



FINDINGS AND DECISION

- DECISION DATE:** April 2, 2025
- FILE NUMBER:** 09PA-24, 03SPR-25
- APPLICANT/OWNER:** La Pine Public Works Department
PO Box 2460
La Pine, OR 97739
- LOCATION:** The subject property is located at 16725 Burgess Rd, La Pine, Oregon 97739. The Tax Lot number is 109 on Deschutes County Assessor’s Map 22-10-00.
- REQUEST:** The applicant is requesting a Site Plan Review to construct a replacement wastewater lift station, and a partition.
- 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 15.18. - RESIDENTIAL 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 8 - APPLICATIONS AND REVIEWS

CHAPTER 15.312. - SITE PLAN REVIEW

ARTICLE 9 – LAND DIVISIONS

CHAPTER 15.410. – LAND PARTITIONS

CHAPTER 15.418. – PROCESSING AND RECORDING PROCEDURES

II. BASIC FINDINGS

ZONING: The subject property is zoned Residential.

PARCEL SIZE: The subject property is +/- 321.38 acres in size.

LOT LEGALITY: The subject property was Created by Partition Plat 2009-33.

REVIEW PERIOD: The subject application was submitted on February 5, 2025, and deemed complete on March 13, 2025. The 120th day on which the City must take final action on this application is July 11, 2025.

EXISTING DEVELOPMENT: The subject property is vacant with no existing development.

SURROUNDING LAND USES: Surrounding properties are zoned Open Space & Parks, and Residential, and are either undeveloped, or developed with single family homes within an approved subdivision.

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: City of La Pine
- Sidewalks: HOA

PERMIT HISTORY:

- N/A

III. AGENCY AND PUBLIC COMMENTS

PUBLIC AGENCY COMMENTS: The La Pine Community Development Department sent mailed and electronic notice on March 13, 2025, to several public agencies and received the following comments:

Deschutes County Building Safety Division, Randy Scheid

The Deschutes County Building Safety Divisions code mandates that Access, Egress, Setbacks, Fire & Life Safety, Fire Fighting Water Supplies, etc. must be specifically addressed during the appropriate plan review process with regard to any proposed structures and occupancies.

Accordingly, all Building Code required items will be addressed, when a specific structure, occupancy, and type of construction is proposed and submitted for plan review.

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 March 13, 2025. No public comments were received.

IV. FINDINGS OF FACT

PART III, CITY OF LA PINE DEVELOPMENT CODE

ARTICLE 3 - ZONING DISTRICTS

CHAPTER 15.18. - RESIDENTIAL ZONES

FINDING: The subject property is zoned Open Space & Parks (OSP). Since the zoning designation does not have any applicable zoning district criteria within the La Pine Development Code, the proposal is being reviewed in accordance with the applicable criteria of the neighboring zoning, which is Residential. The development standards for that zoning are addressed herein.

Sec. 15.18.400. - Development standards.

A. *Purpose. The development standards for residential zones work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally ensure that new development will be compatible with the city's character. At the same time, the standards allow for flexibility for new development. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.*

B. *Development standards. The development standards for residential zones are presented in Table 15.18-2. Development standards may be modified as provided by chapter 15.320, variances. Additional standards may apply to specific zones or uses, see section 15.18.500. Footnotes in the table correspond to the sections below.*

1. *Minimum density standard in the RSF zone only applies to subdivisions. Development on existing lots and partitions are exempt from this standard.*
2. *Accessory dwellings do not count toward the maximum density standard in the RSF zone.*

Standard	RSF	RMF
Minimum density	1 unit per acre (1)	5 units per acre
Maximum density	7 units per acre (2)	40 units per acre
Minimum lot size	None	None for single-family dwelling, cottage cluster development, duplex, or townhomes. Multi-family development: 3,000 sq. ft. for first dwelling unit, plus 1,000 sq. ft. for each dwelling unit thereafter on the same property, provided that urban services are available to serve the development.
Minimum street frontage	50 feet 35 feet on cul-de-sac street 25 feet for townhomes	50 feet 35 feet on a cul-de-sac street 25 feet for townhomes
Minimum setbacks	—	—
- Front or street-side yard	20 feet	20 feet
- Side yard	10 feet None for townhomes	10 feet None for townhomes
- Rear yard	20 feet	20 feet
Maximum building height	45 feet	45 feet
Maximum lot coverage	75% for townhomes 50% for all other uses	75% for townhomes 50% for all other uses
Minimum landscaped area	See chapter 15.82	

FINDING: the proposed development will consist of a concrete valve vault, a reinforced concrete pad with a 8’ diameter wet well and pump motor controls within a housing, and a standby propane powered generator. The development standards do not apply to those components. The proposed partition will create a 91.76’ x 102.72’, 0.21 acre parcel. The underlying zoning has no minimum lot sizes however, and no other development standards apply to the request. Criteria met.

Sec. 15.18.500. - Additional standards.

A. *RSF zone. The following standards apply to all development in the RSF zone:*

1. *No dwelling structures shall have visible, unclosable openings, which allow penetration of air, outside elements, or animals into the structure's interior, except for screened-in porches.*
2. *All dwelling structures shall be placed on a basement foundation, concrete pad or piers, or other permanent foundation and secured, anchored, or tied down in accordance with the current International Building Code and all other applicable FHA requirements.*
3. *See [article 5](#) for additional development standards.*

FINDING: No dwellings are proposed through the request, and the development standards of Article 5 are addressed further on in this report. The request complies.

ARTICLE 5 - DEVELOPMENT STANDARDS

CHAPTER 15.80 – DEVELOPMENT STANDARDS, GENERALLY

Sec. 15.80.020. - Applicability.

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

Sec. 15.80.030. - Exemption - lot size requirements.

A. *The following exemptions to minimum lot size requirements shall apply:*

1. *Non-conforming lots or aggregate of contiguous lots or parcels held in a single ownership has an area or dimensions which do not meet the lot size or dimensional requirements of the applicable zone, the lot or aggregate holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone; providing, however, residential use shall be limited to single-family dwelling unit or to the number of dwelling units consistent with the equivalent densities of the zone.*
2. *Any parcel of land or portion thereof, which is to be dedicated to a public, semi-public or public utility for a park, school, road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements of this chapter and the applicable zone.*

B. *For all other lot size requirements in all other zones, applicants may propose approval of exceptions or variances in accordance with the application requirements in [article 8](#).*

FINDING: The applicant is not requesting an exemption to the lot size requirements for the underlying zoning, therefore these criteria are not applicable.

Sec. 15.80.040. - Exemption - yard or setback requirements.

The following exemptions to yard or setback requirements are authorized for a lot or use in any zone:

- A. If there is a lot where there are buildings on abutting lots, and the buildings are within 100 feet of the intervening lot, and the buildings have front yards less than the required front yard for the applicable zone, the depth of the front yard for the subject lot need not exceed the average depth of the front yards of the abutting lots.*
- B. If there is a building on only one abutting lot within 100 feet with a front yard less than the required front yard for the zone, the front yard of the subject lot need not exceed a depth one-half way between the depth of the yard on the abutting lot and the required front yard of the applicable zone.*
- C. Architectural features such as cornices, eaves, sunshades, canopies, gutters, chimneys and flues may project into a required yard two feet, provided that the projection is not closer than three feet to a property line, and, drainage or snowdrift does not flow onto abutting properties or right-of-way, and, fumes from woodstoves are not directed to other properties. Steps, terraces, platforms, patios, decks and porches having no roof covering, and fences not interfering with vision clearance requirements or drainage requirements may be permitted in required yards, except as otherwise limited or provided for by this chapter, or as otherwise approved by the city.*

FINDING: The applicant is not requesting an exemption to the yard or setback requirements for the underlying zoning, therefore these criteria are not applicable.

Sec. 15.80.050. - Supplementary height regulations.

The maximum height limitations shall not apply to:

- A. The following principal structures: Church, college, farm structure (other than a farm dwelling), hospital, radio or television tower, exhaust stack, emergency services structure, or public utility structure which is a permitted use and is located in any zone, provided it shall conform to the setback and yard requirements of the zone where it is located plus one additional foot horizontally for each foot over 45 feet in height.*
- B. The following appurtenances attached to or part of a principal or accessory structure: Church spire, belfry, cupola, dome, monument, smoke-stack, derrick, conveyor, flag pole, mast, antenna, aerial, roof tank; ventilating air conditioning and similar building service equipment; roof structure, chimney and/or parapet wall, provided it shall be set back in conformance with the setback and yard requirements plus one foot horizontally for each foot in which it exceeds 45 feet in height above ground level. The principal or accessory structure to which it is attached may conform to setback and yard requirements with no additional setback provided the principal or accessory structure conforms to the height limitations of the zone.*

FINDING: The proposal will meet the height restrictions for the underlying zoning, these criteria do not apply.

Sec. 15.80.060. - Restrictions on the use of metal shipping containers.

Except as specified below, metal shipping containers shall not be placed on-site:

- A. In residential zones, no metal shipping containers shall be utilized as a dwelling at any time, or as storage structures for greater than 30 days.*

- B. *In commercial zones, metal shipping containers shall not be placed on-site, with the exception of short-term use for construction or relocations (30 days or less), or in the case of construction; 30 days after a certificate of occupancy has been issued.*
- C. *In industrial zones, metal shipping containers are permitted for storage uses.*

FINDING: The proposal does not propose the use of shipping containers, these criteria do not apply.

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 proposal does not include any of the above listed uses, therefore the landscaping criteria does not apply to this request.

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: As proposed, the fencing surrounding the proposed development will contain barbed wire. Although the City of La Pine Development Code specifically restricts that material for fencing, Oregon Department of Environmental Quality laws require wastewater lift stations to contain barbed wire for security and safety purposes. The proposal must meet state law requirements. Local laws and code criteria cannot be less restrictive than state requirements, therefore the proposal complies. Criteria met.

CHAPTER 15.86. - PARKING AND LOADING

Sec. 15.86.010. - Applicability.

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

(***)

FINDING: The proposal is for a wastewater lift station that will be operated by city staff. The criteria identifies parking only as needed for that level of use, which is being accounted for internally if a city vehicle visits the site for service. The criteria does not apply.

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: No drive-up or drive-through facilities are proposed, the criteria is not applicable.

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>Multi-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 proposed use does not require bicycle parking, as only city employees will have access to the site. The criteria is not applicable.

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: As part of the submittal, a snow storage plan was submitted for review. The total area for snow removal is identified as 3,482 square feet. The amount of storage area provided is 1,531 square feet, totaling 44% of the area to be removed, and exceeding the 15% minimum. As illustrated, snow storage will not be occurring in any unpermitted areas listed in subsection C above, and no reduction or elimination is requested by the applicant. Criteria met.

CHAPTER 15.88. - ACCESS AND CIRCULATION

Sec. 15.88.010. - Purpose.

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

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 proposed access to the site will be from the existing access being utilized by the existing lift station to be replaced. The site and access will only be utilized by city staff. The standards for this access and neighboring development are addressed within the criteria below.

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.
- 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.*
- 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.*
- 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.*
- 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 proposal does not include a new access point, it will be utilizing an existing access to the site, and access will not be allowed to the public. The above criteria does not apply.

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

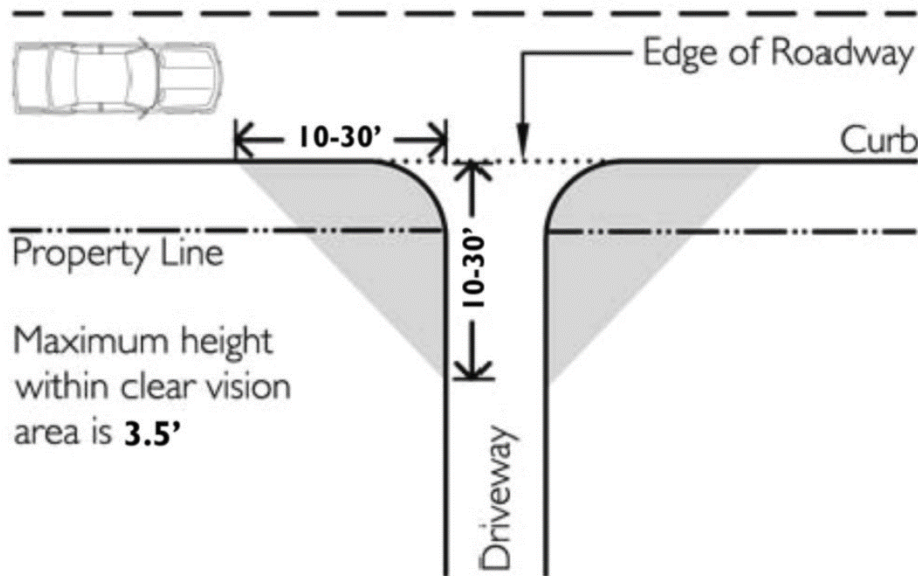
- A. *In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, wall, structure, private signage, or temporary or permanent obstruction exceeding 3½ feet in height,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

Right-of-Way Width	Clear vision
80 feet or more	20 feet
Less than 80 feet	30 feet

Clear Vision Areas



FINDING: As evidenced by the site plan submitted, the existing access will maintain clear vision areas on either side of it's intersection with Campfire Drive. The request complies.

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 proposal will have access onto Campfire Drive, which is an existing road that was constructed through a subdivision development, in accordance with the requirements of the La Pine Development Code and Transportation System Plan. No further updates the public improvements are required, as they have already been

provided. The above criteria does not apply.

CHAPTER 15.90. - PUBLIC FACILITIES

Sec. 15.90.010. - Public facilities improvement.

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

FINDING: The proposal includes a new wastewater lift station that will be updating and replacing the existing wastewater lift station. This update will ensure that development within that area of the city served by city wastewater can be adequately supported. No further public improvements are necessitated by the development. The request complies.

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.*
- 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.*
- 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 streets are proposed through the request, and as approved through the recent subdivision approval for that area, they meet the design guidelines set forth by the development code and transportation system plan. The development proposal is a city led project that will be updating and replacing the wastewater lift station for that area of the city. The request complies.

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: The development proposal is a city led project that will be updating and replacing the wastewater lift station for that area of the city, ensuring that inadequate facilities are updated to support the current and future level of development projected for that area. The request complies.

Sec. 15.90.040. - Stormwater.

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

FINDING: The level of development proposed is not anticipated to have an effect on upstream or downstream drainage. The criteria does not apply.

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: **At all times**, the developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.

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

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

Underground Utilities: **At all times**, all new electrical, telephone or other utility lines shall be underground unless

otherwise approved by the city.

- 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 applicant's proposal does not include any public improvements of Highway 97, nor are any other public street/highway improvements required through the request. These criteria are not applicable to this application.

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.*

FINDING: Campfire Drive currently meets the minimum right of way width requirement as specified in the transportation system plan. The request complies.

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

FINDING: Sidewalks were required for public access through the subdivision approval, and have been already been constructed in that area. This criterion is met.

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

FINDING: Bike lanes have already been constructed along the entire property frontage (save for the driveway). This criterion is met.

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

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

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

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

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

- L. *Alignment. All streets, as far as practicable, shall be in alignment with existing streets by continuations of the center lines thereof. Necessary staggered street alignment resulting in intersections shall, wherever possible, leave a minimum distance of 200 feet between the center lines of streets of approximately the same direction, and in no case shall the off-set be less than 100 feet.*
- M. *Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practicable, and in no case shall an acute angle be less than 80 degrees unless there is a special intersection design approved by the city engineer or other duly designated city representative as applicable. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the*

intersection, and the intersection of more than two streets at any one point will not be approved.

- N. Curves. Centerline radii of curves should not be less than 500 feet on major arterials, 300 feet on minor arterials, 200 feet on collectors or 100 feet on other streets and shall be on an even ten feet. Where existing conditions, particularly topography, make it otherwise impractical to provide building sites, the city may accept steeper grades and sharper curves than provided for herein in this subsection.*
- O. Street grades. Street grades shall not exceed eight percent on arterials, ten percent on collectors and 12 percent on all other streets including private driveways entering upon a public street or highway; however, for streets at intersections, and for driveways entering upon a public street or highway, there should be a distance of three or more car lengths (approximately 50 feet) where the grade should not exceed six percent to provide for proper stopping distance during inclement weather conditions.*
- P. Street names. Except for the extension of existing streets, no street names shall be used which will duplicate or be confused with the name of an existing street in the city or within a radius of six miles of the city or within the boundaries of a special service district such as fire or ambulance. Such street names shall be approved by the Deschutes County street name coordinator.*
- Q. Street name signs. Street name signs shall be installed at all street intersections by the developer in accordance with applicable city, county or state requirements. One street sign shall be provided at the intersection of each street, and two street signs shall be provided at four-way intersections.*

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

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

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

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

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

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

FINDING: The subject property fronts on Highway 97 which has existing curbs that do not need to be modified. This criterion is met.

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

FINDING: 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.*
- 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: The proposal is for a wastewater lift station that is replacing an existing lift station. No traffic other than occasional city staff visits will be occurring, nor increasing with the replacement. Therefore, a TIA is not necessary since no operational changes will be occurring, and the criteria are not applicable.

- D. *Waiver or deferral. The city may waive or allow deferral of standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in [subsections] 1 through 4 is met. Where the city agrees to defer a street improvement, it shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future:*
1. *The standard improvement conflicts with an adopted capital improvement plan.*
 2. *The standard improvement would create a safety hazard.*
 3. *It is unlikely due to the developed condition of adjacent property that the subject improvement would be extended in the foreseeable future, and the improvement under consideration does not by itself significantly improve transportation operations or safety.*
 4. *The improvement under consideration is part of an approved partition in the [RL or RM] and the proposed partition does not create any new street.*

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

CHAPTER 15.94. - IMPROVEMENT PROCEDURES AND GUARANTEES

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: No public improvements are required for this application. These criteria are not applicable.

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.

- 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.*
- 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.*
- 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: As stated previously, no public improvements are required for this application. These criteria are not applicable.

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 above criteria highlight the purpose of site plan reviews, and the proposal is being reviewed in accordance with all of the above specific purposes as evidenced by this report. The request complies.

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 includes a request for a new replacement wastewater lift station, which is considered new development. Therefore, the criteria for site plan reviews applies, and the use is reviewed in accordance with the applicable criteria.

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 proposal will result in all of the above criteria being involved; therefore, site plan approval is required. The criteria for site plan approval is addressed in this report where the use is found to comply.

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 for a replacement wastewater lift station, and a partition. Both of those uses fall under the Type II review procedures and are reviewed under the applicable criteria within this report. A pre-application conference was not held, nor required. The proposal is reviewed in accordance with the procedures outlined in Article 7. 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.*
- 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.*
- 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.*
- 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.*
- 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: As evidenced by the application submitted, the applicable elements listed above were included for review. The request complies.

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 is not for residential development, the 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: As discussed in previous findings, the request does not require landscaping, and does not necessitate the need for a landscaping plan. The criteria does not apply.

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](#).*
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.*
3. *The application complies with the provisions of the any applicable overlay zones in [article 4](#).*
4. *The proposal complies with all applicable development and design standards of [article 5](#).*
5. *The application complies with all applicable special use standards in [article 6](#).*
6. *Adequate public facilities and utilities are available or can be made prior to occupancy to serve the proposed development.*
7. *The proposed site plan conforms to the standards within the adopted La Pine Transportation System Plan (TSP), as may be amended from time to time, unless other design standards are specifically approved by the city.*
8. *The proposed site plan conforms to the La Pine Sewer and Water Standards, as may be amended from time to time, unless other design standards are specifically approved by the city. All sewer improvements must comply with Oregon Administrative Rules chapter 340 division 52 requirements, including Appendix A - Sewer Pipelines.*
9. *The proposed site plan conforms to the Central Oregon Stormwater Manual (COSM), as may be amended from time to time, unless other design standards are specifically approved by the city.*
10. *All utilities shall be installed underground, unless otherwise specifically approved by the city.*

11. *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 application was deemed complete on March 13, 2025, in accordance with LPDC Article 7. All applicable provisions of the underlying zone (Residential Master Plan) have been met. All applicable development and design standards of LPDC Article 5 have been met. No uses within Article 6 apply to the request. Notice of Application was sent to several agencies including the La Pine Public Works Department and Midstate Electric. Staff did not receive any comments in the record that indicated there were not adequate public utilities and facilities to support the development. No improvements are required through the request that would necessitate a review for conformance with the La Pine Transportation System Plan. The proposal is a city wastewater project, and city staff will be responsible to ensure the La Pine Sewer and Water Standards are met at the time of development. As discussed previously, the proposal does not require drainage plan approval in accordance with the Central Oregon Stormwater Manual. As previously conditioned, all utilities shall be installed underground. The applicant is proposing new development of the property and not altering a previous site plan approval, therefore, compliance with previous conditions of approval is not applicable to this proposal. Criteria met.

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.*

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.*
3. *The design incorporates existing features, such as streams, rocks, slopes, vegetation and the like, as part of the overall design.*
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.*
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.*
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.*
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 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. The development will be screened by neighboring trees to the north of the development to ensure compatibility. There are no existing features such as streams, rocks, slopes, nor vegetation on the site to incorporate into the proposed design. No pedestrian or bike paths are required through the proposal. The improvements to the site are in adherence to the development code which does not unreasonably degrade the scenic values of the community. No parking or new access is proposed through the request. To ensure the mechanical equipment within the fenced area is screened from view, the following conditions of approval have been included.

Screening trees: ***Prior to final planning approval***, screening trees shall be provided on the exterior of the fencing to screen the development. Screening trees shall be maintained and installed in accordance with the following criteria:

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

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.

ARTICLE 9 - LAND DIVISIONS

CHAPTER 15.410. - LAND PARTITIONS

Sec. 15.410.010. - Applicability and exemptions.

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

FINDING: The applicant is applying for a two-parcel partition, which is being reviewed in accordance with the Type II procedures for a minor partition. Applicable criteria are addressed herein.

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

FINDING: The applicant's two parcel partition does not meet any of the above exemptions, therefore these criteria are not applicable.

Sec. 15.410.020. - Applications - partitions.

- A. *Filing procedures and requirements. Any person proposing a land partition, or the authorized agent or representative thereof, shall prepare and submit copies of the tentative plan for the proposed partition, together with the materials required for a Type II review for a minor partition or Type III review for a major partition as specified in [article 7](#), to the planning official.*
- B. *Proposed partitioning shall be drawn. The scale and format of the plans and the number of copies required shall be as specified on the application form.*
- C. *Requirements for the plan. The plan shall include the following:*
- 1. A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways, properties and land use patterns.*
 - 2. A plan of the proposed partitioning showing tract boundaries and dimensions, the area of each tract or parcel and the names, right-of-way widths and improvement standards of existing roads.*
 - 3. Names and addresses of the land owner, the partitioner, the mortgagee if applicable, and the land surveyor employed (or to be employed) to make necessary surveys and prepare the final partitioning map.*

4. *A statement regarding provisions for water supply, sewage disposal, solid waste disposal, fire protection, access, utilities and the like.*
5. *North point, scale and date of map and the property identification by tax lot, map number, section, township and range, subdivision lot and block or other legal description.*
6. *Statement regarding past, present and proposed use of the parcel(s) to be created, or the use for which the parcel(s) is to be created.*

FINDING: The proposal includes the replacement of a wastewater lift station and a partition. The proposal is being reviewed in accordance with the standards of Article 7. A tentative plan was provided for the proposed partition, which was drawn to scale by a licensed land surveyor. The tentative plan submitted included all of the above listed elements, as evidenced by the submittal. Criteria met.

Sec. 15.410.030. - Decisions - partitions.

- A. *Minor partition. Review of a minor partition shall follow the Type II review procedures in [article 7](#).*

FINDING: The applicant's two parcel partition is considered a minor partition and is being reviewed in accordance with Type II review procedures. This criterion is met.

- B. *Major partition. Review of a major partition shall follow the Type III review procedures in [article 7](#).*

FINDING: The applicant's two parcel partition is not considered a major partition; therefore, this criterion is not applicable.

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

FINDING: LPDC Section 15.12.020 defines series partitioning as follows:

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

Based on the land use history for the subject property, and the applicant's proposal, staff finds that the applicant's proposed partition does not qualify as a series partition, therefore this criterion is not applicable.

- D. *Final partition map procedures. In addition to the procedures required for city approval of a final map for a partitioning, other required processing procedures are set forth in chapters [15.414](#) and [15.418](#).*

FINDING: Relevant criteria under LPDC Section 15.414. and 15.418 will be reviewed for compliance during final plat review.

E. *Requirements for approval. No partitioning shall be approved unless the following requirements are met:*

1. *The proposal is in compliance with the applicable zoning regulations. All lots conform to the applicable lot standards of the zoning district, including density, lot area, dimensions, setbacks, and coverage.*

FINDING: As discussed herein, the applicants two parcel partition is in compliance with the applicable zoning regulations for the Residential zone. This criterion is met.

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

FINDING: As discussed previously, each newly created parcel will be suited for uses listed in the Residential zone, including but not limited to sewage disposal, water supply, access, and utilities. This criterion is met.

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

FINDING: Staff finds that based on the applicant's proposal, public services will be reasonably available to each newly created parcel. This criterion is met.

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

FINDING: Notice of Application was sent to all relevant public agencies and property owners within 100 feet of the subject property. Staff did not receive any comments from neighboring properties, and all comments from relevant agencies have been incorporated herein. This criterion is met.

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

FINDING: Comments from the City Engineer did not identify any need for a survey or other improvement requirements. This criterion is not applicable.

Sec. 15.410.050. - Final map requirements.

Within two years of the approval of a partition, the partitioner shall have prepared and submitted to the city planning official a final partition map prepared by a licensed surveyor and any other materials or documents required by the approval.

- A. *The final map shall provide a certificate for approval of the subject partition by the planning official. The final map shall also contain a certificate for execution by the county tax collector and a certificate for execution by the county assessor. The final map shall first be submitted to and approved by the county surveyor prior to obtaining the required signatures.*

- B. *Upon approval, the petitioner shall file the original map with the county clerk, the true and exact*

copy with the county surveyor and copies of the recorded plat and a computer file of the plat with the city recorder, city planning official, or county surveyor. The county surveyor may request an additional number of copies required at the time of final plat review if deemed appropriate.

- C. *A final partition map prepared for this purpose shall comply with the recording requirements applicable to a final plat for a subdivision.*

FINDING: Staff includes LPDC Section 15.410.050 as a condition of approval to ensure compliance with the final plat review process.

Final Map Requirements: *Prior to final plat*, within two years of the approval of a partition, the partitioner shall have prepared and submitted to the city planning official a final partition map prepared by a licensed surveyor and any other materials or documents required by the approval.

- The final map shall provide a certificate for approval of the subject partition by the planning official. The final map shall also contain a certificate for execution by the county tax collector and a certificate for execution by the county assessor. The final map shall first be submitted to and approved by the county surveyor prior to obtaining the required signatures.
- Upon approval, the petitioner shall file the original map with the county clerk, the true and exact copy with the county surveyor and copies of the recorded plat and a computer file of the plat with the city recorder, city planning official, or county surveyor. The county surveyor may request an additional number of copies required at the time of final plat review if deemed appropriate.
- A final partition map prepared for this purpose shall comply with the recording requirements applicable to a final plat for a subdivision.

CHAPTER 15.418. - PROCESSING AND RECORDING PROCEDURES

Sec. 15.418.010. - Processing and recording subdivision and partition maps.

- A. *Submit one reproducible paper, vellum or Mylar map copy to the county surveyor.*
- B. *Submit closure sheets for the surveyor's certificate and a closure sheet for each lot or parcel created, and a closure sheet for dedicated areas such as roadways or public facility lots.*
- C. *Submit the required county surveyor review fee as appropriate for the subdivision or partition.*
- D. *Submit a title report for the subdivision.*
- E. *Submit a post-monumentation certificate stating the intent and completion date and a bonding estimate for all subdivision plats proposed for post-monumentation. The bonding estimate is to be 120 percent of the estimated actual costs, office and field.*
- F. *After preliminary initial review of the plat, resubmit the final plat prepared on double matte four mil minimum thickness Mylar, with corrections made, to the county surveyor for final approval and signature.*
- G. *Remaining approval signatures shall then be executed and the final maps and an exact copy thereof submitted to the county surveyor for recording into the survey records prior to submittal to the county clerk for recording. The exact copy shall comply with the requirements of ORS 92 and other applicable statutes and be submitted on four mil thickness Mylar.*

- H. *The county surveyor recording fee shall be submitted with the final plat along with any required post-monumentation bond or letter executed by the city attorney that the bonding requirements are met.*
- I. *The plat shall then be submitted to the county clerk along with the required recording fee. After recording information is placed on the exact copy by the county clerk, the exact copy and the required number of prints showing the recording information shall be submitted to the county surveyor to complete the process. The number of prints required shall be 12 for a subdivision plat and six prints for a partition unless a greater number is requested by the county surveyor at initial review.*
- J. *Copies of the exact copy of the final plat showing the recording information shall also be submitted to the city planning official, together with an electronic copy in a format approved by the city. The scale and format of the plans and the number of copies required shall be as specified on the application form.*

FINDING: Staff includes this section for reference to the applicant, so they are aware of the process to record a partition map.

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. Utility Provider Coordination: **At all times**, 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.

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

PRIOR TO THE ISSUANCE OF FINAL PLANNING APPROVAL

- H. Screening trees: **Prior to final planning approval**, screening trees shall be provided on the exterior of the fencing to screen the development. Screening trees shall be maintained and installed in accordance with the following criteria:
- Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.
 - Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.
 - Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.
 - Rows of plants should be staggered to provide for more effective coverage.

PRIOR TO FINAL PLAT

- I. Final Map Requirements: **Prior to final plat**, within two years of the approval of a partition, the partitioner shall have prepared and submitted to the city planning official a final partition map prepared by a licensed surveyor and any other materials or documents required by the approval.
- The final map shall provide a certificate for approval of the subject partition by the planning official. The final map shall also contain a certificate for execution by the county tax collector and a certificate for execution by the county assessor. The final map shall first be submitted to and approved by the county surveyor prior to obtaining the required signatures.
 - Upon approval, the petitioner shall file the original map with the county clerk, the true and exact copy with the county surveyor and copies of the recorded plat and a computer file of the plat with the city recorder, city planning official, or county surveyor. The county surveyor may request an additional number of copies required at the time of final plat review if deemed appropriate.
 - A final partition map prepared for this purpose shall comply with the recording requirements applicable to a final plat for a subdivision.

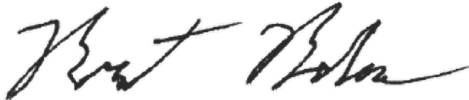
VIII. DURATION OF APPROVAL, NOTICE, AND APPEALS

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

A handwritten signature in black ink, appearing to read "Brent Bybee", written in a cursive style.

Written By: Brent Bybee, Community Development Director

Attachment: