



CITY OF LA PINE, OREGON PLANNING COMMISSION

Wednesday, September 18, 2024, at 5:30 PM

La Pine City Hall: 16345 Sixth Street, La Pine, Oregon 97739

Online access via Zoom: <https://us02web.zoom.us/j/88618849700>

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to City Hall at (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY.

AGENDA

CALL TO ORDER

ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

- 1. 09.04.2024 Planning Commission Meeting Minutes..... 3.

ADDED AGENDA ITEMS

Any matters added at this time will be discussed during the "Other Matter" portion of this agenda.

PUBLIC HEARING

All public hearings will follow the following procedure:

- | | |
|---------------------------------------|--------------------------|
| A. Open Public Hearing | C. Open Public Testimony |
| B. Staff Report / Applicant testimony | D. Close Hearing |

- 1. 01TA-24 Text Amendment
 - a. Open Public Hearing
 - b. Application Documents
 - i. Staff Report..... 7.
 - c. Public Testimony
 - d. Close Hearing

OLD BUSINESS

None

NEW BUSINESS

- 1. Long Range Planning update (Discussion Only)

2. Administrative Land Use Application update (Discussion Only)

OTHER MATTERS

Only Items that were previously added above in the Added Agenda Items will be discussed.

PUBLIC COMMENTS

Public Comments provide an opportunity for members of the community to submit input on ongoing matters within the city.

Public Comments are limited to three (3) minutes per person; when asked to the podium, please state your name and address. This helps the Planning Commission and staff determine if you are a city resident. The acting chair may elect to respond to comments if the matter is within the jurisdiction of the city or defer to city staff for response. Any matter that warrants testimony and rebuttal may be debated only during a Public Hearing on the matter.

STAFF AND COMMITTEE COMMENTS

ADJOURN

Pursuant to ORS 192.640: This notice includes a list of the principal subjects anticipated to be considered or discussed at the above-referenced meeting. This notice does not limit the ability of the Planning Commission.



CITY OF LA PINE, OREGON PLANNING COMMISSION

Wednesday, September 4, 2024, at 5:30 PM

La Pine City Hall: 16345 Sixth Street, La Pine, Oregon 97739

Online access via Zoom: <https://us02web.zoom.us/j/85769147447>

MINUTES

CALL TO ORDER

Chair Myers called the meeting to order at 5:30 p.m.

ESTABLISH QUORUM

Commission

Chair Myers

Vice Chair Poteet – Excused

Commissioner Hatfield

Commissioner Bauman

Commissioner Accinelli

Staff

Geoff Wullschlager – City Manager

Brent Bybee – Principal Planner

Amanda Metcalf – City Recorder

PLEDGE OF ALLEGIANCE

Commissioner Hatfield led the Pledge of Allegiance.

CONSENT AGENDA

1. 08.07.24 Minutes Planning Commission Meeting Minutes
 - a. Public Comment Form - Jennifer Stelzer
 - b. Public Comment Form – Richard Harp
2. 08.21.24 Minutes Planning Commission Meeting Minutes

Commissioner Hatfield made a motion to approve the consent agenda. *Commissioner Bauman seconded the motion.* Chair Myers asked for a roll call vote.

Commissioner Accinelli – Aye

Commissioner Hatfield – Aye

Commissioner Bauman – Aye

Chair Myers – Aye

Motion passed unanimously.

ADDED AGENDA ITEMS

None.

PUBLIC HEARING

None.

OLD BUSINESS

None.

NEW BUSINESS

1. Long Range Planning update (Discussion Only)

Principal Planner Bybee gave an update on the long-range planning, he stated there will be another community summit in October for La Pine 2045. He informed the Commission of the location and times of the joint Steering Advisory Committee (SAC) and Technical Advisory Committee (TAC) meeting and also the community summit.

He gave an update on Community Planning Assistance for Wildfire (CPAW) and that they are currently moving forward with their review.

Lastly, he stated that staff is still waiting for a decision on the Transportation Growth Management (TGM) grant.

2. Administrative Land Use Application update (Discussion Only)

Principal Planner Bybee gave an update on administrative land use applications. He stated that staff has a pre-application meeting scheduled with the rodeo grounds. He listed the Type I files which includes a sign permit for Amerititle, a new daycare facility, an ADU for a residential property on Finley Butte, and lastly a change of ownership for a marijuana production facility.

He listed the Type II files which are three site plan reviews including Walgreens, St. Charles' expansion of their parking lot, and a three-story affordable living apartment complex.

Lastly, he listed the Type III files including two appeals that have been rescinded. And two new subdivisions that did not receive an appeal and are now final.

3. Training (Discussion Only)

- a. OAPA
- b. LOC

City Manager Wullschlager discussed possible training options for the Planning Commission. He briefly explained the different classes that are available for the Commissioners to participate in.

Principal Planner Bybee stated that he can coordinate with a Department of Land Conservation and Development (DLCD) representative to come present to the Commission and the will give an overview of Oregon land use.

The Commission asked for City Manager Wullschlager to get more information to enroll the Commission into different training sessions.

OTHER MATTERS

None.

PUBLIC COMMENTS

None.

STAFF AND COMMITTEE COMMENTS

Chair Myers did not have any comments.

Commissioner Hatfield did not have any comments.

Commissioner Bauman did not have any comments.

Commissioner Accinelli did not have any comments.

City Manager Wullschlager did not have any comments.

Principal Planner Bybee did not have any comments.

City Recorder Metcalf did not have any comments.

Chair Myers adjourned the regular session at 5:44 p.m. and started the executive session.

EXECUTIVE SESSION: Per ORS 192.660(f.)

ADJOURN

Chair Myers adjourned the executive session at 6:36 p.m.

Chair Myers reconvened the regular session at 6:36 p.m.

Chair Myers asked the Commission for a motion to send the discussed items during executive session to the City Council for review.

Commissioner Hatfield made a motion for the City Council to review the discussed items.

Commissioner Bauman seconded the motion. Chair Myers asked for a roll call vote.

Commissioner Accinelli – Aye

Commissioner Hatfield – Aye

Chair Myers – Aye

Commissioner Bauman – Aye

Motion passed unanimously.

Chair Myers adjourned the meeting at 6:38 p.m.

Pursuant to ORS 192.640: This notice includes a list of the principal subjects anticipated to be considered or discussed at the above-referenced meeting. This notice does not limit the ability of the Planning Commission.

_____ Date:

Teri Myers, Chair

ATTEST:

_____ Date:

Amanda Metcalf, City Recorder



16345 Sixth Street — PO Box 2460

La Pine, Oregon 97739

TEL (541) 536-1432

www.lapineoregon.gov

**CITY OF LA PINE PLANNING DIVISION
PROPOSED DEVELOPMENT CODE AMENDMENTS**

- DATE:** September 4, 2024
- FILE NUMBER:** 01TA-24
- APPLICANT:** City of La Pine Community Development
- REQUEST:** City Staff identified code language updates to:
- Bring city code into compliance with current State statutes and regulations;
 - Provide clear and objective criteria within the zoning ordinance to provide for greater understanding of requirements;
 - Allow for local flexibility in interpreting code language;
 - Edit code language that is incorrect;
 - Delete references to outdated or removed sections.

Specifically, the proposed code amendments consist of clarifying updates and housekeeping revisions to Part III of the La Pine City Code. The proposal includes the following:

- Define drive up and drive thru facilities, mobile food units, and flag lots;
- Match the definitions for partitions, property line adjustments, and replats to those in state statute;
- Amend the lot size and paving requirements for self-service storage facilities;
- Removing manufactured dwelling parks as a development option from all Commercial zones;
- Further define residential lot frontage requirements;
- Provide code language requiring the retention of existing trees to the furthest extent possible when new development is proposed;
- Providing additional drive up and drive thru facility standards;
- Refining allowed pedestrian access materials;
- Amending the Type I procedures to match state statute;
- Removing code criteria that identifies mobile food unit approval periods, as it contradicts the criteria within Sec. 15.105.070.
- Amended standards towards property line adjustments, removing references to “boundary” line adjustment or “lot” line adjustment to match state statute;
- New criteria towards replats, better addressing the requirements within state statute.

The Planning Commission held a work session on June 5, 2024 & July 17, 2024, to discuss the proposed changes. They directed staff to make editorial changes for final review.

STAFF CONTACT: Brent Bybee, Principal Planner
Email: bbybee@lapineoregon.gov
Phone: (541)668-1135

I. APPLICABLE CRITERIA:

PART III – CITY OF LA PINE DEVELOPMENT CODE

ARTICLE 7 – PROCEDURES

CHAPTER 15.204. – APPLICATION PROCEDURES

Sec. 15.204.040. – Type IV (legislative decisions).

OREGON REVISED STATUTES

CHAPTER 197 COMPREHENSIVE LAND USE PLANNING

ORS 197.610 - Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development

II. FINDINGS

PART III – CITY OF LA PINE DEVELOPMENT CODE

ARTICLE 7 – PROCEDURES

CHAPTER 15.204. – APPLICATION PROCEDURES

Sec. 15.204.040. – Type IV (legislative decisions).

A. Timing of requests. The city council may establish a schedule for when it will accept legislative code amendment or plan amendment requests, or the city council may initiate its own legislative proposals at any time. Legislative requests are not subject to the 120-day review period under ORS 227.178.

FINDING: The current request was initiated by the city, and is not subject to the 120-day review period under ORS 227.178. Criteria met.

B. Application requirements.

1. Application forms. Legislative applications shall be made on forms provided by the city planning official.

2. Submittal information. The application shall contain all of the following information:

a. The information requested on the application form;

b. A map and/or plan addressing the appropriate criteria and standards in sufficient

detail for review and decision (as applicable);

- c. The required fee, except when City of La Pine initiates request;*
- d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards; and*
- e. Evidence of neighborhood contact, if applicable pursuant to section 15.202.050.*

FINDING: The applicable form was filled out by the city and submitted for the proposal. All information requested on the application form was provided. A map or plan is not applicable towards the code amendments that are proposed. The request was initiated by the City of La Pine, therefore a fee is not required. This staff report and work session materials serves as the narrative statement demonstrating compliance with the approval criteria. A neighborhood contact meeting is not required in accordance with LPDC Sec. 15.202.050. Criteria met.

- C. Procedure. Hearings on Type IV applications are conducted similar to city council hearings on other legislative proposals, except the notification procedure for Type IV applications must conform to state land use laws (ORS 227.175), as follows:*
 - 1. The city planning official shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) at least 35 days before the first public hearing at which public testimony or new evidence will be received. The notice shall include a DLCD certificate of mailing.*
 - 2. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any zone change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:*
 - a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one comprehensive plan land use designation to another); see ORS 227.186 for instructions;*
 - b. Any affected governmental agency;*
 - c. Any person who requests notice in writing; and*
 - d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.*
 - 3. At least ten days before the scheduled city council public hearing date, public notice shall be published in a newspaper of general circulation in the city.*
 - 4. For each mailing and publication of notice, the city planning official shall keep an affidavit of mailing/publication in the record.*

FINDING: The above criteria addresses additional noticing requirements for proposals in accordance with ORS 227.1754. Notice was provided to DLCD on August 14, 2024, which is 35 days before the initial hearing on September 18, 2024. Notice was also provided to all property owners within the City of La Pine on August 29, 2024, 20 days prior to the hearing, in accordance with the criteria of ORS 227.186, and subsection 2 above. Newspaper notice was published in the Bend Bulletin on September 1, 2024, exceeding the 10-day notice requirement. Criteria met.

D. Final decision and effective date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance or, if not approved, upon mailing of the notice of decision to the applicant. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the department of land conservation and development within 20 business days after the city council decision is filed with the city planning official. The city shall also provide notice to all persons as required by other applicable laws.

FINDING: Once a final decision has been rendered by the City Council, notice shall be mailed to the applicant, participants of record, and DLCD within 20 days. Notice shall also be provided to all other persons as required by other applicable laws.

Oregon Revised Statutes

Chapter 197 Comprehensive Land Use Planning

197.610 Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development; rules.

(1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.

FINDING: The City submitted notice to the Department of Land Conservation and Development (DLCD) on August 14, 2024. Public notice was published in the Bend Bulletin on September 1, 2024.

(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline.

FINDING: The city has not determined that emergency circumstances require an expedited review, and the applicable deadlines will be met. The criterion does not apply.

(3) Submission of the proposed change must include all of the following materials:

(a) The text of the proposed change to the comprehensive plan or land use regulation

- implementing the plan;*
- (b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;*
 - (c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;*
 - (d) The date set for the first evidentiary hearing;*
 - (e) The form of notice or a draft of the notice to be provided under ORS 197.763, if applicable; and*
 - (f) Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.*

FINDING: The August 14, 2024, submission to DLCD included a brief narrative summarizing the proposed changes, work session materials, the date for the first evidentiary hearing, and a draft public notice including information regarding the availability of a final staff report.

- (4) The director shall cause notice of the proposed change to the acknowledged comprehensive plan or the land use regulation to be provided to:

 - (a) Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and*
 - (b) Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.**

FINDING: Public notice of the proposed hearing was provided in the Bend Bulletin, made available to interested parties, and posted on the City of La Pine Community Development website. The proposal complies.

- (5) When a local government determines that the land use statutes, statewide land use planning goals and administrative rules of the commission that implement either the statutes or the goals do not apply to a proposed change to the acknowledged comprehensive plan and the land use regulations, submission of the proposed change under this section is not required.*

FINDING: The local government finds that the proposed text changes are editorial in nature, are intended to make County Code consistent with State law and provide clarity to the public. The proposed changes are supportive of Goal 1 (Citizen Involvement) by clarifying intent and removing improper citations. No other statutes or goals apply.

The proposed code changes are shown in Attachment A.

III. RECOMMENDATION: The Planning Department recommends that the Planning Commission review the proposed code changes and make a recommendation to the City of La Pine City Council to adopt the proposed Code edits or to adopt the proposed Code edits with changes.

Respectfully,

Brent Bybee, Principal Planner
City of La Pine Community Development

Attachment A: Proposed code changes



Planning Commission Work Session
Text Amendments
June 5, 2024

Contents

Sec. 15.12.020 - Drive up and drive thru facility and mobile food unit definition2

Sec. 15.12.020 - Partition, property line adjustment, and replat definitions.....3

Sec. 15.12.020 - Flag lot definition5

Sec. 15.18.300 - Self-service storage lot size and paving requirements.....6

Sec. 15.18.400 - Residential lot frontage depth.....8

Sec. 15.22.300 - Self-service storage paving requirements & removal of manufactured home parks
.....10

Sec. 15.24.300 - Self-service storage paving requirements.....13

Sec. 15.82.010 - Existing trees must be utilized & multi family dwelling developments 16

Sec. 15.86.040 - Drive up and drive thru facility standards21

Sec. 15.88.050 - Pedestrian access materials23

Sec. 15.204.010 - Type I procedures - review timeline25

Sec. 15.318.070 - Mobile food unit approval period27

Sec. 15.414.010 - Replats & property line adjustments28



Sec. 15.12.020 - Drive up and drive thru facility and mobile food unit definition

PART III - CITY OF LA PINE DEVELOPMENT CODE

Article 2 - DEFINITIONS AND USE CATEGORIES

(***)

Sec. 15.12.020. - Definitions

(***)

Drive up and drive thru facility means a permanent facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses.

(***)

Mobile Food Unit means a mobile vehicle, such as a food truck, trailer, or car, from which primarily food or beverages is provided to walk-up customers and does not include drive-thru service. Mobile Food Units shall be mobile at all times and must be on wheels that are functional and appropriate for the type of unit at all times.

STAFF ANALYSIS: During Staff’s review of proposed uses within the Downtown Overlay, it was noted that the Development Code does not contain a definition for drive up or drive thru facilities nor mobile food units. Staff used City of Bend, Redmond, and Sisters as a guide. In the opinion of staff, this definition would adequately identify what exactly constitutes a drive-up or drive thru facility and mobile food units.



Sec. 15.12.020 - Partition, property line adjustment, and replat definitions

PART III - CITY OF LA PINE DEVELOPMENT CODE

Article 2 - DEFINITIONS AND USE CATEGORIES

(***)

Sec. 15.12.020. - Definitions

(***)

Partitioning land means ~~to divide a lot, parcel or tract of land into two or three parcels, but does not include the following:~~ dividing land to create not more than three parcels of land within a calendar year, but does not include:

1. ~~A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property, or the creation of a cemetery lot.~~ **Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;**
2. ~~An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created, and where the existing unit of land reduced in size by the adjustment complies with the applicable zoning.~~ **Adjusting a property line as property line adjustment is defined.**
3. ~~The division of land resulting from the recording of a subdivision or condominium plat.~~ **Dividing land as a result of the recording of a subdivision or condominium plat;**
4. ~~The sale of a lot in a recorded subdivision or town plat, even though the developer, owner or seller of the lot may have owned other contiguous lots or property prior to the sale; the lot, however, must be sold as platted and recorded.~~ **Selling or granting by a person to a public agency or public body of property for state highway, county road, city street or other right of way purposes if the road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or**
5. **Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the**

property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

(***)

Property Line Adjustment means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

(***)

Replat means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

STAFF ANALYSIS: During Staff's review of land division applications, staff noted that the La Pine Development Code is missing definitions for certain land divisions, and contains definitions that differ from ORS 92 - Subdivisions and Partitions. In an effort to ensure that the development code does not differ or provide exceptions that are less strict than state statute, the above definitions mirror the definitions located in ORS 92.010.



Sec. 15.12.020 - Flag lot definition

PART III - CITY OF LA PINE DEVELOPMENT CODE

Article 2 - DEFINITIONS AND USE CATEGORIES

(***)

Sec. 15.12.020. - Definitions

(***)

Flag lot means a lot located behind a frontage lot, plus a strip of land out to the street for an access drive. There are two distinct parts to a flag lot: the “flag” which comprises the actual building site located at the rear portion of the original lot, and the “pole” which provides access from a street to the flag lot.

STAFF ANALYSIS: The code does not currently define what exactly constitutes a flag lot, or the different components of a flag lot. The above definition matches the current definition for flag lots in the City of Redmond’s Development Code. Staff believes this is the best definition that could be utilized to properly identify flag lots when referenced throughout the City of La Pine Development Code.



Sec. 15.18.300 - Self-service storage lot size and paving requirements

PART III - CITY OF LA PINE DEVELOPMENT CODE

Article 3 - ZONING DISTRICTS

CHAPTER 15.18. - RESIDENTIAL ZONES

(***)

Sec. 15.18.300. - Use regulations.

Uses may be designated as permitted, limited, conditional, or prohibited in the residential zones. As noted in Table 15.18-1, a use may also be subject to special use standards of article 6.

- A. *Permitted uses (P)*. Uses allowed outright in the residential zones are listed in Table 15.18-1 with a "P."
- B. *Limited uses (L)*. Uses allowed in the residential zones subject to limitations are listed in Table 15.18-1 with an "L." The limitations are defined below and correspond with the footnote numbers in Table 15.18-1.
 1. *Commercial lodging*. Commercial lodging uses in the RSF and RMF zones are limited to bed and breakfast inns.
 2. *Retail sales and service*. Retail sales and service uses in the RSF and RMF zones are limited to veterinary clinics and commercial kennels where the animal-related facilities are primarily indoors.
 3. *Self-service storage*. Self-service storage uses are required to have a minimum lot size of five acres. **The expansion of existing self-storage facilities must meet the minimum acreage requirement. All areas within 30 feet of storage unit building access points or doors, shall be paved with an asphalt surface.**
 4. *Parks and open areas*. Cemeteries require a conditional use permit in the RSF and RMF zones. All other parks and open areas uses permitted outright.
- C. *Conditional uses (CU)*. Uses which are allowed if approved through the conditional use review process are listed in Table 15.18-1 with a "CU." These uses are allowed provided they comply with the conditional use requirements of chapter 15.316, conditional uses. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote.

- D. *Prohibited uses (N)*. Uses listed in Table 15.18-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of chapter 15.08, non-conforming uses and structure.

STAFF ANALYSIS: Currently, self-service storage facilities are not regulated in terms of surfacing requirements. To alleviate concerns regarding safety as individuals either load or unload storage units, staff is proposing that asphalt surfacing be required for areas within a self-service storage facility that are utilized by tenants.



Sec. 15.18.400 - Residential lot frontage depth

PART III - CITY OF LA PINE DEVELOPMENT CODE

Article 3 - ZONING DISTRICTS

CHAPTER 15.18. - RESIDENTIAL ZONES

(***)

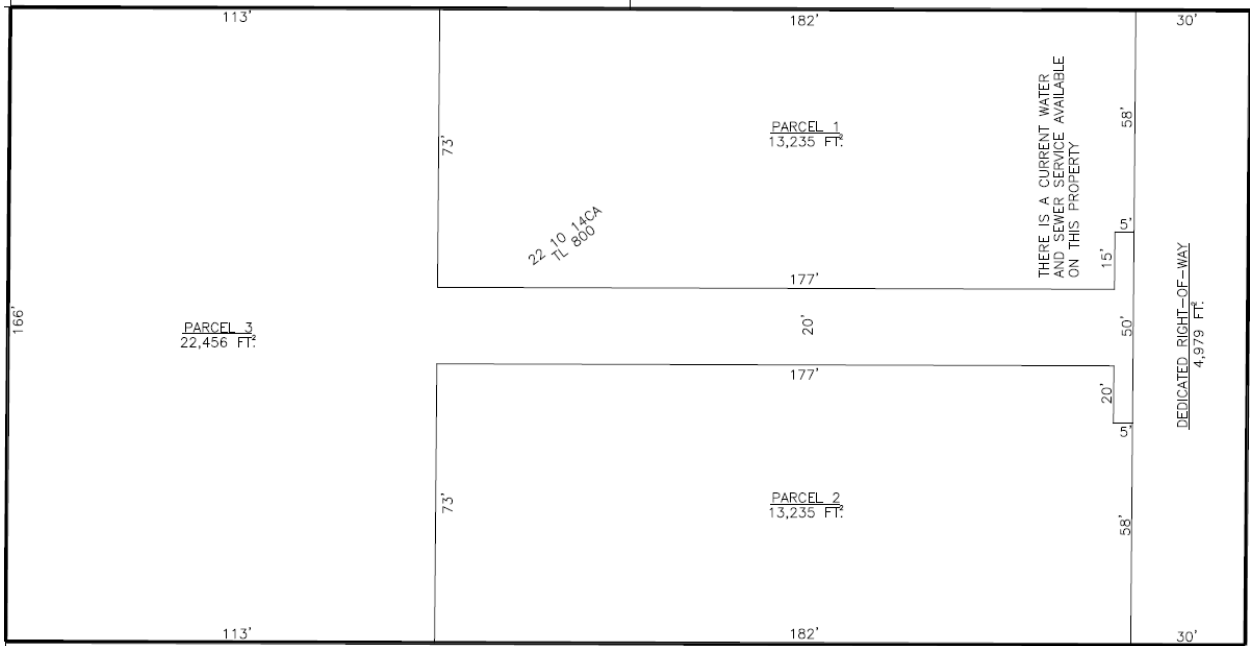
Sec. 15.18.400. - Development standards.

- 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.

<i>Table 15.18-2. Development Standards in the Residential Zones</i>		
<i>Standard</i>	<i>RSF</i>	<i>RMF</i>
Minimum street frontage <i>The minimum frontage width requirements shall also apply to the full length of a flag lot "pole", as defined under Flag Lot in section 15.12.020. Where townhomes are</i>	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

<p>proposed on the “flag” portion of a flag lot, not adjacent to a street, the 50-foot width requirement shall apply to the “pole”.</p>		
---	--	--

STAFF ANALYSIS: There are many examples within the city where developers have taken advantage of the current code language for frontage requirements when dividing land. The following depiction from a recent application is a great example.



Developers have been partitioning properties with a 5-foot x 50-foot length of frontage along dedicated rights of way. The above is an example of a flag lot, where the “flag” is the developable portion of a property, and the “pole” is utilized for access. Staff believes that the intent of the frontage requirement is that the entire length of a flag lot “pole”, should match the frontage width requirements. Staff has recommended a new definition to define a flag lot, as well as the above language addition to ensure the intent of the criteria is met going into the future.



Sec. 15.22.300 - Self-service storage lot size and paving requirements & removal of manufactured dwelling parks

PART III - CITY OF LA PINE DEVELOPMENT CODE

Article 3 - ZONING DISTRICTS

CHAPTER 15.22. - COMMERCIAL AND MIXED-USE ZONES

(***)

Sec. 15.22.300. - Use regulations

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

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

towers are permitted outright. Communication towers require a conditional use permit.

4. *Retail sales and service in the CMX zone.* Automobile, RV, and truck sales uses require a conditional use permit. Funeral homes are prohibited. All other retail sales and service uses are permitted outright.
 5. *Commercial lodging in the CN zone.* Commercial lodging uses in the CN zone are limited to bed and breakfast inns.
 6. *Retail sales and service in the CN zone.* Automobile, RV, and truck sales and funeral homes are prohibited in the CN zone. Veterinary clinics and kennels require a conditional use permit. All other retail sales and service uses are permitted outright.
 7. Parks and open areas in the CN zone. Cemeteries require a conditional use permit in the CN zone. All other parks and open areas uses permitted outright.
 8. *Self-service storage.* Self-service storage uses are required to have a minimum lot size of five acres. The expansion of existing self-storage facilities must meet the minimum acreage requirement. All areas within 30 feet of storage unit access points or doors shall be paved with an asphalt surface.
- C. *Conditional uses (CU).* Uses which are allowed if approved through the conditional use review process are listed in Table 15.22-1 with a "CU." These uses are allowed, provided they comply with the conditional use requirements of chapter 15.316, conditional uses. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote.
- D. *Prohibited uses (N).* Uses listed in Table 15.22-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of chapter 15.08, non-conforming uses and structures.

<i>Table 15.22-1. Use Regulations in the Commercial and Mixed-Use Zones</i>					
Use Category	C	CRMX	CMX	CN	Special Use Standards
Manufactured dwelling park	CU N	P N	P N	P N	
Self-service storage	N	N	P (8)	CU (8)	—

STAFF ANALYSIS: Currently, self-service storage facilities within the Commercial and Mixed-Use Zones are not regulated in terms of property size and surfacing requirements. Staff proposes that the 5-acre minimum property size requirement match that of the Residential Zone. To alleviate concerns regarding safety as individuals either load or unload storage units, staff is

proposing that asphalt surfacing be required for areas within a self-service storage facility that are utilized by tenants.

Additionally, through staff research, it has been determined that it is not a state requirement to allow manufactured dwelling parks in the commercial zones. City leadership has expressed concerns about valuable commercial land being utilized for residential uses, rather than being available for potential businesses to establish in La Pine. Staff is proposing the removal of that development option from the commercial zones.



Sec. 15.24.300 - Self-service storage lot size and paving requirements

PART III - CITY OF LA PINE DEVELOPMENT CODE

Article 3 - ZONING DISTRICTS

CHAPTER 15.24. - INDUSTRIAL AND PUBLIC FACILITY ZONES

(***)

Sec. 15.24.300. - Use regulations.

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

- A. *Permitted uses (P)*. Uses allowed outright in the industrial and public facility zones are listed in Table 15.24-1 with a "P."
- B. *Limited uses (L)*. Uses allowed in the industrial and public facility zones subject to limitations are listed in Table 15.24-1 with an "L." The limitations are defined below and correspond with the footnote numbers in Table 15.24-1.
 1. *Eating and drinking establishments in the LI zone*. Eating and drinking establishments in the LI zone are limited to 2,500 square feet of gross floor area.
 2. *Offices in the LI, I, and PF zones*. Offices as a primary use are limited to industrial offices (as defined in [section 15.14.235](#)) and government offices that do not include a point-of-service facility. All other office uses must be accessory to a permitted industrial use.
 3. *Retail sales and services in the LI zone*. Retail sales and services in the LI zone are limited to 2,500 square feet of gross floor area, except for the following uses:
 - a. Health and fitness centers may exceed the maximum floor area.
 - b. Retail sales of heavy equipment may exceed the maximum floor area with a conditional use permit.
 - c. Retail sales of goods that are displayed outdoors, such as sales of building materials, landscape materials, or garden or farm supplies, may exceed the maximum floor area with a conditional use permit.

4. *Automotive wrecking, salvage, and junk yards.* The storage or sale of junk requires a special license, see section 15.108.040.
 5. *General manufacturing and production in the LI zone.* Agricultural processing establishments require a conditional use permit. Energy and power generation uses are prohibited. All other general manufacturing and production uses are permitted outright.
 6. *Warehouse and freight movement in the LI zones.* Truck transportation and loading terminals require a conditional use permit. All other warehouse and freight movement uses permitted outright.
 7. *Community services in the LI zone.* Government buildings and services that do not include a point-of-service facility are permitted. All other uses are prohibited.
 8. *Agriculture in the LI zone.* Agriculture uses in the LI zone are limited to large animal veterinary clinics allowed with a conditional use permit.
 9. *Marijuana facilities in the I zone.* Marijuana testing laboratories are permitted outright. Marijuana processing facilities, production facilities, or wholesalers are allowed with a conditional use permit.
 10. *Retail sales and services in the I and PF zones.* Retail sales and services in the I and PF zones are limited to mobile food unit sites.
 11. *Self-service storage.* Self-service storage uses are required to have a minimum lot size of five acres. The expansion of existing self-storage facilities must meet the minimum acreage requirement. All areas within 30 feet of storage unit access points or doors shall be paved with an asphalt surface.
- C. *Conditional uses (CU).* Uses which are allowed if approved through the conditional use review process are listed in Table 15.24-1 with a "CU." These uses are allowed provided they comply with the conditional use requirements of chapter 15.316, conditional uses. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote.
- D. *Prohibited uses (N).* Uses listed in Table 15.24-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of chapter 15.08, non-conforming uses and structures.

<i>Table 15.24-1. Use Regulations in the Industrial and Public Facility Zones</i>				
Use Category	LI	I	PF	Special Use Standards
Self-service storage	CU (11)	P (11)	P (11)	—

STAFF ANALYSIS: Currently, self-service storage facilities within the Industrial and Public Facility Zones are not regulated in terms of property size and surfacing requirements. Staff proposes that the 5-acre minimum property size requirement match that of the Residential Zone. To alleviate concerns regarding safety as individuals either load or unload storage units, staff is proposing that asphalt surfacing be required for areas within a self-service storage facility that are utilized by tenants.



Sec. 15.82.010 - Existing trees must be utilized & multi family dwelling developments

PART III - CITY OF LA PINE DEVELOPMENT CODE

Article 5 - DEVELOPMENT STANDARDS

CHAPTER 15.82. - LANDSCAPING, BUFFERING AND FENCES

Sec. 15.82.010. - Landscaping and buffering requirements.

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

- A. *Exemption.* The provisions of this section may be exempted for uses existing on or before the effective date of this Development Code that are a permitted use in a specific zone in an existing building or buildings on a lot or parcel of land of the scale that there is no remaining room for landscaping; this exemption shall also apply to the exterior remodeling and/or expansion of not more than 25 percent of the total square footage of all enclosed structures on a lot or parcel existing under a unit ownership on or before the effective date of this Development Code.
- B. *Area required.* Except as approved otherwise by the city, the following minimum percent of a parcel area shall be landscaped for the following uses:
 1. Duplexes and triplexes: 25 percent.
 2. Multi-family ~~developments 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.
- C. *Landscaping defined.* Required landscaping may include, but is not limited to, a combination of any of the following materials: living plant material such as trees, shrubs, groundcover, flowers and lawn (including native vegetation); and nonliving

materials such as benches, walkways and courtyards, consisting of brick, decorative rock or other decorative materials. The total amount of nonliving materials (including bark dust, chips, aggregate, or other non-plant ground covers) shall not exceed more than 50 percent of the required landscape area.

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

- E. *Parking lots.* Parking lots with space for ten or more vehicles must be landscaped in accordance with the following minimum requirements:
 - 1. In commercial and residential developments, parking areas shall be divided into bays, and between or at the end of each parking bay a curbed planter containing at least 16 square feet may be required.
 - 2. If required, each planter shall contain at least one tree or shrub and ground cover.
 - 3. The areas shall be designed to be protected from being damaged by vehicles using the parking area.
 - 4. Unless sidewalks are provided adjacent to a structure, customer or resident parking areas should be separated from the exterior wall of a commercial or residential structure by a minimum five-foot strip of landscaping.
 - 5. Where a parking, loading or driveway area serving a multi-family, commercial, industrial or government use abuts a public right-of-way of a collector or arterial street or a local street across from a residential zone, or abuts a residential zone, a screen planting or other approved landscaped planter strip may be required between the parking area and the right-of-way without encroaching into a clear vision area or sidewalk.

- F. *Buffering and screening.*
 - 1. *Purpose.* The purpose of buffering and screening requirements are to reduce the impacts of a proposed use on adjacent uses and zones which provide for different types of uses. The city may waive or reduce the requirements where existing topography or vegetation is appropriate or otherwise negates the effectiveness or intended purpose or benefits of the buffering and screening.
 - 2. Where any permitted principal and/or accessory use in a commercial or industrial zone abuts any land zoned RSF, RMF, RMP or TA the following buffer and screening shall be required. These requirements shall apply in instances where such use is being newly developed on vacant land, expanded in floor area by 50 percent or greater, or removed and a new use developed.

3. Within commercial zones. A buffer strip at least ten feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts an RSF, RMF, RMP, or TA zone. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier. The buffer strip shall contain suitable screening, defined as either of the following:
 - a. A solid fence or wall, architecturally compatible with existing structures in the area, no less than five feet nor more than eight feet in height; or
 - b. A sight-obscuring planting of evergreens, not less than four feet in height at the time of planting and of a variety that will maintain full, dense growth from the ground up to a height of not less than six feet upon maturity, planted at a spacing of the lesser of eight feet or the diameter of a mature specimen of the species being planted.
 - c. Areas of the buffer strip not covered with a fence, wall, or screening plantings, shall be planted with appropriate ground cover vegetation, including native species. Xeriscape methods are highly encouraged.
 - d. Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the "C" type zone permitted use is located. Installation must be completed prior to issuance of a certificate of use and occupancy by the city. Fences or walls must be maintained in safe and structurally sound condition. Dead or diseased plants shall be removed and replaced in a timely manner. Grass shall be kept neatly mowed.
4. Within industrial zones. A buffer strip at least 30 feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts any RSF, RMF, RMP, or TA zoned land. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier. The buffer shall meet the following standards:
 - a. The buffer shall be planted with evergreens capable of obtaining and maintaining a dense growth to a full height and a full canopy diameter of no less than 12 feet. The minimum height at the time of planting shall be six feet. Plants shall be situated in two rows within the buffer strip, each row being located at least ten feet from the edge of the buffer strip. Plants in each row shall be spaced no more than 20 feet center-to-center and the two rows shall be situated in an alternating pattern so that the trees in one row are located centrally between the trees in the other row. Plants shall be allowed to obtain a minimum height of 12 feet and shall not be trimmed below that height thereafter.

- b. Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the industrial use is located. Installation must be completed prior to issuance of a certificate of use and occupancy by the city. Dead or diseased plants shall be removed and replaced in a timely manner. Xeriscape methods and use of native species is highly encouraged.
 - c. A property owner may not sell, lease, or otherwise transfer property if such action results in a reduction of a separation distance for a commercial or light manufacturing use below the minimum required in this section. Likewise, a property owner may not remove or alter natural vegetation or landforms serving upon a waiver from the city as buffer and screening for a commercial or light manufacturing use if such action results in the natural buffer and screening being less effective than as required in this and other sections of this Development Code.
- 5. A buffer or screening area may only be occupied by screening utilities and landscaping materials, but the same may be located within the required yard or setback requirements provided vision clearance requirements are complied with.
- 6. In lieu of the foregoing requirements, an applicant may provide for landscaping and screening, including plantings, fences, walls, walks and other features designed to afford the same degree of buffering as the standards above. A plan and specifications for an alternative shall be reviewed and approved by the review authority.
- G. *Plant material installation standards.* Except as otherwise approved by the city, the following standards shall apply to plant materials and the installation thereof as provided in accordance with the provisions of this section:
 - 1. Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.
 - 2. Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.
 - 3. Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.
 - 4. Rows of plants should be staggered to provide for more effective coverage.
- H. *Maintenance and plant survival.* All landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated.

If plantings fail to survive, it is the responsibility of the property owner to replace them.

- I. Retention of trees. As part of a landscaping plan, the developer shall also provide a tree plan identifying the location and diameter breast height (DBH) of all trees on the property. Existing mature trees with at least a 10-inch DBH shall be retained to the furthest extent possible. Development shall conform to the natural environment to incorporate existing mature trees. Where trees must be removed for proposed development, they shall be replaced at a 1:1 ratio on the subject lot or parcel with trees of similar species that are native to the region, and with a DBH of at least 5-inches or larger. Replacement trees shall meet the maintenance and plant survival criteria of this code section. Any trees planted must maintain a 20-foot radius for spacing. The 20-foot radius spacing shall be the determining factor in how many trees are replaced on the subject property. If more trees must be planted than what the 20-foot radius spacing would allow, then the number of trees replaced shall be reduced to meet the spacing standard.*

STAFF ANALYSIS: The code does not define multi-family dwelling complexes, but does define multi-family developments. The criteria above has been amended to better reflect uses defined within the code.

In reviewing the Comprehensive Plan, it was noted that the policy identified below is listed under Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces.

Because the local urban forest helps to create shade, improve respite areas, enhance drainage ways, and beautiful the community, the City shall develop regulations that promote the retention of trees and natural landscapes with all new development, as appropriate.

To ensure the goals and policies of the Comprehensive Plan are met, staff is proposing the above amendments. The primary species of trees within La Pine are Lodgepole Pine, *Pinus Contorta*. Mature Lodgepole Pine within the city typically have a DBH on average of 10 inches. The above proposed code language would ensure mature trees within the city are preserved to the furthest extent, taking into account instances where mature trees must be removed for proposed development. The replacement of these trees would help to ensure the intent of the Comprehensive Plan Goal 5 policy is met, creating shade, improving respite areas, enhancing drainage, and beautifying the community.



Sec. 15.86.040 - Drive up and drive thru facility standards

PART III - CITY OF LA PINE DEVELOPMENT CODE

Article 5 – DEVELOPMENT STANDARDS

(***)

CHAPTER 15.82. - PARKING AND LOADING

(***)

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.*
 - 5. *All drive up and drive thru facilities must be permanently affixed to the ground and be connected to the City Water and Sewer in accordance with the standards of chapter 15.90.*

STAFF ANALYSIS: The additional criteria proposed above is in response to concerns raised by the Public Works Department and city management. There are currently drive up or drive thru businesses that are not permanently affixed to the ground or connected to water and sewer. An example would be a drive thru coffee shop, or similar business. To ensure these businesses are treated equitably with other

commercial uses in the city, and that the public health, safety, and welfare of the community is protected, staff proposes requiring the above criteria.



Sec. 15.88.050 - Pedestrian access materials

PART III - CITY OF LA PINE DEVELOPMENT CODE

Article 5 - DEVELOPMENT STANDARDS

CHAPTER 15.88. - ACCESS AND CIRCULATION

(***)

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~~six 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~~six 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.

STAFF ANALYSIS: The current Public Works standard for walkway construction requires at least 6' in width. Additionally, there have been multiple instances in the city where sidewalks have not met the ADA standards due to the walkway being constructed of asphalt, brick, or masonry pavers. Staff is proposing the above amendments to match the current Public Works standards, and to ensure ADA requirements are met for proposed developments.



Sec. 15.204.010 - Type I procedures - review timeline

PART III - CITY OF LA PINE DEVELOPMENT CODE

Article 7 - PROCEDURES

CHAPTER 15.204. - APPLICATION PROCEDURES

Sec. 15.204.010. - Type I procedure (ministerial/staff review).

- A. *Type 1 procedure (staff review).* The city planning official, or his or her designee, without public notice and without a public hearing, makes ministerial decisions through the Type I procedure **because a Type 1 decision is neither a land use decision nor a limited land use decision under ORS 197.015.** Ministerial decisions are those where city standards and criteria do not require the exercise of discretion (i.e., there are clear and objective standards). The city planning official's review of a zoning checklist is intended to determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit. Alternatively, the planning official may elect to process a Type I application under a Type II procedure.
- B. *Application requirements.* Approvals requiring Type I review shall be made on forms provided by the city; or, in the case of a zoning checklist, the city planning official may determine that the building permit application provides sufficient information. Applications shall:
- Include the information requested on the application form;
 - Address the criteria in sufficient detail for review and action; and
 - Be filed with the required fee.
- ~~D. [C.] *Criteria and decision.* Type I applications shall be approved or denied by the city planning official within 30 days of the application's acceptance as complete by the planning official upon consideration of the applicable clear and objective criteria.~~
- ~~E. [D.] *Effective date.* A Type I decision is final on the date it is signed by the city planning official unless appealed by the applicant in accordance with subsection G [F].~~
- ~~F. [E.] *Notice.* Notice of a decision shall be provided to the applicant or the applicant's representative and the property owner.~~

~~G.~~ ~~[F.]~~ *Appeals*. The applicant for a Type I review may appeal [the] planning official's decision on the application to the planning commission. The appeal shall be filed, pursuant to the provisions of [chapter 15.212](#), within 12 days from the date of the decision. A Type I decision is not a land use decision as defined by ORS 197.015, and therefore is not subject to appeal to the state land use board of appeals.

State Law reference— Definitions, ORS 197.015.

STAFF ANALYSIS: ORS 197.015 does not require timelines for Type 1 decision as they are not a land use decision nor limited land use decision. Staff recommends removing the 30-day approval or denial timeline to reflect state statute.



Sec. 15.318.070 - Mobile food unit approval period

PART III - CITY OF LA PINE DEVELOPMENT CODE

Article 8 - APPLICATIONS AND REVIEWS

CHAPTER 15.318. - MOBILE FOOD UNIT SITE PERMIT

(***)

~~Sec. 15.318.070. – Approval period and time extension.~~

~~A mobile food unit site approval is valid for four years from the date of the final written decision. If the city's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void. "Implemented" means all necessary development permits shall be obtained and maintained for the approved development. At the end of any four-year period, the applicant may apply for another four-year permit by filing a new, Type II application.~~

STAFF ANALYSIS: Sec. 15.108.070 outlines the application procedures and timelines that are followed for mobile food units. This code section contradicts those existing code requirements. Staff recommends removing the code criteria to eliminate inconsistencies for clarity.



Sec. 15.414.010 - Replats & property line adjustments

PART III - CITY OF LA PINE DEVELOPMENT CODE

Article 9 - LAND DIVISIONS

CHAPTER 15.414. - ~~RE-PLATTING AND BOUNDARY~~ PROPERTY LINE ADJUSTMENTS

~~Sec. 15.414.010. — Re platting and vacation of plats.~~

~~Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all of the owners as appearing on the deed. Except as required for street vacations, the same procedure and standards that apply to the creation of a plat (preliminary plat followed by final plat) shall be used to re-plat or vacate a plat. Street vacations are subject to ORS 271. A re-plat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable city standards.~~

~~State Law reference — Street and certain other public property vacation, ORS 271.080 et seq.~~

~~Sec. 15.414.02~~10. - ~~Boundary~~Property line adjustments.

- A. *Submission requirements.* All applications for ~~boundary~~ a property line adjustment shall be made on forms provided by the city and shall include information required for a Type I review, pursuant to [article 7](#). The application shall include a preliminary lot line map drawn to scale identifying all existing and proposed lot lines and dimensions, footprints and dimensions of existing structures (including accessory structures), location and dimensions of driveways and public and private streets within or abutting the subject lots, location of lands subject to the flood plain overlay or other overlay zones, existing fences and walls, and any other information deemed necessary by the planning official for ensuring compliance with city codes. The application shall be signed by all of the owners as appearing on the deeds of the subject lots.
- B. *Approval criteria.* The planning official shall approve or deny a request for a property line adjustment in writing, based on all of the following criteria:
 - 1. *Parcel creation.* No additional parcel or lot is created by the ~~lot~~ property line adjustment;
 - 2. *Lot standards.* All lots and parcels conform to the applicable lot standards of the zoning district (article 3), including lot area, dimensions, setbacks, and coverage. As applicable, all lots and parcels shall conform the flood plain overlay or other applicable overlay zones (article 4); and

3. *Access and road authority standards.* All lots and parcels conform to the standards or requirements of [article 5](#) [chapter [15.88](#)], access and circulation, and all applicable road authority requirements are met. If a lot is non-conforming to any city or road authority standard, it shall not be made less conforming by the ~~boundary~~ **property** line adjustment.

Sec. 15.414.0320. - Final map recordation - ~~boundary~~ **property line adjustment.**

- A. The final map for a ~~boundary~~ **property** line adjustment survey shall comply with the requirements of ORS 92 and 209. The original plat shall be prepared at a scale and in a format as specified on the application form.
- B. The original plat and an exact copy shall be submitted to and approved by the planning official. The approval shall be evidenced by signature on both the original and exact copy.
- C. The original plat and exact copy shall be submitted along with the appropriate recording fee to the county surveyor for recording into the county survey records.
- D. The original plat and exact copy shall then be submitted along with the appropriate recording fee to the county clerk for recording into the county clerk's records.
- E. After recording information is placed on the exact copy by the county clerk, the exact copy and the required number of points, a minimum of six copies, unless otherwise specified by the county surveyor at the time of survey recording, shall then be submitted to the county surveyor to complete the recording process.
- F. After recording information is placed on the exact copy, a ~~minimum of three copies~~ shall then be submitted to the planning official, together with an electronic copy in a format approved by the City of La Pine.

State Law reference— Final approval of plats and plans, ORS 92.010 et seq.; county surveyors, ORS 209.005 et seq.

CHAPTER 15.415. - REPLATS

Sec. 15.415.010. - Procedures.

- A. The same procedure and standards that apply to the creation of a plat (tentative plan followed by final plat) apply to a replat pursuant to [chapter 15.410](#).

Sec. 15.415.020. - Additional standards.

- A. Limitations on replatting include, but are not limited to, the following:
 1. A replat only applies to a recorded plat;
 2. A replat cannot vacate any public street or road; and

3. A replat of a portion of a recorded plat will not act to vacate any recorded covenants or restrictions.
- B. If the property to be replatted is determined to be part of an undeveloped subdivision pursuant to ORS 92.225, The noticing and hearing procedures of ORS 92.225 shall apply.
- C. A replat application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets, or alleys; or if it fails to meet any applicable City standards.
- D. If a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies and public agencies shall be notified.
- E. An application for a replat that will change the exterior boundary of a recorded plat of a subdivision shall include authorization agreeing to the reconfiguration from the homeowner's association or governing body of the subdivision, if any.
- F. Any application for vacation pursuant to ORS 368 must be submitted to and reviewed by Deschutes County.

STAFF ANALYSIS: To match the proposed definition for a property line adjustment and state statute, staff has amended the property line adjustment code to reflect that, removing references to "boundary" line adjustments. Additionally, the existing code section does not adequately address replats. The above code criteria is included to better reflect the process for completing a replat.