



## **FINDINGS AND DECISION**

**DECISION DATE:** January 10, 2024

**FILE NUMBER:** 05SPR-23

**APPLICANT:** William & Foss LLC  
PO Box 449  
Lincoln City, OR 97367

**OWNER:** William & Foss LLC  
PO Box 449  
Lincoln City, OR 97367

**LOCATION:** The subject property is located at 51478 Evans Way, La Pine, Oregon 97739. The Tax Lot number is 700 on Deschutes County Assessor's Map 22-10-14BD.

**REQUEST:** The applicant is requesting Site Plan Review to establish a new 18-unit, 3-story apartment building and associated improvements.

**STAFF CONTACT:** Rachel Vickers, Associate Planner  
Email: [rvickers@lapineoregon.gov](mailto:rvickers@lapineoregon.gov)  
Phone: (541) 280-5680

**DECISION:** Approved, subject to the conditions of approval identified below.

### **I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA**

City of La Pine Development Code

Article 3. Zoning Districts

Section 15.22, Commercial and Mixed-Use Zones

Article 5. Development Standards

Section 15.80, Development Standards, Generally

Section 15.82, Landscaping, Buffering and Fences

Section 15.86, Parking and Loading

Section 15.88, Access and Circulation

Section 15.94, Improvement Procedures and Guarantees

Article 8, Applications and Reviews

Section 15.312, Site Plan Review

## II. BASIC FINDINGS

**ZONING:** The subject property is zoned Traditional Commercial zone with no overlay zones.

**PARCEL SIZE:** The subject property is 0.73-acres in size.

**LOT LEGALITY:** The subject property was created by a Warranty Deed dated April 14, 1972, recorded in Book 112, Page 408, Deschutes County Book of Records. This conveyance was done before the County and City adopted planning, zoning, subdivision, and partition regulations, therefore making the property a legal lot of record.

**PROPOSAL:** The applicant proposes a new three-story 18-unit apartment complex with related parking and infrastructure.

**EXISTING DEVELOPMENT:** The subject property is rectangular in and is developed with an approx. 700 square foot dwelling and dense covering of native trees. The grade of the property is relatively flat.

**SURROUNDING LAND USES:** William Foss Road borders the property to the north and Evans Way borders the property to the west. To the south of the subject property is a large parcel that is zoned Residential Single Family and is developed with a single-family residence and related accessory structures. To the east of the subject property is a smaller parcel which is developed with a single-family residence and related accessory structures and is zoned Traditional Commercial.

### **PERMIT HISTORY:**

The subject property has no known land use history.

## III. AGENCY AND PUBLIC COMMENTS

**PUBLIC AGENCY COMMENTS:** The La Pine Community Development Department sent mailed and electronic notice on October 5, 2023, to several public agencies and received the following comments:

Deschutes County Address Coordinator, Tracy Griffin

Rachel – Thank you for including me in the Notice of Application for 05SPR-23. Based on the submitted documents for this site plan review, the address for this parcel will need to be changed to: 51478 Evans Way. I will start that process today.

City of La Pine Engineering, Erik Huffman

Property currently consists of a Lot 66 of BLM Plat

### **Streets/Drainage Review:**

#### **William Foss Rd – Major Collector per TSP Existing ROW 60'**

Prior to occupancy, the developer shall dedicate 8 feet of public right of way along the William Foss Rd project frontage. The right of way may be dedicated on the final plat.

Prior to occupancy, the developer shall construct, drainage swale, and 6' wide concrete sidewalk along the property frontage, with the back of sidewalk located along the right of way dedication line.

The developer shall construct new ADA curb ramps at the southeast corner of the intersection of William Foss Rd and Evans Way.

Prior to occupancy, the developer shall install a minimum of nine street trees along the William Foss Rd frontage between the pavement edge and sidewalk.

**Evans Way – Local per TSP**

**Existing ROW 60'**

Prior to occupancy, the developer shall dedicate 2 feet of public right of way along the Evans Way project frontage. The right of way may be dedicated on the final plat.

Prior to occupancy, the developer shall construct, drainage swale, and 6' wide concrete sidewalk along the property frontage, with the back of sidewalk located along the right of way dedication line.

Prior to occupancy, the developer shall install a minimum of three street trees along the Evans Way frontage between the pavement edge and sidewalk.

**Water Review:**

Existing conditions:

An 8" water main runs within William Foss Rd along the northerly side of the road. There is no water main within Evans Way. One water service exists, connected to the Main in William Foss Rd.

A fire hydrant is located on the east edge of the property on the north side of William Foss.

Improvements Required:

Prior to occupancy, the developer shall remove the existing water service in accordance with City of La Pine and Deschutes County standards.

Prior to occupancy, the developer shall install a new water service and backflow device to serve the proposed development. The water service shall be sized in accordance with Oregon plumbing code for the number of fixture units in the development.

Prior to occupancy, the developer shall install the proposed fire service line in accordance with City of La Pine and Deschutes County standards. A gate valve shall be placed at the right of way dedication line.

**Sewer Review:**

Existing conditions:

A 4-inch sanitary sewer main is located in William Foss Rd on the south side of the road. There is no sewer service to the property.

Improvements Required:

Prior to occupancy, the developer shall install a new 6" sewer lateral to serve the project in accordance with City of La Pine and Deschutes County standards.

Prior to occupancy, the developer shall install a septic tank providing capacity for twice the average daily flow and in accordance with City of La Pine standards.

**Construction Plans:**

Upon land use approval or building permit application, construction plans that include all proposed and/or required public improvements, water/sewer service connections, site grading/drainage and utilities shall be submitted to the City for review and approval, prior to construction. The stormwater drainage design shall comply with Central Oregon Stormwater Manual and shall include calculations to support the design.

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

William Foss Dedication: **Prior to occupancy**, the developer shall dedicate 8 feet of public right of way along the William Foss Rd project frontage. The right of way may be dedicated on the final plat.

William Foss Drainage Swale: **Prior to occupancy**, the developer shall construct, drainage swale, and 6' wide concrete sidewalk along the property frontage, with the back of sidewalk located along the right of way dedication line.

William Foss Curb: The developer shall construct new ADA curb ramps at the southeast corner of the intersection of William Foss Rd and Evans Way.

William Foss Trees: **Prior to occupancy**, the developer shall install a minimum of nine street trees along the William Foss Rd frontage between the pavement edge and sidewalk.

Evans Way Dedication: **Prior to occupancy**, the developer shall dedicate 2 feet of public right of way along the Evans Way project frontage. The right of way may be dedicated on the final plat.

Evans Way Drainage Swale: **Prior to occupancy**, the developer shall construct, drainage swale, and 6' wide concrete sidewalk along the property frontage, with the back of sidewalk located along the right of way dedication line.

Evans Way Street Trees: **Prior to occupancy**, the developer shall install a minimum of three street trees along the Evans Way frontage between the pavement edge and sidewalk.

Water Service Removal: **Prior to occupancy**, the developer shall remove the existing water service in accordance with City of La Pine and Deschutes County standards.

Water Service: **Prior to occupancy**, the developer shall install a new water service and backflow device to serve the proposed development. The water service shall be sized in accordance with Oregon plumbing code for the number of fixture units in the development.

Fire Service Line: **Prior to occupancy**, the developer shall install the proposed fire service line in accordance with City of La Pine and Deschutes County standards. A gate valve shall be placed at the right of way dedication line.

Sewer Lateral: **Prior to occupancy**, the developer shall install a new 6" sewer lateral to serve the project in accordance with City of La Pine and Deschutes County standards.

Septic Tank: **Prior to occupancy**, the developer shall install a septic tank providing capacity for twice the average daily flow and in accordance with City of La Pine standards.

Construction Plans: Upon land use approval or building permit application, construction plans that include all proposed and/or required public improvements, water/sewer service connections, site grading/drainage and utilities shall be submitted to the City for review and approval, prior to construction. The stormwater drainage design shall comply with Central Oregon Stormwater Manual and shall include calculations to support the design.

The following agencies did not respond to the notice: City of La Pine Public Works Department, Deschutes County Building Department, Deschutes County Road Department, Deschutes County Assessor

**PUBLIC COMMENTS:** The La Pine Community Development Department mailed notice of the application to all property owners within 100 feet of the subject property on October 5, 2023, and received one comment form a nearby neighbor who expressed several concerns regarding the proposed development. The full comment has been added to the public record for this land use file, however the high-level concerns relate to the following sections of LPDC:

- Sec 15.82.010 Landscaping and Buffering Requirements
- Sec 15.86.030, Off-Street Parking
- Sec 15.86.060, Snow Storage Areas
- Sec 15.88.030, Vehicle Access and Circulation
- Sec 15.90.020, Developer Responsibility
- Sec. 15.90.030, Sewer and Water
- Sec. 15.90.060, Public Street/Highway Improvement
- Sec 15.22.500, Additional Standards

**STAFF COMMENT:** All the commentators’ concerns are addressed herein; however, staff finds that the applicants concerns will either be mitigated through conditions of approval or have no nexus to an approval criterion.

#### IV. FINDINGS OF FACT

##### PART III, CITY OF LA PINE DEVELOPMENT CODE

##### Article 3, Zoning Districts

##### Chapter 15.22 – Commercial and Mixed-Use Zones

###### Section 15.22.200, Characteristics of the Commercial and Mixed-Use Zones

*Commercial zones accommodate a mix of commercial services, retail, and civic uses, along with residential uses permitted in some circumstances. Four commercial zones provide for the full range of commercial land uses within the city. The zoning district regulations are intended to promote the orderly development and improvement of walkable commercial areas; facilitate compatibility between dissimilar land uses; provide employment opportunities in proximity, and with direct connections, to housing; and to ensure efficient use of land and public facilities.*

**A. Traditional Commercial Zone (C).** *The C zone allows the widest range of commercial uses and limits residential uses in order to preserve land for commercial needs and maintain compatibility between adjacent uses. A portion of the C zone is located in the Downtown La Pine Overlay Zone. The overlay zone restricts some uses and establishes additional design standards to facilitate the development of a pedestrian-oriented downtown area.*

...

**FINDING:** The subject property is located entirely within the Traditional Commercial zone. All applicable criteria are addressed herein.

###### Section 15.22.300, Use Regulations

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

- A. **Permitted uses (P).** Uses allowed outright in the commercial and mixed-use zones are listed in Table 15.22-1 with a "P." In the C zone, any use that emits fumes or noxious odors, requires an air quality permit from the Oregon Department of Environmental Quality (DEQ), or emits noise beyond 20 decibels (dB) is required to obtain a conditional use permit pursuant to chapter 15.316, conditional uses.
- B. **Limited uses (L).** Uses allowed in the commercial and mixed-use zones subject to limitations are listed in Table 15.22-1 with an "L." The limitations are defined below and correspond with the footnote numbers in Table 15.22-1. In the C zone, any use that emits fumes or noxious odors, requires an air quality permit from the Oregon Department of Environmental Quality (DEQ), or emits noise beyond 20 decibels (dB) is required to obtain a conditional use permit pursuant to chapter 15.316, conditional uses.
- ...
- C. **Conditional uses (CU).** Uses which are allowed if approved through the conditional use review process are listed in Table 15.22-1 with a "CU." These uses are allowed, provided they comply with the conditional use requirements of chapter 15.316, conditional uses. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote.
- D. **Prohibited uses (N).** Uses listed in Table 15.22-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of chapter 15.08, non-conforming uses and structures.

<b>Table 15.22-1. Use Regulations in the Commercial and Mixed-Use Zones</b>					
<b>Use Category</b>	<b>C</b>	<b>CRMX</b>	<b>CMX</b>	<b>CN</b>	<b>Special Use Standards</b>
<b>Residential Use Categories</b>					
<b>Household Living</b>	-	-	-	-	-
- <b>Single-Family Dwelling</b>	<b>CU</b>	<b>P</b>	<b>P</b>	<b>P</b>	-
- <b>Cottage Cluster Development</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>Section 15.104.050</b>
- <b>Townhome</b>	<b>CU</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>Section 15.104.020</b>
- <b>Duplex</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>Section 15.104.030</b>
- <b>Multi-Family Development</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>Section 15.104.040</b>
- <b>Manufacture Dwelling</b>	<b>CU</b>	<b>P</b>	<b>P</b>	<b>P</b>	-
- <b>Manufacture Dwelling Park</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>Section 15.104.060</b>
- <b>Accessory Dwelling Unit</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>Section 15.104.010</b>
- <b>Residential Care Home</b>	<b>CU</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>Section 15.104.080</b>
<b>Group Living</b>	-	-	-	-	-
- <b>Room and Board Facility</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	-
- <b>Residential Care Facility</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>Section 15.104.080</b>
- <b>Long-Term Care Facility</b>	<b>P</b>	<b>CU</b>	<b>CU</b>	<b>P</b>	-

**FINDING:** The applicant proposed a use classified as multifamily development under LPDC, which is a use permitted subject to LPDC Section 15.104.040, which is addressed herein.

Section 15.22.400, Development Standards

- A. **Purpose.** The development standards for commercial and mixed-use zones allow development flexibility, within parameters, that supports the intended characteristics of the specific zone. In addition, the regulations provide guidance to property owners, developers, and neighbors about the limits of what is allowed.
- B. **Development standards.** The development standards for commercial and mixed-use zones are presented in Table 15.22-2. Development standards may be modified as provided by chapter

15.320, variances. Additional standards may apply to specific zones or uses, see section 15.22.500.

<b>Table 15.22-2. Development Standards in the Commercial and Mixed-Use Zones</b>				
<b>Standard</b>	<b>C</b>	<b>CRMX</b>	<b>CMX</b>	<b>CN</b>
<b>Minimum Lot Width</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>25 feet</b>
<b>Minimum Setbacks</b>	-	-	-	-
<b>- Front or Street-Side Yard</b>	<b>20 feet</b>	<b>20 feet</b>	<b>20 feet</b>	<b>20 feet</b>
<b>- Side Yard</b>	<b>None</b>	<b>10 feet; None for Townhomes</b>	<b>10 feet; None for Townhomes</b>	<b>10 feet; None for Townhomes</b>
<b>- Rear Yard</b>	<b>None</b>	<b>10 feet</b>	<b>10 feet</b>	<b>15 feet</b>
<b>Maximum Building Height</b>	<b>70 feet</b>	<b>45 feet</b>	<b>45 feet</b>	<b>45 feet</b>
<b>Maximum Lot Coverage</b>	<b>80%</b>	<b>60%</b>	<b>60%</b>	<b>50%</b>
<b>Minimum Landscaped Area</b>	<b>See 15.18.500 and Chapter 15.82</b>			
<b>Minimum and Maximum Density</b>	<b>Residential; and mixed-use developments are subject to the minimum and maximum density standards of the RMF zones (see section 15.18.500)</b>			

**FINDING:** The applicants' site plan indicates that all the standards highlighted in Table 15.22-2 are either met or exceeded, therefore this criterion is met.

Section 15.22.500, Additional Standards

- A. Corner lot frontages. For commercial uses located on corner lots where one street is predominantly residential, and one street is predominantly commercial, any commercial structure shall front on the street that is predominantly commercial.**

**FINDING:** The subject property is a corner lot, however no commercial use is proposed and therefore, this criterion is not applicable.

- B. Landscaping standard. Any portion of a lot developed for commercial uses which are not used for buildings, other structures, parking or loading spaces, or aisles, driveways, sidewalks, and designated storage areas shall be planted and maintained with grass or other all-season groundcover vegetation. Grass shall be kept neatly mowed. Landscaping with trees and shrubs is permitted and encouraged. See additional landscaping and buffering standards in article 5.**

**FINDING:** This applicant is proposing a multifamily development on the subject property which is classified under LPDC as a residential use and therefore this criterion is not applicable.

- C. Screening requirements.**
- 1. Outdoor activities. Any business, servicing, or processing shall be conducted within a completely enclosed building, except for parking and loading facilities and for "drive-in" type establishments offering goods or services to customers waiting in parked motor vehicles.**

**FINDING:** The applicant's proposal does not include any business, servicing, or processing and therefore, this criterion is not applicable.

- 2. Outdoor storage. All areas of a site containing or proposed to contain outdoor storage of materials, equipment, and vehicles, and areas containing junk, salvage materials, or similar contents, shall be screened from view from adjacent rights-of-way and residential**

*uses by a sight-obscuring fence, wall, landscape screen, or combination of screening methods. See additional buffering and fence standards in article 5.*

**FINDING:** The applicant's proposal does not include the outdoor storage of materials, equipment, vehicles, or junk and therefore, this criterion is not applicable.

- 3. *Outdoor merchandise display. The outdoor display of merchandise for sale is not required to be screened from view, provided that all merchandise is located behind building setback lines unless otherwise approved by the city (e.g., to allow sidewalk sales).***

**FINDING:** The applicant's proposal does not include the display of outdoor merchandise and therefore, this criterion is not applicable.

- D. *Vehicle access. Access driveways and entrances shall be permitted in a number and locations in which sight distance is adequate to allow safe movement of traffic in or out of the driveway or entrance, the free movement of normal highway traffic is not impaired, and the driveway or entrance will not create a hazard or an area of undue traffic congestion on highways to which it has access. The city may require the permit applicant to submit engineering data and/or traffic analyses to support its proposed plan of access driveways and entrances. See additional access and circulation standards in article 5.***

**FINDING:** Access to and from the subject property will take place off Evans Way. The applicant submitted a letter from a licensed engineer which did not indicate any deficiencies in the proposed vehicle access. Furthermore, notice of application was sent to the Deschutes County Road Department who owns and maintains Evans Way. Staff did not receive any comments from the Road Department indicating the new access point would create issues with vehicle access. This criterion is met.

- E. *Emissions. No use shall emit any noxious, toxic, or corrosive fumes or gases nor shall it emit any offensive odors.***

**FINDING:** The applicants proposed residential use is not expected to emit any noxious, toxic, or corrosive fumes. This criterion is met.

- F. *Noise. All uses shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment or uses or processes with electrical apparatus.***

**FINDING:** The applicant is not proposing a use that will create noise associated with mechanical or electrical equipment, therefore, this criterion is not applicable.

- G. *Lighting. All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.***

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

Exterior Lighting: All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.

## **Article 5, Development Standards**



**Chapter 15.82, Landscaping, Buffering and Fences**

Section 15.82.010, Landscaping and Buffering Requirements

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

**A. *Exemption. The provisions of this section may be exempted for uses existing on or before the effective date of this Development Code that are a permitted use in a specific zone in an existing building or buildings on a lot or parcel of land of the scale that there is no remaining room for landscaping; this exemption shall also apply to the exterior remodeling and/or expansion of not more than 25 percent of the total square footage of all enclosed structures on a lot or parcel existing under a unit ownership on or before the effective date of this Development Code.***

**FINDING:** The applicants’ proposal includes a new residential use and therefore the provision of LPDC Chapter 15.82 applies to this land use permit.

**B. *Area required. Except as approved otherwise by the city, the following minimum percent of a parcel area shall be landscaped for the following uses:***

- 1. *Duplexes and triplexes: 25 percent.***
- 2. *Multi-family dwelling complexes containing four or more units and commercial residential mixed uses (CRMX): 20 percent.***
- 3. *Commercial uses including mixed use commercial (CMX): 15 percent.***
- 4. *Industrial uses. A minimum five-foot landscaped buffer along any adjoining public right-of-way of a collector or arterial street or highway, which may be computed toward an overall requirement of ten percent.***
- 5. *Minimum area requirements may include landscaping around buildings, in parking and loading areas, outdoor recreational use areas, screening and buffering areas, and surface water drainage areas.***

**FINDING:** That applicants’ proposal includes an 18-unit multifamily development and therefore 20% of the lot area must be landscaped. The lot size after the required right of way dedications of William Foss and Evans will be 24,150 square feet. The applicant is proposing to landscape 8,118 square feet which means 33.6% of the lot will be landscaped. These criteria are met.

**C. *Landscaping defined. Required landscaping may include, but is not limited to, a combination of any of the following materials: living plant material such as trees, shrubs, groundcover, flowers and lawn (including native vegetation); and nonliving materials such as benches, walkways and courtyards, consisting of brick, decorative rock or other decorative materials. The total amount of nonliving materials (including bark dust, chips, aggregate, or other non-plant ground covers) shall not exceed more than 50 percent of the required landscape area.***

**FINDING:** The applicant provided the following statement in response to the above criterion:

The proposed landscaping will be primarily grass and new trees, with some shrubs. Non-living materials will be less than 50% of the landscaped area, if used at all.

Furthermore, the applicants submitted landscaping plan included the following landscape area calculations:

Lot Area (after ROW dedication)	24,150 SF
Lot Building Coverage	5,360 SF (22.2%)

Asphalt/Concrete Coverage	10,672 SF (44.2%)
Total Impervious Area	16,032 SF (66.4%)
Landscape Area Required	20% of Lot (4,830 SF)
Landscape Area Provided	8,118 SF (33.6%)
Landscape Grass Area	4,126 SF (17.1%)
Landscape Drain Rock Area	1,109 SF (4.6%)
Landscape Non-Living Material/Shrub Area	2,883 (11.9%)

Based on the applicants submitted landscape plan, the above criterion is met.

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

**FINDING:** The applicant is proposing to remove all trees on the site unless specifically required by the developer. Staff finds that the above criterion does not require the applicant to keep any existing vegetation on site and therefore, this criterion is met.

**E. Parking lots. Parking lots with space for ten or more vehicles must be landscaped in accordance with the following minimum requirements:**

- 1. In commercial and residential developments, parking areas shall be divided into bays, and between or at the end of each parking bay a curbed planter containing at least 16 square feet may be required.**

**FINDING:** The applicant proposes two parking bays, the northern with 13 standard parking spaces and 2 ADA parking spaces with a loading space in between. The southern bay of parking stalls has 14 parking spaces, all of which are standard. At the end of each parking bay are curbed planters which contain at least 16 square feet of space. This criterion is met.

- 2. If required, each planter shall contain at least one tree or shrub and ground cover.**

**FINDING:** The applicant proposes two trees on the western side of each parking bay. This criterion is met.

- 3. The areas shall be designed to be protected from being damaged by vehicles using the parking area.**

**FINDING:** Each planting area is curbed, which staff finds will adequately protect the area from being damaged by vehicles. This criterion is met.

- 4. Unless sidewalks are provided adjacent to a structure, customer or resident parking areas should be separated from the exterior wall of a commercial or residential structure by a minimum five-foot strip of landscaping.**

**FINDING:** The applicant's site plan indicates that the parking areas will be separated from the building by a sidewalk. This criterion is met.

- 5. Where a parking, loading or driveway area serving a multi-family, commercial, industrial or government use abuts a public right-of-way of a collector or arterial street or a local street across from a residential zone, or abuts a residential zone, a screen planting or other approved landscaped planter strip may be required between the parking area and the right-of-way without encroaching into a clear vision area or sidewalk.**

**FINDING:** While the subject property is bordered by a residential zone to the south, staff notes that no comments in opposition from the southern neighbor were received, however, to ensure compliance with the above criterion, the following condition of approval has been added.

Landscaping Buffer: A screen planting or other approved landscaped planter strip is required between the parking area and the residentially zoned property to the south.

**F. Buffering and screening.**

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

**FINDING:** The subject property abuts an RSF zone to the south and therefore, the above referenced screening requirements apply to this application.

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

**FINDING:** The applicant proposes a 10-foot buffer strip between the parking lot curb and the southern property line. A drain rock swale will be within the buffer strip as well as a 6-foot-tall fence. These criteria are met.

4. ***Within industrial zones. A buffer strip at least 30 feet wide shall be provided and***

*maintained along the entire length of a side or rear yard where it abuts any RSF, RMF, RMP, or TA zoned land. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier. The buffer shall meet the following standards:*

- a. The buffer shall be planted with evergreens capable of obtaining and maintaining a dense growth to a full height and a full canopy diameter of no less than 12 feet. The minimum height at the time of planting shall be six feet. Plants shall be situated in two rows within the buffer strip, each row being located at least ten feet from the edge of the buffer strip. Plants in each row shall be spaced no more than 20 feet center-to-center and the two rows shall be situated in an alternating pattern so that the trees in one row are located centrally between the trees in the other row. Plants shall be allowed to obtain a minimum height of 12 feet and shall not be trimmed below that height thereafter.*
- b. Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the industrial use is located. Installation must be completed prior to issuance of a certificate of use and occupancy by the city. Dead or diseased plants shall be removed and replaced in a timely manner. Xeriscape methods and use of native species is highly encouraged.*
- c. A property owner may not sell, lease, or otherwise transfer property if such action results in a reduction of a separation distance for a commercial or light manufacturing use below the minimum required in this section. Likewise, a property owner may not remove or alter natural vegetation or landforms serving upon a waiver from the city as buffer and screening for a commercial or light manufacturing use if such action results in the natural buffer and screening being less effective than as required in this and other sections of this Development Code.*

**FINDING:** The subject property is not within an industrial zone and therefore these criteria are not applicable.

- 5. A buffer or screening area may only be occupied by screening utilities and landscaping materials, but the same may be located within the required yard or setback requirements provided vision clearance requirements are complied with.*

**FINDING:** The applicant's proposed landscaping buffer will be within a required setback and will comply with all applicable vision clearance requirements. This criterion is met.

- 6. In lieu of the foregoing requirements, an applicant may provide for landscaping and screening, including plantings, fences, walls, walks and other features designed to afford the same degree of buffering as the standards above. A plan and specifications for an alternative shall be reviewed and approved by the review authority.*

**FINDING:** The applicant's proposal does not include a request for this exception. This criterion is not applicable.

- G. Plant material installation standards. Except as otherwise approved by the city, the following standards shall apply to plant materials and the installation thereof as provided in accordance with the provisions of this section:*
  - 1. Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.*
  - 2. Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.*

3. ***Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.***
4. ***Rows of plants should be staggered to provide for more effective coverage.***

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

Plant Material Installation Standards: ***Prior to occupancy***, the developer shall confirm the following landscaping standards are met:

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

**H. *Maintenance and plant survival. All landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.***

**FINDING:** The following condition of approval has been added to ensure compliance with the above criterion.

Maintenance and Plant Survival: All landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.

Section 15.82.020, Fences and Walls

***The yard and setback requirements of this Development Code shall not be deemed to restrict any otherwise lawful fence, wall, or sign, provided that no fence, wall, or sign shall be located on any right-of-way of a public road.***

- A. *Materials. Fences and walls shall not be constructed of nor contain any material that could cause bodily harm, such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials, except as provided below.***
1. ***Barbed wire fences intended to contain or restrict cattle, sheep, horses or other livestock, are permitted in any zone where the keeping of livestock is permitted.***
  2. ***Electric fences are permitted in any zone where the keeping of livestock is permitted, provided the following standards are met:***
    - a. ***The fence product shall be listed by a State of Oregon approved testing laboratory.***
    - b. ***The fence shall be installed and used in accordance with the testing laboratory listing.***
    - c. ***Electrical permits and inspections shall be required for the installation.***
    - d. ***Warning signs which notify individuals of a dangerous fence shall be posted on the fence, at intervals not to exceed 50 feet. The statement, DANGER - Electrified Fence, or an equivalent statement, shall be on the warning signs.***

- e. ***The fence must be located outside any front yard setback and required landscaping, buffering or screening areas.***

**FINDING:** The applicant proposes a 6-foot-tall fence along the south and east property lines and indicated that the fencing materials would be determined at the time of building permit submittal. To ensure compliance, the following condition of approval has been added.

Fence Material: ***Prior to the issuance of building permits***, the applicant must provide City staff with information on the type of fencing materials that will be installed.

**B. Standards.**

1. ***Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, non-uniform height, and uncontrolled growth of vegetation.***

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

Fence Maintenance: Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, non-uniform height, and uncontrolled growth of vegetation.

2. ***All required swimming pool and hot tub fencing shall be a minimum of four feet in height and be equipped with a self-locking gate that closes automatically.***

**FINDING:** The applicant is not proposing a swimming pool or hot tub, therefore the above criterion is not applicable.

3. ***Fences within a front or street side yard shall also conform to the clear vision requirements at intersections, which further restrict the use or height of sight-obscuring fences.***

**FINDING:** The proposed fence is not within a front or street side yard; therefore, this criterion is not applicable.

4. ***In no instance shall a fence extend beyond the property line including into a public right-of-way. It is the responsibility of the property owner to determine the property line.***

**FINDING:** The applicant's site plan indicates that the fence will not extend beyond the property line. This criterion is met.

5. ***Within residential and commercial zones, fences within the required front yard setback may not exceed four feet in height except that one incidental garden structure (e.g., arbor or gate) not exceeding eight feet in height and six feet in width is allowed within the required front yard provided it does not encroach into a required clear vision area. All other fences in all zones shall not exceed seven feet in height.***

**FINDING:** The applicant's proposed fence is not within a front yard setback; therefore, the above criterion does not apply.

6. ***Other provisions of this Development Code, or the requirements of the roadway authority, may limit allowable height of a fence or wall below the height limits of this***

*section.*

**FINDING:** Staff includes this section for reference to the applicant.

## **Chapter 15.86, Parking and Loading**

### Section 15.86.010, Applicability

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

### Section 15.86.020, Off-Street Loading

- A.** *Every commercial and industrial use which requires the receipt or distribution of material or merchandise by trucks with a 40-foot or longer wheelbase at a frequency of one or more vehicles per week shall provide off-street loading spaces in sufficient number to adequately serve the number and frequency of vehicle shipping and receiving projected for the use. The applicant shall provide supporting evidence of the projected shipping and receiving and how the number of spaces to be provided will be adequate.*
- B.** *Where an off-street loading space is required, it shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Each off-street loading space shall not be less than 12 feet wide by 55 feet long unless otherwise approved by the city through site design review.*
- C.** *Off-street loading space(s) shall also have adequate adjacent area for vehicle maneuvering so that vehicles using the space(s) are not required to back-up onto or back-up from a public street or alley to use the space. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.*
- D.** *Exceptions and adjustments. The city, through site design review, may approve a loading area adjacent to or within a street right-of-way where it finds that loading and unloading operations are short in duration (i.e., less than one hour), infrequent, do not obstruct traffic during peak traffic hours, do not interfere with emergency response services, and are acceptable to the applicable roadway authority.*

**FINDING:** The applicant's proposal does not include a use that will require the receipt or distribution of materials or merchandise by trucks 40 foot or longer. These criteria are not applicable.

### Section 15.86.030, Off-Street Parking – Required

- A.** *Location of off-street loading and parking spaces. Except as otherwise permitted by this Development Code, required off-street loading and parking spaces shall be located on the same lot with the principal use they are intended to serve. In no case shall a required loading space be part of the area used to satisfy the parking requirements and vice versa. Also, in no case shall the required loading or parking space(s) of one use be used to satisfy the loading or parking space requirements of another use.*

**FINDING:** All parking spaces for the applicant's proposal will be located on the same lot as the principal use. This criterion is met.

- B. Encroachment or reduction. A required loading or parking space shall not be encroached upon by a structure, storage, or other use, nor shall the number of spaces be reduced without replacement of a commensurate number of spaces in accordance with this section unless a special exception or variance has been approved.**

**FINDING:** The applicants' site plan indicates that all parking areas will be free of any encroachments. This criterion is met.

- C. Calculations of amounts of required and allowed parking.**
- 1. When computing parking spaces based on floor area, parking structures and non-leasable floor spaces, such as storage closets, mechanical equipment rooms, and similar spaces, are not counted.**
  - 2. The number of parking spaces is computed based on the primary uses on the site except as stated in subsection 3, below. When there are two or more separate primary uses on a site, the minimum and maximum parking for the site is the sum of the required or allowed parking for the individual primary uses. For shared parking, see subsection 1 below.**
  - 3. When more than 20 percent of the floor area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 10,000 square foot building with a 7,000 square foot warehouse and a 3,000 square foot accessory retail area. The minimum and maximum parking would be computed separately for the retail and warehouse uses.**

**FINDING:** Staff calculates the required parking areas following the above requirements. These criteria are met.

- D. Use of required parking spaces. Except as otherwise provided by this section, required parking spaces must be available for residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for shared parking pursuant to subsection 1.**

**FINDING:** The applicant's burden of proof indicates that all parking spaces on site will be available for residents and guests of the apartment building. This criterion is met.

- E. Improvement of parking areas. Motorized vehicle parking is allowed only on streets with an improved shoulder of sufficient width; within garages, carports, and other approved structures; and on driveways or parking lots that have been developed in conformance with this Development Code.**

**FINDING:** The applicant proposed to contain the parking area in a parking lot that is in conformance with the La Pine Development Code. This criterion is met.

- F. Minimum number of off-street automobile parking spaces. Except as required for Americans with Disabilities Act compliance under subsection L, off-street parking shall be provided pursuant to one of the following three standards:**
- 1. The standards in Table 15.86-1;**
  - 2. A standard from Table 15.86-1 for a use that the planning official determines is similar to the proposed use. For uses not specified in the table, the city shall determine parking based on submission of technical data from applicant or city sources; or**
  - 3. Subsection (H), parking exceptions, which includes a parking demand analysis option.**



<b>Table 15.86-1. Automobile Parking Spaces by Use</b>	
<b>Use Categories</b>	<b>Minimum Parking per Land Use</b>
<b>Residential Categories</b>	
<i>Single-family dwelling, including manufactured dwellings on lots or in parks</i>	<i>One space per dwelling</i>
<i>Duplex</i>	<i>Two spaces per duplex</i>
<i>Accessory dwelling (second dwelling on a single-family lot)</i>	<i>Two spaces total for primary dwelling and accessory dwelling</i>
<i>Multi-family</i>	<i>One space per dwelling unit</i>
<i>Group Living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing</i>	<i>0.5 spaces per four bedrooms</i>

**FINDING:** The applicant proposes a multifamily structure with 18 dwelling units. The applicant is proposing to provide 29 parking spaces which exceeds the minimum requirements by 11. These criteria are met.

- G.** *Maximum number of off-street automobile parking spaces. The following standards for maximum number of automobile parking spaces promote efficient use of land and compact development patterns.*
- 1.** *Applicability. Developments subject to site plan review must conform to the maximum parking standards.*
  - 2.** *Standards. Unless otherwise approved by the city through site plan review, the maximum number of off-street automobile parking spaces allowed for a commercial development equals the minimum number of required spaces, pursuant to Table 15.86-1 times a factor of 2.0. Parking spaces that are located in snow storage areas do not count toward the maximum parking space requirements.*

**FINDING:** The applicant proposes 29 parking spaces, or 1.6 spaces per dwelling unit. These criteria are met.

- H.** *Exceptions and reductions to off-street parking. An applicant may propose a parking standard that is different than the standards under subsections F or G, for review and action by the planning official through a Type II procedure. The applicant's proposal shall consist of a written request and a parking analysis prepared by a qualified professional. The parking analysis, at a minimum, shall assess the average parking demand and available supply for existing and proposed uses on the subject site; opportunities for shared parking with other uses in the vicinity; existing public parking in the vicinity; transportation options existing or planned near the site, such as frequent bus service, carpools, or private shuttles; and other relevant factors. The number of required off-street parking spaces may also be reduced through the provision of shared parking, pursuant to subsection I.*

**FINDING:** The applicant is not requesting any exceptions or reductions to the off-street parking standards; therefore this criterion is not applicable.

- I.** *Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and, provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. Shared parking requests shall be subject to review and approval through site plan review.*

**FINDING:** The applicant’s proposal includes one use on the subject property and therefore, this criterion is not applicable.

**J. Parking stall design and minimum dimensions.** *Where a new off-street parking area is proposed, or an existing off-street parking area is proposed for expansion, the entire parking area shall be improved in conformance with this Development Code. At a minimum the parking spaces and drive aisles shall be paved with asphalt, concrete, or other city-approved materials, provided the Americans with Disabilities Act requirements are met, and shall conform to the minimum dimensions in Table 15-86-2 and the figures below. All off-street parking areas shall contain wheel stops, perimeter curbing, bollards, or other edging as required to prevent vehicles from damaging buildings or encroaching into walkways, landscapes, or the public right-of-way. Parking areas shall also provide for surface water management.*

<b>Parking Angle</b>	<b>Stall Width</b>	<b>20' Stall</b>	<b>Aisle Width (*one way)</b>	<b>Curb Length</b>	<b>Bay Width</b>
<b>0°</b>	<b>9'-0"</b>	<b>9.0</b>	<b>12.0</b>	<b>22.0</b>	<b>30.0</b>
	<b>9'-6"</b>	<b>9.5</b>	<b>12.0</b>	<b>22.0</b>	<b>31.0</b>
	<b>10'-0"</b>	<b>10.0</b>	<b>12.0</b>	<b>22.0</b>	<b>31.0</b>
<b>45°</b>	<b>9'-0"</b>	<b>19.8</b>	<b>13.0</b>	<b>12.7</b>	<b>52.5</b>
	<b>9'-6"</b>	<b>20.1</b>	<b>13.0</b>	<b>13.4</b>	<b>53.3</b>
	<b>10'-0"</b>	<b>20.5</b>	<b>13.0</b>	<b>14.1</b>	<b>54.0</b>
<b>60°</b>	<b>9'-0"</b>	<b>21.0</b>	<b>18.0</b>	<b>10.4</b>	<b>60.0</b>
	<b>9'-6"</b>	<b>21.2</b>	<b>18.0</b>	<b>11.0</b>	<b>60.4</b>
	<b>10'-0"</b>	<b>21.5</b>	<b>18.0</b>	<b>11.9</b>	<b>61.0</b>
<b>70°</b>	<b>9'-0"</b>	<b>21.0</b>	<b>19.0</b>	<b>9.6</b>	<b>61.0</b>
	<b>9'-6"</b>	<b>21.2</b>	<b>18.5</b>	<b>10.1</b>	<b>60.9</b>
	<b>10'-0"</b>	<b>21.2</b>	<b>18.0</b>	<b>10.6</b>	<b>60.4</b>
<b>90°</b>	<b>9'-0"</b>	<b>20.0</b>	<b>24.0</b>	<b>9.0</b>	<b>64.0</b>
	<b>9'-6"</b>	<b>20.0</b>	<b>24.0</b>	<b>9.5</b>	<b>64.0</b>
	<b>10'-0"</b>	<b>20.0</b>	<b>24.0</b>	<b>10.0</b>	<b>64.0</b>

**\*24' minimum for two-way traffic**

**FINDING:** The applicant proposed parking stalls that are at 90-degree angles, each of which is 9 feet wide and 20 feet long. The drive aisle is 24 feet wide. This criterion is met.

**K. Adjustments to parking area dimensions.** *The dimensions in subsection (J) are minimum standards. The city planning official, through a Type II procedure, may adjust the dimensions based on evidence that a particular use will require more or less maneuvering area.*

**FINDING:** Staff finds the minimums standards found above in subsection (J) are sufficient for the intended use. This criterion is not applicable.

**L. Americans with Disabilities Act (ADA).** *Parking shall be provided consistent with ADA requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.*

**FINDING:** The applicant proposes two ADA parking spaces. Compliance with ADA requirements will be evaluated during building permit review.

Section, 15.86.050, Bicycle Parking

**A. Exemptions.** *This section does not apply to single-family and duplex housing, home occupations, and agricultural uses. The planning official may exempt other uses upon finding that, due to the nature of the use or its location, it is unlikely to have any patrons or employees arriving by bicycle.*

**FINDING:** The applicant proposes a new multifamily apartment complex and therefore, the provisions of Section 15.86.050 apply to this application.

**B. Standards.** *Bicycle parking spaces shall be provided with new development and, where a change of use occurs, at a minimum, shall follow the standards in Table 15.86-3. Where an application is subject to conditional use permit approval or the applicant has requested a reduction to an automobile-parking standard, the city may require bicycle parking spaces in addition to those in Table 15.86-3.*

<b>Table 15.86-3. Minimum Required Bicycle Parking Spaces</b>	
<b>Use</b>	<b>Minimum Number of Spaces</b>
<b>Muli-family residential (not required for parcels with fewer than 4 dwelling units)</b>	<b>2 bike spaces per 4 dwelling units</b>
<b>Commercial</b>	<b>2 bike spaces per primary use or 1 per 5 vehicles spaces, whichever is greater</b>
<b>Industrial</b>	<b>2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater</b>
<b>Community Service</b>	<b>2 bike spaces</b>
<b>Parks (active recreation areas only)</b>	<b>4 bike spaces</b>
<b>Schools (all types)</b>	<b>2 bike spaces per classroom</b>
<b>Institutional uses and places of worship</b>	<b>2 bike spaces per primary is or 1 per 10 vehicle spaces, whichever is greater</b>
<b>Other uses</b>	<b>2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater</b>

**FINDING:** The applicant’s proposal includes an 18-unit apartment complex which would require a minimum of 5 bicycle parking spaces. The applicant’s burden of proof indicates there will be 10 bicycle parking spaces located at the front of the building entrance. This criterion is met.

**C. Design.** *Bicycle parking shall consist of staple-design steel racks or other city-approved racks, lockers, or storage lids providing a safe and secure means of storing a bicycle. At a minimum, bicycle parking facilities shall be consistent with the following design guidelines:*

- 1. All bicycle parking shall be within 100 feet from a building entrance and located within a well-lit and clearly visible area;**
- 2. Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility;**
- 3. Each bicycle parking space shall be at least two feet by six feet with a vertical clearance of six feet;**
- 4. An access aisle of at least five feet shall be provided in each bicycle parking facility;**

5. ***Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, i.e., a "rack," upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary). Note: businesses may provide long-term, employee parking by allowing access to a secure room within a building.***

**FINDINGS:** The applicant's burden of proof indicates that the design of the bike rack would comply with the above standards. To ensure compliance, the following condition of approval has been added.

Bicycle Rack Design: ***Prior to the issuance of building permits***, the applicant must demonstrate how bicycle parking meets the following standards. Bicycle parking shall consist of staple-design steel racks or other city-approved racks, lockers, or storage lids providing a safe and secure means of storing a bicycle. At a minimum, bicycle parking facilities shall be consistent with the following design guidelines:

1. All bicycle parking shall be within 100 feet from a building entrance and located within a well-lit and clearly visible area;
2. Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility;
3. Each bicycle parking space shall be at least two feet by six feet with a vertical clearance of six feet;
4. An access aisle of at least five feet shall be provided in each bicycle parking facility;
5. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, i.e., a "rack," upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary). Note: businesses may provide long-term, employee parking by allowing access to a secure room within a building.

- D. ***Hazards. Bicycle parking shall not impede or create a hazard to pedestrians or vehicles, and shall be located so as to not conflict with the vision clearance standards of section 15.88.040.***

**FINDING:** The proposed location of the bicycle parking near the front entrance of the building will not impede the clear vision requirements, nor pose a hazard to pedestrians or vehicles. This criterion is met.

Section 15.86.060, Snow Storage Areas

- A. ***Purpose. The purpose of these standards is to ensure that adequate space is be provided within a development for storage of snow in winter months in order to accommodate space needed for access, circulation, and off-street parking.***
- B. ***Applicability. Snow storage standards apply to all subdivisions and to developments subject to site plan review.***

**FINDING:** The applicant's proposed development is subject to site plan review, and therefore LPDC Section 15.86.060 applies.

- C. ***Standards.***
  1. ***Minimum area. Snow storage areas must be designated on a site plan. The areas must total a minimum of 15 percent of the area to be cleared, including all access drives, parking areas, and walkways.***

**FINDING:** The subject property is 31,799 square feet in size which requires 4,779 square feet of snow storage areas.

The applicant is proposing 10,672 square feet of snow storage areas. This criterion is met.

2. ***Location. Snow storage is not permitted on landscaped areas, except where these areas are limited to grass or rock cover. Snow storage may be permitted in parking areas, provided that the site can still accommodate enough parking spaces to meet minimum off-street parking requirements in winter months. Parking spaces that are located in snow storage areas do not count toward the maximum parking space requirements. It is encouraged that snow storage areas be located away from public view and that additional impervious surface areas are not created for the sole purpose of snow storage.***

**FINDING:** 1,980 square feet of snow storage will take place in the 11 excess parking spots, while the rest will take place in the rock and grass landscape areas. This criterion is met.

3. ***Exceptions and adjustments. The city may reduce or eliminate the required snow storage areas if a snow removal plan is presented which provides a continuous guarantee of removal.***

**FINDING:** The applicant is not requesting an exception or adjustment to the required snow storage areas; therefore, this criterion is not applicable.

## **Chapter 15.88, Access and Circulation**

### Section 15.88.030, Vehicular Access and Circulation

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

**FINDING:** The applicant is proposing a new approach from Evans Way which is a County owned and maintained road. To ensure compliance the following condition of approval has been added.

Evans Way Access: ***Prior to the issuance of building permits,*** the applicant must obtain an approved approach permit for access on Evans Way.

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

**FINDING:** The applicant's burden of proof included a Trip General Statement prepared by Trevor Ryan Munro, a registered professional engineer. The statement included the following:

The proposed development will provide access to the site from Evans Way, which is a local street, and will add 18 dwelling units. The anticipated increase in peak hour trips is less than 20 percent, and proposed ADT is less than 300. A Traffic Impact Analysis (TIA) will not be required.

Staff concurs with the statement and therefore finds no Traffic Impact Analysis will be required for this proposal.

**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.**

**FINDING:** The applicant proposes to access the site from Evans Way which is classified as a local street and therefore, these criteria are not applicable.

- 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:** Comments from the City Engineer did not indicate any of the above provisions would be required to improve traffic management for the applicant's proposal. 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 an approval 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 applicants proposed approach from Evans Way does not cross a drainage ditch, canal, or railroad and therefore, 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 an exception or adjustment to the above referenced standards and therefore, this criterion is not applicable.

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

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

Section 15.88.040, Clear Vision Area (Visibility at Intersections)

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

**FINDING:** The applicants' proposal includes three clear vision areas. One at the southeast corner of William Foss Road and Evans Way and one on each side of the new driveway to the site on Evans Way. Each clear vision area meetings the requirements highlighted in the criterion above and therefore, this criterion is met.

- 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.***

**FINDING:** The subject property is not within an agricultural, industrial, or forest zone, therefore this criterion does not apply.

- 2. *In all other zones, the minimum distance shall be in relationship to street and road right-of-way widths as follows:***

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

**FINDING:** The applicants site plan indicates that each clear vision area will be 30 feet. This criterion is met.

Section 15.88.050, Pedestrian Access and Circulation

- A. ***Purpose and intent. This section implements the pedestrian access and connectivity policies of City of La Pine Transportation System Plan and the requirements of the Transportation Planning Rule (OAR 660-012). It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.***
- B. ***Standards. New subdivisions, multi-family developments, planned developments, commercial developments and institutional developments shall conform to all of the following standards for pedestrian access and circulation:***
  - 1. ***Continuous walkway system. A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.***

**FINDING:** Comments from the City Engineer indicated that 6-foot-wide sidewalks must be constructed on both William Foss Road and Evans Way. These have previously been added to the conditions of approval in this land use decision in section three. The applicants' site plan also indicated that a walkway will be constructed from the parking area to the front of the building. As conditioned, 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:** All of the applicant's proposed sidewalks are straight at either 90- or 180-degree angles and provide access to the parking lot and building entrance using the shortest route that is reasonably possible. 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 submitted site plan indicated that the grade of the property will be relatively even, and the sidewalks will comply with all ADA and Development Code regulations. This criterion is met.

- 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:** None of the applicant's proposed walkways directly abut a street and therefore this criterion is not applicable.

- 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 submitted site plan includes one crosswalk on Evans Way where the sidewalk crosses the driveway. To ensure compliance, the following condition of approval has been added.

Evans Way Crosswalk: Where the new walkway on Evans Way crosses the new driveway, the crosswalk shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.

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

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

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

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

**FINDING:** The applicant's proposal does not include any multiuse pathways; therefore, this criterion is not applicable.

## **Chapter 15.90, Public Facilities**

### Section 15.90.010, Public Facility Improvement

*Minor betterment, improvements, replacement or reconstruction of existing public facilities such as sewer and water lines, stormwater drainage facilities, sidewalks and other pedestrian ways or facilities, bikeways and similar public facilities within rights-of-ways and easements for the purposes existing on or before the effective date of this chapter, or on contiguous publicly-owned property designated, intended or utilized to support the facilities, or the facilities that are set forth within an adopted public facilities*

*plan or other capital improvement plan duly adopted on or before the effective date of this ordinance, are exempt from permit requirements, unless specifically set forth otherwise.*

Section 15.90.020, Developer Responsibility for Streets and Other Public Facilities

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

**FINDING:** The following condition of approval has been added to ensure compliance.

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

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

**FINDING:** Comments from the City Engineer regarding the capacity of the sewer, water, and drainage system are incorporated herein.

- 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:** The City Engineer provided the following comments in relation to William Foss Road and Evans Way:

**William Foss Rd – Major Collector per TSP**

**Existing ROW 60'**

Prior to occupancy, the developer shall dedicate 8 feet of public right of way along the William Foss Rd project frontage. The right of way may be dedicated on the final plat.

Prior to occupancy, the developer shall construct, drainage swale, and 6' wide concrete sidewalk along the property frontage, with the back of sidewalk located along the right of way dedication line.

The developer shall construct new ADA curb ramps at the southeast corner of the intersection of William Foss Rd and Evans Way.

Prior to occupancy, the developer shall install a minimum of nine street trees along the William Foss Rd frontage between the pavement edge and sidewalk.

**Evans Way – Local per TSP**

**Existing ROW 60'**

Prior to occupancy, the developer shall dedicate 2 feet of public right of way along the Evans Way project frontage. The right of way may be dedicated on the final plat.

Prior to occupancy, the developer shall construct, drainage swale, and 6' wide concrete sidewalk along the property frontage, with the back of sidewalk located along the right of way dedication line.

Prior to occupancy, the developer shall install a minimum of three street trees along the Evans Way frontage between the pavement edge and sidewalk.

The required improvements are conditioned herein. As conditioned, this criterion is met.

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

**FINDING:** The applicant's proposal does not include half streets; this criterion is not applicable.

Section 15.90.030, Sewer and Water

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

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

Sewer and Water Plan Approval: Development permits for sewer and water improvements shall not be issued until the public works director has approved all sanitary sewer and water plans in conformance with city standards.

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

**FINDING:** Comments from the City Engineer did not indicate that deficiencies in the existing water or sewer systems could not be rectified through the conditions of approval that have been added to this decision. This criterion is not applicable.

Section 15.90.040, Stormwater

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

**FINDING:** To ensure compliance with LPDC Section 15.90.040 the following condition of approval has been added.

Stormwater: **Prior to the issuance of building permits**, the City Engineer must review and approve the drainage facilities on site for compliance with LPDC Section 15.90.040.

Section 15.90.050, Utilities

- A. General provision. The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.**

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

Utilities: The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.

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

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

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

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

**FINDING:** The applicant is not proposing a new subdivision and therefore, these criteria are not applicable.

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

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

Section 15.90.060, Public Street/Highway Improvement

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

- A. Installation of additional and/or passing lanes, including pedestrian ways and/or bikeways, within a public street or highway right-of-way existing as of the effective date of this chapter,**

*unless such adversely impacts on-street parking capacities and patterns.*

**FINDING:** The applicant's proposal does not include the addition of 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 public roads. 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 any temporary public roads or highway detours. This criterion is not applicable.

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

**FINDING:** The applicant's proposal does not include the minor betterment of any of the existing public road facilities mentioned above. This criterion is not applicable.

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

**FINDING:** The applicant's proposal does not include the construction, reconstruction, or modification of a public street that is identified in the TSP or STIP. This criterion is not applicable.

- 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. This criterion is not applicable.

Section 15.90.070, Design of Streets and Other Public Facilities

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

**FINDING:** Comments from the City Engineer did not identify any needed improvements to the traffic circulation system in relation to intersection angles, grades, tangents, and curves. This criterion is not applicable.

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

**FINDING:** The applicant's proposal does not include new streets and therefore these criteria are not applicable.

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

**FINDING:** Comments from the City Engineer did not identify the need for additional access ways. 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:** Comments from the City Engineer did not anticipate the need for future street extensions as detailed above. This criterion is not applicable.

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

**FINDING:** Comments from the City Engineer indicated that 8 feet of public right of way shall be dedicated along William Foss Road and 2 feet of public right of way shall be dedicated on Evans Way. These requirements have previously been conditioned in this land use decision. As conditioned, this criterion is met.

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

**FINDING:** Comments from the City Engineer indicated that a 6-foot-wide concrete sidewalk with drainage swales shall be constructed on both William Foss Road and Evans Way. These requirements have previously been conditioned in this land use decision. As conditioned, 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:** Comments from the City Engineer did not indicate the need for bike lanes. This criterion is not applicable.

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

**FINDING:** The applicant's proposal did not include a cul-de-sac, nor did comments from the City Engineer indicate that one would be necessary to meet the requirements detailed above. These criteria are not applicable.

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

**FINDING:** Comments from the City Engineer indicated that 9 street trees would be required on William Foss Road and 3 on Evans Way. These requirements have previously been conditioned in this land use decision. As conditioned, this criterion is met.

- 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 did not include reserve strips. This criterion is met.

- 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:** The applicant's proposal did not include any new streets; therefore, this criterion is not applicable.

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

**FINDING:** The applicant's proposal did not include any new streets or intersections; therefore, this criterion is not applicable.

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

**FINDING:** The applicant's proposal did not include the addition of any new streets; therefore, this criterion is not applicable.

- 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:** The applicant's proposal did not include the addition of any new streets; therefore, this criterion is not



applicable.

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

**FINDING:** The applicant's proposal did not include the addition of any new streets; therefore, this criterion is not applicable.

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

**FINDING:** The applicant's proposal did not include the addition of any new streets; therefore, this criterion is not applicable.

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

**FINDING:** The applicant's proposal did not include the addition of any new streets; therefore, this criterion is not applicable.

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

**FINDING:** Comments from the City Engineer did not indicate the need for any alleys. 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:** Comments from the City Engineer indicated that a new ADA curb ramp would be required at the southeast corner of William Foss Road and Evans Way. This requirement has previously been conditioned in this land use decision. As conditioned, this criterion is met.

- U. *Streetlights. Streetlights 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:** Comments from the City Engineer did not indicate the need for new streetlights. This criterion is not applicable.

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

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

Utility Installation: 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:** Comments from the City Engineer indicated that a drainage swale would be required on both William Foss Road and Evans Way. These requirements have previously been conditioned in this land use decision. As conditioned, this criterion is met.

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

**FINDING:** The applicant's proposal did not include the addition of a gate; therefore, this criterion is not applicable.

Section 15.90.080, Traffic Impact Analysis

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

**FINDING:** Comments from the City Engineer did not indicate a need for a Traffic Impact Analysis. Therefore, LPDC Section 15.90.080 does not apply to this land use application.

## Chapter 15.94, Improvement Procedures and Guarantees

### Section 15.94.010, Improvement Procedures

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

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

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

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

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

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

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

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

**FINDING:** The applicant is not proposing development that is in conjunction with a recent final plat approval, therefore this criterion is not applicable.

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

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

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

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

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

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

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

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

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

Section 15.94.020, Completion or Assurance of Improvements

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

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

Agreement for Improvements: Prior to 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:** As detailed in LPDC Section 15.94.050, a Maintenance Surety Bond will be required as part of this project. To ensure compliance with the above criteria, the following condition of approval has been added.

Bond or Other Performance Assurance: Bond or other performance assurance. The developer shall file with the agreement, to ensure his/her full and faithful performance thereof, one of the following, pursuant to approval of the city attorney and city manager, and approval and acceptance by the city council:

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the city attorney.
  2. A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability to proceed in accordance with the agreement.
  3. Cash deposit.
  4. Such other security as may be approved and deemed necessary by the city council to adequately ensure completion of the required improvements.
- C. Amount of security required. The assurance of full and faithful performance shall be for a sum approved by the city as sufficient to cover the cost of the improvements and repairs, including related engineering, inspection and other incidental expenses, plus an additional 20 percent for contingencies.**

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

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

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

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

Default Status: If a developer fails to carry out provisions of the agreement, and the city has unreimbursed costs or expenses resulting from the failure, the city shall call on the bond or other assurance for reimbursement of the costs or expenses. If the amount of the bond or other assurance deposit exceeds costs and expenses incurred by the city, it shall release the remainder. If the amount of the bond or other assurance is less than the costs or expenses

incurred by the city, the developer shall be liable to the city for the difference plus any attorney fees and costs incurred.

Section 15.94.040, Maintenance Surety Bond

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

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

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.

Section 15.94.050, Engineering/Special Service for Review

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

**FINDING:** Staff does not deem it necessary to have the applicants proposal reviewed by a contract engineer. This criterion is not applicable.

## Article 6, Special Use Standards

### Chapter 15.104, Special Use Standards – Residential Uses and Accessory Uses<sup>1</sup>

Section 15.104.040, Multi-Family Development

- A. ***Applicability. New multi-family developments, where allowed, are subject to review and approval through a Type II procedure, pursuant to chapter 15.312, site plan review, and shall conform to all of the following standards. Multiple detached single-unit dwellings or duplexes located on the same lot are classified as cottage cluster developments and subject to section 15.104.050.***
- B. ***Standards for multi-family structures.***
  - 1. ***Articulation. Plans for multi-family structures shall incorporate design features such as varying rooflines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements that break up otherwise long, uninterrupted elevations (see Figure 15.104-1). Such elements shall occur at a minimum interval of 30 feet, and each floor shall contain at least two elements***

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<sup>1</sup> State Law reference – Restrictions on manufactured dwellings and recreation vehicles and parks, ORS 197.475 et seq.

*from the following options:*

- a. *Recess (e.g., porch, courtyard, entrance balcony, or similar feature) that has a minimum depth of four feet;*
- b. *Extension (e.g., floor area, porch, entrance, balcony, overhang, or similar feature) that projects a minimum of two feet and runs horizontally for a minimum length of four feet; or*
- c. *Offsets or breaks in roof elevation of two feet or greater in height.*

**FINDING:** In response to the above criterion the applicant provided elevation drawings of the proposed apartment building, as well as the following:

Articulation will be met by offsetting covered front entry porches and using window reveals. The building also steps back and forth with the façade to help further break up the elevations into smaller planes. A mix of exterior finish materials and varying overhangs help in achieving this goal. The mix of sloping roofs also add character.

Additionally, staff notes that based on the submitted floor plans and elevations the applicant provides the following methods of articulation:

- Balconies and courtyards that have a depth of 5 feet in each of the units.
- Extensions of floor area for varying units.
- Varying rooflines

These criteria are met.

2. ***Detailed design. All structures shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least two of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):***
  - a. ***Covered front porch: not less than six feet in depth and not less than 30 percent of the width of dwelling, excluding the landing for dwelling entrance.***
  - b. ***Dormers: must be a functional part of the structure, for example, providing light into a living space.***
  - c. ***Recessed entrance: not less than three feet deep.***
  - d. ***Windows: not less than 30 percent of surface area of all street-facing elevation(s).***
  - e. ***Window trim: minimum four-inch width (all elevations).***
  - f. ***Eaves: overhang of not less than 12 inches.***
  - g. ***Offset: offset in facade or roof (see subsection 1, "Articulation").***
  - h. ***Bay window: projects from front elevation by 12 inches.***
  - i. ***Balcony: one per dwelling unit facing street.***
  - j. ***Decorative top: e.g., cornice or pediment with flat roof or brackets with pitched roof.***
  - k. ***Other: feature not listed but providing visual relief or contextually appropriate design similar to [subsections] a—j, as approved by the planning official through a Type II procedure.***

**FINDING:** In response to the above criteria, the applicant provided elevation drawings as well as the following:

The proposed elevations incorporate the following design elements:  
F: Typical roof overhangs are shown at 24".

G: The building has an offset of 5'-0" between the inner and outer units (from east to west). The roof design is comprised of alternating pitches that gives the façade rhythm and emphasizes the living area of each unit.

Staff find these two methods of design details meet the above criteria.

3. ***Common open space and landscaping. A minimum of 15 percent of the site area in residential zones shall be designated and permanently reserved as common area or open space, in accordance with all of the following criteria:***
  - a. ***"Site area," for the purposes of this section, is defined as the subject lot or lots after subtracting any required dedication of street right-of-way.***
  - b. ***The common area or open space shall contain one or more of the following: outdoor recreation area, tree grove (e.g., existing mature trees), turf play fields or playgrounds, sports courts, swim pool, walking fitness course, natural area with picnic benches, or similar open space amenities as appropriate for the intended residents.***
  - c. ***In order to be counted as eligible toward the minimum open space area, such areas shall have dimensions of not less than 20 feet.***
  - d. ***Open space and common areas not otherwise developed with recreational facilities shall be landscaped; alternatively, the city may approve a tree preservation plan (retain mature tree groves) in lieu of landscaping.***

**FINDING:** The subject property is within a Commercial zone, not Residential, therefore the above criteria are not applicable. Nevertheless, the applicant's site plan indicates that 8,118 square feet of space will be landscaped, which equates to 33.6% of the total lot area.

4. ***Private open space. Private open space areas shall be required for dwelling units based on the following criteria:***
  - a. ***A minimum of 40 percent of all ground-floor dwelling units shall have front or rear patios or decks containing at least 48 square feet of usable area. Ground floor housing means the housing unit entrance (front or rear) is within five feet of the finished ground elevation (i.e., after grading and landscaping).***

**FINDING:** The applicants submitted floor plan indicates there will be 6 ground floor units, each of which will have 50 square feet of outdoor usable area. This criterion is met.

- b. ***A minimum of 40 percent of all upper-floor housing units shall have balconies or porches containing at least 48 square feet of usable area. Upper-floor housing means housing units that are more than five feet above the finished grade.***

**FINDING:** The applicants submitted floor plan indicates each upper floor unit will have 50 square feet of outdoor usable area. This criterion is met.

5. ***Landscaping, fences, parking and loading, public facilities. The standards of article 5 shall be met.***

**FINDING:** As discussed herein, all of the standards of LPDC Article 5 are met and therefore, this criterion is met.

6. ***Trash storage. Trash receptacles, recycling, and storage facilities shall be oriented away from building entrances, setback at least ten feet from any public right-of-way and adjacent residences, and shall be screened with an evergreen hedge or solid fence or wall***



*of not less than six feet in height. Receptacles must be accessible to trash pick-up trucks.*

**FINDING:** The applicant proposes a trash enclosure near the southwest portion of the parking lot in a fenced enclosure. This criterion is met.

## **Article 8, Applications and Reviews**

### **Chapter 15.312, Site Plan Review**

#### Section 15.312.050, Approval Criteria

*To ensure that the stated purposes of the site plan review process are met, the review authority shall be governed by the criteria below as they evaluate and render a decision on a proposal.*

**A. Statement of intent.**

- 1. The site plan review criteria are intended to provide a frame of reference for the applicant in the development of a site, building and landscape plans, as well as providing the city with a means of reviewing proposed plans.**
- 2. These criteria provide a clear and objective means of evaluating residential development (and the residential components of a mixed use development) in accordance with ORS 197.**
- 3. The review authority is not authorized as a part of the site plan review process to approve projects which exceed specific development standards set forth by the applicable zone unless the exceptions are approved in accordance with specific variance or other provisions set forth in this Development Code.**

**FINDING:** As described herein, staff has reviewed the applicant's proposal under the site plan review regulations highlighted above. These criteria are met.

**B. Site plan evaluation criteria. The following criteria shall be used in evaluating all site development plans:**

- 1. The application is complete, in accordance with the applicable procedures in article 7.**

**FINDING:** The applicant was deemed complete in accordance with the applicable procedures in article 7. This criterion is met.

- 2. The application complies with all applicable provisions of the underlying zoning district in article 3, including, but not limited to, setbacks, lot dimensions, density, lot coverage, building height, and other applicable standards.**

**FINDING:** As discussed herein, all applicable provisions of the underlying zone have been met and therefore, this criterion is met.

- 3. The application complies with the provisions of the any applicable overlay zones in article 4.**

**FINDING:** The subject property does not contain any overlay zones; therefore, this criterion is not applicable.

- 4. The proposal complies with all applicable development and design standards of article 5.**

**FINDING:** As discussed herein, all applicable development and design standards of article 5 have been met, and

therefore, this criterion is met.

**5.        *The application complies with all applicable special use standards in article 6.***

**FINDING:** As discussed herein, the application complies with the provisions of LPDC Section 15.104.040 within article 6. This criterion is met.

**6.        *Adequate public facilities and utilities are available or can be made prior to occupancy to serve the proposed development.***

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

Public Facilities: ***Prior to the issuance of certificate of occupancy,*** the developer shall prove adequate public facilities and utilities are available.

**7.        *The proposed site plan conforms to the standards within the adopted La Pine Transportation System Plan (TSP), as may be amended from time to time, unless other design standards are specifically approved by the city.***

**FINDING:** The applicant's proposal was reviewed by the City Engineer for compliance with the La Pine Transportation System Plan. Conditions of approval were added where necessary and as conditioned, this criterion is met.

**8.        *The proposed site plan conforms to the La Pine Sewer and Water Standards, as may be amended from time to time, unless other design standards are specifically approved by the city. All sewer improvements must comply with Oregon Administrative Rules chapter 340 division 52 requirements, including Appendix A - Sewer Pipelines.***

**FINDING:** The applicant's proposal was reviewed by the City Engineer for compliance with the La Pine Sewer and Water Standards. Conditions of approval were added where necessary and as conditioned, this criterion is met.

**9.        *The proposed site plan conforms to the Central Oregon Stormwater Manual (COSM), as may be amended from time to time, unless other design standards are specifically approved by the city.***

**FINDING:** The applicant's proposal was reviewed by the City Engineer for compliance with the Central Oregon Stormwater Manual. Conditions of approval were added where necessary and as conditioned, this criterion is met.

**10.       *All utilities shall be installed underground, unless otherwise specifically approved by the city.***

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

**11.       *The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.***

**FINDING:** There is no known land use history for the subject property, therefore this criterion is not applicable.

Section 15.312.090, Performance Assurance

- A. ***Landscaping and other site improvements required pursuant to an approved design review plan shall be installed prior to the issuance of a certificate of occupancy or final inspection, unless the property owner and/or applicant submits a performance assurance device that is approved by the city committing the installation of landscaping and other site improvements within one year.***

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

Landscaping Assurance: Landscaping and other site improvements required pursuant to an approved design review plan shall be installed prior to the issuance of a certificate of occupancy or final inspection, unless the property owner and/or applicant submits a performance assurance device that is approved by the city committing the installation of landscaping and other site improvements within one year.

- B. ***In no case shall the performance be delayed beyond the one-year period for more than six months unless approved otherwise by the city. Acceptable performance assurances shall be in compliance with the provisions of this chapter or as otherwise approved by the city.***

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

Performance Delay: In no case shall the performance be delayed beyond the one-year period for more than six months unless approved otherwise by the city.

- C. ***Performance guarantee required for infrastructure improvements. The city at its discretion may allow a developer to delay installation of required public infrastructure improvements provided such infrastructure improvements must be complete and accepted by the city prior to the issuance of a certificate of occupancy, and provided that the applicant provides assurance for said improvements acceptable to the city. The applicant shall provide a bond issued by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the city, cash, or other form of security acceptable to the city.***

**FINDING:** The applicant has not requested a delay in infrastructure improvements, therefore this criterion is not applicable.

## V. CONCLUSION

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

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

## VI. DECISION

**APPROVAL, subject to the following conditions of approval.**

## VII. CONDITIONS OF APPROVAL:

## AT ALL TIMES

- A. Application Materials: This approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.
- B. Additional Permit Requirements: The applicant shall obtain necessary permits from the City of La Pine, Deschutes County Building Department, Deschutes County Onsite Wastewater Department, and any other necessary State or Federal permits.
- C. Confirmation of Conditions: The applicant shall be responsible for confirming in detail how each specific condition of approval has been met if requested by City staff.
- D. Exterior Lighting: All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.
- E. Maintenance and Plant Survival: All landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.
- F. Fence Maintenance: Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, non-uniform height, and uncontrolled growth of vegetation.
- G. Evans Way Crosswalk: Where the new walkway on Evans Way crosses the new driveway, the crosswalk 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.
- H. 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.
- I. 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.
- J. 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.
- K. Utilities: 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.
- L. Underground Utilities: All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.

- M.** Utility Installation: 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.
- N.** 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.
- O.** 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.
- P.** Landscaping Buffer: A screen planting or other approved landscaped planter strip is required between the parking area and the residentially zoned property to the south.
- Q.** 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.
- R.** Underground 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.
- S.** As Built Plans: If needed, 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.
- T.** Bond or Other Performance Assurance: 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.
- U.** 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.
- V.** 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.

- W. 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.
- X. Performance Delay: In no case shall the performance be delayed beyond the one-year period for more than six months unless approved otherwise by the city.

#### **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**

- Y. Construction Plans: Upon land use approval or building permit application, construction plans that include all proposed and/or required public improvements, water/sewer service connections, site grading/drainage and utilities shall be submitted to the City for review and approval, prior to construction. The stormwater drainage design shall comply with Central Oregon Stormwater Manual and shall include calculations to support the design.
- Z. Fence Material: ***Prior to the issuance of building permits***, the applicant must provide City staff with information on the type of fencing materials that will be installed.
- AA. Bicycle Rack Design: ***Prior to the issuance of building permits***, the applicant must demonstrate how bicycle parking meets the following standards. Bicycle parking shall consist of staple-design steel racks or other city-approved racks, lockers, or storage lids providing a safe and secure means of storing a bicycle. At a minimum, bicycle parking facilities shall be consistent with the following design guidelines:
  1. All bicycle parking shall be within 100 feet from a building entrance and located within a well-lit and clearly visible area;
  2. Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility;
  3. Each bicycle parking space shall be at least two feet by six feet with a vertical clearance of six feet;
  4. An access aisle of at least five feet shall be provided in each bicycle parking facility;
  5. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, i.e., a "rack," upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary).  
Note: businesses may provide long-term, employee parking by allowing access to a secure room within a building.
- AB. Evans Way Access: ***Prior to the issuance of building permits***, the applicant must obtain an approved approach permit for access on Evans Way.
- AC. Stormwater: ***Prior to the issuance of building permits***, the City Engineer must review and approve the drainage facilities on site for compliance with LPDC Section 15.90.040.
- AD. 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.

#### **PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY**

- AE.** Plant Material Installation Standards: ***Prior to occupancy***, the developer shall confirm the following landscaping standards are met:
1. Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.
  2. Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.
  3. Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.
  4. Rows of plants should be staggered to provide for more effective coverage.
- AF.** William Foss Dedication: ***Prior to occupancy***, the developer shall dedicate 8 feet of public right of way along the William Foss Rd project frontage. The right of way may be dedicated on the final plat.
- AG.** William Foss Drainage Swale: ***Prior to occupancy***, the developer shall construct, drainage swale, and 6' wide concrete sidewalk along the property frontage, with the back of sidewalk located along the right of way dedication line.
- AH.** William Foss Curb: The developer shall construct new ADA curb ramps at the southeast corner of the intersection of William Foss Rd and Evans Way.
- AI.** William Foss Trees: ***Prior to occupancy***, the developer shall install a minimum of nine street trees along the William Foss Rd frontage between the pavement edge and sidewalk.
- AJ.** Evans Way Dedication: ***Prior to occupancy***, the developer shall dedicate 2 feet of public right of way along the Evans Way project frontage. The right of way may be dedicated on the final plat.
- AK.** Evans Way Drainage Swale: ***Prior to occupancy***, the developer shall construct, drainage swale, and 6' wide concrete sidewalk along the property frontage, with the back of sidewalk located along the right of way dedication line.
- AL.** Evans Way Street Trees: ***Prior to occupancy***, the developer shall install a minimum of three street trees along the Evans Way frontage between the pavement edge and sidewalk.
- AM.** Water Service Removal: ***Prior to occupancy***, the developer shall remove the existing water service in accordance with City of La Pine and Deschutes County standards.
- AO.** Water Service: ***Prior to occupancy***, the developer shall install a new water service and backflow device to serve the proposed development. The water service shall be sized in accordance with Oregon plumbing code for the number of fixture units in the development.

- AP.** Fire Service Line: ***Prior to occupancy***, the developer shall install the proposed fire service line in accordance with City of La Pine and Deschutes County standards. A gate valve shall be placed at the right of way dedication line.
- AQ.** Sewer Lateral: ***Prior to occupancy***, the developer shall install a new 6" sewer lateral to serve the project in accordance with City of La Pine and Deschutes County standards.
- AR.** Septic Tank: ***Prior to occupancy***, the developer shall install a septic tank providing capacity for twice the average daily flow and in accordance with City of La Pine standards.
- AS.** Public Facilities: ***Prior to the issuance of certificate of occupancy***, the developer shall prove adequate public facilities and utilities are available.
- AT.** Landscaping Assurance: Landscaping and other site improvements required pursuant to an approved design review plan shall be installed prior to the issuance of a certificate of occupancy or final inspection, unless the property owner and/or applicant submits a performance assurance device that is approved by the city committing the installation of landscaping and other site improvements within one year.

**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 12<sup>TH</sup> DAY FOLLOWING MAILING OF THIS DECISION.**

**CITY OF LA PINE COMMUNITY DEVELOPMENT DEPARTMENT**

Written By: Rachel Vickers, Associate Planner

Dated: January 10, 2024