in their attempt to walk to this as there is no sidewalks or even a plan to provide this for the Cagle neighborhood who will then have people walking in what is the bike lane.

Thanks for hearing my concerns.

STAFF COMMENT: Earls comments address that the TIA is insufficient; several righthand turns should be developed and extra right of way dedicated for future expansion; any left hand turn into the property should not be allowed; the property has been utilized as residential, and was switched to commercial mixed use zoning when the city incorporated; and a lack of neighboring sidewalks leading up to the development presents a safety hazard.

TIA: The TIA was submitted in conformance with the requirements of the code, and ORS statute. It has been reviewed by the City Engineer, and the Deschutes County Road Department for conformance, and no concerns were raised by either authority.

Right Hand Turns/Additional Right of Way: The City Engineer and County Road Department both linked to the recommendations within the applicants submitted TIA, and provided recommended conditions of approval towards access to and from the development. See those comments for further information. Right of way widths are addressed within the County and City Transportation System Plans. Right of way is addressed through conditions of

approval requiring conformance with the arterial road design standards outlined in the La Pine TSP. Additional right of way cannot be required outside of what the design standards for roads within the city already requires.

Residential Use/Mixed Use Zoning: Earls is correct, the property has been utilized for residential purposes with a dwelling placed on the property, and the Mixed-Use Commercial Zoning went into effect when the city incorporated. Although the use on the property has historically been residential, historical use does not ultimately restrict other reviewable uses listed within the underlying zoning, LPDC Sec. 15.22.300.

Sidewalks: Sidewalks shall be required through the request for the subject property. The decision, however, cannot require public improvements on neighboring properties where development has not been proposed.

Staff thanks Earls for his comments on the application, with some of his concerns being addressed within the conditions of approval recommended by the road authority.

IV. FINDINGS OF FACT

PART III, CITY OF LA PINE DEVELOPMENT CODE

ARTICLE 3 - ZONING DISTRICTS

CHAPTER 15.22 – COMMERCIAL AND MIXED-USE ZONES

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

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

- A. Traditional Commercial Zone (C). The C zone allows the widest range of commercial uses and limits residential uses in order to preserve land for commercial needs and maintain compatibility between adjacent uses. A portion of the C zone is located in the Downtown La Pine Overlay Zone. The overlay zone restricts some uses and establishes additional design standards to facilitate the development of a pedestrian-oriented downtown area.*
- B. Commercial/Residential Mixed Use Zone (CRMX). The CRMX zone is intended primarily as a smaller scale, service and office commercial district, with associated residential that may consist of upper level units. A live-work design concept within the mixed-use district serves as a buffer between the C zone and residential zones. Commercial uses are allowed in the zone but are limited in order to facilitate a mixed-use development pattern.*
- C. Commercial Mixed-Use Zone (CMX). The CMX zone is intended to allow for a wide range of both commercial and residential uses. Unlike the CRMX zone, residential uses are not limited and are allowed to be developed on standalone sites. Some commercial uses that may not be compatible with residential uses are prohibited or limited. The CMX zone allows for flexible uses that can respond to market demand.*

- D. *Neighborhood Commercial Zone (CN). The CN zone allows commercial uses that are intended to serve neighboring residential neighborhoods and are generally compatible with residential uses.*

FINDING: The subject property is located Within the Commercial Mixed-Use Zone (CMX). The applicable criteria within that zoning are addressed herein.

Sec. 15.22.300. - Use regulations.

Uses may be designated as permitted, limited, conditional, or prohibited in the commercial and mixed-use zones. As noted in Table 15.22-1, a use may also be subject to special use standards of article 6.

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

7. *Parks and open areas in the CN zone. Cemeteries require a conditional use permit in the CN zone. All other parks and open areas uses permitted outright.*

C. *Conditional uses (CU). Uses which are allowed if approved through the conditional use review process are listed in Table 15.22-1 with a "CU." These uses are allowed, provided they comply with the conditional use requirements of chapter 15.316, conditional uses. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote.*

D. *Prohibited uses (N). Uses listed in Table 15.22-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of chapter 15.08, non-conforming uses and structures.*

FINDING: The proposal is for a new gas station with one 3,728 fuel canopy and 7 fuel dispensers, a 4,238 square foot convenience store, and a 1,000 square foot quick service restaurant. Eating and drinking establishments are a permitted use within the zone. The type of proposed retail sales and service with the convenience store is permitted as well. The proposed quick vehicle servicing aspect of the proposal, however, is identified as a conditional use. The proposal is being reviewed in accordance with the applicable site plan review criteria and applicable conditional use criteria.

Sec. 15.22.400. - Development Standards

A. *Purpose. The development standards for commercial and mixed-use zones allow development flexibility, within parameters, that supports the intended characteristics of the specific zone. In addition, the regulations provide guidance to property owners, developers, and neighbors about the limits of what is allowed.*

B. *Development standards. The development standards for commercial and mixed-use zones are presented in Table 15.22-2. Development standards may be modified as provided by chapter 15.320, variances. Additional standards may apply to specific zones or uses, see section 15.22.500.*

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

FINDING: Staff addresses each development standard below

Minimum Lot Width

The applicant's proposal does not include a new or altered lot width; therefore, this development standard is not applicable

Front or Street Side Yard Setback

The applicant has two street yard setbacks off Huntington Road and Burgess Road, which requires a 20 foot setback. Based on the applicant's proposal the closest structure will be set over 60 feet away from the lot line along Burgess Road, and 49 feet away from the lot line along Huntington Road. This development standard is met.

Side Yard Setback

The Mixed-Use Commercial zone has a minimum 10 foot standard for side yard setbacks. The applicant proposes a building that is 10 feet away from the east side lot line. This development standard is met.

Rear Yard Setback

The Mixed-Use Commercial zone has a minimum 10 foot standard for rear yard setbacks. The applicant proposes a building that is 96 feet away from the rear lot line. This development standard is met.

Maximum Building Height

The Mixed-Use Commercial zone has a maximum building height of 45 feet. The applicants proposed structures (gas station canopy and convenience store) will be no taller than 28 feet. This development standard is met.

Maximum Lot Coverage

The Mixed-Use Commercial zone has a maximum coverage of 60%. The subject property is 87,914 square feet and the applicant proposes a 9,096 square feet of structures (10%). This development standard is met.

Minimum Landscaped Area

Compliance with the landscaping requirements of LPDC Chapter 15.82 are reviewed herein. This development standard will be met.

Minimum and Maximum Density

The applicant's proposal does not include a mixed use development, therefore this development standard is not applicable.

Based on staff review, the applicant's proposal complies with the development standards of LPDC Table 15.22-2. This criterion is met.

Section 15.22.500, Additional Standards

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

FINDING: The subject property fronts on both Huntington Rd (west) and Burgess Road (north), and access is

proposed on both roads. Adjacent properties to the north and west are zoned Mixed-Use Commercial, with both properties being identified as predominantly commercial. Criteria does not apply.

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

FINDING: Based on the applicant's submitted site plan, any portion of the lot that is not developed for commercial use or public improvements will be landscaped. This criterion is met.

- C. Screening requirements.*

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

FINDING: The applicant proposes a new gas station which is considered a drive in use. The above criterion does not require those uses to take place inside an enclosed building; therefore, this criterion is not applicable.

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

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

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

FINDING: The applicant's burden of proof did not indicate there would be outdoor display of merchandise. However, to ensure compliance the following condition of approval has been added.

Outdoor Merchandise Display: **At all times**, the outdoor display of merchandise for sale must be located behind building setback lines.

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

FINDING: In addressing the criteria above, staff relied upon the Deschutes County Road Department for comments on the proposal since Huntington Road and Burgess Road are both under County jurisdiction. The County initially

raised concerns regarding the proximity of the access points on the subject property to the intersection at Burgess and Huntington. Additional mitigative measures in the form of conditions of approval have been proposed by the road authority to mitigate access spacing to allow for the safe movement of traffic in or out of the entrances. Most of the mitigative measures were provided by the applicant within their submitted TIA for review, with additional conditions recommended by the road authority to ensure compliance. Staff is relying upon the expertise of the Deschutes County Road Department to review the request, and additional information is not required at this time. Additional access and circulation standards are addressed in Article 5 further on in this report. Criteria met.

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

FINDING: The applicant's proposal is not expected to emit any noxious, toxic, or corrosive fumes. This criterion is met.

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

FINDING: The applicant's proposed use is not expected to generate any noise from mechanical equipment; therefore, this criterion is not applicable.

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

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

Exterior Lighting: **At all times**, all exterior lighting shall be hooded and shielded, pointing downward, so as not to shine onto or create a nuisance for adjacent properties.

ARTICLE 5 - DEVELOPMENT STANDARDS

CHAPTER 15.82. - LANDSCAPING, BUFFERING AND FENCES

Sec. 15.82.010. - Landscaping and buffering requirements.

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

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

B. Area required. Except as approved otherwise by the city, the following minimum percent of a parcel area shall be landscaped for the following uses:

1. Duplexes and triplexes: 25 percent.

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

FINDING: The applicant proposes to commercially develop the property which requires a 15% landscaping standard. The subject property is 87,914 square feet in size and the applicant proposes to landscape 43,099 square feet (43%). This criterion is met.

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

FINDING: The applicant proposes to landscape with native plants and grasses for more than 50% of the 43,099 square feet of landscaped area, and the rest as hardscaping including rock and bark. This criterion is met.

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

FINDING: The submitted site plan and landscape plan indicates that a number of trees on the property will be retained consistent with building placement. Criteria met.

- E. *Parking lots. Parking lots with space for ten or more vehicles must be landscaped in accordance with the following minimum requirements:*
 1. *In commercial and residential developments, parking areas shall be divided into bays, and between or at the end of each parking bay a curbed planter containing at least 16 square feet may be required.*
 2. *If required, each planter shall contain at least one tree or shrub and ground cover.*
 3. *The areas shall be designed to be protected from being damaged by vehicles using the parking area.*
 4. *Unless sidewalks are provided adjacent to a structure, customer or resident parking areas should be separated from the exterior wall of a commercial or residential structure by a minimum five-foot strip of landscaping.*

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

FINDING: The applicant's proposal includes two parking bays that have curbed planters of at least 16 square feet on either end. This criterion is met.

F. Buffering and screening.

1. *Purpose. The purpose of buffering and screening requirements are to reduce the impacts of a proposed use on adjacent uses and zones which provide for different types of uses. The city may waive or reduce the requirements where existing topography or vegetation is appropriate or otherwise negates the effectiveness or intended purpose or benefits of the buffering and screening.*
2. *Where any permitted principal and/or accessory use in a commercial or industrial zone abuts any land zoned RSF, RMF, RMP or TA the following buffer and screening shall be required. These requirements shall apply in instances where such use is being newly developed on vacant land, expanded in floor area by 50 percent or greater, or removed and a new use developed.*
3. *Within commercial zones. A buffer strip at least ten feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts an RSF, RMF, RMP, or TA zone. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier. The buffer strip shall contain suitable screening, defined as either of the following:*
 - a. *A solid fence or wall, architecturally compatible with existing structures in the area, no less than five feet nor more than eight feet in height; or*
 - b. *A sight-obscuring planting of evergreens, not less than four feet in height at the time of planting and of a variety that will maintain full, dense growth from the ground up to a height of not less than six feet upon maturity, planted at a spacing of the lesser of eight feet or the diameter of a mature specimen of the species being planted.*
 - c. *Areas of the buffer strip not covered with a fence, wall, or screening plantings, shall be planted with appropriate ground cover vegetation, including native species. Xeriscape methods are highly encouraged.*
 - d. *Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the "C" type zone permitted use is located. Installation must be completed prior to issuance of a certificate of use and occupancy by the city. Fences or walls must be maintained in safe and structurally sound condition. Dead or diseased plants shall be removed and replaced in a timely manner. Grass shall be kept neatly mowed.*

FINDING: The subject property is zoned Commercial Mixed Use, and neighboring property to the east is zoned Residential Single Family. Since the proposed new use abuts lands zoned RSF, buffering and screening shall be required. As evidenced by the submitted application materials, a 10 foot buffer is being provided along the eastern boundary of the subject property. A 6 foot solid board fence is being provided along the buffer, as well as evergreen trees and shrubs. Criteria met.

4. *Within industrial zones. A buffer strip at least 30 feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts any RSF, RMF, RMP, or TA zoned land. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier. The buffer shall meet the following standards:*
 - a. *The buffer shall be planted with evergreens capable of obtaining and maintaining a dense growth to a full height and a full canopy diameter of no less than 12 feet. The minimum height at the time of planting shall be six feet. Plants shall be situated in two rows within the buffer strip, each row being located at least ten feet from the edge of the buffer strip. Plants in each row shall be spaced no more than 20 feet center-to-center and the two rows shall be situated in an alternating pattern so that the trees in one row are located centrally between the trees in the other row. Plants shall be allowed to obtain a minimum height of 12 feet and shall not be trimmed below that height thereafter.*
 - b. *Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the industrial use is located. Installation must be completed prior to issuance of a certificate of use and occupancy by the city. Dead or diseased plants shall be removed and replaced in a timely manner. Xeriscape methods and use of native species is highly encouraged.*
 - c. *A property owner may not sell, lease, or otherwise transfer property if such action results in a reduction of a separation distance for a commercial or light manufacturing use below the minimum required in this section. Likewise, a property owner may not remove or alter natural vegetation or landforms serving upon a waiver from the city as buffer and screening for a commercial or light manufacturing use if such action results in the natural buffer and screening being less effective than as required in this and other sections of this Development Code.*

FINDING: The subject property is not within an Industrial zoning, criteria does not apply.

5. *A buffer or screening area may only be occupied by screening utilities and landscaping materials, but the same may be located within the required yard or setback requirements provided vision clearance requirements are complied with.*
6. *In lieu of the foregoing requirements, an applicant may provide for landscaping and screening, including plantings, fences, walls, walks and other features designed to afford the same degree of buffering as the standards above. A plan and specifications for an alternative shall be reviewed and approved by the review authority.*

FINDING: As proposed, the buffer will only be occupied by the fencing and plantings, and as proposed it meets the criteria for buffering. Criteria met.

G. *Plant material installation standards. Except as otherwise approved by the city, the following standards shall apply to plant materials and the installation thereof as provided in accordance with the provisions of this section:*

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

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

Plant material installation standards: **Prior to occupancy**, the following standards shall apply to plant materials and the installation thereof as provided in accordance with the provisions of this section:

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

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

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

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

Sec. 15.82.020. - Fences and walls.

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

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

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

B. Standards.

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

FINDING: The fencing proposed by the applicant is a 6 foot high solid board fence, which meets the above criteria. To ensure compliance, a condition of approval is included stating the following.

Fencing: *At all times*, all fences and walls constructed or maintained on the subject property shall comply with Section 15.82.020 of the Development Code, including but not limited to requirements for materials, maintenance, height, and clear vision areas. The property owner shall ensure no fence, wall, or sign extends into the public right-

of-way and is responsible for verifying property boundaries prior to installation.

CHAPTER 15.86. - PARKING AND LOADING

Sec. 15.86.010. - Applicability.

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

Sec. 15.86.020. - Off-street loading.

- A. *Every commercial and industrial use which requires the receipt or distribution of material or merchandise by trucks with a 40-foot or longer wheelbase at a frequency of one or more vehicles per week shall provide off-street loading spaces in sufficient number to adequately serve the number and frequency of vehicle shipping and receiving projected for the use. The applicant shall provide supporting evidence of the projected shipping and receiving and how the number of spaces to be provided will be adequate.*

FINDING: The applicant's proposal includes a commercial use which requires off street loading. Applicable criteria are addressed herein.

- B. *Where an off-street loading space is required, it shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Each off-street loading space shall not be less than 12 feet wide by 55 feet long unless otherwise approved by the city through site design review.*

FINDING: The applicant's proposed off-street loading space is 17 feet by 75 feet. This criterion is met.

- C. *Off-street loading space(s) shall also have adequate adjacent area for vehicle maneuvering so that vehicles using the space(s) are not required to back-up onto or back-up from a public street or alley to use the space. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.*

FINDING: The applicant's proposed location for off street loading is oriented to allow continuous circulation of the site within impeding access of vision clearance. This criterion is met.

- D. *Exceptions and adjustments. The city, through site design review, may approve a loading area adjacent to or within a street right-of-way where it finds that loading and unloading operations are short in duration (i.e., less than one hour), infrequent, do not obstruct traffic during peak traffic hours, do not interfere with emergency response services, and are acceptable to the applicable roadway authority.*

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

Sec. 15.86.030. - Off-street parking - required.

- A. *Location of off-street loading and parking spaces. Except as otherwise permitted by this Development Code, required off-street loading and parking spaces shall be located on the same lot with the principal use they are intended to serve. In no case shall a required loading space be part of the area used to satisfy the parking requirements and vice versa. Also, in no case shall the required loading or parking space(s) of one use be used to satisfy the loading or parking space requirements of another use.*
- B. *Encroachment or reduction. A required loading or parking space shall not be encroached upon by a structure, storage, or other use, nor shall the number of spaces be reduced without replacement of a commensurate number of spaces in accordance with this section unless a special exception or variance has been approved.*

FINDING: The applicant's proposal does not include a request for an encroachment or reduction to the required parking standards; therefore this criterion is not applicable.

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

FINDING: Staff calculated the amount of required parking following these guidelines. Criteria met.

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

FINDING: The applicant's burden of proof states that all required parking will be available to the proposed customers and employees of the gas station. This criterion is met.

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

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

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

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

FINDING: The applicant's quick vehicle service (gas station) requires 2 parking spaces; the 4,320 square foot convenience store requires 11 parking spaces; and the 1,008 square foot eating and drinking establishment which requires 5 parking spaces. The applicant's site plan indicates there will be 18 parking spaces. This criterion is met.

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

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

FINDING: As stated previously; the applicants proposed use requires a minimum of 18 parking spaces and therefore has a maximum allowance of 36 spaces. The applicant is providing 18 parking spaces. This criterion is met.

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

FINDING: The applicant's proposal does not include a request for an exception or reduction to the off street parking requirements; therefore this criterion is not applicable.

I. *Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and,*

provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. Shared parking requests shall be subject to review and approval through site plan review.

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

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

Table 15.86-2. Parking Stall Dimensions

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

FINDING: The applicants’ proposed parking spaces that are at 90-degree angles, measure 9 feet wide by 19 feet long, and provide 40-foot access aisle for two way traffic. Parking stalls must be 20’ in length. To ensure compliance, a condition of approval is included stating the following.

Parking Stall Length: *Prior to building permits*, the applicant shall submit a revised site plan demonstrating the all proposed parking stalls will be 9 feet wide and 20 feet in length.

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

FINDING: The applicant's proposal does not include any adjustments to the parking area dimensions. This criterion is not applicable.

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

FINDING: Compliance with the ADA requirements will be reviewed during building permit submittal. To ensure compliance, the following condition of approval has been added.

Americans with Disabilities Act: **Prior to building permits**, the applicant shall confirm that the proposed parking meets applicable ADA requirements.

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

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

FINDING: The applicant proposes a new drive-up use. Based on the applicant's submitted site plan the proposed use is oriented to receive access from an internal driveway, is not facing a street corner, is not located within 20 feet of Huntington Rd or Burgess Rd, and is designed so that the vehicle queueing areas will not obstruct any other features. These criteria are met.

Sec. 15.86.050. - Bicycle parking.

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

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

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

- C. *Design. Bicycle parking shall consist of staple-design steel racks or other city-approved racks, lockers, or storage lids providing a safe and secure means of storing a bicycle. At a minimum, bicycle parking facilities shall be consistent with the following design guidelines:*
1. *All bicycle parking shall be within 100 feet from a building entrance and located within a well-lit and clearly visible area;*
 2. *Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility;*
 3. *Each bicycle parking space shall be at least two feet by six feet with a vertical clearance of six feet;*
 4. *An access aisle of at least five feet shall be provided in each bicycle parking facility;*
 5. *Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, i.e., a "rack," upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary). Note: businesses may provide long-term, employee parking by allowing access to a secure room within a building.*
- D. *Hazards. Bicycle parking shall not impede or create a hazard to pedestrians or vehicles, and shall be located so as to not conflict with the vision clearance standards of [section 15.88.040](#).*

FINDING: The applicant’s proposal includes 18 parking spaces which require 4 bicycle parking spaces. The applicant’s proposal did not identify 4 bicycle spaces on the site plan submitted for review. To ensure compliance,

a condition of approval is included stating the following.

Bicycle Parking: **Prior to building permits**, the applicant shall submit a revised site plan demonstrating the placement of 4 bicycle parking spaces, in accordance with the standards of LPDC Sec 15.86.050.

Sec. 15.86.060. - Snow storage areas.

- A. *Purpose. The purpose of these standards is to ensure that adequate space is be provided within a development for storage of snow in winter months in order to accommodate space needed for access, circulation, and off-street parking.*
- B. *Applicability. Snow storage standards apply to all subdivisions and to developments subject to site plan review.*
- C. *Standards.*
 - 1. *Minimum area. Snow storage areas must be designated on a site plan. The areas must total a minimum of 15 percent of the area to be cleared, including all access drives, parking areas, and walkways.*
 - 2. *Location. Snow storage is not permitted on landscaped areas, except where these areas are limited to grass or rock cover. Snow storage may be permitted in parking areas, provided that the site can still accommodate enough parking spaces to meet minimum off-street parking requirements in winter months. Parking spaces that are located in snow storage areas do not count toward the maximum parking space requirements. It is encouraged that snow storage areas be located away from public view and that additional impervious surface areas are not created for the sole purpose of snow storage.*
 - 3. *Exceptions and adjustments. The city may reduce or eliminate the required snow storage areas if a snow removal plan is presented which provides a continuous guarantee of removal.*

FINDING: The applicant proposes clearing 87,914 square feet of space which requires 13,187 square feet of snow storage. The applicant's proposal includes 13,982 square feet of snow storage. The applicant's snow storage will be located in hardscaped and grass landscaped areas. The proposal does not include a request for an exception or adjustment to the snow storage requirements. Criteria met.

CHAPTER 15.88. - ACCESS AND CIRCULATION

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Sec. 15.88.020. - Applicability.

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

FINDING: The proposal includes new development and changes in land use necessitating a new or modified street or highway connection. Therefore, the criteria of this section is applicable.

Sec. 15.88.030. - Vehicular access and circulation.

- A. *Purpose and intent.* [Section 15.88.030](#) implements the street access guidelines of the City of La Pine Transportation System Plan. It is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations in conformance with adopted standards. "Safety," for the purposes of this chapter, extends to all modes of transportation.
- B. *Permit required.* Vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority.
- C. *Traffic study requirements.* The city, in reviewing a development proposal or other action requiring an approach permit, may require a traffic impact analysis, pursuant to [section 15.90.080](#), to determine compliance with this Development Code.

FINDING: The applicant submitted a Transportation Impact Analysis written by Matt Kittleson, PE, with Kittleson & Associates. This criterion is met.

- D. *Approach and driveway development standards.* Access management restrictions and limitations consist of provisions managing the number of access points and/or providing traffic and facility improvements that are designed to maximize the intended function of a particular street, road or highway. The intent is to achieve a balanced, comprehensive program which provides reasonable access as new development occurs while maintaining the safety and efficiency of traffic movement. Intersections, approaches and driveways shall conform to access spacing guidelines in the City of La Pine Transportation System Plan and the roadway authority's engineering standards. In the review of all new development, the reviewing authority shall consider the following techniques or considerations in providing for or restricting access to certain transportation facilities.
 - 1. *Access points to arterials and collectors may be restricted through the use of the following techniques:*
 - a. *Restricting spacing between access points based on the type of development and the speed along the serving collector or arterial.*
 - b. *Sharing of access points between adjacent properties and developments.*
 - c. *Providing access via a local order of street; for example, using a collector for access to an arterial, and using a local street for access to a collector.*
 - d. *Constructing frontage or marginal access roads to separate local traffic from through traffic.*
 - e. *Providing service drives to prevent overflow of vehicle queues onto adjoining roadways.*
 - 2. *Consideration of the following traffic and facility improvements for access management:*
 - a. *Providing of acceleration, deceleration and right-turn-only lanes.*

- b. Offsetting driveways to produce T-intersections to minimize the number of conflict points between traffic using the driveways and through traffic.*
- c. Installation of median barriers to control conflicts associated with left turn movements.*
- d. Installing side barriers to the property along the serving arterial or collector to restrict access width to a minimum.*

FINDING: Both Huntington Rd and Burgess Rd are identified as Arterial streets in the La Pine Transportation System Plan. Staff provided notice to the relevant agencies for comment, and received comments from the City Engineer, and the Deschutes County Public Works Department who have jurisdiction over both Huntington Road and Burgess Road. No access point restrictions were discussed in relation to the techniques listed in subsection 1 above, but traffic facility improvements were discussed in depth.

The applicant's TIA acknowledges that the proposed access points do not meet the 500 foot separation requirement for the county, and the subject property does not contain enough frontage in either direction to meet the standard. In response, the TIA proposed a number of mitigation measures related to controlling the access points on the subject property, and improving the Burgess/Huntington Rd intersection.

The Deschutes County Road Department referenced the applicants TIA recommendations and recommended conditions of approval to address these concerns. One condition recommended by the County would address requiring the applicant to construct a dedicated left hand turn lane on Huntington Road for southbound access to the site to mitigate traffic impacts associated with the development, and identified the applicant as being responsible for any necessary road widening in accordance with Deschutes County and City of La Pine standards.

The primary concern was directed towards the access along Burgess Road. The Burgess Road access presents an issue, in that left turn access in and out of the development cannot be provided due to its close proximity to the intersection of Huntington/Burgess Road to the west. If the development were to construct a right in, right out access restriction without additional mitigation measures, there would be no guarantee that traffic would obey the signage or follow any curved medians constructed at the entrance. Consideration towards a "porkchop" island at the access point which would essentially provide an off-ramp for traffic heading east, while restricting left hand turns, was considered. However, the distance of the median in proximity to the intersection would not allow for this type of development to occur safely. The County therefore recommended a condition that either a concrete median or raised median curb on Burgess Road be constructed in the center preventing left hand turns from either direction; or that the access along Burgess Road be a right-out exit only. The options provided to the applicant will still allow the access point to be constructed and utilized, while mitigating the access spacing and addressing concerns raised by the county.

Staff agrees with the road authority's assessment, and proposed conditions of approval. The conditions are included in this decision in accordance with the above criteria, and staff finds the criteria is met.

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

FINDING: The subject property does not front on a state highway under the jurisdiction of ODOT. Criteria does not apply.

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

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

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

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

FINDING: The applicant’s proposal does not include a request for an exception or adjustment to the spacing standards and does not include a joint use access easement; therefore, this criterion is not applicable.

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

A. *In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, wall, structure, private signage, or temporary or permanent obstruction exceeding 3½ feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade.*

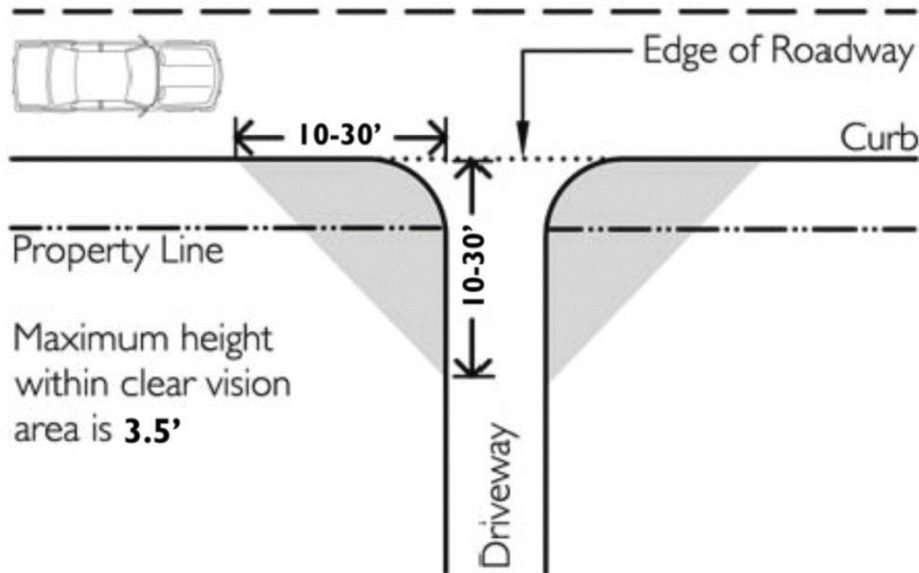
B. *A clear vision area shall consist of a triangular area on the corner of a lot at the intersection of two streets or a street and a railroad (see Figure 18.88-1). Where lot lines have rounded corners, the specified distance is measured from a point determined by the extension of the lot lines to a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

1. *In an agricultural, forestry or industrial zone, the minimum distance shall be 30 feet; or at intersections including an alley, ten feet.*
2. *In all other zones, the minimum distance shall be in relationship to street and road right-of-way widths as follows:*

<i>Right-of-Way Width</i>	<i>Clear vision</i>
<i>80 feet or more</i>	<i>20 feet</i>

Less than 80 feet	30 feet
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Clear Vision Areas



FINDING: Based on the applicant’s submitted site plan, the site provides 20 foot clear vision areas on either side of the entrances onto Huntington Rd and Burgess Rd. These criteria are met.

Sec. 15.88.050. - Pedestrian access and circulation.

- A. *Purpose and intent.* This section implements the pedestrian access and connectivity policies of City of La Pine Transportation System Plan and the requirements of the Transportation Planning Rule (OAR 660-012). It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.
- B. *Standards.* New subdivisions, multi-family developments, planned developments, commercial developments and institutional developments shall conform to all of the following standards for pedestrian access and circulation:
 - 1. *Continuous walkway system.* A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.
 - 2. *Safe, direct, and convenient.* Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:
 - a. *The walkway is reasonably direct.* A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.

- b. *The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The city may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.*
- c. *Vehicle/walkway separation. Except as required for crosswalks, per subsection d., below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the city may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.*
- d. *Crosswalks. Where a walkway crosses a parking area or driveway ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.*
- e. *Walkway construction. Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other city-approved durable surface meeting ADA requirements. Walkways shall be not less than four feet in width, except that the city may require five-foot wide, or wider, sidewalks in developments where pedestrian traffic warrants walkways wider than four feet.*
- f. *Multi-use pathways. Multi-use pathways, where approved, shall be ten feet wide and constructed of asphalt, concrete or other city-approved durable surface meeting ADA requirements consistent with the applicable city engineering standards.*

FINDING: The application submitted for review failed to address the above criteria. To ensure compliance, the following condition of approval has been added.

Pedestrian Access and Circulation: **Prior to building permits**, the applicant shall submit an amended site plan demonstrating compliance with LPDC Sec. 15.88.050.

CHAPTER 15.90. - PUBLIC FACILITIES

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Sec. 15.90.020. - Developer responsibility for streets and other public facilities.

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

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

Duties of Developer: **Prior to occupancy**, it shall be the responsibility of the developer to construct all streets, curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, telephone and cable television lines necessary to

serve the use or development in accordance with the specifications of the city and/or the serving entity.

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

FINDING: Comments from the City Engineer did not indicate that any oversizing would be required; therefore this criterion is not applicable.

- C. *Inadequate existing streets. Whenever existing streets, adjacent to, within a tract or providing access to and/or from a tract, are of inadequate width and/or improvement standards, additional right-of-way and/or improvements to the existing streets may be required.*
- D. *Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of a proposed land development, and when the city finds it will be practical to require dedication and improvement of the other half of the street when the adjoining property is developed. Whenever a half street exists adjacent to a tract of land proposed for development, the other half of the street shall be dedicated and improved.*

FINDING: No half streets are proposed through the request. To ensure compliance, the following condition of approval is included.

Right Of Way Dedication: **Prior to Occupancy**, the applicant will be required to dedicate right of way along the entire property frontage of Huntington Road and Burgess Road, meeting the Arterial right of way width standards identified in the La Pine Transportation System Plan. The dedication will need to be reflected in a new deed that is recorded with Deschutes County.

Sec. 15.90.030. - Sewer and water.

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

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

Sewer and Water Plan Approval: **Prior to building permits**, 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.

Sec. 15.90.040. - Stormwater.

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

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

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

Sec. 15.90.050. - Utilities.

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

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

Utility Provider Coordination: **Prior to occupancy**, the developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.

- B. *Underground utilities. All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.*

FINDING: The applicant proposes installing and extending all new utility lines underground. To ensure compliance with the above criteria, the following condition of approval has been added.

Underground Utilities: **Prior to occupancy**, all new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.

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

4. *Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.*

FINDING: The applicant's proposal does not include a new subdivision; therefore, these criteria are not applicable.

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

FINDING: The applicant's proposal does not include a request for an exception to the underground requirements; therefore, this criterion is not applicable.

Sec. 15.90.060. - Public street/highway improvement.

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

- A. *Installation of additional and/or passing lanes, including pedestrian ways and/or bikeways, within a public street or highway right-of-way existing as of the effective date of this chapter, unless such adversely impacts on-street parking capacities and patterns.*
- B. *Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, and/or no new land parcels result.*
- C. *Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time when no longer needed.*
- D. *Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations, waysides, and, rest areas within a right-of-way existing as of the effective date of this Development Code. In addition, also exempt are contiguous public-owned property utilized to support the operation and maintenance of public roads and highways provided such is not located within a duly designated residential zone, or adjacent to or across the street from a lot or parcel within such a zone.*
- E. *The construction, reconstruction, or modification of a public street or highway that is identified as a priority project in a transportation system plan (TSP) or the state transportation improvement plan (STIP) that was duly adopted on or before the effective date of this chapter.*
- F. *The design, construction, operation, and maintenance of a tourist-oriented or public wayside.*

FINDING: The above criteria addresses uses that are exempt from permitting requirements. None of these uses are proposed through the current request, however conditions of approval may deem it necessary to implement some of these uses to ensure compliance. The improvements will be evaluated at that time to ensure no additional approvals are needed, and evaluate if they are exempt from local and state processes. Criteria does not apply.

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

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

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

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

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

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

FINDING: The applicant's proposal does not include a cul-de-sac or dead-end street; therefore, this criterion is not applicable.

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

standards, as the city deems applicable, and shall be designed to facilitate future extension in terms of grading, width, and temporary barricades.

FINDING: Based on the existing zoning and development patterns of the area, staff finds that accessways for future street extensions is not required for the applicant's proposal. This criterion is not applicable.

- E. Minimum right-of-way and roadway widths. Unless otherwise approved in the tentative development plan, street, sidewalk and bike rights-of-way and surfacing widths shall not be less than the minimum widths in feet set forth in the La Pine Transportation System Plan, and shall be constructed in conformance with applicable standards and specifications set forth by the city.*
- 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.*
- G. Bike lanes. Unless otherwise required in this chapter or other city ordinances or other regulations, bike lanes shall be required as specified in the La Pine Transportation System Plan, except that the planning commission may approve a development without bike lanes if it is found that the requirement is not appropriate to or necessary for the extension of bicycle routes, existing or planned, and may also approve a development without bike lanes in the streets if alternative bicycle routes and facilities are provided.*

FINDING: As proposed, the design incorporates the utilization of a 10 foot wide asphalt walking path along the exterior of the property, and infiltration swales. Staff reached out for comment from the City Engineer, who responded with the following.

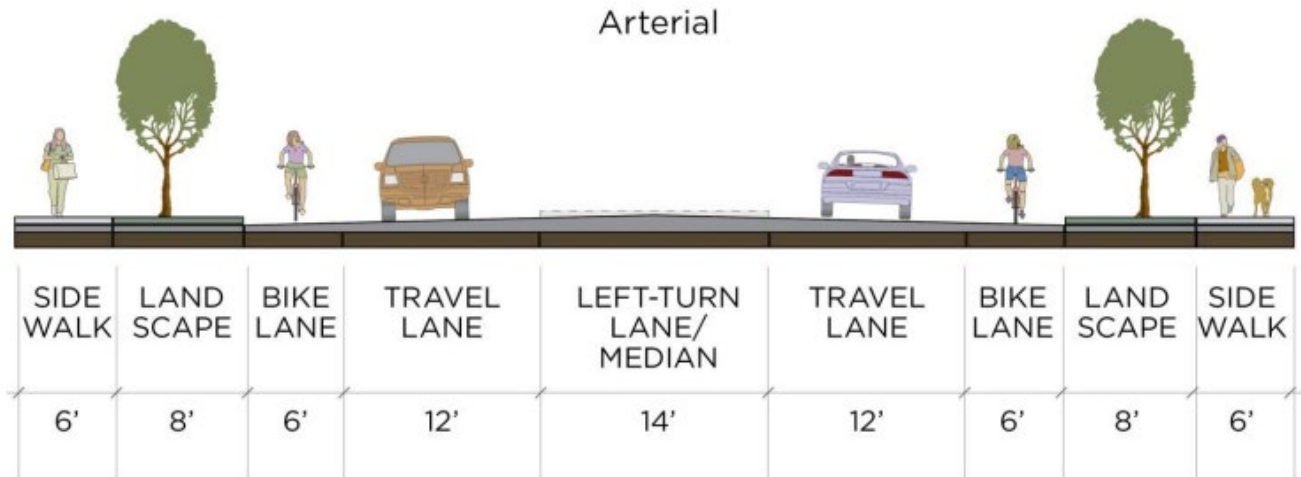
"When we reviewed the site plan for the proposed ARCO located at the intersection of Huntington and Burgess Roads, the property-tight 10-foot asphalt pathway shown on the site plan seemed appropriate given the rural nature of the roadways. We have seen separated combined pedestrian/bike pathways for other jurisdictions that desired additional safety by separating bike riders and pedestrians from vehicular traffic on higher speed roadways. Hard core cyclists will tend to use the bike lanes on the roads, whereas casual riders will most likely ride their bikes on the separated path to the convenience store. Drainage swales along the roadways also have lower maintenance than the catch basins and drywells that would go in with sidewalk improvements."

"We assumed the developer's design engineer had talked to City regarding the proposed asphalt pathway since there is a callout on the site plan that states, "Proposed 10' Asphalt Path per City of La Pine Standards". Since it is our understanding that the City of La Pine does not currently have a rural arterial standard with separated asphalt paths in the TSP, we recommend the City use the term "interim improvements" for the asphalt pathway shown on plans and require the developer to sign a non-remonstrance agreement for a future local improvement district (LID) to improve Huntington Road and Burgess Road."

Given the rural nature of the development, pedestrian facilities are not established within that area, and the TSP lacks design standards towards rural arterials. The city concurs with the City Engineer's comments, and agree that requiring the applicant to sign a non-remonstrance agreement for a future local improvement district (LID) to improve Huntington Road and Burgess Road, would address future development concerns. However, compliance with the other public improvements identified within the La Pine TSP is required, to ensure that as

development continues into the future, it matches what will be constructed on surrounding properties with only minor changes that will need to occur into the future.

The La Pine TSP requires the following Cross Section Design Standards for Arterials.



Right of way width has been conditioned herein to match the design standards for Arterials. The applicant did not address the 6 foot wide bike lanes required by the TSP. To ensure compliance with the above standards, the following conditions of approval have been added.

Public Improvement Widths: **Prior to building permits**, the applicant shall provide an updated site plan demonstrating compliance with the arterial design standards set forth in the TSP. For the right away along the edge of the subject property to the centerline of Huntington Road and Burgess Road, the asphalt walkway shall be 6 feet in width, the infiltration swales shall be 8 feet in width, the bike lanes shall be 6 feet in width, and both Burgess Road and Huntington Road shall be wide enough to accommodate the 12 foot travel lane and remaining 7 feet of the left turn lane to the center line. Any changes to the road requiring widening and restriping shall be done so at the expense of the developer.

Non-Remonstrance Agreement: **Prior to occupancy**, the applicant shall sign and file a non-remonstrance agreement for a future local improvement district (LID) to improve Huntington Road and Burgess Road.

Street Trees: **Prior to occupancy**, the developer shall install street trees, at a 35 foot average spacing. Street trees shall conform to the clear vision requirements of LPDC Sec. 15.88.040, at both the intersection of Huntington/Burgess Roads, and the two proposed access points.

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

- 1. The cul-de-sac shall not exceed a length of 400 feet, except where the city through a Type II procedure determines that topographic or other physical constraints of the site require a longer cul-de-sac. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.*

2. *A cul-de-sac shall terminate with a circular turn around with a minimum radius of 45 feet of paved driving surface and a 50 foot right-of-way and meeting the Uniform Fire Code.*
3. *The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way between it and adjacent developable lands.*

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

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

FINDING: In reviewing the proposal, the road authority, nor the city, found it necessary to incorporate the above listed elements regarding marginal access streets. Criteria does not apply.

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

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

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

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

- L. *Alignment. All streets, as far as practicable, shall be in alignment with existing streets by continuations of the center lines thereof. Necessary staggered street alignment resulting in intersections shall, wherever possible, leave a minimum distance of 200 feet between the center lines of streets of approximately the same direction, and in no case shall the off-set be less than 100 feet.*
- M. *Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practicable, and in no case shall an acute angle be less than 80 degrees unless there is a special intersection design approved by the city engineer or other duly designated city representative as applicable. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection, and the intersection of more than two streets at any one point will not be approved.*
- N. *Curves. Centerline radii of curves should not be less than 500 feet on major arterials, 300 feet on minor arterials, 200 feet on collectors or 100 feet on other streets and shall be on an even ten feet. Where existing conditions, particularly topography, make it otherwise impractical to*

provide building sites, the city may accept steeper grades and sharper curves than provided for herein in this subsection.

- O. Street grades. Street grades shall not exceed eight percent on arterials, ten percent on collectors and 12 percent on all other streets including private driveways entering upon a public street or highway; however, for streets at intersections, and for driveways entering upon a public street or highway, there should be a distance of three or more car lengths (approximately 50 feet) where the grade should not exceed six percent to provide for proper stopping distance during inclement weather conditions.*
- P. Street names. Except for the extension of existing streets, no street names shall be used which will duplicate or be confused with the name of an existing street in the city or within a radius of six miles of the city or within the boundaries of a special service district such as fire or ambulance. Such street names shall be approved by the Deschutes County street name coordinator.*
- Q. Street name signs. Street name signs shall be installed at all street intersections by the developer in accordance with applicable city, county or state requirements. One street sign shall be provided at the intersection of each street, and two street signs shall be provided at four-way intersections.*

FINDING: The applicant's proposal is adjacent to an existing right of way and does not include the creation of a new right of way; therefore, these criteria are not applicable.

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

FINDING: signage required for the development has been addressed through the conditions of approval, and conditioned herein. Criteria met.

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

FINDING: The applicant's proposal does not include any alleyways and staff finds that based on the existing development pattern and La Pine Transportation System Plan, alleyways are not required. This criterion is not applicable.

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

FINDING: In accordance with the County and City design standards, curbs are required along the development, and shall be provided as identified. Frontage improvements plans will be reviewed by the County and City prior to construction, as conditioned herein to ensure compliance. Criteria met.

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

FINDING: The applicant's proposal does not include any streetlights and staff finds that based on the existing development pattern and La Pine Transportation System Plan, streetlights are not required. This criterion is not applicable.

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

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

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

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

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

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

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

Sec. 15.90.080. - Traffic impact analysis.

A. *Purpose. The purpose of this subsection is [to] coordinate the review of land use applications with roadway authorities and to implement section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a traffic impact analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a traffic impact analysis; and who is qualified to prepare the analysis.*

B. *When a traffic impact analysis is required. The city or other road authority with jurisdiction may require a traffic impact analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:*

1. *A change in zoning or a plan amendment designation;*

2. *Operational or safety concerns documented in writing by a road authority;*
3. *An increase in site traffic volume generation by [300] average daily trips (ADT) or more;*
4. *An increase in peak hour volume of a particular movement to and from a street or highway by [20] percent or more;*
5. *An increase in the use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by ten vehicles or more per day;*
6. *Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;*
7. *A change in internal traffic patterns that may cause safety concerns; or*
8. *A TIA required by ODOT pursuant to OAR 734-051.*

FINDING: During a pre-development meeting prior to the application being submitted, the Deschutes County Road Department shared concerns regarding the proposed access points, and the effect on the road system within the area. As a result, the applicant completed a Traffic Impact Analysis in accordance with the above criteria, which is included in the record and relied upon for this decision. Criteria met.

- C. *Traffic impact analysis preparation. A professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority, shall prepare the traffic impact analysis.*

FINDING: As stated previously the applicant's submitted TIA was prepared by Matt Kittleson, PE.

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

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

FINDING: The applicant's proposal does not include a request for a waiver or deferral from the standard street improvements; therefore, these criteria are not applicable.

CHAPTER 15.94. - IMPROVEMENT PROCEDURES AND GUARANTEES

Sec. 15.94.010. - Improvement procedures.

Improvements to be installed by the developer, either as a requirement of this chapter, conditions of approval or at the developer's option as proposed as a part of the subject development proposal, shall conform to the following requirements:

- A. *Plan review and approval. Improvement work shall not be commenced until plans therefor have been reviewed and approved by the city or a designated representative thereof. The review and approval shall be at the expense of the developer.*
- B. *Modification. Improvement work shall not commence until after the city has been notified and approval therefore has been granted, and if work is discontinued for any reason, it shall not be resumed until after the city is notified and approval thereof granted.*
- C. *Improvements as platted. Improvements shall be designed, installed and constructed as platted and approved, and plans therefore shall be filed with the final plat at the time of recordation or as otherwise required by the city.*
- D. *Inspection. Improvement work shall be constructed under the inspection and approval of an inspector designated by the city, and the expenses incurred therefore shall be borne by the developer. Fees established by the city council for such review and inspection may be established in lieu of actual expenses. The city, through the inspector, may require changes in typical sections and details of improvements if unusual or special conditions arise during construction to warrant such changes in the public interest.*
- E. *Utilities. Underground utilities, including, but not limited to, electric power, telephone, water mains, water service crossings, sanitary sewers and storm drains, to be installed in streets, shall be constructed by the developer prior to the surfacing of the streets.*
- F. *As built plans. As built plans for all public improvements shall be prepared and completed by a licensed engineer and filed with the city upon the completion of all such improvements. A copy of the as built plans shall be filed with the final plat of a subdivision or other development by and at the cost of the developer. The plans shall be completed and duly filed within 30 days of the completion of the improvements.*

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

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

Improvement Inspection: **At all times**, improvement work shall be constructed under the inspection and approval of an inspector designated by the city, and the expenses incurred therefore shall be borne by the developer.

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

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

Sec. 15.94.020. - Completion or assurance of improvements.

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

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

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

B. *Bond or other performance assurance. The developer shall file with the agreement, to ensure his/her full and faithful performance thereof, one of the following, pursuant to approval of the city attorney and city manager, and approval and acceptance by the city council:*

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

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

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

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

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

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

Amount of Security Required: **Prior to building permits**, the assurance of full and faithful performance shall be for a sum approved by the city as sufficient to cover the cost of the improvements and repairs, including related engineering, inspection and other incidental expenses, plus an additional 20 percent for contingencies.

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

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

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

Sec. 15.94.040. - Maintenance surety bond.

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

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

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

ARTICLE 7 - PROCEDURES

CHAPTER 15.204. - APPLICATION PROCEDURES

Sec. 15.204.020. - Type II procedure (administrative review with notice).

The planning official performs administrative staff reviews through the Type II procedure. Type II decisions are made by the planning official with public notice and an opportunity for appeal to the planning commission. Alternatively, the planning official may refer a Type II application to the planning commission for its review and decision in a public meeting.

A. Application requirements.

- 1. Application forms. Applications for projects requiring administrative review shall be made on forms provided by the planning official.*
- 2. Submittal information. The planning official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:*
 - a. The information requested on the application form;*
 - b. Plans and exhibits required for the specific approval(s) being sought;*
 - c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;*
 - d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and*
 - e. The required fee.*

FINDING: The application is being reviewed in accordance with the Type II administrative review procedures. As evidenced by the application submitted for review, the required elements listed above were included for review. Criteria met.

B. Notice of pending administrative decision (notice of application).

- 1. The purpose of the notice of pending administrative decision is to give nearby property owners and other interested people and agencies the opportunity to submit written comments on the application before the planning official issues the decision. Within ten days of receipt of a complete application for a Type II land use action, the planning official shall*

mail notice of a pending Type II decision to the individuals and agencies [listed in paragraph 3 of this subsection B].

2. *The comment period shall be at least 14 days duration from the date notice was mailed or a longer [period] as specified in the notice. The deadline for submitting written comments must be at least 14 days prior to the scheduled decision date or, as applicable, the scheduled planning commission meeting date where an application is referred to the commission for review.*
3. *All of the following individuals and agencies shall be notified. However, the failure of a property owner to receive mailed notice shall not invalidate any land use approval if the planning official can show by affidavit that such notice was given.*
 - a. *The applicant;*
 - b. *Owners of record of property as shown on the most recent property tax assessment roll of property located within 100 feet of the property that is the subject of the notice where any part of the subject property is within an urban growth boundary;*
 - c. *The owner of a public use airport if the airport is located within 10,000 feet of the subject property;*
 - d. *The planning commission;*
 - e. *Any neighborhood or community organization formally recognized by the city council, whose boundaries include the site;*
 - f. *Any person who submits a written request to receive a notice; and*
 - g. *Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city and any other affected agencies. At a minimum, the city planning official shall notify the road authority if different than the City of La Pine. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the city under this Development Code.*

FINDING: The application was deemed complete on December 14th, 2024, and staff sent the notice of application on December 18, 2024. The comment period was left open for 14 days following the notice of application. All of the above listed applicable entities were included in the notice. Criteria met.

4. *The notice of pending administrative decision, at a minimum, shall contain all of the following information:*
 - a. *The deadline for submitting written comments, which must be at least 14 days prior to the scheduled decision date or, as applicable, the scheduled planning commission meeting date where an application is referred to the commission for review;*
 - b. *A summary of the proposal and the relevant approval criteria in sufficient detail to help the public identify and locate applicable Development Code requirements;*

- c. *The address and city contact person for submitting written comments; and the date, time, and location the city planning official or planning commission, as applicable, is scheduled to make a decision on the application;*
- d. *The street address or other easily understandable reference to the location of the proposed use or development;*
- e. *Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the land use board of appeals or circuit court on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;*
- f. *Statement that all evidence relied upon by the city planning official or planning commission, as applicable, to make its decision is in the record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the city; and*
- g. *Statement that after the comment period closes, the city will issue its decision and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.*

FINDING: As evidenced by the notice of application included in the record, the notice included all of the above listed required elements. Criteria met.

C. *Decision.*

1. *At the conclusion of the comment period, the city planning official shall review the comments received and prepare a decision notice approving, approving with conditions, or denying the application based on the applicable Development Code criteria. Alternatively, the city planning official may transmit all written comments received, if any, along with a copy of the application to the planning commission for review and decision at its next regularly scheduled meeting.*
2. *Where the city planning official refers an application subject to administrative review to the planning commission, the planning commission shall approve, approve with conditions, or deny the application through the Type II procedure based on the applicable Development Code criteria. The planning commission may continue its review to the next meeting to allow the applicant time to respond to questions, provided that the commission makes a final decision within the time period prescribed under state law (ORS 227.178) and as described in section [15.202.020](#) of this Development Code. Alternatively, the applicant may voluntarily waive his or her right to a final decision within the required timeframe and the commission may decide to accept oral and written testimony in a public hearing review of the application, pursuant to [section 15.204.030](#); in which case, a new public notice must be mailed to those who received the original notice indicating the change to a quasi-judicial (public hearing) review procedure.*

FINDING: Comments were received during the 14 day comment period, and they have been included in this decision for reference. A decision is being rendered to approve the proposal with conditions. The review is not being referred to the planning commission for a final decision, unless an appeal is received, at which time it will be sent to the planning commission for review. Criteria met.

D. Notice of decision.

- 1. Within seven days of a Type II decision, the city planning official shall prepare a notice of decision and mail it to the applicant, property owner (if different), the building official, those who provided written comments on the proposal, and those who requested a copy of the decision. If the decision is not a limited land use decision as defined in ORS 197.015(12), notice shall also be sent to all persons entitled to notice under subsection B.*
- 2. The city planning official shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.*
- 3. The administrative notice of decision shall contain all of the following information:*
 - a. A description of the applicant's proposal and the city's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the record;*
 - b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);*
 - c. A statement of where the city's decision can be obtained;*
 - d. The date the decision shall become final, unless appealed; and*
 - e. A statement that all persons entitled to notice may appeal the decision to city council pursuant to subsection F.*

FINDING: The decision is being issued in accordance with the above criteria and sent to all entities listed above. An affidavit of mailing is included in the record. The notice contained all of the above listed requirements. Criteria met.

- E. Effective date of decision. Unless the conditions of approval specify otherwise, an administrative decision becomes effective 12 days after the city mails the decision notice, unless the decision is appealed pursuant to subsection F or the decision is called up for review by the city council pursuant to subsection G. No building permit shall be issued until a decision is final. Appeal of a final decision to LUBA does not affect the finality of a decision at the local level for purposes of issuing building permits.*

FINDING: Following the decision, a 12 day appeal period will be applied towards the request where any party can file an appeal in accordance with the appeal criteria. If no appeal is received, the decision will become final and building permits may be applied for after such time. Criteria met.

F. Appeal of Type II (administrative) decision.

- 1. Who may appeal. The following people have legal standing to appeal a Type II administrative decision:*
 - a. The applicant or owner of the subject property;*

- b. *Any person who was entitled to written notice of the Type II decision; and*
 - c. *Any other person who participated in the proceeding by submitting written comments on the application to the city by the specified deadline.*
2. *Appeal filing procedure. Appeals shall be filed in accordance with [chapter 15.212](#).*
- G. *Review by council.*
- 1. *Review of an administrative action or a planning commission decision may be initiated by the city council. The council shall consider calling up for review any administrative decision that a majority of the planning commission recommends be reviewed.*
 - 2. *Review by the council shall be initiated by council order within 12 days of the date of the mailing of the final written decision of the planning official or planning commission.*
 - 3. *Review shall be conducted in the same manner provided for in appeals, except that an appeal fee and transcript shall not be required. Any council order calling up for review a decision shall specify whether the council will review the decision called up on the record or de novo, and whether it intends to limit the issues on review to certain specified issues.*

FINDING: The decision is not being appealed at this time, However, if it is appealed, the above listed procedures shall apply.

ARTICLE 8 - APPLICATIONS AND REVIEWS

CHAPTER 15.312. - SITE PLAN REVIEW

Sec. 15.312.010. - Purpose.

- A. *The purpose of the site plan review provisions of this section [chapter] is to ensure that development within the city complies with standards and limitations set forth within the applicable zone, by other city standards and requirements and by applicable county, state and federal regulations.*
- B. *This broad purpose is furthered by the following specific purposes of site plan review:*
 - 1. *To implement the goals and policies of the comprehensive plan.*
 - 2. *To foster development that is designed, arranged and constructed in a manner that provides a safe, efficient and aesthetically pleasing community asset.*
 - 3. *To encourage originality and creativity in site design, architecture and landscape design.*
 - 4. *To ensure that the arrangement of all functions, uses and improvements of a development reflect the natural amenities, capabilities and limitations of its site and adjacent areas.*

5. *To encourage development where the various structures, use areas and site elements are integrated in a manner that is visually harmonious within the development and the surrounding area.*
6. *To encourage development and landscape design that complements the natural landscape and setting, improves the general appearance of the community and enhances specific elements of the man-made environment, both presently and historically.*

FINDING: The proposal is being reviewed in accordance with the site plan review criteria. The purposes of the site plan review criteria above are addressed subsequently through the review criteria addressed herein. Criteria met.

Sec. 15.312.020. - Applicability.

The following uses and development shall be subject to the provisions of this section:

- A. *All new construction or new development except for: single-family residences (including manufactured dwellings, mobile homes, modular homes), duplexes, accessory dwelling units and related accessory structures unless provided otherwise in this chapter.*
- B. *An exterior alteration or modification to an existing nonresidential use or structure, which is subject to site plan review and/or is subject to regulation under the provisions of this chapter, except for painting, replacement of roofing and siding, and other normal maintenance and upkeep requirements which are not subject to regulation under the provisions of this chapter or any other applicable city, county, state and/or federal regulations.*
- C. *Any alteration or modification of site improvements, such as the landscaping, parking and/or loading facilities and areas, in conjunction with an existing nonresidential use which is subject to site plan review and/or is subject to regulation under the provisions of this chapter.*

FINDING: The proposal is for new construction and new development, which results in the site plan review criteria being applicable towards the request, and the relevant criteria are addressed herein. Criteria met.

Sec. 15.312.025. - Site plan approval required.

Site plan review and approval, as specified by this chapter, shall be required prior to the following:

- A. *Site clearance activities such as grading, excavation or filling for any use or development requiring a permit pursuant to this Development Code.*
- B. *The issuance of a building or development permit for any use or development requiring city approval pursuant to this Development Code.*

FINDING: The above criteria has not been initiated by the applicant prior to approval though this development code, therefore the criteria is met.

Sec. 15.312.030. - Procedure type.

- A. *Site plan review applications are subject to Type II review in accordance with the procedures in [article 7](#) unless elevated to a Type III review at the discretion of the planning official.*

B. *Pre-application conference. Prior to applying for site plan approval, applicants should and may meet with the city planning official, building official and public works director, or designees thereof, and present a preliminary plan which shall contain, in an approximate manner, the information required on a site plan review application.*

1. *The purpose of the preliminary site plan review is to enable the applicant to obtain advice from the city as to the intent, standards, criteria and provisions of this chapter, this Development Code, other city ordinances, standards and regulations, and state and federal rules and regulations which may be pertinent to the proposal.*
2. *Information presented for preliminary discussion shall be considered confidential if so requested by the applicant.*

FINDING: The proposal is being reviewed in accordance with the Type II procedures outlined in Article 7. The applicant held a pre-application conference with the city prior to submitting their application for review. Criteria met.

Sec. 15.312.040. - Submittal requirements.

A property owner or authorized representative thereof may initiate a request for site plan review by filing an application with the city using forms prescribed by the city together with the required filing fee in accordance with the Type II application requirements in [article 7](#). In addition to the information required for a Type II review (see [article 7](#)), the applicant shall submit that which is listed below.

- A. *Requirements for information to be submitted. Information provided on the site plan shall conform to the following. The number of copies required shall be as specified on the application form.*
1. *Drawings depicting the proposal shall be presented on sheets not larger than 24 inches by 36 inches in the number of copies directed by the city.*
 2. *To facilitate public reviews and notice, at least one copy of the proposal shall be provided on a sheet of paper not larger than 11 inches by 17 inches.*
 3. *Drawings shall be at a scale sufficiently large enough to enable all features of the design to be clearly discerned and shall include a north arrow and scale.*
 4. *The city may require that the drawing, development plan or other information be provided to the city on computer disk in a format adaptable to the city's computer systems.*

FINDING: The applicant submitted a site plan with the application in digital form. The digital copy meets the above criteria, as evidenced by the application submitted. Criteria met.

B. *Site analysis diagram. If required by the city planning official, this element of the site plan, which may be in schematic or free hand form to scale, shall indicate the following site characteristics:*

1. *Location and species of existing trees greater than six inches in diameter when measured four feet above the natural grade, and an indication of which trees are proposed to be removed.*

2. *On sites that contain steep slopes, potential geological hazard or unique natural features that may affect the proposed development, the city may require contours mapped at two-foot intervals.*
3. *Natural drainage ways, depths of any ground water tables less than 12 feet, any areas of surface water accumulations and any other significant natural features.*
4. *The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site, and all buildings, utilities, retaining walls, and other man-made features, both existing and proposed.*
5. *Natural features, including trees, riparian habitat and stream channels and structures on-site or on adjoining properties that have or may have a visual or other significant relationship with the site and the proposed development thereon.*

FINDING: The submitted site plan addressed the above criteria, as evidenced by the application submitted. Criteria met.

- C. *Site photographs. Photographs depicting the site and its relationship to adjoining sites and the general area are extremely valuable, should be provided, and may be required by the city planning official.*

FINDING: Site photographs are not required, staff was able to conduct a site visit to the property prior to a decision being rendered, and if needed can visit the property again prior to final approval. Criteria met.

- D. *Site development plan. The site plan shall indicate the following:*
 1. *Legal description of the property.*
 2. *Boundary dimensions and site area.*
 3. *Location and sizes of existing and proposed utilities, including water lines, sewer lines, hydrants, etc.*
 4. *Location of all existing and proposed structures, including distances from the property lines.*
 5. *Area of the site to be covered by structures, existing and proposed, and the percentage of site coverage thereby.*
 6. *All external dimensions of existing and proposed buildings and structures.*
 7. *Location of building entrances and exits.*
 8. *Access drives, parking and circulation areas, including their dimensions.*
 9. *Service areas and delivery circulation plan for such uses as the loading and delivery of goods.*
 10. *Locations, descriptions and dimensions of easements as may be applicable.*

11. *Grading and drainage plans and calculations, including spot elevations and contours at intervals close enough to convey their meaning.*
12. *Location of areas to be landscaped, including designated landscape material/plant types and sizes.*
13. *Outdoor recreation and/or play areas.*
14. *Pedestrian and bicycle circulation, including existing and proposed on-site and off-site sidewalks.*
15. *Location of mechanical equipment not enclosed within a building, garbage disposal areas, utility appurtenances and similar structures.*
16. *Exterior lighting and fencing.*
17. *Location, size and method of illumination of signs.*
18. *Provisions for handicapped persons.*
19. *Other site elements which will assist in the evaluation of site development.*
20. *Location, names, surface and right-of-way widths and improvement standards of all existing and proposed streets within or adjacent to the proposed development.*
21. *Location of areas designated for snow storage, in accordance with the requirements of section 18.86.060 [15.86.060], and calculations of the area required by the minimum standard and the proposed area.*
22. *Information necessary to demonstrate compliance with [the] fire code, including, but not limited to, fire flow, apparatus access, and hydrant spacing.*

FINDING: The submitted site plan addressed the above criteria, as evidenced by the application submitted. Criteria met.

E. Accompanying written summary. In addition to the foregoing site development plan requirements, a written summary of the proposal should be provided and may be required showing the following, (unless such is shown on the site development plan):

1. *Commercial and nonresidential development. For commercial and nonresidential development:*
 - a. *The square footage contained in the site area to be developed.*
 - b. *The percentage of the area to be covered by structures when developed.*
 - c. *The percentage of the area to be covered by parking areas and the total number of parking spaces.*

- d. *The total square footage of all landscaped areas, including the percentage consisting of natural materials and the percentage of hard surfaced areas such as courtyards.*
- e. *Trip generation letter, signed by a professional engineer registered by the State of Oregon (unless waived by the city planning official). A traffic impact analysis may be required in accordance with [section 15.90.080](#).*

FINDING: The submitted site plan addressed the above criteria with a written summary, as evidenced by the application submitted. A trip generation letter was also submitted with the application for review, and Signed by Matt Kittleson, PE. Criteria met.

2. *Residential development. For residential development:*

- a. *The total square footage of the lot or parcel and in the structures in the development.*
- b. *The number of dwelling units in the development (include the units by the number of bedrooms in each unit, for example, ten one-bedroom, 25 two-bedroom and the like).*
- c. *Percentage of lot coverage by structures, way areas, recreation areas and landscaping.*
- d. *Trip generation letter, signed by a professional engineer registered by the State of Oregon (unless waived by the city planning official). A traffic impact analysis may be required in accordance with [section 15.90.080](#).*

FINDING: The proposal does not include residential development. Criteria does not apply.

F. *Landscape plan. If required by the city planning official, a landscape plan shall be submitted and shall indicate the following.*

- 1. *The size, species and locations of plant materials to be retained or placed on-site.*
- 2. *The layout of irrigation facilities.*
- 3. *Location and design details of walkways, plazas, courtyards and similar areas.*
- 4. *Location, type and intensity of outdoor lighting.*
- 5. *Location and design details of proposed fencing, retaining walls and trash collection areas.*
- 6. *Other information as deemed appropriate by the review authority. An arborist's report may be required for sites with mature trees that are to be retained and protected.*

FINDING: A landscape plan was submitted with the application for review, and included all of the required elements addressed above, as evidenced by the submitted application. Criteria met.

G. *Architectural drawings. This element of the site plan review, if required by the city planning official, shall indicate the following:*

- 1. *A plan specifying the building footprint and dimensions, including all points of access. Floor plans of interior spaces to the extent required to clarify access functions and the relationship*

of the spaces to decks, porches, balconies and stairs or other features shown on the building elevations. The floor plans shall be provided for all building floors and shall include appropriate dimensions.

- 2. Exterior elevations showing building heights, windows, doors, exterior light fixtures, stairways, balconies, decks and other architectural details. These elevations shall be provided for every exterior wall surface, including those which are completely or partially concealed from view by overlapping portions of the structure. Existing and finished grades at the center of all walls shall be shown with elevations of floors indicated and a dimension showing compliance with height limitations.*
- 3. Location and type of exterior light fixtures, including the lamp types and the levels of illumination that they provide.*
- 4. Location, size and method of illumination of all exterior signs.*

FINDING: The application submitted for review included architectural drawings addressing all of the above criteria. Criteria met.

H. Property survey. A survey of the property by a licensed land surveyor may be required, and if required the survey shall clearly delineate property boundaries, and show the location of the corners of proposed buildings and other significant features proposed for the site. The requirement for a survey of the exterior boundaries of a site may be waived where it is found that there is a recent survey that can be used to clearly establish the applicant's property boundaries.

FINDING: The application did not include a property survey, however the development proposal does not necessitate the need for one, as boundaries are not in dispute, and a survey is on file with the Deschutes County Surveyor, Survey 18113, filed on February 8, 2010. Criteria does not apply.

- I. Deed restrictions. Copies of all existing and proposed restrictions or covenants, including those for roadway access control.*
- J. Narrative. A written narrative addressing the applicable criteria listed [in] [section 15.312.050](#) for residential development and sections [15.312.050](#) and [15.312.060](#) for nonresidential development.*
- K. Other information as determined by the city planning official. The city planning official may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal's conformance with this Development Code.*

FINDING: A title report was included in the application, outlining all deed restrictions. A narrative was included with the application addressing the criteria within section 15.312.050 and 15.312.060 for nonresidential development. No other information is required by the planning official. Criteria met.

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

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

A. *Statement of intent.*

1. *The site plan review criteria are intended to provide a frame of reference for the applicant in the development of a site, building and landscape plans, as well as providing the city with a means of reviewing proposed plans.*
2. *These criteria provide a clear and objective means of evaluating residential development (and the residential components of a mixed use development) in accordance with ORS 197.*
3. *The review authority is not authorized as a part of the site plan review process to approve projects which exceed specific development standards set forth by the applicable zone unless the exceptions are approved in accordance with specific variance or other provisions set forth in this Development Code.*

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

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

1. *The application is complete, in accordance with the applicable procedures in [article 7](#).*

FINDING: The application was deemed complete on December 14, 2024, in accordance with LPDC Article 7. This criterion is met.

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

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

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

FINDING: The subject property is not within an overlay zone identified within Article 4, therefore this criterion does not apply.

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

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

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

FINDING: As discussed herein, all applicable development and design standards of LPDC Article 6 have been met, therefore this criterion has been met.

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

FINDING: The City of La Pine Public Works Department did not share concerns regarding the proposed development, and the use is not projected to exceed the carrying capacity of water and sewer facilities. Midstate Electric was provided notice of the application, and no concerns were shared from that entity. Transportation is the aspect of the proposal that is being mitigated for. The main concerns regarding transportation were not directly related to carrying capacity, rather the design of the access points, and the effect a normal access point having not been mitigated for would have on the road system in that area. Through agency comments from the road authority, and subsequent conditions of approval being included to mitigate for those access points, the request will not exceed the carrying capacity of the roadway system in that area. Criteria met.

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

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

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

FINDING: Compliance with the La Pine Sewer and Water standards will be reviewed during the Pre-Construction meeting that will be held prior to development. This has been conditioned through a prior included condition of approval. Criteria met.

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

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

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

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

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

Note— *Compliance with other city codes and requirements, though not applicable land use criteria, may be required prior to issuance of building permits.*

FINDING: The applicant is proposing new development of the property and not altering a previous site plan approval, and no previous land use approvals exist for the property. Therefore, this criterion is not applicable.

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

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

A. Statement of intent.

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

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

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

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

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

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

FINDING: As proposed, the development would be located in the center of the property. Neighboring properties to the south and east contain residential development, and will be screened by a buffer previously addressed. Properties to the north, northwest, and west are all zoned Commercial Mixed-Use as well, but only the property to the west contains commercial development, which is a pre-school and daycare facility. Since the properties to the east and south will be screened with a buffer, and property to the west is developed with commercial development, the property to the west is most applicable. Since the property contains commercial development, the proposal is compatible with the neighboring development, creating a visually interesting area of town. Criteria met.

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

FINDING: The subject property does not contain any existing natural features listed above, criteria does not apply.

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

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

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

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

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

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

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

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

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

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

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

Sec. 15.312.070. - Conditions of approval.

In addition to the standards and conditions set forth in a specific zone (if found to be necessary and supported with adequate findings), additional conditions may be imposed by the city which are

found to be necessary to avoid a detrimental impact on adjoining properties, the general area or the city as a whole, and to otherwise protect the general welfare and interests of the surrounding area. The conditions may include, but are not limited to, the following:

- A. Limiting the manner in which the use is conducted, including restricting the time an activity may take place, and restrictions to minimize environmental impacts such as noise, vibration, air or water pollution, glare and odor.*
- B. Establishing a special setback or other open space requirements, and increasing the required lot size or other dimensional standards.*
- C. Limiting the height, size or location of a building or other structure or use.*
- D. Increasing street width and/or requiring improvements to public streets and other public facilities serving the proposed use, even including those off-site but necessary to serve the subject proposal.*
- E. Designating the size, number, improvements, location and nature of vehicle access points and routes, and requiring pedestrian and/or bicycle ways.*
- F. Limiting or otherwise designating the number, size, location, height and lighting of signs and outdoor or security lighting, and the intensity and/or direction thereof.*
- G. Requiring screening, fencing or other improvements or facilities deemed necessary to protect adjacent or nearby properties, and establishing requirements or standards for the installation and maintenance thereof.*
- H. Protecting and preserving existing trees, other vegetation and water, scenic, historic, archaeological, unique, landmark or other natural or man-made significant resources.*

FINDING: Additional conditions of approval have been included herein for this decision. Specifically, subsections D, E, and G. No other conditions of approval in accordance with the above-mentioned remaining elements are required at this time. Criteria met.

Sec. 15.312.080. - Revision of plans.

Construction documents (that is, plans, drawings and specifications) shall conform to all aspects of the approved design review plan. Where circumstances, unknown or unforeseen at the time the plans are approved, make it undesirable or unfeasible to comply with some particular aspect of the approved plan, the applicant shall request in writing that the city review needed and/or proposed modifications. The review authority that originally approved the plans shall review the proposed modifications to determine whether they constitute a major or minor revision of the approved plans.

A. Major modifications.

- 1. Major modifications are those which result in a significant change in the initial plans. The following are examples of major modifications: changes in the siting of a building; modification of areas to be landscaped; and modifications to a plan element that was the subject of a design review authority condition of approval.*

2. *If the review authority determines that the proposed change is a major modification, the proposed alteration shall be reviewed and processed in the same manner as the original application and as a new application; however, the fee shall only be 50 percent of the original application fee.*

B. Minor modifications.

1. *Minor modifications are those which result in an insignificant change in the initial plans. Examples are: limited dimensional or locational changes to building elements such as doors; changes in building materials where only a limited area is affected; and substitution of landscape materials which do not affect the overall landscape design.*
2. *If the city determines that the proposed change is a minor modification, the review authority may proceed with the review of the plans; however, if the review authority is different than the original review authority, the original review authority shall be notified of the proposed change and given an opportunity to comment relative thereto prior to final approval of such change.*

FINDING: To ensure compliance, a condition of approval is added stating the following.

Revision of Plans: **At all times**, construction documents shall conform to all aspects of the approved design review plan. Where circumstances, unknown or unforeseen at the time the plans are approved, make it undesirable or unfeasible to comply with some particular aspect of the approved plan, the applicant shall request in writing that the city review needed and/or proposed modifications. The review authority that originally approved the plans shall review the proposed modifications to determine whether they constitute a major or minor revision of the approved plans in accordance with LPDC 15.312.080.

Sec. 15.312.090. - Performance assurance.

- A. *Landscaping and other site improvements required pursuant to an approved design review plan shall be installed prior to the issuance of a certificate of occupancy or final inspection, unless the property owner and/or applicant submits a performance assurance device that is approved by the city committing the installation of landscaping and other site improvements within one year.*
- B. *In no case shall the performance be delayed beyond the one-year period for more than six months unless approved otherwise by the city. Acceptable performance assurances shall be in compliance with the provisions of this chapter or as otherwise approved by the city.*

FINDING: To ensure compliance, a condition of approval is added stating the following.

Landscaping and other improvement performance assurance: **Prior to occupancy**, all landscaping and other site improvements shall be installed. This requirement may be waived if the property owner and/or applicant submits a performance assurance device that is approved by the city committing the installation of landscaping and other site improvements within one year.

- C. *Performance guarantee required for infrastructure improvements. The city at its discretion may allow a developer to delay installation of required public infrastructure improvements provided such infrastructure improvements must be complete and accepted by the city prior to the issuance of a certificate of occupancy, and provided that the applicant provides assurance for said improvements acceptable to the city. The applicant shall provide a bond issued by a surety*

authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the city, cash, or other form of security acceptable to the city.

FINDING: To ensure compliance, a condition of approval is added stating the following.

Performance Guarantee: ***Prior to building permits***, the applicant shall provide a bond issued by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the city, cash, or other form of security acceptable to the city, providing a performance guarantee for the required public infrastructure improvements. However, the infrastructure improvements must be complete and accepted by the city prior to the issuance of a certificate of occupancy.

CHAPTER 15.316. - CONDITIONAL USES

Sec. 15.316.010. - Applicability.

Conditional uses may be permitted, enlarged or otherwise altered when authorized in accordance with the standards and procedures set forth in this chapter. In the case of a use listed as conditional existing prior to the effective date of this Development Code, a change in use, enlargement or alteration of such use shall conform with the provisions of a conditional use if so classified. Any new or transferred owner or assign is required to abide by the authorized permit. An application for a conditional use permit may be approved, modified, approved with conditions or denied by the city.

Sec. 15.316.020. - Procedure type.

Applications for conditional use approval are subject to Type II review in accordance with the procedures in [article 7](#) unless elevated by the city planning official to a Type III review.

FINDING: The request is being reviewed in accordance with the Type II review criteria, as addressed herein. Criteria met.

Sec. 15.316.030. - Submittal requirements.

Applications for conditional use approval, if not submitted concurrently with an application for site plan review, shall, at a minimum, include the materials required for a Type II review as specified in [article 7](#) as well as a site analysis diagram (see 15.312.040.B) and a site development plan (see 15.312.040.D). An application for a conditional use permit shall also contain a narrative report or letter responding to the applicable approval criteria in [section 15.316.040](#). The city may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal's conformance with this Development Code.

FINDING: As evidenced by the application submitted for review, the applicant included materials addressing the Type II review criteria, site analysis diagram, and site development plan. The applicant also included a narrative addressing the approval criteria within LPDC 15.316.040. No other additional materials are required. Criteria met.

Sec. 15.316.040. - Approval criteria.

In determining whether or not a conditional use proposal shall be approved or denied, it shall be determined that the following criteria are either met or can be met through compliance with specific conditions of approval:

- A. *The proposal is in compliance with the requirements set forth by the applicable primary zone, by any applicable overlay zone, and other provisions set forth by this Development Code that are determined applicable to the subject use.*

FINDING: As evidenced by this report, the request complies with the development standards for the Commercial Mixed-Use zone, and all other relevant criteria addressed herein. The property is not identified within an overlay zone. Criteria met.

- B. *That, for a proposal requiring approvals or permits from other local, state and/or federal agencies, evidence of the approval or permit compliance is established or can be assured prior to final approval.*

FINDING: The proposal requires approval from multiple other agencies, which include, but are not limited to, the Deschutes County Building Department, Deschutes County Public Works Department, La Pine Fire, The State Fire Marshall, and others. Those agencies have been noticed as part of this review, and provided the opportunity to comment. Their comments have been addressed herein, and conditions of approval included to ensure compliance with their permitting processes once final approval is received. Conditions have been drafted for various stages of the development, ensuring that those permits are obtained prior to final occupancy being granted by the city. Criteria met.

- C. *The proposal is in compliance with specific standards, conditions and limitations set forth for the subject use in the applicable zone, this section and this Development Code.*

FINDING: As evidenced by this report, the request complies with the development standards for the Commercial Mixed-Use zone, and all other relevant criteria addressed herein. All conditions of approval will be verified through various stages of the development process. Criteria met.

- D. *That no approval be granted for any use which is or [is] expected to be found to exceed resource or public facility carrying capacities, including, but not limited to, transportation water, sewer, and utility systems.*

FINDING: No natural resources are identified within the area as needing protection. The City of La Pine Public Works Department did not share concerns regarding the proposed development, and the use is not projected to exceed the carrying capacity of water and sewer facilities. Midstate Electric was provided notice of the application, and no concerns were shared from that entity. Transportation is the aspect of the proposal that is being mitigated for. The main concerns regarding transportation were not directly related to carrying capacity, rather the design of the access points, and the effect a normal access point not being mitigated for would have on the road system in that area. Through agency comments from the road authority, and subsequent conditions of approval being included to mitigate for those access points, the request will not exceed the carrying capacity of the roadway system in that area. Criteria met.

- E. *For any use which is found to require compliance with air, water, land, solid waste and/or noise pollution standards, that the compliance be a condition of approval and compliance therewith shall be a continuing condition.*

FINDING: Any conditions of approval included with regard to air, water, land, solid waste and/or noise pollution standards, are included as ongoing conditions of approval, and ongoing compliance will be a requirement. Criteria met.

Sec. 15.316.050. - Permit and improvements assurance.

An applicant for a conditional use permit may be required to furnish the city with a performance bond or other form of assurance in an amount equal to the estimated value of required improvements and other aspects of a proposed use as deemed necessary to guarantee development in compliance with the standards and conditions set forth in the approval of a conditional use.

FINDING: As previously conditioned, a performance bond is required prior to building permits being issued. Criteria met.

V. CONCLUSION

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

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

VI. DECISION

APPROVAL, subject to the following conditions of approval.

VII. CONDITIONS OF APPROVAL:

AT ALL TIMES

- A. Application Materials: This approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.
- B. Additional Permit Requirements: The applicant shall obtain necessary permits from the City of La Pine, Deschutes County Building Department, Deschutes County Onsite Wastewater Department, and any other necessary State or Federal permits.
- C. Confirmation of Conditions: The applicant shall be responsible for confirming in detail how each specific condition of approval has been met if requested by City staff.
- D. Outdoor Merchandise Display: **At all times**, the outdoor display of merchandise for sale must be located behind building setback lines.
- E. Exterior Lighting: **At all times**, all exterior lighting shall be hooded and shielded, pointing downward, so as not to shine onto or create a nuisance for adjacent properties.
- F. Maintenance and Plant Survival: **At all times**, all landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.

- G. Fencing: **At all times**, all fences and walls constructed or maintained on the subject property shall comply with Section 15.82.020 of the Development Code, including but not limited to requirements for materials, maintenance, height, and clear vision areas. The property owner shall ensure no fence, wall, or sign extends into the public right-of-way and is responsible for verifying property boundaries prior to installation.
- H. Utility Responsibility: **At all times**, the developer shall make necessary arrangements with the serving utility companies for the installation of all proposed or required utilities, which may include electrical power, natural gas, telephone, cable television and the like.
- I. Improvement Inspection: **At all times**, improvement work shall be constructed under the inspection and approval of an inspector designated by the city, and the expenses incurred therefore shall be borne by the developer.
- J. Default Status: **At all times**, if a developer fails to carry out provisions of the agreement, and the city has unreimbursed costs or expenses resulting from the failure, the city shall call on the bond or other assurance for reimbursement of the costs or expenses. If the amount of the bond or other assurance deposit exceeds costs and expenses incurred by the city, it shall release the remainder. If the amount of the bond or other assurance is less than the costs or expenses incurred by the city, the developer shall be liable to the city for the difference plus any attorney fees and costs incurred.
- K. Revision of Plans: **At all times**, construction documents shall conform to all aspects of the approved design review plan. Where circumstances, unknown or unforeseen at the time the plans are approved, make it undesirable or unfeasible to comply with some particular aspect of the approved plan, the applicant shall request in writing that the city review needed and/or proposed modifications. The review authority that originally approved the plans shall review the proposed modifications to determine whether they constitute a major or minor revision of the approved plans in accordance with LPDC 15.312.080.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS

- L. ADA Compliance: **Prior to building permits**, the applicant must submit a revised site plan showing an Americans with Disabilities Act (ADA) parking sign for the ADA parking space and ADA accessible paths.
- M. Public Improvement Plans: **Prior to building permits**, the applicant shall provide a design for culverts, drain infiltration swales, asphalt driveways, and asphalt path improvements in public right-of-way meeting the requirements of the Design Standards, II. Design Parameters, and III. Drawings. Plans shall be reviewed and approved by the city.
- N. Stormwater Design: **Prior to building permits**, the applicant must provide a design and calculations meeting the requirements of the Design Standards, II. Design Parameters, B. Stormwater, for roadway improvements and site development. The stormwater runoff from the site must be retained on site. Storm drains are not allowed to be connected to the sanitary sewer system. The stormwater runoff collected from under the fuel station canopy must be directed from the catch basins to the oil/water separator and then to the infiltration swale.
- O. Septic System Abandonment: **Prior to building permits**, the applicant shall abandon the existing septic tank effluent gravity system and unused effluent line.

- P. Water Service Lines: **Prior to building permits**, the applicant shall submit a new site plan that shows the water service, meter box, and backflow prevention device on the Site Plan per the requirements of the Design Standards, II. Design Parameters, D. Water, d. Service Lines.
- Q. Water Line Abandonment: **Prior to building permits**, the applicant shall show abandonment of any unused water service lines on the site plan.
- R. Fire Hydrants: **Prior to building permits**, the applicant shall coordinate with the La Pine Rural Fire District to verify if any additional fire hydrants are required for the redevelopment of the site, and identify them on the site plan.
- S. Design Standards: **Prior to building permits**, any road improvements shall be designed in accordance with Deschutes County Road Department roadway design standards, including required taper lengths, storage lengths, and appropriate striping per the ASSHTO Geometric Design of Highways and Streets. All pavement markings and signage associated with the road improvements shall comply with the Manual for Uniform Traffic Control(MUTCD) standards.
- T. Financial Responsibility: **Prior to building permits**, all costs associated with the design, permitting, and construction of the required road improvements shall be the responsibility of the applicant/developer. The applicant shall provide a performance guarantee or bond to ensure completion of the road improvements to the City of La Pine.
- U. Parking Stall Length: **Prior to building permits**, the applicant shall submit a revised site plan demonstrating the all proposed parking stalls will be 9 feet wide and 20 feet in length.
- V. Americans with Disabilities Act: **Prior to building permits**, the applicant shall confirm that the proposed parking meets applicable ADA requirements.
- W. Bicycle Parking: **Prior to building permits**, the applicant shall submit a revised site plan demonstrating the placement of 4 bicycle parking spaces, in accordance with the standards of LPDC Sec 15.86.050.
- X. Pedestrian Access and Circulation: **Prior to building permits**, the applicant shall submit an amended site plan demonstrating compliance with LPDC Sec. 15.88.050.
- Y. Sewer and Water Plan Approval: **Prior to building permits**, 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.
- Z. Onsite Drainage: **Prior to the building permits**, the applicant must provide confirmation that the onsite drainage is in compliance with the requirements of the Central Oregon Stormwater Manual.
- AA. Public Improvement Widths: **Prior to building permits**, the applicant shall provide an updated site plan demonstrating compliance with the arterial design standards set forth in the TSP. For the right away along the edge of the subject property to the centerline of Huntington Road and Burgess Road, the asphalt walkway shall be 6 feet in width, the infiltration swales shall be 8 feet in width, the bike lanes shall be 6 feet in width, and both Burgess Road and Huntington Road shall be wide enough to accommodate the 12 foot travel lane and remaining 7 feet of the left turn lane to the center line. Any changes to the road requiring widening and restriping shall be done so at the expense of the developer.

- BB. Plan Review and Approval: *Prior to building permits*, improvement work shall not commence until a Pre-Construction meeting has been held with the City of La Pine Public Works Department and Deschutes County Road Department.**
- CC. Agreement for Improvements: *Prior to building permits*, 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.**
- DD. Bond or Other Performance Assurance: *Prior to building permits*, the developer shall file with the agreement, to ensure his/her full and faithful performance thereof, one of the following, pursuant to approval of the city attorney and city manager, and approval and acceptance by the city council:**
1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the city attorney.
 2. A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability to proceed in accordance with the agreement.
 3. Cash deposit.
 4. Such other security as may be approved and deemed necessary by the city council to adequately ensure completion of the required improvements.
- EE. Amount of Security Required: *Prior to building permits*, the assurance of full and faithful performance shall be for a sum approved by the city as sufficient to cover the cost of the improvements and repairs, including related engineering, inspection and other incidental expenses, plus an additional 20 percent for contingencies.**
- FF. Performance Guarantee: *Prior to building permits*, the applicant shall provide a bond issued by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the city, cash, or other form of security acceptable to the city, providing a performance guarantee for the required public infrastructure improvements. However, the infrastructure improvements must be complete and accepted by the city prior to the issuance of a certificate of occupancy.**

PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY

- GG. Sewer Service: *Prior to Occupancy*, the applicant shall install sewer service to the applicable requirements of the Design Standards, II. Design Parameters, C. Sewer.**
- HH. Huntington Left-Turn Lane: *Prior to occupancy*, the applicant shall construct a dedicated left turn lane on Huntington Rd at the proposed approach to mitigate traffic impacts associated with the development. The applicant is responsible for any necessary road widening to meet Deschutes County Road Standards and City of La Pine Standards for arterials within the La Pine TSP.**
- II. Burgess Approach Turning Movement Restrictions: *Prior to occupancy*, the proposed Burgess Rd approach shall be limited to right-in, right-out movements through the installation of either:**

- c. A concrete median or raised median curb on Burgess Rd to physically prevent left-turn movements into or out of the subject property, or
- d. A channelized right-out only exit, designed to geometrically restrict the approach to right-out turn movements.

The applicant shall be responsible for any necessary road widening to meet Deschutes County Road Standards and City of La Pine Standards to accommodate the selected access control measure, and to match the arterial requirements within the La Pine TSP.

- JJ. Frontage Improvements: *Prior to occupancy*,** the applicant shall provide sidewalk and pedestrian infrastructure improvements in compliance with current Public Right-of Way Accessibility Guidelines (PROWAG) and City of La Pine and Deschutes County Road Standards. All new pedestrian facilities shall be designed and constructed to properly interface with the existing pedestrian push buttons at the southeast corner of Huntington Rd and Burgess Rd in accordance with PROWAG. Drainage improvement for Huntington and Burgess road shall be provided in accordance with City of La Pine and Deschutes County Road Standards and the current Central Oregon Stormwater Manual (COSM).
- KK. Construction: *Prior to occupancy*,** the applicant shall provide all necessary traffic control measures during construction on Huntington Road in compliance with the MUTCD or Oregon Temporary Traffic Control Handbook(OTTCH). All construction activities performed within the County Road Right-of-Way shall be in accordance with the Oregon Standards for Construction. The applicant shall coordinate with the Deschutes County Road Department and the City of La Pine for a final inspection to verify compliance with the approved plans.
- LL. State Fire Marshall Comments: *Prior to occupancy*,** the applicant shall confirm that all of the Deputy State Fire Marshalls requirements have been met.
- MM. Plant material installation standards: *Prior to occupancy*,** the following standards shall apply to plant materials and the installation thereof as provided in accordance with the provisions of this section:
 - 1. Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.
 - 2. Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.
 - 3. Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.
 - 4. Rows of plants should be staggered to provide for more effective coverage.
- NN. Duties of Developer: *Prior to occupancy*,** 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.
- OO. Right Of Way Dedication: *Prior to Occupancy*,** the applicant will be required to dedicate right of way along the entire property frontage of Huntington Road and Burgess Road, meeting the Arterial right of way width standards identified in the La Pine Transportation System Plan. The dedication will need to be reflected in a new deed that is recorded with Deschutes County.
- PP. Utility Provider Coordination: *Prior to occupancy*,** 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.

QQ. Underground Utilities: *Prior to occupancy*, all new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.

RR. Non-Remonstrance Agreement: *Prior to occupancy*, the applicant shall sign and file a non-remonstrance agreement for a future local improvement district (LID) to improve Huntington Road and Burgess Road.

SS. Street Trees: *Prior to occupancy*, the developer shall install street trees, at a 35 foot average spacing. Street trees shall conform to the clear vision requirements of LPDC Sec. 15.88.040, at both the intersection of Huntington/Burgess Roads, and the two proposed access points.

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

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

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

WW. Landscaping and other improvement performance assurance: *Prior to occupancy*, all landscaping and other site improvements shall be installed. This requirement may be waived if the property owner and/or applicant submits a performance assurance device that is approved by the city committing the installation of landscaping and other site improvements within one year.

VIII. DURATION OF APPROVAL, NOTICE, AND APPEALS

This approval shall lapse, and a new approval shall be required, if the use approved in this permit is not initiated within two (2) years of the date that this decision becomes final, or if development of the site is in violation of the approved plan or other applicable codes. A one time extension of up to one (1) additional year may be applied for in accordance with Chapter 15.202, so long as the request is submitted and paid for prior to the expiration of the approval.

THIS DECISION BECOMES FINAL TWELVE (12) DAYS AFTER THE DATE MAILED, UNLESS APPEALED BY THE APPLICANT OR A PARTY OF INTEREST IN ACCORDANCE WITH ARTICLE 7, CHAPTER 15.212 OF THE CITY OF LA PINE LAND DEVELOPMENT CODE. PURSUANT TO ARTICLE 7, CHAPTER 15.212 OF THE CITY OF LA PINE LAND DEVELOPMENT CODE, APPEALS MUST BE RECEIVED BY 5:00 PM ON THE 12TH DAY FOLLOWING MAILING OF THIS DECISION.

CITY OF LA PINE COMMUNITY DEVELOPMENT DEPARTMENT

Written By: Brent Bybee, Community Development Director