



**CITY OF LA PINE, OREGON
PLANNING COMMISSION**

Wednesday, April, 16, 2025, at 5:30 PM

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

Online access via Zoom: <https://us02web.zoom.us/j/88628895185>

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

AGENDA

CALL TO ORDER

ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE

ADDED AGENDA ITEMS

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

CONSENT AGENDA

- 1. 04.02.2025 Joint Planning Commission and City Council Workshop Minutes 3.
 - a. Public Comment Form R. Metcalf 9.

PUBLIC HEARING

- 1. 03SUB-24, Spike Acres
 - a. Open Public Hearing
 - b. Application Documents
 - i. Staff Report 10.
 - c. Public Testimony
 - d. Close Hearing

OLD BUSINESS

None

NEW BUSINESS

- 1. Long Range Planning Update
- 2. Current Planning Update

OTHER MATTERS

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

PUBLIC COMMENTS

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

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

STAFF AND COMMITTEE COMMENTS

ADJOURN

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



CITY OF LA PINE, OREGON
JOINT CITY COUNCIL AND PLANNING COMMISSION WORKSHOP &
REGULAR PLANNING COMMISSION MEETING

Wednesday, April 2, 2025, at 5:30 PM

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

Available online via Zoom: <https://us02web.zoom.us/j/88954377050>

MINUTES

CALL TO ORDER

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

ESTABLISHMENT OF QUORUM

Council

Mayor Earls – Via Zoom

Council President Ignazzitto – Absent (Excused)

Councilor Shields

Councilor Morse

Councilor Curtis

Commission

Chair Myers

Vice Chair Poteet

Commissioner Hatfield

Commissioner Bauman – Absent (Excused)

Commissioner Accinelli – Absent (Excused)

Staff

Geoff Wullschlager – City Manager

Brent Bybee – Community Development Director

Nick Tierney – Associate Planner

Amanda Metcalf – City Recorder

PLEDGE OF ALLEGIANCE

Councilor Morse led the Pledge of Allegiance.

JOINT CITY COUNCIL AND PLANNING COMMISSION MEETING

JOINT BODY DISCUSSION:

Community Development Director Bybee presented the staff report for the joint City Council and Planning Commission workshops. He listed the dates for the upcoming public hearings for the adoption of the comprehensive plan update.

Anais Mathez from 3J Consulting facilitated the workshop, providing an overview of its structure, the background of La Pine 2045, and the progress made so far. She also explained the workshop's objectives and how the boards would contribute to the process.

1. Goal 11: Public Facilities

Goal 1: Seek the most efficient and economic means for constructing, operating, and maintaining public facilities and services in La Pine as growth occurs.

Goal 2: Coordinate intra-agency efforts, including with private service and Special District providers, and ensure an efficient system of public facilities for necessary services to meet the projected growth levels for the community.

Goal 3: Encourage conservation practices for public resources, services, and related facilities.

Ms. Mathez presented the key changes which include sustainability focus, proactive expansion, and green infrastructure.

In Policy 3.7, the Council and Commission agreed to remove the final phrase, "and provide wildlife habitats and greenspace." Ms. Mathez suggested that Policy 3.3 is misplaced and should be removed, with the intention to revisit the concept in a more appropriate location. The Council and Commission concurred and approved its removal. No further discussions were raised by the Council or Commission.

2. Goal 12: Transportation

Goal 1: Create a safe, convenient, balanced, functional, and economical transportation system to maximize and extend the life of transportation facilities and improve livability throughout the La Pine community.

Goal 2: Provide a transportation system in and through La Pine that prioritizes mobility and connectivity for all users.

Goal 3: Develop a supportable and sustainable financing method for funding necessary transportation system master plan improvements over the life of the Plan.

Goal 4: Minimize environmental impacts and encourage efficient transportation alternatives.

Key changes include Multimodal emphasis, enhanced connectivity, and environmental considerations.

Ms. Mathez stated that this specific goal may need to remain unchanged to align with DLCDC's policies since the City's TSP was adopted in 2013. She noted that once the TSP is updated, the comprehensive plan will be amended to reflect those changes. DLCDC may require the City to retain Goal 12 as it is until the amendment process is completed. She also listed the new goals and key changes.

The Commission and the Council agreed to add ODOT to the list of organizations to coordinate with under Policy 1.11. It was also decided to include the word “comfort” in the wording of Goal 2, which now reads, “Provide a transportation system in and through La Pine that prioritizes mobility, comfort, and connectivity for all users.”

The Council and Commission revised Goal 3 by removing the phrases “supportable” and “over the life of the Plan,” resulting in the revised goal: “Develop sustainable financing methods for funding necessary transportation system master plan improvements.”

For Policy 4.3, the Council and Commission removed the phrase “including appropriate species selection, tree spacing, and irrigation.” The policy now reads, “Ensure landscaping within a right-of-way meets the wildfire protection standards for best practices.”

No further discussions were held.

3. Goal 13: Energy Conservation

Goal 1: Promote energy efficiency and alternative energy production.

Key changes include Renewable energy promotion, building efficiency, and community programs.

The Council and Commission agreed to replace the word “promote” with “support” in Goal 1 and throughout the related policies. They also decided to remove the last portion of Policy 1.6 following the phrase “administrative tools.”

No further discussions were held.

4. Goal 14: Urbanization

Goal 1: Promote efficient development within the La Pine Urban Growth Boundary (UGB) to accommodate anticipated population and employment growth, minimize the cost of providing public services and infrastructure, and protect resource land.

Goal 2: Coordinate with local, regional, and statewide agencies and partners on providing services related to urban growth.

Key changes include strategic UGB expansion, promotes infill development, and resource preservation.

There were no discussions related to Goal 14. Anais concluded the workshop by presenting the La Pine 2045 Document to the Commission and the Council. She also reviewed the next steps for the comprehensive plan update.

ADJOURNMENT

Chair Myers adjourned the meeting at 6:42 p.m.

REGULAR PLANNING COMMISSION MEETING

CALL TO ORDER

Chair Myers called the meeting to order at 6:50 p.m.

ESTABLISHMENT OF QUOROM

Commission

Chair Myers

Vice Chair Poteet

Commissioner Hatfield

Commissioner Bauman – Absent (Excused)

Commissioner Accinelli – Absent (Excused)

Staff

Geoff Wullschlager – City Manager

Brent Bybee – Community Development Director

Nick Tierney – Associate Planner

Amanda Metcalf – City Recorder

ADDED AGENDA ITEMS

There were no added agenda items.

CONSENT AGENDA

1. 03.05.2025 Joint City Council and Planning Commission Workshop Minutes
2. 03.18.2025 Joint City Council and Planning Commission Workshop Minutes

Commissioner Hatfield made a motion to approve the consent agenda. *Vice Chair Poteet seconded the motion.* Motion passed unanimously.

PUBLIC HEARING:

None

OLD BUSINESS:

None

NEW BUSINESS:

1. Long Range Planning Update

Director Bybee introduced the City’s new Associate Planner, Nick Tierney, and provided an overview of his planning experience. City Manager Wullschlager added that Associate Planner Tierney previously worked with the City, representing COIC during the spec building project.

Director Bybee provided an update on the Transportation System Plan (TSP) update, explaining that staff received the revised scope of work with minor edits, which has been submitted to the Transportation and Growth Management (TGM) grant review team. Once feedback is received, the City can begin soliciting consultants.

He also noted that coordination with DLCD is ongoing, and the City is eligible to submit for reimbursement under the Technical Assistance (TA) grant for the comprehensive plan update. He

expressed confidence that there are no significant challenges anticipated and that the Commission can proceed with the update.

Lastly, he mentioned that a quarterly meeting with the Deschutes County Community Development Director is scheduled for this spring to discuss progress on the Newberry Master Plan update.

2. Current Planning Update

Director Bybee provided an update on an industrial spec building in the business park, noting that it is currently under review. Arco, located on Huntington Road and Burgess Road, has received approval with strict transportation-related conditions. Starbucks has received final approval, and Director Bybee is awaiting final comments before issuing a decision on another spec building in the industrial park.

He mentioned that staff have been receiving more residential zoning permit applications.

Director Bybee and Associate Planner Tierney are also working together on training efforts to prepare Associate Planner Tierney to take over current planning responsibilities for the City.

PUBLIC COMMENTS

Robert Metcalf, a resident of 3rd Street, expressed concerns that the arrival of Starbucks could negatively impact existing small coffee shop businesses. He also shared his past experience attempting to open a coffee shop, noting a lack of demand for additional shops in the area.

Director Bybee responded by explaining that when the planning department receives an application, the decision-making process is limited by specific criteria. He outlined the criteria reviewed during an administrative land use decision.

City Manager Wullschlager elaborated further, explaining that ORS 197 governs land use code and law throughout the state of Oregon.

STAFF & COMMITTEE COMMENTS

Director Bybee stated that the community is seeking to establish a clear identity. He noted that this visioning project, which is considered a future goal project, could align with the visioning component of the comprehensive plan update. He anticipates updating the downtown overlay and exploring strategies to promote that vision.

City Manager Wullschlager did not have any comments.

Associate Planner Tierney did not have any comments.

City Recorder Metcalf did not have any comments.

Chair Myers did not have any comments.

Vice Chair Poteet did not have any comments.

Commissioner Hatfield did not have any comments.

ADJOURNMENT

Vice Chair Poteet made a motion to adjourn the meeting. *Commissioner Hatfield seconded the motion.* Motion passed unanimously.

Chair Myers adjourned the meeting at 7:16 p.m.

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

_____ Date:

Teri Myers, Chair

ATTEST:

_____ Date:

Amanda Metcalf, City Recorder



PUBLIC COMMENT FORM

Completed forms will be collected prior to the start of the meeting. Comments will be limited to 3 minutes and restricted to the topics indicated below. All remarks and questions must be addressed to the presiding officer, only. Comments will be respectful. Harsh and/or abusive language will not be permitted. (This document is a public record)

Name: Robert Metcalf Phone Number: 541-778-3428
 Address: 17655 3rd St Co Pine OR
 Email: R.metcalf@co.pine.or.us Resident Non Resident Other
 Agenda Item Topic #: Kids in support of in opposition to as an interested party
 Non-Agenda Item Topic (Provide brief description): Starbucks - hunting local business
 Organization (if applicable): Amical Would you like to be contacted for follow up?
 Yes No



CITY OF LA PINE

STAFF MEMO

MEETING DATE: April 16, 2025

TO: Planning Commission

FROM: Brent Bybee, Community Development Director

SUBJECT: Public Hearing: 03SUB-24, Spike Acres

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

Proposal:

The Applicant requests approval of a subdivision to create 10 lots.

Record:

The full record for this file can be found on the project website: <https://www.lapineoregon.gov/cd/page/land-use-file-03sub-24-spike-acres-subdivision>

Public Notice:

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

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

Next Steps:

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

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

Recommended Motion:

Staff propose the La Pine Planning Commission approve the proposed subdivision tentative plan, with the following motion:

“I move to approve File 03SUB-24, as presented by staff.”

Budget Impacts:

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

applicant. **Attachment(s):**

1. Staff Report



STAFF REPORT

- FILE NUMBER:** 03SUB-24
- APPLICANT/OWNER:** Cornerstone Residential LLC
Josh Harpole
61141 South Hwy 97 PBM 741
Bend, OR 97702
- LOCATION:** The subject property is located at 52598 & 52586 Antler Ln, La Pine, Oregon 97739. The Tax Lot numbers are 4500 & 4600 on Deschutes County Assessor's Map 21-10-36C.
- REQUEST:** The applicant is requesting Tentative Plan approval for a new 10-lot residential single-family subdivision.
- STAFF CONTACT:** Brent Bybee, Community Development Director
Email: bbybee@lapineoregon.gov
Phone: (541) 668-1135
- RECOMMENDATION:** Approval, subject to the conditions of approval identified below

I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA

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

II. BASIC FINDINGS

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

PARCEL SIZE: The subject properties are 1.75-acres in size total.

LOT LEGALITY: The subject properties were created as Lots 1 & 2, of Block 3, within the Cagle Subdivision Plat No. 5, filed with the Clerk on September 28, 1961.

REVIEW PERIOD: The subject application was submitted on December 18, 2024, and deemed incomplete on January 9, 2025. After an additional submittal, the application was deemed complete on January 30, 2025. The 120th day on which the City must take final action on this application is May 30, 2025.

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

SURROUNDING LAND USES: Surrounding properties are all zoned Residential Single Family, and developed with residential development including single family dwellings and accessory structures.

PERMIT HISTORY:

- N/A

III. AGENCY AND PUBLIC COMMENTS

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

Deschutes County Address Coordinator, Tracy Griffin

Good afternoon Brent. Spike Court is approved for use of this right-of-way.
Thank you,

City of La Pine Public Works Director, Ashley Ivans

After discussions with the City Manager we have decided to provide the following comments to the application from the Public Works Department:

The applicant’s burden of proof states:

15.90.020 Developer Responsibility for Streets and Other Public Facilities

.....

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

Applicant Response: The partition is within a partially developed area, with partial street improvements. The abutting Antler Lane right-of-way does not currently have full street

improvements or sidewalks. As detailed on the Plan Set, the applicant proposes to improve Antler Lane with pavement, a landscape strip and sidewalks, bringing the frontage into conformance with City Standards and with this requirement.

15.90.070 Design of Streets and Other Public Facilities.

.....

E. Minimum right-of-way and roadway widths. Unless otherwise approved in the tentative development plan, street, sidewalk and bike rights-of-way and surfacing widths shall not be less than the minimum widths in feet set forth in the La Pine Transportation System Plan, and shall be constructed in conformance with applicable standards and specifications set forth by the city.

Applicant Response: As detailed on the Plan Set, the proposal includes right-of-way dedication and improvements to Antler Lane, along with a new internal street. The design result in the dedication of 7 feet of right-of-way along the Antler Lane frontage, resulting in 32 feet to the centerline (1/2 of the City required 64 feet). Improvements along Antler Lane include pavement improvements, a landscape strip and sidewalks. For the internal street, the design provides 64 feet of right-of-way, travel lanes, landscape strips and sidewalk. The cul-de-sac at the eastern terminus of the street will have a 52 foot radius. The proposes design conforms to City Standards, the TSP and with the requirements of this section.

The City of La Pine Public Works Department does not require pavement improvements on this portion of Antler Lane, as the City Code does not provide a standard for rough proportionality. Without such a standard, pavement improvements are not quantifiable for this application. A landscape strip and sidewalks will bring the frontage to conformance.

STAFF COMMENT: Conditions regarding landscape and frontage improvements have been included, and to ensure compliance with the Public Works Directors comments, the following condition of approval has been added.

Antler Lane: **Prior to development**, the applicant shall submit plans omitting the improvement of Antler Lane, with the retention curbs, landscape swales, and sidewalks along Antler Lane.

Anderson Perry, Troy Baker

Per the City of La Pine’s request, Anderson Perry & Associates, Inc., has reviewed the tentative plat of a ten-lot subdivision at 52586 and 52598 Antler Lane on Tax Lots No. 211036004500 and 211036004600 for the potential impacts to public utilities and roadways. The public improvements shown on the site plan were reviewed using the City’s 2016 Standards and Specifications Design Standards (Design Standards). The review comments are listed below by public facility.

Street

- Provide street improvement plans for Antler Lane and Spike Court that comply with Design Standards II. Design Parameter, A. Street, and III. Drawings. Provide details for the proposed street section and pavement section.
- The Design Standards require curbs along street improvements. Provide curbs along Antler Lane and Spike Court that comply with Design Standards II. Design Parameter, A. Street, 10. Curbs. Provide detail

for the curb opening to allow for street drainage to the swale. Show curb opening locations on the plans.

- Sidewalk ramps are missing to Antler Lane. Show ramps on the street improvement plan. Provide detail for accessible ramps.
- Provide details for driveways through swales and driveways from the cul-de-sac bulb, with a design section suitable for vehicle traffic. Show in the detail if swale driveways have a low point to let stormwater cross to balance storage/infiltration across Swales 1 and 2.
- Locate the proposed mail cluster delivery box outside of the intersection sight distance triangle and comply with Design Standards II. Design Parameter, A. Street, 15. Cluster Postal Delivery Boxes.
- Show stop/street name sign at the intersection per Design Standards II. Design Parameter, A. Street, 14. Street Signs.

Stormwater

- Provide stormwater improvement plans for Antler Lane and Spike Court that comply with Design Standards II. Design Parameter, B. Stormwater, and III. Drawings.
- Provide details for swales along Antler Lane and Spike Court.
- Provide a grading plan showing how lot drainage will remain on site. The preliminary grading plan shows stormwater from the southern half of the proposed subdivision draining toward the sidewalk, across the sidewalk, and into the swale or cul-de-sac.
- Provide stormwater calculations supporting the analysis shown on Drawings No. G-04 and G-05.

Sewer

- Provide sewer improvement plans for Spike Court that comply with Design Standards II. Design Parameter, C. Sewer, and III. Drawings.
- Provide detail of the connection to the existing sewer main.
- Provide main line cleanout detail.
- Provide service and service cleanout detail.

Water

- Provide water improvement plans for Spike Court that comply with Design Standards II. Design Parameter, D. Water, and III. Drawings.
- Provide detail of the hot tap on the existing water main, including the 8-inch valve.
- Provide detail for hydrant installation. Show the minimum separation between water and electrical on the detail.
- The hydrant is shown in the utility easement. Grant City water easement for the hydrant in the utility easement.

- Provide service and meter box detail.

STAFF COMMENT: The comments from the City Engineer do not incorporate the comments from the Public Works Department with regard to the construction of Antler Lane. To ensure compliance with the City Engineer comments, the following conditions of approval have been added.

Street Improvement Plans: **Prior to development**, the applicant shall provide street improvement plans for Antler Lane and Spike Court that comply with Design Standards II. Design Parameter, A. Street, and III. Drawings. Provide details for the proposed street section and pavement section.

Curb and Ramp Design: **prior to development**, The Design Standards require curbs along street improvements. The applicant shall plans to the city that provide curbs along Antler Lane and Spike Court that comply with Design Standards II. Design Parameter, A. Street, 10. Curbs. Provide detail for the curb opening to allow for street drainage to the swale. Sidewalk ramps shall also be provided at Antler Lane. The ramps shall be identified along with the curb opening locations on the street improvement plan, providing detail for accessible ramps.

Driveway and Swale Details: **Prior to development**, the applicant shall provide details for driveways through swales and driveways from the cul-de-sac bulb, with a design section suitable for vehicle traffic. Show in the detail if swale driveways have a low point to let stormwater cross to balance storage/infiltration across Swales 1 and 2.

Mail Delivery Location: **Prior to final plat**, the applicant shall locate the proposed mail cluster delivery box outside of the intersection sight distance triangle and comply with Design Standards II. Design Parameter, A. Street, 15. Cluster Postal Delivery Boxes.

Street Signage: **Prior to development**, the applicant shall show within the submitted plans a stop/street name sign at the intersection per Design Standards II. Design Parameter, A. Street, 14. Street Signs.

Stormwater Plans and Details: **Prior to development**, the applicant shall provide stormwater improvement plans for Antler Lane and Spike Court that comply with Design Standards II. Design Parameter, B. Stormwater, and III. Drawings. Plans shall include details for swales along Antler Lane and Spike Court, a grading plan showing how lot drainage will remain on site—including stormwater from the southern half of the subdivision that currently drains toward and across the sidewalk—and stormwater calculations supporting the analysis shown on Drawings No. G-04 and G-05.

Sewer Improvement Plans: **Prior to development**, the applicant shall provide sewer improvement plans for Spike Court that comply with Design Standards II. Design Parameter, C. Sewer, and III. Drawings. Plans shall include detail of the connection to the existing sewer main, main line cleanout detail, and service and service cleanout detail.

Water Improvement Plans: **Prior to development**, the applicant shall provide water improvement plans for Spike Court that comply with Design Standards II. Design Parameter, D. Water, and III. Drawings. Plans shall include detail of the hot tap on the existing water main, including the 8-inch valve; detail for hydrant installation showing the minimum separation between water and electrical; service and meter box detail; and documentation granting the City a water easement for the hydrant located in the utility easement.

IV. FINDINGS OF FACT

PART III - CITY OF LA PINE DEVELOPMENT CODE

Article 3 - ZONING DISTRICTS

CHAPTER 15.18. – RESIDENTIAL ZONES

Sec. 15.18.200. - Characteristics of the residential zones.

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

- A. *Residential Single-Family Zone (RSF). The RSF zone permits residential uses at densities between one and seven dwelling units per gross acre. Permitted residential uses consist primarily of detached single-family housing, duplexes, and low density multi-family developments. The RSF zone also allows community service uses such as churches, schools, and parks that may be subject to special use standards.*

(***)

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

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.*
 4. *Parks and open areas. Cemeteries require a conditional use permit in the RSF and RMF zones. All other parks and open areas uses permitted outright.*
- C. *Conditional uses (CU). Uses which are allowed if approved through the conditional use review process are listed in Table 15.18-1 with a "CU." These uses are allowed provided they comply with the conditional use requirements of [chapter 15.316](#), conditional uses. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote.*
- D. *Prohibited uses (N). Uses listed in Table 15.18-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of [chapter 15.08](#), non-conforming uses and structures.*

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

FINDING: The applicant proposed a 10-lot residential single-family subdivision. Applicable criteria are addressed herein.

Sec. 15.18.400. - Development standards.

- A. Purpose. *The development standards for residential zones work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally ensure that new development will be compatible with the city's character. At the same time, the standards allow for flexibility for new development. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.*
- B. Development standards. *The development standards for residential zones are presented in Table 15.18-2. Development standards may be modified as provided by [chapter 15.320](#), variances. Additional standards may apply to specific zones or uses, see [section 15.18.500](#). Footnotes in the table correspond to the sections below.*
1. *Minimum density standard in the RSF zone only applies to subdivisions. Development on existing lots and partitions are exempt from this standard.*
 2. *Accessory dwellings do not count toward the maximum density standard in the RSF zone.*

Table 15.18-2. Development Standards in the Residential Zones		
Standard	RSF	RMF
<i>Minimum Density</i>	<i>1 unit per acre (1)</i>	<i>5 units per acre</i>
<i>Maximum Density</i>	<i>7 units per acre (2)</i>	<i>40 units per acre</i>
<i>Minimum Lot Size</i>	<i>None</i>	<i>None for single-family dwelling, cottage cluster development, duplex, or townhomes. Multi-family development: 3,000 sq. ft. for first dwelling unit, plus 1,000 sq. ft. for each dwelling unit thereafter on the</i>

		<i>same property, provided that urban services are available to serve the development</i>
<i>Minimum Street Frontage</i>	<i>50 feet 35 feet on cul-de-sac streets 25 feet for townhomes</i>	<i>50 feet 35 feet on cul-de-sac streets 25 feet for townhomes</i>
<i>Minimum Setbacks</i>	-	-
<i>- Front or Street-Side Yard</i>	<i>20 feet</i>	<i>20 feet</i>
<i>- Side Yard</i>	<i>10 feet None for townhomes</i>	<i>10 feet None for townhomes</i>
<i>- Rear Yard</i>	<i>20 feet</i>	<i>20 feet</i>
<i>Maximum Building Height</i>	<i>45 feet</i>	<i>45 feet</i>
<i>Maximum Lot Coverage</i>	<i>75% for townhomes 50% for all other uses</i>	<i>75% for townhomes 50% for all other uses</i>
<i>Minimum Landscaped Area</i>	<i>See Chapter 15.82</i>	

FINDING: Staff addresses each development standard below:

Minimum and Maximum Density:

The RSF zone requires new subdivisions to have at least one unit per acre and a maximum of 7 units per acre. The applicant is proposing 10 units on an 1.75-acres. The maximum allowed on that amount of acreage is 12.25 units. These standards are met.

Maximum Lot Size:

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

Minimum Street Frontage:

The RSF zone requires each newly created lot to have at least 50 feet of street frontage. Based on the applicant submitted tentative plat, each of the newly create 10 lots will meet this standard.

Minimum Setbacks, Building Height, and Lot Coverage:

Since no development is proposed at this time, staff cannot confirm if setbacks, building heights, and lot coverage requirements are met. Instead, this will be reviewed once a building permit has been submitted to construct a single-family dwelling on each lot. Staff finds that while these development standards are not relevant at this time, each newly created lot is large enough to reasonably accommodate a single-family dwelling while meeting these minimum development standards of the RSF zone. Building envelopes were also provided within the tentative plan materials submitted by the applicant, demonstrating a range of potential building footprints ranging from 1,535-3,550 square feet.

Minimum Landscaped Area:

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

Staff finds that all relevant development standards are met.

Sec. 15.18.500. - Additional standards.

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

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

FINDING: While the applicant proposes a new 10 lot subdivision, no development is proposed at this time. Therefore, compliance with LPDC Section 15.18.500 will be reviewed during the building permit submittal phase. Staff keeps the section for reference to the applicant.

Article 5 - DEVELOPMENT STANDARDS

CHAPTER 15.80. – DEVELOPMENT STANDARDS, GENERALLY

Sec. 15.80.030. - Exemption – lot size requirements.

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

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

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

FINDING: The applicant's subdivision proposal does not include any request for exemptions to the lot size requirements of the RSF zone, therefore these criteria are not applicable.

CHAPTER 15.88. - ACCESS AND CIRCULATION

Sec. 15.88.020. – Applicability.

Chapter 15.88 applies to new development and changes in land use necessitating a new or modified

street or highway connection. Except where the standards of a roadway authority other than the city supersede city standards, chapter 15.88 applies to all connections to a street or highway, and to driveways and walkways.

Sec. 15.88.030. - Vehicular access and circulation.

- A. *Purpose and intent. Section 15.88.030 implements the street access guidelines of the City of La Pine Transportation System Plan. It is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations in conformance with adopted standards. "Safety," for the purposes of this chapter, extends to all modes of transportation.*
- B. *Permit required. Vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority.*

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

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

FINDING: In reviewing the proposal, a TIA was determined not to be required, and further findings addressing this are included within LPDC Sec. 15.90.080 of this report. Criteria met.

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

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

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

FINDING: The new subdivision will connect to Antler Lane which is classified as local street within the La Pine Transportation System Plan. Therefore, the subdivision will not be directly connected to any access points from arterial or collector streets and therefore these criteria are not applicable.

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

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

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

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

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

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

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

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

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

- A. *In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, wall, structure, private signage, or temporary or permanent obstruction exceeding 3½ feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade.*
- B. *A clear vision area shall consist of a triangular area on the corner of a lot at the intersection of two streets or a street and a railroad (see Figure 18.88-1). Where lot lines have rounded corners, the specified distance is measured from a point determined by the extension of the lot lines to a point of intersection. The third side of the triangle is the line connecting the ends of the measured sections of the street lot lines. The following measurements shall establish clear vision areas within the city:*
 - 1. *In an agricultural, forestry or industrial zone, the minimum distance shall be 30 feet; or at intersections including an alley, ten feet.*
 - 2. *In all other zones, the minimum distance shall be in relationship to street and road right-of-way widths as follows:*

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

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

Clear Vision Area: **At all times** a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad that meet the requirements of LPDC Section 15.88.040.

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

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.

FINDING: The applicant's burden of proof and submitted tentative plan indicate that the proposed street within the proposed subdivision, will have a sidewalk on either side of the right of way. The sidewalks will connect to Antler Lane, which will eventually contain sidewalks as well. Staff finds that the applicant's proposed walkway system extends through the development and connects to all future phases of development within the area that are adjacent to the subdivision. This criterion is met.

2. *Safe, direct, and convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:*
 - a. *The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.*

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

- b. *The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The city may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.*

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

- c. *Vehicle/walkway separation. Except as required for crosswalks, per subsection d., below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the city may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.*

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

- d. *Crosswalks. Where a walkway crosses a parking area or driveway ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.*

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

- e. *Walkway construction. Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other city-approved durable surface meeting ADA requirements. Walkways shall be not less than four feet in width, except that the city may require five-foot wide, or wider, sidewalks in developments where pedestrian traffic warrants walkways wider than four feet.*

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

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

FINDING: The applicant's proposal does not include a multiuse path. This criterion does not apply.

CHAPTER 15.90. - PUBLIC FACILITIES

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

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

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

Duties of Developer: ***Prior to final plat approval***, it shall be the responsibility of the developer to construct all curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, telephone and cable television lines necessary to serve the use or development in accordance with the specifications of the city and/or the serving entity.

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

The City of La Pine Public Works Department does not require pavement improvements on this portion of Antler Lane, as the City Code does not provide a standard for rough proportionality. Without such a standard, pavement improvements are not quantifiable for this application. A landscape strip and sidewalks will bring the frontage to conformance.

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

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

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

- C. *Inadequate existing streets. Whenever existing streets, adjacent to, within a tract or providing*

access to and/or from a tract, are of inadequate width and/or improvement standards, additional right-of-way and/or improvements to the existing streets may be required.

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

Right-of-Way Dedication: **Prior to final plat approval**, the applicant shall evaluate existing streets adjacent to and providing access to the site for adequacy of width and improvement standards in accordance with the La Pine Transportation System Plan. If the streets are found to be inadequate, the applicant shall dedicate additional right-of-way. The dedication will need to be reflected in a new deed that is recorded with Deschutes County.

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

FINDING: No half streets are proposed through the request. Criteria does not apply.

Sec. 15.90.030. - Sewer and water.

- A. Sewer and water plan approval. Development permits for sewer and water improvements shall not be issued until the public works director has approved all sanitary sewer and water plans in conformance with city standards.*

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

Sewer and Water Plan Approval: **Prior to development**, development permits for sewer and water improvements shall not be issued until the public works department has approved all sanitary sewer and water plans in conformance with city standards.

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

FINDING: The City's Public Works Director did not indicate the existence of any inadequate facilities within the area of the proposed subdivision. Criteria does not apply.

Sec. 15.90.040. – Stormwater.

- A. Accommodation of upstream drainage. Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the city engineer.*

FINDING: Compliance with the Central Oregon Stormwater Manual is required. This requirement has previously been added to the conditions of approval for this land use decision. As conditioned, this criterion is met.

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

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

Sec. 15.90.050. – Utilities.

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

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

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

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

FINDING: The above criteria apply to the proposed subdivision, and includes additional standards for utilities. To ensure compliance with the applicant's proposal and the above criteria, the following condition of approval has been added.

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

- The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that no above ground equipment obstructs vision clearance areas for vehicular traffic.
- The city reserves the right to approve the location of all surface-mounted facilities.
- All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets.

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

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

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

Sec. 15.90.060. - Public street/highway improvement

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

A. Installation of additional and/or passing lanes, including pedestrian ways and/or bikeways, within a public street or highway right-of-way existing as of the effective date of this chapter, unless such adversely impacts on-street parking capacities and patterns.

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

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

FINDING: The applicant’s proposal does not include the reconstruction or modification of existing public roads, therefore this criterion is not applicable.

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

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

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

FINDING: The applicant’s proposal is along Antler Ln, which is a public road. Improvements required include landscape swales and sidewalks. It is being reviewed through the concurrent subdivision proposal. Criteria met.

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

FINDING: The applicant’s proposal does not include the alteration of a public street or highway that is identified as

a priority project in the La Pine TSP.

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

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

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

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

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

The subject property is located within a partially developed area of La Pine that provides adequate and safe circulation for the existing development. The proposal provides a new 90 degree street intersection with a street and cul-de-sac. Given that the surrounding area is partially developed, there are no opportunities for additional street extensions or connections; therefore the cul-de-sac design is optimal for the area. All angles, grades, tangents and curves are proposed to conform to City requirements and no special design considerations need to be considered. The proposed design conforms to the requirements of this section.

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

B. Street location and pattern. The proposed street location and pattern shall be shown on the development plan, and the arrangement of streets shall:

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

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

The property is located in an area of La Pine that has been established with a general grid pattern. The new street, with a cul-de-sac allows for the efficient development of the site in order to provide needed housing, in a manner that is adequate and sufficient for the area, given the existing development pattern. The street improvements conform to all Development Code, City Standards and TSP requirements, regarding size, spacing, width, radius and proposed improvements. As designed, the proposal conforms to these standards.

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

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

FINDING: Comments from the City Engineer did not include a requirement for an access way; therefore, this criterion is not applicable.

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

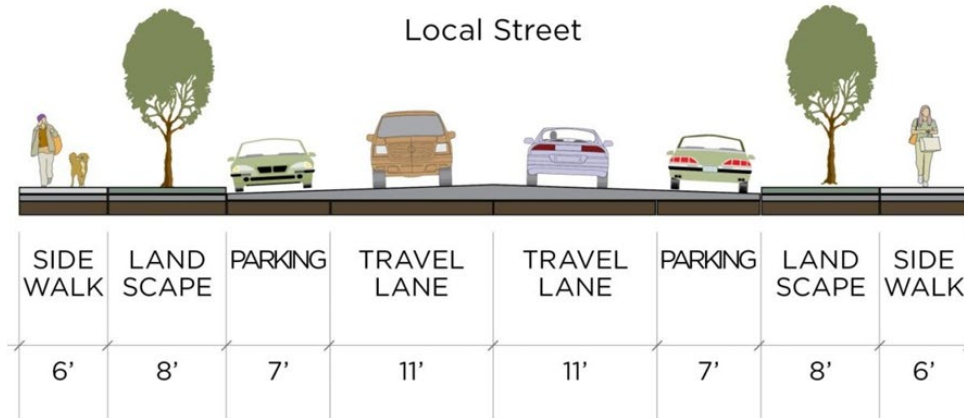
FINDING: In response to the above criterion, the applicant provided the following:

All surrounding properties have frontage on a public street. The proposed design does not result in a situation where access to a street, a future subdivision, and/or future development would necessitate access across the subject property. Therefore, a street extension to the north, east and/or south is not necessary.

Comments from the City Engineer did not indicate any deficiencies in the applicant's proposed extensions for future streets. This criterion is met.

- E. *Minimum right-of-way and roadway widths. Unless otherwise approved in the tentative development plan, street, sidewalk and bike rights-of-way and surfacing widths shall not be less than the minimum widths in feet set forth in the La Pine Transportation System Plan, and shall be constructed in conformance with applicable standards and specifications set forth by the city.*

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



Within comments received by the Public Works Director, they stated:

The City of La Pine Public Works Department does not require pavement improvements on this portion of Antler Lane, as the City Code does not provide a standard for rough proportionality. Without such a standard, pavement improvements are not quantifiable for this application. A landscape strip and sidewalks will bring the frontage to conformance.

Street construction will not be required, based on their comments, and only landscape swales and sidewalks will be required on Antler Ln. The newly constructed street within the subdivision must meet the design standards for a local road. As illustrated within the application, the applicant is proposing not to construct landscape swales within the cul-de-sac bulb. To ensure compliance, the following condition of approval is included.

Spike Court Design Standards: **Prior to development**, amended plans shall be provided demonstrating that the entirety of Spike Court will meet the Local Street design standards, as specified in the La Pine Transportation System Plan. Any adjustments made to the proposal as a result of this condition shall not violate any other applicable development standards.

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

FINDING: As stated previously, all rights of way within the proposed subdivision are classified as local streets which require 6-foot-wide sidewalks. The applicant’s proposal included this design standard. This criterion is met.

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

FINDING: As stated previously, all rights of way within the proposed subdivision are classified as local streets which do not require bike lanes. This criterion is not applicable.

- H. *Culs-de-sac. A cul-de-sac street shall only be used where the city determines that environmental or topographical constraints, existing development patterns, or compliance with other applicable city*

requirements preclude a street extension. Where the city determines that a cul-de-sac is allowed, all of the following standards shall be met:

- 1. The cul-de-sac shall not exceed a length of 400 feet, except where the city through a Type II procedure determines that topographic or other physical constraints of the site require a longer cul-de-sac. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.*
- 2. A cul-de-sac shall terminate with a circular turn around with a minimum radius of 45 feet of paved driving surface and a 50 foot right-of-way and meeting the Uniform Fire Code.*
- 3. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way between it and adjacent developable lands.*

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

The proposal includes a cul-de-sac at the eastern terminus of the new street (Spike Court). The surrounding area is generally developed, therefore providing additional connectivity is not possible in the area. Furthermore, the street that the cul-de-sac is located upon does not exceed 400 feet and the right-of-way radius is 52 feet. Lastly, the neighboring property to the east is developed with a residence, providing a public pedestrian connection and/or bikeway to this private property is not practical. Given the exiting conditions in the area, the proposed design is justified and it conforms to the requirements of this section.

Staff agrees with the utilization of a cul-de-sac, in that the existing development patterns within the area preclude a street extension. Particularly, the property to the east which is already developed residentially. As evidenced by the tentative plan submitted, the length shall not exceed 400 feet. The proposed turning radius is 52 feet, meeting the minimum standard. Given that the property to the east is residentially developed, a pedestrian and bicycle access way is not required. To ensure compliance with the remaining criteria, the following conditions of approval have been added:

Cul-De-Sac Uniform Fire Code: ***Prior to final plat approval***, the applicant shall provide written authorization that the proposed cul-de-sac meets the Uniform Fire Code, from the applicable regulatory authority.

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

FINDING: The subject property does not abut or contain an arterial street; therefore, this criterion is not applicable.

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

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

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

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

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

FINDING: As proposed, no other streets intersect with Antler Lane that would require the proposed street to be in alignment with an existing street. Criteria does not apply.

- M. *Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practicable, and in no case shall an acute angle be less than 80 degrees unless there is a special intersection design approved by the city engineer or other duly designated city representative as applicable. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection, and the intersection of more than two streets at any one point will not be approved.*

FINDING: As proposed within the application submitted for review, the proposed street will intersect with Antler Lane at a 90-degree angle, meeting the criteria. The City Engineer did not identify any deficiencies in the applicant's proposed intersection angles; therefore, this criterion is met.

- N. *Curves. Centerline radii of curves should not be less than 500 feet on major arterials, 300 feet on minor arterials, 200 feet on collectors or 100 feet on other streets and shall be on an even ten feet. Where existing conditions, particularly topography, make it otherwise impractical to provide building sites, the city may accept steeper grades and sharper curves than provided for herein in this subsection.*

FINDING: No curves are proposed with the request. Criteria does not apply.

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

FINDING: As demonstrated and illustrated within the burden of proof and tentative plan submitted for review, the site does not contain grades exceeding 12 percent. This criterion is met.

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

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

Street Names: **Prior to final plat approval**, a street name shall be approved by the Deschutes County street name coordinator.

- Q. *Street name signs. Street name signs shall be installed at all street intersections by the developer in accordance with applicable city, county or state requirements. One street sign shall be provided at the intersection of each street, and two street signs shall be provided at four-way intersections.*

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

Street Name Signs: **Prior to final plat approval** street name signs shall be installed at all street intersections by the developer in accordance with applicable city, county or state requirements. One street sign shall be provided at the intersection of each street.

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

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

Traffic Control Signs: **Prior to final plat approval** traffic control signs shall be provided for and installed by the developer as required and approved by the appropriate city, county and/or state agency or department.

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

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

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

FINDING: The applicant's proposal stated the following,

The frontage of the property is not developed with curbs, and curbs do not exist throughout the majority of residential areas in the City of La Pine, as such it is not anticipated that curbs will be required. In the event that curbs are required, they would be installed in accordance with the requirements of this section.

Curbs shall be required for the proposal. To ensure compliance, the following condition of approval is included.

Curbs: **Prior to development**, the development plans shall be amended to include curbs along the frontage of the property on Antler Ln, and the entirety of the proposed Spike Court. The proposed curbs shall meet the design standards set forth by the Public Works Department.

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

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

Street Lights: **Prior to final plat approval** if deemed necessary by the city, street lights shall be installed by the developer in accordance with standards set forth by the city and the serving utility company. Streets lights, if required, shall include one fixture and be located at the intersection of streets.

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

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

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

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

FINDING: The applicant proposes drainage facilities in the form of vegetative swales within each right of way. In order to ensure compliance, the following condition of approval has been added.

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

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

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

Sec. 15.90.080. - Traffic impact analysis.

- A. *Purpose. The purpose of this subsection is [to] coordinate the review of land use applications with roadway authorities and to implement section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a traffic impact analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a traffic impact analysis; and who is qualified to prepare the analysis.*
- B. *When a traffic impact analysis is required. The city or other road authority with jurisdiction may require a traffic impact analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:*
 - 1. *A change in zoning or a plan amendment designation;*
 - 2. *Operational or safety concerns documented in writing by a road authority;*

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

FINDING: Based on the Applicant's proposal, the proposed development is not expected to involve any of the above listed criteria. Comments from the City Engineer and Public Works Department did not indicate concerns towards this either. Criteria does not apply.

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

FINDING: A Traffic Impact Analysis is not required, therefore the criteria does not apply.

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

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

FINDING: The applicant's proposal does not include a request for the above-mentioned waiver or deferral in respect to a TIA, therefore these criteria are not applicable.

CHAPTER 15.92. - ADDITIONAL STANDARDS FOR LAND DIVISIONS

Sec. 15.92.010. - Lots and blocks.

A. *Blocks. The resulting or proposed length, width and shape of blocks shall take into account the requirements for adequate building lot sizes, street widths, access needs and topographical limitations.*

1. *No block shall be more than 660 feet in length between street corner lines with a maximum 1,400-foot perimeter unless it is adjacent to an arterial street, or unless topography or the location of adjoining streets justifies an exception, and is so approved by the reviewing authority.*

2. *The recommended minimum length of a block along an arterial street is 1,260 feet.*

3. *A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception; a standard exception is a block in which the building lots have rear yards fronting on an arterial or collector street.*

FINDING: The proposal is for a 10 lot subdivision on two existing subdivision lots. The lots were created as Lots 1 & 2, of Block 3, within the Cagle Subdivision Plat No. 5. No additional blocks are proposed through the request, and the criteria does not apply.

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

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

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

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

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

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

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

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

F. *Grading, cutting and filling of building lots or sites. Grading, cutting and filling of building lots or sites shall conform to the following standards unless physical conditions warrant other standards as demonstrated by a licensed engineer or geologist, and that the documentation justifying such other standards shall be set forth in writing thereby:*

1. *Lot elevations may not be altered to more than an average of three feet from the natural pre-existing grade or contour unless approved otherwise by the city.*
2. *Cut slopes shall not exceed one foot vertically to 1½ feet horizontally.*
3. *Fill slopes shall not exceed one foot vertically to two feet horizontally.*
4. *Where grading, cutting or filling is proposed or necessary in excess of the foregoing standards, a site investigation by a registered geologist or engineer shall be prepared and submitted to the city as a part of the tentative plan application.*
 - a. *The report shall demonstrate construction feasibility, and the geologist or engineer shall attest to such feasibility and shall certify an opinion that construction on the cut or fill will not be hazardous to the development of the property or to surrounding properties.*
 - b. *The planning commission shall hold a public hearing on the matter in conformance with the requirements for a conditional use permit, however, such may be included within the initial hearing process on the proposed development.*
 - c. *The planning commission's decision on the proposal shall be based on the following considerations:*
 - (1) *That based on the geologist's or engineer's report, that construction on the cut or fill will not be hazardous or detrimental to development of the property or to surrounding properties.*
 - (2) *That construction on such a cut or fill will not adversely affect the views of adjacent property(ies) over and above the subject site without land alteration, or that modifications to the design and/or placement of the proposed structure will minimize the adverse impact.*
 - (3) *That the proposed grading and/or filling will not have an adverse impact on the drainage on adjacent properties, or other properties down slope.*
 - (4) *That the characteristics of soil to be used for fill, and the characteristics of lots made usable by fill shall be suitable for the use intended.*

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

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

G. *Through or double-frontage lots and parcels. Through or double-frontage lots and parcels are to be avoided whenever possible, except where they are essential to provide separation of residential*

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

FINDING: LPDC Section 15.12.020 includes the following definitions:

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

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

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

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

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

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

Sec. 15.92.020. – Easements.

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

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

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

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

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

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

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

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

FINDING: To ensure compliance, the following condition of approval is included.

Easements for Sewer and Water Lines: **Prior to final plat approval**, the applicant shall provide all necessary easements for sewer and water infrastructure, as required by the City of La Pine Public Works Department and/or the applicable utility provider. Easements shall be reviewed and approved by the appropriate agency and recorded with Deschutes County.

CHAPTER 15.94. - IMPROVEMENT PROCEDURES AND GUARANTEES

Sec. 15.94.010. - Improvement procedures.

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

- A. *Plan review and approval. Improvement work shall not be commenced until plans therefor have been reviewed and approved by the city or a designated representative thereof. The review and approval shall be at the expense of the developer.*

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

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

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

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

Modification: **Prior to development**, improvement work shall not commence until after the city has been notified and approval therefore has been granted, and if work is discontinued for any reason, it shall not be resumed until after the city is notified and approval thereof granted.

- C. *Improvements as platted. Improvements shall be designed, installed and constructed as platted and approved, and plans therefore shall be filed with the final plat at the time of recordation or as otherwise required by the city.*

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

Improvements as Platted: ***Prior to final plat approval***, improvements shall be designed, installed and constructed as platted and approved, and plans therefore shall be filed with the final plat at the time of recordation or as otherwise required by the city.

- D. *Inspection. Improvement work shall be constructed under the inspection and approval of an inspector designated by the city, and the expenses incurred therefore shall be borne by the developer. Fees established by the city council for such review and inspection may be established in lieu of actual expenses. The city, through the inspector, may require changes in typical sections and details of improvements if unusual or special conditions arise during construction to warrant such changes in the public interest.*

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

Inspection: ***Prior to final plat approval***, improvement work shall be constructed under the inspection and approval of an inspector designated by the city, and the expenses incurred therefore shall be borne by the developer. Fees established by the city council for such review and inspection may be established in lieu of actual expenses. The city, through the inspector, may require changes in typical sections and details of improvements if unusual or special conditions arise during construction to warrant such changes in the public interest.

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

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

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

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

FINDING: Comments from the City Engineer and Public Works Director included several modification/additions that need to be included in the applicants proposed tentative plan. These additions must be included in the final as built plans, and to ensure compliance the following condition of approval is added.

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

Sec. 15.94.020. - Completion or assurance of improvements.

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

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

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

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

FINDING: The Applicant plans to install and construct all required infrastructure improvements as required. To ensure compliance, a condition of approval is included stating the following.

Bond or other Performance Assurance: **Prior to development**, the applicant shall provide the City with a performance bond of 120% of the cost of public improvements prior to beginning construction. Prior to construction, a pre-construction meeting with the construction contractor shall be held with City staff. All such agreements shall be reviewed and approved by the City Engineer and shall be in compliance with LPDC 15.94.020.

- C. *Amount of security required. The assurance of full and faithful performance shall be for a sum*

approved by the city as sufficient to cover the cost of the improvements and repairs, including related engineering, inspection and other incidental expenses, plus an additional 20 percent for contingencies.

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

Amount of Security: **Prior to development**, the performance assurance required under this LPDC Sec. 15.94.020 shall be in an amount approved by the City as sufficient to cover the total cost of improvements and repairs required, including engineering, inspection, and other incidental expenses, plus an additional 20% to account for contingencies.

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

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

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

Sec. 15.94.040. - Maintenance surety bond.

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

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

Maintenance Surety Bond: **Prior to final plat**, the applicant shall provide a one-year maintenance surety bond. The bond shall be in an amount not to exceed 20% of the total value of all required improvements and shall guarantee maintenance and performance for a minimum period of one year from the date of acceptance by the City.

Article 9 - LAND DIVISIONS

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

Sec. 15.406.010. - Subdivision applications.

A. Application. Any person proposing a subdivision, or the authorized agent or representative thereof, shall submit an application for a subdivision to the city. The application shall be accompanied with

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

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

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

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

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

a. *General information required.*

- (1) *Proposed name of the subdivision.*
- (2) *Names, addresses and phone numbers of the owner of record and subdivider, authorized agents or representatives, and surveyor and any assumed business names filed or to be filed by the owner or subdivider in connection with the development.*
- (3) *Date of preparation, north point, scale and gross area of the development.*
- (4) *Identification of the drawing as a tentative plan for a subdivision.*
- (5) *Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.*

b. *Information concerning existing conditions.*

- (1) *Location, names and widths of existing improved and unimproved streets and roads within and adjacent to the proposed development.*
- (2) *Location of any existing features such as section lines, section corners, city and special district boundaries and survey monuments.*
- (3) *Location of existing structures, fences, irrigation canals and ditches, pipelines, waterways, railroads and natural features, such as rock outcroppings, marshes, wetlands, geological features and natural hazards.*
- (4) *Location and direction of water courses, and the location of areas subject to erosion, high water tables, and stormwater runoff and flooding.*
- (5) *Location, width and use or purpose of any existing easements or rights-of-way within and adjacent to the proposed development.*
- (6) *Existing and proposed sewer lines, water mains, culverts and underground or overhead utilities within and adjacent to the proposed development, together with pipe sizes, grades and locations.*
- (7) *Contour lines related to some established benchmark or other acceptable datum and having minimum intervals of not more than 20 feet.*

c. *Information concerning proposed subdivision.*

- (1) *Location, names, width, typical improvements, cross-sections, approximate grades, curve radii and length of all proposed streets, and the relationship to all existing and projected streets.*
- (2) *Location, width and purpose of all proposed easements or rights-of-way, and the relationship to all existing easements or rights-of-way.*

- (3) *Location of at least one temporary benchmark within the proposed subdivision boundary.*
- (4) *Location, approximate area and dimensions of each lot and proposed lot and block numbers.*
- (5) *Location, approximate area and dimensions of any lot or area proposed for public, community or common use, including park or other recreation areas, and the use proposed and plans for improvements or development thereof.*
- (6) *Proposed use, location, area and dimensions of any lot which is intended for nonresidential use and the use designated thereof.*
- (7) *An outline of the area proposed for partial recording on a final plat if phased development and recording is contemplated or proposed.*
- (8) *Source, method and preliminary plans for domestic water supply, sewage disposal, solid waste collection and disposal and all utilities.*
- (9) *Stormwater and other drainage plans.*

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

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

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

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

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

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

FINDING: The applicant is not proposing any deed restrictions or protective covenants for the subdivision;

therefore, this criterion is not applicable.

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

FINDING: No variances or exceptions are proposed by the applicant; therefore the criteria does not apply.

F. Tentative plan review procedures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FINDING: The applicant proposes the name "Spike Acres" for the new 10 lot subdivision, and provided a letter of approval from the Deschutes County Surveyor. Criteria met.

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

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

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

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

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

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

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

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

FINDING: As discussed herein, access to the neighboring property is not feasible since there is existing residential development. Criteria does not apply.

Sec. 15.406.020. - Final plat for a subdivision.

A. Submission of final plat.

1. Time requirement.

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

- 2. Master development plan. In the case of a subdivision for which a master development plan has been approved, the tentative plans for each unit or phase thereof shall be submitted in accordance with the phasing schedule approved as a part of the master plan.*

- 3. Form of final plat. The final plat shall be prepared in conformance with the applicable standards of ORS 92 and the requirements of the Deschutes County Surveyor and Deschutes County Clerk. A reduced copy of the final plat shall also be provided on a sheet of paper measuring 8½ inches by 11 inches or 11 inches by 17 inches for public review requirements. The final plat data shall also be provided in an electronic format adaptive to the city's and county's computer mapping system.*

B. Requirements of survey and plat of subdivision.

- 1. The survey for the plat of a subdivision shall be of such accuracy and with reference to such guidelines as required by ORS 92.*
- 2. The survey and plat shall be made by a registered professional land surveyor.*
- 3. The plat shall be of such scale that all survey and mathematical information, and all other*

details, may be clearly and legibly shown thereon.

4. *The locations and descriptions of all monuments shall be recorded upon all plats and the proper courses and distances of all boundary lines shown.*
- C. *Monumentation requirements. Monumentation of all subdivisions and plats therefor shall be in compliance with the provisions of ORS 92.060 and 92.065.*
- D. *Information required on final plat. In addition to that required by the tentative plan approval or otherwise required by law, the following information shall be shown on the final plat:*
1. *All survey reference information.*
 2. *Tract and lot boundary lines, and street rights-of-way and centerlines, with dimensions, bearings or deflection angles. Tract boundaries and street bearings shall be to the nearest second; distances to the nearest 0.01 feet. No ditto marks are permitted.*
 3. *Width of streets being dedicated. Curve data based on centerlines for streets on curvature; the radius, central angle, arc length, chord length and chord bearing shall be shown.*
 4. *Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference.*
 5. *Lot numbers beginning with the number "1" and numbered consecutively and without omission, in sequential order with phasing if applicable.*
 6. *The initial point shall be marked with an aluminum pipe or galvanized iron pipe not less than two inches inside diameter, 30 inches long before flaring with a 2½ inch minimum diameter aluminum or galvanized cap as appropriately securely attached marked with steel ties with the following information for that subdivision: initial point, subdivision name, year and land surveyor registration number.*
- E. *Certificates required on final plat. The following certificates are required on the final plat:*
1. *Certificate signed and acknowledged by all parties having record title interest in the land, consenting to the preparation and recording of the plat.*
 2. *Certificate signed and acknowledged as above dedicating all land intended for public use.*
 3. *Certificate with the seal of and signed by the land surveyor responsible for the survey and the final plat preparation.*
 4. *Certificate for the county surveyor.*
 5. *Certificate for the county tax collector.*
 6. *Certificate for the county assessor.*
 7. *Certificates for the city public works director and city planning official or other duly designated city representative.*

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

...

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

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

V. CONCLUSION

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

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

VI. STAFF RECOMENDATION

APPROVAL, subject to the following conditions of approval.

VII. CONDITIONS OF APPROVAL:

AT ALL TIMES

- A. Application Materials: This approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.
- B. Additional Permit Requirements: The applicant shall obtain necessary permits from the City of La Pine, Deschutes County Building Department, Deschutes County Onsite Wastewater Department, and any other necessary State or Federal permits.
- C. Confirmation of Conditions: The applicant shall be responsible for confirming in detail how each specific condition of approval has been met if requested by City staff.
- D. Clear Vision Area: **At all times** a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad that meet the requirements of LPDC Section 15.88.040.
- E. Underground Utilities: **At all times**, all new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.
- F. Grading, Cutting, and Filling: **At all times**, Grading, cutting and filling of building lots or sites shall conform to LPDC Section 15.92.010(F).
- G. Default Status: **At all times**, if a developer fails to carry out provisions of the agreement, and the city has unreimbursed costs or expenses resulting from the failure, the city shall call on the bond or other assurance for reimbursement of the costs or expenses. If the amount of the bond or other assurance deposit exceeds costs and expenses incurred by the city, it shall release the remainder. If the amount of the bond or other assurance is less than the costs or expenses incurred by the city, the developer shall be liable to the city for the difference plus any attorney fees and costs incurred.
- H. Submission of Final Plat: **At all times**, the subdivider shall, within two years after the date of approval of the tentative plan for a subdivision, prepare and submit the final plat for a subdivision that is in conformance with the tentative plan as approved and with all conditions applicable thereto.

PRIOR TO DEVELOPMENT

- I. Antler Lane: *Prior to development*, the applicant shall submit plans omitting the improvement of Antler Lane, with the retention curbs, landscape swales, and sidewalks along Antler Lane.
- J. Street Improvement Plans: *Prior to development*, the applicant shall provide street improvement plans for Antler Lane and Spike Court that comply with Design Standards II. Design Parameter, A. Street, and III. Drawings. Provide details for the proposed street section and pavement section.
- K. Curb and Ramp Design: *prior to development*, The Design Standards require curbs along street improvements. The applicant shall plans to the city that provide curbs along Antler Lane and Spike Court that comply with Design Standards II. Design Parameter, A. Street, 10. Curbs. Provide detail for the curb opening to allow for street drainage to the swale. Sidewalk ramps shall also be provided at Antler Lane. The ramps shall be identified along with the curb opening locations on the street improvement plan, providing detail for accessible ramps.
- L. Driveway and Swale Details: *Prior to development*, the applicant shall provide details for driveways through swales and driveways from the cul-de-sac bulb, with a design section suitable for vehicle traffic. Show in the detail if swale driveways have a low point to let stormwater cross to balance storage/infiltration across Swales 1 and 2.
- M. Street Signage: *Prior to development*, the applicant shall show within the submitted plans a stop/street name sign at the intersection per Design Standards II. Design Parameter, A. Street, 14. Street Signs.
- N. Stormwater Plans and Details: *Prior to development*, the applicant shall provide stormwater improvement plans for Antler Lane and Spike Court that comply with Design Standards II. Design Parameter, B. Stormwater, and III. Drawings. Plans shall include details for swales along Antler Lane and Spike Court, a grading plan showing how lot drainage will remain on site—including stormwater from the southern half of the subdivision that currently drains toward and across the sidewalk—and stormwater calculations supporting the analysis shown on Drawings No. G-04 and G-05.
- O. Sewer Improvement Plans: *Prior to development*, the applicant shall provide sewer improvement plans for Spike Court that comply with Design Standards II. Design Parameter, C. Sewer, and III. Drawings. Plans shall include detail of the connection to the existing sewer main, main line cleanout detail, and service and service cleanout detail.
- P. Water Improvement Plans: *Prior to development*, the applicant shall provide water improvement plans for Spike Court that comply with Design Standards II. Design Parameter, D. Water, and III. Drawings. Plans shall include detail of the hot tap on the existing water main, including the 8-inch valve; detail for hydrant installation showing the minimum separation between water and electrical; service and meter box detail; and documentation granting the City a water easement for the hydrant located in the utility easement.
- Q. Sewer and Water Plan Approval: *Prior to development*, development permits for sewer and water improvements shall not be issued until the public works department has approved all sanitary sewer and water plans in conformance with city standards.
- R. Spike Court Design Standards: *Prior to development*, amended plans shall be provided demonstrating that the entirety of Spike Court will meet the Local Street design standards, as specified in the La Pine Transportation System Plan. Any adjustments made to the proposal as a result of this condition shall not violate any other applicable development standards.

- S. Curbs: **Prior to development**, the development plans shall be amended to include curbs along the frontage of the property on Antler Ln, and the entirety of the proposed Spike Court. The proposed curbs shall meet the design standards set forth by the Public Works Department.
- T. Plan Review and Approval: **Prior to development**, improvement work shall not be commenced until development plans therefore have been reviewed and approved by the city or a designated representative thereof. The review and approval shall be at the expense of the developer.
- U. Modification: **Prior to development**, improvement work shall not commence until after the city has been notified and approval therefore has been granted, and if work is discontinued for any reason, it shall not be resumed until after the city is notified and approval thereof granted.
- V. Agreement for Improvements: **Prior to development**, where public improvements are required, the owner and/or developer shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or shall execute and file with the city an agreement between him/herself and the city specifying the period in which improvements and repairs shall be completed and, providing that if the work is not completed within the period specified, that the city may complete the work and recover the full costs thereof, together with court costs and attorney costs necessary to collect the amounts from the developer. The agreement shall also provide for payment to the city for the cost of inspection and other engineer services directly attributed to the project.
- W. Bond or other Performance Assurance: **Prior to development**, the applicant shall provide the City with a performance bond of 120% of the cost of public improvements prior to beginning construction. Prior to construction, a pre-construction meeting with the construction contractor shall be held with City staff. All such agreements shall be reviewed and approved by the City Engineer and shall be in compliance with LPDC 15.94.020.
- X. Amount of Security: **Prior to development**, the performance assurance required under this LPDC Sec. 15.94.020 shall be in an amount approved by the City as sufficient to cover the total cost of improvements and repairs required, including engineering, inspection, and other incidental expenses, plus an additional 20% to account for contingencies.

PRIOR TO FINAL PLAT APPROVAL

- Y. Mail Delivery Location: **Prior to final plat**, the applicant shall locate the proposed mail cluster delivery box outside of the intersection sight distance triangle and comply with Design Standards II. Design Parameter, A. Street, 15. Cluster Postal Delivery Boxes.
- Z. Clear Vision Areas on Plans: **Prior to final plat**, construction plans shall demonstrate compliance with these clear vision standards and shall be submitted to the City for review and approval prior to construction. No above ground equipment shall obstruct vision clearance areas for vehicular traffic.
- AA. Duties of Developer: **Prior to final plat approval**, it shall be the responsibility of the developer to construct all curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, telephone and cable television lines necessary to serve the use or development in accordance with the specifications of the city and/or the serving entity.
- BB. Right-of-Way Dedication: **Prior to final plat approval**, the applicant shall evaluate existing streets adjacent to and providing access to the site for adequacy of width and improvement standards in accordance with

the La Pine Transportation System Plan. If the streets are found to be inadequate, the applicant shall dedicate additional right-of-way. The dedication will need to be reflected in a new deed that is recorded with Deschutes County.

- CC. Subdivision Utilities: ***Prior to final plat approval***, the developer shall confirm the following standards have been met:
- The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that no above ground equipment obstructs vision clearance areas for vehicular traffic.
 - The city reserves the right to approve the location of all surface-mounted facilities.
 - All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets.
 - Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
- DD. Cul-De-Sac Uniform Fire Code: ***Prior to final plat approval***, the applicant shall provide written authorization that the proposed cul-de-sac meets the Uniform Fire Code, from the applicable regulatory authority.
- EE. Street Names: ***Prior to final plat approval***, a street name shall be approved by the Deschutes County street name coordinator.
- FF. Street Name Signs: ***Prior to final plat approval*** street name signs shall be installed at all street intersections by the developer in accordance with applicable city, county or state requirements. One street sign shall be provided at the intersection of each street.
- GG. Traffic Control Signs: ***Prior to final plat approval*** traffic control signs shall be provided for and installed by the developer as required and approved by the appropriate city, county and/or state agency or department.
- HH. Street Lights: ***Prior to final plat approval*** if deemed necessary by the city, street lights shall be installed by the developer in accordance with standards set forth by the city and the serving utility company. Streets lights, if required, shall include one fixture and be located at the intersection of streets.
- II. Utilities: ***Prior to final plat approval*** the developer shall make necessary arrangements with the serving utility companies for the installation of all proposed or required utilities, which may include electrical power, natural gas, telephone, cable television and the like.
- JJ. Drainage Facilities: ***Prior to final plat approval***, drainage facilities shall be provided as required by the city in accordance with all applicable city and Oregon Department of Environmental Quality standards.
- KK. Utility Lines: ***Prior to final plat approval***, easements for sewer lines, water mains, electric lines or other public utilities shall be as required by the serving entity, but in no case be less than ten feet wide and centered on a rear and/or side lot line unless approved otherwise by the city. Utility pole tie-back easements may be reduced to five feet in width.
- LL. Easements for Sewer and Water Lines: ***Prior to final plat approval***, the applicant shall provide all necessary easements for sewer and water infrastructure, as required by the City of La Pine Public Works Department and/or the applicable utility provider. Easements shall be reviewed and approved by the appropriate agency and recorded with Deschutes County.
- MM. Improvements as Platted: ***Prior to final plat approval***, improvements shall be designed, installed and

constructed as platted and approved, and plans therefore shall be filed with the final plat at the time of recordation or as otherwise required by the city.

NN. Inspection: ***Prior to final plat approval***, improvement work shall be constructed under the inspection and approval of an inspector designated by the city, and the expenses incurred therefore shall be borne by the developer. Fees established by the city council for such review and inspection may be established in lieu of actual expenses. The city, through the inspector, may require changes in typical sections and details of improvements if unusual or special conditions arise during construction to warrant such changes in the public interest.

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

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

QQ. Maintenance Surety Bond: ***Prior to final plat***, the applicant shall provide a one-year maintenance surety bond. The bond shall be in an amount not to exceed 20% of the total value of all required improvements and shall guarantee maintenance and performance for a minimum period of one year from the date of acceptance by the City.

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

VIII. DURATION OF APPROVAL, NOTICE, AND APPEALS

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

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

CITY OF LA PINE COMMUNITY DEVELOPMENT DEPARTMENT

Written By: Brent Bybee, Community Development Director