



CITY OF LA PINE, OREGON
JOINT BOARD OF COUNTY COMMISSIONERS/CITY COUNCIL MEETING
&
REGULAR CITY COUNCIL MEETING

Wednesday, November 13, 2024, at 5:00 PM
La Pine City Hall: 16345 Sixth Street, La Pine, Oregon 97739

Available online via Zoom: <https://us02web.zoom.us/j/83817497662>

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 A QUORUM

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Three (3) minutes per person; when asked to the podium, please state your name and whether you live within La Pine city limits.

JOINT BoCC AND CITY COUNCIL MEETING

The Joint BoCC and City Council Meeting is held in a workshop format where the elected officials from each body discuss subject areas of interest to both jurisdictions. This format is intended to facilitate conversation but does not yield legislative or judicial action during the session. Public Comments are permitted at the discretion of the presiding member of the City of La Pine City Council.

BUSINESS:

1. Homelessness solutions post Darlene Fire – City/County Collaboration Discussion
2. County road winter road conditions – Protocol Discussion
3. Newberry Lift Station – Funding Discussion
4. Solid Waste - Dumping related to code enforcement cases – IGA Discussion
5. Community Cleanup Event(s) - City/County Collaboration Discussion

OTHER ITEMS NOT ON AGENDA

REGULAR COUNCIL SESSION

ADDED AGENDA ITEMS

Any matters added to the Agenda at this time will be discussed during the “Other Matters” portion of this Agenda or such time selected by the City Council

CONSENT AGENDA

Information concerning the matters listed within the Consent Agenda has been distributed to each member of the City Council for reading and study, is considered to be routine, and will be enacted or approved by one motion of the City Council without separate discussion. If separate discussion is desired concerning a particular matter listed within the Consent Agenda, that matter may be removed from the Consent Agenda and placed on the regular agenda by request of any member of the City Council.

- 1. 10.23.24 Regular City Council Meeting Minutes.....4.
- 2. Financial Summary – September 2024.....9.
- 3. Interest Report – August - September 2024.....13.

PRESENTATIONS:

None

PUBLIC HEARING:

- 1. 01TA-23 : Proposed Development Code Amendments
 - a. Staff Report.....14.
- 2. 01TA-24 : Proposed Development Code Amendments
 - a. Staff Report.....21.

OLD BUSINESS:

None

NEW BUSINESS:

- 1. Ordinance 2024-02
 - a. Staff Memorandum.....67.
 - b. Ordinance 2024-02.....69.
- 2. Ordinance 2024-03
 - a. Staff Memorandum.....94.
 - b. Ordinance 2024-03.....95.

PUBLIC COMMENTS

Three (3) minutes per person; when asked to the podium, please state your name and whether you live within La Pine city limits.

STAFF COMMENTS

MAYOR & COUNCIL COMMENTS

ADJOURNMENT

EXECUTIVE SESSION: Per ORS 192.660 if necessary

None

EXECUTIVE SESSION

The public will not be permitted to attend the executive session; provided, however, representatives of the news media and designated staff will be allowed to attend the executive session. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the executive session as previously announced. No decision will be made in the executive session.



CITY OF LA PINE, OREGON
REGULAR CITY COUNCIL MEETING

Wednesday, October 23, 2024, 5:30 p.m.

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

Available online via Zoom: <https://us02web.zoom.us/j/83388579462>

MINUTES

CALL TO ORDER

Mayor Richer called the meeting to order at 5:30 p.m.

ESTABLISH A QUORUM

Council

Mayor Richer

Council President Van Damme

Councilor Shields

Councilor Ignazzitto

Councilor Morse

Staff

Geoff Wullschlager – City Manager

Ashley Ivans – Finance Director

Kelly West – Public Works Director

Brent Bybee – Principal Planner

Amanda Metcalf – City Recorder

PLEDGE OF ALLEGIANCE

Mayor Richer led the Pledge of Allegiance.

ADDED AGENDA ITEMS

None.

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

1. 10.09.2024 Regular City Council Meeting Minutes

2. Financial Reports
 - a. Financial Summary – July
 - b. Interest Report – July
 - c. Financial Summary – August
 - d. Interest Report – August

Councilor Ignazzitto made a motion to approve the consent agenda. *Council President Van Damme seconded the motion.* Motion passed unanimously.

OLD BUSINESS:

None.

NEW BUSINESS:

1. USDA Wastewater Bonds
 - a. Staff Report
 - b. Resolution 2024-19 – A Resolution for USDA Wastewater Bond No. 1
 - c. Resolution 2024-20 – A Resolution for USDA Wastewater Bond No. 2

Finance Director Ivans presented the associated staff report for the acquisition of two wastewater bonds totaling, \$13,000,000. She explained that that the sewer portion of the water and wastewater expansion project is funded through grants and loans by U.S. Department of Agriculture (USDA) and Department of Environmental Quality (DEQ).

Councilor Ignazzitto made a motion to approve Resolution 2024-19, a resolution for the issuance and sale of Sewer Revenue Bond No. 1. *Councilor Morse seconded the motion.* Mayor Richer called for a roll call vote.

Council President Van Damme – Aye

Councilor Shields – Aye

Councilor Ignazzitto – Aye

Councilor Morse – Aye

Motion Passed unanimously.

Council President Van Damme made a motion to approve Resolution 2024-20, a resolution for the issuance and sale of Sewer Revenue Bond No. 2. *Councilor Shields seconded the motion.* Mayor Richer called for a roll call vote.

Councilor Morse – Aye

Councilor Ignazzitto – Aye

Councilor Shields – Aye

Council President Van Damme – Aye

Motion Passed unanimously.

OTHER MATTERS

None.

PUBLIC COMMENTS

There were no public comments.

STAFF COMMENTS

Finance Director Ivans gave an update on the current audit and stated that field work will start next week.

She said that the City is recruiting for a utility biller and a civil engineer.

She said after an audit of the utility billing accounts for the water and wastewater expansion project, only 3 missed addresses were found, and this is currently being corrected.

Lastly, she introduced Kim Young from USDA and expressed the great working relationship that the City and USDA has had.

City Recorder Metcalf did not have any comments.

Principal Planner Bybee gave an update regarding the recent development on Hwy 97. He stated Starbucks has applied and the application is being reviewed for completeness. He also stated that the location where the old highway center was located does not have any applications.

He explained that the Planning Commission has recommended approval of the code amendments, and they will be presented to the City Council for approval at the November 13th meeting.

He gave an update for long range planning, La Pine 2045 is officially halfway completed and explained that there will be one more community summit, committee meeting, and public engagement. He stated that he will present to the Council a more detailed update.

Additionally, staff is working with Oregon Department of Transportation (ODOT) and Oregon Department of Land Conservation and Development (DLCD) on the Transportation Growth Management (TGM) grant for the Transportation System Plan (TSP) update. He said that the update should commence summer of 2025. Once the TSP update is finalized the comprehensive plan will be amended to include the new TSP update.

He said that he is working with community planning assistance for wildfire (CPAW) and will have a more detailed update soon.

Lastly he stated that Associate Vickers presented at the recent chambers of commerce breakfast.

Public Works Director West gave the Council a staff report detailing all the updates within the public works department. He stated that the department has purchased a new sewer line jetter, and staff are currently cleaning the sewer main on Hwy 97. Additionally, he stated that within the water department a 1.2-million-gallon tank had cathodic protection placed on it. The project at the wells is moving along, and well #2 is now online.

City Manager Wullschlager expanded on the new sewer line jetter and how much it will benefit the community. He stated staff can now address sewer line issues in a timely manner, additionally, the cost is significantly lower than if it was outsourced.

He gave an update on the water and wastewater expansion project and said that Taylor Northwest is finishing the last connections to city water and sewer.

He gave an update on the industrial lift station, and that the installation should start in the spring of 2025.

He invited the Council to the land use hearing training next week. He explained that the Planning Commission requested this training and stated that it will be beneficial for the Council since they are the appeal board for the Commission.

He updated the Council regarding La Pine Parks and Recreation. He stated that the Board of County Commissioners has appointed five new board members.

He stated that he is finishing the request for a proposal (RFP) for the spec building in the industrial park.

Lastly, he stated that he sent over the areas of policy provisions, with input from the City Council to the Regional Housing Council. These included affordable housing, public improvements, transportation funding, general system updating, insurance reform and funding for social infrastructure.

MAYOR & COUNCIL COMMENTS

Council President Van Damme thanked everyone that has been apart with the expansion project. And appreciation to all the community members that attended the meeting.

Councilor Shields asked Finance Director Ivans if there were any applications for the civil engineer position.

Finance Director Ivans informed the Council that we have not had any qualified applicants apply.

Councilor Ignazzitto thanked Kim Young, and the staff that attended the League of Oregon Cities (LOC) conference and explained her experiences speaking with other small city council members.

Councilor Morse didn't have any comments.

Mayor Richer thanked everyone for attending and welcomed the public to make comments at future meetings.

EXECUTIVE SESSION: per ORS 192.660 if necessary

ADJOURNMENT

Mayor Richer adjourned the meeting at 5:57 p.m.

SIGNATURE PAGE TO FOLLOW

Date: _____

Daniel Richer, Mayor

ATTEST:

Date: _____

Amanda Metcalf, City Recorder



FINANCIAL SUMMARY September 30, 2024

TOTAL RESOURCES - BUDGET TO ACTUAL

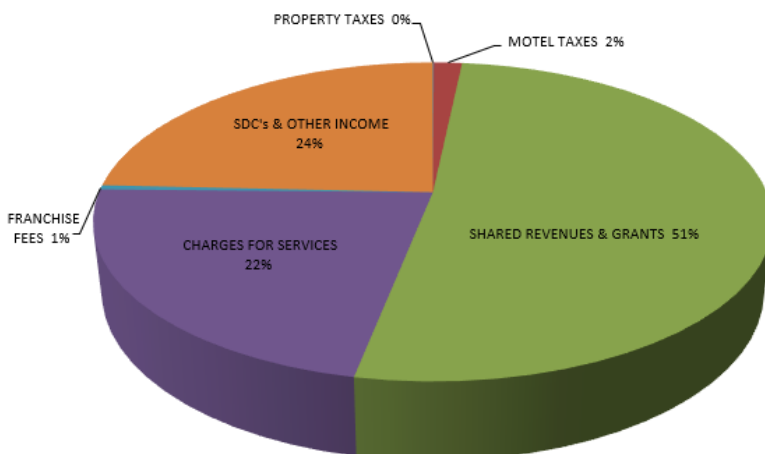
AS OF SEPTEMBER 30, 2024

	Year To Date	FY 2024-25 Budget	Budget Remaining	(25% lapsed) % Earned
BEGINNING FUND BALANCE	17,587,219	17,587,219	-	100.0%
PROPERTY TAXES	1,819	457,500	455,681	0.4%
MOTEL TAXES	51,087	156,000	104,913	32.7%
SHARED REVENUES & GRANTS	1,642,755	5,609,797	3,967,042	29.3%
CHARGES FOR SERVICES	708,835	2,210,575	1,501,740	32.1%
FRANCHISE FEES	14,090	328,225	314,135	4.3%
SDC's & OTHER INCOME	774,945	1,196,700	421,755	64.8%
	<u>20,780,749</u>	<u>27,546,016</u>	<u>6,765,267</u>	<u>75.4%</u>

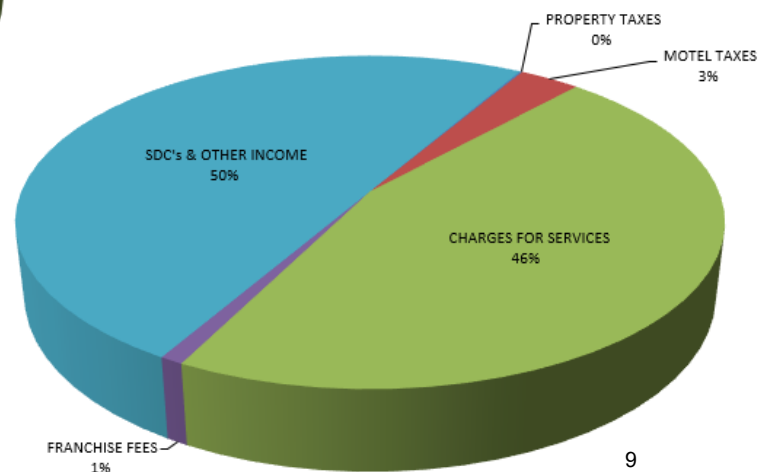
FINANCIAL HIGHLIGHTS – RESOURCES

- SDC's are higher than projected already. This is likely due to the influx of building during the summer months, and will likely slow as cooler weather sets in.
- Charges for Services are also in line with budgetary expectations.
- Franchise Fees are lower than projected because a large contributor pays quarterly, and that payment has not been received yet.

RESOURCES BY TYPE EXCLUDING FUND BALANCE



RESOURCES BY TYPE EXCLUDING GRANTS



RESOURCES - BUDGET TO ACTUAL BY FUND

AS OF SEPTEMBER 30, 2024

	Year	FY 2024-25	Budget	(25% lapsed)
	To Date	Budget	Remaining	% Earned
GENERAL FUND				
BEGINNING FUND BALANCE	2,870,326	2,870,326	-	100.0%
PROPERTY TAXES	1,819	457,500	455,681	0.4%
SHARED REVENUES & GRANTS	2,829	85,000	82,171	3.3%
MOTEL TAXES (30%)	15,326	56,000	40,674	27.4%
CHARGES FOR SERVICES	30,376	16,375	(14,001)	185.5%
FRANCHISE FEES	4,227	105,075	100,848	4.0%
MISCELLANEOUS & OTHER INCOME	241,214	69,500	(171,714)	347.1%
INTERFUND TRANSFERS - IN	-	554,750	554,750	0.0%
	<u>3,166,117</u>	<u>4,214,526</u>	<u>493,660</u>	<u>75.1%</u>
CEMETERY FUND				
BEGINNING FUND BALANCE	42,013	42,013	-	100.0%
CHARGES FOR SERVICES	-	1,200	1,200	0.0%
INTERFUND TRANSFERS - IN	-	-	-	
MISCELLANEOUS & OTHER INCOME	-	700		
	<u>42,013</u>	<u>43,913</u>	<u>1,200</u>	<u>95.7%</u>
STREETS FUND				
BEGINNING FUND BALANCE	1,681,883	1,681,883	-	100.0%
SHARED REVENUES & GRANTS	37,560	645,000	607,440	5.8%
FRANCHISE FEES	9,863	223,150		
MISCELLANEOUS & OTHER INCOME	-	17,000	17,000	0.0%
INTERFUND TRANSFERS - IN	-	325,000	325,000	0.0%
	<u>1,729,306</u>	<u>2,892,033</u>	<u>949,440</u>	<u>59.8%</u>
TOURISM FUND				
BEGINNING FUND BALANCE	360,557	360,557	-	100.0%
MOTEL TAXES	35,761	100,000	64,239	35.8%
MISCELLANEOUS & OTHER INCOME	-	3,500	3,500	
	<u>396,318</u>	<u>464,057</u>	<u>67,739</u>	<u>85.4%</u>
COMMUNITY DEVELOPMENT FUND				
BEGINNING FUND BALANCE	510,293	510,293	-	100.0%
CHARGES FOR SERVICES	10,400	40,000	29,600	26.0%
ADVANCED PLANNING FEES	13,474	45,000	31,526	29.9%
MISCELLANEOUS & OTHER INCOME	-	51,000	51,000	0.0%
INTERFUND TRANSFERS - IN	-	155,000	155,000	0.0%
	<u>534,167</u>	<u>801,293</u>	<u>267,126</u>	<u>66.7%</u>
INDUSTRIAL/ECONOMIC DEVELOPMENT				
BEGINNING FUND BALANCE	1,924,327	1,924,327	-	
SHARED REVENUES & GRANTS	668	29,771	29,103	2.2%
INDUSTRIAL SITE LEASES / SALES	1,825	17,500	15,675	10.4%
MISCELLANEOUS & OTHER INCOME	-	30,000	30,000	0.0%
	<u>1,926,820</u>	<u>2,001,598</u>	<u>74,778</u>	<u>96.3%</u>
RESERVE FUND - WATER/SEWER				
BEGINNING FUND BALANCE	452,670	452,670	-	100.0%
INTERFUND TRANSFERS - IN	-	400,000	400,000	0.0%
	<u>452,670</u>	<u>852,670</u>	<u>400,000</u>	<u>53.1%</u>
DEBT RESERVE FUND				
BEGINNING FUND BALANCE	193,503	193,503	-	100.0%
INTERFUND TRANSFERS - IN	-	734,227	734,227	0.0%
	<u>193,503</u>	<u>927,730</u>	<u>-</u>	<u>20.9%</u>
EQUIPMENT RESERVE FUND				
INTERFUND TRANSFERS - IN	-	285,000	285,000	0.0%
	<u>-</u>	<u>285,000</u>	<u>-</u>	<u>0.0%</u>
SDC FUND				
BEGINNING FUND BALANCE	4,665,141	4,665,141	-	100.0%
SYSTEM DEVELOPMENT CHARGES	521,344	920,000	398,656	56.7%
INTERFUND TRANSFERS - IN	-	250,000		0.0%
MISCELLANEOUS & OTHER INCOME	-	15,000	15,000	0.0%
	<u>5,186,485</u>	<u>5,850,141</u>	<u>398,656</u>	<u>88.7%</u>
WATER FUND				
BEGINNING FUND BALANCE	3,251,078	3,251,078	-	100.0%
GRANT REVENUE	769,502	1,547,526	778,024	49.7%
CHARGES FOR SERVICES	338,850	1,018,000	679,150	33.3%
MISCELLANEOUS & OTHER INCOME	12,387	34,500	22,113	35.9%
	<u>4,371,817</u>	<u>5,851,104</u>	<u>1,479,287</u>	<u>74.7%</u>
SEWER FUND				
BEGINNING FUND BALANCE	1,635,428	1,635,428	-	100.0%
GRANT REVENUE	818,722	3,302,500	2,483,778	24.8%
CHARGES FOR SERVICES	327,384	1,117,500	790,116	29.3%
MISCELLANEOUS & OTHER INCOME	-	10,500	10,500	0.0%
	<u>2,781,534</u>	<u>6,065,928</u>	<u>3,284,394</u>	<u>45.9%</u>

FINANCIAL SUMMARY
September 30, 2024

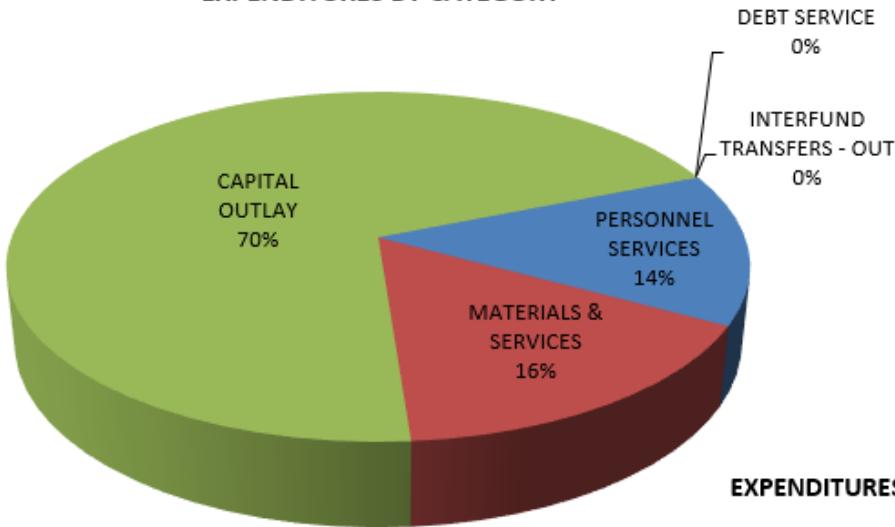
AS OF SEPTEMBER 30, 2024

	Year To Date	FY 2024-25 Budget	Budget Remaining	(25% lapsed)
PERSONNEL SERVICES	356,456	2,028,155	1,671,699	17.6%
MATERIALS & SERVICES	401,306	3,181,650	2,780,344	12.6%
CAPITAL OUTLAY	1,774,935	9,810,626	6,529,791	18.1%
DEBT SERVICE	-	1,192,908	1,192,908	0.0%
INTERFUND TRANSFERS - OUT	-	2,703,977	2,672,227	0.0%
	2,532,697	18,917,316	14,846,969	13.4%

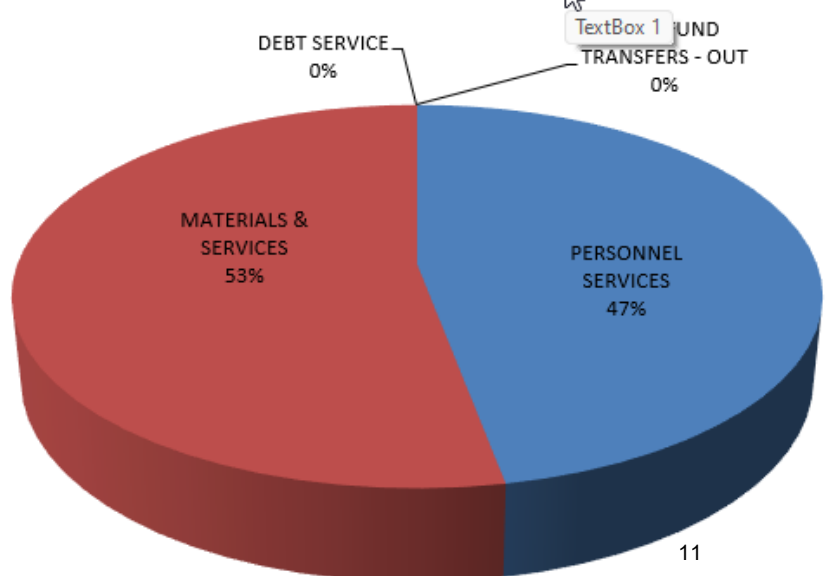
FINANCIAL HIGHLIGHTS – EXPENDITURES:

- All expenses are in line with staff expectations
- Interfund transfers have not been made, and will likely be made in January, during the mid-year budget review.

EXPENDITURES BY CATEGORY



EXPENDITURES BY CATEGORY EXCLUDING CAPITAL OUTLAY



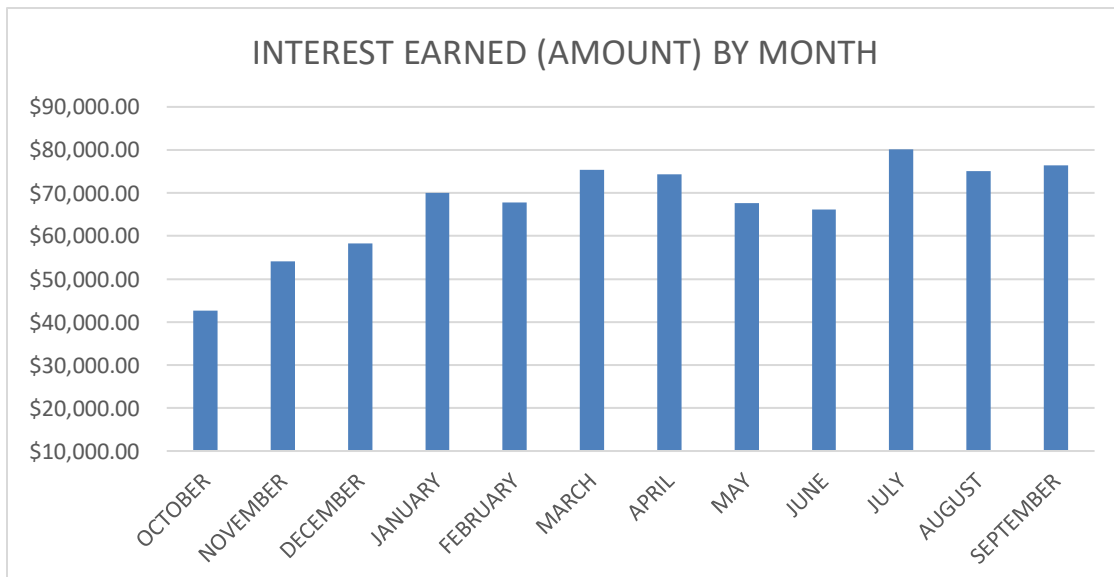
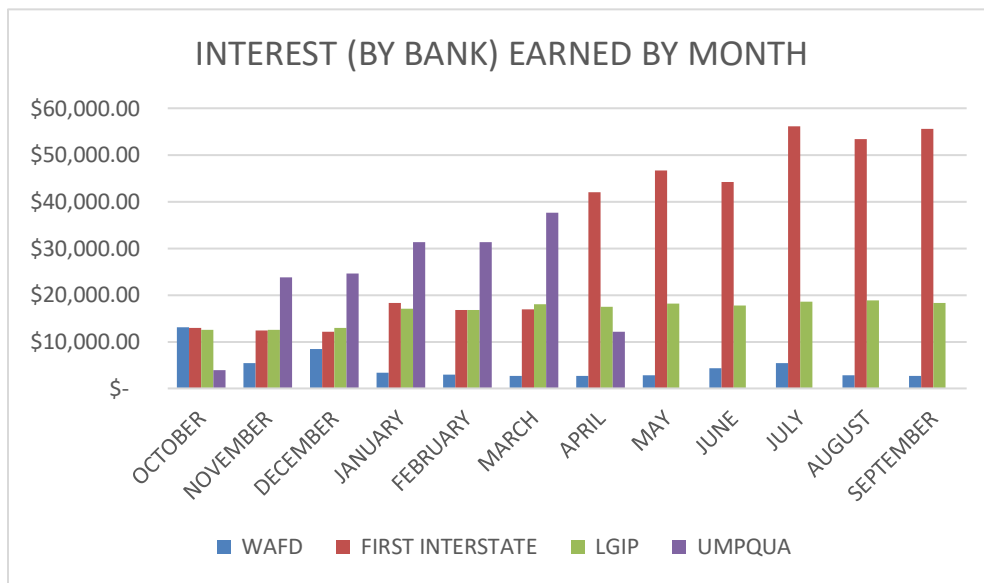
EXPENDITURES - BUDGET TO ACTUAL BY FUND

AS OF SEPTEMBER 30, 2024

	Year To Date	FY 2024-25 Budget	Budget Remaining	(25% lapsed) % Expended
GENERAL FUND				
PERSONNEL SERVICES	42,743	220,497	177,754	19.4%
MATERIALS & SERVICES	68,118	567,700	499,582	12.0%
CAPITAL OUTLAY	96,579	316,700	220,121	30.5%
DEBT SERVICE	-	42,908	42,908	0.0%
INTERFUND TRANSFERS - OUT		480,000	480,000	0.0%
	<u>207,440</u>	<u>1,627,805</u>	<u>1,420,365</u>	<u>12.7%</u>
CEMETERY FUND				
MATERIALS & SERVICES	3,175	24,100	20,925	13.2%
CAPITAL OUTLAY	-	5,000	5,000	0.0%
	<u>3,175</u>	<u>29,100</u>	<u>25,925</u>	<u>10.9%</u>
STREETS FUND				
PERSONNEL SERVICES	35,186	272,875	237,689	12.9%
MATERIALS & SERVICES	45,466	293,950	248,484	15.5%
CAPITAL OUTLAY	44,368	970,000	925,632	4.6%
INTERFUND TRANSFERS - OUT		261,750	261,750	0.0%
	<u>125,020</u>	<u>1,798,575</u>	<u>1,673,555</u>	<u>7.0%</u>
TOURISM FUND				
MATERIALS & SERVICES	24,060	125,650	101,590	19.1%
CAPITAL OUTLAY		75,000	75,000	0.0%
INTERFUND TRANSFERS - OUT	-	25,000	25,000	0.0%
	<u>24,060</u>	<u>225,650</u>	<u>201,590</u>	<u>10.7%</u>
COMMUNITY DEVELOPMENT FUND				
PERSONNEL SERVICES	73,306	379,477	306,171	19.3%
MATERIALS & SERVICES	16,873	89,150	72,277	18.9%
CAPITAL OUTLAY	19,739	199,700	179,961	9.9%
INTERFUND TRANSFERS - OUT	-	38,750	38,750	0.0%
	<u>109,918</u>	<u>707,077</u>	<u>597,159</u>	<u>15.5%</u>
INDUSTRIAL AND ECONOMIC DEVELOPMENT				
MATERIALS & SERVICES	13,006	220,900	207,894	5.9%
CAPITAL OUTLAY	800	1,506,700		
INTERFUND TRANSFERS - OUT		31,750		
	<u>13,806</u>	<u>1,759,350</u>	<u>207,894</u>	<u>0.8%</u>
SDC FUND				
MATERIALS & SERVICES	-	1,050,000	1,050,000	0.0%
CAPITAL OUTLAY	-	1,500,000	1,500,000	0.0%
	<u>-</u>	<u>2,550,000</u>	<u>2,550,000</u>	<u>0.0%</u>
WATER FUND				
PERSONNEL SERVICES	104,535	587,423	482,888	17.8%
MATERIALS & SERVICES	117,238	337,200	219,962	34.8%
CAPITAL OUTLAY	838,594	1,810,026	971,432	46.3%
DEBT SERVICE	-	500,000	500,000	0.0%
INTERFUND TRANSFERS - OUT	-	1,387,737	1,387,737	0.0%
	<u>1,060,367</u>	<u>4,622,386</u>	<u>3,562,019</u>	<u>22.9%</u>
SEWER FUND				
PERSONNEL SERVICES	100,686	567,883	467,197	17.7%
MATERIALS & SERVICES	113,370	473,000	359,630	24.0%
CAPITAL OUTLAY	774,855	3,427,500	2,652,645	22.6%
DEBT SERVICE		650,000	650,000	0.0%
INTERFUND TRANSFERS - OUT		478,990	478,990	0.0%
	<u>988,911</u>	<u>5,597,373</u>	<u>4,608,462</u>	<u>17.7%</u>

City Bank Balances – 09/30/2024

Bank	9/30/2024	Rate
LGIP	\$ 4,207,418.38	5.30%
FIB	\$ 12,522,013.29	5.30%
FIB Checking	\$ 1,211,980.59	0.00%
WAFD	\$ 1,089,146.29	2.94%
WAFD Checking	\$ 566,924.19	0.00%
Xpress & Debt Reserve	\$ 72,838.03	0.00%
	\$ 19,670,320.77	





16345 Sixth Street — PO Box 2460

La Pine, Oregon 97739

TEL (541) 536-1432

www.lapineoregon.gov

**CITY OF LA PINE PLANNING COMMISSION RECOMMENDATION
TO THE CITY OF LA PINE CITY COUNCIL
PROPOSED DEVELOPMENT CODE AMENDMENTS**

DATE: May 17, 2023

FILE NUMBER: 01TA-23

APPLICANT: City of La Pine Community Development

REQUEST: City Staff identified code language updates to:

- Provide clear and objective criteria within the zoning ordinance to provide for greater understanding of requirements;

Specifically, the proposal is to clarify the application of La Pine Development Code Article 8., Chapter 15.320., Section 15.320.010 B. – Minor Variance, to Article 8., Chapter 15.320., Section 15.320.040 - Approval Criteria (except for riparian variances).

The Planning Commission held a public hearing on May 17, 2023. Staff were then directed to prepare a recommendation of the proposed text amendments as discussed with changes for the La Pine City Council.

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

I. APPLICABLE CRITERIA:

PART III – CITY OF LA PINE DEVELOPMENT CODE

ARTICLE 7 – PROCEDURES

CHAPTER 15.204. – APPLICATION PROCEDURES

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

OREGON REVISED STATUTES

CHAPTER 197 COMPREHENSIVE LAND USE PLANNING

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

II. FINDINGS

PART III – CITY OF LA PINE DEVELOPMENT CODE ARTICLE 7 – PROCEDURES

CHAPTER 15.204. – APPLICATION PROCEDURES

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

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

FINDING: The City of La Pine does not have an established schedule for accepting legislative reviews. The applicant has been notified through this staff report that the 120-day review period does not apply to this application. This criterion is met.

B. *Application requirements.*

1. *Application forms. Legislative applications shall be made on forms provided by the city planning official.*
2. *Submittal information. The application shall contain all of the following information:*
 - a. *The information requested on the application form;*
 - b. *A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);*
 - c. *The required fee, except when City of La Pine initiates request;*
 - d. *One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards; and*
 - e. *Evidence of neighborhood contact, if applicable pursuant to section 15.202.050.*

FINDING: The City approved application form, and accompanying narrative was submitted by applicant on April 12, 2023. 15.204.040 (B)(2)(b) does not apply as this application does not propose a change that is applicable to any particular parcel or designation of land. Furthermore, the plan addressing the appropriate criteria and standards are measured under the submission of 15.204.040 (B)(2)(d) with the accompanying narrative. 15.204.040 (B)(2)(c) does not apply as the City of La Pine initiated the request. 15.204.040 (B)(2)(e) does not apply as this application is not applicable to Section 15.202.050 of the La Pine Development Code as it is not a master plan, subdivision with more than ten lots, major variance, nor an owner-initiated zone change application.

- C. *Procedure. Hearings on Type IV applications are conducted similar to city council hearings on other legislative proposals, except the notification procedure for Type IV applications must*

conform to state land use laws (ORS 227.175), as follows:

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

FINDING: The above criteria addresses additional noticing requirements for proposals in accordance with ORS 227.1754. Notice was sent to DLCD on April 12, 2023. The first public hearing before the Planning Commission was scheduled for May 17, 2023. The City complied with this procedure. This application does not propose a zone change or a Comprehensive Plan designation change, there is no other affected governmental agency other than the City of La Pine, and no person(s) made a request for notice in writing. Notice for the Planning Commission hearing was published in the local newspaper, *Bend Bulletin*, in their May 7th, 2023, publication. Notice for the City Council hearing was also published in the local paper, *Bend Bulletin*, on November 3rd, 2024. Affidavits of mailing are on record with the City, criteria met.

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

FINDING: The amendment, if approved, will be done so through Ordinance adoption by the City Council.

Notification will be mailed to the applicant, participants of the record, and DLCD by the City Recorder or Planning Official. The Ordinance in its entirety will be available on the City's website, www.lapineoregon.gov. The City will comply with these procedures.

Oregon Revised Statutes

Chapter 197 Comprehensive Land Use Planning

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

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

FINDING: The City submitted notice to the Department of Land Conservation and Development (DLCD) on April 12, 2023. Public notice was published in the Bend Bulletin on May 10, 2023.

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

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

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

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

be available, and how a copy of the staff report can be obtained.

FINDING: The April 12, 2023, submission to DLCD included a brief narrative summarizing the proposed changes, the proposed code amendments, the date for the first evidentiary hearing, and a draft public notice including information regarding the availability of a final staff report.

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

(a) Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and

(b) Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.

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

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

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

III. RECOMMENDATION: The Planning Commission has reviewed the proposed code changes and recommends that the City of La Pine City Council adopt the proposed code edits, or adopt the proposed code edits with changes.

Respectfully,



Brent Bybee, Principal Planner
City of La Pine Community Development

Attachment: Ordinance 2024-03

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY OF LA PINE AMENDING PART III – CITY OF LA PINE DEVELOPMENT CODE, ADOPTING ADDITIONAL PROCEDURAL CLARITY, AND DECLARING AN EMERGENCY

WHEREAS, the La Pine Development Code contains a section that requires an amendment to clarify language and intent, codify existing practices, and provide clear and objective criteria within the code criteria; and

WHEREAS, the City of La Pine Planning Commission held a public hearing on the proposed language on May 17, 2023, and recommends adoption of the proposed amendments.

NOW, THEREFORE, the City of La Pine ordains as follows:

Section One: The above recitals are adopted into and made a part of this Ordinance 2024-03 as the City's findings of fact.

Section Two: La Pine Development Code Sec. 15.320.010. – Applicability, is amended to read as depicted on the attached Exhibit A, with additions underlined and deletions ~~struck through~~.

Section Three: If any court of competent authority invalidates a portion of ordinance 2024-03, the remaining portions will continue in full force and effect.

Section Four: With Ordinance 2024-03 being immediately necessary for health, welfare, and safety of the people of the City of La Pine, an emergency is hereby declared to exist, and this Ordinance 2024-03 shall become effective upon signing.

This Ordinance was PASSED and ADOPTED by the La Pine City Council by a vote of ___ for, and ___ against and APPROVED by the mayor on November 13, 2024.

Daniel Richer, Mayor

ATTEST:

Geoff Wullschlager, City Manager

PART III - CITY OF LA PINE DEVELOPMENT CODE

(***)

Article 8 - APPLICATIONS AND REVIEWS

(***)

CHAPTER 15.320. - VARIANCES

Sec. 15.320.010. - Applicability.

- A. Variance. Variances from the provisions and requirements of this chapter may be approved in accordance with the provisions of this section.
- B. Minor variance. A minor variance is a variance to an area or dimensional standard of this Development Code that complies with Section 15.320.040 and meets one of the following conditions. Only one such variance may be granted for any one lot, parcel or tract of land.
 - 1. Involves a deviation from a minimum lot size requirement of not more than ten percent.
 - 2. Involves a deviation from a yard or setback requirement of not more than 25 percent.
 - 3. Involves a request for the expansion of a non-conforming use by not more than ten percent.
- C. Riparian variance. In cases where the limitations on activities within the significant riparian corridor unduly restricts the development of a lot or parcel legally created before the effective date of this Development Code, a property owner may request a riparian variance.



16345 Sixth Street — PO Box 2460

La Pine, Oregon 97739

TEL (541) 536-1432

www.lapineoregon.gov

**CITY OF LA PINE PLANNING COMMISSION RECOMMENDATION
TO THE CITY OF LA PINE CITY COUNCIL
PROPOSED DEVELOPMENT CODE AMENDMENTS**

- DATE:** October 16, 2024
- FILE NUMBER:** 01TA-24
- APPLICANT:** City of La Pine Community Development
- REQUEST:** City Staff identified code language updates to:
- Bring city code into compliance with current State statutes and regulations;
 - Provide clear and objective criteria within the zoning ordinance to provide for greater understanding of requirements;
 - Allow for local flexibility in interpreting code language;
 - Edit code language that is incorrect;
 - Delete references to outdated or removed sections.

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

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

The Planning Commission held a work session on June 5, 2024 & July 17, 2024, to discuss the proposed changes. Public hearings were also held on September 18, 2024, and October 16, 2024. Staff were then directed to prepare a recommendation of the proposed text amendments as discussed with changes for the La Pine City Council.

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

I. APPLICABLE CRITERIA:

PART III – CITY OF LA PINE DEVELOPMENT CODE

ARTICLE 7 – PROCEDURES

CHAPTER 15.204. – APPLICATION PROCEDURES

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

OREGON REVISED STATUTES

CHAPTER 197 COMPREHENSIVE LAND USE PLANNING

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

II. FINDINGS

PART III – CITY OF LA PINE DEVELOPMENT CODE

ARTICLE 7 – PROCEDURES

CHAPTER 15.204. – APPLICATION PROCEDURES

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

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

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

B. Application requirements.

- 1. Application forms. Legislative applications shall be made on forms provided by the city planning official.*
- 2. Submittal information. The application shall contain all of the following information:*

- a. *The information requested on the application form;*
- b. *A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);*
- c. *The required fee, except when City of La Pine initiates request;*
- d. *One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards; and*
- e. *Evidence of neighborhood contact, if applicable pursuant to section 15.202.050.*

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

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

4. *For each mailing and publication of notice, the city planning official shall keep an affidavit of mailing/publication in the record.*

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

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

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

Oregon Revised Statutes

Chapter 197 Comprehensive Land Use Planning

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

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

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

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

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

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

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

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

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

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

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

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

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

III. RECOMMENDATION: The Planning Commission has reviewed the proposed code changes and recommends that the City of La Pine City Council adopt the proposed code edits, or adopt the proposed code edits with changes.

Respectfully,



Brent Bybee, Principal Planner
City of La Pine Community Development

Attachments: Public and Agency Comments
Ordinance 2024-02

From: [Carl and Sara Mesaros](#)
To: [Brent Bybee](#)
Subject: Ordinance 2024-02
Date: Friday, September 6, 2024 8:29:13 AM

To Brent Bybee, Principal Planner

Thank you for your prompt response to my request for information regarding Ordinance 2024-02

We especially appreciate the addition of the *Retention of trees* requirement for development included in the proposed ordinance. It has been very stressful to watch trees being destroyed for new construction.

Also, we appreciate the requirement for *increasing the width of sidewalks*.

Carl and Sara Mesaros
Fordham Dr.
Crescent Creek

From: [Patrick Trowbridge](#)
To: [Mel Mills](#)
Cc: [Brent Bybee](#); [Rachel Vickers](#); [Geoff Wullschlager](#)
Subject: Re: 01TA-24 - Comment Period Procedures
Date: Tuesday, September 24, 2024 11:54:09 AM
Attachments: [image001.png](#)

Some people who received this message don't often get email from patricktrow@gmail.com. [Learn why this is important](#)

I concur with Mel's summary of the flag lot scenario. What Mel describes makes sense on many levels. (Note: The city of Bend allows a 15' flagpole with only 15' of street frontage) One of the most important aspects of the 20' flagpole is having a usable lot that allows the addition of an ADU in the backyard that is reasonably accessible. The ADU is one type of affordable infill housing that we so desperately need. It allows the people who live here in La Pine to participate in the solution of the lack of affordable housing while benefiting from their investment in our community. Examples: A young couple starting out can have extra income to qualify for a larger mortgage lowering their out of pocket expenses with the help of the ADU income. Or an elderly couple who want to travel more and choose to live in the ADU while renting their main home out to someone else, allowing them to afford to travel more than they would otherwise. Not to mention, the ability to have multi generational housing options for families. Adult children just starting out can live in their parents ADU, retired parents live in the ADU with their adult children in the home etc... These are just a few examples of the many uses an ADU provides for all stages of life.

While understanding that many types of housing is needed toward defeating the shortage of affordable housing in Oregon, a noteworthy benefit of this type of grass roots affordable housing is that it doesn't require taxpayer funded affordable housing grants that end up attracting large out of state developers who build multi story apartment buildings. I understand the need for these affordable housing apartment complexes, but ask yourself this question: Would you rather live in a quaint cottage in the forest? Or a multi story apartment complex?

The ability to create reasonable lot shapes/sizes affords a quality living experience for the end user, while utilizing the available residential land inside city limits reducing the need for future UGB expansions without burdensome infrastructure.

A 55'x300' lot is not a good use of precious land inside the city limits. Having a 55'x300' lot will eliminate hundreds of acres of usable land inside city limits rendering this land unusable for housing. We need to be extremely careful to protect infill housing development opportunities that will benefit the residents of LaPine for generations to come. Flag lots make sense and are desperately needed in La Pine.

Thank you,

Patrick Trowbridge
Owner of Vic's Bar & Grill
541-390-4961

On Tue, Sep 24, 2024 at 10:34 AM Mel Mills <mel_mills@yahoo.com> wrote:

Hi Brent, her is my input for file 01TA-24. Mel

City of LaPine flag lots

The City should adopt the 20 foot wide pole for a flag lot. This will make the city consistent with most jurisdictions. The 20 foot width allows for two emergency vehicles to ingress/egress at the same time. In the case of the Cagle neighborhood, if the City required 50 foot poles on a flag lot you would end up with a 3 lot partition of 55x300. With side setbacks you could only build a house of maximum width of 35 feet. To access the back of your 300 foot lot you would have to use the 10 foot setback area. No room for landscaping, vehicles passing close to your house. Very difficult to add any outbuildings or accessory dwelling units (ADU) because of the width constraint.

Although not part of the City code, but the City controls it, is where the STEG system tank is placed. For the flag lot, if it could be located at the top of the flag pole then you could use gravity to the tank from the structures and gravity from the tank to the City sewer line. This would save cost of pumping, energy for the pump, and maintenance of the pump and it's floats. Saving of several thousand dollars on installation and savings of at least \$100 per year in energy and

maintenance. Low cost housing in mind.

[Yahoo Mail: Search, Organize, Conquer](#)

On Thu, Sep 19, 2024 at 1:40 PM, Brent Bybee
<bbybee@lapineoregon.gov> wrote:

Mel and Patrick,

This email is intended to ensure that you are understanding of the next steps after the Planning Commission determined it necessary to continue the hearing to a date and time certain.

The motion stated:

I move to close the oral portion of the hearing for File 01TA-24, and leave the written record open to be considered at the Planning Commission meeting on October 16, 2024, at 5:30pm at La Pine City Hall. The initial seven days up until September 25, 2024, at 5pm shall be dedicated to new evidence. The following seven days up until October 2, 2024, at 5pm, shall be dedicated strictly to responses to the new evidence submitted during the initial seven days. A final seven days up until October 9, 2024, at 5pm, shall be dedicated solely to the rebuttal of new evidence and responses during the initial 14 days by the Applicant.

If you are unclear on the procedures stated in the motion, please reach out for clarification and staff can assist you.

Written comments can be dropped off at City Hall, or emailed to myself at bbybee@lapineoregon.gov. All comments received will be uploaded to the City website in a timely manner, and can be viewed here: <https://www.lapineoregon.gov/cd/page/2024-text-amendments>

Please remember that the oral portion of the hearing is closed. The hearing that will occur on October 16 will be for deliberations only by the Planning Commission, and there will not be a portion dedicated to public comment or testimony, or the ability to answer questions. Their deliberations will be based on the information discussed in the first hearing, and the comments received while the written record is open for the next three weeks. If you have questions prior to the hearing, please reach out to staff and we will assist to the best of our ability.

Thank you



From: [Erik Huffman](#)
To: [Brent Bybee](#)
Cc: [Geoff Wullschlager](#); [Rachel Vickers](#)
Subject: Re: 01TA-24 Flag Lot Frontage Professional Opinion
Date: Wednesday, September 25, 2024 2:03:50 PM
Attachments: [image001.png](#)

Hi Brent, most municipal jurisdictions allow for 20 foot wide flag poles for flag lots so it is common and typically doesn't create any issues. The reasons I can see to make them wider are 1) provide extra width to allow for septic tank/water meter/franchise utilities placement at the property line and 2) a general desire for larger lot sizes and greater setbacks than other communities in the region, which is how the City's development code is set up now.

To elaborate on 1), if the flag pole was 20 feet wide there wouldn't be enough room to place the driveway, septic tank, water meter and franchise utility connections with any separation from each other at the property line, so the developer would have to put the septic tank within the driveway. And when the septic tank is in the driveway it needs to be constructed with a reinforced concrete cap with manhole lids over the septic tank risers. If the preference is to keep septic tanks out of driveways, I would recommend a minimum of 30 feet of width for the pole.

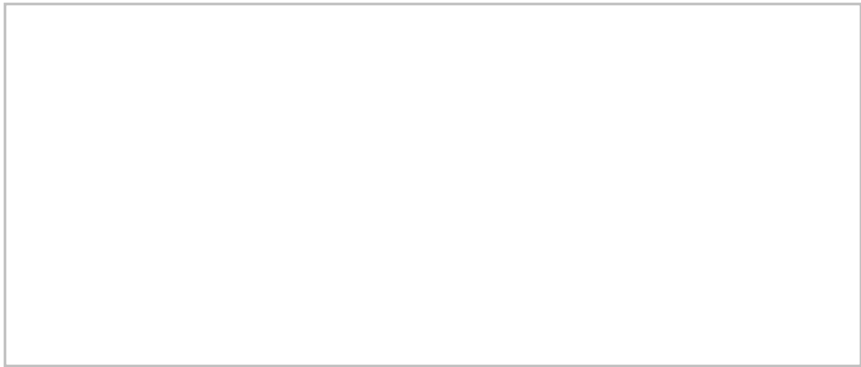
Let me know if you have any questions. -Erik

Erik Huffman, PE, PLS, CWRE, LEED AP
BECON www.beconeng.com
549 SW Mill View Way, Suite 100
Bend, OR 97702
Office (541) 633-3140
Direct (541) 668-6250
Cell (503) 730-5274

On Tue, Sep 24, 2024 at 4:43 PM Brent Bybee <bbybee@lapineoregon.gov> wrote:

Erik,

A reminder that the deadline for new evidence is tomorrow afternoon at 5pm.



From: Brent Bybee
Sent: Thursday, September 19, 2024 3:51 PM
To: Erik Huffman <ehuffman@beconeng.com>
Cc: Geoff Wullschlager <gwullschlager@lapineoregon.gov>; Rachel Vickers <rvickers@lapineoregon.gov>
Subject: 01TA-24 Flag Lot Frontage Professional Opinion

Hello Erik,

During a recent Planning Commission hearing for some code amendments through File 01TA-24, part of the discussion was in relation to flag lots, and the required frontage for those lots. Initially staff proposed that the pole portion of a flag lot match the city residential frontage requirement of 50' for the entire length of the pole.

During the hearing, we received comments regarding this change, with proposals of a 20' width.

The Planning Commission ultimately continued the hearing to a date and time certain to gather further evidence regarding the feasibility and benefit of a 20' wide pole versus a 50' wide pole. Part of their request was that staff receive a professional opinion on the matter. We have until Sept 25th to submit new written evidence into the record for consideration, can you please provide a detailed response determining the feasibility for a 20' wide pole utilized for property access? The application materials, staff report, and draft code changes can be found here <https://www.lapineoregon.gov/cd/page/2024-text-amendments>.

Please let me know if you have any questions.





September 25, 2024

To: La Pine Planning Commission

Subject: File # 01TA-24 – Flag Lot Comments

Commissioners,

At the hearing held on September 18, 2024, the Commission requested additional evidence towards the proposed width of flag lot poles. During the hearing, development constraints were discussed through public comments, and staff initially agreed that if the Commission saw fit, a 20 foot wide pole would be acceptable for flag lots.

At the direction of the Planning Commission, Staff reached out to the City's Contract Engineer, Erik Huffman. His comments have been included in the record. His comments acknowledge that although other jurisdictions typically require a 20 foot wide pole, there are however two reasons why making the pole wider would be advantageous for the City.

1. It would provide extra width to allow for septic tank/water meter/franchise utilities placement at the property line; and
2. Would meet a general desire for larger lot sizes and greater setbacks than other communities in the region, which is how the City's development code is setup now.

Huffman goes on to elaborate his reasoning on item 1, stating that "if the flag pole was 20 feet wide there wouldn't be enough room to place the driveway, septic tank, water meter and franchise utility connections with any separation from each other at the property line, so the developer would have to put the septic tank within the driveway. And when the septic tank is in the driveway it needs to be constructed with a reinforced concrete cap with manhole lids over the septic tank risers. If the preference is to keep septic tanks out of driveways, I would recommend a minimum of 30 feet of width for the pole."

An important factor to consider moving forward when comparing La Pine to other jurisdictions within the area is that the City's wastewater system is unique, and not like other systems in the region. STEG systems do not rely upon gravity to transport wastewater to the wastewater facilities, and instead rely upon a system of pumps. As wastewater leaves a property within the City of La Pine, it first travels from the building or use on a subject property to a septic tank. This tank holds the solids, and allows the liquids to travel to the mainline, and is eventually pumped to the wastewater treatment facility. Periodically, the City will visit the property to empty the solids out of the tank, and transport them to the wastewater facility for treatment. The landowner is responsible for all wastewater components leading from their building or use, to the mainline at the street.

When a new development is proposed, the Public Works Department requires septic tanks to be located as close to the adjacent road as possible. This requirement alleviates safety concerns when City Staff is visiting a property to pump septic tanks. It also removes the need for additional access easements leading onto the property, which are required for City Staff to access the tank. This would meet the City

of La Pine Design Standards, which currently require septic tanks to be located at the property line. Additionally, as Huffman states, there must also be room for a water meter, and franchise utility connections.

The City agrees with Huffman's statements in his first point, but do not acknowledge the sentiments raised in his second point. As initially proposed, Staff identified a 50-foot-wide pole requirement for flag lots. Comments received from the public advocated for a 20-foot-wide pole, or whatever is in the best interest of the city to allow for higher density development. Taking into account the unique wastewater system that the City utilizes to serve its citizens, Staff supports Huffman's comments regarding the utilization of a 30-foot pole requirement. Not only does this better allow for a higher density of development than a 50-foot pole would, but it also ensures that all City utilities are accounted for and can be easily maintained by the City.

The Planning Department thanks the Planning Commission for its consideration of this code amendment, and ensuring it meets the needs of the community.

A handwritten signature in black ink, appearing to read "Brent Bybee". The signature is fluid and cursive, with the first name "Brent" being more prominent than the last name "Bybee".

Brent Bybee
Principal Planner

From: [Patrick Trowbridge](#)
To: [Brent Bybee](#); [Mel Mills](#); [Geoff Wullschlager](#); [Rachel Vickers](#)
Subject: Photos of flag lots with septic tanks
Date: Thursday, September 26, 2024 4:17:29 PM
Attachments: [IMG_9849.jpg](#)
[IMG_9850.jpg](#)



Brent, I'd like to have these photos included in the public comments regarding the city engineers comments that a septic tank will not fit inside of a 20' flag . Here are two examples of septic tanks fitting inside of existing 20' flagpoles. A driveway only needs to 10' wide. Essentially if we are going to widen the plot to 30' we might as well keep the lots the way they are and use the 15'x 5' foot for the tank. The problem however is the added cost of an ejector pump that will be needed to push the affluent from the home out to the tank at the tanks being placed at the house make the most sense for cost effectiveness.

Sent from Gmail Mobile







October 9, 2024

To: La Pine Planning Commission

Subject: File # 01TA-24 – Flag Lot Comments

Commissioners,

This letter is to address all comments and additional evidence received towards the proposed code amendments, in accordance with the motion approved by the Commission at the hearing held on September 18, 2024, in which the Commission requested additional evidence towards the proposed width of flag lot poles.

On September 24, 2024, Mel Mills submitted comments regarding the proposed code amendment. In his comment letter, he states the City should adopt a 20 foot width for the flag lot poles. He states this is adequate for two emergency vehicles to ingress/egress at the same time, and that with the proposed 50 foot width would not allow a home to be built in the pole. A 10 foot setback area would be utilized for access, with no room for landscaping, and vehicles travelling right next to a home. He goes on to state the benefits of allowing the septic tanks to be placed on the flag portion of a lot, stating that gravity could then be utilized for wastewater to the main sewer line instead of a pump at the home, reducing costs to the homeowner.

On September 24, 2024, Patrick Trowbridge submitted comments regarding the proposed code amendment. In his comment letter he concurred with “Mel’s” summary of a flag lot scenario. His comments are directed towards the utilization of a 20 foot width for flag lot poles which would allow for the addition of an ADU. He goes on to state the benefits of ADU’s for the community and the fact that they don’t require affordable housing grants. He finishes with considerations towards maximizing the developable land within the city, states that a 55’x300’ lot is not a good use of precious land, and that flag lots make sense and are desperately needed in La Pine.

On September 25, 2024, staff submitted a comment letter addressing comments from the City’s Contract Engineer, Erik Huffman. The comment letter from Huffman was also received on September 25, 2024. Huffman’s comments ultimately recommended a width of 30 feet for the pole portion of a flag lot. His reasoning was directed towards maintaining adequate space for the placement of a driveway, septic tank, water meter, and franchise utility connections. As detailed in Staff’s comment letter on September 25, 2024, Staff supported Huffman’s comments, and recommended utilizing the 30 foot width requirement for flag lot poles.

An additional comment was received on September 26, 2024, from Patrick Trowbridge by email, and was included in the record. Trowbridge states in the email that he disagrees with the Engineer’s comments regarding septic tanks not fitting within a 20 foot pole. He provided two pictures of two different driveway entrances with septic tanks at the entrance of the flag lot properties, and goes on to state that only 10 feet is needed for a driveway. He goes on to state that if the standard is set at 30 feet, the properties might as well be kept the way they are and use the 15 feet by 5 feet for the tank. He finishes with concerns regarding ejector pump cost to push the effluent from the house to the tank, and that tanks being placed at the house are most cost effective.

Staff appreciates the comments from Mills and Trowbridge, and the thought they have put into the proposal. Their comments do not take into consideration however the installation of a water meter, franchise utility connections, and the City's policy regarding the placement of septic tanks at the front of the property to alleviate safety concerns of City Staff visiting the property to pump the tanks. Placing the tanks at the front of the property also negates the need for additional access easements allowing City Staff to pump the tanks without having to enter a citizen's property.

As detailed in staff's letter on September 25, 2024, staff recommends utilizing the professional opinion of the City's Contract Engineer, imposing a 30 foot requirement for flag lot poles.

The staff report has been amended to reflect this, and will be available for review by the commission during deliberations scheduled for October 16, 2024. The previous language proposed to the commission stated that:

The minimum frontage width requirements shall also apply to the full length of a flag lot "pole", as defined under Flag Lot Sec. 15.12.020. Where townhomes are proposed on the "flag" portion of a flag lot, not adjacent to a street, the 30-foot width requirement shall apply to the "pole".

To reflect Staff's recommendation, it has been amended to state:

When a flag lot is proposed, as defined under Flag Lot in section 15.12.020, the minimum frontage width shall be 30 feet, and shall apply to the full length of the flag lot "pole".

The Planning Department again thanks the Planning Commission for its consideration of this code amendment, and ensuring it meets the needs of the community.



Brent Bybee
Principal Planner

ORDINANCE NO. 2024-02

AN ORDINANCE OF THE CITY OF LA PINE AMENDING PART III – CITY OF LA PINE DEVELOPMENT CODE, ADOPTING ADDITIONAL PROCEDURAL CLARITY, STREAMLINING APPLICATION PROCESSES, AND EXPANDING OPTIONS FOR LOCAL RESIDENTS, AND DECLARING AN EMERGENCY

WHEREAS, the La Pine Development Code contains several sections that require amendments to bring the code into compliance with State law, and to remove references to outdated or removed State statutes or City of La Pine Code language; and

WHEREAS, other sections of the City of La Pine’s Development Code requires amendments to clarify language and intent, codify existing practices, and provide clear and objective criteria within the code criteria; and

WHEREAS, the City of La Pine Planning Commission held a public hearing on the proposed language on September 18, 2024, and October 16, 2024, and recommends adoption of the proposed amendments.

NOW, THEREFORE, the City of La Pine ordains as follows:

Section One: The above recitals are adopted into and made a part of this Ordinance 2024-02 as the City’s findings of fact.

Section Two: La Pine Development Code Sec. 15.12.020. – Definitions, is amended to add new definitions and amend existing definitions to read as depicted on the attached Exhibit A, with additions underlined and deletions ~~struck through~~.

Section Three: La Pine Development Code Sec. 15.18.300. – Use Regulations, is amended to read as depicted on the attached Exhibit B, with additions underlined and deletions ~~struck through~~.

Section Four: La Pine Development Code Sec. 15.18.400. – Development Standards, Table 15.18-2., is amended to read as depicted on the attached Exhibit C, with additions underlined and deletions ~~struck through~~.

Section Five: La Pine Development Code Sec. 15.22.300. – Use Regulations, and Table 15.22-1., is amended to read as depicted on the attached Exhibit D, with additions underlined and deletions ~~struck through~~.

Section Six: La Pine Development Code Sec. 15.24.300. – Use Regulations, and Table 15.24-1., is amended to read as depicted on the attached Exhibit E, with additions underlined and deletions ~~struck through~~.

Section Seven: La Pine Development Code Sec. 15.82.010. – Landscaping and buffering requirements, is amended to read as depicted on the attached Exhibit F, with additions underlined and deletions ~~struck through~~.

Section Eight: La Pine Development Code Sec. 15.86.040. – Drive up and drive-through uses and facilities, is amended to read as depicted on the attached Exhibit G, with additions underlined and deletions ~~struck through~~.

Section Nine: La Pine Development Code Sec. 15.88.050. – Pedestrian access and circulation, is amended to read as depicted on the attached Exhibit H, with additions underlined and deletions ~~struck through~~.

Section Ten: La Pine Development Code Sec. 15.204.010. – Type I procedure (ministerial/staff review), is amended to read as depicted on the attached Exhibit I, with additions underlined and deletions ~~struck through~~.

Section Eleven: La Pine Development Code Sec. 15.318.070. – Approval period and time extension, is amended to read as depicted on the attached Exhibit J, with additions underlined and deletions ~~struck through~~.

Section Twelve: La Pine Development Code CHAPTER 15.414. – RE PLATTING AND BOUNDARY LINE ADJUSTMENTS, is amended to read as depicted on the attached Exhibit K, with additions underlined and deletions ~~struck through~~.

Section Thirteen: La Pine Development Code CHAPTER 15.415. – REPLATS, is added to read as depicted on the attached Exhibit K, with additions underlined and deletions ~~struck through~~.

Section Fourteen: If any court of competent authority invalidates a portion of ordinance 2024-02, the remaining portions will continue in full force and effect.

Section Fifteen: With Ordinance 2024-02 being immediately necessary for health, welfare, and safety of the people of the City of La Pine, an emergency is hereby declared to exist, and this Ordinance 2024-02 shall become effective upon signing.

This Ordinance was PASSED and ADOPTED by the La Pine City Council by a vote of ___ for, and ___ against and APPROVED by the mayor on November 13, 2024.

Daniel Richer, Mayor

ATTEST:

Geoff Wullschlager, City Manager

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 2 - DEFINITIONS AND USE CATEGORIES

(***)

Sec. 15.12.020. - Definitions

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

(***)

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

(***)

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

(***)

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

- ~~1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property, or the creation of a cemetery lot. Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;~~
- ~~2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created, and where the existing unit of land reduced in size by the adjustment complies with the applicable zoning. Adjusting a property line as property line adjustment is defined.~~

3. ~~The division of land resulting from the recording of a subdivision or condominium plat.~~
Dividing land as a result of the recording of a subdivision or condominium plat;
4. ~~The sale of a lot in a recorded subdivision or town plat, even though the developer, owner or seller of the lot may have owned other contiguous lots or property prior to the sale; the lot, however, must be sold as platted and recorded.~~Selling or granting by a person to a public agency or public body of property for state highway, county road, city street or other right of way purposes if the road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or
5. Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

(***)

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

(***)

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

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 3 - ZONING DISTRICTS

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CHAPTER 15.18. - RESIDENTIAL ZONES

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Sec. 15.18.300. - Use regulations.

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

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

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

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 3 - ZONING DISTRICTS

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CHAPTER 15.18. - RESIDENTIAL ZONES

(***)

Sec. 15.18.400. - Development standards.

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

- B. *Development standards.* The development standards for residential zones are presented in Table 15.18-2. Development standards may be modified as provided by [chapter 15.320](#), variances. Additional standards may apply to specific zones or uses, see [section 15.18.500](#). Footnotes in the table correspond to the sections below.
 - 1. Minimum density standard in the RSF zone only applies to subdivisions. Development on existing lots and partitions are exempt from this standard.

 - 2. Accessory dwellings do not count toward the maximum density standard in the RSF zone.

<i>Table 15.18-2. Development Standards in the Residential Zones</i>		
<i>Standard</i>	<i>RSF</i>	<i>RMF</i>
Minimum street frontage <u>When a flag lot is proposed, as defined under <i>Flag Lot</i> in section 15.12.020, the minimum frontage width shall be 30 feet, and shall apply to the full length of the flag lot "pole".</u>	50 feet 35 feet on cul-de-sac street 25 feet for townhomes	50 feet 35 feet on a cul-de-sac street 25 feet for townhomes

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 3 - ZONING DISTRICTS

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CHAPTER 15.22. - COMMERCIAL AND MIXED-USE ZONES

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Sec. 15.22.300. - Use regulations

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

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

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

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

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 3 - ZONING DISTRICTS

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CHAPTER 15.24. - INDUSTRIAL AND PUBLIC FACILITY ZONES

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Sec. 15.24.300. - Use regulations.

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

- A. *Permitted uses (P)*. Uses allowed outright in the industrial and public facility zones are listed in Table 15.24-1 with a "P."
- B. *Limited uses (L)*. Uses allowed in the industrial and public facility zones subject to limitations are listed in Table 15.24-1 with an "L." The limitations are defined below and correspond with the footnote numbers in Table 15.24-1.
 1. *Eating and drinking establishments in the LI zone*. Eating and drinking establishments in the LI zone are limited to 2,500 square feet of gross floor area.
 2. *Offices in the LI, I, and PF zones*. Offices as a primary use are limited to industrial offices (as defined in [section 15.14.235](#)) and government offices that do not include a point-of-service facility. All other office uses must be accessory to a permitted industrial use.
 3. *Retail sales and services in the LI zone*. Retail sales and services in the LI zone are limited to 2,500 square feet of gross floor area, except for the following uses:
 - a. Health and fitness centers may exceed the maximum floor area.
 - b. Retail sales of heavy equipment may exceed the maximum floor area with a conditional use permit.
 - c. Retail sales of goods that are displayed outdoors, such as sales of building materials, landscape materials, or garden or farm supplies, may exceed the maximum floor area with a conditional use permit.
 4. *Automotive wrecking, salvage, and junk yards*. The storage or sale of junk requires a special license, see [section 15.108.040](#).

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

Use Category	LI	I	PF	Special Use Standards
Self-service storage	CU (11)	P (11)	P (11)	—

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 5 - DEVELOPMENT STANDARDS

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CHAPTER 15.82. - LANDSCAPING, BUFFERING AND FENCES

Sec. 15.82.010. - Landscaping and buffering requirements.

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

- A. *Exemption.* The provisions of this section may be exempted for uses existing on or before the effective date of this Development Code that are a permitted use in a specific zone in an existing building or buildings on a lot or parcel of land of the scale that there is no remaining room for landscaping; this exemption shall also apply to the exterior remodeling and/or expansion of not more than 25 percent of the total square footage of all enclosed structures on a lot or parcel existing under a unit ownership on or before the effective date of this Development Code.
- B. *Area required.* Except as approved otherwise by the city, the following minimum percent of a parcel area shall be landscaped for the following uses:
 1. Duplexes and triplexes: 25 percent.
 2. Multi-family ~~developments~~ ~~dwelling complexes~~ containing four or more units and commercial residential mixed uses (CRMX): 20 percent.
 3. Commercial uses including mixed use commercial (CMX): 15 percent.
 4. Industrial uses. A minimum five-foot landscaped buffer along any adjoining public right-of-way of a collector or arterial street or highway, which may be computed toward an overall requirement of ten percent.
 5. Minimum area requirements may include landscaping around buildings, in parking and loading areas, outdoor recreational use areas, screening and buffering areas, and surface water drainage areas.
- C. *Landscaping defined.* Required landscaping may include, but is not limited to, a combination of any of the following materials: living plant material such as trees, shrubs, groundcover, flowers and lawn (including native vegetation); and nonliving materials such as benches, walkways and courtyards, consisting of brick, decorative rock or other decorative materials. The total amount of nonliving materials (including bark dust, chips, aggregate, or other non-plant ground covers) shall not exceed more than 50 percent of the required landscape area.

- D. *Existing vegetation.* Existing site vegetation ~~may~~shall be utilized to the maximum extent possible consistent with building placement and the applicable proposed landscape plan.
- E. *Parking lots.* Parking lots with space for ten or more vehicles must be landscaped in accordance with the following minimum requirements:
1. In commercial and residential developments, parking areas shall be divided into bays, and between or at the end of each parking bay a curbed planter containing at least 16 square feet may be required.
 2. If required, each planter shall contain at least one tree or shrub and ground cover.
 3. The areas shall be designed to be protected from being damaged by vehicles using the parking area.
 4. Unless sidewalks are provided adjacent to a structure, customer or resident parking areas should be separated from the exterior wall of a commercial or residential structure by a minimum five-foot strip of landscaping.
 5. Where a parking, loading or driveway area serving a multi-family, commercial, industrial or government use abuts a public right-of-way of a collector or arterial street or a local street across from a residential zone, or abuts a residential zone, a screen planting or other approved landscaped planter strip may be required between the parking area and the right-of-way without encroaching into a clear vision area or sidewalk.
- F. *Buffering and screening.*
1. Purpose. The purpose of buffering and screening requirements are to reduce the impacts of a proposed use on adjacent uses and zones which provide for different types of uses. The city may waive or reduce the requirements where existing topography or vegetation is appropriate or otherwise negates the effectiveness or intended purpose or benefits of the buffering and screening.
 2. Where any permitted principal and/or accessory use in a commercial or industrial zone abuts any land zoned RSF, RMF, RMP or TA the following buffer and screening shall be required. These requirements shall apply in instances where such use is being newly developed on vacant land, expanded in floor area by 50 percent or greater, or removed and a new use developed.
 3. Within commercial zones. A buffer strip at least ten feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts an RSF, RMF, RMP, or TA zone. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier. The buffer strip shall contain suitable screening, defined as either of the following:

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

- c. A property owner may not sell, lease, or otherwise transfer property if such action results in a reduction of a separation distance for a commercial or light manufacturing use below the minimum required in this section. Likewise, a property owner may not remove or alter natural vegetation or landforms serving upon a waiver from the city as buffer and screening for a commercial or light manufacturing use if such action results in the natural buffer and screening being less effective than as required in this and other sections of this Development Code.
- 5. A buffer or screening area may only be occupied by screening utilities and landscaping materials, but the same may be located within the required yard or setback requirements provided vision clearance requirements are complied with.
- 6. In lieu of the foregoing requirements, an applicant may provide for landscaping and screening, including plantings, fences, walls, walks and other features designed to afford the same degree of buffering as the standards above. A plan and specifications for an alternative shall be reviewed and approved by the review authority.
- G. *Plant material installation standards.* Except as otherwise approved by the city, the following standards shall apply to plant materials and the installation thereof as provided in accordance with the provisions of this section:
 - 1. Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.
 - 2. Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.
 - 3. Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.
 - 4. Rows of plants should be staggered to provide for more effective coverage.
- H. *Maintenance and plant survival.* All landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.
- I. *Retention of trees.* As part of a landscaping plan, the developer shall also provide a tree plan identifying the location and diameter breast height (DBH) of all trees on the property. Existing mature trees with at least a 10-inch DBH shall be retained to the furthest extent possible. Development shall conform to the natural environment to incorporate existing mature trees. Where trees must be removed for proposed development, they shall be replaced at a 1:1 ratio on the subject lot or parcel with

trees of similar species that are native to the region, and with a DBH of at least 5-inches or larger. Replacement trees shall meet the maintenance and plant survival criteria of this code section. Any trees planted must maintain a 20-foot radius for spacing. The 20-foot radius spacing shall be the determining factor in how many trees are replaced on the subject property. If more trees must be planted than what the 20-foot radius spacing would allow, then the number of trees replaced shall be reduced to meet the spacing standard.

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 5 – DEVELOPMENT STANDARDS

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CHAPTER 15.82. - PARKING AND LOADING

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

- A. *Purpose. Where drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, provide for adequate vehicle queuing space, prevent automobile turning movement conflicts, and provide for pedestrian comfort and safety.*
- B. *Standards. Drive-up and drive-through facilities (i.e., driveway queuing areas, customer service windows, teller machines, kiosks, drop-boxes, or similar facilities) shall meet all of the following standards:*
 - 1. *The drive-up or drive-through facility shall orient to and receive access from a driveway that is internal to the development and not a street, as generally illustrated.*
 - 2. *The drive-up or drive-through facility shall not be oriented to street corner.*
 - 3. *The drive-up or drive-through facility shall not be located within 20 feet of a street right-of-way.*
 - 4. *Drive-up and drive-through queuing areas shall be designed so that vehicles will not obstruct any street, fire lane, walkway, bike lane, or sidewalk.*
 - 5. *All drive up and drive thru facilities must be permanently affixed to the ground and be connected to the City Water and Sewer in accordance with the standards of chapter 15.90.*

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 5 - DEVELOPMENT STANDARDS

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CHAPTER 15.88. - ACCESS AND CIRCULATION

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Sec. 15.88.050. - Pedestrian access and circulation.

- A. *Purpose and intent.* This section implements the pedestrian access and connectivity policies of City of La Pine Transportation System Plan and the requirements of the Transportation Planning Rule (OAR 660-012). It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.
- B. *Standards.* New subdivisions, multi-family developments, planned developments, commercial developments and institutional developments shall conform to all of the following standards for pedestrian access and circulation:
 1. *Continuous walkway system.* A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.
 2. *Safe, direct, and convenient.* Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:
 - a. The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.
 - b. The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The city may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.
 - c. *Vehicle/walkway separation.* Except as required for crosswalks, per subsection d., below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the city may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in

parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.

- d. Crosswalks. Where a walkway crosses a parking area or driveway ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.
- e. Walkway construction. Walkway surfaces may be concrete, ~~asphalt, brick or masonry pavers,~~ or other city-approved durable surface meeting ADA requirements. Walkways shall be not less than ~~four~~six feet in width, except that the city may require ~~five-foot wide,~~ or wider, sidewalks in developments where pedestrian traffic warrants walkways wider than ~~four~~six feet.
- f. Multi-use pathways. Multi-use pathways, where approved, shall be ten feet wide and constructed of asphalt, concrete or other city-approved durable surface meeting ADA requirements consistent with the applicable city engineering standards.

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 7 - PROCEDURES

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CHAPTER 15.204. - APPLICATION PROCEDURES

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

- A. *Type 1 procedure (staff review)*. The city planning official, or his or her designee, without public notice and without a public hearing, makes ministerial decisions through the Type I procedure because a Type 1 decision is neither a land use decision nor a limited land use decision under ORS 197.015. Ministerial decisions are those where city standards and criteria do not require the exercise of discretion (i.e., there are clear and objective standards). The city planning official's review of a zoning checklist is intended to determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit. Alternatively, the planning official may elect to process a Type I application under a Type II procedure.
- B. *Application requirements*. Approvals requiring Type I review shall be made on forms provided by the city; or, in the case of a zoning checklist, the city planning official may determine that the building permit application provides sufficient information. Applications shall:
- a. Include the information requested on the application form;
 - b. Address the criteria in sufficient detail for review and action; and
 - c. Be filed with the required fee.
- ~~D. [C.]~~ *Criteria and decision*. Type I applications shall be approved or denied by the city planning official ~~within 30 days of the application's acceptance as complete by the planning official~~ upon consideration of the applicable clear and objective criteria.
- ~~E. [D.]~~ *Effective date*. A Type I decision is final on the date it is signed by the city planning official unless appealed by the applicant in accordance with subsection G [F].
- ~~F. [E.]~~ *Notice*. Notice of a decision shall be provided to the applicant or the applicant's representative and the property owner.
- ~~G. [F.]~~ *Appeals*. The applicant for a Type I review may appeal [the] planning official's decision on the application to the planning commission. The appeal shall be filed, pursuant to the provisions of [chapter 15.212](#), within 12 days from the date of the

decision. A Type I decision is not a land use decision as defined by ORS 197.015, and therefore is not subject to appeal to the state land use board of appeals.

State Law reference— Definitions, ORS 197.015.

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 8 - APPLICATIONS AND REVIEWS

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CHAPTER 15.318. - MOBILE FOOD UNIT SITE PERMIT

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

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

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 9 - LAND DIVISIONS

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

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

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

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

Sec. 15.414.0210. - ~~Boundary~~ Property line adjustments.

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

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

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

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

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

CHAPTER 15.415. - REPLATS

Sec. 15.415.010. - Procedures.

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

Sec. 15.415.020. - Additional standards.

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

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



CITY OF LA PINE

STAFF MEMO

MEETING DATE: November 13, 2024
TO: La Pine City Council
FROM: Brent Bybee, Principal Planner
SUBJECT: File 01TA-24, Ordinance 2024-02

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

Commissioners,

The code amendments proposed are a result of work sessions and public hearings previously held with the Planning Commission, changes proposed by the Planning Commission, and scrivener errors identified by staff. The Planning Commission Recommendation provided by staff outlines the proposed changes, which generally address the amendments identified below.

Proposed Amendments

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

- Define drive up and drive thru facilities, mobile food units, and flag lots;
- Match the definitions for partitions, property line adjustments, and replats to those in state statute;
- Amend the lot size and paving requirements for self-service storage facilities;
- Removing manufactured dwelling parks as a development option from all Commercial zones;
- Further define residential lot frontage requirements;
- Provide code language requiring the retention of existing trees to the furthest extent possible when new development is proposed;

- Providing additional drive up and drive thru facility standards;
- Refining allowed pedestrian access materials;
- Amending the Type I procedures to match state statute;
- Removing code criteria that identifies mobile food unit approval periods, as it contradicts the criteria within Sec. 15.105.070.
- Amended standards towards property line adjustments, removing references to “boundary” line adjustment or “lot” line adjustment to match state statute;
- New criteria towards replats, better addressing the requirements within state statute.

Staff Recommendation

Staff recommends a formal motion and vote from the City Council stating, “I move to approve File 01TA-24 as recommended by the Planning Commission on October 16, 2024, with concurrent approval of Ordinance 2024-02 as presented by Staff.”

ORDINANCE NO. 2024-02

AN ORDINANCE OF THE CITY OF LA PINE AMENDING PART III – CITY OF LA PINE DEVELOPMENT CODE, ADOPTING ADDITIONAL PROCEDURAL CLARITY, STREAMLINING APPLICATION PROCESSES, AND EXPANDING OPTIONS FOR LOCAL RESIDENTS, AND DECLARING AN EMERGENCY

WHEREAS, the La Pine Development Code contains several sections that require amendments to bring the code into compliance with State law, and to remove references to outdated or removed State statutes or City of La Pine Code language; and

WHEREAS, other sections of the City of La Pine’s Development Code requires amendments to clarify language and intent, codify existing practices, and provide clear and objective criteria within the code criteria; and

WHEREAS, the City of La Pine Planning Commission held a public hearing on the proposed language on September 18, 2024, and October 16, 2024, and recommends adoption of the proposed amendments.

NOW, THEREFORE, the City of La Pine ordains as follows:

Section One: The above recitals are adopted into and made a part of this Ordinance 2024-02 as the City’s findings of fact.

Section Two: La Pine Development Code Sec. 15.12.020. – Definitions, is amended to add new definitions and amend existing definitions to read as depicted on the attached Exhibit A, with additions underlined and deletions ~~struck through~~.

Section Three: La Pine Development Code Sec. 15.18.300. – Use Regulations, is amended to read as depicted on the attached Exhibit B, with additions underlined and deletions ~~struck through~~.

Section Four: La Pine Development Code Sec. 15.18.400. – Development Standards, Table 15.18-2., is amended to read as depicted on the attached Exhibit C, with additions underlined and deletions ~~struck through~~.

Section Five: La Pine Development Code Sec. 15.22.300. – Use Regulations, and Table 15.22-1., is amended to read as depicted on the attached Exhibit D, with additions underlined and deletions ~~struck through~~.

Section Six: La Pine Development Code Sec. 15.24.300. – Use Regulations, and Table 15.24-1., is amended to read as depicted on the attached Exhibit E, with additions underlined and deletions ~~struck through~~.

Section Seven: La Pine Development Code Sec. 15.82.010. – Landscaping and buffering requirements, is amended to read as depicted on the attached Exhibit F, with additions underlined and deletions ~~struck through~~.

Section Eight: La Pine Development Code Sec. 15.86.040. – Drive up and drive-through uses and facilities, is amended to read as depicted on the attached Exhibit G, with additions underlined and deletions ~~struck through~~.

Section Nine: La Pine Development Code Sec. 15.88.050. – Pedestrian access and circulation, is amended to read as depicted on the attached Exhibit H, with additions underlined and deletions ~~struck through~~.

Section Ten: La Pine Development Code Sec. 15.204.010. – Type I procedure (ministerial/staff review), is amended to read as depicted on the attached Exhibit I, with additions underlined and deletions ~~struck through~~.

Section Eleven: La Pine Development Code Sec. 15.318.070. – Approval period and time extension, is amended to read as depicted on the attached Exhibit J, with additions underlined and deletions ~~struck through~~.

Section Twelve: La Pine Development Code CHAPTER 15.414. – RE PLATTING AND BOUNDARY LINE ADJUSTMENTS, is amended to read as depicted on the attached Exhibit K, with additions underlined and deletions ~~struck through~~.

Section Thirteen: La Pine Development Code CHAPTER 15.415. – REPLATS, is added to read as depicted on the attached Exhibit K, with additions underlined and deletions ~~struck through~~.

Section Fourteen: If any court of competent authority invalidates a portion of ordinance 2024-02, the remaining portions will continue in full force and effect.

Section Fifteen: With Ordinance 2024-02 being immediately necessary for health, welfare, and safety of the people of the City of La Pine, an emergency is hereby declared to exist, and this Ordinance 2024-02 shall become effective upon signing.

This Ordinance was PASSED and ADOPTED by the La Pine City Council by a vote of ___ for, and ___ against and APPROVED by the mayor on November 13, 2024.

Daniel Richer, Mayor

ATTEST:

Geoff Wullschlager, City Manager

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 2 - DEFINITIONS AND USE CATEGORIES

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Sec. 15.12.020. - Definitions

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

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

(***)

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

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

- ~~1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property, or the creation of a cemetery lot. Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;~~
- ~~2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created, and where the existing unit of land reduced in size by the adjustment complies with the applicable zoning. Adjusting a property line as property line adjustment is defined.~~

3. ~~The division of land resulting from the recording of a subdivision or condominium plat.~~
Dividing land as a result of the recording of a subdivision or condominium plat;
4. ~~The sale of a lot in a recorded subdivision or town plat, even though the developer, owner or seller of the lot may have owned other contiguous lots or property prior to the sale; the lot, however, must be sold as platted and recorded.~~
Selling or granting by a person to a public agency or public body of property for state highway, county road, city street or other right of way purposes if the road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or
5. Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

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

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

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 3 - ZONING DISTRICTS

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CHAPTER 15.18. - RESIDENTIAL ZONES

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Sec. 15.18.300. - Use regulations.

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

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

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

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 3 - ZONING DISTRICTS

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CHAPTER 15.18. - RESIDENTIAL ZONES

(***)

Sec. 15.18.400. - Development standards.

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

- B. *Development standards.* The development standards for residential zones are presented in Table 15.18-2. Development standards may be modified as provided by [chapter 15.320](#), variances. Additional standards may apply to specific zones or uses, see [section 15.18.500](#). Footnotes in the table correspond to the sections below.
 - 1. Minimum density standard in the RSF zone only applies to subdivisions. Development on existing lots and partitions are exempt from this standard.

 - 2. Accessory dwellings do not count toward the maximum density standard in the RSF zone.

<i>Table 15.18-2. Development Standards in the Residential Zones</i>		
<i>Standard</i>	<i>RSF</i>	<i>RMF</i>
Minimum street frontage <u>When a flag lot is proposed, as defined under <i>Flag Lot</i> in section 15.12.020, the minimum frontage width shall be 30 feet, and shall apply to the full length of the flag lot "pole".</u>	50 feet 35 feet on cul-de-sac street 25 feet for townhomes	50 feet 35 feet on a cul-de-sac street 25 feet for townhomes

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 3 - ZONING DISTRICTS

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CHAPTER 15.22. - COMMERCIAL AND MIXED-USE ZONES

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Sec. 15.22.300. - Use regulations

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

- A. *Permitted uses (P)*. Uses allowed outright in the commercial and mixed-use zones are listed in Table 15.22-1 with a "P." In the C zone, any use that emits fumes or noxious odors, requires an air quality permit from the Oregon Department of Environmental Quality (DEQ), or emits noise beyond 20 decibels (dB) is required to obtain a conditional use permit pursuant to [chapter 15.316](#), conditional uses.

- B. *Limited uses (L)*. Uses allowed in the commercial and mixed-use zones subject to limitations are listed in Table 15.22-1 with an "L." The limitations are defined below and correspond with the footnote numbers in Table 15.22-1. In the C zone, any use that emits fumes or noxious odors, requires an air quality permit from the Oregon Department of Environmental Quality (DEQ), or emits noise beyond 20 decibels (dB) is required to obtain a conditional use permit pursuant to [chapter 15.316](#), conditional uses.
 - 1. *Marijuana facilities in the C and CMX zones*. Allowed marijuana facilities in the C and CMX zone[s] are limited to marijuana testing laboratories. Marijuana production or processing uses are prohibited.

 - 2. *Mixed use development in the CRMX zone*. Non-residential uses noted with a (2) are allowed in combination with residential uses in the CRMX zone if the nonresidential uses are limited to a total of 60 percent of the gross floor area of all uses in the development. Business parks and funeral homes are prohibited nonresidential uses.

 - 3. *Wireless telecommunication facilities in the CRMX and CMX zones*. Communication antennas mounted on existing buildings, structures, or public utility transmission towers are permitted outright. Communication towers require a conditional use permit.

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

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

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 3 - ZONING DISTRICTS

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CHAPTER 15.24. - INDUSTRIAL AND PUBLIC FACILITY ZONES

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Sec. 15.24.300. - Use regulations.

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

- A. *Permitted uses (P)*. Uses allowed outright in the industrial and public facility zones are listed in Table 15.24-1 with a "P."
- B. *Limited uses (L)*. Uses allowed in the industrial and public facility zones subject to limitations are listed in Table 15.24-1 with an "L." The limitations are defined below and correspond with the footnote numbers in Table 15.24-1.
 1. *Eating and drinking establishments in the LI zone*. Eating and drinking establishments in the LI zone are limited to 2,500 square feet of gross floor area.
 2. *Offices in the LI, I, and PF zones*. Offices as a primary use are limited to industrial offices (as defined in [section 15.14.235](#)) and government offices that do not include a point-of-service facility. All other office uses must be accessory to a permitted industrial use.
 3. *Retail sales and services in the LI zone*. Retail sales and services in the LI zone are limited to 2,500 square feet of gross floor area, except for the following uses:
 - a. Health and fitness centers may exceed the maximum floor area.
 - b. Retail sales of heavy equipment may exceed the maximum floor area with a conditional use permit.
 - c. Retail sales of goods that are displayed outdoors, such as sales of building materials, landscape materials, or garden or farm supplies, may exceed the maximum floor area with a conditional use permit.
 4. *Automotive wrecking, salvage, and junk yards*. The storage or sale of junk requires a special license, see [section 15.108.040](#).

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

Use Category	LI	I	PF	Special Use Standards
Self-service storage	CU (11)	P (11)	P (11)	—

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 5 - DEVELOPMENT STANDARDS

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CHAPTER 15.82. - LANDSCAPING, BUFFERING AND FENCES

Sec. 15.82.010. - Landscaping and buffering requirements.

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

- A. *Exemption.* The provisions of this section may be exempted for uses existing on or before the effective date of this Development Code that are a permitted use in a specific zone in an existing building or buildings on a lot or parcel of land of the scale that there is no remaining room for landscaping; this exemption shall also apply to the exterior remodeling and/or expansion of not more than 25 percent of the total square footage of all enclosed structures on a lot or parcel existing under a unit ownership on or before the effective date of this Development Code.
- B. *Area required.* Except as approved otherwise by the city, the following minimum percent of a parcel area shall be landscaped for the following uses:
 1. Duplexes and triplexes: 25 percent.
 2. Multi-family ~~developments~~ ~~dwelling complexes~~ containing four or more units and commercial residential mixed uses (CRMX): 20 percent.
 3. Commercial uses including mixed use commercial (CMX): 15 percent.
 4. Industrial uses. A minimum five-foot landscaped buffer along any adjoining public right-of-way of a collector or arterial street or highway, which may be computed toward an overall requirement of ten percent.
 5. Minimum area requirements may include landscaping around buildings, in parking and loading areas, outdoor recreational use areas, screening and buffering areas, and surface water drainage areas.
- C. *Landscaping defined.* Required landscaping may include, but is not limited to, a combination of any of the following materials: living plant material such as trees, shrubs, groundcover, flowers and lawn (including native vegetation); and nonliving materials such as benches, walkways and courtyards, consisting of brick, decorative rock or other decorative materials. The total amount of nonliving materials (including bark dust, chips, aggregate, or other non-plant ground covers) shall not exceed more than 50 percent of the required landscape area.

- D. *Existing vegetation.* Existing site vegetation ~~may~~shall be utilized to the maximum extent possible consistent with building placement and the applicable proposed landscape plan.
- E. *Parking lots.* Parking lots with space for ten or more vehicles must be landscaped in accordance with the following minimum requirements:
1. In commercial and residential developments, parking areas shall be divided into bays, and between or at the end of each parking bay a curbed planter containing at least 16 square feet may be required.
 2. If required, each planter shall contain at least one tree or shrub and ground cover.
 3. The areas shall be designed to be protected from being damaged by vehicles using the parking area.
 4. Unless sidewalks are provided adjacent to a structure, customer or resident parking areas should be separated from the exterior wall of a commercial or residential structure by a minimum five-foot strip of landscaping.
 5. Where a parking, loading or driveway area serving a multi-family, commercial, industrial or government use abuts a public right-of-way of a collector or arterial street or a local street across from a residential zone, or abuts a residential zone, a screen planting or other approved landscaped planter strip may be required between the parking area and the right-of-way without encroaching into a clear vision area or sidewalk.
- F. *Buffering and screening.*
1. Purpose. The purpose of buffering and screening requirements are to reduce the impacts of a proposed use on adjacent uses and zones which provide for different types of uses. The city may waive or reduce the requirements where existing topography or vegetation is appropriate or otherwise negates the effectiveness or intended purpose or benefits of the buffering and screening.
 2. Where any permitted principal and/or accessory use in a commercial or industrial zone abuts any land zoned RSF, RMF, RMP or TA the following buffer and screening shall be required. These requirements shall apply in instances where such use is being newly developed on vacant land, expanded in floor area by 50 percent or greater, or removed and a new use developed.
 3. Within commercial zones. A buffer strip at least ten feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts an RSF, RMF, RMP, or TA zone. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier. The buffer strip shall contain suitable screening, defined as either of the following:

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

- c. A property owner may not sell, lease, or otherwise transfer property if such action results in a reduction of a separation distance for a commercial or light manufacturing use below the minimum required in this section. Likewise, a property owner may not remove or alter natural vegetation or landforms serving upon a waiver from the city as buffer and screening for a commercial or light manufacturing use if such action results in the natural buffer and screening being less effective than as required in this and other sections of this Development Code.
 5. A buffer or screening area may only be occupied by screening utilities and landscaping materials, but the same may be located within the required yard or setback requirements provided vision clearance requirements are complied with.
 6. In lieu of the foregoing requirements, an applicant may provide for landscaping and screening, including plantings, fences, walls, walks and other features designed to afford the same degree of buffering as the standards above. A plan and specifications for an alternative shall be reviewed and approved by the review authority.
- G. *Plant material installation standards.* Except as otherwise approved by the city, the following standards shall apply to plant materials and the installation thereof as provided in accordance with the provisions of this section:
 1. Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.
 2. Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.
 3. Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.
 4. Rows of plants should be staggered to provide for more effective coverage.
- H. *Maintenance and plant survival.* All landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.
- I. *Retention of trees.* As part of a landscaping plan, the developer shall also provide a tree plan identifying the location and diameter breast height (DBH) of all trees on the property. Existing mature trees with at least a 10-inch DBH shall be retained to the furthest extent possible. Development shall conform to the natural environment to incorporate existing mature trees. Where trees must be removed for proposed development, they shall be replaced at a 1:1 ratio on the subject lot or parcel with

trees of similar species that are native to the region, and with a DBH of at least 5-inches or larger. Replacement trees shall meet the maintenance and plant survival criteria of this code section. Any trees planted must maintain a 20-foot radius for spacing. The 20-foot radius spacing shall be the determining factor in how many trees are replaced on the subject property. If more trees must be planted than what the 20-foot radius spacing would allow, then the number of trees replaced shall be reduced to meet the spacing standard.

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 5 – DEVELOPMENT STANDARDS

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CHAPTER 15.82. - PARKING AND LOADING

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

- A. *Purpose. Where drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, provide for adequate vehicle queuing space, prevent automobile turning movement conflicts, and provide for pedestrian comfort and safety.*
- B. *Standards. Drive-up and drive-through facilities (i.e., driveway queuing areas, customer service windows, teller machines, kiosks, drop-boxes, or similar facilities) shall meet all of the following standards:*
 - 1. *The drive-up or drive-through facility shall orient to and receive access from a driveway that is internal to the development and not a street, as generally illustrated.*
 - 2. *The drive-up or drive-through facility shall not be oriented to street corner.*
 - 3. *The drive-up or drive-through facility shall not be located within 20 feet of a street right-of-way.*
 - 4. *Drive-up and drive-through queuing areas shall be designed so that vehicles will not obstruct any street, fire lane, walkway, bike lane, or sidewalk.*
 - 5. *All drive up and drive thru facilities must be permanently affixed to the ground and be connected to the City Water and Sewer in accordance with the standards of chapter 15.90.*

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 5 - DEVELOPMENT STANDARDS

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CHAPTER 15.88. - ACCESS AND CIRCULATION

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Sec. 15.88.050. - Pedestrian access and circulation.

- A. *Purpose and intent.* This section implements the pedestrian access and connectivity policies of City of La Pine Transportation System Plan and the requirements of the Transportation Planning Rule (OAR 660-012). It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.
- B. *Standards.* New subdivisions, multi-family developments, planned developments, commercial developments and institutional developments shall conform to all of the following standards for pedestrian access and circulation:
 - 1. *Continuous walkway system.* A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.
 - 2. *Safe, direct, and convenient.* Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:
 - a. The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.
 - b. The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The city may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.
 - c. *Vehicle/walkway separation.* Except as required for crosswalks, per subsection d., below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the city may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in

parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.

- d. Crosswalks. Where a walkway crosses a parking area or driveway ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.
- e. Walkway construction. Walkway surfaces may be concrete, ~~asphalt, brick or masonry pavers,~~ or other city-approved durable surface meeting ADA requirements. Walkways shall be not less than ~~four~~six feet in width, except that the city may require ~~five-foot wide,~~ or wider, sidewalks in developments where pedestrian traffic warrants walkways wider than ~~four~~six feet.
- f. Multi-use pathways. Multi-use pathways, where approved, shall be ten feet wide and constructed of asphalt, concrete or other city-approved durable surface meeting ADA requirements consistent with the applicable city engineering standards.

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 7 - PROCEDURES

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CHAPTER 15.204. - APPLICATION PROCEDURES

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

- A. *Type 1 procedure (staff review)*. The city planning official, or his or her designee, without public notice and without a public hearing, makes ministerial decisions through the Type I procedure because a Type 1 decision is neither a land use decision nor a limited land use decision under ORS 197.015. Ministerial decisions are those where city standards and criteria do not require the exercise of discretion (i.e., there are clear and objective standards). The city planning official's review of a zoning checklist is intended to determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit. Alternatively, the planning official may elect to process a Type I application under a Type II procedure.
- B. *Application requirements*. Approvals requiring Type I review shall be made on forms provided by the city; or, in the case of a zoning checklist, the city planning official may determine that the building permit application provides sufficient information. Applications shall:
- a. Include the information requested on the application form;
 - b. Address the criteria in sufficient detail for review and action; and
 - c. Be filed with the required fee.
- ~~D.—[C.]~~ *Criteria and decision*. Type I applications shall be approved or denied by the city planning official ~~within 30 days of the application's acceptance as complete by the planning official~~ upon consideration of the applicable clear and objective criteria.
- ~~E.—[D.]~~ *Effective date*. A Type I decision is final on the date it is signed by the city planning official unless appealed by the applicant in accordance with subsection G [F].
- ~~F.—[E.]~~ *Notice*. Notice of a decision shall be provided to the applicant or the applicant's representative and the property owner.
- ~~G.—[F.]~~ *Appeals*. The applicant for a Type I review may appeal [the] planning official's decision on the application to the planning commission. The appeal shall be filed, pursuant to the provisions of [chapter 15.212](#), within 12 days from the date of the

decision. A Type I decision is not a land use decision as defined by ORS 197.015, and therefore is not subject to appeal to the state land use board of appeals.

State Law reference— Definitions, ORS 197.015.

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 8 - APPLICATIONS AND REVIEWS

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CHAPTER 15.318. - MOBILE FOOD UNIT SITE PERMIT

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

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

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 9 - LAND DIVISIONS

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

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

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

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

Sec. 15.414.0210. - Boundary~~Property~~ line adjustments.

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

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

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

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

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

CHAPTER 15.415. - REPLATS

Sec. 15.415.010. - Procedures.

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

Sec. 15.415.020. - Additional standards.

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

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



CITY OF LA PINE

STAFF MEMO

MEETING DATE: November 13, 2024
TO: La Pine City Council
FROM: Brent Bybee, Principal Planner
SUBJECT: File 01TA-23, Ordinance 2024-03

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

Commissioners,

The code amendments proposed are a result of a public hearing previously held with the Planning Commission, addressing scrivener errors identified by staff. The Planning Commission Recommendation provided by staff outlines the proposed changes, which generally address the amendments identified below.

Proposed Amendments

Specifically, the proposal is to clarify the application of La Pine Development Code Article 8., Chapter 15.320., Section 15.320.010 B. – Minor Variance, to Article 8., Chapter 15.320., Section 15.320.040 - Approval Criteria (except for riparian variances).

Staff Recommendation

Staff recommends a formal motion and vote from the City Council stating, “I move to approve File 01TA-23 as recommended by the Planning Commission on May 17, 2023, with concurrent approval of Ordinance 2024-03 as presented by Staff.”

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY OF LA PINE AMENDING PART III – CITY OF LA PINE DEVELOPMENT CODE, ADOPTING ADDITIONAL PROCEDURAL CLARITY, AND DECLARING AN EMERGENCY

WHEREAS, the La Pine Development Code contains a section that requires an amendment to clarify language and intent, codify existing practices, and provide clear and objective criteria within the code criteria; and

WHEREAS, the City of La Pine Planning Commission held a public hearing on the proposed language on May 17, 2023, and recommends adoption of the proposed amendments.

NOW, THEREFORE, the City of La Pine ordains as follows:

Section One: The above recitals are adopted into and made a part of this Ordinance 2024-03 as the City's findings of fact.

Section Two: La Pine Development Code Sec. 15.320.010. – Applicability, is amended to read as depicted on the attached Exhibit A, with additions underlined and deletions ~~struck through~~.

Section Three: If any court of competent authority invalidates a portion of ordinance 2024-03, the remaining portions will continue in full force and effect.

Section Four: With Ordinance 2024-03 being immediately necessary for health, welfare, and safety of the people of the City of La Pine, an emergency is hereby declared to exist, and this Ordinance 2024-03 shall become effective upon signing.

This Ordinance was PASSED and ADOPTED by the La Pine City Council by a vote of ___ for, and ___ against and APPROVED by the mayor on November 13, 2024.

Daniel Richer, Mayor

ATTEST:

Geoff Wullschlager, City Manager

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 8 - APPLICATIONS AND REVIEWS

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CHAPTER 15.320. - VARIANCES

Sec. 15.320.010. - Applicability.

- A. Variance. Variances from the provisions and requirements of this chapter may be approved in accordance with the provisions of this section.
- B. Minor variance. A minor variance is a variance to an area or dimensional standard of this Development Code that complies with Section 15.320.040 and meets one of the following conditions. Only one such variance may be granted for any one lot, parcel or tract of land.
 - 1. Involves a deviation from a minimum lot size requirement of not more than ten percent.
 - 2. Involves a deviation from a yard or setback requirement of not more than 25 percent.
 - 3. Involves a request for the expansion of a non-conforming use by not more than ten percent.
- C. Riparian variance. In cases where the limitations on activities within the significant riparian corridor unduly restricts the development of a lot or parcel legally created before the effective date of this Development Code, a property owner may request a riparian variance.