



CITY OF LA PINE, OREGON PLANNING COMMISSION

Wednesday, August 21st, 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/81803392317>

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

None

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. 02SUB-24 Finley Butte Ranch

- a. Open Public Hearing
- b. Application Documents
 - i. Agenda Request 3.
 - ii. Staff Report 5.
- c. Public Testimony
- d. Close Hearing

2. 01SUB-24 Habitat

- e. Resume the Hearing
- f. Application Documents
 - i. Agenda Request 51.

- ii. Staff Report..... 53.
- iii. Public Comments.....123.
- g. Public Testimony
- h. 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



CITY OF LA PINE

AGENDA REQUEST

MEETING DATE: August 21, 2024

TO: Planning Commission

FROM: Rachel Vickers, Associate Planner

SUBJECT: Public Hearing: 02SUB-24, Finley Butte Ranch

<input type="checkbox"/>	Resolution	<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	No Action – Report Only	<input checked="" type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Formal Motion	<input type="checkbox"/>	Other/Direction: Please see below

Proposal:

The applicant proposes tentative plan approval for a new 89 lot subdivision (Finley Butte Ranch) to be developed with detached residential single-family dwellings. The applicant proposes to complete the subdivision in a single phase.

Record:

The full record for this file can be found on the project website <https://www.lapineoregon.gov/cd/page/land-use-file-02sub-24-finley-butte-ranch>

Public Notice:

This Public Hearing was adequately noticed in accordance with LPDC Section 15.204.030 (B):

- a. Mail Date: August 1, 2024
- b. Bend Bulletin Publishing Date: August 4, 2024
- c. Posting Date and Location: August 6, 2024, near intersection of Heath Drive and Evans Way

Staff received several comments from other public agencies. Their comments are included in the public record and have been incorporated into the staff report. Staff has not received any public comments in relation to this land use application.

Next Steps:

At the conclusion of the Public Hearing, the Planning Commission may choose one of the following:

- Continue the hearing to a date and time certain.
- Close the oral portion of the hearing and leave the written record open to a date and time certain.

- Close the hearing and schedule deliberations for a date and time to be determined.
- Close the hearing and commence deliberations.

Recommended Motion:

Staff proposes two options for the La Pine Planning Commission which are each detailed below and have recommended language included.

Option 1

If members of the Planning Commission would like additional information on specific criterion for approval or would like have staff develop a deliberations matrix to look at approval criterion more closely, staff recommends the Commission close the oral portion of the hearing, leave the written record open for the standard 7-7-7 period, then schedule deliberations for a date to be determined.

I move to close to oral portion of the public hearing for file 02SUB-24 and leave the written record open for the following periods of time:

- ***New Evidence and Testimony: August 28th, 2024, at 5:00 pm***
- ***Rebuttal Testimony: September 4th, 2024, at 5:00 pm***
- ***Applicants Final Argument: September 11th, 2024, at 5:00 pm***

Deliberations shall be scheduled for a date and time to be determined once the written record is closed.

Option 2

If members of the Planning Commission determine they have all the required information they need to make an informed decision on the application, staff recommends the Commission close the public hearing and commence deliberations.

I move to close the public hearing for file 02SUB-24 and recommend approval of file 02SUB-24, which includes tentative plan approval for a new 89 lot single family subdivision located at 51305 Evans Way.

Budget Impacts:

None, staff time has been covered by the applicant fee that was paid in full by the applicant.

Attachment(s):

1. Staff Report



STAFF REPORT

- FILE NUMBER:** 02SUB-24
- APPLICANT:** Evans Property Holdings LLC
17140 Shawnee Circle
Sunriver, OR 97707
- OWNER:** Evans Property Holdings LLC
17140 Shawnee Circle
Sunriver, OR 97707
- LOCATION:** The subject property is located at 51305 Evans Way, La Pine, Oregon 97739. The Tax Lot number is 100 on Deschutes County Assessor’s Map 22-10-14CD.
- REQUEST:** The applicant is requesting Tentative Plan approval for a new 89-lot residential single-family subdivision to be completed in three phases.
- STAFF CONTACT:** Rachel Vickers, Associate Planner
Email: rvickers@lapineoregon.gov
Phone: (541) 280-5680
- RECOMMENDATION:** Approved, subject to the conditions of approval identified below

I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA

- City of La Pine Development Code
 - Article 3. Zoning Districts
 - Chapter 15.18, Residential Zones
 - Article 5. Development Standards
 - Chapter 15.86, Parking and Loading
 - Chapter 15.88, Access and Circulation
 - Chapter 15.94, Improvement Procedures and Guarantees
 - Article 9, Land Division
 - Chapter 15.406, Subdivision and Planned Unit Developments (PUD)
- Oregon Revised Statue
 - Chapter 92, Subdivisions and Partitions

II. BASIC FINDINGS

ZONING: The subject property is zoned Residential Single-Family (RSF) with no overlay zones.

PARCEL SIZE: The subject property is 18.97-acres in size.

LOT LEGALITY: The subject property was created as Parcel 1 in Partition Plat No 2018-45.

REVIEW PERIOD: The subject application was partially submitted on May 2, 2024, and the rest of the required application materials (updated TIA) were submitted on May 20, 2024. The application was deemed complete on June 19, 2024. The 120th day on which the City must take final action on this application is October 18, 2024.

PROPOSAL: The applicant proposes to divide the subject property into 89 lots to be developed with detached single-family residence. The applicant's proposal does not include phases.

EXISTING DEVELOPMENT: The subject property is currently undeveloped with generally level topography and a dense covering of native shrubs and grasses.

SURROUNDING LAND USES: To the south is property owned by the Bureau of Land Management and is zoned Forest Use by Deschutes County and is outside of the La Pine City Limits and Urban Growth Boundary (UGB). To the north are two residential lots with single-family dwellings. The property abuts the public right-of way of Evans Way to the northwest and Walling Lane to the northeast. To the west are the Evans Way Estates and Oksenholt Estates RSF residential subdivisions. The property abuts the public right-of ways of Heath Drive and Bassett Drives to the west. To the east is Tax Lot 302 on Deschutes County Assessor's Map 22-10-14. It is a vacant 38.7-acre parcel zoned Industrial and owned by the County.

PERMIT HISTORY:

- 01PA-18 | Three parcel partition to divide a 40-acre parcel into three new lots.

III. AGENCY AND PUBLIC COMMENTS

PUBLIC AGENCY COMMENTS: The La Pine Community Development Department sent electronic notice of public hearing on August 1, 2024, to several public agencies and received the following comments:

Deschutes County Address Coordinator, Tracy Griffin

Once the tentative plat has been provided, addresses and road names need to be determined for Title 16 compliancy.

City of La Pine Public Works Director, Kelly West

8/12/2024

Septic Tank: A septic tank is required at each developed property. Tank capacity shall be 1000 gallons minimum and shall be sized according to OAR 340-71-220(3). All new septic tanks, existing septic tanks, or used septic tanks must pass a leakage test prior to use. The City maintains septic tanks within city limits. The maintenance of septic tanks ends at the upstream wall of the septic tank. A maintenance easement must be created outside of public right away around septic tanks. Sewer lines upstream of the septic tanks are private and are not maintained by the City.

Construction Plans: Engineering firms submitting sewer plans shall include a sewer profile. The profile will include the existing ground elevation, proposed street grade, existing utilities or other underground apparatus, pipe diameter, material and slope, manhole locations, station and invert elevations, horizontal and vertical scales, and trench backfill information. Plan views shall show all horizontal control required to build the sewer, streets, property lines and right-of-way, all planimetrics, utilities, north arrow and scale.

Septic Tanks and Inlet Piping

- Single tanks serving multiple lots under separate ownership will not be allowed. Each property shall have a separate septic tank and sewer lateral.
- Systems serving facilities such as RV parks, mobile home parks, apartments, and unit developments are usually under the control of a single customer or responsible association. At the discretion of the engineer, such systems may be designed with shared tanks, subject to requirements of the Oregon State Plumbing Code.
- Tanks shall be sized according to flow per criteria published in OAR 340-71-220(3). Minimum tank capacity shall be 1000 gallons.
- Construction details and configuration of tanks shall generally conform to OAR 340-73-050, Dosing Tank Construction. All tanks shall feature inlet and outlet risers with lockable covers. Covers shall be designed for H-20 loading in traffic areas. Inlet riser shall be minimum 24" diameter. Outlet risers shall be sized to accommodate and access the equipment installed, with 24" diameter as a minimum. Intermediate 24" risers will be required on large tanks over 3000 gallons.
- Tanks shall be designed for all anticipated structural loads, including soil backfill. Where vehicle access is allowed, the tank shall be protected with an appropriate structural slab and steel covers for the tank risers. All designs shall be stamped per OAR 34-052.
- To assure retention of solids and grease in the tank, all tanks shall feature a plastic effluent screen. Screens shall conform to the standard published in OAR 340-73-056. No unscreened discharges will be allowed.
- Flotation of tanks in areas of high groundwater shall be anticipated in system design. Structural design features and operational procedures shall be employed to prevent flotation.
- Existing tanks which fully meet the requirements, including leakage test, may be considered for use in the STEG system case-by-case.
- Pipe connections to tanks shall be made with an approved commercial water stop manufactured for the intended purpose. Field improvised water stops or adapters will not be approved.
- All sewage from the building including kitchen, laundry, and bath wastes shall be intercepted and conveyed to the STEG tank. No grey water systems will be allowed.
- Septic tanks shall be tested hydrostatically after installation and after all pipe penetrations have been completed.
- For leakage testing, tanks shall be filled to a marked point 2" above the base of the risers. Leakage shall not exceed 1 gallon in 24 hours.

8/14/2024

With current load on the industrial park lift station being at max capacity of flow, the city will not be able to accommodate new services until our new Industrial Park Lift Station has been completed. The new List station has been approved and will be moving forward with construction shortly.

STAFF COMMENT: To ensure compliance with the Public Works Directors comments, the following conditions of approval have been added

Septic Tank: **Prior to final plat approval** a septic tank is required at each developed property. Tank capacity shall be 1000 gallons minimum and shall be sized according to OAR 340-71-220(3). All new septic tanks, existing septic tanks, or used septic tanks must pass a leakage test prior to use. The City maintains septic tanks within city limits. The maintenance of septic tanks ends at the upstream wall of the septic tank. A maintenance easement must be created outside of public right away around septic tanks. Sewer lines upstream of the septic tanks are private and are not maintained by the City.

Construction Plans: **Prior to construction** engineering firms submitting sewer plans shall include a sewer profile. The profile will include the existing ground elevation, proposed street grade, existing utilities or other underground apparatus, pipe diameter, material and slope, manhole locations, station and invert elevations, horizontal and vertical scales, and trench backfill information. Plan views shall show all horizontal control required to build the sewer, streets, property lines and right-of-way, all planimetrics, utilities, north arrow and scale.

Sewer Lateral Use: **Prior to occupancy**, the developer shall not make use of the sewer lateral until the City has completed the Industrial Park Lift Station Improvement Project.

City of La Pine Contract Engineering, Erik Huffman

1. Prior to final plat approval, applicant shall prepare and design engineered stamped construction plans to construct public improvements as proposed on the submitted tentative plans as well as those items required per City public works standards including street trees and street lights. Construction plans shall be submitted to the City for review and approval. Final plans shall be submitted to the City with a signature line for City of La Pine Public Works Director.
2. Prior to the approval of construction plans, designs shall include extensions of water and sewer mains to and through the development to the exterior boundary of the subject property.
3. Prior to the approval of construction plans, designs shall include street trees at an average spacing of 35 feet along all road frontages.
4. Prior to the approval of construction plans, designs shall include a minimum of 12" wide compacted shoulder rock along all roadway pavement edges.
5. Prior to the approval of construction plans, provide the City with drainage calculations indicating compliance with the Central Oregon Stormwater Manual.
6. Prior to final plat approval, all required public right of way and easements shall be depicted on the final plat map for grant or dedication by the recording of the plat.
7. Prior to final plat approval, the applicant shall provide the City with a performance bond of 120% of the cost of public improvements prior to beginning construction. Prior to construction, a pre-construction meeting with the construction contractor shall be held with City staff.
8. Prior to final plat approval, all required public right of way and easements shall be depicted on the final plat map for grant or dedication by the recording of the plat.
9. Prior to final plat approval, as a minimum, all water and sewer infrastructure, compacted base rock, and street signage must be installed and inspected by the City.
10. At the completion of construction of required improvements, the City will require a one-year maintenance surety bond for 10% of the value of all improvements, to guarantee maintenance and performance for a period of one year from the date of acceptance of the improvements.

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

Construction Plans: **Prior to final plat approval**, applicant shall prepare and design engineered stamped construction plans to construct public improvements as proposed on the submitted tentative plans as well as those items required per City public works standards including street trees and street lights. Construction plans shall be

submitted to the City for review and approval. Final plans shall be submitted to the City with a signature line for City of La Pine Public Works Director.

Water and Sewer Extensions: ***Prior to the approval of construction plans***, designs shall include extensions of water and sewer mains to and through the development to the exterior boundary of the subject property.

Street Trees: ***Prior to the approval of construction plans***, designs shall include street trees at an average spacing of 35 feet along all road frontages.

Shoulder Rock: ***Prior to the approval of construction plans***, designs shall include a minimum of 12" wide compacted shoulder rock along all roadway pavement edges.

Drainage Calculations: ***Prior to the approval of construction plans***, provide the City with drainage calculations indicating compliance with the Central Oregon Stormwater Manual.

ROW and Easements: ***Prior to final plat approval***, all required public right of way and easements shall be depicted on the final plat map for grant or dedication by the recording of the plat.

Performance Bond: ***Prior to final plat approval***, the applicant shall provide the City with a performance bond of 120% of the cost of public improvements prior to beginning construction. Prior to construction, a pre-construction meeting with the construction contractor shall be held with City staff.

Water and Sewer Installation: ***Prior to final plat approval***, as a minimum, all water and sewer infrastructure, compacted base rock, and street signage must be installed and inspected by the City.

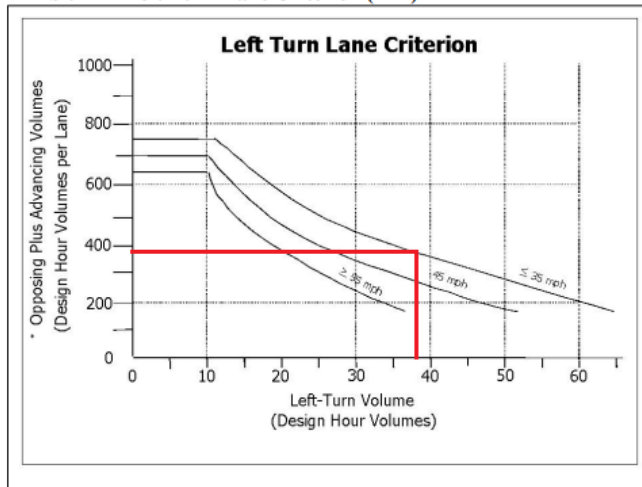
Maintenance Surety Bond: ***At the completion of construction of required improvements***, the City will require a one-year maintenance surety bond for 10% of the value of all improvements, to guarantee maintenance and performance for a period of one year from the date of acceptance of the improvements.

Deschutes County Road Department, Quinn Shubert

This development, while off-system, has a significant impact on the surrounding county road systems. The intersection operations summary tables on pages 14 and 18 (Tables 4 and 5) need to be updated to accurately reflect the county's jurisdiction over these intersections. Additionally, the TIA cites new clear and objective criteria on page 6 that limit the ability of other jurisdictions to expand the area of potential impact for this development. This limitation effectively reduces the county's capacity to provide feedback on developments within the city of La Pine. However, it's important to note that clear and objective code requirements necessitate adoption by governing bodies. Any deviations from existing code must still undergo the appropriate approval process.

Regarding the traffic analysis, I concur with the scope of the traffic impact outlined in the TIA. However, the assertion that "The payment of Transportation SDC fees with future development of the subdivision will provide funding for this intersection improvement. No additional contributions or mitigation measures should be required" requires further scrutiny. SDCs are designed to address the increased demand on the transportation system due to development. Mitigation, on the other hand, is meant to address deficiencies specifically created or exacerbated by the development. The intersection analysis for "year 2026 with project conditions" on page 17 of the TIA shows traffic volumes sufficient to trigger the need for a median left-turn lane at the Finley Butte and Huntington Rd intersection, as indicated by the TTI curves (see below).

Exhibit 12-1 Left Turn Lane Criterion (TTI)



* $(\text{Advancing Volume}/\text{Number of Advancing Through Lanes}) + (\text{Opposing Volume}/\text{Number of Opposing Through Lanes})$
 Opposing left turns are not counted as opposing volumes

Figure 1 Source: Texas Transportation Institute

The threshold for a median left-turn lane is met by the additional traffic generated from the development, despite the analysis only providing a two-year traffic forecast. If the US97/Finley Butte intersection were to be signalized and realigned with Morson St, as suggested in the TIA, the Huntington/Finley Butte intersection would be positioned within the storage bay of any left-turn lane installed at this location, further complicating the functionality of the Huntington/Finley Butte intersection. Additional investigation is necessary, and I recommend that the City of La Pine assess the need for mitigation in this area.

The following agencies did not respond to the notice: La Pine City Manager, La Pine Finance Director, La Pine Rural Fire District, State Fire Marshall, Midstate Electric, Oregon Department of Transportation and Deschutes County Building Department.

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 June 6, 2024, and notice of public hearing to all property owners within 100 feet of the subject property on August 1, 2024. 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

Section 15.18.200, Characteristics of the Residential Zones

Residential zones are intended to accommodate a mix of residential uses at planned densities, consistent with the housing needs of the city; promote the orderly development and improvement of neighborhoods; facilitate compatibility between dissimilar land uses; allow residences in proximity, and with direct connections, to schools, parks, and community services; and to ensure efficient use of land and public facilities. There are two residential zones in the city:

A. Residential Single-Family Zone (RSF). *The RSF zone permits residential uses at densities between*

one and seven dwelling units per gross acre. Permitted residential uses consist primarily of detached single-family housing, duplexes, and low density multi-family developments. The RSF zone also allows community service uses such as churches, schools, and parks that may be subject to special use standards.

FINDING: The subject property is zoned Residential Single Family (RSF). Applicable criteria are addressed herein.

Section 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.
 - 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 structures.

Table 15.18-1. Use Regulations in Residential Zones			
Use Category	RSF	RMF	Special Use Standards
Residential Use Categories			
Household Living	-	-	-
- Single-Family Dwelling	P	P	-
- Cottage Cluster Development	P	P	Section 15.104.050
- Townhome	P	P	Section 15.104.020
- Duplex	P	P	Section 15.104.030
- Multi-Family Development	P	P	Section 15.104.040
- Manufacture Dwelling	P	P	-
- Manufacture Dwelling Park	P	P	Section 15.104.060
- Accessory Dwelling Unit	P	P	Section 15.104.010
- Residential Care Home	P	P	Section 15.104.080
Group Living	-	-	-
- Room and Board Facility	CU	CU	-
- Residential Care Facility	CU	P	Section 15.104.080

- Long-Term Care Facility	CU	CU	-
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FINDING: The applicant proposed an 89-lot residential single-family subdivision. Applicable criteria are addressed herein.

Section 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.*

Table 15.18-2. Development Standards in the Residential Zones		
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 streets 25 feet for townhomes	50 feet 35 feet on cul-de-sac streets 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: Staff addresses each development standard below:

Minimum and Maximum Density:

The RSF zone requires new subdivisions to have at least one unit per acres and a maximum of 7 units per acre. The applicant is proposing 89 units in an 18.97-acre parcel (4.69 units per acres). These standards are met.

Maximum Lot Size:

The RSF zone does not have any requirements for lot size, therefore this standard is not applicable.

Minimum Street Frontage:

The RSF zone requires each newly created lot to have at least 50 feet of street frontage. Based on the applicant submitted tentative plat, each of the newly create 89 lots will exceed this standard.

Minimum Setbacks, Building Height, and Lot Coverage:

Since no development is proposed at this time, staff cannot confirm if setbacks, building heights, and lot coverage requirements are met. Instead, this will be reviewed once a building permit has been submitted to construct a single-family dwelling on each lot. Staff finds that while these development standards are not relevant at this time, each newly created lot is large enough to reasonably accommodate a single-family dwelling while meeting these minimum development standards of the RSF zone.

Minimum Landscaped Area:

The RSF zone looks to LPDC Chapter 15.82 for landscaping minimums. Within LPDC Section 15.82.010, the code states that landscaping requirements only apply to development subject to site plan review. Since the applicant proposes a residential subdivision, site plan review will not be required prior to construction and therefore, there will be no minimum landscaped area requirements. Staff notes that this does not exclude the development from the street tree requirements referenced later on in this decision.

Staff finds that all relevant development standards are met.

Section 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: While the applicant proposes a new 89 lot subdivision, no development is proposed at this time. Therefore, compliance with LPDC Section 15.18.500 will be reviewed during the building permit submittal phase. Staff keeps the section for reference to the applicant.

Article 5, Development Standards

Chapter 15.80 – Development Standards, Generally

Section 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’s subdivision proposal does not include any request for exemptions to the lot size requirements of the RSF zone, therefore these criteria are not applicable.

Chapter 15.88, Access and Circulation

Section 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.

Section 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.***

FINDING: Comments from the City Engineer did not indicate the need for any approach permits onto the adjacent City owned rights of way, therefore this criterion is not applicable.

- C. *Traffic study requirements. The city, in reviewing a development proposal or other action requiring an approach permit, may require a traffic impact analysis, pursuant to section 15.90.080, to determine compliance with this Development Code.***

FINDING: The applicant’s burden of proof included a Traffic Impact Analysis (TIA). The submitted TIA included the following findings and recommendations:

Based on this review, the extension of local streets and development of the planned residential subdivision can occur in compliance with City requirements. As previously identified, there are improvement needs at the US 97/Finley Butte – Morson Street intersection to address roadway alignments and long-term capacity needs for the overall City of La Pine. There have historically been long summertime delays on the westbound approach, and the installation of a pedestrian crossing refuge supports multimodal connections as an interim treatment but conflicts with the identified signalization plan. The City’s adopted Transportation SDC is intended to provide City funds toward this and other projects of citywide significance.

- City streetscape sections should conform to adopted City standards as identified within the Transportation System Plan and include 36-foot wide street sections to support on-street parking on both sides of the street.
- Accessible crossings should be provided at all intersections within the subdivision, and all adjacent roadway stubs should be extended as identified in the proposed development plan.
- All “T” approaches within the subdivision should be stop-sign controlled to provide clear designation of roadway right-of-way.
- Fencing, utilities, landscaping, and other above-ground features should be prohibited within the intersection sight distance triangles near internal intersections. Within these areas a clear space should be maintained between two-feet and eight-feet in height.
- While the City of La Pine does not have adopted TIA requirements that would comply with the required “Clear and Objective” standards, for informational purposes analysis was conducted at nearby intersections. This showed that all of the intersections operate acceptably with exception of US 97/Finley Butte Road. Realignment and signalization of this intersection is listed on the City’s Capital Improvement Program, and payment of Transportation SDC fees will contribute toward this critical City need.

Staff finds the each tangible recommendation will either be conditioned in this land use decision, or collected at the time of System Development Charge payment.

D. Approach and driveway development standards. Access management restrictions and limitations consist of provisions managing the number of access points and/or providing traffic and facility improvements that are designed to maximize the intended function of a particular street, road or highway. The intent is to achieve a balanced, comprehensive program which provides reasonable access as new development occurs while maintaining the safety and efficiency of traffic movement. Intersections, approaches and driveways shall conform to access spacing guidelines in the City of La Pine Transportation System Plan and the roadway authority's engineering standards. In the review of all new development, the reviewing authority shall consider the following techniques or considerations in providing for or restricting access to certain transportation facilities.

1. **Access points to arterials and collectors may be restricted through the use of the following techniques:**
 - a. **Restricting spacing between access points based on the type of development and the speed along the serving collector or arterial.**
 - b. **Sharing of access points between adjacent properties and developments.**
 - c. **Providing access via a local order of street; for example, using a collector for access to an arterial, and using a local street for access to a collector.**
 - d. **Constructing frontage or marginal access roads to separate local traffic from through traffic.**
 - e. **Providing service drives to prevent overflow of vehicle queues onto adjoining roadways.**
2. **Consideration of the following traffic and facility improvements for access management:**

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

FINDING: The new subdivision will connect to Health Drive, Basset Dr, Evans Way and Walling Lanes which are classified as local streets within the La Pine Transportation System Plan. Therefore, the subdivision will not be directly connected to any access points from arterial or collector streets and therefore these criteria are not applicable.

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

FINDING: The applicant’s proposal does not include a new approach onto a state highway; therefore, this criterion is not applicable.

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

FINDING: The applicant’s proposal does not cross a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency. This criterion is not applicable.

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

FINDING: The applicant’s proposal does not include a request for adjustments to the spacing standards of the subsections above, therefore this criterion is not applicable.

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

FINDING: The applicant’s proposal does not include a joint use driveway; therefore, this criterion is not applicable.

Section 15.88.040, Clear Vision Area (Visibility at Intersections)

- A. ***In all zones, a clear vision area shall be maintained on the corners of all property at the***

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

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

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

<i>Right of Way Width</i>	<i>Clear Vision</i>
<i>80 feet or more</i>	<i>20 feet</i>
<i>Less than 80 feet</i>	<i>30 feet</i>

FINDING: Clear vision standards shall be provided for throughout the development of the subdivision. The required street trees will be omitted in these areas. Fencing, utilities, landscaping, and other above ground features should be prohibited within the intersection sight distance triangles near internal intersections. Within these areas a clear space should be maintained between two feet and eight feet in height. To ensure compliance with the clear vision area requirements, the following conditions of approval have been added.

Clear Vision Area: **At all times** 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 that meet the requirements of LPDC Section 15.88.040.

Clear Vision Areas on Plans: **Prior to construction**, construction plans shall demonstrate compliance with these clear vision standards and shall be submitted to the City for review and approval prior to construction. No above ground equipment shall obstruct vision clearance areas for vehicular traffic.

Section 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.*

FINDING: The applicant’s burden of proof and submitted tentative plan indicate that each street within the proposed subdivision (Heath Drive, Basse Drive, Street ‘A’ and Street ‘B’) will have a sidewalk on either side of the right of way. The sidewalks will connect to the existing sidewalks on Heath Drive and Bassett Drive that are already constructed in the subdivision directly to the west (Oskenholt Estates). Additionally, the applicant proposed to

construct a sidewalk on the east side of Evans Way and the west side of Walling Lane. Staff finds that the applicant's proposed walkway system extends through the development and connects to all existing sidewalks that are adjacent to the subdivision. This criterion is met.

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.***

FINDING: The applicant's proposed walkways will be provided in the form on the sidewalks on each side of the streets, which run in straight lines at right angles, and does not involve any out of direction travel. This criterion is met.

- 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.***

FINDING: The applicant's proposed sidewalk will be required to pass inspection from our Public Works department which will ensure the proposed walkway meets the above criterion. This criterion will be met during the required inspection.

- 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.***

FINDING: The applicant's burden of proof indicates that pedestrian walkways will be separated from streets by a drainage swale and landscaping in accordance with the design standards highlighted in the La Pine TSP for local streets. Staff finds this design method will provide effective vehicle and walkway separation and therefore, this criterion is met.

- 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.***

FINDING: The applicant's proposal does not include any crosswalks and based on the La Pine TSP, staff finds they are not necessary for the applicant's proposal. Therefore, this criterion is not applicable.

- 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.

FINDING: The applicant proposes concrete sidewalks throughout the subdivision that must be 6 feet wide per the requirements of the La Pine TSP. This criterion is met.

- f. Multi-use pathways. Multi-use pathways, where approved, shall be ten feet wide and constructed of asphalt, concrete or other city-approved durable surface meeting ADA requirements consistent with the applicable city engineering standards.**

FINDING: The applicant’s proposal includes a multiuse path running through the middle of the subdivision. The proposed multiuse path adheres to these design standards. This criterion is met.

Chapter 15.90, Public Facilities

Section 15.90.020, Developer Responsibility for Streets and Other Public Facilities

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

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

Duties of Developer: **Prior to final plat approval**, 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.

Additionally, staff notes that the Public Works Director included the following comments:

Septic Tank: A septic tank is required at each developed property. Tank capacity shall be 1000 gallons minimum and shall be sized according to OAR 340-71-220(3). All new septic tanks, existing septic tanks, or used septic tanks must pass a leakage test prior to use. The City maintains septic tanks within city limits. The maintenance of septic tanks ends at the upstream wall of the septic tank. A maintenance easement must be created outside of public right away around septic tanks. Sewer lines upstream of the septic tanks are private and are not maintained by the City.

This requirement has previously been added to the conditions of approval for this land use permit. As conditioned, this criterion is met.

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

FINDING: Comments from the City Engineer did not indicate the need for oversizing; therefore, this criterion is not

applicable.

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

FINDING: Comments from the City Engineer did not indicate there were existing inadequate streets adjacent to the subject property, therefore this criterion is not applicable.

- D. *Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of a proposed land development, and when the city finds it will be practical to require dedication and improvement of the other half of the street when the adjoining property is developed. Whenever a half street exists adjacent to a tract of land proposed for development, the other half of the street shall be dedicated and improved.***

FINDING: The applicant's proposal includes a half street on Walling Lane due to the proposed orientation of the subdivision. Staff finds the inclusion of this half street is essential to the reasonable development of the site and therefore this criterion is met.

Section 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.***

FINDING: The City's Public Works Director provided the following comment in response to this criterion:

Construction Plans: Engineering firms submitting sewer plans shall include a sewer profile. The profile will include the existing ground elevation, proposed street grade, existing utilities or other underground apparatus, pipe diameter, material and slope, manhole locations, station and invert elevations, horizontal and vertical scales, and trench backfill information. Plan views shall show all horizontal control required to build the sewer, streets, property lines and right-of-way, all planimetrics, utilities, north arrow and scale.

This comment has previously been added to the conditions of approval for this land use permit and to ensure complete compliance, the following condition of approval has been added.

Sewer and Water Plan Approval: Development permits for sewer and water improvements shall not be issued until the public works 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 City's Public Works Director provided the following comment in response to this criterion:

With current load on the industrial park lift station being at max capacity of flow, the city will not be able to accommodate new services until our new Industrial Park Lift Station has been completed. The new List

station has been approved and will be moving forward with construction shortly.

To ensure compliance with the City's Public Works Director and the above criterion, the following condition of approval has been added.

Sewer Lateral Use: **Prior to occupancy**, the developer shall not make use of the sewer lateral until the City has completed the Industrial Park Lift Station Improvement Project.

Section 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.**

FINDING: In response to the above criterion, the City Engineer provided the following comments:

Prior to the approval of construction plans, provide the City with drainage calculations indicating compliance with the Central Oregon Stormwater Manual.

This requirement has previously been added to the conditions of approval for this land use decision. As conditioned, this criterion is met.

- B. Effect on downstream drainage. Where it is anticipated by the city engineer that the additional runoff resulting from the development will overload an existing drainage facility, the city shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with city standards.**

FINDING: Comments from the City Engineer did not indicate that additional runoff from the development would overload and existing drainage facility. This criterion is not applicable.

Section 15.90.050, Utilities

- A. General provision. The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.**
- B. Underground utilities. All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.**

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

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

- C. Subdivisions. In order to facilitate underground placement of utilities, the following additional standards apply to all new subdivisions:**
 - 1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that no above ground equipment obstructs vision clearance areas for vehicular traffic.**

2. ***The city reserves the right to approve the location of all surface-mounted facilities.***
3. ***All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets.***
4. ***Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.***

FINDING: The applicant's burden of proof included the following statement:

All utilities serving the development will be provided by underground service, as designed by the serving utility. Measures will be taken to ensure that above ground equipment does not obstruct vision clearance areas for vehicular traffic. Compliance with (C)(1) through (4) can be ensured through the implementation of conditions of approval.

To ensure compliance with the applicant's statement and the above criteria, the following condition of approval has been added.

Subdivision Utilities: ***Prior to final plat approval***, the developer shall confirm the following standards have been met:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that no above ground equipment obstructs vision clearance areas for vehicular traffic.
 2. The city reserves the right to approve the location of all surface-mounted facilities.
 3. All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets.
 4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
- D. *Exception to undergrounding requirement. The city may grant exceptions to the undergrounding standard where existing physical constraints, such as geologic conditions, streams, or existing development conditions make underground placement impractical.***

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

Section 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.***

FINDING: The applicant's proposal does not include the installation of additional passing lanes; therefore, this criterion is not applicable.

- B. *Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, and/or no new land parcels result.***

FINDING: The applicant's proposal does not include the reconstruction or modification of existing public roads,

therefore this criterion is not applicable.

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

FINDING: The applicant's proposal does not include temporary public road nor highway detour. This criterion is not applicable.

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

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

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

FINDING: The applicant's proposal does not include the alteration of a public street or highway that is identified as a priority project in the La Pine TSP.

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

FINDING: The applicant's proposal does not include the design, construction, operation, or maintenance of a tourist-oriented or public wayside.

Section 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: In response to the above criterion, the applicant submitted the following:

This code section provides for a subjective review to determine the adequacy and appropriateness of the traffic circulation pattern. It also directs the City to consider the location, width and grade of streets in relationship to existing and planned roads based on subjective factors. This code section, therefore, is not clear and objective and does not serve as a relevant approval criterion for the applicant's proposed subdivision.

The applicant has submitted a Traffic Impact Analysis (TIA) prepared by Transportation Engineer Joe

Bessman, P.E. with Transight Consulting, LLC with its application. It provides information regarding the traffic circulation system that will serve the proposed subdivision. That information supports a finding that the overall street system will provide for adequate traffic circulation with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain of the development and the area.

Comments from the City Engineer did not indicate any deficiencies in the applicants proposed traffic circulation system and therefore, staff finds this criterion is met.

- 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: In response to the above criteria, the applicant provided the following:

As depicted on the tentative plan, the proposed location and pattern of proposed streets provides for appropriate and practical continuation of existing local streets on abutting properties. The street grid proposed extends Bassett and Heath drives into the proposed development, being the principal through streets to Huntington Road (an Arterial class roadway). Both Bassett and Heath Drives are extended through the development to the east property line allowing for continuation as part of future development of the County-owned, industrial-zoned property to the east, Tax Lot 302, 22-1014.

Heath Drive and Bassett Drive are proposed to extend to the eastern boundary of the proposed subdivision, providing connectivity to future the undeveloped of property to the east. An Evans Way right-of-way dedication is proposed with this application to extend Evans Way from that portion approved with the Evans Way Estates plat. Interim secondary access via Walling Lane can be provided for alternative circulation until further development occurs. Such location and pattern of proposed streets conforms to the La Pine Transportation Plan and these standards can be satisfied.

...

Comments from the City Engineer did not identify any deficiencies in the applicant's proposed street location and patterns. As discussed herein, the streets will adhere to the design regulations of the local streets as identified in the La Pine TSP. This criterion is met.

- 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: Comments from the City Engineer did not include a requirement for an access way; 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: In response to the above criterion, the applicant provided the following:

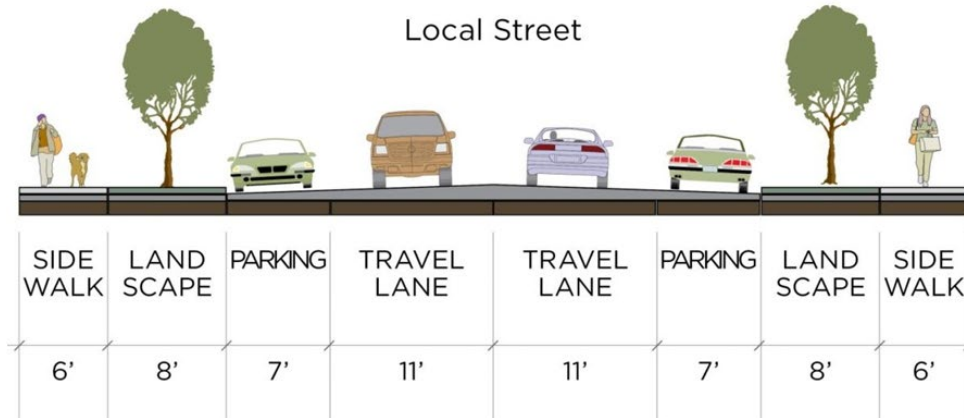
Property to the east, Tax lot 302, 22-10-14 is a vacant, 38.73 acre, County-owned parcel that is zoned Light Industrial (LI), thus, is potentially developable. Property to the south is outside of the City Limits/UGB of La Pine and consists of government-owned Forest-zoned property, Forest Use (F1). To the west are Evans Way Estates and Oksenholt Estates single-family residential developments. Farther to the west is Huntington Meadows subdivision. To the north of the subject property are two parcels zoned RSF: Tax Lot 3100, 22-10-14CA, 1.14 acres in size and developed with a single-family dwelling; and Tax Lot 3200, 22-10-14CA, 1.25 acres in size and developed with a single-family dwelling. The proposed subdivision provides for continuation of streets to the north to extent practicable through Evans Way and Walling Lane. As evident from the submitted tentative plan, the vacant parcel to the east can be accessed through stubs to Heath Drive and Bassett Drive, providing connectivity for future development. Based on the above, and the submitted tentative plan, (D) is met.

...

Comments from the City Engineer did not indicate any deficiencies in the applicant's proposed extensions for future streets. Staff finds that the applicant's proposed extension of Heath and Basset Drive to the eastern edge of the subdivision allows for the future extension of those roads. This criterion is met.

- 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: The La Pine TSP provides the following right of way and roadway width for local streets:



Based on the applicant’s submitted burden of proof, these standards will be met and therefore, this criterion is met.

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

FINDING: As stated previously, all rights of way within the proposed subdivision are classified as local streets which require 6-foot-wide sidewalks. The applicant’s proposal included this design standard. 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: As stated previously, all rights of way within the proposed subdivision are classified as local streets which do not require bike lanes. This criterion is not applicable.

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

...

FINDING: The applicant’s proposal does not include a cul-de-sac; 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 or contain an arterial street; therefore, this criterion is not applicable.

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

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

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

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

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

FINDING: In response to the above criterion, the applicant provided the following:

The submitted tentative plan illustrates compliance with this standard. Aligned connections are provided at Heath Drive and Bassett Drive to connect with streets within the Evans Way Estates and Oksenholt Estates developments. A slight curvature of both Heath and Bassett Drives, northward and southward respectively, is necessary to accommodate the gradual decrease in depth to lots at the north end of the proposed subdivision, as well as the lots at the south end of the development.

The curvature of Heath Drive is necessary due to Lot 11 being a corner lot and having to be the length of approximately 157 feet for proper alignment with the right-of way of Heath Drive to the west. This is also applicable to the curvature of Bassett Drive where Lot 74 having to possess a length of approximately 161.4 feet for proper alignment with the right-of-way of Bassett Drive to the west. The curvature of the right-of-way for Heath Drive straightens out at Lot 6 and the east end of Lot 13. The curvature of the right-of-way for Bassett Drive straightens out at Lots 38 and 39.

Additionally, Evans Way is extended to the north in alignment with its existing right-of-way as part of this proposed development. This criterion is satisfied to the extent practicable and where not achieved, the proposed design addresses a relevant need.

Staff finds that based on the applicant's burden of proof, the applicant's proposed streets align as far as practical with the adjacent existing streets. This criterion is met.

- 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.***

FINDING: In response to the above criterion, the applicant provided the following response:

The submitted tentative plan illustrates compliance with this standard. All intersections are as near to right angles as practicable. None intersect at an angle less than 80 degrees. The only intersections where streets do not intersect at a right angle are the intersections of "A" Street and Heath Drive and "A" Street and Bassett Drive. The existing alignments established by the plats of Evans Way Estates and Oksenholt Estates to the west are carried through. A slight curvature of both Heath and Bassett Drives, northward and southward respectively, is necessary to accommodate the gradual decrease in depth to lots at the north end and south end of the development. These are low-speed local streets that the City Engineer found to be acceptable in the decision for Evans Way Estates Subdivision.

The City Engineer did not identify any deficiencies in the applicant's proposed intersection angles; therefore, this criterion is met.

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.*

FINDING: All of the streets in the proposed subdivision are categorized as "other" streets. Based on the applicant's submitted burden of proof, the radii of all the curves will be no less than 100 feet. This criterion is met.

O. *Street grades. Street grades shall not exceed eight percent on arterials, ten percent on collectors and 12 percent on all other streets including private driveways entering upon a public street or highway; however, for streets at intersections, and for driveways entering upon a public street or highway, there should be a distance of three or more car lengths (approximately 50 feet) where the grade should not exceed six percent to provide for proper stopping distance during inclement weather conditions.*

FINDING: All of the streets in the proposed subdivision are categorized as "other" streets. Based on the applicant's submitted burden of proof, the grades of each street will not exceed 12 percent. This criterion is met.

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

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

Street Names: ***Prior to final plat approval***, 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: To ensure compliance with the above criterion, the following condition of approval has been added.

Street Name Signs: **Prior to final plat approval** 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.

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

Traffic Control Signs: **Prior to final plat approval** 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.

- 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 alleys; therefore, this criterion is not applicable.

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

FINDING: The applicant’s proposal includes a request for the City Engineer to waive the curb requirements and states the following:

This standard allows the City Engineer to waive curb requirements during tentative plan review on the basis of special circumstances. Curbs are not proposed with the subdivision, rather, an attractive landscape swale supporting street trees and vegetation is proposed. Landscape swales containing street trees is not only more aesthetically pleasing than concrete curbs, but provide improved drainage capacity and flow during times of snow melt and heavy rains.

Concentrated flow created by curb lines requires point containment and disposal, which is ineffective in areas of higher groundwater, such as the subject property. Conversely, vegetated swales allow the storm waters to dissipate over a greater area, causing fewer areas of storm water concentration. Additionally, areas between street trees can provide for much-needed snow storage during excessive winter storms, when curbs can also be obscured by snow. The La Pine TSP allows for flexibility or variation to street sections. Specifically, page 62 of the TSP provides (excerpted):

Context-Sensitive Variation

The street sections in the City of La Pine vary depending on whether they are located downtown core areas, residential sections, commercial hubs, or more rural environments. Context-specific considerations include:

Planter strips outside urbanized areas are optional, due to maintenance costs.

Constrained roadways in more rural areas can be designed with shoulders to accommodate bikes and pedestrians when the right-of-way is limited.

On-street parking can be provided or not provided based on the context of the area being served.

Curbs should be included in the downtown core area. However, they may be optional in areas outside the downtown core when drainage issues warrant such consideration.

In downtown areas, options are available to replace center turn lanes and medians with on-street parking, as shown by the two figures in the following section.

Based on the above, the location of the proposed project being in an outlying area of the city, with no curbed streets in the vicinity, curbs are not necessary for the proposed subdivision and Applicant proposes the landscape swales as depicted on in the local street cross section illustrated on the submitted tentative plan are more appropriate, efficient, and effective in this area. This is also consistent with the Evans Way Estates and Oksenholt Estates developments to the west.

City staff concurs with the applicant's reasoning for the curb exemption requests. The applicant's request to waive the curb requirements for this subdivision is approved. Therefore, this criterion is not applicable to the applicant proposal.

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

Street Lights: ***Prior to final plat approval*** if deemed necessary by the city, street lights 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.

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

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

Utilities: ***Prior to final plat approval*** 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 proposes drainage facilities in the form of vegetative swales within each right of way. In order to ensure compliance, the following condition of approval has been added.

Drainage Facilities: ***Prior to final plat approval*** drainage facilities shall be provided as required by the city in accordance with all applicable city and Oregon Department of Environmental Quality standards.

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 a gate; therefore, this criterion is not applicable.

Section 15.90.080, Traffic Impact Analysis

- A. Purpose.** *The purpose of this subsection is [to] coordinate the review of land use applications with roadway authorities and to implement section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a traffic impact analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a traffic impact analysis; and who is qualified to prepare the analysis.*
- B. When a traffic impact analysis is required.** *The city or other road authority with jurisdiction may require a traffic impact analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:*
- 1. A change in zoning or a plan amendment designation;*
 - 2. Operational or safety concerns documented in writing by a road authority;*
 - 3. An increase in site traffic volume generation by [300] average daily trips (ADT) or more;*
 - 4. An increase in peak hour volume of a particular movement to and from a street or highway by [20] percent or more;*
 - 5. An increase in the use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by ten vehicles or more per day;*
 - 6. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;*
 - 7. A change in internal traffic patterns that may cause safety concerns; or*
 - 8. A TIA required by ODOT pursuant to OAR 734-051.*

FINDING: The applicant's burden of proof included a Traffic Impact Analysis dated May 16, 2024. Applicable criteria are discussed herein.

- 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 applicant's submitted TIA was prepared by Joe Bessman of Transight Consulting, a Registered Professional Engineering within the State of Oregon. This criterion is met.

- 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 the above-mentioned waiver or deferral in respect to the TIA, therefore these criteria are not applicable.

Chapter 15.92, Additional Standards for Land Divisions

Section 15.92.010, Lots and Blocks

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

FINDING: In response to the above criterion, the applicant provided the following statement:

As shown on the submitted tentative plan, block length and block perimeter is exceeded on proposed 'A' and 'B' Streets. Applicant seeks an exception to this standard on the basis that this exception is required in order to provide larger mid-range lots and promote additional accessory uses on the lots with additional space for vehicles to park off street.

The existing development pattern established by Huntington Meadows, particularly the east-west street grid, was carried eastward in the development design for Evans Way Estates, but limited to-and through streets to Heath Drive and Bassett Drive. Applicant proposes to continue the pattern of development approved under Evans Way Estates and Oksenholt Estates by orienting the lots mostly in east-west fashion, with north-south oriented lots being at the north and south ends of the development, and extend Heath and Bassett Drive through the proposed development.

The block length standard of LDC 15.92.010 allows the City to grant an exception to the maximum block length due to topography or location of adjoining streets. The subject property is relatively flat, without topographical challenges. The proposed subdivision is flanked on its north and south by Heath Drive and Bassett Drive, both of which will connect to and terminate at Huntington Road, the nearest north-south arterial. Traffic traveling south from the proposed subdivision will utilize the route through Bassett Drive, while traffic traveling north can utilize Heath Drive or Evans Way.

Further, maximum block lengths are typically provided to both minimize pedestrian walking distances and to provide traffic-calming to minimize a “thoroughfare” effect. The proposed subdivision includes a multi-use path shown on the tentative plan, for pedestrians and bicyclists that is in alignment with the multi-use path in Oksenholt Estates subdivision to the west.

Inclusion of the multi-use path will minimize walking and bicycling distances, as well as provide traffic calming at the intersections/crosswalks of the path with A and B Streets. To provide this ped/bike connection at the time when the block length of B Street exceeds City maximum lengths, the multi-use path will be constructed. Applicant believes that the proposed subdivision warrants an exception to maximum block length due to the location of adjoining streets and the inclusion of the mid-block multiuse path.

Based on the applicant's response to the above criteria, as well as the surrounding land use pattern, staff finds the exception to the block length requirements is justified and therefore approved. These criteria are met.

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

FINDING: Each newly created lot will be rectangular in shape, with relatively flat topography, and large enough to reasonably accommodate a single-family dwelling, while meeting the development standards of the RSF zone. This criterion is met.

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

FINDING: Each newly created lot abuts on a public street and has more than 50 feet of frontage. This criterion is met.

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

FINDING: Each newly created parcel has side lot lines that run at 90-degree angles from the street upon which it fronts. This criterion is met.

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

FINDING: The applicant's proposal does not include a land division by any of the means listed above. This criterion is met.

- F. *Grading, cutting and filling of building lots or sites. Grading, cutting and filling of building lots or sites shall conform to the following standards unless physical conditions warrant other standards as demonstrated by a licensed engineer or geologist, and that the documentation justifying such other standards shall be set forth in writing thereby:***
 - 1. *Lot elevations may not be altered to more than an average of three feet from the natural pre-existing grade or contour unless approved otherwise by the city.***
 - 2. *Cut slopes shall not exceed one foot vertically to 1½ feet horizontally.***
 - 3. *Fill slopes shall not exceed one foot vertically to two feet horizontally.***
 - 4. *Where grading, cutting or filling is proposed or necessary in excess of the foregoing standards, a site investigation by a registered geologist or engineer shall be prepared and submitted to the city as a part of the tentative plan application.***
 - a. *The report shall demonstrate construction feasibility, and the geologist or engineer shall attest to such feasibility and shall certify an opinion that construction on the cut or fill will not be hazardous to the development of the property or to surrounding properties.***
 - b. *The planning commission shall hold a public hearing on the matter in***

- conformance with the requirements for a conditional use permit, however, such may be included within the initial hearing process on the proposed development.*
- c. *The planning commission's decision on the proposal shall be based on the following considerations:*
- (1) *That based on the geologist's or engineer's report, that construction on the cut or fill will not be hazardous or detrimental to development of the property or to surrounding properties.*
 - (2) *That construction on such a cut or fill will not adversely affect the views of adjacent property(ies) over and above the subject site without land alteration, or that modifications to the design and/or placement of the proposed structure will minimize the adverse impact.*
 - (3) *That the proposed grading and/or filling will not have an adverse impact on the drainage on adjacent properties, or other properties down slope.*
 - (4) *That the characteristics of soil to be used for fill, and the characteristics of lots made usable by fill shall be suitable for the use intended.*

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

Grading, Cutting, and Filling: Grading, cutting and filling of building lots or sites shall conform to LPDC Section 15.92.010(F).

- G. *Through or double-frontage lots and parcels. Through or double-frontage lots and parcels are to be avoided whenever possible, except where they are essential to provide separation of residential development and to avoid direct vehicular access from major traffic arterials or collectors, and from adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. When through or double-frontage lots or parcels are desirable or deemed necessary, a planting screen easement of at least four to six feet in width, and across which there shall be no right of vehicular access, may be required along the line of building sites abutting such a traffic way or other incompatible uses.*

FINDING: LPDC Section 15.12.020 includes the following definitions:

Lot, double frontage, means an interior lot whose front and rear lot lines abut roads, or a corner lot with two opposite lot lines abutting a road.

Staff notes that the corner lots that are created, while fronting on two roads, are not considered double frontage lots. Therefore, the applicant's proposal does not include any through or double frontage lots. This criterion is met.

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

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

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

smaller sizes than originally platted.

FINDING: Based on the size of each of the proposed lots, future redivision is not likely, therefore, this criterion is not applicable.

Section 15.92.020, Easements

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

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

Utility Lines: ***Prior to final plat approval***, easements for sewer lines, water mains, electric lines or other public utilities shall be as required by the serving entity, but in no case be less than ten feet wide and centered on a rear and/or side lot line unless approved otherwise by the city. Utility pole tie-back easements may be reduced to five feet in width.

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

FINDING: The subject property is not traversed by a water course; therefore, this criterion is not applicable.

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

FINDING: Based on the requirements of the La Pine TSP and comments from the City Engineer, additional pedestrian and/or bikeway of no less than ten feet in width are not required for this proposal. Therefore, this criterion is not applicable.

- D. *Sewer and water lines. Easements may also be required for sewer and water lines, and if so required, shall be provided for as stipulated to by the city public works department and/or water and sewer district.***

FINDING: The Public Works Director indicated that there is no need for additional sewer and water line easements as part of this partition, therefore this criterion is not applicable to the current application.

Chapter 15.94, Improvement Procedures and Guarantees

Section 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.***

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

Plan Review and Approval: Improvement work shall not be commenced until development plans therefore have been reviewed and approved by the city or a designated representative thereof. The review and approval shall be at the expense of the developer.

- B. *Modification. Improvement work shall not commence until after the city has been notified and approval therefore has been granted, and if work is discontinued for any reason, it shall not be resumed until after the city is notified and approval thereof granted.***

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

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.***

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

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.***

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

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.***

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

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: Comments from the City Engineer and Public Works Director included several modification/additions that need to be included in the applicants proposed tentative plan. These additions include:

- Prior to final plat approval, applicant shall prepare and design engineered stamped construction plans to construct public improvements as proposed on the submitted tentative plans as well as those items required per City public works standards including street trees and street lights. Construction plans shall be submitted to the City for review and approval. Final plans shall be submitted to the City with a signature line for City of La Pine Public Works Director.
- Prior to the approval of construction plans, designs shall include extensions of water and sewer mains to and through the development to the exterior boundary of the subject property.
- Prior to the approval of construction plans, designs shall include street trees at an average spacing of 35 feet along all road frontages.
- Prior to the approval of construction plans, designs shall include a minimum of 12" wide compacted shoulder rock along all roadway pavement edges.
- Prior to the approval of construction plans, provide the City with drainage calculations indicating compliance with the Central Oregon Stormwater Manual.
- Prior to final plat approval, all required public right of way and easements shall be depicted on the final plat map for grant or dedication by the recording of the plat.
- Construction Plans: Engineering firms submitting sewer plans shall include a sewer profile. The profile will include the existing ground elevation, proposed street grade, existing utilities or other underground apparatus, pipe diameter, material and slope, manhole locations, station and invert elevations, horizontal and vertical scales, and trench backfill information. Plan views shall show all horizontal control required to build the sewer, streets, property lines and right-of-way, all planimetrics, utilities, north arrow and scale.

Staff notes that these modifications do not constitute a substantial change to the proposal as identified in LPDC Section 15.202.130 and therefore, the changes to the as built plans can be made between the tentative plat and final plat stage. To ensure compliance with the above criterion, the following condition of approval has been added.

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.

Section 15.94.020, Completion or Assurance of Improvements

- A. *Agreement for improvements. Prior to final plat approval for a subdivision, partition, PUD or other land development, or the final approval of a land use or development pursuant to***

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

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

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

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

FINDING: Comments from the City Engineer indicated that a performance bond would be required for the applicant's proposal. The required amount is discussed in the following criterion.

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

FINDING: City Engineering provided the following comment regarding the required performance bond.

Prior to final plat approval, the applicant shall provide the City with a performance bond of 120% of the cost of public improvements prior to beginning construction. Prior to construction, a pre-construction meeting with the construction contractor shall be held with City staff.

This requirement has previously been added to the conditions of approval in this land use decision. As conditioned, this criterion is met.

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

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

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.

Section 15.94.040, Maintenance Surety Bond

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

FINDING: The City Engineer provided the following comments in response to the above criterion:

At the completion of construction of required improvements, the City will require a one-year maintenance surety bond for 10% of the value of all improvements, to guarantee maintenance and performance for a period of one year from the date of acceptance of the improvements.

This requirement has previously been conditioned in this land use decision. As conditioned, this criterion is met.

Article 9, Land Divisions¹

Chapter 15.406, Subdivision and Planned Unit Developments (PUD)

Section 15.406.010, Subdivision Applications

- A. Application. Any person proposing a subdivision, or the authorized agent or representative thereof, shall submit an application for a subdivision to the city. The application shall be accompanied with either an outline development plan as provided for in division [subsection] B of this section, or a tentative plan as set forth in division [subsection] C of this section, together with improvement plans and other supplementary material as may be required, and the materials required for the applicable review type as specified in article 7. The number of copies required shall be as specified on the application form. The date of filing shall be construed to be the date on which all of the foregoing materials are received and accepted by the appropriate city official.**

¹ State Law reference— Subdivision and other divisions of land, ORS 92.010 et seq.; city planning, ORS 227.010 et seq.

FINDING: The applicant’s subdivision application was accompanied by a tentative plan. Applicable criteria are discussed herein.

- B. *Outline development plan. The submittal of an outline development plan in the subdivision application process is at the option of the applicant and/or developer. If an outline development plan is prepared and submitted with the application for a subdivision, it shall include both maps and written statements as set forth below.***
 - 1. *The maps which are part of an outline development plan may be in schematic form, but shall be to scale and shall contain the following information:***
...
 - 2. *Written statements which shall be part of the outline development plan submittal shall contain the following information:***
...
 - 3. *Approval of an outline development plan for a subdivision shall constitute only a conceptual approval of the proposed development for general compliance with the city's urban area comprehensive plan, applicable zoning and this chapter.***
 - 4. *Review and action on an outline development plan shall follow the requirements for review of Type III land use action procedures, hearings and decisions in article 7 as may be applicable.***

FINDING: The applicant opted out of the development plan, and instead chose to submit a tentative plan, therefore these criteria relating to a development plan are not applicable.

- C. *Tentative plan required. Following or in conjunction with submittal and approval of an outline development plan and subdivision application, or as an initial subdivision application, any person proposing a subdivision shall submit a tentative plan together with the accompanying information and supplemental data, prepared and submitted in accordance with the provisions of this section and materials required for a Type III review as specified in article 7. (ORS 92.040). Note: Applicants should review the design standards set forth in article 5 prior to preparing a tentative plan for a development.***
 - 1. *Scale of tentative plan. The tentative plan of a proposed subdivision shall be drawn on a sheet 18 [inches] by 24 inches in size or multiples thereof at a scale of one inch equals 100 feet or multiples thereof as approved by the planning official. (ORS 92.080). In addition, at least one copy of the plan on a sheet of paper measuring 8½ inches by 11 inches or 11 inches by 17 inches shall be provided for public notice requirements.***
 - 2. *Information requirements. The following information shall be shown on the tentative plan or provided in accompanying materials. No tentative plan submittal shall be considered complete unless all such information is provided, unless approved otherwise by the planning official.***
 - a. *General information required.***
...
 - b. *Information concerning existing conditions.***
...
 - c. *Information concerning proposed subdivision.***
...

FINDING: The applicant’s submitted burden of proof includes all of the above requirements for a tentative plan. These criteria are met.

D. Master development plan required. An overall master development plan shall be submitted for all developments planning to utilize phase or unit development. The plan shall include, but not be limited to, the following elements:

- 1. Overall development plan, including phase or unit sequences and the planned development schedule thereof.**
- 2. Schedule of improvements initiation and completion.**
- 3. Sales program timetable projection.**
- 4. Development plans of any common elements or facilities.**
- 5. Financing plan for all improvements.**

FINDING: The applicant does not propose to utilize phase or unit development of the subdivision, and instead complete the subdivision in one phase, therefore a master development plan is not required for this applicant. Therefore, these criteria are not applicable.

E. Supplemental information required. The following supplemental information shall be submitted with the tentative plan for a subdivision:

- 1. Proposed deed restrictions or protective covenants, if such are proposed to be utilized for the proposed development.**

FINDING: The applicant is not proposing any deed restrictions or protective covenants for the subdivision; therefore, this criterion is not applicable.

- 2. Reasons and justifications for any variances or exceptions proposed or requested to the provisions of this subchapter [section], the applicable zoning regulations or any other applicable local, state or federal ordinance, rule or regulation.**

FINDING: The applicant's proposal included a waiver from the curb requirements of LPDC Section 15.90.070(T) as well as the block length requirements of LPDC Section 15.92.010(A). These requests were accompanied by a detailed justification and as discussed herein; the waivers were granted. This criterion is met.

F. Tentative plan review procedures.

- 1. Tentative plan review shall follow the Type III review procedures in article 7.**
- 2. The decision on a tentative plat shall be set forth in a written decision, and in the case of approval shall be noted on not less than two copies of the tentative plan, including references to any attached documents setting forth specific conditions.**

FINDING; Staff is processing this application in accordance with the Type III review procedures outlines in Article 7 of LPDC. These criteria are met.

G. Tentative approval relative to final plan. Approval of the tentative plan shall not constitute final acceptance of the final plat of the proposed subdivision for recording. However, approval of the tentative plan shall be binding upon the city for preparation of the final plat and the city may require only such changes as are deemed necessary for compliance with the terms of its approval of the tentative plan.

FINDING: The applicant's burden of proof acknowledges this criterion and notes that staff will be requiring a separate final plat review process. Once the final plat has been approved, this criterion will be met.

H. Resubmission of denied tentative plan. Resubmittal shall be considered a new filing, but shall require the applicant to consider all items for which the prior denial was based, in addition to the

other filing requirements set forth by this chapter.

FINDING: While staff is recommending approval of the applicant's proposal, staff keeps this criterion as reference to the applicant.

- 1. Requirements for approval. An outline development plan or a tentative plan for a subdivision shall not be approved unless it is found, in addition to other requirements and standards set forth by this chapter and other applicable City of La Pine ordinances, standards and regulations, that the following requirements have been met:***
 - 1. The proposed development is consistent with applicable density and development standards set forth of the applicable zone in article 3. All lots conform to the applicable lot standards of the zoning district, including density, lot area, dimensions, setbacks, and coverage.***

FINDING: As previously discussed, all of the applicable density and development standards set forth in the Residential Single-Family zone are met and therefore, this criterion is met.

- 2. The proposal is in compliance with any applicable overlay zone regulations in article 4.***

FINDING: The applicant's proposal is not within any overlay zones; therefore, this criterion is not applicable.

- 3. The proposal is in compliance with the design and improvement standards and requirements set forth in article 5, or as otherwise approved by the city, or that such compliance can be assured by conditions of approval.***

FINDING: As discussed herein, the applicant's proposal is in compliance with the design and improvement standards set forth in Article 5. This criterion is met.

- 4. The applicant has demonstrated that adequate public facilities are available or can be made available at the time of development, and, if necessary, that the developer has proposed adequate and equitable improvements and expansions to the facilities to bring the facilities and services up to an acceptable capacity level.***

FINDING: As discussed herein, the applicant has demonstrated that adequate public facilities are available or can be made available at the time of development. This criterion is met.

- 5. The development provides for the preservation of significant scenic, archaeological, natural, historic and unique resources in accordance with applicable provisions of this Development Code and the comprehensive plan.***

FINDING: The subject property does not contain any significant scenic, archaeological, natural, historic, or unique resources, therefore this criterion is not applicable.

- 6. The proposed name of the subdivision is not the same as, similar to or pronounced the same as the name of any other subdivision in the city or within a six-mile radius thereof, unless the land platted is contiguous to and platted as an extension of an existing subdivision. (ORS 92.090)***

FINDING: The applicant proposes the name "Finley Butte Ranch" for the new 89 lot subdivision. In order to ensure compliance with the above criterion, the following condition of approval has been included.

Subdivision Name: ***Prior to final plat approval***, the applicant shall receive approval for the proposed subdivision name from the County Surveyor.

7. ***The streets and roads are laid out so as to conform to an adopted transportation system plan for the area, and to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern.***

FINDING: As discussed herein, the proposed streets are laid out to conform with the La Pine TSP. This criterion is met.

8. ***Streets and roads for public use are to be dedicated to the public without any reservation or restriction; and streets and roads for private use are approved by the city as a variance to public access requirements.***

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

ROW Dedication: ***Prior to final plat approval*** streets and roads for public use are to be dedicated to the public without any reservation or restriction; and streets and roads for private use are approved by the city as a variance to public access requirements.

9. ***Adequate mitigation measures are provided for any identified and measurable adverse impacts on or by neighboring properties or the uses thereof or on the natural environment.***

FINDING: As discussed herein, adequate mitigation measures, including compliance with the RSF zone development regulations as well as development standards of article 5 have been met. Furthermore, staff sent notice of public hearing to nearby property owners, posted notice on the subject property, and published notice in the Bend Bulletin. Staff did not receive any comments in opposition to the application. This criterion is met.

10. ***Provisions are made for access to abutting properties that will likely need such access in the future, including access for vehicular and pedestrian traffic, public facilities and services and utilities.***

FINDING: As discussed herein, the applicant’s proposal includes a design so that future extension of the streets will be feasible. This criterion is met.

State Law reference— Approval of subdivision or partition application, ORS 92.040; requirements for plat preparation, ORS 92.080; approval of name of plat, ORS 92.090.

Section 15.406.020, Final Plat for A Subdivision

- A. ***Submission of final plat.***
 1. ***Time requirement.***
 - a. ***Except as otherwise approved in accordance with the approval of a master plan for a subdivision planned for unit or phase development, the subdivider shall, within two years after the date of approval of the tentative plan for a subdivision, prepare and submit the final plat for a subdivision that is in conformance with the tentative plan as approved and with all conditions applicable thereto. The***

- number of copies required shall be as specified on the application form.*
- b. Final plats shall be subject to the Type I review procedure in article 7. If the subdivider fails to file the final plat before the expiration of the two-year period, the tentative plan approval shall be declared null and void and a new submittal required if the subdivider wishes to proceed with the development, unless an extension is granted by the city.*
 - 2. Master development plan. In the case of a subdivision for which a master development plan has been approved, the tentative plans for each unit or phase thereof shall be submitted in accordance with the phasing schedule approved as a part of the master plan.*
 - 3. Form of final plat. The final plat shall be prepared in conformance with the applicable standards of ORS 92 and the requirements of the Deschutes County Surveyor and Deschutes County Clerk. A reduced copy of the final plat shall also be provided on a sheet of paper measuring 8½ inches by 11 inches or 11 inches by 17 inches for public review requirements. The final plat data shall also be provided in an electronic format adaptive to the city's and county's computer mapping system.*
- B. Requirements of survey and plat of subdivision.*
- 1. The survey for the plat of a subdivision shall be of such accuracy and with reference to such guidelines as required by ORS 92.*
 - 2. The survey and plat shall be made by a registered professional land surveyor.*
 - 3. The plat shall be of such scale that all survey and mathematical information, and all other details, may be clearly and legibly shown thereon.*
 - 4. The locations and descriptions of all monuments shall be recorded upon all plats and the proper courses and distances of all boundary lines shown.*
- C. Monumentation requirements. Monumentation of all subdivisions and plats therefor shall be in compliance with the provisions of ORS 92.060 and 92.065.*
- D. Information required on final plat. In addition to that required by the tentative plan approval or otherwise required by law, the following information shall be shown on the final plat:*
- 1. All survey reference information.*
 - 2. Tract and lot boundary lines, and street rights-of-way and centerlines, with dimensions, bearings or deflection angles. Tract boundaries and street bearings shall be to the nearest second; distances to the nearest 0.01 feet. No ditto marks are permitted.*
 - 3. Width of streets being dedicated. Curve data based on centerlines for streets on curvature; the radius, central angle, arc length, chord length and chord bearing shall be shown.*
 - 4. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference.*
 - 5. Lot numbers beginning with the number "1" and numbered consecutively and without omission, in sequential order with phasing if applicable.*
 - 6. The initial point shall be marked with an aluminum pipe or galvanized iron pipe not less than two inches inside diameter, 30 inches long before flaring with a 2½ inch minimum diameter aluminum or galvanized cap as appropriately securely attached marked with steel ties with the following information for that subdivision: initial point, subdivision name, year and land surveyor registration number.*
- E. Certificates required on final plat. The following certificates are required on the final plat:*
- 1. Certificate signed and acknowledged by all parties having record title interest in the land, consenting to the preparation and recording of the plat.*
 - 2. Certificate signed and acknowledged as above dedicating all land intended for public use.*
 - 3. Certificate with the seal of and signed by the land surveyor responsible for the survey and the final plat preparation.*
 - 4. Certificate for the county surveyor.*

5. *Certificate for the county tax collector.*
 6. *Certificate for the county assessor.*
 7. *Certificates for the city public works director and city planning official or other duly designated city representative.*
 8. *Other certificates required by state law or by the city.*
 9. *Certificate for approval or execution by the city council.*
- F. *Supplemental information with final plat. The following data, in addition to any other data required as a part of the tentative plan approval, shall be submitted with the final plat:*
1. *A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary, and evidence of a clear and marketable title.*
 2. *A copy of any deed restrictions or protective covenants applicable to the subdivision or planned unit development.*
 3. *A copy of any dedication requiring separate documents such as for parks, playgrounds and the like.*
 4. *A copy of any homeowner's association agreements proposed or required for the development.*
 5. *For any and all improvements such as streets, sewer, water, utilities and the like that are required or proposed as a part of the tentative plan approval, the following shall be required to be submitted with the final plat, and such shall be prepared by a licensed surveyor or engineer:*
 - a. *Cross-sections of proposed streets, widths of roadways, types of surfacing, curb locations and specifications, width and location of sidewalks, other pedestrian ways and/or bikeways.*
 - b. *Plans and profiles of proposed sanitary sewers, location of manholes and proposed drainage facilities.*
 - c. *Plans and profiles of proposed water distribution systems showing pipe sizes, location of valves and fire hydrants as applicable.*
 - d. *Specifications for the construction of all proposed utilities.*
 - e. *Proof of guaranteed access to the primary serving public street or highway.*
 - f. *Digital data of construction plans and as-built specifications for all improvements in a format approved by the city engineer, public works director or other duly designated city representatives, such being necessary for electronic record keeping.*

...

FINDING: While staff includes this Section of code for reference to the applicant, in order to ensure compliance with the time requirements of LPDC Section 15.406.020(1)(A) staff includes the following condition of approval.

Submission of Final Plat: The subdivider shall, within two years after the date of approval of the tentative plan for a subdivision, prepare and submit the final plat for a subdivision that is in conformance with the tentative plan as approved and with all conditions applicable thereto.

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. STAFF RECOMENDATION

APPROVAL, subject to the following conditions of approval.

VII. CONDITIONS OF APPROVAL:

GENERAL

- 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. Clear Vision Area: **At all times** 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 that meet the requirements of LPDC Section 15.88.040.
- E. Maintenance Surety Bond: **At the completion of construction of required improvements**, the City will require a one-year maintenance surety bond for 10% of the value of all improvements, to guarantee maintenance and performance for a period of one year from the date of acceptance of the improvements.
- F. Underground Utilities: All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.
- G. Grading, Cutting, and Filling: Grading, cutting and filling of building lots or sites shall conform to LPDC Section 15.92.010(F).
- H. 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.
- I. 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.
- J. 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.

- K. 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.
- L. Submission of Final Plat: The subdivider shall, within two years after the date of approval of the tentative plan for a subdivision, prepare and submit the final plat for a subdivision that is in conformance with the tentative plan as approved and with all conditions applicable thereto.

PRIOR TO FINAL PLAT APPROVAL

- M. Septic Tank: ***Prior to final plat approval*** a septic tank is required at each developed property. Tank capacity shall be 1000 gallons minimum and shall be sized according to OAR 340-71-220(3). All new septic tanks, existing septic tanks, or used septic tanks must pass a leakage test prior to use. The City maintains septic tanks within city limits. The maintenance of septic tanks ends at the upstream wall of the septic tank. A maintenance easement must be created outside of public right away around septic tanks. Sewer lines upstream of the septic tanks are private and are not maintained by the City.
- N. Construction Plans: ***Prior to final plat approval***, applicant shall prepare and design engineered stamped construction plans to construct public improvements as proposed on the submitted tentative plans as well as those items required per City public works standards including street trees and street lights. Construction plans shall be submitted to the City for review and approval. Final plans shall be submitted to the City with a signature line for City of La Pine Public Works Director.
- O. ROW and Easements: ***Prior to final plat approval***, all required public right of way and easements shall be depicted on the final plat map for grant or dedication by the recording of the plat.
- P. Performance Bond: ***Prior to final plat approval***, the applicant shall provide the City with a performance bond of 120% of the cost of public improvements prior to beginning construction. Prior to construction, a pre-construction meeting with the construction contractor shall be held with City staff.
- Q. Water and Sewer Installation: ***Prior to final plat approval***, as a minimum, all water and sewer infrastructure, compacted base rock, and street signage must be installed and inspected by the City.
- R. Duties of Developer: ***Prior to final plat approval***, 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.
- S. Subdivision Utilities: ***Prior to final plat approval***, the developer shall confirm the following standards have been met:
 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.

- T. Street Names: **Prior to final plat approval**, street names shall be approved by the Deschutes County street name coordinator.
- U. Street Name Signs: **Prior to final plat approval** 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.
- V. Traffic Control Signs: **Prior to final plat approval** 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.
- W. Street Lights: **Prior to final plat approval** if deemed necessary by the city, street lights shall be installed by the developer in accordance with standards set forth by the city and the serving utility company. Street lights, if required, shall include one fixture and be located at the intersection of streets.
- X. Utilities: **Prior to final plat approval** 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.
- Y. Drainage Facilities: **Prior to final plat approval** drainage facilities shall be provided as required by the city in accordance with all applicable city and Oregon Department of Environmental Quality standards.
- Z. Utility Lines: **Prior to final plat approval**, easements for sewer lines, water mains, electric lines or other public utilities shall be as required by the serving entity, but in no case be less than ten feet wide and centered on a rear and/or side lot line unless approved otherwise by the city. Utility pole tie-back easements may be reduced to five feet in width.
- AA. 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.
- AB. Subdivision Name: **Prior to final plat approval**, the applicant shall receive approval for the proposed subdivision name from the County Surveyor.
- AC. ROW Dedication: **Prior to final plat approval** streets and roads for public use are to be dedicated to the public without any reservation or restriction; and streets and roads for private use are approved by the city as a variance to public access requirements.
- AD. Agreement for Improvements: **Prior to final plat approval**, 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.

PRIOR TO OCCUPANCY

AE. Sewer Lateral Use: ***Prior to occupancy***, the developer shall not make use of the sewer lateral until the City has completed the Industrial Park Lift Station Improvement Project.

PRIOR TO CONSTRUCTION

AF. Construction Plans: ***Prior to construction*** engineering firms submitting sewer plans shall include a sewer profile. The profile will include the existing ground elevation, proposed street grade, existing utilities or other underground apparatus, pipe diameter, material and slope, manhole locations, station and invert elevations, horizontal and vertical scales, and trench backfill information. Plan views shall show all horizontal control required to build the sewer, streets, property lines and right-of-way, all planimetrics, utilities, north arrow and scale.

AG. Water and Sewer Extensions: ***Prior to the approval of construction plans***, designs shall include extensions of water and sewer mains to and through the development to the exterior boundary of the subject property.

AH. Street Trees: ***Prior to the approval of construction plans***, designs shall include street trees at an average spacing of 35 feet along all road frontages.

AI. Shoulder Rock: ***Prior to the approval of construction plans***, designs shall include a minimum of 12” wide compacted shoulder rock along all roadway pavement edges.

AJ. Drainage Calculations: ***Prior to the approval of construction plans***, provide the City with drainage calculations indicating compliance with the Central Oregon Stormwater Manual.

AK. Clear Vision Areas on Plans: ***Prior to construction***, construction plans shall demonstrate compliance with these clear vision standards and shall be submitted to the City for review and approval prior to construction. No above ground equipment shall obstruct vision clearance areas for vehicular traffic.

AL. 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.

AM. Plan Review and Approval: Improvement work shall not be commenced until development plans therefore have been reviewed and approved by the city or a designated representative thereof. The review and approval shall be at the expense of the developer.

AN. 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.

VIII. DURATION OF APPROVAL, NOTICE, AND APPEALS

This approval shall lapse, and a new approval shall be required, if the use approved in this permit is not initiated within two (2) years of the date that this decision becomes final, or if development of the site is in violation of the approved plan or other applicable codes.

THIS DECISION BECOMES FINAL TWELVE (12) DAYS AFTER THE DATE MAILED, UNLESS APPEALED BY THE

APPLICANT OR A PARTY OF INTEREST IN ACCORDANCE WITH ARTICLE 7, CHAPTER 15.212 OF THE CITY OF LA PINE LAND DEVELOPMENT CODE. PURSUANT TO ARTICLE 7, CHAPTER 15.212 OF THE CITY OF LA PINE LAND DEVELOPMENT CODE, APPEALS MUST BE RECEIVED BY 5:00 PM ON THE 12TH DAY FOLLOWING MAILING OF THIS DECISION.

CITY OF LA PINE COMMUNITY DEVELOPMENT DEPARTMENT

Written By: Rachel Vickers, Associate Planner



CITY OF LA PINE

AGENDA REQUEST

MEETING DATE: August 21, 2024

TO: Planning Commission

FROM: Brent Bybee, Principal Planner

SUBJECT: Public Hearing: 01SUB-24, Habitat

<input type="checkbox"/>	Resolution	<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	No Action – Report Only	<input checked="" type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Formal Motion	<input type="checkbox"/>	Other/Direction: Please see below

Proposal:

The Applicant requests approval of a quadrant plan within a portion of the Newberry Neighborhood Planning Area Neighborhood 2a and a subdivision to create 34 townhome lots.

Record:

The full record for this file can be found on the project website <https://www.lapineoregon.gov/cd/page/active-land-use-files>

Public Notice:

This Public Hearing was adequately noticed in accordance with LPDC Section 15.204.030 (B):

- a. Mail Date: July 18, 2024
- b. Bend Bulletin Publishing Date: July 26, 2024
- c. Posting Date and Location: July 24, 2024

Staff received several comments from the public. Their comments are included in the public record, which have been provided to the Planning Commission and will be addressed at the hearing.

Next Steps:

At the conclusion of the Public Hearing, the Planning Commission may choose one of the following:

- Continue the hearing to a date and time certain.
- Close the oral portion of the hearing and leave the written record open to a date and time certain.
- Close the hearing and schedule deliberations for a date and time to be determined.

- Close the hearing and commence deliberations.

Recommended Motion:

Staff proposes the La Pine Planning Commission coordinate with the applicant on LPDC Sec. 15.32.100.I.3.B, and determine a feasible route forward on the Comprehensive Plan Policy regarding the retention of trees and natural landscape within the development.

If the Planning Commission determines they have received enough information to entertain a motion on the proposal, staff can assist the commission in forming an acceptable motion.

Budget Impacts:

None, staff time has been covered by the applicant fee that was paid in full by the applicant.

Attachment(s):

1. Staff Report



CITY OF LA PINE

16345 Sixth Street — PO Box 2460
La Pine, Oregon 97739
TEL (541) 536-1432
www.lapineoregon.gov

**CITY OF LA PINE PLANNING DIVISION
STAFF REPORT TO THE PLANNING COMMISSION**

FILE NO. 01SUB-24

APPLICANT/

OWNER: Habitat for Humanity of La Pine Sunriver
56835 Venture Ln, Suite 101-102,
Sunriver, OR 97707

ENGINEER:

HHPR
Jennifer VanCamp, PE
250 NW Franklin, Suite 404
Bend, OR 97703

PLANNER:

Retia Consult LLC
Tammy Wisco, PE, AICP
PO Box 831
Bend, OR 97709

LOCATION:

The subject property is located north of Findley Drive and west of Crescent Creek Drive. The subject property does not have an assigned address and is identified by map and tax lot 2210110000401 on the County Assessor’s Map.

REQUEST:

The Applicant requests approval of a quadrant plan within a portion of the Newberry Neighborhood Planning Area Neighborhood 2a and a subdivision to create 34 townhome lots.

I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA:

PART III – CITY OF LA PINE DEVELOPMENT CODE

ARTICLE 3 - ZONING DISTRICTS

CHAPTER 15.20 RESIDENTIAL MASTER PLAN ZONE

- Sec. 15.20.100. - Purpose.
- Sec. 15.20.400. - Development Standards.

ARTICLE 4 - OVERLAY ZONES

CHAPTER 15.32. - NEWBERRY NEIGHBORHOOD PLANNING AREA (NNPA) OVERLAY ZONE

- Sec 15.32.010. - Purpose.
- Sec. 15.32.020. - General Standards.
- Sec. 15.32.100. - Districts.

ARTICLE 5 - DEVELOPMENT STANDARDS

CHAPTER 15.80. - DEVELOPMENT STANDARDS, GENERALLY

- Sec. 15.80.010. - Purpose.
- Sec. 15.80.020. - Applicability.
- Sec. 15.80.030. - Exemption - lot size requirements.
- Sec. 15.80.040. - Exemption - yard or setback requirements.
- Sec. 15.80.050. - Supplementary height requirements.
- Sec. 15.80.060. - Restrictions on the use of metal shipping containers.

CHAPTER 15.88. - ACCESS AND CIRCULATION

- Sec. 15.88.010. - Purpose.
- Sec. 15.88.020. - Applicability.
- Sec. 15.88.030. - Vehicular access and circulation.
- Sec. 15.88.040. - Clear vision areas (visibility at intersections).
- Sec. 15.88.050. - Pedestrian access and circulation.

CHAPTER 15.90. - PUBLIC FACILITIES

- Sec. 15.90.010. - Public facilities improvements.
- Sec. 15.90.020. - Developer responsibility for streets and other public facilities.
- Sec. 15.90.030. - Sewer and water.
- Sec. 15.90.040. - Stormwater.
- Sec. 15.90.050. - Utilities.
- Sec. 15.90.060. - Public street/highway improvement.
- Sec. 15.90.070. - Design of streets and other public facilities.
- Sec. 15.90.080. - Traffic impact analysis.

CHAPTER 15.92. - ADDITIONAL STANDARDS FOR LAND DIVISIONS

- Sec. 15.92.010. - Lots and blocks.
- Sec. 15.92.020. - Easements.
- Sec. 15.92.030. - Land for public purposes.

CHAPTER 15.94. - IMPROVEMENT PROCEDURES AND GUARANTEES

- Sec. 15.94.010. - Improvement procedures.
- Sec. 15.94.020. - Completion or assurance of improvements.
- Sec. 15.94.030. - Building and occupancy permits.
- Sec. 15.94.040. - Maintenance surety bond.
- Sec. 15.94.050. - Engineering/special services for review.

ARTICLE 6 - SPECIAL USE STANDARDS

CHAPTER 15.105. - SPECIAL USE STANDARDS - RESIDENTIAL USES AND ACCESSORY USES

- Sec. 15.104.020. - Townhomes.

ARTICLE 7 - PROCEDURES

CHAPTER 15.202. - SUMMARY OF APPLICATION TYPES AND GENERAL PROVISIONS

- Sec. 15.202.010. - Purpose and applicability.

CHAPTER 15.204. - APPLICATION PROCEDURES

Sec. 15.204.030. - Type II procedure (quasi-judicial review - public hearing).

ARTICLE 9 - LAND DIVISIONS

CHAPTER 15.402. - GENERAL PROVISIONS

Sec. 15.402.010. - Purpose.

Sec. 15.402.020. - Applicability.

CHAPTER 15.406. - SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS (PUD)

Sec. 15.406.010. - Subdivision application.

Sec. 15.406.020. - Final plat for a subdivision.

Sec. 15.406.040. - Subdivisions and PUD Review.

CHAPTER 15.418. - PROCESSING AND RECORDING PROCEDURES

Sec. 15.418.010. - Processing and recording subdivision maps.

II. BACKGROUND INFORMATION:

ZONING: The subject property is zoned both Residential Maste Plan (RMP) and is within the Newberry Neighborhood Planning Area Overlay Zone on both the La Pine Zoning Map and La Pine Comprehensive Plan Map.

SITE DESCRIPTION: The subject property is approximately 5.02 acres in size. It is currently vacant and the topography is relatively level. The subject property is located outside of any FEMA designated floodway and/or floodplain, and no mapped wetlands are on site. It abuts Findley Drive and Crescent Creek Drive where there is public access, but no pedestrian access at this time.

SURROUNDING USES: To the north, the property is similarly zoned as the subject property, and is currently vacant. Property to the east is similarly zoned, with existing subdivision development. Property to the southwest is similarly zoned, with existing subdivision development. Property to the south is zoned Open Space and Parks, with a public park and private meeting hall developed.

LOT LEGALITY: Pursuant to Section 15.304.020(A), the subject property is a legal lots of record as it was created by Partition PP2024-07.

PUBLIC NOTICE AND COMMENTS: The City of La Pine sent Notice of Public Hearing to the Planning Commission, City Council, and to the property owners within 100 feet of the subject property on July 18th, 2024. Notice was posted on site and sent to the local paper (Bend Bulletin) on July 24th, 2024. The newspaper notice, however, was not published in time to meet the 10-day requirement, due to a noticing error by the Bend Bulletin. The hearing was therefore continued to August 21st, 2024, to allow additional time to meet that criteria. Since then, comments were received from the public and have been included in the record. Staff will be providing a response to these comments at the hearing to be held on August 21st, 2024.

AGENCY/DEPARTMENT COMMENTS: The City of La Pine requested review and comments from the following departments: City Fire Chief, ODOT, Republic Services, Deschutes County Building Division, Deschutes County Road Department, City Engineer, Public Works Department, and the Office of the State Fire Marshal. All comments received are incorporated herein.

III. FINDINGS OF FACT:**PART III – CITY OF LA PINE DEVELOPMENT CODE****ARTICLE 3 - ZONING DISTRICTS****CHAPTER 15.20 RESIDENTIAL MASTER PLAN ZONE****Sec. 15.20.100. - Purpose**

regulates allowed land uses ("uses") in the Residential Master Plan Zone (RMP). The use regulations of the RMP zone work together with additional use regulations and development standards of the Newberry Neighborhood Overlay Zone. The regulations of this chapter are intended to implement the City of La Pine Comprehensive Plan.

Sec. 15.20.400. - Development Standards

The development standards for the residential master plan zone are specified in the Newberry Neighborhood Overlay Zone. The standards vary based on the location within the zone, use, or housing type. All development in the RMP zone is subject to overlay zone development standards. Additional standards in article 5 may apply as well.

FINDING: The proposed subdivision is within the Newberry Neighborhood Overlay Zone. As stated above, the standards for the residential master plan zone are specified within the Newberry Neighborhood Overlay Zone standards. Additional standards within Article 5 also apply to the request. The standards are addressed further on in this staff report, where the use is found to comply. Criteria met.

ARTICLE 4 - OVERLAY ZONES**CHAPTER 15.32. - NEWBERRY NEIGHBORHOOD PLANNING AREA (NNPA) OVERLAY ZONE****Sec 15.32.010. - Purpose**

The neighborhood planning area provides standards and review procedures for development in the neighborhood planning area of the City of La Pine and is the "receiving area" for transferable development credits (TDCs). The neighborhood planning area includes six zoning districts, each with its own set of allowed uses.

FINDING: The proposed development is within the Newberry Neighborhood Planning Area Overlay Zone. Historically prior to incorporation it was the receiving area for transferable development credits. It is located within Neighborhood 2a, and is within the Residential Master Plan zoning. The relevant criteria are addressed in this report, where the use is found to comply.

Sec. 15.32.020. - General Standards

A. *Water and wastewater facilities.*

1. *All uses in the neighborhood planning area requiring water shall be connected to the La Pine City water system.*
2. *All uses in the neighborhood planning area that discharge wastewater shall be connected to the La Pine City sewage treatment facility or a department of environmental quality approved community waste water treatment facility serving the La Pine Neighborhood Planning Area.*

FINDING: The applicant stated within their burden of proof that, “As designed in the submitted subdivision tentative plan, all proposed lots in the subdivision will be connected to the City water and sewer systems.” Additionally, criteria herein addresses the proposals connections to water and wastewater facilities. Criteria met.

B. Transportation.

1. *Two perimeter collector and three neighborhood collector roads will provide access from Huntington Road into the neighborhoods.*
2. *Crescent Creek Drive and a perimeter collector will provide access from Burgess Road. The three perimeter collectors dividing the neighborhoods will be adjacent to open space corridors that provide buffers between the four neighborhoods in the neighborhood planning area.*
3. *Driveway access will not be allowed onto Crescent Creek Drive and the neighborhood collectors.*
4. *Rather than a continuous paved parking shoulder, parking in designated pullout areas can be provided along the collectors for access to open space, parks and residential lots.*

FINDING: The applicant stated in their burden of proof that, “These roads are existing. No new collectors are necessary with the proposed subdivision. No driveways are proposed to connect to Crescent Creek Drive or Findley Drive. Rather, the proposed subdivision tentative plan includes the extension of local streets to serve as access to the proposed lots. Collectors adjacent to the project are already developed. This project does not include any modifications to the existing collectors, except to provide a connection to proposed local streets that are being extended as part of this project.” Crescent Creek Drive and Findley Drive are both existing streets that border the proposed subdivision. As stated, no driveway access is proposed along Crescent Creek Drive or Findley Drive. Subsection 4 above states that “parking in designated pullout areas can be provided along the collectors”, which is interpreted to be an option rather than a requirement. Staff agrees with the Applicant statements, and finds the criteria to be met.

5. *Direct access from residential lots onto the local streets and perimeter collectors is permitted.*
6. *Shallow vegetated swales alongside roads will provide for drainage.*

FINDING: The applicant stated in their burden of proof that, “Driveways are proposed from residential lots to the proposed local east west streets (Barron Drive and Masten Mill Drive), as permitted by this section. Three

local streets are proposed: Masten Mill Drive, Barron Drive and Arnold Avenue. These streets are designed to meet City local street standards including a shallow swale for drainage adjacent to the pavement section. Collectors adjacent to the project are already developed. This project does not include any modifications to the existing collectors, except to provide a connection to proposed local streets that are being extended as part of this project. Further, the subject property does not abut Huntington Road nor Highway 97." As illustrated in the submitted civil land use plans, driveways are proposed onto the local streets and perimeter collectors, along with vegetated swales alongside the proposed roads. However, vegetated swales were not identified in the plans alongside Crescent Creek Drive or Findley Drive. To ensure compliance, a condition of approval is included stating that in addition to swales being provided alongside all newly proposed roads, vegetated swales shall also be provided for drainage alongside Crescent Creek Drive and Findley Drive for the length of the project area. With those findings, and proposed condition, criteria met.

7. *A network of multi-use paths will be developed parallel to many of the collector roads, in open space buffer areas within the development, along Huntington Road, and along the eastern perimeter collector parallel to Highway 97 or within the Highway 97 right-of-way, if sufficient right-of-way exists and ODOT authorizes the construction of a multi-use path in its right-of-way.*
8. *The precise layout of these roads and multi-use paths will occur during the quadrant plan approval process as each neighborhood and quadrant is planned.*
9. *Modifications to the layout and/or alignment of a path or trail outside of the neighborhood/quadrant process may be approved at the city engineer's discretion through an administrative review process.*
10. *Use of the term "collector" in this chapter 15.32 means a street meeting the "collector" standard as defined in the City of La Pine Transportation System Plan. Crescent Creek Drive, Findlay Drive, Half Moon Drive, Campfire Drive, and Caldwell Drive are "collectors." Notwithstanding anything herein to the contrary, the city engineer may authorize a different street design standard through the quadrant planning process.*

FINDING: The applicant stated in their burden of proof that, "Collectors adjacent to the project are already developed. This project does not include any modifications to the existing collectors, except to provide a connection to proposed local streets that are being extended as part of this project. Further, the subject property does not abut Huntington Road nor Highway 97. The quadrant plan for this project includes the extension of two existing local streets with sidewalks (Barron Drive and Masten Mill Drive) and the connection of these two streets with a new street and sidewalks (Arnold Avenue). No modifications to the layout or alignment of paths or trails are proposed. Noted. Nothing in this application contradicts with these definitions." Trails do already exist along Crescent Creek Drive and Findley Drive. As illustrated in the civil land use plans, The proposed subdivision is proposing an extension of Masten Mill Drive and Barron Drive, with no modifications proposed. With no other modifications proposed, and acknowledgement of the street classifications, staff find the criteria to be met.

Sec. 15.32.100. - Districts.

A. Residential general district.

(***)

FINDING: The applicant stated in their burden of proof that, “The quadrant planning of the subject property proposes that it be designated as the residential center district for Quadrant 2a. The remaining land in Quadrant 2a will undergo quadrant planning prior to its development. As no residential general designations are proposed for the subject property, this section does not apply to the current application.” The Applicant has proposed a quadrant plan that is outside what has been traditionally proposed in the past, where the entire quadrant is subdivided with a residential general and residential center district proposed. However, nothing in the code restricts a developer from proposing such a plan. Therefore, the criterion of subsection A does not apply to the request, with the remaining criterion of subsection B below addressed by the Applicant. Criteria does not apply.

B. Residential center district.

1. *Purpose. The residential center district is a location for social activities and small mixed-use residential/commercial businesses. It is located near the geographical center of each neighborhood. This district is the location for more compact housing types such as townhomes and apartment buildings that activate the center and allow a greater number of people the option to walk for their daily needs.*

FINDING: The applicant stated in their burden of proof that, “In addition to the requirements of LPDC 15.32.100.I.3.g.4, the quadrant planning of the subject property proposes that it be designated as the residential center district for Quadrant 2a, based on the above requirements: “...located near the geographical center of the neighborhood.” “...location for more compact housing types such as townhomes...” This proposal directly meets the purpose of the district, as the subject property is near the geographical center of the neighborhood and the subdivision proposes townhomes to provide a more compact development.” As stated previously, rather than subdividing and developing all of Quadrant 2a, the Applicant will be developing only the residential center district. The Applicant is proposing higher density development in the form of townhome development. The proposal meets the purpose of the residential center district, criteria met.

2. *Uses permitted outright.*
 - a. *Single-family dwelling.*
 - b. *Single-family dwelling - zero lot line.*
 - c. *Townhome, duplex or triplex.*
 - d. *Accessory dwelling.*
 - e. *Live/work unit.*
 - f. *Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the plan as determined by the city through an administrative process.*
 - g. *Open space.*
 - h. *Home occupation that:*

- (1) *Is carried on within a dwelling only by members of the family who reside in the dwelling;*
 - (2) *Does not serve clients or customers on-site;*
 - (3) *Does not produce odor, dust, glare, flashing lights or noise;*
 - (4) *Does not occupy more than 25 percent of the floor area of the dwelling; and*
 - (5) *Does not include the on-premises display or sale of stock in trade; and*
 - (6) *Does not have any outdoor storage of materials used in the home occupation.*
- i. *Road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by the city's transportation system plan and public works improvement standards.*
3. *Uses permitted subject to site plan review. The following uses and their accessory uses are permitted subject to site plan review approval and the applicable provisions of this Development Code:*
 - a. *Community center up to 4,000 square feet in floor area.*
 - b. *Neighborhood commercial building as defined in DCC 18.04 until the city develops its own standards.*
 - c. *Multi-family dwelling.*
 - d. *Bed and breakfast inn.*
 - e. *Church.*
 - f. *Park or playground.*
 4. *Conditional uses permitted. The following uses and their accessory uses are permitted subject to conditional use and site plan review approval and the applicable provisions of this Development Code:*
 - a. *Residential facility or residential home.*
 - b. *Home occupation subject to 15.104.90.*

FINDING: The Applicant has proposed town homes which are an outright permitted use for the residential center district. No other outright permitted uses are proposed, and no uses are proposed which would require site plan review or conditional use review. Criteria met.

5. *Dimensional standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 15.32-2 shall apply to the residential center district.*
6. *Yard and setback requirements. The front, side and rear yard requirements in Table 15.32-2 shall apply to uses in the residential center district.*

FINDING: The proposal must meet the dimensional standards, and yard and setback requirements identified in Table 15.32-2 as they apply to the residential center district. Findings further on in this report address compliance with Table 15.32-2, where the use is found to comply. Criteria met.

- C. *Residential density. The residential density requirements in Tables 15.32-1 and 15.32-2 shall apply to the residential center district.*

FINDING: The proposal must meet the residential density requirements identified in Table 15.32-1 and 15.32-2 as they apply to the residential center district. Findings further on in this report address compliance with Table 15.32-1 and 15.32-2, where the use is found to comply. Criteria met.

- D. *Community facility district; purpose. The purpose of this district is to provide a location for public and private uses and facilities that serve the civic, social and recreational needs of the community. The community facility district also includes higher density housing.*

(***)

- E. *Community facility limited district; purpose. The purpose of this district is to provide locations for a school, recreation and transportation facilities.*

(***)

- F. *Neighborhood commercial district; purpose. The purpose of this district is to provide a location for small-scale convenience commercial uses designed to serve the neighborhood planning area.*

(***)

FINDING: As stated previously, rather than subdividing and developing all of Quadrant 2a, the Applicant will be developing only the residential center district. No other districts re proposed at this time, and will be addressed when the rest of the quadrant is planned in the future. Criteria does not apply.

- G. *Park district. The purpose of this district is to provide neighborhood parks in each of the four neighborhoods within the neighborhood planning area. This district may also apply to an optional regional park that may be located in Neighborhood 2 or 3 during quadrant plan approval process.*

1. *Uses permitted outright.*

- a. *Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the plan as determined by the city through an administrative process.*
 - b. *Open space.*
 - c. *Road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by the city's transportation system plan and public works improvement standards.*
2. *Uses subject to provisions of 15.32.100.G.4.*
 - a. *Neighborhood park.*
3. *Conditional uses. The following uses and their accessory uses are permitted subject to conditional use and site plan review approval, the development standards in 15.32.100.G.5 and the applicable provisions of this Development Code:*
 - a. *Regional park.*
4. *Neighborhood park development standards.*
 - a. *Size standard. Each neighborhood park must be a minimum of two acres and no more than five acres in size. Neighborhood park areas do not need to be contiguous, so long as a multi-use path or sidewalks allow for pedestrian connection between the neighborhood park areas. If neighborhood parks are provided in a non-contiguous fashion, and notwithstanding anything herein to the contrary, each individual neighborhood park must be a minimum of one acre and the total neighborhood park area within an individual neighborhood must be a minimum of three acres.*
 - b. *Location. Neighborhood parks must be located at approximately the center of each neighborhood or quadrant, must front a public street on at least one side, and must have multi-use path connections to a public street other than a frontage street.*
 - c. *Boundary determination. The exact boundaries of the parks will be established at the time of approval of a quadrant plan.*
 - d. *Platting. Neighborhood parks will be platted as part of the first phase for each quadrant in an approved quadrant plan.*
 - e. *Development. The timing of neighborhood park development will be established through the quadrant plan approval process.*
 5. *Regional park development standards.*

- a. *The La Pine Neighborhood Planning Area may include one regional park. The regional park may be developed in Neighborhood 3 or 4.*
- b. *Size standard. The regional park shall be between ten and 25 acres in size.*
- c. *The location of a regional park shall be determined during the quadrant planning of Neighborhoods 3 and/or 4.*
- d. *If the regional park is located at the intersection of the central collector and a neighborhood collector at the center of a neighborhood, it may replace the required neighborhood park.*
- e. *Siting standards.*
 - *The regional park shall have direct access to either a collector street and an arterial street or the central collector and a neighborhood collector street.*
 - *The regional park shall have direct access to a paved multi-use path.*

FINDING: The applicant stated in their burden of proof that “The park district for Quadrant 2a is already designated and located in the southeast corner adjacent to the subject property. No further park districts are planned in this quadrant.” In reviewing the above criteria, it addresses neighborhood park development and regional park development. Regional park development shall only be located in Neighborhoods 3 or 4. As the above criterion states, each neighborhood park must be at least two acres in size, but no more than five acres. The criteria allows for noncontiguous park area spread throughout the quadrants of each neighborhood, so long as they are connected by multi-use paths or sidewalks for pedestrian access, are at least one acre, and the total neighborhood park area within an individual neighborhood is at least three acres. The park must also be at the center of the neighborhood or quadrant. In 2003, Quadrant Plan QP-03-1 was approved by the Deschutes County Community Development Department. The Quadrant Plan approved the park that now exists on the Northwest Corner of Findley Drive and Crescent Creek Drive as the neighborhood park for all of Neighborhood 2, with a public access easement placed over the two acres. Since the neighborhood park for Neighborhood 2 has been developed in accordance with the above criteria, the criteria is met.

H. Open space district. The purpose of this district is to provide two types of open space in the neighborhood planning area. Perimeter open space is located adjacent to Huntington and Burgess Roads, Highway 97, and between existing residential lots west of Neighborhood 4. Perimeter open space will provide visual and noise screening and locations for multi-use paths. If Highway 97 provides sufficient width for a perimeter buffer, is or will be improved with an ODOT approved multi-use path that includes a ten-foot buffer between the path and property line, the planning commission may allow for the Highway 97 right-of-way to serve as the eastern perimeter open space as part of the quadrant plan approval process. Corridor open space divides the four neighborhoods, helps to maintain a rural feeling, and contains multi-use paths. The quadrant plan for each neighborhood must designate the following minimum areas as open space district, as applicable to each quadrant:

- (1) *In addition to the required dedication of right-of-way, a minimum 20-foot-wide corridor open space buffer must be provided on either side of the right-of-way separating adjacent neighborhoods.*

FINDING: The applicant stated in their burden of proof that, ““Neighborhoods” in the Newberry Neighborhood Planning Area are labeled as Neighborhoods 1, 2, 3, and 4. The subject property is within Neighborhood 2 and abuts right of way that is only within the same neighborhood (Neighborhood 2). As such, the subject property does not abut any right of way that separates these neighborhoods and this open space/buffer requirement does not apply. However, although not required, the proposed subdivision does offer a 20-foot buffer along the north side of Findley Drive for dedication to the City, to continue the theme of open space areas throughout the NNPA.” Staff agrees with the applicant’s statement, the subject property does not abut Neighborhoods 1, 3, or 4. The criteria does not apply.

- (2) *Minimum 200-foot-wide perimeter open space adjacent to the Highway 97 right-of-way, unless through the quadrant plan approval process, the planning commission determines that the Highway 97 right-of-way is sufficient to accommodate a multi-use path while providing adequate buffering between the path and adjacent properties lines. The applicant must have prior approval from ODOT to construct the multi-use path in the Highway 97 right-of-way in order to utilize this exception.*
- (3) *Minimum 75-foot-wide perimeter open space adjacent to Huntington and Burgess Roads.*
- (4) *Minimum 50-foot-wide perimeter open space on the west edge of quadrants 4a and 4c.*

FINDING: The subject property is not adjacent to Highway 97, Huntington Road, Burgess Rd, and is not located in quadrants 4a or 4c. The criteria does not apply.

- (5) *A 500-foot wildlife corridor must be established in either Neighborhoods 3 or 4. The wildlife corridor must be unimproved and align with an existing or planned wildlife Highway 97 undercrossing to the extent practical.*
 - 1. *Perimeter open space uses permitted outright.*
 - a. *Open space.*
 - b. *Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the plan as determined by the city through an administrative process*
 - 2. *Corridor open space uses permitted outright.*
 - a. *Open space.*
 - b. *Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the plan as determined by the city through an administrative process.*
 - c. *Picnic area.*

- d. Benches along multi-use path.
 - e. Park or playground managed by the La Pine Park District or a neighborhood planning area homeowners association.
3. Uses permitted subject to an open space management plan under the provision of 15.32.100.H.(5).4.
- a. Vegetation management for wildfire hazard reduction.
 - b. Vegetation management for wildlife habitat enhancement.
 - c. Landscaped earthen berm.
 - d. Road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by the city's transportation system plan and public works improvement standards.
4. Open space management plan.
- a. An open space management plan shall be prepared for each quadrant as a component of a quadrant plan. The plan shall be implemented as a condition of approval for the final plat of the first phase of any development in a quadrant. The open space management plan shall identify the funding source and management responsibility for zoned open space.

FINDING: The subject property is not located within Neighborhood 3 or 4, and no uses are proposed within a wildlife corridor. The subject property is not required to dedicate any open space areas since it does not abut Neighborhood 1, 3, or 4, Huntington Rd, Burgess Rd, or Highway 97. The criteria does not apply.

- I. *Quadrant plan.*
Plan approval required. Prior to issuance of a building permit, approval of a tentative plan or initiation of development (including, without limitation, streets or placement of utilities) within a neighborhood or quadrant, a quadrant plan must be approved according to the Type III Procedures of the La Pine Development Code section 15.204.030 and the quadrant plan approval criteria in 15.32.100.I.3.
- 1. *Eligibility to submit an application.* The City of La Pine will accept a quadrant plan application from an owner or developer who has an agreement with Deschutes County of intent to purchase land in the quadrant. The county may also prepare a quadrant plan.

FINDING: The quadrant plan is being reviewed concurrently through this application. The application was submitted by Sunriver La Pine Habitat for Humanity, who is the owner of the subject property. Criteria met.

- 2. *Application requirements.* All applications shall include the following elements:

- a. *Zoning plan, drawn to scale, showing the boundaries of the proposed zones and the acres in each zone.*
- b. *Transportation plan, drawn to scale, including locations of street rights-of-way for central collector, neighborhood collector, perimeter collector and local streets, block configurations and connections with adjacent quadrants.*
- c. *Non-motorized circulation plan showing locations of any sidewalks or multi-use paths and where they will connect to adjacent quadrants.*
- d. *Open space and park plan, drawn to scale, defining boundaries for the open space district and neighborhood or regional parks where applicable.*
- e. *Open space management plan.*
- f. *Utility plan, drawn to scale, identifying location and specifications for sewer and water facilities. The utility plan shall include a schedule of improvement initiation and completion and a written narrative that explains or describes:*
 - *How the proposed water and sewer systems will be adequate to serve the type and size of development planned.*
 - *How the proposed location and sizing of facilities will be consistent with existing and planned facilities.*
 - *How adequate water flow volumes will be provided to meet fire flow and domestic demands.*
- g. *Proposed design guidelines and process for reviewing and approving buildings for conformance with the guidelines. Notwithstanding DCC 23.40.020(F)(1)(g), and this requirement, no design guidelines shall be required for quadrant 1c until the city develops its own standards.*
- h. *A plan showing the zone boundaries for neighborhood general and neighborhood center districts.*
- i. *A plan showing the proposed locations and dimensions of road rights-of-way.*
- j. *A written burden of proof statement with findings demonstrating conformance with the goals and policies of The Deschutes County Comprehensive Plan, DCC 23.40.020, the applicable sections of DCC 18.61, and any other applicable provisions of DCC title 18 until the city develops its own standards.*
- k. *A proposal for deed restrictions, covenants, conditions and restrictions (CCRs), and a homeowner's association. Notwithstanding DCC 23.40.020(F)(1)(g) and (h), no proposal for deed restrictions, CCRs, and a homeowner's association shall be required with an application for a quadrant plan for quadrant 1c until the city develops its own standards.*

FINDING: The Applicant submitted maps and plans illustrating and addressing the above listed criteria. The criteria referencing the Deschutes County Code are no longer applicable, as the City has adopted its own standards towards development in the Newberry Neighborhood Planning Area. Criteria met.

3. *Quadrant plan approval. Approval of a quadrant plan is a land use action reviewed under the Type III Procedures of Development Code section 15.204.030. Quadrant plans are subject to a public hearing before the City of La Pine Planning Commission. The planning commission makes the decision to approve or deny an application for a quadrant plan. The city council will act as the hearings body on an appeal of such a decision. An appeal of a quadrant plan will be conducted in accordance La Pine Development Code chapter 15.212. A quadrant plan may be approved subject to conditions with findings that the following criteria are met:*

FINDING: The quadrant plan is being reviewed concurrently through the subdivision request, in accordance with the Type III procedures of LPDC 15.204.030, which is reviewed by the Planning Commission in a public hearing. If appealed, the procedure shall follow the criteria outlined in LPDC Chapter 15.212. The other applicable criteria are addressed below where the use is found to comply. Criteria met.

- a. *The quadrant plan application contains all of the elements required in 15.32.100.1.2.*

FINDING: As addressed previously, The Applicant submitted maps and plans illustrating and addressing the criteria of Sec. 15.32.100.1.2 above, where the use is found to comply. Criteria met.

- b. *The quadrant plan conforms to the relevant policies in the City of La Pine Comprehensive Plan.*

FINDING: The Applicant states in their burden of proof that, “Chapter 10 of the Comprehensive Plan outlines several relevant housing goals that are supported by this proposed residential center district designation and resulting townhome development: *Goal #1 Encourage a wide range housing types satisfying the urban development needs of the La Pine community. Goal #5 Promote quality affordable housing and recognize that lack of affordable housing is an economic issue negatively affecting the vitality and sustainability of La Pine Goal #6 Recognize that addressing the housing needs of the community is essential to the successful future of La Pine as desirable place to live, work, shop, and play.* The discussion within Chapter 10 further notes that “...Census data shows that more than 22% of La Pine homeowners pay more than 30 percent of their income for mortgage payments. Renters tend to pay more than 31% of household income on gross rent. Thus, many La Pine households are spending more for shelter than they should. Alternatives to this situation range from more housing choices such as the development of more affordable housing types – townhouses, zero-lot line homes, multifamily structures, manufactured housing or condominiums, and, of course, a better jobs market.” The designation of the subject property as a residential center district not only complies with the La Pine Development Code requirements, but it is also in direct support of multiple Comprehensive Plan goals to improve the variety and affordability of housing types.”

Staff agrees with the goals and policies identified by the Applicant. Although the data within the 2010 Comprehensive Plan is outdated and conservative compared to current data trends in terms of housing and the cost of living, it still demonstrates a need for a wide range of housing types, affordable housing, and housing that allows members of the community to live, work, shop, and play within the community.

For the consideration of the Planning Commission, staff would also like to identify an applicable policy that was not addressed by the Applicant. It states

14. 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.

The Applicant submitted a tree exhibit with their application, with little to no explanation as to how existing trees onsite will be utilized throughout the proposed development. Staff recommends allowing the applicant to address this policy, and coordinate on a reasonable path forward towards meeting the intent of that policy.

- c.
- d. *There is adequate sewer and water capacity to serve the development planned for the quadrant and agreements to provide service have been signed with appropriate water and sewer districts or providers.*

FINDING: The Applicant states in their burden of proof that, “There are no water or sewer districts/providers in the project area; rather, these services are owned and operated by the City. The City Engineer and Public Works Director have confirmed that there is adequate sewer and water capacity to serve the planned 34-lot development. A 12” sewer main and 8” water main exist in Crescent Creek Drive and will be utilized to serve the proposed development. Fire flow tests were completed at nearby fire hydrants (Daisy/Findley and Masten Mill/Crescent Creek), demonstrating satisfactory results of 2068 gpm at each hydrant (Exhibit D).” Staff confirmed that the proposed development will have access to adequate water and sewer capacity with the City Engineer and Public Works Director. Criteria met.

- e. *The streets proposed in the quadrant transportation plan conform to the general location and connection requirements of the La Pine Neighborhood Street Plan, Figure 15 in the Deschutes County Comprehensive Plan, DCC 23.36.052. The city engineer must approve of the street design. Final locations of road rights-of-way approved under a quadrant plan will be determined through the process for approval of a tentative plat under Development Code article 9.*

FINDING: The Applicant states in their burden of proof that, “The Applicant believes that the above referenced Deschutes County Comprehensive Plan Section may have been repealed. However, the roads that were reflected on the La Pine Neighborhood Street Plan in the vicinity of the subject property are already developed (Crescent Creek and Findley Drive). The streets proposed within the proposed project are extensions of existing local streets, in compliance the City’s development code.” The La Pine Neighborhood Street Plan, Deschutes County Comprehensive Plan, and Deschutes County Code are no longer applicable towards the request. The City has adopted its own Transportation System Plan, City of La Pine Comprehensive Plan, and La Pine Development Code. The street design has been reviewed by the City Engineer, and have been reviewed in accordance with Article 9 of this development code where the proposal is found to comply. Criteria met.

- f. *Except as approved by the city through a quadrant plan, the multi-use paths must be located within or adjacent to the perimeter or corridor open space as generally shown in the non-motorized plan, Figure 16 in the Deschutes County Comprehensive Plan, DCC 23.36.052 until the city develops its own standards. Path(s) and modifications of paths and/or trail alignments must be consistent with the intent of the quadrant plan as determined by the city through an*

administrative process. Any modifications of these locations must be in compliance with Development Code 15.32.020.B.7.

FINDING: The Applicant states in their burden of proof that, “The multi-use paths in the area of the subject property are already constructed along Findley Drive and Crescent Creek Drive. Sidewalks will be constructed along the proposed local streets in compliance with the City’s street standards.” The City has adopted its own standards for multi-use paths, the Deschutes County Comprehensive Plan and Deschutes County Code are no longer applicable towards the request. The Applicant is correct, multi-use paths already exist within Neighborhood 2, along Findley Drive and Crescent Creek Drive. The proposal is not adjacent to any perimeter or corridor open space. No modifications are proposed to the existing multi-use path system, therefore LPDC 15.32.020.B.7 does not apply. Criteria met.

- g. Except as approved by the city through a quadrant plan, the open space in the open space and park plan must conform to the standards in Deschutes County Comprehensive Plan, DCC 23.36.020(D) and general location shown in the La Pine Neighborhood Parks and Open Space Plan, Figure 17 in the Deschutes County Comprehensive Plan, DCC 23.36.052, until the city develops its own standards. Any modifications of these locations must be in compliance with Development Code 15.32.100.I.3.G and Development Code 15.32.100.I.3.H.*

FINDING: The Applicant states in their burden of proof that, “The open space for Quadrant 2a has previously been designated in the southeast corner, abutting the subject property, in the general location shown in previously Deschutes County plans. No further open space designations are required nor included in this application.” Staff agrees with the Applicant’s statement. The neighborhood park has already been constructed, and the subject property does not abut any portion of the neighborhood requiring open space in accordance with LPDC Sec. 15.32.100.H. Criteria does not apply.

- h. The zoning plan conforms to the following performance standards:*
- (1) Neighborhood commercial district. A minimum of two and a maximum of four acres of neighborhood commercial district must be established in quadrant 3a or 3c. Alternatively, if quadrant plans for quadrant 3a and 3c are approved at the same time, the maximum area of neighborhood commercial district may be divided between the two quadrants. The neighborhood commercial zone must be located at the intersection of Huntington Road and the neighborhood collector that bisects Neighborhood 3.*
 - (2) Community facility district. Quadrant 1c will be zoned as community facility district.*
 - (3) Community facility limited district. The portion of quadrant 3a that is located west of Huntington Road will be zoned community facility limited. A maximum of 15 acres in the northwest section of quadrant 4a may be zoned community facility limited.*

FINDING: The proposal is not within Neighborhoods 1, 3, or 4. Therefore, the criteria does not apply.

(4) Residential center district. Each quadrant except quadrants 1a, 1b, 1c and 1d must have a residential center district with a minimum of three acres and a maximum of six acres. The area of the residential center district is gross acres including public rights-of-way. The residential center district must be a contiguous area located so that it is adjacent to both Crescent Creek Drive and the collector street that bisects the neighborhood.

FINDING: The Applicant states in their burden of proof that, “As the subject property (Habitat for Humanity parcel) is located adjacent to both Crescent Creek Drive and Findley Drive, this requirement necessitates that the subject property is designated the residential center district. As such, the area of the land was designed to meet these size requirements of between three and six acres (it is 5.02 acres). This was discussed during pre-application meetings with the City, when it was noted that the County approved this future designation as the residential center district. The County’s signature on the partition application signified their agreement with this intent.” The Applicant is correct, since the subject property is located along both Findley Butte Drive and Crescent Creek Drive, and is located toward the center of the quadrant, the proposal is considered within the residential center district. The subject property is 5.02 acres in size, meeting the three to six acre range size requirement. Criteria met.

(5) Residential general district. The area zoned residential general will be the area in each quadrant that remains after the mandatory minimum residential center, neighborhood parks and open space zoning is defined.

FINDING: The proposal does not include any areas that would be identified as the residential general district. Any proposal following this review for the remaining acreage of the quadrant will be identified as the residential general district, and must meet the standards of that district. The criteria does not apply.

i. The proposed residential densities and lot sizes conform with the requirements of the residential general and residential center zones as further described as follows in Tables 15.32-1 and 15.32-2:

FINDING: The above tables can be found within LPDC Chapter 15.32. The Applicant stated within their burden of proof that, “The subject property is proposed to be designated through this quadrant planning process as the residential center district. Per Table 15.32-1, the Neighborhood 2 residential center district density range is 6 unit/acre minimum to 12 units/acre maximum, with lot sizes ranging from 2,400 sf to 7,000 sf. The gross acreage of the subject property (excluding collector street right-of-way) is 5.02 acres, yielding an allowed total number of 30 to 60 units. The proposed subdivision includes 34 lots, each with one townhome unit, resulting in 34 total units, in compliance with the density standards. The proposed lot sizes range from 3,498 sf to 4,894 sf, within the required lot size range of the residential center district.

Per Table 15.32-2 above, the Residential Center District zoning standards for Neighborhood 2 are met with the proposed subdivision:

Townhome lot size of 2,400 sf to 8,000 sf

Met with minimum 3,498 sf lots (lots range in size from 3,498 sf to 4,894 sf).

Lot width of 24’ for townhome lots

Met with 28-foot wide lots, with most lots greater than 28’.

Lot depth of 100' for townhome lots; met with typical 100' deep lots

Front yard setback minimum 10' exceeded with 20' front yard setbacks.

No side yard setback

Townhomes, by definition, have no side yard setback on at least one side. In this development, townhomes are proposed in pairs, so each will include one zero lot line and one side yard with at least a 5-foot setback.

Side yard at corner setback of 5'

All proposed side yards at corners have setbacks greater than 5'.

Rear yard setback of 0 unless abutting residential general, then 5'

All proposed rear yards in this development have setbacks. Lots 1-8 will abut residential general in the future when the adjacent property completes their quadrant plan. All the rear yards of these lots have greater than the minimum 5' setback.

Garage setback of 15' from front of building

The proposed project includes a minimum of 20' setback at every garage, exceeding the minimum standards.

Lot coverage of 50%

This application includes only the subdivision, no building design. However, the lots are of adequate size to accommodate the required maximum lot coverage of 50%. More specifically, the estimated typical townhouse footprint is 28' by 60' (1680 sf) and the smallest proposed lot is 3498sf, which would result in a coverage of 48%, in compliance with this requirement. Lot coverage will be reviewed at the time of zoning permit checklist, prior to approval of building permits.

Townhome height maximum of 35'

The townhome structures are not yet designed, however, they will comply with the maximum height requirements. The City will review the building heights at the time of zoning permit checklist submittal.

Block perimeter = 1600'

Block lengths and perimeters are shown on the plans. The only full block created is created by the Barron Drive – Arnold Avenue – Masten Mill Drive loop connecting to Crescent Creek Drive. Block perimeter and the method by how to measure it is not defined in the La Pine Development Code. As noted in the requirements for block lengths, the main intent with limiting block lengths and the resulting perimeters is for pedestrian connectivity. As a result, the block perimeters have been designed and measured with a focus on the pedestrian travel ways. The block perimeter of the one block that is created by this project is 1381.7 feet along the sidewalks/back of right-of-way.

Block length without pedestrian connection = 600'

The longest block length in the proposed development is along Masten Mill Drive, between Crescent Creek Drive and Arnold Avenue and is 586.5' from the corner of Masten Mill Drive and Crescent Creek Drive to the pedestrian connection at Arnold Avenue. All other block lengths are shorter, well under the maximum length.

Building height and onsite parking

Building height and onsite parking will be reviewed at the time of zoning permit checklist, prior to approval of building permits. The proposed subdivision layout and lot sizes have been designed to be able to accommodate these requirements."

As the proposed development will meet the standards of Tables 15.32-1 and 15.32-2, as demonstrated by their response above and illustrated within the application submitted for review, criteria met.

ARTICLE 5 - DEVELOPMENT STANDARDS

CHAPTER 15.80 DEVELOPMENT STANDARDS, GENERALLY

Sec. 15.80.010. - Purpose

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

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

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 Code, other city ordinances, or state statutes or administrative rules may also apply.

FINDING: The application is for subdivision, which is by definition a land division. As such, the standards of Chapter 15.80 are applicable and are reviewed herein. In addition, future development will be reviewed in detail for conformance as applicable to building codes during the building permit review process. Criteria met.

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: Per Article 3, there is no minimum lot size requirement for both the RSF and CRMX zone, except as determined based upon maximum density requirements. No other exemptions apply. Criteria met.

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 ordinance, or as otherwise approved by the city.*

FINDING: No buildings are proposed as part of this application, but future buildings and structures will be reviewed for conformance with the Development Code when specific development is proposed. Lots shall comply with dimensional and setback requirements as required by this decision and applicable sections of the Development Code. Criteria does not apply.

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 1 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 1 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: No buildings are proposed as part of this application, but future buildings and structures will be reviewed for conformance with the Development Code when specific development is proposed. Criteria does 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 anytime, 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 Applicant has not indicated any proposed use of metal containers. 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 subdivision is a new development and necessitates the construction of new streets. As such, Chapter 15.88 applies and the use is found to comply as evidenced by the findings below. Criteria met.

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 Code.*

FINDING: The Applicant stated in their burden of proof that “A trip generation letter is included in Exhibit E. Table 1 of the trip generation letter shows that the residential uses (34 lots) could generate 245 weekday daily trips, including 19 trips during the weekday p.m. peak hour. Based on this report and the TIA threshold requirements of LPDC 15.90.080, a traffic impact analysis is not required.” A TIA was submitted by the applicant, and the analysis of that report is addressed further on in LPDC Sec. 15.90.080 of this report. To ensure compliance, a condition of approval is included stating that prior to construction of the roadways, an approach permit shall be obtained by the applicable roadway authority. Criteria met.

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

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

FINDING: Access management restrictions and limitations are not needed as the proposal is for a subdivision that will only access local access roads. Driveway aprons shall be installed prior to occupancy of any building on any lot. Criteria does not apply.

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

FINDING: No access to Highway 97, a state highway, is proposed nor is a change of use from a use that accesses the highway proposed. This criterion does not apply.

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

FINDING: It does not appear that the proposed development will cross a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency. Criteria does not apply.

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

FINDING: The Applicant is not proposing any exceptions or adjustments. As such, this requirement does not apply at this time.

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

FINDING: The Applicant is not proposing any joint use driveways. As such, this requirement does not apply at this time.

Sec. 15.88.040. - Clear Vision Areas (Visibility at Intersections)

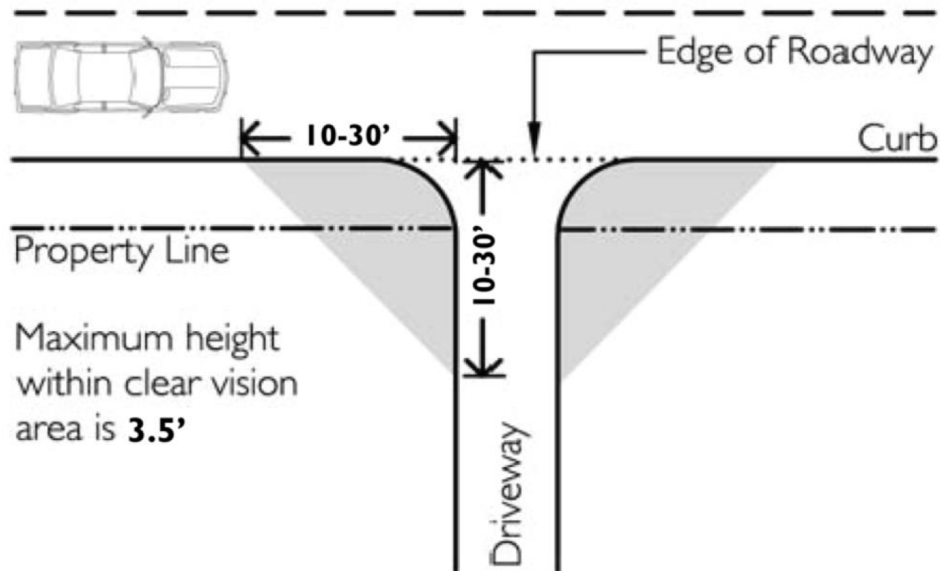
- A. *In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, wall, structure, private signage, or temporary or permanent obstruction exceeding three and one-half 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, 10 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
<i>80 feet or more</i>	<i>20 feet</i>
<i>Less than 80 feet</i>	<i>30 feet</i>

Figure 15.88-1. Clear Vision Areas



FINDING: The Applicant stated in their burden of proof that “Clear vision triangles are shown on the submitted plans. No plantings, walls, structures, private signage, or temporary or permanent obstructions exceeding 3½ feet in height are proposed within the clear vision triangles.” Clear vision standards shall be provided for throughout the development of the subdivision. Proposed street trees will be omitted in these areas. This standard is typically imposed as an ongoing condition of approval for a tentative plan. Fencing, utilities, landscaping, and other above ground features should be prohibited within the intersection sight distance triangles near internal intersections. Within these areas a clear space should be maintained between two-feet and eight-feet in height.

To ensure compliance, a condition of approval is included stating that 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 three and one-half 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. Construction plans shall demonstrate compliance with these clear vision standards and shall be submitted to the City for review and approval prior to construction. No above ground equipment shall obstruct vision clearance areas for vehicular traffic. With that condition, criteria met.

Sec. 15.88.050. - Pedestrian access and circulation.

- A. *Purpose and intent. This section implements the pedestrian access and connectivity policies of City of La Pine Transportation System Plan and the requirements of the Transportation Planning Rule (OAR 660-012). It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.*

- B. Standards. New subdivisions, multi-family developments, planned developments, commercial developments and institutional developments shall conform to all of the following standards for pedestrian access and circulation:*
- 1. Continuous walkway system. A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.*
 - 2. Safe, direct, and convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:*
 - a. The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.*
 - b. The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The city may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.*
 - c. Vehicle/walkway separation. Except as required for crosswalks, per subsection d., below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the city may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.*
 - d. Crosswalks. Where a walkway crosses a parking area or driveway ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.*
 - e. Walkway construction. Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other city-approved durable surface meeting ADA requirements. Walkways shall be not less than four feet in width, except that the city may require five-foot wide, or wider, sidewalks in developments where pedestrian traffic warrants walkways wider than four feet.*

- f. *Multi-use pathways. Multi-use pathways, where approved, shall be ten feet wide and constructed of asphalt, concrete or other city-approved durable surface meeting ADA requirements consistent with the applicable city engineering standards.*

FINDING: The Applicant has proposed sidewalks along the new roads to be constructed within the subdivision. As illustrated in the development plans, the walkways are reasonably direct following the directions of travel along the proposed streets. Swales have been proposed between the walkways and streets, providing a safety buffer. The proposed driveways will be constructed with asphalt, and the proposed sidewalks will be concrete, meeting subsection d. As proposed, the sidewalks will be concrete. No multi-use paths are proposed. Criteria met.

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.

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.*

FINDING: The Applicant states in their burden of proof that “The proposed subdivision includes the extension of all services to the new residential lots. Streets, sidewalks, sanitary sewers, and water lines are shown on the proposed plans and will be constructed by the developer in accordance with the specifications of the city. Curbs are not proposed as no roads in the NNPA quadrants have curbs as the City has determined that non-curbed streets with roadside swales have had excellent results for stormwater containment and infiltration. The city has generally accepted non-curbed streets for all roads outside of the downtown commercial area. Other utilities (electrical, telephone, cable/fiber) will be coordinated with the associated utility providers for installation during project construction.” Through conditions of approval within this decision, construction plans for the identified infrastructure in subsection A above must be approved prior to the final plat being filed. Over-sizing is not required at this time. To ensure compliance, a condition of approval is included stating that prior to final plat

approval a septic tank is required at each developed property. Tank capacity shall be 1000 gallons minimum and shall be sized according to OAR 340-71-220(3). All new septic tanks, existing septic tanks, or used septic tanks must pass a leakage test prior to use. The City maintains septic tanks within city limits. The maintenance of septic tanks ends at the upstream wall of the septic tank. A maintenance easement must be created outside of public right away around septic tanks. Sewer lines upstream of the septic tanks are private and are not maintained by the City.

A condition of approval is also included stating that prior to final plat approval, 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.

With those conditions, criteria met.

- 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: The Applicant is not proposing half streets. Criteria does not apply.

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.*

FINDING: To ensure compliance, a condition of approval is included stating that “prior to final plat approval, as a minimum, all water and sewer infrastructure, compacted base rock, and street signage must be installed and inspected by the City. Construction plans shall be submitted to the City for review and approval.” With that condition, criteria met.

- 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: All construction must meet City of La Pine Public Works Design Standards. As proposed, the facilities to support the development are not inadequate. To ensure future compliance, a condition of approval is

included stating that if at any point 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, development permits may be restricted by the city until the deficiency has been resolved or rectified. With that condition, criteria met.

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: To ensure compliance, a condition of approval is included stating that prior to final plat approval, stormwater calculations indicating compliance with the Central Oregon Stormwater Manual shall be provided to the City. Stormwater calculations may be depicted on the construction drawings. Criteria met.

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: The Applicant has coordinated with all utility providers and has confirmation that they can serve the new lots. All necessary public utility easements for franchise utilities shall be determined in coordination with franchise utility companies and shall be dedicated on the final plat. Criteria met.

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

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

FINDING: The Applicant has stated that all new utilities are planned to be extended underground, in conformance with these standards. A condition of approval is included stating that 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. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made. Criteria met.

- 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: An exception to the undergrounding standard is not anticipated by the applicant and has not been requested. Criteria does not apply.

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 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 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: All local street requirements shall be met including cross-section requirements. Criteria met.

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

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

FINDING: The Applicant stated in their burden of proof that, “The proposed subdivision includes the construction of three new roadways, providing connections to Findley Drive and Crescent Creek Drive. All proposed roadways will be built to public street standards (local streets) and the area is fairly level with no extreme vertical or horizontal curves. Exhibit E includes a trip generation report, which also reviews the access and safety of the streets. The report concludes that “No intersection sight distance deficiencies were observed at any of the access locations...” Proposed streets have been designed to meet all City standards.” After submittal, the application was directed to the contract City Engineer, Erik Huffman, for review. Through his review, he determined that with conditions of approval identified within this report, the proposal meets the city standard. Criteria met.

- 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 stated in their burden of proof that, “The proposed street locations are shown on the subdivision plans and provide for the continuation of existing streets and comply with the requirements of the City’s TSP. More specifically, all three new streets are designed to local street standards and their intersections with Crescent Creek Drive (collector) are spaced greater than 100’.” As illustrated in their submitted application, the proposed streets will provide for the continuation of Masten Mill Drive and Barron Drive. No topographical or other conditions exist making the continuance of these streets impractical, and the proposed local roads will conform to the standards of the Transportation System Plan, and have been reviewed by contract City Engineer, Erik Huffman. Criteria met.

- C. *Access Ways. The City, in approving a land use application with conditions, may require a developer to provide an access way where the creation of a cul-de-sac or dead-end street is unavoidable and the access way connects the end of the street to another street, a park, or a*

public access way. Where an access way is required, it shall be not less than 10 feet wide and shall contain a minimum six-foot-wide paved surface or other all-weather surface approved by the City. Access ways shall be contained within a public right-of-way or public access easement, as required by the City.

FINDING: No cul-de-sacs are proposed. All proposed streets are designed for connectivity. Access ways as described in this standard are not applicable to the proposed subdivision. Criteria does not apply.

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

FINDING: The Applicant stated in their burden of proof that, “The subdivision includes the extension of two east-west existing local streets into the subdivision, Masten Mill Drive and Barron Drive. Barron Drive connects two existing connectors and Masten Mill Drive is extended to the edge of the proposed subdivision to make access for the abutting property for future development, in compliance with the requirements of this section. A new street running northwest-southeast, labeled “Arnold Avenue” is proposed to connect Masten Mill and Barron Drives, also extending to the edge of the proposed subdivision for future development access. Future street alignments are not proposed on the adjacent properties, as they are under separate ownership and no future development plans have been proposed. The abutting property is of ample size to design a variety of layouts while also extending the streets on the subject property.” The subject property abuts approximately 20 acres of land to the north that remains undivided and undeveloped. As demonstrated by the design of Masten Mill Drive, future extension of that street to Findley Drive will be feasible. The remaining acreage will allow for adequate access as well, with plenty of acreage to allow for future streets that are in accordance with city design standards. Criteria met.

- 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: Below is Table 4-4 excerpted from page 61 and cross sections from pages 64-65 of the La Pine TSP identifying Roadway Cross-Section Standards:

Roadway Cross Section Standards

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

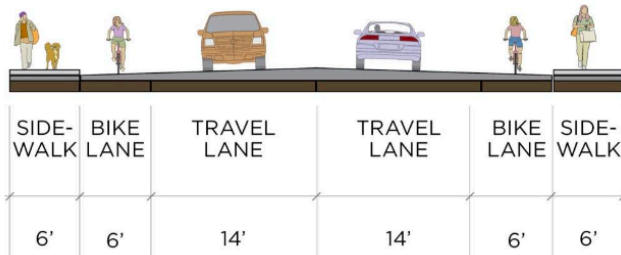
Functional Classification	Features/Dimensions (Each Direction)					Left-Turn Lane/Median	Total Paved Width	Total Right-of-Way Width
	Travel Lane	Bike Lane	On-Street Parking	Sidewalk	Planter Strip			
Arterial	12'	6'	None	6'	8'	Left-Turn Lanes, 14'	36' to 50'	78'
Major Collector	11'	6' ¹	7' ²	6'	8'	None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

¹ On low volume, low speed (>30 mph) facilities, alternative bicycle facilities can be considered at the discretion of the City
² On-street parking provide adjacent to commercially zoned properties

Table 4-4 Roadway Cross-Section Standards



Industrial Collector



The Applicant stated in their burden of proof that, “The proposed subdivision includes the construction of three local streets, to local street standards: Barron Drive, Arnold Avenue and Masten Mill Drive. Right-of-way to meet local street standards (64 feet) will be dedicated for each street. As the proposed subdivision only flanks Masten Mill Drive on the south, the street will be constructed to a 48-foot width, leaving only the remaining 16 feet of width on the north side for the future development. However, full 64-foot right-of-way will be dedicated (48’ dedicated from this project, 16’ dedicated from Deschutes County, the property owner to the north).” To ensure compliance, a condition of approval is included stating that prior to final plat approval, all required public right of way and easements shall be depicted on the final plat map for grant or dedication by the recording of the plat. All public local street right of ways shall be 64 feet in width per the City of La Pine TSP. With that condition, criteria met.

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

FINDING: To ensure compliance, a condition of approval is included stating that the proposed sidewalks shall be 6 feet in width, and shall be constructed to city standard. With that condition, criteria 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 are not required on the new local streets per the La Pine Transportation System Plan (Table 4-4 above), as cyclists can use the roadway surface of the proposed local street network. Criteria met.

- H. *Cul-de-sacs. 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 proposal does not include any cul-de-sacs. Criterion doesn't apply.

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

FINDING: The subject property does not contain any arterial streets. This criterion does not apply.

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

FINDING: The proposal is not adjacent to any Railroad right of way. Criteria does not apply.

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

FINDING: Reserve strips or street plugs have not been proposed. Criteria does not apply.

- L. *Alignment. All streets, as far as practicable, shall be in alignment with existing streets by continuations of the centerlines 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.*

FINDING: As proposed, the Applicant will be aligning Masten Mill Drive and Barron Drive with their existing alignment to the east, matching the centerline continuation. Staggered streets are not necessary. Criteria met.

- 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.*

FINDING: The Applicant stated in their burden of proof that, “The proposed streets are laid out to conform with the existing development, including the park/open space in the southeast corner of the property and the extension of existing streets. New street intersections are laid out to intersect as close as possible to 90 degrees. The intersection at Barron Drive/Findley Drive is at a slight angle of 99° 1’ 25” (the acute angle is approximately 81 degrees) as a result of the radial layout around the existing park in the southeast corner of the quadrant. The intersection of Masten Mill Drive and Crescent Creek Drive is at 96° 53’ 6”. The intersection of new streets (Arnold Avenue/Masten Mill Drive and Arnold Avenue/Barron Drive) are both at 90-degree angles. All proposed intersections are in compliance with these standards.” As illustrated in the application submitted for review, and demonstrated by the Applicant, the proposed intersections will meet the City standards, and have been reviewed by the contract City Engineer, Erik Huffman. Criteria met.

- 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.

FINDING: The Applicant stated in their burden of proof that, “Barron Drive and Masten Mill Drive are both proposed as curves, based on the patterns of existing development. Both street are local streets and have radii exceeding the 100-foot minimums (proposed radii are 400 feet and greater).” Since the proposed radii of Masten Mill Drive and Barron Drive will be over the 100-foot minimum, with a radii of 400 feet or greater, criteria met.

- O. Street grades. Street grades shall not exceed 8% on arterials, 10% on collectors and 12% 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 6% to provide for proper stopping distance during inclement weather conditions.*

FINDING: As illustrated in the burden of proof, grades within the area are minimal and will not exceed the 12% maximum. Criteria met.

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

FINDING: The Applicant stated in their burden of proof that, “Three streets are proposed: Masten Mill Drive, Barron Drive and Arnold Avenue. Masten Mill Drive and Barron Drive are extensions of existing streets across the adjacent collectors. Arnold Avenue is a new street and its name has been approved by the County plans reviewer prior to submittal.” As Masten Mill Drive and Barron Drive are extensions of existing streets, and Arnold Avenue has been approved by the County, criteria met.

- 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 has indicated in the Burden of Proof that it is their responsibility to provide and install any street name signs. Criteria met.

- 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 has indicated in the Burden of Proof that it is their responsibility to provide and install any required traffic control signs. Criteria met.

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

FINDING: The proposal does not include alleys. Criteria met.

- 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 Applicant stated in their burden of proof that, “No roads in the NNPA quadrants have curbs and the City has determined that non-curbed streets with roadside swales have had excellent results for stormwater containment and infiltration. As a result, the City has generally accepted non-curbed streets for all roads outside of the downtown commercial area and this subdivision has been designed accordingly without curbs and with roadside swales.” Staff agrees with the Applicant’s statement, as confirmed by the contract City Engineer, Erik Huffman, curbs are not required for the proposed development. Criteria met.

- U. *Street lights. Street lights may be required and, if so required, shall be installed by the developer in accordance with standards set forth by the city and the serving utility company. Streets lights, if required, shall include one (1) fixture and be located at the intersection of streets.*

FINDING: Street lights shall be required for the proposed development. To ensure compliance, a condition of approval is included stating that prior to final plat approval, street lights shall be installed and provided at the following locations: Intersections, Mid-block for blocks longer than 400 feet from center of intersection to center of intersection. Poles and fixtures shall conform to the power provider standards. Standard Mid State Electric head fixtures shall be used. With that condition, criteria met.

- 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: The Applicant indicated that they have received will serve letters by utility providers. To ensure compliance, a condition of approval is included stating that per City of La Pine Ordinance No 2015-05 Section 6.12, the property owner of all proposed parcels will be responsible for maintenance and repair of the sewer/septic system to the point where the building sewer is connected to a City sewer main. This responsibility includes any costs of maintenance, repair, damage, and/or injury. The owner will be liable for any damage to the City system caused by an act of the owner and/or its tenants(s), agent(s), employee(s), contractor(s), licensee(s), and/or permittee(s). If any break, leak, and/or other damage to a building sewer occurs, the owner of the property served by the building sewer will cause repairs to be made immediately to minimize any sewer spillage. With that condition, criteria met.

- 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 notes that the proposed drainage swales will be in accordance with applicable standards, which have been reviewed by the contract City Engineer, Erik Huffman. Criteria met.

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

FINDING: Gates are not proposed as part of the subdivision. Criteria does not apply.

Sec. 15.90.080. - Traffic impact analysis.

- A. *Purpose. The purpose of this subsection is coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic Impact Analysis; and who is qualified to prepare the analysis.*
- B. *When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:*
1. *A change in zoning or a plan amendment designation;*
 2. *Operational or safety concerns documented in writing by a road authority;*
 3. *An increase in site traffic volume generation by [300] Average Daily Trips (ADT) or more;*
 4. *An increase in peak hour volume of a particular movement to and from a street or highway by [20] percent or more;*
 5. *An increase in the use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day;*
 6. *Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;*
 7. *A change in internal traffic patterns that may cause safety concerns; or*
 8. *A TIA required by ODOT pursuant to OAR 734-051.*

- 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 results in less than 300 new ADT and does not involve any of the other criteria listed under subsection B above. Therefore, the proposal does not require a TIA. Criteria does not apply.

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

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

FINDING: The Applicant does not propose a waiver or deferral of street improvements. These criteria do not apply.

CHAPTER 15.92 ADDITIONAL STANDARDS FOR LAND DIVISIONS

Sec. 15.92.010. - Lots and blocks.

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

FINDING: The Applicant stated in their burden of proof that, “The subject property is zoned residential master plan (RMP) as part of the Newberry Neighborhood Planning Area, which includes separate and different block and perimeter requirements. Those are addressed in the responses to Chapter 15.32.” As stated by the Applicant, the relevant block and perimeter requirements are addressed within LPDC Chapter 15.32 of this report, where the use is found to comply. Criteria met.

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

FINDING: The Applicant stated in their burden of proof that, “The proposed lot sizes are a result of the La Pine Development Code requirements for the residential center district of the Newberry Neighborhood Overlay Zone and the townhome code. The proposed sizes comply with all relevant requirements of this code.” Staff agrees with the Applicants statement, the lot sizes as proposed meet the design standards of the underlying zoning. Criteria met.

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

FINDING: As illustrated in the submitted application, the townhome lots will have a frontage of 25 feet. Although the above criterion states no less than a width of 35 feet, The Newberry Neighborhood Overlay Planning Area allows for 24’ frontages on townhome lots, in accordance with Table 15.32-2. Criteria met.

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

FINDING: All lots as proposed and illustrated in the application, are at right angles to the street that they front on. Criteria met.

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

FINDING: The submitted Tentative Plan does not propose a division by boundary, ROW or drainage way. Criteria does not apply.

- F. Grading, cutting and filling of building lots or sites. Grading, cutting and filling of building lots or sites shall conform to the following standards unless physical conditions warrant other standards as demonstrated by a licensed engineer or geologist, and that the documentation justifying such other standards shall be set forth in writing thereby.*
- 1. Lot elevations may not be altered to more than an average of three feet from the natural pre-existing grade or contour unless approved otherwise by the city.*

2. *Cut slopes shall not exceed one foot vertically to one and one-half feet horizontally.*
3. *Fill slopes shall not exceed one foot vertically to two feet horizontally.*
4. *Where grading, cutting or filling is proposed or necessary in excess of the foregoing standards, a site investigation by a registered geologist or engineer shall be prepared and submitted to the city as a part of the tentative plan application.*
 - a. *The report shall demonstrate construction feasibility, and the geologist or engineer shall attest to such feasibility and shall certify an opinion that construction on the cut or fill will not be hazardous to the development of the property or to surrounding properties.*
 - b. *The Planning Commission shall hold a public hearing on the matter in conformance with the requirements for a Conditional Use permit, however, such may be included within the initial hearing process on the proposed development.*
 - c. *The Planning Commission's decision on the proposal shall be based on the following considerations.*
 - (1) *That based on the geologist's or engineer's report, that construction on the cut or fill will not be hazardous or detrimental to development of the property or to surrounding properties.*
 - (2) *That construction on such a cut or fill will not adversely affect the views of adjacent property(ies) over and above the subject site without land alteration, or that modifications to the design and/or placement of the proposed structure will minimize the adverse impact.*
 - (3) *That the proposed grading and/or filling will not have an adverse impact on the drainage on adjacent properties, or other properties down slope.*
 - (4) *That the characteristics of soil to be used for fill, and the characteristics of lots made usable by fill shall be suitable for the use intended.*

FINDING: The subject property is relatively flat, and no significant cut or fill are proposed. These provisions can be reviewed in detail for conformance as applicable to Building Codes during the building permit review process. Criteria does not apply at this time.

- G. *Through or double-frontage lots and parcels. Through or double-frontage lots and parcels are to be avoided whenever possible, except where they are essential to provide separation of residential development and to avoid direct vehicular access from major traffic arterials or collectors, and from adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. When through or double-frontage lots or parcels are desirable or deemed necessary, a planting screen easement of at least four to six feet in width, and across which there shall be no right of vehicular access, may be required along the line of building sites abutting such a traffic way or other incompatible uses.*

FINDING: No through or double frontage lots are proposed through the request. Criteria does not apply.

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

FINDING: Special building setback lines are not proposed as part of the subdivision. Lots shall comply with setback requirements (or applicant shall receive approved variances for such). Criteria does not apply.

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

FINDING: This standard is not applicable as the subdivision does not include large lots where future redivision is likely or possible. Criteria does not apply.

Sec. 15.92.020. - Easements.

- A. Utility lines. Easements for sewer lines, water mains, electric lines or other public utilities shall be as required by the serving entity, but in no case be less than 10 feet wide and centered on a rear and/or side lot line unless approved otherwise by the City. Utility pole tie-back easements may be reduced to 5 feet in width.*
- B. Water courses. If a tract is traversed by a water course, such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further widths as deemed necessary.*
- C. Pedestrian and bicycle ways. When desirable for public convenience, a pedestrian and/or bicycle way of not less than 10 feet in width may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block, or to otherwise provide appropriate circulation and to facilitate pedestrian and bicycle traffic as an alternative mode of transportation. Improvement of the easement with a minimum 5-foot wide paved or other suitable surface will be required.*
- D. Sewer and water lines. Easements may also be required for sewer and water lines, and if so required, shall be provided for as stipulated to by the City Public Works Department and/or Water and Sewer District.*

FINDING: No watercourses traverse the subject property. Utility lines, pedestrian and bicycle ways, and sewer and water lines are proposed within the development. To ensure compliance, a condition of approval is included stating that prior to final plat approval, all required public right of way and easements shall be depicted on the final plat map for grant or dedication by the recording of the plat, and shall be in accordance with the standards of LPDC Sec. 15.92.020. Criteria met.

Sec. 15.92.030. - Land for public purposes.

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

FINDING: No land for public purposes has been proposed through the current request, criteria does not apply.

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 therefore have been reviewed and approved by the City or a designated representative thereof. The review and approval shall be at the expense of the developer.*

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

FINDING: To ensure compliance with the above criteria, a condition of approval is included in this decision stating that prior to final plat approval, the applicant shall prepare and design engineered stamped construction plans to construct public improvements as proposed on the submitted tentative plans as well as those items required per City public works standards including street trees and street lights. Final plans shall be submitted to the City with a signature line for City of La Pine Public Works Director. Criteria met.

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 assure his/her full and faithful performance thereof, one of the following, pursuant to approval of the City Attorney and City Manager, and approval and acceptance by the City Council.*

1. *A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.*
 2. *A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability to proceed in accordance with the agreement.*
 3. *Cash deposit.*
 4. *Such other security as may be approved and deemed necessary by the City Council to adequately assure completion of the required improvements.*
- C. *Amount of security required. The assurance of full and faithful performance shall be for a sum approved by the City as sufficient to cover the cost of the improvements and repairs, including related engineering, inspection and other incidental expenses, plus an additional 20% for contingencies.*
- D. *Default status. If a developer fails to carry out provisions of the agreement, and the city has unreimbursed costs or expenses resulting from the failure, the City shall call on the bond or other assurance for reimbursement of the costs or expenses. If the amount of the bond or other assurance deposit exceeds costs and expenses incurred by the City, it shall release the remainder. If the amount of the bond or other assurance is less than the costs or expenses incurred by the city, the developer shall be liable to the city for the difference plus any attorney fees and costs incurred.*

FINDING: The Applicant plans to install and construct all required infrastructure improvement as required. To ensure compliance, a condition of approval is included stating that prior to final plat approval, the applicant shall provide the City with a performance bond of 120% of the cost of public improvements prior to beginning construction. Prior to construction, a pre-construction meeting with the construction contractor shall be held with City staff. All such agreements shall be reviewed and approved by the City Engineer and shall be in compliance with LPDC 15.94.020. Criteria met.

Sec. 15.94.030. - Building and occupancy permits.

- A. *Building permits. No building permits shall be issued upon lots to receive and be served by sanitary, sewer and water service and streets as improvements required pursuant to this chapter unless the improvements are in place, serviceable and approved by the City, with the service connections fees paid, and accepted by the City.*
- B. *Sale or occupancy. All improvements required pursuant to this chapter and other applicable regulations or approval conditions shall be completed, in service and approved by the City, and accepted by the City Council, prior to sale or occupancy of any lot, parcel or building unit erected upon a lot within the subdivision, partitioning, PUD or other development.*

FINDING: To ensure compliance, a condition of approval is included stating that prior to building permit issuance, all lots shall receive and be served by sanitary, sewer and water service and streets as improvements required pursuant to this chapter unless the improvements are in place, serviceable and approved by the City,

with the service connections fees paid, and accepted by the City. All improvements required pursuant to this chapter and other applicable regulations or approval conditions shall be completed, in service and approved by the City, prior to sale or occupancy of any lot, parcel or building unit erected upon a lot within the subdivision. With that condition, criteria met.

Sec. 15.94.040. - Maintenance surety bond.

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

FINDING: To ensure compliance, a condition of approval is included stating that at the completion of construction of required improvements, the City will require a one-year maintenance surety bond for 10% of the value of all improvements, to guarantee maintenance and performance for a period of one year from the date of acceptance of the improvements. With that condition, criteria met.

Sec. 15.94.050. - Engineering/special services for review.

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

FINDING: While this need is not anticipated, the applicant acknowledges the possibility of the provisions of this section in their Burden of Proof. Criteria met.

ARTICLE 6 - SPECIAL USE STANDARDS

CHAPTER 15.105. - SPECIAL USE STANDARDS - RESIDENTIAL USES AND ACCESSORY USES

Sec. 15.104.020. - Townhomes.

- A. *Applicability. All townhome developments shall comply with the following standards which are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas. Townhome developments with three or more dwelling units shall require approval through a Type II procedure, pursuant to chapter 15.312, site plan review.*
- B. *Standards.*
 1. *Setbacks and lot width. Notwithstanding anything in this Development Code to the contrary, there shall be no required side yard setback between attached townhomes (i.e. where a party wall is sited). Townhomes shall otherwise comply with the applicable*

setbacks in the underlying zone. The minimum lot width for townhome lots shall be 25 feet.

2. *Building mass and facade variation supplemental standard. The number and width of consecutively attached townhomes shall not exceed five units. The facades of townhomes in groups of three or greater shall be varied by changed front yard setbacks so that not more than two abutting townhouses will have the same front yard setback for its full width.*
3. *Garages. Every townhome shall include, at a minimum, a single car garage.*

FINDING: As proposed, all townhomes will be located on lots that exceed the 25-foot width requirement, and will be paired into twos creating one shared wall between them with no lot line setbacks. As they are will be grouped in pairs, they will be well under the required maximum for subsection 2 above. As proposed, every townhome shall also have a single car garage. Criteria met.

4. *Alley access developments. Townhome developments in newly created subdivisions shall receive vehicle access only from a rear alley, except when existing development patterns or topography make construction of an alley impractical (see subsection 5 of this section for standards for street access developments). Alley(s) shall be created at the time of subdivision approval.*

FINDING: As demonstrated by the Applicant in their burden of proof, alley access is not a feasible option for the development. As stated in their burden of proof, "An illustration is included with this response demonstrating the infeasibility of alleys given the existing patterns of development and other code requirements:

- LPDC Table 15.32-2 requires that residential center lots be a minimum of 100 feet deep.
- LPDC 15.90.070 requires that adjacent streets be extended, in alignment, into the subdivision: "All streets, as far as practicable, shall be in alignment with existing streets by continuations of the center lines thereof."
- Per LP TSP, local streets are required to have 64 feet of right of way.
- The extension of Barron Drive and Masten Mill Drive results in 264 feet between the centerlines, leaving only enough space for two lots (2*100'), and half of each local street's right of way (2*32') and no room for alleys."

The Applicant relies upon the lot depth, street alignment, street design, and extension of existing streets criteria towards their argument against alley access. Staff acknowledges these arguments, and agrees that existing development patterns and the requirements of the code make construction of an alley impractical. The requirements of subsection 5 are addressed below, where the use is found to comply. Criteria met.

5. *Street access developments. Where available, townhomes shall take access from an alley. Townhomes receiving access directly from a public or private street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management:*

- a. *When garages or carports face the street, the garage or opening shall set back a minimum of 20 feet from the property line fronting the street.*
- b. *Except where required to be shared, the maximum allowable apron and driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage width per unit facing the street is 50 percent of the total building width.*
- c. *Two adjacent garages shall share one driveway, with a maximum width of 30 feet. when individual driveways would otherwise be separated by less than 20 feet (i.e. the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, acceptable to the city, prior to building permit issuance.*

FINDING: As illustrated in the proposal submitted for review, the townhomes will be setback from the front property line a minimum of 20 feet. As proposed, the driveways will be 24 feet in width, with 12 feet provided per townhome. Garage width will be reviewed at the time of development review for the structures. The townhomes will have individual 12-foot driveways each, and will not require an access and maintenance agreement for each lot. Criteria met.

6. *Common areas. All areas commonly owned by the owners within a townhome development shall be maintained by a homeowners association or by the owners under a joint-maintenance agreement. Covenants, restrictions and conditions or a joint maintenance agreement acceptable to the city shall be recorded prior to issuance of a building permit.*
7. *Party walls. If not addressed through covenants, conditions and restrictions, an agreement(s) for joint maintenance of party walls acceptable to the city shall be recorded prior to issuance of a building permit.*

FINDING: As proposed, and illustrated in the application submitted for review, each townhome pairing will have a shared wall. To ensure compliance, a condition of approval is included stating that all areas commonly owned by the owners within a townhome development shall be maintained by a homeowners association or by the owners under a joint-maintenance agreement. Covenants, restrictions and conditions or a joint maintenance agreement acceptable to the city shall be recorded prior to issuance of a building permit. Additionally, if not addressed through covenants, conditions and restrictions, an agreement(s) for joint maintenance of party walls acceptable to the city shall be recorded prior to issuance of a building permit. With that condition, criteria met.

8. *Waste disposal and mechanical equipment screening. All waste disposal collection areas and mechanical equipment areas shall be screened from public view.*
9. *Fences. Front yard fencing shall be three feet or less in height and constructed of split rails, wood pickets, wrought iron, or similar materials and design, as approved by the city. Fences shall not be placed within the site vision triangle.*

FINDING: Waste disposal and mechanical equipment screening, and fences, shall be reviewed at the time of building permit review. Criteria does not apply.

ARTICLE 7 - PROCEDURES

CHAPTER 15.204. - SUMMARY OF APPLICATION TYPES AND GENERAL PROVISIONS

Sec. 15.202.010. - Purpose and applicability.

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

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

(***)

- 3. *Type III procedure (quasi-judicial review - public hearing). Type III decisions are made by the planning commission after a public hearing, with an opportunity for appeal to the city council except for decisions on all quasi-judicial comprehensive plan amendments and zone changes which must be adopted by the city council before becoming effective. Quasi-judicial decisions involve discretion but implement established policy. They involve the application of existing law or policy to a specific factual situation.*

Subdivision, PUD or re-plat of > 3 lots Preliminary plat Final plat	Type III Type I	Chapter 15.406
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FINDING: The criteria above identifies the procedure required to review a subdivision. A subdivision review is identified as a Type III decision that is made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council. The review is also subject to LPDC Chapter 15.406, which is addressed further on in this report, and the use is found to comply. Criteria met.

CHAPTER 15.204 APPLICATION PROCEDURES

(***)

Sec. 15.204.030. - Type III Procedure (Quasi-Judicial Review – Public Hearing)

Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council. Except that prior to becoming effective, all quasi-judicial Comprehensive Plan amendments and Zone changes shall be adopted by the City Council. In considering all quasi-judicial Comprehensive Plan amendments and Zone changes on which the Planning Commission has authority to make a decision, the City Council shall, in the absence of an appeal or review initiated by the Council, adopt the Planning Commission decision. No argument or further testimony will be taken by the Council.

A. Application Requirements.

- 1. Application Forms. Applications requiring Quasi-Judicial review shall be made on forms provided by the City Planning Official.*
- 2. Submittal Information. The City Planning Official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:*
 - a. The information requested on the application form;*
 - b. Plans and exhibits required for the specific approval(s) being sought;*
 - c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;*
 - d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;*
 - e. The required fee; and*
 - f. Evidence of neighborhood contact, as applicable, pursuant to Section 15.202.050.*

FINDING: The Applicant submitted an application, Tentative Plan, Burden of Proof, fee, evidence of neighborhood contact, and supporting materials required for Type III review of a Preliminary Plat for a Subdivision. Criteria met.

B. Mailed and Posted Notice of a Public Hearing.

- 1. The City shall mail public notice of a public hearing on a Quasi-Judicial application at least 20 days before the hearing date to the individuals and organizations listed below. The City Planning Official shall prepare an affidavit of notice, which shall be made a part of the file. The affidavit shall state the date that the notice was mailed. However, the failure of a property owner to receive mailed notice shall not invalidate any land use approval if the Planning Official can show by affidavit that such notice was given. Notice shall be mailed to:*
 - a. The applicant;*

- b. *Owners of record of property as shown on the most recent property tax assessment roll of property located within 100 feet of the property that is the subject of the notice where any part of the subject property is within an urban growth boundary;*
 - c. *The owner of a public use airport if the airport is located within 10,000 feet of the subject property;*
 - d. *The tenants of a mobile home park when the application is for the rezoning of any part or all of a mobile home park;*
 - e. *The Planning Commission;*
 - f. *Any neighborhood or community organization formally recognized by the City Council, whose boundaries include the site;*
 - g. *Any person who submits a written request to receive a notice; and*
 - h. *Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the City Planning Official shall notify the road authority if different than the City of La Pine. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.*
2. *In addition to notice by mail and posting, notice of an initial hearing shall be published in a newspaper of general circulation in the County at least 10 days prior to the hearing*
 3. *At least 14 days before the first hearing, the City shall post notice of the hearing on the project site in clear view from a public right-of-way.*
 4. *Notice of a Quasi-Judicial hearing to be mailed and published per subsection 1 above shall contain all of the following information:*
 - a. *A summary of the proposal and the relevant approval criteria, in sufficient detail to help the public identify and locate applicable code requirements;*
 - b. *The date, time, and location of the scheduled hearing;*
 - c. *The street address or other clear reference to the location of the proposed use or development;*
 - d. *A disclosure statement that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the City Council, Land Use Board of Appeals, or Circuit Court, as applicable, on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;*
 - e. *A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards shall be available for*

review at the office of the City Planning Official, and that copies shall be provided at a reasonable cost;

- f. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;*
- g. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and*
- h. A statement that after the public hearing closes, the City will issue its decision, and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.*

FINDING: Notice of the public hearing was sent to neighbors within 100 feet and to the City's agency notification list on July 18th, 2024. The notice followed the City's standard notice format for a quasi-judicial land use application and included the above required elements. Notice was posted on site and in the local paper (Bend Bulletin) in compliance with these requirements. The newspaper notice, however, was not published in time to meet the 10-day requirement, due to a noticing error by the Bend Bulletin. The hearing was therefore continued to August 21st, 2024, to allow additional time to meet that criteria. Criteria met.

C. Setting the hearing.

- A. After an application is deemed accepted a hearing date shall be set. A hearing date may be changed by the City staff, or the Hearings Body up until the time notice of the hearing is mailed. Once the notice of hearing is mailed any changes in the hearing date shall be processed as a continuance in accordance with Subsection G.*
- B. If an applicant requests that a hearing date be changed, such request shall be granted only if the applicant agrees that the extended time period for the hearing shall not count against the 120-day time limit set forth in Section 15.202.020.*

FINDING: The hearing date was set for August 7, 2024. Due to a newspaper noticing error on the part of the Bend Bulletin, the notice was not published within the 10-day notice requirement, and the hearing was continued in accordance with Subsection G, to August 21, 2024. The Applicant has not requested that this hearing date be changed. Criteria met.

D. Ex Parte Contact, Personal Knowledge and Bias.

- 1. The public is entitled to an impartial hearing body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the hearing body shall follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the hearing body shall individually disclose their relationship to the parties in the public hearing and state whether they are capable of rendering a fair and impartial decision. If*

they are unable to render a fair and impartial decision, they shall be excused from the proceedings.

Prior to making a decision, the Hearings Body or any member thereof shall not communicate directly or indirectly with any party or his representative in connection with any issue involved in a pending hearing except upon notice and opportunity for all parties to participate. Should such communication whether written or oral occur, the Hearings Body member shall:

- a. Publicly announce for the record the substance of such communication; and*
 - b. Announce the parties' right to rebut the substance of the ex parte communication during the hearing. Communication between City staff and the Hearings Body shall not be considered to be an ex parte contact.*
- 2. If the Hearings Body or any member thereof uses personal knowledge acquired outside of the hearing process in rendering a decision, the Hearings Body or member thereof shall state the substance of that knowledge on the record and allow all parties the opportunity to rebut such statement on the record. For the purposes of this section, a site visit by the Hearings Body shall be deemed to fall within this rule. After the site visit has concluded, the Hearings Body must disclose its observations and conclusions gained from the site visit in order to allow for rebuttal by the parties.*
 - 3. Prior to or at the commencement of a hearing, any party may challenge the qualification of the Hearings Body, or a member thereof, for bias, prejudice or personal interest. The challenge shall be made on the record and be documented with specific reasons supported by facts. Should qualifications be challenged, the Hearings Body or the member shall disqualify itself, withdraw or make a statement on the record of its capacity to hear.*

FINDING: The Planning Commission will host a hearing in accordance with these standards and will follow standard procedures, including disclosure of ex parte contact, personal knowledge and bias. Criteria met.

E. Conduct of a Quasi-Judicial Public Hearing. A hearing shall be conducted as follows:

- 1. The Hearings Body shall explain the purpose of the hearing and announce the order of proceedings, including reasonable time limits on presentations by parties.*
- 2. A statement by the Hearings Body regarding pre-hearing contacts, bias, prejudice or personal interest shall be made.*
- 3. Any facts received, noticed or recognized outside of the hearing shall be stated for the record.*
- 4. Challenges to the Hearings Body's qualifications to hear the matter shall be stated and challenges entertained.*
- 5. The Hearings Body shall list applicable substantive criteria, explain that testimony and evidence must be directed toward that criteria or other criteria in the comprehensive*

plan or land use regulations that the person believes to apply to the decision, and that failure to address an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond precludes appeal to LUBA based on that issue.

6. *Order of presentation:*
 1. *Open the hearing.*
 2. *Staff report.*
 3. *Proponents' presentation.*
 4. *Opponents' presentation.*
 5. *Proponents' rebuttal.*
 6. *Opponents' rebuttal may be allowed at the Hearings Body's discretion.*
 7. *Staff comment.*
 8. *Questions from or to the chair may be entertained at any time at the Hearings Body's discretion.*
 9. *Close the hearing.*
 10. *The record shall be available for public review at the hearing.*
 11. *At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the record.*
 12. *Throughout all local land use proceedings, the burden of proof rests on the applicant.*
 13. *Any interested person may appear and be heard in a land use action hearing, except that in appeals heard on the record, a person must have participated in a previous hearing on the subject application. Any person appearing on the record at a hearing (including appeals) or presenting written evidence in conjunction with an administrative action or hearing shall have standing and shall be a party. A person whose participation consists only of signing a petition shall not be considered a party.*

FINDING: These hearing procedures will be followed. Criteria met.

F. Close of the record.

1. *Except as set forth herein, the record shall be closed to further testimony or submission of further argument or evidence at the end of the presentations before the Hearings Body.*

2. *If the hearing is continued or the record is held open under Subsection G, further evidence or testimony shall be taken only in accordance with the provisions of Subsection G.*
3. *Otherwise, further testimony or evidence will be allowed only if the record is reopened under Subsection H.*
4. *An applicant shall be allowed, unless waived, to submit final written arguments in support of its application after the record has closed within such time limits as the Hearings Body shall set. The Hearings Body shall allow applicant at least seven days to submit its argument, which time shall be counted against the 120-day time limit for decision.*

G. Continuances or record extensions.

1. Grounds.

- a. *Prior to the date set for an initial hearing, an applicant shall receive a continuance upon any request if accompanied by a corresponding suspension of the 120 day limit for decision. If a continuance request is made after the published or mailed notice has been provided by the City, the Hearings Body shall take evidence at the scheduled hearing date from any party wishing to testify at that time after notifying those present of the continuance.*
- b. *Any party is entitled to a continuance of the initial evidentiary hearing or to have the record left open in such a proceeding in the following instances:*
 - i. *Where additional documents or evidence are submitted by any party; or*
 - ii. *Upon a party's request made prior to the close of the hearing for time to present additional evidence or testimony.*
 - iii. *For the purposes of subsection (i), "additional documents or evidence" shall mean documents or evidence containing new facts or analysis that are submitted after notice of the hearing.*
- c. *The grant of a continuance or record extension in any other circumstance shall be at the discretion of the Hearings Body.*

2. Continuances.

- a. *If the Hearings Body grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial hearing.*
- b. *An opportunity shall be provided at the continued hearing for persons to rebut new evidence and testimony received at the continued hearing.*

- c. *If new written evidence is submitted at the continued hearing, any person may request prior to the conclusion of the continued hearing that the record be left open for at least seven days to allow submittal of additional written evidence or testimony. Such additional written evidence or testimony shall be limited to evidence or testimony that rebuts the new written evidence or testimony.*
 - 3. *Leaving record open. If at the conclusion of the hearing the Hearings Body leaves the record open for additional written evidence or testimony, the record shall be left open for at least 14 additional days, allowing at least the first seven days for submittal of new written evidence or testimony and at least seven additional days for response to the evidence received while the record was held open. Written evidence or testimony submitted during the period the record is held open shall be limited to evidence or testimony that rebuts previously submitted evidence or testimony.*
 - 4. *A continuance or record extension granted ... shall be subject to the 120-day time limit unless the continuance or extension is requested or otherwise agreed to by the applicant. When the record is left open or a continuance is granted after a request by an applicant, the time period during which the 120-day time limit is suspended shall include the time period made available to the applicant and any time period given to parties to respond to the applicant's submittal.*
- H. *Reopening the record.*
- A. *The Hearings Body may at its discretion reopen the record, either upon request or on its own initiative. The Hearings Body shall not reopen the record at the request of an applicant unless the applicant has agreed in writing to a suspension of the 120-day time limit.*
 - B. *Procedures.*
 - 1. *Except as otherwise provided for in this section, the manner of testimony (whether oral or written) and time limits for testimony to be offered upon reopening of the record shall be at the discretion at the Hearings Body.*
 - 2. *The Hearings Body shall give written notice to the parties that the record is being reopened, stating the reason for reopening the record and how parties can respond. The parties shall be allowed to raise new issues that relate to the new evidence, testimony or criteria for decision-making that apply to the matter at issue.*

FINDING: The procedures for closing the record, continuing the record, and reopening the record will be followed. Criteria met.

- I. *Notice of Quasi-Judicial Decision. A Hearings Body's decision shall be in writing and mailed to all parties; however, one person may be designated by the Hearings Body to be the recipient of the decision for a group, organization, group of petitioners or similar collection of individual participants. The Notice of Quasi-Judicial Decision shall contain all of the following information:*

- a. *A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the record;*
- b. *The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);*
- c. *A statement of where the City's decision can be obtained;*
- d. *The date the decision shall become final, unless appealed; and*
- e. *A statement that all persons entitled to notice may appeal the Planning Commission's decision to City Council pursuant to Subsection K or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.*

FINDING: Notice of the Planning Commission Decision will be mailed in accordance with these procedures. Criteria met.

- J. *Effective Date of Decision. Unless the conditions of approval specify otherwise, a Quasi-Judicial Decision becomes effective 12 days after the City mails the decision notice, unless the decision is appealed pursuant to Subsection K or unless the decision is called up for review by the City Council pursuant to Section 15.204.020(G). No building permit shall be issued until a decision is final. Appeal of a final decision to LUBA does not affect the finality of a decision at the local level for purposes of issuing building permits, but any development that occurs during the pendency of appeals beyond the local level are at the sole risk of the applicant and the City may require execution of an instrument acknowledging such fact prior to issuance of any building permits.*

FINDING: In accordance with this requirement, the effective date of the Planning Commission Decision will be 12 days after the City mails the Decision notice, unless an Appeal is filed in accordance with Subsection K below. No building permits will be issued until the Decision is final. Criteria met.

- K. *Appeal of Planning Commission Decision. The Planning Commission's decision may be appealed to the City Council as follows:*
 1. *Who may appeal. The following people have legal standing to appeal:*
 - a. *The applicant or owner of the subject property; and*
 - b. *Any other person who testified orally or in writing during the subject public hearing before the close of the record.*
 2. *Appeal filing procedure. Appeals shall be filed in accordance with Chapter 15.212.*

FINDING: If the decision is appealed, these procedures must be followed. Criteria met.

ARTICLE 9 - LAND DIVISIONS

CHAPTER 15.402. -GENERAL PROVISIONS**Sec. 15.402.010. - Purpose.**

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

Sec. 15.402.020. - Applicability.

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

FINDING: The submitted application is for a Tentative Plan for a subdivision and is subject to the subdivision requirements and criteria of Article 9, LPDC Chapter 15.402, and ORS 92 and 277. Criteria met.

CHAPTER 15.406 SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS (PUD)**Sec. 15.406.010. - Subdivision applications.**

- A. Application. Any person proposing a subdivision, or the authorized agent or representative thereof, shall submit an application for a subdivision to the City. The application shall be accompanied with either an outline development plan as provided for in division (B) of this section, or a tentative plan as set forth in division (C) of this section, together with improvement plans and other supplementary material as may be required, and the materials required for the applicable review type as specified in Article 7. The number of copies required shall be as specified on the application form. The date of filing shall be construed to be the date on which all of the foregoing materials are received and accepted by the appropriate city official.*
- B. Outline development plan. The submittal of an outline development plan in the subdivision application process is at the option of the applicant and/or developer. If an outline development plan is prepared and submitted with the application for a subdivision, it shall include both maps and written statements as set forth below.*

*(***)*

FINDING: The Applicant chose to skip the step of submitting an outline plan and has instead submitted a tentative plan, as allowed by this section. Criteria met.

- C. Tentative plan required. Following or in conjunction with submittal and approval of an outline development plan and subdivision application, or as an initial subdivision application,*

any person proposing a subdivision shall submit a tentative plan together with the accompanying information and supplemental data, prepared and submitted in accordance with the provisions of this section and materials required for a Type III review as specified in Article 7. (ORS 92.040). Note: Applicants should review the design standards set forth in Article 5 prior to preparing a tentative plan for a development.

1. *Scale of tentative plan. The tentative plan of a proposed subdivision shall be drawn on a sheet 18 by 24 inches in size or multiples thereof at a scale of one inch equals 100 feet or multiples thereof as approved by the Planning Official. (ORS 92.080). In addition, at least one copy of the plan on a sheet of paper measuring 8 1/2 inches by 11 inches or 11 inches by 17 inches shall be provided for public notice requirements.*
2. *Information requirements. The following information shall be shown on the tentative plan or provided in accompanying materials. No tentative plan submittal shall be considered complete, unless all such information is provided unless approved otherwise by the Planning Official.*
 - a. *General information required.*
 - (1) *Proposed name of the subdivision.*
 - (2) *Names, addresses and phone numbers of the owner of record and subdivider, authorized agents or representatives, and surveyor and any assumed business names filed or to be filed by the owner or subdivider in connection with the development.*
 - (3) *Date of preparation, north point, scale and gross area of the development.*
 - (4) *Identification of the drawing as a tentative plan for a subdivision.*
 - (5) *Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.*
 - b. *Information concerning existing conditions.*
 - (1) *Location, names and widths of existing improved and unimproved streets and roads within and adjacent to the proposed development.*
 - (2) *Location of any existing features such as section lines, section corners, city and special district boundaries and survey monuments.*
 - (3) *Location of existing structures, fences, irrigation canals and ditches, pipelines, waterways, railroads and natural features, such as rock outcroppings, marshes, wetlands, geological features and natural hazards.*
 - (4) *Location and direction of water courses, and the location of areas subject to erosion, high water tables, and storm water runoff and flooding*

- (5) *Location, width and use or purpose of any existing easements or rights-of-way within and adjacent to the proposed development.*
 - (6) *Existing and proposed sewer lines, water mains, culverts and underground or overhead utilities within and adjacent to the proposed development, together with pipe sizes, grades and locations.*
 - (7) *Contour lines related to some established bench mark or other acceptable datum and having minimum intervals of not more than 20 feet.*
- c. *Information concerning proposed subdivision.*
- (1) *Location, names, width, typical improvements, cross-sections, approximate grades, curve radii and length of all proposed streets, and the relationship to all existing and projected streets.*
 - (2) *Location, width and purpose of all proposed easements or rights-of-way, and the relationship to all existing easements or rights-of-way.*
 - (3) *Location of at least one temporary benchmark within the proposed subdivision boundary.*
 - (4) *Location, approximate area and dimensions of each lot and proposed lot and block numbers.*
 - (5) *Location, approximate area and dimensions of any lot or area proposed for public, community or common use, including park or other recreation areas, and the use proposed and plans for improvements or development thereof.*
 - (6) *Proposed use, location, area and dimensions of any lot which is intended for nonresidential use and the use designated thereof.*
 - (7) *An outline of the area proposed for partial recording on a final plat if phased development and recording is contemplated or proposed.*
 - (8) *Source, method and preliminary plans for domestic water supply, sewage disposal, solid waste collection and disposal and all utilities.*
 - (9) *Stormwater and other drainage plans.*

FINDING: The application submitted for review included a tentative plan for a subdivision which included all of the above criterion. Criteria met.

- D. *Master development plan required. An overall master development plan shall be submitted for all developments planning to utilize phase or unit development. The plan shall include, but not be limited to, the following elements.*

1. *Overall development plan, including phase or unit sequences and the planned development schedule thereof.*
2. *Schedule of improvements initiation and completion.*
3. *Sales program timetable projection.*
4. *Development plans of any common elements or facilities.*
5. *Financing plan for all improvements.*

FINDING: The proposal is not for phased development. Criteria does not apply.

E. Supplemental information required. The following supplemental information shall be submitted with the tentative plan for a subdivision.

1. *Proposed deed restrictions or protective covenants, if such are proposed to be utilized for the proposed development.*

FINDING: The Applicant provided draft CC&Rs as part of the application. Criteria met.

2. *Reasons and justifications for any variances or exceptions proposed or requested to the provisions of this subchapter, the applicable zoning regulations or any other applicable local, state or federal ordinance, rule or regulation.*

FINDING: The Applicant is not requesting any variances or exceptions at this time. Criteria does not apply.

F. Tentative plan review procedures.

1. *Tentative plan review shall follow the Type III review procedures in Article 7.*
2. *The decision on a tentative plat shall be set forth in a written decision, and in the case of approval shall be noted on not less than two copies of the tentative plan, including references to any attached documents setting forth specific conditions.*

FINDING: The tentative plan review is following the Type III review procedures in Article 7. Following a hearing, the Planning Commission will decide on the proposal and will issue a written Decision in accordance with this requirement. Criteria met.

G. Tentative approval relative to final plan. Approval of the tentative plan shall not constitute final acceptance of the final plat of the proposed subdivision for recording. However, approval of the tentative plan shall be binding upon the city for preparation of the final plat and the city may require only such changes as are deemed necessary for compliance with the terms of its approval of the tentative plan.

H. Resubmission of denied tentative plan. Resubmittal shall be considered a new filing, but shall require the applicant to consider all items for which the prior denial was based, in addition to the other filing requirements set forth by this chapter.

FINDING: These Tentative Plan and Final Plan requirements and procedures will be followed and enforced by the City. Criteria met.

I. Requirements for approval. An outline development plan or a tentative plan for a subdivision shall not be approved unless it is found, in addition to other requirements and standards set forth by this chapter and other applicable City of La Pine ordinances, standards and regulations, that the following requirements have been met:

1. The proposed development is consistent with applicable density and development standards set forth of the applicable zone in Article 3. All lots conform to the applicable lot standards of the zoning district including density, lot area, dimensions, setbacks, and coverage.

FINDING: Compliance with the relevant development standards is reviewed in sections of this staff report identified above where the use is found to comply. Criteria met.

2. The proposal is in compliance with any applicable overlay zone regulations in Article 4.

FINDING: The subject property is within the Newberry Neighborhood Planning Area Overlay Zone. As demonstrated within Chapter 15.32 of this report, the request complies with the criteria of that overlay zone, and in turn Article 4. Criteria met.

3. The proposal is in compliance with the design and improvement standards and requirements set forth in Article 5, or as otherwise approved by the city, or that such compliance can be assured by conditions of approval.

FINDING: This application is reviewed herein for compliance with the design and improvement standards and requirements of Article 5. Staff finds that the application either meets these standards or has met them with proposed conditions of approval. Criteria met.

4. The applicant has demonstrated that adequate public facilities are available or can be made available at the time of development, and if necessary that the developer has proposed adequate and equitable improvements and expansions to the facilities to bring the facilities and services up to an acceptable capacity level.

FINDING: The Applicant stated in the submitted narrative, “The subject property is proposed for future residential development, which has been the planned use of the property for several decades, as outlined in the City’s development code and comprehensive plan. Sewage disposal, water supply, guaranteed access and utilities are all readily available in Crescent Creek Drive and Findley Drive. Access: The subject property abuts Crescent Creek Drive and Findley Drive. Access into the subdivision will be provided through the extension of two public local streets across these rights-of-way, Masten Mill Drive and Barron Drive. Water: Existing water lines are readily available and present in both Findley Drive and Crescent Creek Drive within 8” water mains. Hydrants are shown on the proposed plans along both Masten Mill and Barron Drives. Water lines will be extended to serve the development within the Barron Drive and Masten Mill Drive rights-of-way. Sewer: Existing sewer lines are present in both Findley Drive and Crescent Creek Drive. 8-inch sewer lines in Masten Mill Drive and Barron Drive will connect to each property and terminate at a connection with the existing 12-inch PVC sewer main in Crescent Creek Drive. Every proposed lot is shown on the submitted plans to include a 1000-

gallon septic tank in front yard setbacks. Other utilities: Electricity and internet services are both readily available in the adjacent streets and neighborhoods. Will serve letters from Midstate Electric and TDS Broadband are included in Exhibit G.” Staff agrees with the Applicants statements in that adequate public facilities are available for the proposed development.

5. *The development provides for the preservation of significant scenic, archaeological, natural, historic and unique resources in accordance with applicable provisions of this Code and the Comprehensive Plan.*

FINDING: Staff did not identify that any of the above listed resources are present. As such, unless proven otherwise, this criterion is not applicable.

6. *The proposed name of the subdivision is not the same as, similar to or pronounced the same as the name of any other subdivision in the city or within a six mile radius thereof, unless the land platted is contiguous to and platted as an extension of an existing subdivision. (ORS 92.090)*

FINDING: The Applicant proposes the name, “Park View” in the Burden of Proof documentation, and provided a letter of approval from Kevin Samuel, the Deschutes County Surveyor. Staff verified that no other subdivision within a six mile radius includes the same name as, nor is it similar to or pronounced the same as any other subdivision within the radius area. Criteria met.

7. *The streets and roads are laid out so as to conform to an adopted Transportation System Plan for the area, and to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern.*

FINDING: As illustrated by the Applicant in their application, the proposed design integrates into the existing road grid in a safe and efficient manner, consistent with Development Code requirements and the adopted Transportation System Plan. Criteria regarding compliance with the adopted TSP and applicable code are addressed within this report, where the use is found to comply. Criteria met.

8. *Streets and roads for public use are to be dedicated to the public without any reservation or restriction; and streets and roads for private use are approved by the city as a variance to public access requirements.*

FINDING: The Applicant indicated in their Burden of Proof that proposed streets will be dedicated to the public. Criteria met.

9. *Adequate mitigation measures are provided for any identified and measurable adverse impacts on or by neighboring properties or the uses thereof or on the natural environment.*

FINDING: No specific measurable adverse impacts to neighboring properties have been identified. Criteria met.

10. *Provisions are made for access to abutting properties that will likely need such access in the future, including access for vehicular and pedestrian traffic, public facilities and services and utilities.*

FINDING: The Applicant illustrated within their application, the proposal includes the consideration for access to abutting properties. Barron Drive, as proposed, would be an extension of a street from a neighboring subdivision to the east, stretching from Crescent Creek Drive to Findley Drive. Masten Mill Drive as proposed would also be an extension of a street from a neighboring subdivision to the east, but would not abut Findley Drive. Instead, Arnold Avenue would run from north to south, connecting Masten Mill Drive at its western terminus to Barron Drive to the south. As illustrated, water and sewer utilities would extend to the terminus of Masten Mill Drive. As proposed, Masten Mill Drive and Arnold Avenue would both allow future access for vehicular and pedestrian traffic, as well as public facilities, services, and utilities. Criteria met.

Sec. 15.406.020. - Final plat for a subdivision.

A. Submission of final plat.

1. Time requirement.

- a. Except as otherwise approved in accordance with the approval of a master plan for a subdivision planned for unit or phase development, the subdivider shall, within two years after the date of approval of the tentative plan for a subdivision, prepare and submit the final plat for a subdivision that is in conformance with the tentative plan as approved and with all conditions applicable thereto. The number of copies required shall be as specified on the application form.*
- b. Final plats shall be subject to the Type I review procedure in article 7. If the subdivider fails to file the final plat before the expiration of the two-year period, the tentative plan approval shall be declared null and void and a new submittal required if the subdivider wishes to proceed with the development, unless an extension is granted by the city.*

(***)

FINDING: The above criterion requires the final plat to be recorded within two years of the tentative plan decision. To ensure compliance, a condition of approval is included stating that the final plat shall be filed and recorded within two years of the Planning Commission's final approval of the tentative plan. Failure to do so will result in the tentative plan approval being null and void and a new submittal will be required if the developer wishes to proceed with the development, unless an extension is granted by the city. With that condition, criteria met.

Sec. 15.406.040. - Subdivisions and PUD review

- A. Review of a subdivision or planned unit development shall follow the Type III review procedures set forth in Article 7.*
- B. Public hearing and notice required. Neither an outline development plan or a tentative plan for a proposed subdivision or PUD may be approved unless the City first advertises and holds a public hearing thereon according to applicable requirement in Article 7.*

FINDING: Review of the proposed Subdivision is following the Type III review procedures set forth in Article 7. A hearing was scheduled for August 21, 2024, was properly noticed through mailings, on site posting, and newspaper notice.

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

FINDING: The Applicant shall follow these procedures for all final plat submittals.

V. STAFF RECOMMENDATION:

Staff recommends submittal of additional evidence demonstrating compliance with LPDC Sec. 15.32.100.1.3.B of this report.

VI. RECOMMENDED CONDITIONS OF APPROVAL:

GENERAL:

1. 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. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
2. 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 three and one-half 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. Construction plans shall demonstrate compliance with these clear vision standards and shall be submitted to the City for review and approval prior to construction. No above ground equipment shall obstruct vision clearance areas for vehicular traffic.
3. If at any point 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, development permits may be restricted by the city until the deficiency has been resolved or rectified.
4. The final plat shall be recorded within two years of the tentative plan final decision. Failure to do so will result in the tentative plan approval being null and void and a new submittal will be required if the developer wishes to proceed with the development, unless an extension is granted by the city.
5. Per City of La Pine Ordinance No 2015-05 Section 6.12, the property owner of all proposed parcels will be responsible for maintenance and repair of the sewer/septic system to the point where the building sewer is connected to a City sewer main. This responsibility includes any costs of maintenance, repair, damage, and/or injury. The owner will be liable for any damage to the City system caused by an act of the owner and/or its tenants(s), agent(s), employee(s), contractor(s), licensee(s), and/or permittee(s). If any break, leak, and/or other damage to a building sewer occurs, the owner of the property served by the building sewer will cause repairs to be made immediately to minimize any sewer spillage.
6. All construction must meet City of La Pine Public Works Design Standards.

PRIOR TO FILING OF FINAL PLAT:

1. In addition to swales being provided alongside all newly proposed roads, vegetated swales shall also be provided for drainage alongside Crescent Creek Drive and Findley Drive for the length of the project area.
2. Engineering firms submitting sewer plans shall include a sewer profile. The profile will include the existing ground elevation, proposed street grade, existing utilities or other underground apparatus, pipe diameter, material and slope, manhole locations, station and invert elevations, horizontal and vertical scales, and trench backfill information. Plan views shall show all horizontal control required to build the sewer, streets, property lines and right-of-way, all planimetrics, utilities, north arrow and scale.
3. A septic tank is required at each developed property. Tank capacity shall be 1000 gallons minimum and shall be sized according to OAR 340-71-220(3). All new septic tanks, existing septic tanks, or used septic tanks must pass a leakage test prior to use. The City maintains septic tanks within city limits. The maintenance of septic tanks ends at the upstream wall of the septic tank. A maintenance easement must be created outside of public right away around septic tanks. Sewer lines upstream of the septic tanks are private and are not maintained by the City.
4. The Applicant shall locate septic tanks outside of driveway areas. If necessary to locate within driveway, tanks must be traffic rated.
5. 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.
6. As a minimum, all water and sewer infrastructure, compacted base rock, and street signage must be installed and inspected by the City. Construction plans shall be submitted to the City for review and approval.
7. A water demand calculation per the Oregon plumbing code shall be provided to determine the size of the water service line and water meter necessary for the project.
8. Stormwater calculations indicating compliance with the Central Oregon Stormwater Manual shall be provided to the City. Stormwater calculations may be depicted on the construction drawings.
9. All required public right of way and easements shall be depicted on the final plat map for grant or dedication by the recording of the plat. All public local street right of ways shall be 64 feet in width per the City of La Pine TSP.
10. Streetlights shall be installed and provided at the following locations: Intersections, Mid-block for blocks longer than 400 feet from center of intersection to center of intersection. Poles and fixtures shall conform to the power provider standards. Standard Mid State Electric head fixtures shall be used.
11. The applicant shall prepare and design engineered stamped construction plans to construct public improvements as proposed on the submitted tentative plans as well as those items required per City public works standards including street trees and streetlights. Final plans shall be submitted to the City with a signature line for City of La Pine Public Works Director.

12. The applicant shall provide the City with a performance bond of 120% of the cost of public improvements prior to beginning construction. Prior to construction, a pre-construction meeting with the construction contractor shall be held with City staff. All such agreements shall be reviewed and approved by the City Engineer and shall be in compliance with LPDC 15.94.020. All public improvements must be constructed Prior to final plat approval.
13. At the completion of construction of required improvements, the City will require a one-year maintenance surety bond for 10% of the value of all improvements, to guarantee maintenance and performance for a period of one year from the date of acceptance of the improvements.
14. 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. As Built's shall be submitted on a coordinate system recognized by the State of Oregon or on the Deschutes County Coordinate System.

PRIOR TO CONSTRUCTION:

1. Prior to construction of the roadways, an approach permit shall be obtained by the applicable roadway authority.
2. Prior to construction the proposed sidewalks shall be 6 feet in width, and shall be constructed to city standard.

PRIOR TO ISSUANCE OF BUILDING PERMITS:

1. All lots shall receive and be served by sanitary, sewer and water service and streets as improvements required pursuant to this chapter unless the improvements are in place, serviceable and approved by the City, with the service connections fees paid, and accepted by the City. All improvements required pursuant to this chapter and other applicable regulations or approval conditions shall be completed, in service and approved by the City, prior to sale or occupancy of any lot, parcel or building unit erected upon a lot within the subdivision.
2. All areas commonly owned by the owners within a townhome development shall be maintained by a homeowner's association or by the owners under a joint-maintenance agreement. Covenants, restrictions and conditions or a joint maintenance agreement acceptable to the city shall be recorded prior to issuance of a building permit. Additionally, if not addressed through covenants, conditions and restrictions, an agreement(s) for joint maintenance of party walls acceptable to the city shall be recorded prior to issuance of a building permit.
3. Lots shall comply with coverage and setback requirements (or applicant shall receive approved variances for such).
4. Any needed approvals from the City regarding land use shall be applied for and approved.

PRIOR TO ISSUANCE OF OCCUPANCY PERMITS:

1. Driveway aprons shall be installed prior to occupancy of any building on any lot.

DURATION OF APPROVAL: This approval shall lapse, and a new approval shall be required, if the use approved in this permit is not initiated within two (2) years of the date that this decision becomes final, or if development of the site is in violation of the approved plan or other applicable codes.

THIS DECISION BECOMES FINAL TWELVE (12) DAYS AFTER THE DATE MAILED, UNLESS APPEALED BY THE APPLICANT OR A PARTY OF INTEREST IN ACCORDANCE WITH ARTICLE 7 OF THE CITY OF LA PINE LAND DEVELOPMENT CODE.

PLANNING COMMISSION ACTION

- A. The Planning Commission may either:
 1. Approve the application and adopt findings contained in the staff report;
 2. Approve the application with modified findings; or
 1. Deny the application, specifying reasons why the applicant has not met the criteria.
 1. Continue the hearing to a date and time certain for the consideration of additional evidence.
- B. Staff will prepare an Order for the Chair's signature based on the Commission's decision.

August 6, 2024

Members of the Planning Commission

Thank you in advance for agreeing to hear and review recommendations from La Pine residents. Following are my thoughts regarding the planned Habitat for Humanity development near the Crescent Creek neighborhood.

Like most retired homeowners, my home is not just a place to live, but a long term investment as well. I have heard of the concept of NIMBYism (Not in my Backyard) and am conflicted. I have the utmost admiration for Habitat for Humanity and the need for low cost housing, giving hard working families a start on the American Dream. And I would like to see a better solution for all.

This is no doubt hurting home valuations, as Pahlisch has reduced new home prices here in Crescent Creek just since January when I purchased my home. My model has been reduced by \$10k since the start of the year—and they've added many upgrades for free in a rush to sell these homes. Some have experienced even greater reductions from their purchase price, as much as \$50k in the past 2 years. For comparison, Pahlisch has been raising new home prices in Redmond and Prineville, as much as \$40k this year. If our homes do decline further in value, this will negatively impact property tax revenues as most of us homeowners will request adjustments to our assessments.

I want to see the city of La Pine and Habitat for Humanity succeed and provide affordable new homes for hardworking Oregonians. I think there is a reasonable compromise.

I would recommend the following:

Relocate planned community to residential zoned area near Burgess Road and Rosland Elementary Schools. My reasoning is as follows:

1. Creates new development zone for even more housing for lower to moderate income including multi family.
2. Eliminates any negative impact to property values at Crescent Creek and thus property taxes which could be substantial—a 10% decline or reduction in appreciation could reduce property tax collections as much as \$97,850/yr and potentially more if this discourages future development of higher priced homes in the area—likely attracting even more lower income housing including multifamily. And certainly we'll see more homeowners moving out of the area, renting out their homes creating a further downward spiral.

My conservative math

206 Crescent Creek homes x average of \$475,000 = \$97,850,000 total property valuation

\$97,850,000 x 1% property tax rate = \$978,500/yr in property taxes

\$978,500 x 10% = \$97,850

3. Reduces any potential conflict between neighbors, residents and city leaders

I believe this is an ideal compromise for Crescent Creek homeowners, Habitat for Humanity and the City of La Pine.

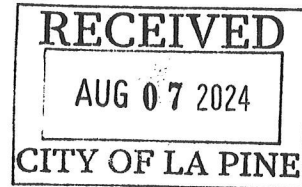
Thank you for your consideration.

Alvin Richard Harp Jr.
51981 Campfire Dr

Comments and Concerns- Land Use File 01sub-24 Habitat

August 7, 2023

Paul Henninger
51803 Fordham Drive
La Pine, Oregon 97739
pjhenninger@gmail.com
541-550-8177
Crescent Creek HOA Transitional Board Member



City of La Pine
P.O. Box 2460
16345 Sixth Street
La Pine, Oregon 97739
541-536-1432

To The City of La Pine Planning Commission.

I am responding to the public hearing on August 7, 2024, and request this be part of the record. I am a homeowner in Crescent Creek and on the Board of Directors. I speak for myself, and on behalf of concerns raised by members of the community during a recent community meeting.

History of Crescent Creek and Facilities:

It is important to understand the history of Crescent Creek and our capabilities within our community.

Crescent Creek is a development created in about 2004. It was developed before it was incorporated into the City of La Pine. Because of this, we are a unique community and development. Our streets are narrow, parking on the roadways is limited and restricted. We do not have streetlights or sidewalks and our residents, children and pedestrians, use the roadways for play and transportation. We do not allow our residents to park along the roadways as per HOA rules and for the safety of persons using our roads. We have private HOA common areas, a private clubhouse and a private park next to our clubhouse. We own the property of the clubhouse and the park. The park is unique as we have a public access use clause for the park. Yet, we own the park, maintain the park at the cost to the HOA and pay

taxes on the property. We also control the usage of the park with rules and regulations since we own it.

The clubhouse property and park were designed and created for 109 residential lots. Since that time, Crescent Creek has expanded to 225 residential lots. The clubhouse and park are inadequate for the population growth of our HOA and the developer did not address that issue with the new phases. We are very concerned about protecting our HOA Clubhouse, our HOA park and our HOA common areas.

We welcome neighborhood communities next to our community, but we want them to be self-sufficient with proper buffers to our housing lots, HOA clubhouse and HOA park properties. This includes a 20-foot buffer between our development including our clubhouse and park property. We want proper building setbacks. We want adequate common areas and parking within the new development, so they do not misuse our community property and our sub-standard roads. Most importantly we do not want the development to diminish the quality of our lives and our property values.

Specific Concerns and Comments of Proposed Plan.

15.32.02

B Transportation

Using Crescent Creek and Perimeter Collection Streets- This new development accesses their development through our community, Crescent Creek. Again, all our roadways within our community are sub-standard with pedestrians using the roadway for transportation. For safety, we are concerned of members of the new development parking along our roadways, especially on Crescent Creek Drive. We ask that the planning commission ensure the parking within the new development be adequate for their residents and guests. We also ask that no parking signs be installed on Crescent Creek adjacent to the new development and our HOA property for safety and to prevent short-term and long-term overflow parking from the new development. Finally, we ask that the City install a 4 way stop sign intersection at Findlay Drive and Crescent Creek Drive to slow down the additional traffic through our community and for the protection of pedestrians using that intersection.

Line item 4- parking- We strongly object to there not being continuous parking along their streets. It appears to be the intent of the developer.

G- Park District-

We protest the use of our HOA park to satisfy this requirement. Yes, our private park, owned, maintained and paid for by our HOA Community has public access. But it is too small and inadequate for the growth within our community, let alone the public. The City of La Pine parks department has failed to add any public taxpayer funded parks in our area with the large increase of residences in our area. So, we want to protect the park the best we can.

We request that a 6-foot screened or privacy fence be built on the development's boundary with our clubhouse property and park lot to control the access into these areas. Access onto our clubhouse property is restricted to Homeowners only and we are concerned about trespassing and vandalism to our clubhouse property. Access to our park is for Homeowners and open to the public. For the safety of all persons using our park, and for liability, we want to restrict access to the park, to the front, on Findley Drive. This will ensure the safety of persons using the park as we can properly monitor the park. Finally, a six-foot fence with screening, will maintain the visual quality of our HOA property, instead of looking directly into the backyards and homes. Think of the families and children using the park and sometimes views into backyards are not appropriate.

H- Open Space- We strongly protest the developments attempt to not require the 20-foot buffer between our clubhouse property and the park property. They are using the park and clubhouse property as an excuse to not provide the required buffer area between developments. This is an attempt to reduce common area for their residents and to infringe visually into our development. The developer is also trying to reduce the back setbacks for their residences using the park as an excuse. The buffers and required setbacks are in place for obvious reasons. Any reduced buffer and setbacks will be detrimental to the residents of the new development and our community.

15.32.02. B7

Network of Multi Use Paths

There are inadequate sidewalks and paths in our area and along the streets. There does not seem to be plans for adequate paths to access Huntington. Huntington is dangerous to pedestrians and the high speeds of 45 MPH make it even more dangerous for the existing land use of the area. The new development is on a restricted view corner of Huntington Road.

For the safety of children, handicapped persons and pedestrians, this development should be required to provide a walking trail along their property on Huntington Road that connects to Findlay drive.

Finally, we request that the City of La Pine, which has the authority to do so under state law, change the speed limit of Huntington Drive north and past the new development to 30 MPH as it is south of Findlay Drive. It is time for the city to look to the future to ensure the safety of our children and pedestrians using Huntington Road.

Thank you for your time and action on these matters,

Paul Henninger
Resident



Transitional HOA Board Member, Crescent Creek Homeowners Association

CC:

Ruth Germer, CMCA
Community Manager

Crystal Lakes Management Company
541-312-2296

ruthg@crystallakecm.com

August 8, 2024

ATTN: Teri Myers, Vice-Chair
City of La Pine Planning Commission

Thank you for allowing us to participate in yesterday's Planning Commission Meeting. It was very helpful for us to understand how the planning process works in La Pine, from project application to public notification to project approval.

We would greatly appreciate if you would review the recommendations of Crescent Creek homeowners for the planned Habitat For Humanity development off Huntington Road and Crescent Creek.

First I'd like to share my personal observations as a new La Pine homeowner and full time resident.

Like most retired homeowners, my home is not just a place to live, it's a long term investment as well. I have heard of the concept of NIMBYism (Not in my Backyard) and am conflicted. I have the utmost admiration for Habitat for Humanity and their mission to provide low cost housing, giving hard working families access to the American Dream. Most of the homeowners I have spoken with at Crescent Creek also share this view and want to see Habitat build many successful projects in La Pine.

The announcement of this development is no doubt hurting home valuations in nearby single family neighborhoods. Pahlisch has reduced new home prices here in Crescent Creek, My model has been reduced by \$10k since my purchase at the start of the year. Pahlisch has yet to notify any recent or prospective homebuyers of this new Habitat development. They have sped up construction in a rush to sell the remaining homes before the Habitat project commences construction. For comparison, Pahlisch has been raising new home prices in Redmond and Prineville, as much as \$40k this year. If our homes do decline further in value, this will negatively impact property tax revenues as homeowners will request adjustments to our assessments.

We want to see the City of La Pine and Habitat for Humanity succeed and provide affordable new homes for hardworking Oregonians. We think there is a better solution for all.

Recommendation

Relocate planned Habitat community to the residential zoned area between Burgess Road, Rosland Elementary School and Hwy 97. (see Note 1)

Our reasoning is as follows:

1. Creates potential for new development zone (R-4 High Density Housing) within the Master Plan for even more housing for lower to moderate income La Pine residents, including multi family.
 - The city of Prineville has a very logical master plan with 5 different residential zones all designed to maintain the character of their neighborhoods and encourage future development and growth. Most notably is the designation of R-4 around their Pahlisch development (Ochoco Pointe) as well as other higher priced single family developments. Pahlisch has begun development of additional phases in Ochoco Pointe.

2. Improves proximity to elementary school and Hwy 97 to Bend, where most working families commute.
3. The land near Burgess and Rosland Elementary has infrastructure in place including electricity, water and sewer. There is also a paved road off Burgess already in place, likely saving the city money in construction expenses.
4. Eliminates negative impact to property values for Crescent Creek and a potential reduction in property tax revenue for La Pine and Deschutes County.
 - A. 10% decline or reduction in appreciation could reduce property tax collections as much as \$97,850/yr (see Note 2)
 - B. This will discourage future development of single family homes in the area. Developers like Pahlisch will opt out as they will not be able to make new developments financially feasible
 - C. As developers that target middle class homeowners like Pahlisch opt out of La Pine, this valuable land in La Pine will likely be developed into lower income housing including multifamily. And certainly we'll see more Crescent Creek homeowners moving out of the area. This may create a further downward spiral as La Pine becomes more transient.

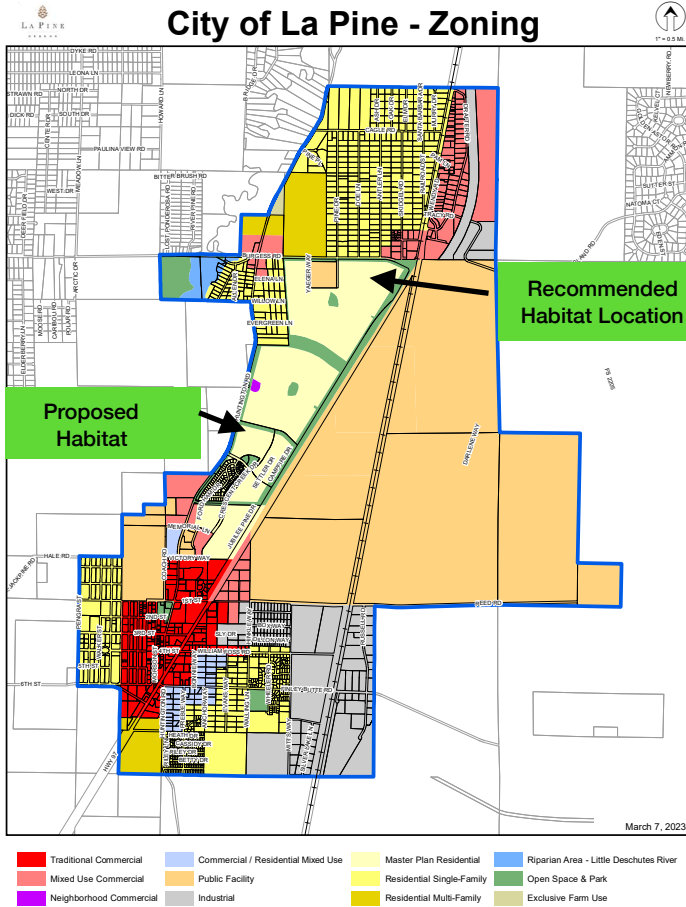
I love the city of La Pine and chose to retire here instead of Redmond or Prineville because of the beautiful pine trees, the snow, and the close proximity to natural attractions. I hope you will see this is an ideal compromise and a better overall solution for Habitat for Humanity, the City of La Pine and Crescent Creek Homeowners.

I would love to sit down with you and discuss further. Thank you for your consideration.

Alvin Richard Harp Jr.
51981 Campfire Dr
(702) 308-4870

Notes

1 City of La Pine Zoning Map



2 Estimated Property Tax Impact

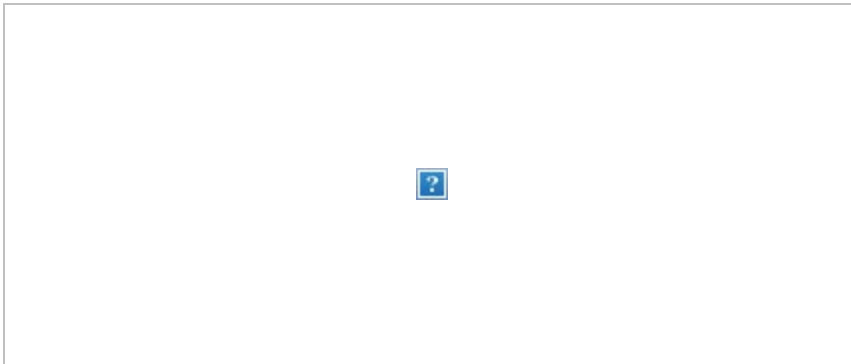
206 Crescent Creek homes x average of \$475,000 = \$97,850,000 total property valuation

\$97,850,000 x 1% property tax rate = \$978,500/yr in property tax revenue

\$978,500 x 10% decline = \$97,850/yr in lost property tax revenue

From: [Brent Bybee](#)
To: [Charles and Sondra Anderson](#); [Rachel Vickers](#)
Subject: RE: Notice of Public Hearing
Date: Tuesday, August 13, 2024 12:21:00 PM
Attachments: [image001.png](#)

Thank you Sondra, your comments will be included in the record.



From: Charles and Sondra Anderson <POCO976@outlook.com>
Sent: Thursday, August 8, 2024 5:03 PM
To: Brent Bybee <bbybee@lapineoregon.gov>; Rachel Vickers <rvickers@lapineoregon.gov>
Subject: Notice of Public Hearing

Brent & Rachel,

Since a continuous meeting has been scheduled for the Habit for Humanity building site at Crescent Creek for August 21, 2024, there should be Notice of Public Hearing signs posted at entrance to Crescent Creek, Building site and Huntington Rd.

Public needs to be aware.

Thank you,

Sondra Anderson

Sent from my Verizon, Samsung Galaxy tablet

Get [Outlook for Android](#)

From: [Brent Bybee](#)
To: [Charles and Sondra Anderson](#); [Rachel Vickers](#)
Subject: RE: Public Notice Hearing Signs
Date: Tuesday, August 13, 2024 12:34:00 PM
Attachments: [image001.png](#)

Hello Folks,

I will include your comments in the record for the application.

If you have questions regarding hearing notices, please review [LPDC Sec. 15.204.030](#)



From: Charles and Sondra Anderson <POCO976@outlook.com>
Sent: Monday, August 12, 2024 4:39 PM
To: Brent Bybee <bbybee@lapineoregon.gov>; Rachel Vickers <rvickers@lapineoregon.gov>
Subject: Public Notice Hearing Signs

Good Afternoon,

I recently sent a request for updated signs to be posted in Crescent Creek neighborhood and Huntington Rd. for the August 21 2024 meeting.

Thus far no response or action has been taken. Is there another person I should be reaching out to?

Thank you,

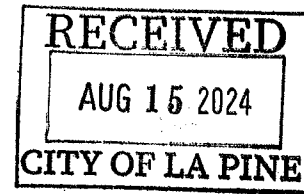
Sondra Anderson

Sent from my Verizon, Samsung Galaxy tablet

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August 15, 2024

Teri Myers
Chair of Planning Commission
Re: Proposed Habitat for Humanity Townhomes



Dear Madam Chair:

Thank you very much for your cordial reception and patience with the Crescent Creek homeowners who appeared at the August 7th meeting. Many of us at that meeting had just heard of the Habitat project and were eager to understand the planning commission process. This project is of great concern to us because we have seen the outcome of similar projects. One need simply drive by some of these established projects to gain an objective view of what lies ahead for Crescent Creek homeowners. Roughly 40% of those homeowners show pride of ownership with kempt yards and other exterior maintenance and might be good neighbors. Sadly, the other 60% have overgrown yards, piles of trash, furniture items and all manner of junk strewn about. These homeowners clearly have no regard for their property or the impact their neglect has on their neighbors. I hope the Planning Commission and City Council will not demonstrate similar disregard for Crescent Creek homeowners by approving this proposal that would so closely interconnect these 34 townhomes with existing homes via roads and a tiny greenspace that were not built for this scale.

I have heard discussions of how to lessen the impact with a fence and signs and enforcing rules. I bought into that idea many years ago and life taught me that there is no mitigating a certain kind of mindset. My husband and I had a neighbor who refused to maintain their property. When we attempted to sell our property, my husband mowed their yard for a year, stepping in dog waste and maneuvering around an old sewing machine, barrels of beer bottles and other junk they declined to haul away. Instead of repairing a window, they boarded it up. When a hurricane was forecast, they cross-taped their windows with blue tape and then never removed it. Our realtor suggested we paint their house so we could sell ours. When we finally sold our home, we did so at great loss.

My husband and I purchased our home on Masten Mill Dr in 2022 and reasonably expected that our home would hold its value. At that time, we were told by the realtors that custom homes were going to be built precisely where the 34 Habitat townhomes are now proposed. We are unclear about how such a drastic change occurred, but we are certain this project will have a devastating impact on our neighborhood and our home values.

Crescent Creek is a quiet neighborhood with residents that take good care of their yards. We are not wealthy people. At least one third of us are aged 55 and older. We recognize that many people in Central Oregon struggle with our high cost of living. We seniors have the added burden of increasing health challenges, rising medical expenses and a decreasing income. I am an older health care provider who works extensively with seniors struggling to maintain their independence as they undergo physical and cognitive decline. I know this terrain well. We face surgeries, hospitalizations, expensive procedures and expensive medications that are not fully covered by insurance. These challenges come sooner than most people anticipate and cost much more than anyone expects. Costs will pile up year after year while our income remains fixed. We will draw from our savings and at some point, we will need our home equity to fund our later years. This is a hard truth that deserves to be acknowledged by the Planning Commission and City Council.

The great thing about being an older adult is that we have a wealth of life experience and are pretty good at problem solving. We have the time to do research, serve on committees, advocate for smart policies and support elected officials who engage in wise decision making. We care about our community and are often available to help when asked.

Although I have written about my demographic, I would be remiss if I didn't mention the young families and middle-aged members of our neighborhood that worked very hard to save for their down payment and continue to work every day to provide for their family. This project will have a devastating impact on everyone in Crescent Creek and neighboring developments.

We at Crescent Creek hold Habitat for Humanity in high regard and want to see smart development for lower income families. We believe there are better locations for these townhomes, perhaps near Rosland School, where infrastructure already exists and there is easy access to U.S. 97 for their work commute. Research studies indicate that kids who live near schools do better in math.

We want to see our officials make wise development decisions in our growing City of La Pine. We want stable home values that provide tax revenue to serve our entire community. We believe this project location is bad for La Pine. We believe it will facilitate a downward spiral of declining home values with declining tax revenue as well as lead businesses and builders to go elsewhere. This downward spiral will further embed the derogatory attitude many in Sunriver and Bend have for residents of La Pine. I wonder if the Planning Commission and Council members think about the impact this sort of negative bias has on opportunities for our residents and development in our area. Conversely, if officials that believe in our potential to be a nice yet affordable place to live would wisely guide our growth - there would be more opportunities for everyone, especially the lower income families that Habitat seeks to help.

Madam Chair, I am pleading with you to advocate for our seniors' retirement nest eggs and the investments of my fellow homeowners by voting Nay and encouraging your fellow commission members and City Council to do the same. Please help shepherd our community toward a brighter path.

Respectfully,

Victoria D'Auteuil

16675 Masten Mill Dr.
La Pine, OR 97739