



CITY of LA PINE PLANNING COMMISSION AGENDA

Tuesday, December 3rd, 2019

5:30 p.m.

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order
2. Establish Quorum
3. Pledge of Allegiance
4. Added Agenda Items
Any matters added at this time will be discussed during the “Other Matter” portion of this agenda.
5. Approval of Prior Meeting Minutes
 - a. October 30th, 2019
 - b. November 12th, 2019
 - c. November 20th, 2019
6. Public Hearing - Continuation -Proposed 60-lot Subdivision 01SUB-19
60-Lot subdivision and associated infrastructure in the La Pine residential single family (RSF) zone.
 - a. Open Public Hearing
 - i. Staff Report
 - ii. Applicant Testimony
 - iii. Open Public Testimony
 - iv. Applicant Rebuttal
 - v. Deliberations
 - vi. Close Hearing
7. Public Hearing – Continuation - Variance Request 02VA-19
25% Variance request for all setbacks in the above proposed subdivision
 - a. Open Public Hearing
 - i. Staff Report
 - ii. Applicant Testimony
 - iii. Open Public Testimony
 - iv. Applicant Rebuttal
 - v. Deliberations

vi. Close Hearing

8. Other Matters: Only those matters properly added to this Agenda under line item No. 4

9. Public Comments:

10. Staff and Committee Comments

11. Adjourn

Pursuant to ORS 192.640, this notice includes a list of the principal subjects anticipated to be considered or discussed at the above-referenced meeting. This notice does not limit the ability of the City Council to consider or discuss additional subjects. This meeting is subject to cancellation without notice. The regular meeting is open to the public and interested citizens are invited to attend. The public will not be permitted to attend the executive session; provided, however, representatives of the news media and designated staff will be allowed to attend the executive session. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the executive session as previously announced. No decision will be made in the executive session. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Patti Morgan (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY



CITY of LA PINE PLANNING COMMISSION AGENDA

Wednesday, October 30, 2019

5:30 p.m.

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order

Called to order by acting Chair, Russ Smith.

2. Establish Quorum

Present: Russell Smith, John Cameron, Jane Gillette and Mary Hatfield

Staff Present: Tammy Wisco, Planning Consultant and Kelly Notary, Admin Asst.

3. Pledge of Allegiance

Led by John Cameron

4. Added Agenda Items

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

5. Approval of Prior Meeting Minutes

a. August 21, 2019

Motion to approve the meeting minutes from August 21st, 2019 by Gillette, seconded by Cameron.

No objections; unanimously approved.

6. Review Planning Commission Applications and Make Recommendation to Council

Discussion took place on qualifications of each applicant to include their resident status. Per Ordinance on commission makeup applicants must live in the county and within 5 miles of city limits, if they are not an actual resident of the city limits.

Motion to recommend Catherine Van Damme to the Council for approval to be on the Planning Commission by Gillette, seconded by Hatfield. No objections; unanimously approved.

7. Public Hearing -Proposed 60-lot Subdivision 01SUB-19

60-Lot subdivision and associated infrastructure in the La Pine residential single family (RSF) zone.

Smith opened both hearings and offered public the opportunity to speak, but there were no comments at this time. The Hearing was then continued until November 12th, 2019 due to a need for clarification from a state agency.

1. Staff Report
2. Applicant Testimony
3. Open Public Testimony
4. Applicant Rebuttal
5. Close Hearing

8. Public Hearing Variance Request 02VA-19

25% Variance request for all setbacks in the above proposed subdivision

1. Staff Report
2. Applicant Testimony
3. Open Public Testimony
4. Applicant Rebuttal
5. Close Hearing

9. Other Matters: Only those matters properly added to this Agenda under line item No. 4

None

10. Public Comments:

A member of the public asked about the need for the continuation and Wisco explained that we were waiting on information from one of our agency partners and needed the extra time to allow them time to answer. The commenter did not sign in to provide a name.

11. Staff and Committee Comments

Wisco provided an update on current files in the queue; most of which are lot line adjustments and other land use items that do not come to the committee. She will present on another large matter next month on the 20th of November, which will be a public hearing for a Text Amendment, Zone Change and Comp Plan Amendment for Sagebrush.

Planning received a revised submission for the proposed Sleep Inn on Hwy 97 which would be adjacent to the current Timbercrest Inn location. Same ownership as the Timbercrest, as well.

She asked the committee to consider and do some research on how they feel the city should move forward with regards to Flag Lots. There would need to be an amendment to code to address the issue, but she feels it should be reviewed and decided upon sooner rather than later as development continues to grow in city limits.

Smith asked how we go about amending the code?

Wisco replied that first the City requests a text amendment through council that would then go to Planning for review and recommendations.

Gillette mentioned that she is moving to Bend and would need to step down from the commission, as she will no longer fit the requirements to stay on; however, she can stay on until the end of the year while we look for someone else and to finish out the hearings she is already familiar with.

No Further Staff or Committee Comments

12. Adjourn

DRAFT



CITY of LA PINE PLANNING COMMISSION AGENDA

Wednesday, Tuesday 12th, 2019

6:00 p.m.

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order

Called to Order by Acting Chair Russ Smith

2. Establish Quorum

Present: Russ Smith – no quorum

3. Pledge of Allegiance

4. Public Hearing - Continuation -Proposed 60-lot Subdivision 01SUB-19

60-Lot subdivision and associated infrastructure in the La Pine residential single family (RSF) zone.

Public Hearings were continued until the first part of December and no further action was taken

a. Open Public Hearing

i. Staff Report

ii. Applicant Testimony

iii. Open Public Testimony

iv. Applicant Rebuttal

v. Deliberations

vi. Close Hearing

5. Public Hearing – Continuation - Variance Request 02VA-19

25% Variance request for all setbacks in the above proposed subdivision

Public Hearings were continued until the first part of December and no further action was taken

a. Open Public Hearing

i. Staff Report

ii. Applicant Testimony

iii. Open Public Testimony

iv. Applicant Rebuttal

v. Deliberations

vi. Close Hearing

6. Other Matters: Only those matters properly added to this Agenda under line item No. 4

7. Public Comments:

8. Staff and Committee Comments

9. Adjourn

Meeting was continued to a later date in December, which will be posted accordingly, once all parties agree to a date.

DRAFT



CITY of LA PINE PLANNING COMMISSION MINUTES

Wednesday, November 20th, 2019

5:30 p.m.

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order

Meeting called to order by acting Chair Russ Smith at 5:30pm

2. Establish Quorum

Present: Russell Smith, John Cameron, Jane Gillette and Mary Hatfield and Cathi Van Damme.

Staff Present: Tammy Wisco, Planning Consultant, Melissa Bethel, City Manager and Kelly Notary, Admin Asst.

3. Pledge of Allegiance

4. Public Hearing – 01TA-19 Text Amendment Change to Development Code

Request to amend development code per comparison noted in packet materials

Smith opened the public hearing

a. Open Public Hearing

i. Staff Report

Tammy Wisco provided a detailed staff report of the applicants requested changes, as well as Staff suggested changes and corrections that could be made to the code through this text amendment request. Additionally, a PowerPoint presentation was displayed to reference during the explanation. (PP added to packet, post meeting)

ii. Applicant Testimony

Vicki Russell, Randy Akacich from Sagebrush Development and Greg Blackmore (Blackmore Planning), Principal Planner for Sagebrush provided detailed testimony on the requested changes, their reasoning and provided a PowerPoint presentation of their vision and the changes they are requesting. (PP added to the packet, post meeting)

iii. Open Public Testimony

Gary Wiedeman, Resident, expressed concern regarding the buffer zone, the displacement of wildlife, the noise from Hwy 97, neighborhood consistency and the right of way (ODOT area) between the neighborhood and Hwy 97. Mr. Wiedeman sent in public comments ahead of this hearing, some of which will be applicable at later hearings and will be addressed at that time. Those public comments have been entered into the record and added to the packet, post meeting.

Teri Myers, Resident and Representative for the Chamber of Commerce, stated that the Chamber of Commerce is 100% behind this project. It brings about much needed affordable housing and additional commerce into the La Pine area that is crucial for La Pine. The Chamber feels this project is well planned and will add a great deal to the community. The applicants have the full support of the Chamber of Commerce and its members.

Janice Curtis-Thompson, Resident, stated that the commercial area will impact her lot more than others and while she isn't opposed to the project itself she is concerned about light from commercial buildings and traffic on Caldwell is this is going to be used to access the commercial area.

iv. Applicant Rebuttal

Greg Blackmore reiterated that the property is already zoned for residential use, so the main rebuttal points he would like to focus on were buffer zones and open space issues. He provided similar information as noted in his presentation about current requirements, applicant requests and considerable discrepancies or errors in the city code that their text amendment application would correct.

Joe Bessman, Traffic Engineer, stated that he worked on the Crescent Creek project and design and that this neighborhood would be right in line with those same valued aspects to the residence, slower traffic, walkable neighborhood streets, etc.

v. Deliberations

Cameron – stated that for the most part this seemed like good cleanup of the code

Gillette - stated her concerns had been addressed

Van Damme - stated she had no concerns beyond those previously discussed

Hatfield – no comments at this time

Smith – asked about the Buffer and if they had to make a decision about the 20' buffer tonight, as he could see it effecting future development. **Tammy Wisco** advised that the 20' buffer was a part of the text amendment changes and would be a part of the recommendation they made to Council.

Additional discussion about the 20' buffer occurred, with varying opinions on the commission.

vi. Close Hearing

SMITH – closed the hearing

Approval of Buffer Area at 20' per text amendment **ROLL CALL VOTE**

Smith – Aye

Gillette - Nay

Cameron – Aye

Van Damme - Nay

Hatfield – Aye

Motion to recommend to City Council the amendments to the La Pine Development Code, initiated through file 01TA-19, and as recommended to be amended by staff; with special exception and request for further discussion of 20' buffers by Council, by Gillette, seconded by Cameron. No objections; unanimously approved.

5. Public Hearing – 02CA-19 Comprehensive Plan Map Amendment Tax Lots 22-10-11-200 & 202

Request to change Comprehensive Plan Map Amendment Park/Open Space Allotments

Smith opened both the 02CA-19 and 02ZC-19 simultaneously due to their dependent nature.

a. Open Public Hearing

i. Staff Report

Tammy Wisco provided a detailed staff report of the applicants requested changes, as well as Staff suggested changes and corrections that could be made to the code through this text amendment request. Additionally, a PowerPoint presentation was displayed to reference during the explanation. (PP added to packet, post meeting)

ii. Applicant Testimony

Greg Blackmore (Blackmore Planning), Principal Planner for Sagebrush provided detailed testimony on the requested changes, their reasoning and provided a PowerPoint presentation of their vision and the changes they are requesting. (PP added to the packet, post meeting)

iii. Open Public Testimony

Gary Wiedeman, Resident, expressed concern with Caldwell Traffic, as well as reiterating his earlier concerns from the prior public hearing.

Scott Asla, Non-Resident, stated that he has been aware of this project for years, That the plans are very well thought out and he is excited, as this will be a great place for the people of La Pine to live.

Lois Schultz, Resident, is concerned about the parking aspect of having the commercial mixed-use next to the Crescent Creek Development.

iv. Applicant Rebuttal

Greg Blackmore (Blackmore Planning), Principal Planner for Sagebrush provided detailed testimony on the requested changes, their reasoning and provided a PowerPoint presentation of their vision and the changes they are requesting. (PP added to the packet, post meeting)

Vicki Russell, Sagebrush Development Representative, reminded the room that everything would be per code, this includes the lighting for commercial and residential areas and the parking for any commercial area. She stated that their goal is to make it a community not just houses and they are making all efforts to build a wonderful place in La Pine.

Greg Blackmore, Sagebrush Planner, stated that the team is happy to go over any specific item or concern that the public or commission has regarding their requests on the agenda. He stated that the Russell's have been in this community for many years and owned this property for fifteen waiting to make it just right. He stated that this is a legacy project for them.

v. Deliberations

Gillette – asked if there would be fencing on Caldwell. Vicki Russell said yes, it would be similar to Crescent Creek so it ties in, a community feel.

Hatfield - asked if the landscaping would be similar to Crescent Creek. Vicki Russell and Vic Russell said there would be more ponderosas and less lodgepoles, deciduous trees and yes, similar to Crescent Creek.

Van Damme – asked what, if any, research had been done on multi-use building? Vicki and Vic Russell mentioned how successful these types of work/live cmx buildings have been in Bend. Vic stated that the goal is to have a family orientated community, no amazon type business and offer condominiums into the market place here.

Tammy Wisco – reminded the room that the public hearings being heard tonight are not about design and there would likely be refinements to maps and other items before any of this went to council.

Smith - stated that he would like to see more maps to help explain the legal items and boundaries when this was presented to council.

Vic Russell – wanted to also mention that when they looked into the types of people who would be interested in mixed use, condo living, they found that millennials and boomers alike wanted the same size housing.

Gary Wiedemen – asked for the opportunity to say one more thing and Russ Smith allowed another comment. He stated similar concerns to his previous comments which are on file and in the packet as an add-on.

vi. Close Hearing

Smith closed the hearing

I move to recommend to City Council 02CA-19 and 02-ZC-19, to change the designation and zones from residential master plan and open space/parks to residential master plan and mixed-use commercial, as shown in the applications' proposed maps for tax lots 200 and 202 on the Deschutes County Tax Assessor's Map 22-10-11, made by Hatfield. Seconded by Cameron. No objections; unanimously approved.

6. Public Hearing – 02ZC-19 Zone Change Tax Lots 22-10-11-200 and 202

Request to change RMP Zone to CMX and RMP

Hearing Opened and Heard along with 02CA-19; comments, deliberations and recommendation all done at the same time, please see items above for clarification.

a. Open Public Hearing

i. Staff Report

ii. Applicant Testimony

iii. Open Public Testimony

iv. Applicant Rebuttal

v. Deliberations

vi. Close Hearing

I move to recommend to City Council 02CA-19 and 02-ZC-19, to change the designation and zones from residential master plan and open space/parks to residential master plan and mixed-use commercial, as shown in the applications' proposed maps for tax lots 200 and 202 on the Deschutes County Tax Assessor's Map 22-10-11, made by Hatfield. Seconded by Cameron. No objections; unanimously approved.

7. Other Matters: Only those matters properly added to this Agenda under line item No. 4

8. Public Comments:

Gary Wiedeman – Resident, asked for clarification on what was approved. Council advised it was a recommendation not an approval and would need to be heard at a City Council meeting to be approved. They also recapped the approvals.

9. Staff and Committee Comments

Melissa Bethel – provided a city update on projects, grants and the Memorial Wall which will be visiting La Pine next year.

10. Adjourn

Adjourned at 7:48pm



CITY OF LA Pine

16345 Sixth Street — PO Box 2460

La Pine, Oregon 97739

TEL (541) 536-1432

www.lapineoregon.gov

**CITY OF LA PINE PLANNING DIVISION
Staff Report to Planning Commission**

FILE NO. 01SUB-19

**OWNER/
APPLICANT:**

Huntington Park, LLC
c/o Josh Shockey
63591 OB Riley Road
Bend, OR 97703

**ENGINEER/
SURVEYOR:**

Sun Country Engineering, Inc.
920 SE Armour Drive
Bend, OR 97702

**LAND USE
CONSULTANT:**

Chris Schmoyer, Principal Planner
Schmoyer Land Use Consulting, LLC
60939 Zircon Drive
Bend, OR 97702

LOCATION:

The subject property does not currently have an assigned property address but is identified as Tax Lots 00200 and 00300 on Deschutes County Tax Assessor’s Map 221014CD.

REQUEST:

The Applicant is requesting approval of a Preliminary Plat for a Subdivision in order to divide two parcels with a combined total of 20.56 acres into 61 residential lots, consisting of 5 phases, in the La Pine Residential Single Family Zone (RSF).

- Phase 1 –12 Lots (1-12)
- Phase 2 –12 Lots (13-24)
- Phase 3 –12 Lots (25-36)
- Phase 4 –15 Lots (37-51)
- Phase 5 –10 lots (52-61)

Additionally, the Applicant requests to exclude the requirement for curbs from the development, which is at the discretion of the City Engineer to waive per 15.90.070 (T).

I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA:

City of La Pine Development Code

Article 3. Zoning Districts

Chapter 15.18 Residential Zones

Article 5. Development Standards

- Chapter 15.80 Development Standards, Generally
- Chapter 15.88 Access and Circulation
- Chapter 15.90 Public Facilities
- Chapter 15.92 Additional Standards for Land Divisions
- Chapter 15.94 Improvement Procedures and Guarantees

Article 7. Procedures

- Chapter 15.204 Application Procedures

Article 9. Land Divisions

- Chapter 15.402 General Provisions
- Chapter 15.406 Subdivisions and Planned Unit Developments (PUD)
- Chapter 15.414 Re-Platting and Boundary Line Adjustments
- Chapter 15.418 Processing and Recording Procedures

City of La Pine Transportation System Plan

II. INTRODUCTION and QUESTIONS FOR PLANNING COMMISSION

The current subdivision application under review was revised by the Applicant to respond to comments from the Fire Chief. In particular, the original application did not extend all of the existing roadways in Huntington Meadows. For Cassidy Drive and Betty Drive, the Applicant proposed either 1. utilizing the existing easements in Huntington Meadows for turnaround (no change from existing substandard turnarounds) or 2. constructing hammerhead turnarounds on these streets. However, these alternatives were not found to be acceptable to the Fire Department, and the Applicant revised the plans to propose through connections for all streets, with some of them being gated fire access alleyways. At the time of writing the staff report, comments had not yet been received from the Fire Department on the revised plans. There are a few questions that staff poses for the Planning Commission:

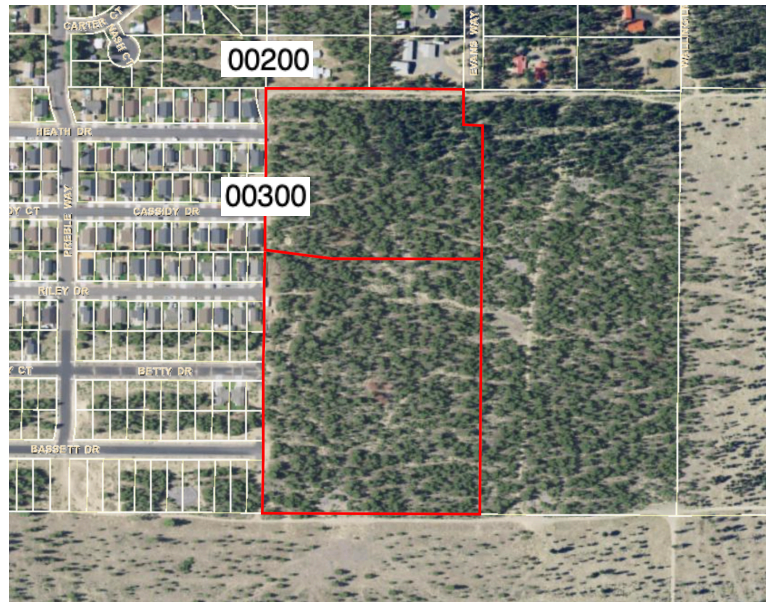
1. Are the proposed extensions of the existing Huntington Meadows Streets acceptable (full extension of Heath and Basset, partial extension of Riley, and fire access alley extension of Betty and Cassidy).
2. Should the subdivision include an extension of A Street to the south? Property to the South is outside of City limits and Federal land, but LPDC 15.90.070 (D) requires accommodate of future adjacent development. Is the federal land to the south “developable property” and is a future street extension required per 15.90.070 (D)? If public access is determined to be required to the south, should this be a full street section or a multi-use path for only pedestrians/bicyclists?

III. FINDINGS OF FACT:

LOCATION: The subject property does not currently have an assigned property address but is identified as Tax Lots 00200 and 00300 on Deschutes County Tax Assessor's Map 221014CD.

ZONING: The subject properties are zoned Residential Single Family Zone (RSF) and Residential Single Family Zone (RSF) on the La Pine Comprehensive Plan Map. Lots adjacent to the east, north, and west are also zoned and designated Residential Single Family Zone (RSF). To the south is property owned by the Bureau of Land Management (BLM) and is zoned Forest Use (F1) by Deschutes County.

SITE DESCRIPTION: The subject properties consist of two parcels, comprising a combined total of 20.56 acres and is rectangular in shape. They are vacant, and the topography is relatively level supporting a moderate cover of mature and immature lodgepole pine trees with sparse native underbrush. The subject properties are located outside of any FEMA designated floodway and/or floodplain, and abut the following public rights-of way: Evans Way to the north and Heath Drive, Cassidy Drive, Riley Drive, Betty Drive, Anchor Way and Bassett Drive to the West.



SURROUNDING USES: Lands zoned RSF to the west have been subdivided and developed into single-family residential lots of approximately 5,000 square feet, and improved public roads have been stubbed to the subject property. Adjacent properties to the north, also zoned RSF, are approximate 1.2-acre tax lots, each supporting a dwelling. The vacant 20-acre parcel to the East is also zoned RSF. To the south is property owned by the Bureau of Land Management (BLM) and is zoned Forest Use (F1) by Deschutes County.

LOT LEGALITY: Pursuant to Section 15.304.020 (A), the subject property consists of two legal lots of record lawfully created as Parcels 1 and 2 of Partition Plat 2018-45, recorded in Official Records 2018-48789 on December 11, 2018.

PUBLIC NOTICE AND COMMENTS: The City of La Pine sent notice of the application to the planning commission and to the property owners within 100 feet of the subject property. One public comment was received and is included in the record. The City will mail the notice of decision to the same distribution list.

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

IV. APPLICATION OF THE CRITERIA:

CONFORMANCE WITH CITY OF LA PINE ZONING ORDINANCE

Article 3. Zoning Districts

- Chapter 15.18 Residential Zones

15.18.400 Development Standards

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

Table 15.18-2 — Development Standards in the Residential Zones

Standard	RSF	RMF
Minimum density	1 unit per acre (1)	5 units per acre
Maximum density	7 units per acre (2)	40 units per acre
Minimum lot size	None	None for single-family dwelling, cottage cluster development, duplex, or townhomes. Multi-family development: 3,000 sq. ft. for first dwelling unit, plus 1,000 sq. ft. for each dwelling unit thereafter on the same property, provided that urban services are available to serve the development.
Minimum street frontage	50 feet 35 feet on cul-de-sac street 25 feet for townhomes	50 feet 35 feet on a cul-de-sac street 25 feet for townhomes
Minimum setbacks	--	--
- Front or street-side yard	20 feet	20 feet

- Side yard	10 feet None for townhomes	10 feet None for townhomes
- Rear yard	20 feet	20 feet
Maximum building height	45 feet	45 feet
Maximum lot coverage	75% for townhomes 50% for all other uses	75% for townhomes 50% for all other uses
Minimum landscaped area	See Chapter 15.82	See Chapter 15.82

FINDING: Per the Applicant’s Burden of Proof, the Applicant is proposing a density of approximately 3 dwelling units per acre, well within the range of 1 to 7 units per acre requirement as specified above. Every proposed lot has greater than 50 feet of street frontage. As such, these requirements are satisfied.

The proposed lot sizes range between 8,970 and 12,496 square feet and are of a large enough size to accommodate dwellings and garages, as well as accessory structures, and comply with the front side and rear setbacks and maximum lot coverage requirements. Compliance with setbacks, lot coverage and building height will be verified for compliance during the building permit review process for the development of each lot. Pursuant to 15.82.010, minimum landscape areas do not apply to single-family dwelling construction. The proposed tentative plan complies, or can comply upon development, with the standards of this section, with the exception of setbacks. The Applicant has submitted a variance request for side, rear, and corner lot setbacks, which are being reviewed under a separate application (02VA-19).

15.18.500 Additional Standards

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

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

FINDING: The Applicant’s Burden of Proof states that the proposed subdivision is designed to comply with all applicable development standards for the RSF Zone, although they are requesting setback variances through a separate application. No buildings are proposed as part of this application. Future development will be reviewed in detail for conformance as applicable to Building Codes during the building permit review process.

Article 5. Development Standards

- **Chapter 15.80 Development Standards, Generally**

15.80.010 Purpose

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

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

15.80.020 Applicability

Any land division or development, and the improvements required therefore, shall be in compliance with the development, design and improvement standards and requirements set forth in this Article. Other provisions of this Code, other city ordinances, or state statutes or administrative rules may also apply.

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

15.80.030 Exemption - Lot Size Requirements

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

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

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

FINDING: Per Table 15.18-2 — Development Standards in the Residential Zones, there is no minimum lot size requirement for the RSF zone, except as determined based upon maximum density requirements. The proposed application meets the minimum and maximum density requirements. The application includes separate tracts to be dedication for access (fire alleyways and multi-use paths), which will not be required to conform to the lot sizing (or density) requirements of this section.

15.80.040 Exemption - Yard or Setback Requirements

The following exemptions to yard or setback requirements are authorized for a lot or use in any zone.

- A. If there is a lot where there are buildings on abutting lots, and the buildings are within 100 feet of the intervening lot, and the buildings have front yards less than the required front yard for the applicable zone, the depth of the front yard for the subject lot need not exceed the average depth of the front yards of the abutting lots.
- B. If there is a building on only one abutting lot within 100 feet with a front yard less than the required front yard for the zone, the front yard of the subject lot need not exceed a depth one-half way between the depth of the yard on the abutting lot and the required front yard of the applicable zone.
- C. Architectural features such as cornices, eaves, sunshades, canopies, gutters, chimneys and flues may project into a required yard two feet, provided that the projection is not closer than three feet to a property line, and, drainage or snowdrift does not flow onto abutting properties or right of way, and, fumes from woodstoves are not directed to other properties. Steps, terraces, platforms, patios, decks and porches having no roof covering, and fences not interfering with vision clearance requirements or drainage requirements may be permitted in required yards, except as otherwise limited or provided for by this ordinance, or as otherwise approved by the city.

FINDING: The Applicant is requesting approval of a tentative plat for a subdivision with this application; buildings are not yet proposed or sited. These criteria do not apply.

15.80.050 Supplementary Height Regulations

The maximum height limitations shall not apply to:

- A. The following principal structures: Church, college, farm structure (other than a farm dwelling), hospital, radio or television tower, exhaust stack, emergency services structure, or public utility structure which is a permitted use and is located in any zone, provided it shall conform to the setback and yard requirements of the zone where it is located plus 1 additional foot horizontally for each foot over 45 feet in height.
- B. The following appurtenances attached to or part of a principal or accessory structure: Church spire, belfry, cupola, dome, monument, smoke-stack, derrick, conveyor, flag pole, mast, antenna, aerial, roof tank; ventilating air conditioning and similar building service equipment; roof structure, chimney and/or parapet wall, provided it shall be set back in conformance with the setback and yard requirements plus 1 foot horizontally for each foot in which it exceeds 45 feet in height above ground level. The principal or accessory structure to which it is attached may conform to setback and yard requirements with no additional setback provided the principal or accessory structure conforms to the height limitations of the zone.

FINDING: This application is for a residential subdivision; none of the above referenced uses or structures are proposed. Future development will be reviewed in detail for conformance as applicable to Building Codes and applicable City Development Codes during the building permit review process.

15.80.060 Restrictions on the Use of Metal Shipping Containers

Except as specified below, metal shipping containers shall not be placed on site:

- A. In residential zones, no metal shipping containers shall be utilized as a dwelling at anytime, or as storage structures for greater than 30 days.

B. In commercial zones, metal shipping containers shall not be placed on site, with the exception of short-term use for construction or relocations (30 days or less), or in the case of construction; 30 days after a certificate of occupancy has been issued.

C. In Industrial zones, metal shipping containers are permitted for storage uses.

FINDING: The Applicant has not indicated any proposed use of metal containers.

Article 5. Development Standards

- **Chapter 15.88 Access and Circulation**

15.88.010 Purpose

Chapter 15.88 contains standards for vehicular and pedestrian access, circulation, and connectivity. The standards promote safe, reasonably direct, and convenient options for walking and bicycling, while accommodating vehicle access to individual properties, as needed.

15.88.020 Applicability

Chapter 15.88 applies to new development and changes in land use necessitating a new or modified street or highway connection. Except where the standards of a roadway authority other than the City supersede City standards, Chapter 15.88 applies to all connections to a street or highway, and to driveways and walkways.

FINDING: The proposed subdivision is new development and necessitates the construction of new streets. As such, Chapter 15.88 applies.

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 has agreed this standard can be met through a condition of approval requiring approach permits to be secured. The proposed lots will access City streets and driveways will be reviewed through the building permit process. If driveway access permits are required at the time of building permit application, they shall be reviewed and approved prior to release of building permits.

C. Traffic Study Requirements. The City, in reviewing a development proposal or other action requiring an approach permit, may require a traffic impact analysis, pursuant to Section 15.90.080, to determine compliance with this Code.

FINDING: Submitted with the application is a Traffic Impact Analysis (TIA) prepared by Transportation Engineer Joe Bessman, P.E. with Transight Consulting, LLC. The findings and recommendations from

page 19-20 of the TIA are as follows below. These recommendations will be conditions of approval if they are not already incorporated into the plans.

Based on this review, the extension of local streets and development of the planned residential subdivision can occur in compliance with City plans. As previously identified, there are improvement needs at the US 97/Finley Butte – Morson Street intersection to address roadway alignments and long-term capacity needs for the overall City of La Pine. Summertime delays at this intersection are reaching Level of Service “F” for the minor westbound movements, and the recent installation of a pedestrian crossing refuge supports multimodal connections as an interim treatment but conflicts with the identified signalization plan. Signalization is a near-term priority project in the City’s adopted Transportation System Plan. The following is recommended to support the new subdivision:

- *City streetscape sections should conform to adopted City standards as identified within the Transportation System Plan and include 36-foot wide street sections to support on-street parking on both sides of the street.*
- *Accessible crossings should be provided at all intersections within the subdivision, and all adjacent roadway stubs should be extended as identified in the proposed development plan. At the transition point the roadways should include “curb extensions” to match with the existing narrower pavement section to the west.*
- *All “T” approaches within the subdivision should be stop-sign controlled to provide clear designation of roadway right-of-way.*
- *A pro-rata contribution should be provided toward improvements at the US 97/Finley Butte intersection. Impacts of the new subdivision are approximately 3.6% of the total intersection volume during the weekday p.m. peak hour, or \$518 per residential unit. To avoid double-payment, if the City adopts a Transportation SDC these pro-rata payments should be discontinued.*
- *Fencing, utilities, landscaping, and other above-ground features should be prohibited within the intersection sight distance triangles near internal intersections. Within these areas a clear space should be maintained between two-feet and eight-feet in height.*

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

1. **Access points to arterials and collectors may be restricted through the use of the following techniques.**
 - a. **Restricting spacing between access points based on the type of development and the speed along the serving collector or arterial.**
 - b. **Sharing of access points between adjacent properties and developments.**
 - c. **Providing access via a local order of street; for example, using a collector for access to an arterial, and using a local street for access to a collector.**
 - d. **Constructing frontage or marginal access roads to separate local traffic from through traffic.**
 - e. **Providing service drives to prevent overflow of vehicle queues onto adjoining roadways.**
2. **Consideration of the following traffic and facility improvements for access management.**
 - a. **Providing of acceleration, deceleration and right-turn-only lanes.**
 - b. **Offsetting driveways to produce T-intersections to minimize the number of conflict points between traffic using the driveways and through traffic.**
 - c. **Installation of median barriers to control conflicts associated with left turn movements.**
 - d. **Installing side barriers to the property along the serving arterial or collector to restrict access width to a minimum.**

FINDING: Access management restrictions and limitations for accessing arterials and/or collectors are not applicable to this proposal, as the proposed lots will have access exclusively to local streets. As such, these criteria do not apply.

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

FINDING: The proposal for a 61-lot residential subdivision will have access exclusively to local streets. Criterion does not apply.

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

FINDING: The Applicant noted that the subject properties do not cross a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency. Staff is also not aware of any of these features on the subject properties. Criterion does not apply.

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

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

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

15.88.040 Clear Vision Areas (Visibility at Intersections)

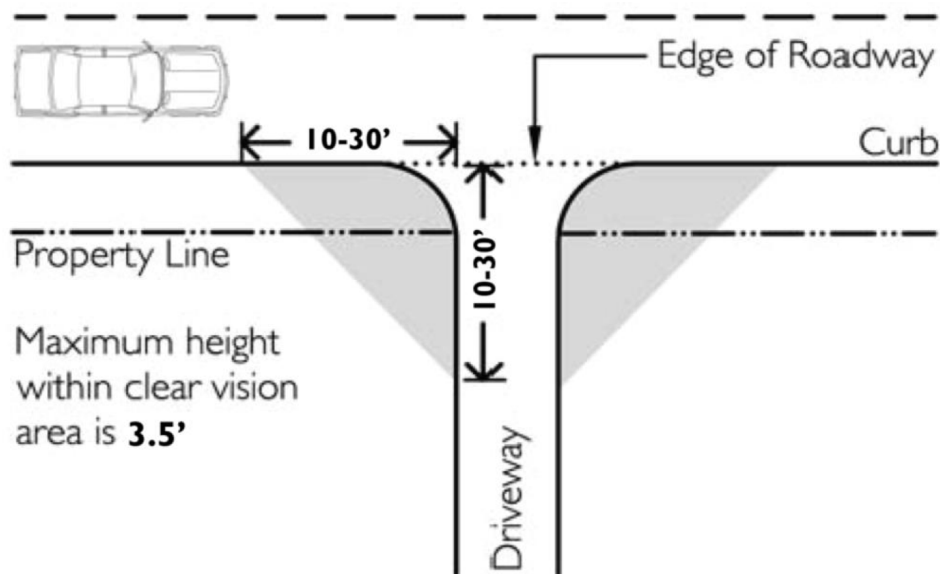
A. In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, wall, structure, private signage, or temporary or permanent obstruction exceeding three and one-half feet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

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

1. In an agricultural, forestry or industrial zone, the minimum distance shall be 30 feet; or at intersections including an alley, 10 feet.

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

Right of way Width	Clear vision
80 feet or more	20 feet
Less than 80 feet	30 feet

Figure
Vision15.88-1. Clear
Areas

FINDING: The Applicant has stated that clear vision standards can be provided for through the development of the subdivision. Proposed street trees will be omitted in these areas, if necessary to maintain a clear vision area. This standard will be imposed as an ongoing condition of approval for a tentative plan.

15.88.050 Pedestrian Access and Circulation

- A. Purpose and Intent.** This section implements the pedestrian access and connectivity policies of City of La Pine Transportation System Plan and the requirements of the Transportation Planning Rule (OAR 660-012). It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.
- B. Standards.** New subdivisions, multi-family developments, planned developments, commercial developments and institutional developments shall conform to all of the following standards for pedestrian access and circulation:
1. **Continuous Walkway System.** A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.
 2. **Safe, Direct, and Convenient.** Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:

- a. **The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of- direction travel.**
- b. **The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The City may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.**
- c. **Vehicle/Walkway Separation. Except as required for crosswalks, per subsection 4, below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the City may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.**
- d. **Crosswalks. Where a walkway crosses a parking area or driveway (“crosswalk”), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver- visibility of pedestrians.**
- e. **Walkway Construction. Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other City-approved durable surface meeting ADA requirements. Walkways shall be not less than four feet in width, except that the City may require five- foot wide, or wider, sidewalks in developments where pedestrian traffic warrants walkways wider than four feet.**
- f. **Multi-Use Pathways. Multi-use pathways, where approved, shall be 10 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 submitted tentative plan includes 6-foot sidewalks within the right of way on both sides of each street (with the exception of Anchor Way), in accordance with the City’s TSP. These sidewalks connect to the sidewalks in the adjacent Huntington Meadows subdivision to the west. Sidewalks are not shown on the west side of Anchor Way, likely due to the existing reduced right of way width (30’ west side of centerline). Sidewalks shall be constructed on both sides of Anchor Way, and for the section with reduced right of way (western side), the landscaped area can be reduced by 2 feet of width to accommodate the full sidewalk width. Final construction plans shall detail the transition between the new sidewalks and existing sidewalks.

In addition, the submitted revised tentative plan includes a tract for a multi-use path approximately mid-block with “A” and “B” Streets, to improve the pedestrian/bicycle connectivity through the neighborhood with long block lengths. This multi-use path shall be constructed by the developer and shall be a minimum of 10 feet wide, within a minimum 12-foot wide tract. The submitted tentative plan proposed the final connection of the multi-use path to occur in the final phase of the development, however, for block spacing and pedestrian/vehicle connectivity, this path shall be constructed prior to final plat of phase 2.

The multi-use path shall be an asphalt, concrete or other City-approved durable surface meeting ADA requirements consistent with the applicable City engineering standards.

Article 5. Development Standards

- **Chapter 15.90 Public Facilities**

15.90.020 Developer Responsibility for Streets and Other Public Facilities

- A. Duties of developer.** It shall be the responsibility of the developer to construct all streets, curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, telephone and cable television lines necessary to serve the use or development in accordance with the specifications of the city and/or the serving entity.
- B. Over-Sizing.** The City may require as a condition of development approval that sewer, water, or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable facility master plan, and the City may authorize other cost-recovery or cost-sharing methods as provided under state law.

FINDING: The Applicant proposes to construct all necessary streets, sidewalks, sanitary sewers, storm sewers, water mains, electric, telephone and cable television lines necessary to serve the proposed phased subdivision in accordance with City of La Pine Standards and Specifications and/or the serving entity. Over-sizing of sewer, water, or storm drainage systems is not anticipated by the City.

- 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: Anchor Way, in the northwest corner of the subject property has an existing partial street dedication, which the Applicant proposes to expand to full local street dedication width, in accordance with this requirement.

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

FINDING: The Applicant is not proposing any half streets.

15.90.030 Sewer and Water

- A. Sewer and Water Plan Approval.** Development permits for sewer and water improvements shall not be issued until the Public Works Director has approved all sanitary sewer and water plans in conformance with City standards.

FINDING: The Applicant noted in their burden of proof that they understand that development permits for sewer and water improvements will not be issued until the Public Works Director has approved all sanitary

sewer and water plans for conformance with City standards. As such, this criterion is satisfied with a condition of approval to this regard.

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: Per the City Engineer, the Industrial Park lift station is nearing capacity and will require a replacement to provide capacity to development in the project area. The cost to replace the Industrial Park Lift station is \$637,000. The total number of Equivalent Dwelling Units anticipated at build out in the basin are 1,120. Therefore, the development shall contribute \$568.75 for each EDU toward a fund for replacement of the Industrial Park lift station. This fee must be submitted prior to release of building permits.

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: Drainage systems associated with the subdivision must be designed to comply with all applicable standards and specifications and provide capacity for all runoff generated on site. The Applicant notes that the proposed landscape swales in the right-of-way are designed to accommodate all anticipated drainage and run-off demands resulting from the development. Grading and drainage plans shall be submitted to the City Engineer for review and approval for compliance with this standard and City Public Works standards, prior to construction and prior to issuance final plat.

15.90.050 Utilities

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

FINDING: The Applicant noted in their burden of proof that they are prepared to coordinate the development plan with all applicable utility providers in accordance with this standard.

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

FINDING: The Applicant has stated in their Burden of Proof that all utilities serving the development will be provided by underground service. Criterion is satisfied.

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 notes in their burden of proof that all utilities serving the development will be provided by underground service. They further state that measures will be taken to ensure that above ground equipment does not obstruct vision clearance areas for vehicular traffic. Compliance with 15.90.050 (C)(1) through (4) can be ensured through a conditions of approval that all construction and utility plans be reviewed by the City Engineer and Public Works Manager prior to any construction.

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

FINDING: An exception to the undergrounding standard is not anticipated by Applicant and has not been requested.

15.90.060 Public Street/Highway Improvement

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

- A. Installation of additional and/or passing lanes, including pedestrian ways and/or bikeways, within a public street or highway right-of-way existing as of the effective date of this chapter, unless such adversely impacts on-street parking capacities and patterns.**
- B. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, and/or no new land parcels result.**
- C. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time when no longer needed.**

- D. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations, waysides, and, rest areas within a right-of-way existing as of the effective date of this Code. In addition, also exempt are contiguous public-owned property utilized to support the operation and maintenance of public roads and highways provided such is not located within a duly designated Residential Zone, or adjacent to or across the street from a lot or parcel within such a zone.
- E. The construction, reconstruction, or modification of a public street or highway that is identified as a priority project in a transportation system plan (TSP) or the State Transportation Improvement Plan (STIP) that was duly adopted on or before the effective date of this chapter.
- F. The design, construction, operation, and maintenance of a tourist-oriented or public wayside.

FINDING: Items 15.90.060 (A) through (F) are not applicable to the proposed Subdivision.

15.90.070 Design of Streets and Other Public Facilities

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

FINDING: Submitted with the application is a Traffic Impact Analysis (TIA) prepared by Transportation Engineer Joe Bessman, P.E. with Transight Consulting, LLC. Below are *Trip Generation Estimates* from page 4 of the TIA:

Trip generation estimates for the proposed development were prepared using the standard reference Trip Generation, 10th Edition, published by the Institute of Transportation Engineers (ITE). This national reference includes cordon-area studies of various land uses throughout the US. The land use category that best describes the proposed residential subdivision is ITE Land Use Category 210: Single-Family Detached Housing. It is described within the ITE manual as follows:

Single-family detached housing includes all single-family detached homes on individual lots. A typical site surveyed is a suburban subdivision.

Trip generation estimates based on the application of this category are summarized in Table 1.

Table 1. Estimated Trip Generation (ITE 10th Edition)

Land Use	ITE Code	Size (Units)	Weekday Trips	Weekday PM Peak Hour		
				Total	In	Out
Single-Family Detached Housing <i>General Urban/Suburban</i>	210	60 Units	566 <i>9.44/unit</i>	59 <i>0.99/unit</i>	37 <i>63%</i>	22 <i>37%</i>

As shown in Table 1, trip generation estimates for the proposed subdivision identify approximately 566 weekday daily trips, 59 of which are expected to occur during the weekday p.m. peak hour. The Deschutes County Development Code and the La Pine Transportation System Plan require a Transportation Impact Analysis (TIA) for all new developments expected to generate 200 or more weekday daily trips, or 20 or more weekday p.m. peak hour trips, therefore, a TIA is required for this development.

From pages 19-20 of the TIA are the *Findings and Recommendations* from Mr. Bessman:

Based on this review, the extension of local streets and development of the planned residential subdivision can occur in compliance with City plans. As previously identified, there are improvement needs at the US 97/Finley Butte – Morson Street intersection to address roadway alignments and long-term capacity needs for the overall City of La Pine. Summertime delays at this intersection are reaching Level of Service “F” for the minor westbound movements, and the recent installation of a pedestrian crossing refuge supports multimodal connections as an interim treatment but conflicts with the identified signalization plan. Signalization is a near-term priority project in the City’s adopted Transportation System Plan. The following is recommended to support the new subdivision:

- City streetscape sections should conform to adopted City standards as identified within the Transportation System Plan and include 36-foot wide street sections to support on-street parking on both sides of the street.
- Accessible crossings should be provided at all intersections within the subdivision, and all adjacent roadway stubs should be extended as identified in the proposed development plan. At the transition point the roadways should include “curb extensions” to match with the existing narrower pavement section to the west.
- All “T” approaches within the subdivision should be stop-sign controlled to provide clear designation of roadway right-of-way.
- A pro-rata contribution should be provided toward improvements at the US 97/Finley Butte intersection. Impacts of the new subdivision are approximately 3.6% of the total intersection volume during the weekday p.m. peak hour, or \$518 per residential unit. To avoid double-payment, if the City adopts a Transportation SDC these pro-rata payments should be discontinued.
- Fencing, utilities, landscaping, and other above-ground features should be prohibited within the intersection sight distance triangles near internal intersections. Within these areas a clear space should be maintained between two-feet and eight-feet in height.

The above recommended requirements are included as conditions of approval, if they are not already included in the submitted plans. The overall street system will provide for adequate traffic circulation with typical intersection angles, flat grades, and typical tangents and curves appropriate for the traffic to be carried considering the terrain of the development and the area. Based on the TIA prepared by Transight Consulting, LLC, considering the findings and recommendations, compliance with this criterion can be met.

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

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

FINDING: As depicted on the tentative plan, the proposed location and pattern of proposed streets provides for continuation of existing principal streets on abutting properties, either through local streets or fire access alleyways. The street grid proposed extends Bassett, Riley and Heath drives into the proposed development, as they are the principal through streets to Huntington Road (an arterial class roadway). Betty and Cassidy Drives are proposed to be extended only for fire access, as each is terminated in an existing cul-de-sac to the far west and they do not connect to another street at their termini.

Heath Drive and Bassett Drive are proposed to extend to the eastern boundary of the subdivision, providing connectivity to future undeveloped of property to east. Anchor Way right-of-way dedication is proposed in this application to complete the portion that was dedicated with the Huntington Meadows plat, and interim secondary access via Evans Way can be provided for alternative circulation until further development occurs. Such location and pattern of proposed streets conforms to the La Pine Transportation Plan and these standards can be satisfied.

C. Access Ways. The City, in approving a land use application with conditions, may require a developer to provide an access way where the creation of a cul-de-sac or dead-end street is unavoidable and the access way connects the end of the street to another street, a park, or a public access way. Where an access way is required, it shall be not less than 10 feet wide and shall contain a minimum six-foot-wide paved surface or other all-weather surface approved by the City. Access ways shall be contained within a public right-of-way or public access easement, as required by the City.

FINDING: Evans Way currently dead ends in the northeast corner of the subject property. The proposed tentative plan extends Evans Way to Health Drive, to remedy this existing dead end. All other abutting existing streets are proposed to be extended either through a local street or fire access alley. The only other dead end street is the proposed eastern end of Bassett Drive, as it is proposed to be extended to the eastern property line to facilitate future development, which is required by code. Staff has not required an access way at this location, as the property to the east is undeveloped at this time, and no destination exists in that direction. Future development will be required to extend Bassett Drive. As such, this criterion is met.

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: East: The property to the east, Tax lot 00100, 221014CD is a vacant, 20-acre parcel that is also zoned RSF, and is potentially developable. The submitted tentative plan includes the extension of Bassett Drive and Heath Drive to the eastern property line of the subject parcel, providing future access and connectivity to the vacant parcel to the east. In addition, due to long block lengths, the revised tentative plan includes a multi-use path connection mid-block between Heath Drive and Bassett Drive, to the eastern property line.

West: To the west is the existing subdivision, Huntington Meadows, which is served by existing local streets.

North: To the north of the subject property are two parcels zoned RSF, each developed with a single-family dwelling and each approximately 1.2 acres in size. These properties to the north are served by Anchor Way and Evans Way, which are spaced in accordance with the City's maximum block length requirements.

South: The property to the south is Federal forest-zoned property. The proposed tentative plan does not include any connections to the south. The nearest north-south connection is right-of-way reserved for Preble Way, approximately 635 feet to the west of the subject property's western property line. The absence of a connection to the south eliminates the ability for any future north-south connection along the entire subject property's southern edge and creates an exceptionally long block. The question for the Planning Commission to consider is:

Is the federal land to the south "developable property" and is a future street extension required per 15.90.070 (D)? If public access is determined to be required to the south, should this be a full street section or a multi-use path for pedestrians/bicyclists?

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

FINDING: Below is Table 4-4 excerpted from page 61 of the La Pine TSP identifying Roadway Cross-Section Standards:

Roadway Cross Section Standards

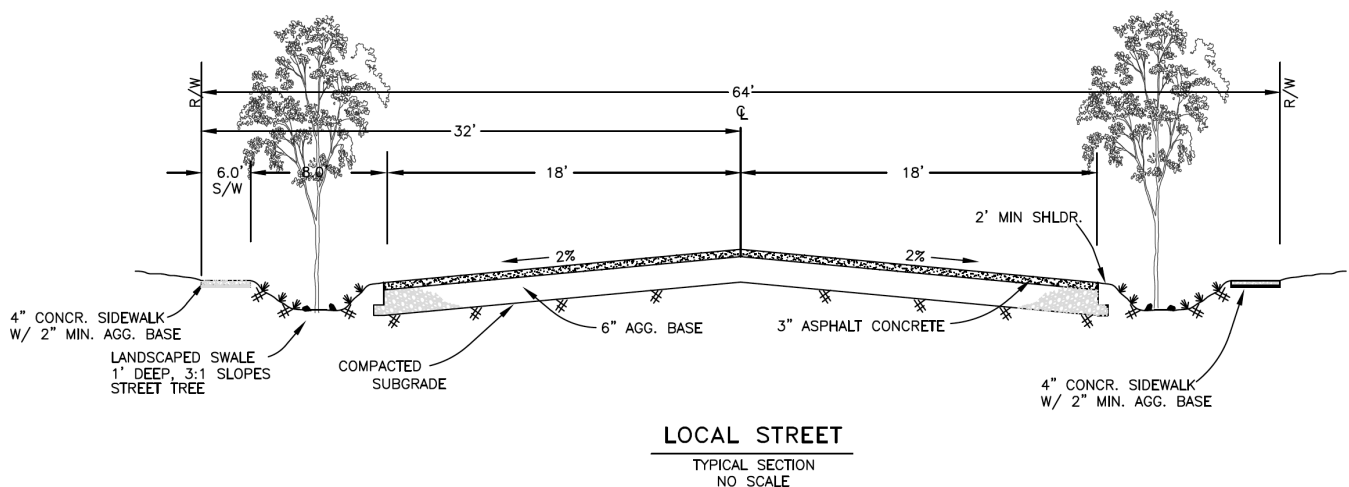
Table 4-4 presents the dimensional standards for the five proposed functional classifications in La Pine.

Table 4-4 Roadway Cross-Section Standards

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

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

As depicted in the local street cross section on the tentative plan and below, the proposed street rights-of-way are 64 feet in width and comply with dimensional properties of the La Pine Transportation System Plan, with the exception of Anchor Way and the short extension of Riley Drive. The extension of Anchor Way to Heath Drive is slightly narrower than the City’s local street section, due to the half street dedication that previously occurred for the west half of the street, through the Huntington Meadows subdivision. Due to the short length of the extension of Riley Drive, staff recommends approval of this extension at the same right of way width (60’) of the existing Riley Drive to the west, for compatibility over a short distance. Staff finds that the proposal meets the requirements of this standard, as practical and applicable.



Applicant proposes utilizing the 8-foot landscape strip for storm drainage and street trees in addition to standard landscape plantings between driveways. Minimum right-of-way and roadway widths, including street, sidewalk, and surfacing widths, comply with the minimum widths in feet set forth in the La Pine Transportation System Plan, and the Applicant states that they will be constructed in conformance with applicable standards and specifications set forth by the City of La Pine. Construction plans and landscaping plans shall be submitted to the City for review prior to construction.

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

FINDING: As depicted on the submitted Tentative Plan, the local street cross section identifies a 6-foot-wide, property-tight sidewalk on each side of the proposed local street rights-of-way abutting all proposed lots in the subdivision. The pedestrian sidewalks comply with applicable standards of this section as they provide practical connectivity, as well as safe, reasonably direct, and convenient pedestrian access and circulation. The pedestrian sidewalk system extends throughout the development site and will connect to adjacent sidewalks to west within Huntington Meadows Subdivision. The sidewalk system within the subdivision has been designed to comply with this section and the Applicant states that sidewalks will be constructed to comply with applicable City of La Pine standards. Applicant shall submit construction plans to City for review and approval prior to any construction. As such, 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: Bike lanes are not proposed, nor are they required per the La Pine Transportation System Plan, as the development does not include an arterial or collector street. Instead, cyclists can use the roadway surface of the proposed local street network. Criterion does not apply.

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

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

3. **The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way between it and adjacent developable lands.**

FINDING: The Applicant is not proposing cul-de-sacs as part of the subdivision. Criterion does not apply.

- I. **Marginal access streets. Where a land development abuts or contains an existing or proposed arterial street, the city may require marginal access streets, reverse frontage lots with suitable depth, screen- plantings contained in a non-access reservation strip along the rear or side property line or other treatments deemed necessary for adequate protection of residential properties and the intended functions of the bordering street, and to afford separation of through and local traffic.**
- 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.**
- 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: Standards in 15.90.070 (I) through (K) above are not applicable to the proposed subdivision.

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

FINDING: The submitted tentative plan illustrates compliance with this standard, as practicable. Aligned connections are provided Riley and Basset Drives, and Evans and Anchor Way are extended to Heath. Further extension of Anchor Way to the south would significantly impact the existing lots built along the eastern border Huntington Meadows. The existing lots in this area are small - and particularly narrow. The extension of Anchor Way in this area would create numerous non conforming lots for side yard setbacks. Offsetting Anchor Way to the east provides more flexibility in spacing between the street and houses. Heath Drive has a slight shift to the south, to accommodate the lots on the north side (Phase 1) which will be encumbered by a significant power easement. Without the shift in Heath Drive, there would be inadequate building space for these lots. Finally, Evans Way is not proposed to extend past Heath Drive; rather, "B" Street provides a north-south connection through the subdivision. The proposed offset location of Heath (rather than direct extension of Evans Way) may reduce the ability of traffic to gather speed as is common on long stretches of straight roads.

Staff finds that this criterion is satisfied to the extent practicable and where not achieved, the proposed design addresses a relevant need.

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 submitted Tentative Plan illustrates compliance with this standard in all intersections, excepting Anchor and Health. The existing alignment created by the plat of Huntington Meadows and an existing 40-foot power easement along the northern border of the subject property results in a curvature in Heath Drive and an intersection on a curve that does not provide the required tangent section. However, this is a low speed local street and the City Engineer finds this acceptable. Therefore, this application complies with this section.

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.

O. Street grades. Street grades shall not exceed 8% on arterials, 10% on collectors and 12% on all other streets including private driveways entering upon a public street or highway; however, for streets at intersections, and for driveways entering upon a public street or highway, there should be a distance of three or more car lengths (approximately 50 feet) where the grade should not exceed 6% to provide for proper stopping distance during inclement weather conditions.

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.

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.

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 states that the development of the subdivision will comply with the above standards 15.90.070 (N) through (R) where applicable. The existing topography of the subject property does not contain any severe slopes. Actual curves, street grades, street names, signage and other traffic control devices will be reviewed through Construction Document review by the City Engineer. Prior to construction, Applicant shall submit construction documents to the City for review and approval.

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

FINDING: The Applicant is not proposing any alleys as part of the division. Criterion does not apply.

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: This standard allows the City Engineer to waive curb requirements during tentative plan review on the basis of special circumstances. Curbs are not proposed with the subdivision, rather, a landscape swale supporting street trees and vegetation is proposed. Landscape swales containing street trees can provide improved drainage capacity and flow during times of snow melt and heavy rains, if the grading is designed appropriately.

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

Context-Sensitive Variation

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

- *Planter strips outside urbanized areas are optional, due to maintenance costs.*
- *Constrained roadways in more rural areas can be designed with shoulders to accommodate bikes and pedestrians when the right-of-way is limited.*
- *On-street parking can be provided or not provided based on the context of the area being served.*
- *Curbs should be included in the downtown core area. However, they may be optional in areas outside the downtown core when drainage issues warrant such consideration.*

...

Based on the above, the location of the proposed project being in an outlying area of the city, with no curbed streets in the vicinity, curbs are not necessary for the proposed subdivision and the applicant proposes the landscape swales as depicted on in the local street cross section illustrated on the submitted

Tentative Plan are more appropriate, efficient, and effective in this area. As such, the City Engineer has approved the street design without curbs and staff finds that this criterion is satisfied.

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

FINDING: The proposed tentative plan does not include any street lighting. Per the Public Works manager and the Public Works Standards and Specifications, *street lights shall be shown on the plans and provided at the following locations:*

Intersections

Cul-de-sacs if over 200 feet from the intersection (not applicable to 01SUB-19)

Mid-block for blocks longer than 400 feet from center of intersection to center of intersection

High-use driveways and other locations designated by the City Engineer.

Poles and fixtures shall conform to the power provider standards.

Standard Mid State Electric head fixtures shall be used...or as indication in conditions of approval of land use action.

In addition, staff recommends that appropriate lighting, as approved by the City Engineer and Public Works Manager, be required at the crosswalks associated with the multi-use path on both streets.

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

FINDING: The Applicant will be responsible for making the necessary arrangements with all applicable utility companies serving the subdivision for installation. Will-serve letters from Bend Broadband and MidState Electric were submitted by the Applicant with their application.

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

FINDING: The Applicant notes that “proposed drainage facilities, in the form of the proposed vegetated swales, are designed in accordance with all applicable City and Oregon Department of Environmental Quality standards.” Prior to construction, Applicant shall submit construction plans and stormwater calculations to the City Engineer for review and approval. With this condition, this criterion is satisfied.

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

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

15.90.080 Traffic Impact Analysis

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

FINDING: Pursuant to (B)(3) above, a TIA is required with this application. Accordingly, submitted with the application is a Traffic Impact Analysis (TIA) prepared by Transportation Engineer Joe Bessman, P.E. with Transight Consulting, LLC. Criteria is satisfied.

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

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

FINDING: Applicant does not propose deferral of street improvements. Criteria does not apply.

Article 5. Development Standards

- **Chapter 15.92 Additional Standards for Land Divisions**

15.92.010 Lots and Blocks.

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

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

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

The existing development pattern of Huntington Meadows limits the block width, and therefore, the lot depth. The Applicant states that the result is a shortage of building envelope that precludes any additional space for parking and storage of vehicles on site. The consequence of such, as observed by staff, is that most all of the drainage swales originally constructed with the adjacent development have been filled in by residents and are used for illegal parking of recreational vehicles, additional cars and trucks that cannot be parked on site.

This application proposes to change this pattern of development and provide larger lots that contain sufficient dimensions for mid-sized houses and adequate area for access drives down one side yard to the rear of the lot for accessory uses such as ADU's, 3-car garages and shops, with the intent to alleviate the need for parking and storage of vehicles in the public right-of-way. As shown in the proposed tentative plan, the Applicant proposes to change the pattern of development by orienting the lots in the opposite direction (east-west, rather than the north-south of Huntington Meadows). The combination of large lots and different lot orientation reduces the need of and desirability for the extension of all the streets in Huntington Meadows to the east through this proposed subdivision. The existing streets in Huntington Meadows are minimally spaced (less than 250' between centerlines), which could create more infrastructure than necessary for the proposed large lot subdivision.

The Applicant does propose to extend Riley Drive to "A" Street, however, does not propose further extension. The block length standard of 15.92.010 allows the City to grant an exception to the maximum block length due to topography or location of adjoining streets. The subject property is relatively flat, without topographical challenges. The proposed subdivision is flanked on its north and south by Heath Drive and Bassett Drive, both of which connect to and terminate at Huntington Road, the nearest north-south arterial. There are no destinations located between Heath Drive and Bassett Drive, reducing the necessity of Riley Drive to be extended through the proposed subdivision. Traffic traveling south from the proposed subdivision will utilize Bassett Drive, while traffic traveling north can utilize Heath Drive.

Further, maximum block lengths are typically provided to 1. Minimize pedestrian walking distances and 2. Provide traffic calming to minimize a "thoroughfare" effect. The proposed subdivision includes a multi-use path for pedestrians and bicyclists in alignment with Riley Road, which minimize walking and bicycling distances, as well as provide traffic calming at the intersections/crosswalks of the path with A and B Streets. To provide this ped/bike connection at the time when the block length of B Street exceeds City maximum lengths, the multi-use path shall be constructed prior to final plat of Phase 2.

Staff recommends that the proposed subdivision warrants an exception from the block length due to the location of adjoining streets and the inclusion of the mid-block multi-use path.

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

FINDING: The proposed lot size, shape and orientation are appropriate for the intended residential development and are consistent with the RSF Zone. As detailed above, the Applicant notes that the lots are designed for single family dwellings and accessory uses permitted outright in the zone. There are no topographical constraints imposed by the terrain of the subject property as the entire site is relatively featureless and flat. As such, this criterion is satisfied.

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

FINDING: All lots are proposed to abut a public street for a width in excess of 50 feet. No cul-de-sacs are proposed, and access can be taken directly from the local street. This standard is met.

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

FINDING: Proposed lots 1, 2, and 9 have curved lot lines where abutting curved streets (Heath Drive, Anchor, and 'A' Street intersect), however the side lot lines are parallel to the adjacent side lot lines for design consistency. The submitted tentative plan demonstrates that all other lots are designed to comply with this standard, as practicable. As such, this criterion is satisfied.

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

FINDING: The submitted tentative plan does not propose a division by boundary, ROW or drainage way.

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

1. Lot elevations may not be altered to more than an average of three feet from the natural pre-existing grade or contour unless approved otherwise by the city.
2. Cut slopes shall not exceed one foot vertically to one and one-half feet horizontally.
3. Fill slopes shall not exceed one foot vertically to two feet horizontally.
4. Where grading, cutting or filling is proposed or necessary in excess of the foregoing standards, a site investigation by a registered geologist or engineer shall be prepared and submitted to the city as a part of the tentative plan application.
 - a. The report shall demonstrate construction feasibility, and the geologist or engineer shall attest to such feasibility and shall certify an opinion that construction on the cut or fill will not be hazardous to the development of the property or to surrounding properties.
 - b. The Planning Commission shall hold a public hearing on the matter in conformance with the requirements for a Conditional Use permit, however, such may be included within the initial hearing process on the proposed development.
 - c. The Planning Commission's decision on the proposal shall be based on the following considerations.
 - (1) That based on the geologist's or engineer's report, that construction on the cut or fill will not be hazardous or detrimental to development of the property or to surrounding properties.

- (2) That construction on such a cut or fill will not adversely affect the views of adjacent property(ies) over and above the subject site without land alteration, or that modifications to the design and/or placement of the proposed structure will minimize the adverse impact.
- (3) That the proposed grading and/or filling will not have an adverse impact on the drainage on adjacent properties, or other properties down slope.
- (4) That the characteristics of soil to be used for fill, and the characteristics of lots made usable by fill shall be suitable for the use intended.

FINDING: The subject property is relatively flat, and no significant cuts or fills are proposed. The Applicant notes that grading for infrastructure installation associated with preparation for development of the proposed lots can comply with these requirements, and will be reviewed in detail for conformance as applicable to Building Codes during the building permit review process.

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

FINDING: In accordance with this standard, through or double-frontage lots are not proposed as part of the subdivision.

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

FINDING: Special building setback lines are not proposed as part of the subdivision.

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

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

15.92.020 Easements

A. Utility lines. Easements for sewer lines, water mains, electric lines or other public utilities shall be as required by the serving entity, but in no case be less than 10 feet wide and centered on

a rear and/or side lot line unless approved otherwise by the City. Utility pole tie-back easements may be reduced to 5 feet in width.

FINDING: The submitted tentative plan has fairly deep lots and 3is designed to accommodate utility easements in accordance with this section.

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

FINDING: The Applicant notes in their burden of proof that no watercourses traverse the subject properties. As such, this standard is not applicable.

C. Pedestrian and bicycle ways. When desirable for public convenience, a pedestrian and/or bicycle way of not less than 10 feet in width may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block, or to otherwise provide appropriate circulation and to facilitate pedestrian and bicycle traffic as an alternative mode of transportation. Improvement of the easement with a minimum 5-foot wide paved or other suitable surface will be required.

FINDING: Due to the long block lengths of “A” and “B” Streets, the Applicant proposes a 10-foot tract for a multi-use path mid block, to provide pedestrian/bicycle connectivity. In accordance with this standard, the multi-use path shall be constructed 10 feet wide; as such, the tract shall be 12 feet wide.

D. Sewer and water lines. Easements may also be required for sewer and water lines, and if so required, shall be provided for as stipulated to by the City Public Works Department and/or Water and Sewer District.

FINDING: As depicted on the Tentative Plan, sewer and water lines will be provided within the rights-of-way of the local streets within the subdivision. No sewer or water easements are anticipated at this time.

15.92.030 Land for Public Purposes

A. If the City has an interest in acquiring a portion of a proposed development for a public purpose, it shall notify the property owner as soon as the City Council authorizes the transaction to proceed.

B. Within a development, or adjacent to a development in contiguous property owned by the developer, a parcel of land of not more than 5% of the gross area of the development may be required to be set aside and dedicated to the public for parks and recreation purposes by the developer. The parcel of land, if required, shall be determined to be suitable for the park and/or recreation purpose(s) intended, and the city may require the development of the land for the park or recreation use intended or identified as a need within the community.

C. In the event no such area is available that is found to be suitable for parks and/or recreation uses, the developer may be required, in lieu of setting aside land to pay to the appropriate parks and recreation agency a sum of money equal to the market value of the area required for dedication, plus the additional funds necessary for the development thereof if so required;

if such is required, the money may only be utilized for capital improvements by the appropriate parks and recreation agency.

- D. If there is a systems development charge in effect for parks, the foregoing land and development or money dedication (if required) may be provided for in lieu of an equal value of systems development charge assessment if so approved by the collecting agency in accordance with the applicable provisions of the system development charge ordinance. If the collecting agency will not permit the land or money dedication in lieu of an applicable systems development charge, then the land and development or money dedication shall not be required.

FINDING: The City has not identified any need to acquire a portion of the proposed development for any other public purpose besides roadway right of way for transportation, access, and utilities, nor is there a systems development charge in effect for parks.

- E. If the nature and design, or approval, of a development is such that over 30% of the tract of land to be developed is dedicated to public uses such as streets, water or sewer system facilities and the like, then the requirements of this subsection shall be reduced so that the total obligation of the developer to the public does not exceed 30%.

FINDING: The proposed subdivision does not meet the 30% threshold.

Article 5. Development Standards

- **Chapter 15.94 Improvement Procedures and Guarantees**

15.94.010 Improvement Procedures

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

- A. Plan review and approval. Improvement work shall not be commenced until plans therefore have been reviewed and approved by the City or a designated representative thereof. The review and approval shall be at the expense of the developer.
- B. Modification. Improvement work shall not commence until after the City has been notified and approval therefore has been granted, and if work is discontinued for any reason, it shall not be resumed until after the City is notified and approval thereof granted.
- C. Improvements as platted. Improvements shall be designed, installed and constructed as platted and approved, and plans therefore shall be filed with the final plat at the time of recordation or as otherwise required by the City.
- D. Inspection. Improvement work shall be constructed under the inspection and approval of an inspector designated by the City, and the expenses incurred therefore shall be borne by the developer. Fees established by the City Council for such review and inspection may be established in lieu of actual expenses. The city, through the inspector, may require changes in typical sections and details of improvements if unusual or special conditions arise during construction to warrant such changes in the public interest.

- E. Utilities.** Underground utilities, including, but not limited to electric power, telephone, water mains, water service crossings, sanitary sewers and storm drains, to be installed in streets shall be constructed by the developer prior to the surfacing of the streets.
- F. As built plans.** As built plans for all public improvements shall be prepared and completed by a licensed engineer and filed with the City upon the completion of all such improvements. A copy of the as built plans shall be filed with the final plat of a subdivision or other development by and at the cost of the developer. The plans shall be completed and duly filed within 30 days of the completion of the improvements.

FINDING: Construction plans shall be submitted to the City for review and approval prior to construction. These above requirements for utilities, improvement construction, inspections and as built plans are recommended conditions of approval

15.94.020 Completion or Assurance of Improvements

- A. Agreement for improvements.** Prior to final plat approval for a subdivision, partition, PUD or other land development, or the final approval of a land use or development pursuant to applicable zoning provisions, where public improvements are required, the owner and/or developer shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or shall execute and file with the City an agreement between him/herself and the City specifying the period in which improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, that the City may complete the work and recover the full costs thereof, together with court costs and attorney costs necessary to collect the amounts from the developer. The agreement shall also provide for payment to the City for the cost of inspection and other engineer services directly attributed to the project.
- B. Bond or other performance assurance.** The developer shall file with the agreement, to assure his/her full and faithful performance thereof, one of the following, pursuant to approval of the City Attorney and City Manager, and approval and acceptance by the City Council.
 1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
 2. A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability to proceed in accordance with the agreement.
 3. Cash deposit.
 4. Such other security as may be approved and deemed necessary by the City Council to adequately assure completion of the required improvements.
- C. Amount of security required.** The assurance of full and faithful performance shall be for a sum approved by the City as sufficient to cover the cost of the improvements and repairs, including related engineering, inspection and other incidental expenses, plus an additional 20% for contingencies.

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

FINDING: As approved by the City Engineer, public improvements must be constructed prior to final plat of each phase, or an approved performance assurance mechanism and associated improvement agreement with specific construction times outlined, may be filed with the City for construction of items not necessary for safety or required connectivity. All such agreements shall be reviewed and approved by the City Engineer and shall be in compliance with LPDC 15.94.020.

15.94.030 Building and Occupancy Permits

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

FINDING: These shall be a condition of approval. Prior to issuance of building permits or sale/occupancy of any lot, all lots shall be served by sewer and water service and streets shall be constructed/improved as required by this decision and approval of construction plans by the City Engineer.

15.94.040 Maintenance Surety Bond

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

FINDING: This is a recommended condition of approval. Prior to sale and/or occupancy of any lot and as a condition of acceptance of the improvements, the Applicant shall submit to the City a one-year maintenance surety bond in an amount not to exceed 20% of the value of all improvements, to guarantee maintenance and performance for a period of not less than one year from the date of acceptance.

15.94.050 Engineering/Special Services for Review

With regard to any development proposal for which the City deems it necessary to contract for engineering and/or other special technical services for the review thereof or for the design of facility expansions to serve the development, the developer may be required to pay all or part of the special services. In such cases, the choice of the contract service provider shall be at the

discretion of the City, and the service provider shall perform the necessary services at the direction of the City. The costs for the services shall be determined reasonable, and an estimate of the costs shall be provided to the developer prior to contracting therefore.

FINDING: While this need is not anticipated, the Applicant acknowledges the possibility of the provisions of this section in their burden of proof.

Article 7. Procedures

- **Chapter 15.204 Application Procedures**

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

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

A. Application Requirements.

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

FINDING: The Applicant submitted an application, tentative plan, burden of proof, fee, and supporting materials required for Type III review of a Preliminary Plat for a Subdivision. The application requirements were met.

B. Mailed and Posted Notice of a Public Hearing.

1. The City shall mail public notice of a public hearing on a Quasi-Judicial application at least 20 days before the hearing date to the individuals and organizations listed below. The City Planning Official shall prepare an affidavit of notice, which shall be made a part of the file. The affidavit shall state the date that the notice was mailed. However, the failure of a property owner to receive mailed notice shall not invalidate any land use approval if the Planning Official can show by affidavit that such notice was given. Notice shall be mailed to:
 - a. The applicant;
 - b. Owners of record of property as shown on the most recent property tax assessment roll of property located within 100 feet of the property that is the subject of the notice where any part of the subject property is within an urban growth boundary;
 - c. The owner of a public use airport if the airport is located within 10,000 feet of the subject property;
 - d. The tenants of a mobile home park when the application is for the rezoning of any part or all of a mobile home park;
 - e. The Planning Commission;
 - f. Any neighborhood or community organization formally recognized by the City Council, whose boundaries include the site;
 - g. Any person who submits a written request to receive a notice; and
 - h. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the City Planning Official shall notify the road authority if different than the City of La Pine. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.
2. In addition to notice by mail and posting, notice of an initial hearing shall be published in a newspaper of general circulation in the County at least 10 days prior to the hearing
3. At least 14 days before the first hearing, the City shall post notice of the hearing on the project site in clear view from a public right-of-way.
4. Notice of a Quasi-Judicial hearing to be mailed and published per subsection 1 above shall contain all of the following information:
 - a. A summary of the proposal and the relevant approval criteria, in sufficient detail to help the public identify and locate applicable code requirements;
 - b. The date, time, and location of the scheduled hearing;

- c. The street address or other clear reference to the location of the proposed use or development;
- d. A disclosure statement that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the City Council, Land Use Board of Appeals, or Circuit Court, as applicable, on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;
- e. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards shall be available for review at the office of the City Planning Official, and that copies shall be provided at a reasonable cost;
- f. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
- g. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
- h. A statement that after the public hearing closes, the City will issue its decision, and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

FINDING: Notice of the public hearing was sent to neighbors within 250 feet (exceeding the required 100 feet) and to the City's agency notification list on October 1, 2019. The notice followed the City's standard notice format for a quasi-judicial land use application and included the above required elements. Notice was posted on site on 10/8/19 and the in the local paper (Wise Buys) in the 10/8/19 and 10/15/19 editions, as well as in the Bend Bulletin on 10/10/19, in compliance with these requirements.

C. Setting the hearing.

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

FINDING: The hearing date was set for October 30, 2019, but was continued two times, with the continued hearing date set for December 3, 2019 at the time of drafting this staff report.

D. Ex Parte Contact, Personal Knowledge and Bias.

- 1. The public is entitled to an impartial hearing body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the hearing body shall

follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the hearing body shall individually disclose their relationship to the parties in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall be excused from the proceedings.

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

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

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

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

1. The Hearings Body shall explain the purpose of the hearing and announce the order of proceedings, including reasonable time limits on presentations by parties.
2. A statement by the Hearings Body regarding pre-hearing contacts, bias, prejudice or personal interest shall be made.
3. Any facts received, noticed or recognized outside of the hearing shall be stated for the record.

4. Challenges to the Hearings Body's qualifications to hear the matter shall be stated and challenges entertained.
5. The Hearings Body shall list applicable substantive criteria, explain that testimony and evidence must be directed toward that criteria or other criteria in the comprehensive plan or land use regulations that the person believes to apply to the decision, and that failure to address an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond precludes appeal to LUBA based on that issue.
6. Order of presentation:
 1. Open the hearing.
 2. Staff report.
 3. Proponents' presentation.
 4. Opponents' presentation.
 5. Proponents' rebuttal.
 6. Opponents' rebuttal may be allowed at the Hearings Body's discretion.
 7. Staff comment.
 8. Questions from or to the chair may be entertained at any time at the Hearings Body's discretion.
 9. Close the hearing.
7. The record shall be available for public review at the hearing.
8. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the record.
9. Throughout all local land use proceedings, the burden of proof rests on the applicant.
10. Any interested person may appear and be heard in a land use action hearing, except that in appeals heard on the record, a person must have participated in a previous hearing on the subject application. Any person appearing on the record at a hearing (including appeals) or presenting written evidence in conjunction with an administrative action or hearing shall have standing and shall be a party. A person whose participation consists only of signing a petition shall not be considered a party.

FINDING: These hearing procedures will be followed.

F. Close of the record.

1. Except as set forth herein, the record shall be closed to further testimony or submission of further argument or evidence at the end of the presentations before the Hearings Body.
2. If the hearing is continued or the record is held open under Subsection G, further evidence or testimony shall be taken only in accordance with the provisions of Subsection G.
3. Otherwise, further testimony or evidence will be allowed only if the record is reopened under Subsection H.

4. An applicant shall be allowed, unless waived, to submit final written arguments in support of its application after the record has closed within such time limits as the Hearings Body shall set. The Hearings Body shall allow applicant at least seven days to submit its argument, which time shall be counted against the 120-day time limit for decision.

G. Continuances or record extensions.

1. Grounds.

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

For the purposes of subsection (i), "additional documents or evidence" shall mean documents or evidence containing new facts or analysis that are submitted after notice of the hearing.

- c. The grant of a continuance or record extension in any other circumstance shall be at the discretion of the Hearings Body.

2. Continuances.

- a. If the Hearings Body grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial hearing.
- b. An opportunity shall be provided at the continued hearing for persons to rebut new evidence and testimony received at the continued hearing.
- c. If new written evidence is submitted at the continued hearing, any person may request prior to the conclusion of the continued hearing that the record be left open for at least seven days to allow submittal of additional written evidence or testimony. Such additional written evidence or testimony shall be limited to evidence or testimony that rebuts the new written evidence or testimony.

3. Leaving record open. If at the conclusion of the hearing the Hearings Body leaves the record open for additional written evidence or testimony, the record shall be left open for at least 14 additional days, allowing at least the first seven days for submittal of new written evidence or testimony and at least seven additional days for response to the evidence

received while the record was held open. Written evidence or testimony submitted during the period the record is held open shall be limited to evidence or testimony that rebuts previously submitted evidence or testimony.

- D. A continuance or record extension granted ... shall be subject to the 120-day time limit unless the continuance or extension is requested or otherwise agreed to by the applicant. When the record is left open or a continuance is granted after a request by an applicant, the time period during which the 120-day time limit is suspended shall include the time period made available to the applicant and any time period given to parties to respond to the applicant's submittal.**

H. Reopening the record.

- A. The Hearings Body may at its discretion reopen the record, either upon request or on its own initiative. The Hearings Body shall not reopen the record at the request of an applicant unless the applicant has agreed in writing to a suspension of the 120-day time limit.**

B. Procedures.

- 1. Except as otherwise provided for in this section, the manner of testimony (whether oral or written) and time limits for testimony to be offered upon reopening of the record shall be at the discretion at the Hearings Body.**
- 2. The Hearings Body shall give written notice to the parties that the record is being reopened, stating the reason for reopening the record and how parties can respond. The parties shall be allowed to raise new issues that relate to the new evidence, testimony or criteria for decision-making that apply to the matter at issue.**

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

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

- a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the record;**
- b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);**
- c. A statement of where the City's decision can be obtained;**
- d. The date the decision shall become final, unless appealed; and**

- e. A statement that all persons entitled to notice may appeal the Planning Commission's decision to City Council pursuant to Subsection K or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.

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

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

FINDING: In accordance with this requirement, the effective date of the Planning Commission decision will be 12 days after the City mails the decision notice, unless an appeal is filed in accordance with Subsection K, or the decision is called up by Council for review. No building permits will be issued until the decision is final.

- K. **Appeal of Planning Commission Decision.** The Planning Commission's decision may be appealed to the City Council as follows:

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

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

Article 9. Land Divisions

- **Chapter 15.402 General Provisions**

15.402.010 Purpose

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

15.402.020 Applicability

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

FINDING: The submitted application is for a 61-lot subdivision and is subject to the subdivision requirements and criteria of Article 9.

Article 9. Land Divisions

- **Chapter 15.406 Subdivisions and Planned Unit Developments (PUD)**

15.406.010 Subdivision Applications

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

B. Outline development plan. The submittal of an outline development plan in the subdivision application process is at the option of the applicant and/or developer. If an outline development plan is prepared and submitted with the application for a subdivision, it shall include both maps and written statements as set forth below.

...

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

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

- 1. Scale of tentative plan.** The tentative plan of a proposed subdivision shall be drawn on a sheet 18 by 24 inches in size or multiples thereof at a scale of one inch equals 100 feet or multiples thereof as approved by the Planning Official. (ORS 92.080). In addition, at least one copy of the plan on a sheet of paper measuring 8 1/2 inches by 11 inches or 11 inches by 17 inches shall be provided for public notice requirements.
- 2. Information requirements.** The following information shall be shown on the tentative plan or provided in accompanying materials. No tentative plan submittal shall be considered

complete, unless all such information is provided unless approved otherwise by the Planning Official.

a. General information required.

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

b. Information concerning existing conditions.

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

c. Information concerning proposed subdivision.

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

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

FINDING: This application is for approval of a tentative plan for a subdivision on a vacant and undeveloped parcel with little to no existing infrastructure or features. Any information for which the City needs additional details is noted as a recommended condition of approval.

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

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

FINDING: The Applicant has requested approval of a phasing plan. The proposal is for final plat of Phase 1 to be recorded within two years of tentative plan approval, and completion of the remaining phases to be completed within five years. Any phases not recorded within five years would require an extension from the City or re-application. The Applicant proposed to construct only what is included within the

phasing boundaries shown on the tentative plan map, however, staff recommends the following modifications:

- Every phase must include accommodations for an appropriate temporary fire turnaround, if required by the fire code. Temporary turnarounds, with acceptable easements submitted to the City Engineer for review and approval.
- The pavement section of Bassett Drive for the section of the street proposed in Phase 4 must be completed during Phase 3.
- The multi-use path must be completed during Phase 2. If the Riley Road extension is not completed at this time (as proposed in the submitted phasing), the pedestrian path shall be constructed to the existing terminus of Riley Road, as approved by the City Engineer.

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

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

FINDING: The Applicant is proposing a homeowners association and CC&Rs, particularly for maintenance of the proposed vegetated swales along the roadways, to “ensure preservation of the drainage areas.”

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

FINDING: The Applicant requested an exception on the construction of curbs (requesting no curbs), which has been approved by the City Engineer. The Applicant has also requested several variances from setbacks, which are being considered through a separate application (02VA-19).

F. Tentative plan review procedures.

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

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

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

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

addition to the other filing requirements set forth by this chapter.

FINDING: These tentative plan and final plan requirements and procedures will be followed and enforced by the City.

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

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

FINDING: The proposed density is approximately 3 to 4 lots per acre in the residential single family zone. LPDC 15.18.400, which is within the allowed density for the zone (minimum RSF density = 1 unit/acre, maximum RSF density = 7 units per acre). There is no minimum or maximum lot size for the RSF zone. Minimum lot widths of 50 feet abutting a public street are exceeded with the proposed tentative plan. Construction of structures are not proposed as part of this application, so setbacks and coverage will be reviewed during the building permit process. However, the lots are of ample size to be capable of meeting the requirements. This criterion has been met for the elements capable of being demonstrated at this phase of development and a condition of approval that the development comply with coverage and setback requirements (or approved variances for such) can ensure compliance with this criterion for the development standards relevant at future phases of development.

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

FINDING: The subject property is not included in any overlay zones.

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

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

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

FINDING: "Public facilities" for this criterion are understood by staff to include: water, sewer, transportation, police.

Water: Water is provided in this area by the City of La Pine. The City's Public Works manager has confirmed that there is adequate capacity in the water system to serve the proposed development.

Sewer: Per the City Engineer, the Industrial Park lift station is nearing capacity and will require a replacement to provide capacity to development in the project area. The cost to replace the Industrial Park Lift station is \$637,000. The total number of Equivalent Dwelling Units anticipated at build out in the basin are 1,120. Therefore, the development shall contribute \$568.75 for each EDU toward a fund for replacement of the Industrial Park lift station. This fee must be submitted prior to release of building permits. This will be a condition of approval prior to issuance of building permits for each lot.

Additionally, Sewer mains and sewer infrastructure shall be constructed in accordance with City of La Pine Public Works Standards. Sewer main lines shall be minimum 8" diameter.

Every lot must be served by a septic tank. Tanks shall be sized according to flow per criteria published in OAR 340-71-220(3). Minimum tank capacity shall be 1000 gal. Septic tanks shall remain the property of the landowner and shall be maintained and pumped by the landowner.

Per City of La Pine Ordinance No 2015-05 Section 6.12, the property owner of all proposed parcels will be responsible for maintenance and repair of the sewer/septic system to the point where the building sewer is connected to a City sewer main. This responsibility includes any costs of maintenance, repair, damage, and/or injury. The owner will be liable for any damage to the City system caused by an act of the owner and/or its tenants(s), agent(s), employee(s), contractor(s), licensee(s), and/or permittee(s). If any break, leak, and/or other damage to a building sewer occurs, the owner of the property served by the building sewer will cause repairs to be made immediately to minimize any sewer spillage.

Transportation: The proposed tentative plan includes several new streets to serve the development. The design of these streets and extension of existing streets is discussed in detail herein and several conditions are required to comply with City transportation standards.

Police: The subject property is within the Deschutes County Sheriff's service area and it is staff's understanding that the City's agreement with the Sheriff's department, as well as funding mechanisms, are still valid and viable.

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

FINDING: The Applicant notes that "there are no significant archaeological, natural, historic or unique resources on the property." Staff is not aware of anything to the contrary. As such, unless proven otherwise, this criterion is not applicable.

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

FINDING: The Applicant notes that the proposed name "Evans Way Estates" is unique. Prior to submittal of final plat, Applicant shall submit the proposed name to the County Surveyor for review and approval.

7. The streets and roads are laid out so as to conform to an adopted Transportation System Plan for the area, and to the plats of subdivisions and maps of major partitions already

approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern.

FINDING: The City's adopted Transportation System Plan does not include specific roadways within the subject property, however, the proposed subdivision plans for the extension of certain streets that currently dead end in abutting subdivisions, which is discussed, with compliance demonstrated in several other sections herein.

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

FINDING: The proposed streets include right of way dedications to the public for the full local street width (64 feet), without reservation or restriction, in compliance with this requirement. No private streets are proposed.

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

FINDING: No specific measurable adverse impacts to neighboring properties have been identified, however, the conditions of approval of this decision include contributions for transportation and sewer improvements necessary to serve the proposed development.

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

FINDING: The discussion under 15.406.010(l)(10) addresses access to abutting properties and is copied here for reference:

East: The property to the east, Tax lot 00100, 221014CD is a vacant, 20-acre parcel that is also zoned RSF, and is potentially developable. The submitted tentative plan includes the extension of Bassett Drive and Heath Drive to the eastern property line of the subject parcel, providing future access and connectivity to the vacant parcel to the east. In addition, due to long block lengths, the revised tentative plan includes a multi-use path connection mid-block between Heath Drive and Bassett Drive, to the eastern property line.

West: To the west is the existing subdivision, Huntington Meadows, which is served by existing local streets.

North: To the north of the subject property are two parcels zoned RSF, each developed with a single-family dwelling and each approximately 1.2 acres in size. These properties to the north are served by Anchor Way and Evans Way, which are spaced in accordance with the City's maximum block length requirements.

South: The property to the south is Federal forest-zoned property. The proposed tentative plan does not include any connections to the south. The nearest north-south connection is right-of-way reserved for Preble Way, approximately 635 feet to the west of the subject property's western property line. The absence of a connection to the south eliminates the ability for any future north-south connection

along the entire subject property's southern edge and creates an exceptionally long block. The question for the Planning Commission to consider is:
Is the federal land to the south "developable property" and is a future street extension required per 15.90.070 (D)? If public access is determined to be required to the south, should this be a full street section or a multi-use path for pedestrians/bicyclists?

15.406.020 Final Plat for a Subdivision

A. Submission of final plat.

1. Time requirement.

- a. **Except as otherwise approved in accordance with the approval of a master plan for a subdivision planned for unit or phase development, the subdivider shall, within two years after the date of approval of the tentative plan for a subdivision, prepare and submit the final plat for a subdivision that is in conformance with the tentative plan as approved and with all conditions applicable thereto. The number of copies required shall be as specified on the application form.**

...

FINDING: The Applicant is proposing five phases for this subdivision. The Applicant proposes to file final plat for the first phase within two years of tentative plan approval, and the remaining phases within five years of tentative plan approval.

15.406.040 Subdivisions and PUD Review

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

FINDING: Review of the proposed subdivision is following the Type III review procedures set forth in Article 7. A hearing was scheduled for October 30, 2019 and as noted herein, was properly noticed through mailings, on site posting, and newspaper notice. The hearing was continued twice, with the final hearing date set for December 3, 2019 at 5:30pm.

Article 9. Land Divisions

- **Chapter 15.418 Processing and Recording Procedures**

15.418.010 Processing and Recording Subdivision and Partition Maps

- A. **Submit one reproducible paper, vellum or mylar map copy to the County Surveyor.**
- B. **Submit closure sheets for the surveyor's certificate and a closure sheet for each lot or parcel created, and a closure sheet for dedicated areas such as roadways or public facility lots.**

- C. Submit the required County Surveyor review fee as appropriate for the subdivision or partition.
- D. Submit a title report for the subdivision.
- E. Submit a post-monumentation certificate stating the intent and completion date and a bonding estimate for all subdivision plats proposed for post-monumentation. The bonding estimate is to be 120% of the estimated actual costs, office and field.
- F. After preliminary initial review of the plat, resubmit the final plat prepared on double matte four mil minimum thickness mylar, with corrections made, to the County Surveyor for final approval and signature.
- G. Remaining approval signatures shall then be executed and the final maps and an exact copy thereof submitted to the County Surveyor for recording into the survey records prior to submittal to the County Clerk for recording. The exact copy shall comply with the requirements of ORS Ch. 92 and other applicable statutes and be submitted on four mil thickness mylar.
- H. The County Surveyor recording fee shall be submitted with the final plat along with any required post- monumentation bond or letter executed by the City Attorney that the bonding requirements are met.
- I. The plat shall then be submitted to the County Clerk along with the required recording fee. After recording information is placed on the exact copy by the County Clerk, the exact copy and the required number of prints showing the recording information shall be submitted to the County Surveyor to complete the process. The number of prints required shall be twelve for a subdivision plat and six prints for a partition unless a greater number is requested by the County Surveyor at initial review.
- J. Copies of the exact copy of the final plat showing the recording information shall also be submitted to the City Planning Official, together with an electronic copy in a format approved by the City. The scale and format of the plans and the number of copies required shall be as specified on the application form.

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

V. CONCLUSION AND RECOMMENDATION:

Based on the submitted application materials and the above Findings, Staff recommends that the Applicant has met or can meet with the Conditions of Approval noted herein, the applicable criteria for a Preliminary Plat of a Subdivision in order to divide two parcels with a combined total of 20.56 acres into 61 residential lots, consisting of 5 phases, in the La Pine Residential Single Family Zone (RSF).

Recommended Conditions of Approval:

GENERAL:

1. Underground utilities, including, but not limited to electric power, telephone, water mains, water service crossings, sanitary sewers and storm drains, to be installed in streets shall be constructed by the developer prior to the surfacing of the streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
2. No above ground equipment shall obstruct vision clearance areas for vehicular traffic.
3. Clear vision standards be provided for through the development of the Subdivision. Proposed street trees will be omitted in these areas. This standard is typically imposed as an ongoing condition of approval for a tentative plan. Fencing, utilities, landscaping, and other above ground features should be prohibited within the intersection sight distance triangles near internal intersections. Within these areas a clear space should be maintained between two-feet and eight-feet in height.
4. Accessible crossings must be provided at all intersections within the subdivision.

The east-west multi-use path shall be designed to City standards, with an additional 2 feet unpaved buffer (one foot each side) within a separate tract, or as approved by the City Engineer. The multi-use path shall be an asphalt, concrete or other City-approved durable surface meeting ADA requirements consistent with the applicable City engineering standards.

5. Final plat for the first phase shall be recorded within two years of the tentative plan decision. Final plat for all remaining phases shall be recorded within five years of the tentative plan decision. The phasing plan shall be updated as follows:
 - a. Every phase must include accommodations for an appropriate temporary fire turnaround, if required by the fire code. Temporary turnarounds, with acceptable easements submitted to the City Engineer for review and approval.
 - b. The east-west multi-use path shall be constructed in its entirety prior to final plat of Phase 2. If Riley Road is not yet constructed, the path shall be continued to the existing terminus of Riley Road, as approved by the City Engineer.
 - c. The pavement section of Bassett Drive for the section of the street proposed in Phase 4 must be completed during Phase 3.
6. Prior to sale and/or occupancy of any lot and as a condition of acceptance of the improvements, the Applicant shall submit to the City a one-year maintenance surety bond in an amount not to exceed 20% of the value of all improvements, to guarantee maintenance and performance for a period of not less than one year from the date of acceptance.

7. Per City of La Pine Ordinance No 2015-05 Section 6.12, the property owner of all proposed parcels will be responsible for maintenance and repair of the sewer/septic system to the point where the building sewer is connected to a City sewer main. This responsibility includes any costs of maintenance, repair, damage, and/or injury. The owner will be liable for any damage to the City system caused by an act of the owner and/or its tenants(s), agent(s), employee(s), contractor(s), licensee(s), and/or permittee(s). If any break, leak, and/or other damage to a building sewer occurs, the owner of the property served by the building sewer will cause repairs to be made immediately to minimize any sewer spillage.

PRIOR TO FILING OF FINAL PLAT:

1. Applicant shall submit the proposed name to the County Surveyor for review and approval.
2. 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.
3. 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.
4. A clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, wall, structure, private signage, or temporary or permanent obstruction exceeding three and one-half feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade. Construction plans shall demonstrate compliance with these clear vision standards and shall be submitted to the City for review and approval prior to construction.
5. Sidewalks shall be constructed on both sides of Anchor Way, and for the section with reduced right of way (western side), the landscaped area can be reduced by 2 feet of width to accommodate the full sidewalk width.
6. Per the recommendation in the Applicant's submitted traffic report, a pro-rata contribution should be provided toward improvements at the US 97/Finley Butte intersection. Impacts of the new subdivision are approximately 3.6% of the total intersection volume during the weekday p.m. peak hour, or \$518 per residential unit.
7. Sewer mains and sewer infrastructure shall be constructed in accordance with City of La Pine Public Works Standards. Sewer main lines shall be minimum 8" diameter.
8. Street lights shall be installed on the plans and provided at the following locations: Intersections, Mid-block for blocks longer than 400 feet from center of intersection to center of intersection, and at the crosswalks for the multi-use path intersection with both proposed streets. Poles and fixtures shall conform to the power provider standards. Standard Mid State Electric head fixtures shall be used...or as indication in conditions of approval of land use action.

9. As approved by the City Engineer, public improvements must be constructed prior to final plat of each phase, or an approved performance assurance mechanism and associated improvement agreement with specific construction times outlined, may be filed with the City for construction of items not necessary for safety or required connectivity. All such agreements shall be reviewed and approved by the City Engineer and shall be in compliance with LPDC 15.94.020.

PRIOR TO CONSTRUCTION:

1. All construction, landscaping and utility plans shall be reviewed and approved by the City Engineer and Public Works Manager. Permits for sewer and water improvements will not be issued until the Public Works Director has approved all sanitary sewer and water plans for conformance with City standards.
2. Grading and drainage plans and stormwater calculations shall be submitted to the City Engineer for review and approval for compliance with this standard, City Public Works standards and any other applicable standard.
3. Final construction plans shall detail the transition between the new sidewalks and existing sidewalks.

PRIOR TO ISSUANCE OF BUILDING PERMITS:

1. Lots shall comply with coverage and setback requirements (or applicant shall receive approved variances for such).
2. If driveway access permits are required at the time of building permit application, they shall be reviewed and approved prior to release of building permits.
3. The developer, applicant or builder shall contribute \$568.75 per EDU toward a fund for replacement of the Industrial Park lift station.
4. All lots shall be served by sewer and water service and streets shall be constructed/improved as required by this decision and approval of construction plans by the City Engineer.

PRIOR TO ISSUANCE OF OCCUPANCY PERMITS:

1. Every lot must be served by a septic tank. Tanks shall be sized according to flow per criteria published in OAR 340-71-220(3). Minimum tank capacity shall be 1000 gal. Septic tanks shall remain the property of the landowner and shall be maintained and pumped by the landowner.



Community Development Department
PO Box 2460 16345 Sixth Street
La Pine, Oregon 97739
Phone: (541) 536-1432 Fax: (541) 536-1462
Email: info@lapineoregon.gov

Subdivision Application

Fee \$ 4,000.00
+\$50 per lot

File Number # 01SUB-19

Name of Subdivision: Evans Way Estates

Number of Lots: 60

Applicant Name Huntington Park LLC Phone 541-382-4748 Fax -

Address 63591 OB Riley Rd.

City Bend State OR

Zip Code 97703

Email joshshockey@gmail.com

Property Owner Same Phone Fax

Address

City State

Zip Code

Email

PROPERTY DESCRIPTION

Property Location (address, intersection of cross street, general area) No Situs

East of Huntington Meadows

Legal Description: Tax Map & Lot Number(s) P2+3 of PP 2018-45, 221014 LD 200+300

Present Zoning Res

Total Land Area (Square Ft.) ~ 20 (Acres)

Present Land Use Vacant



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PROJECT DESCRIPTION

Describe Project

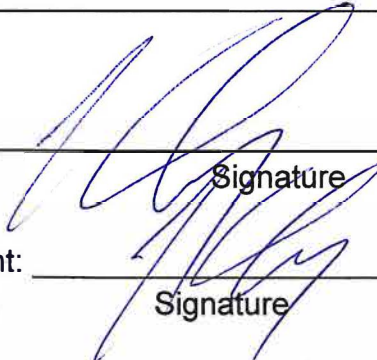
5 Phase, 600 Lot Residential Subdivision

PROFESSIONAL SERVICES

Architect ~~Surveyor/Engineer~~ Sun Country Eng Phone 541-382-8882 Fax _____
 Address 920 SE Armour Rd City Bard State OR Zip 97702

Builder or Agent _____ Phone _____ Fax _____
 Address _____ City _____ State _____ Zip _____

Applicant: _____ Date: 6/6/2019

Signature


Owner/Agent: _____ Date: 6/6/2019
 (Circle One) Signature

If you are the authorized agent, please attach the letter of authorization signed by the owner.
NOTE: This may not be a complete list of land use requirements. Dependent on the specifics of the proposal, additional information may be required after further review.

FOR OFFICE USE ONLY

Date Received: 06/13/2019
 Rec'd By: KN
 Fee Paid: \$7000
 Receipt #: ck #1032

SUBMITTAL REQUIREMENTS

Step 1: Tentative Plan Review

The following information and material must be submitted by the applicant. Other information may be required in some cases.

- Application. The application must be signed by the owner(s) and include information requested on the application form. If the owner does not sign, then a letter of authorization must be signed by the owner for the agent.
- Title Report or subdivision guarantee.
- Application Fee.
- Burden of Proof Statement documenting compliance with approval criteria for Subdivisions
- A vicinity map.
- A trip generation letter. Additional traffic analyses may be required, based on the results of the trip generation estimates.
- Supplemental information: All agreements with local governments that affect the land and proposed use of property.
- Tentative Plan. Three (3) copies of the tentative plan. The tentative plan should be on a sheet 18" x 24 inches. Standard engineering scales of 1 inch equals 10, 20, 30, 40, 50, or 60, 100 or 200 feet shall be used. Electronic copies of all documents shall be submitted.

The tentative plan must include:

- Identification of the drawing as a tentative plan for a subdivision.
- Adjacent property boundaries, property owners and abutting land uses.
- A north arrow, scale and date of map and property identified.
- Location of the property by section, township and range, and a legal description defining the location and boundaries of the proposed tract to be divided.
- Names, addresses, and telephone numbers of the property owner(s), applicant(s), the engineer or surveyor.



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- The date of the plan preparation.
- Existing and proposed streets and alleys: The locations, name, pavement widths, rights-of-way width, approximate radius of curves, and street grades.
- Postal box location(s): Centralized box units (CBUs) shall be shown on the site plan and installed by applicant/developer, and accompanied by a 'letter of confirmation' from the U.S. Post Office.
- Future streets: The pattern of future streets from the boundary of the property to include other tracts surrounding and adjacent to the property unless a future street plan has been adopted.
- Access: The locations and widths of existing and proposed access points along with any off-site driveways effected by the proposal.
- Easements: The locations, widths, and purposes of all existing and proposed easements on or abutting the property.
- Utilities: The location of all existing and proposed public and private sanitary sewers, water lines and fire hydrants on and abutting the property.
- Statement from each utility company proposed to serve the proposed subdivision stating that each such company is able and willing to serve the proposed subdivision as set forth in the tentative plan, and the conditions and estimated costs of such service. Each utility purveyor shall be noted on the tentative plan.
- Drainage Plan: The location of water drainage points on the property and grades necessary to prevent off-site drainage.
- Topography: Ground elevations shown by contour lines at two foot intervals for ground slopes less than 5% and at 5 foot intervals for ground slopes 5% or greater. Such elevations shall be related to an established bench mark or other acceptable engineering datum. Source of datum shall be indicated on the plan.
- Trees: All trees with a diameter of six inches or greater measured three feet above ground level.
- Water Features: Irrigation canals, ditches & areas subject to flooding or ponding.
- Other natural features (Rock outcroppings, canyon walls, etc.)
- Lot & parcel dimensions: Dimensions of existing and proposed lots and parcels.



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- Lot & parcel numbers: Parcel numbers for partitions and lot numbers and blocks for subdivisions.
- Lot and parcel size: All proposed sizes in either square feet or acres.
- Existing uses: Setback from all property lines and present uses of all structures.
- All tracts of land intended to be deeded or dedicated for public use.
- Overlay zones: The location and dimensions of any special district which is located on or abutting the property.
- Any Proposed deed restrictions or protective covenants, if proposed to be utilized for the proposed development.

Step 2: Final Plat Application and Approval

- Signatures Required. The final plat must be signed by the City Manager, City Public Works Director, the County Surveyor, and the County Assessor.
- Recording the Final Plat. Following City approval of the final plat, the replat shall be recorded by the **applicant** within two (2) years unless an extension request is filed by the applicant and approved by the City. Platting may not occur until required public improvements have been completed, inspected and accepted, or bonded and a Land Division Agreement recorded.
- Building permits. Building permits can only be issued after the plat is recorded and improvements have been completed, inspected and accepted unless otherwise approved. Public Works issues the final letter of completion when construction of all public improvements is accepted.
- Occupancy permit. Occupancy permits can only be issued after any required Public Improvements have been accepted by Public Works.



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By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined above, and that he/she understands that omission of any listed item may cause delay in processing this application.

I (We) the undersigned acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

Applicant: _____ Date: 6/6/2019
Signature

Owner/Agent: _____ Date: 6/6/2019
(Circle One) Signature

If you are the authorized agent, please attach the letter of authorization signed by the owner.
NOTE: This may not be a complete list of land use requirements. Dependent on the specifics of the proposal, additional information may be required after further review.



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City of La Pine Land Division Code, Requirements for approval of tentative plat for a subdivision

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

- (1) The proposed development is consistent with applicable goals, objectives and policies set forth by the City's Comprehensive Plan.
- (2) The proposal is in compliance with the applicable zoning regulations applicable thereto.
- (3) The proposal is in compliance with the design and improvement standards and requirements set forth in Section 10.0.0, or as otherwise approved by the city, or that such compliance can be assured by conditions of approval.
- (4) The subdivision will not create an excessive demand on public facilities and services required to serve the proposed development, or that the developer has proposed adequate and equitable improvements and expansions to the facilities with corresponding approved financing therefore to bring the facilities and services up to an acceptable capacity level.
- (5) The development provides for the preservation of significant scenic, archaeological, natural, historic and unique resources in accordance with applicable provisions of this chapter and the Comprehensive Plan.
- (6) The proposed name of the subdivision is not the same as, similar to or pronounced the same as the name of any other subdivision in the city or within a six mile radius thereof, unless the land platted is contiguous to and platted as an extension of an existing subdivision. (ORS 92.090)
- (7) The streets and roads are laid out so as to conform to an adopted Transportation System Plan for the area, and to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern.
- (8) Streets and roads for public use are to be dedicated to the public without any reservation or restriction; and streets and roads for private use are approved by the city as a variance to public access requirements.
- (9) Adequate mitigation measures are provided for any identified and measurable adverse impacts on or by neighboring properties or the uses thereof or on the natural environment.



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- (10) Provisions are made for access to abutting properties that will likely need such access in the future, including access for vehicular and pedestrian traffic, public facilities and services and utilities.
- (11) Provisions of the proposed development provide for a range of housing needs, particularly those types identified as needed or being in demand.

TENTATIVE PLAT FOR EVANS WAY ESTATES

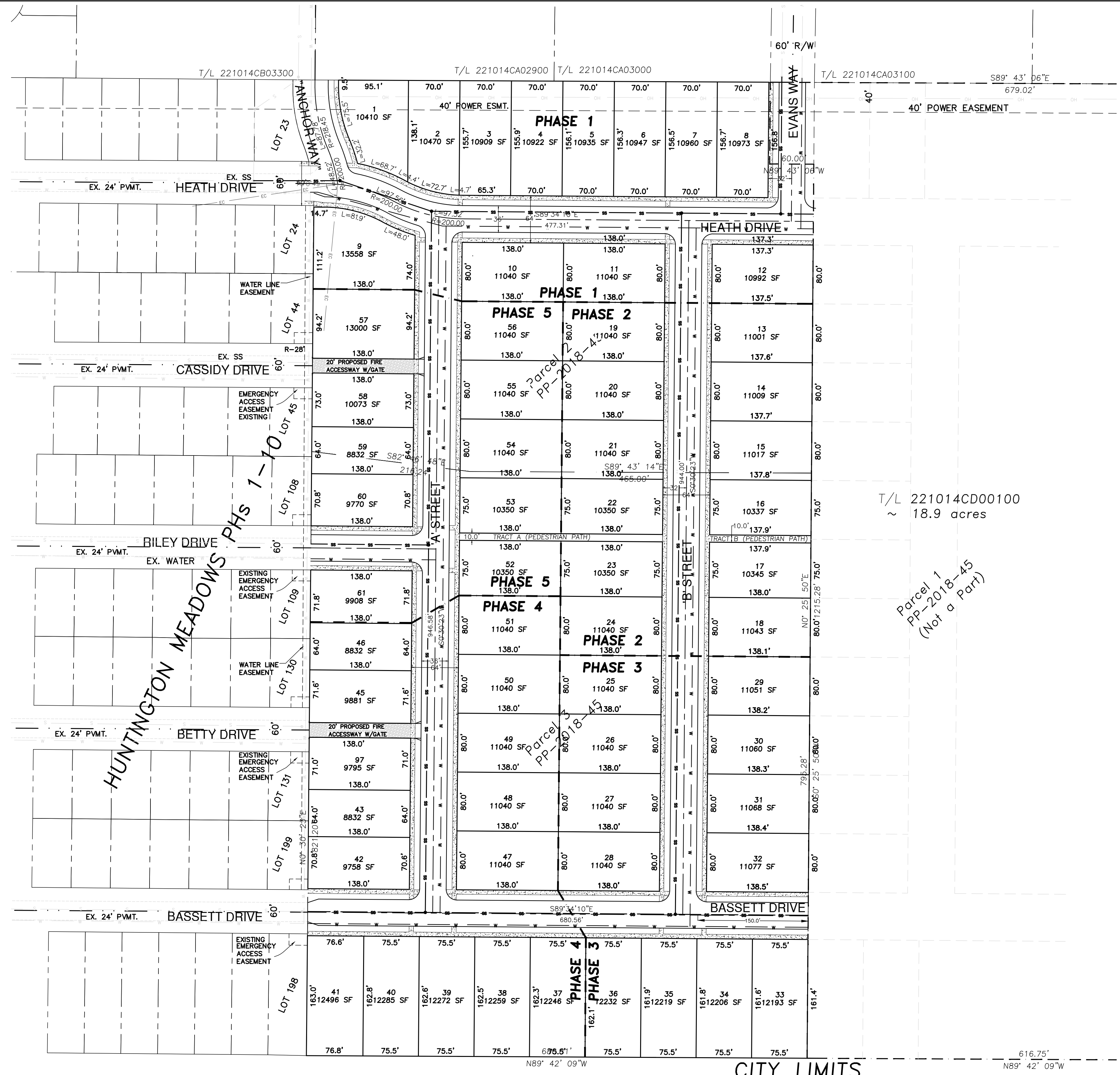
SUBDIVISION OF PARCEL 2 AND 3 OF PP-2018-45
IN THE SE 1/4 OF THE SW 1/4 OF SECTION 14,
TOWNSHIP 22 SOUTH, RANGE 10 EAST, W.M.,
CITY OF LA PINE, DESCHUTES COUNTY, OREGON

DEVELOPER/OWNER:
Huntington Park LLC
63591 OB Riley Rd.
Bend, OR 97702

SURVEYOR/ENGINEERS
SUN COUNTRY ENGINEERING
920 SE Armour Rd
Bend, OR 97702
541-382-8882

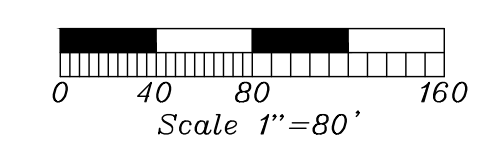
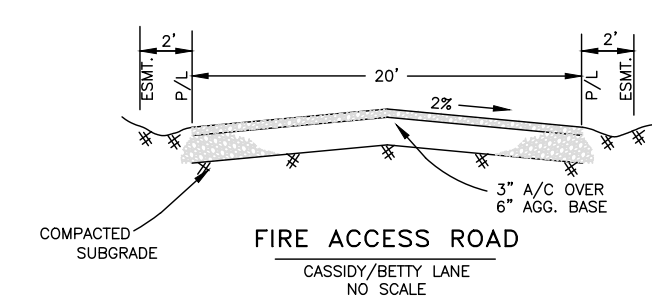
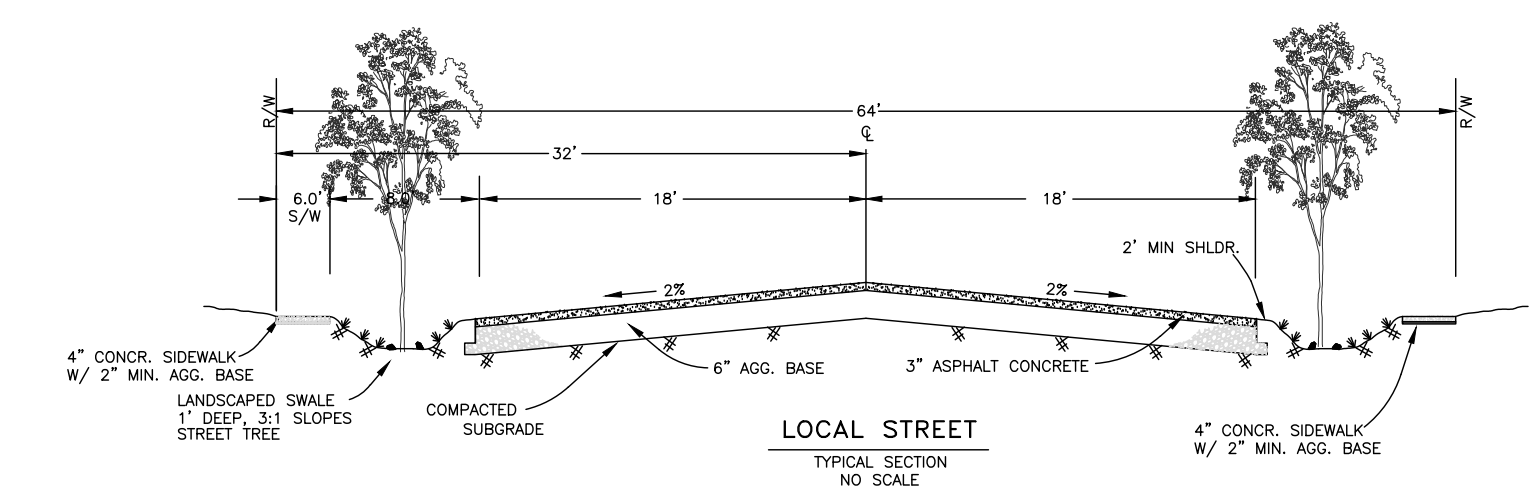
DEVELOPMENT DATA:
Tax Lot- 221014CD; 200+300
Area- 20 ac
Zone: Single Family Residential

SERVICE PROVIDERS:
Sewer: City of La Pine
Water: City of La Pine
Power: Mid State Electric
Phone: Century Link
Cable: Crestview Cable
Gas: Cascade Natural Gas



T/L 221014CD00100
~ 18.9 acres

Parcel 1
PP-2018-45
(Not a Part)



SUN COUNTRY ENGINEERING & SURVEYING, INC.
920 SE ARMOUR ROAD BEND, OREGON 97702 PHONE 382-8882

Developer: HUNTINGTON PARK LLC
63591 O.B. RILEY RD.
BEND, OR 97701

Title: EVANS WAY ESTATES
TENTATIVE PLAT

Drafting	ACK	NO.	DATE	REVISIONS	sh.
Design	TJW	1	10/1/19	+PED TRACTS	1
Scale	1"=80'	2	10/17/19	+FIRE ESMTS, PHASING	
Date	4/23/19	3	11/11/19	+FIRE ACCESS ROADS, RILEY RD	
W.O. No.	8380	4	11/28/19	RILEY RD SECTION	1



CITY OF LA PINE

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

CITY OF LA PINE PLANNING DIVISION
Staff Report to Planning Commission: Minor Variance for Side, Rear, and Street-Side Setbacks

FILE NO. 02VA-19

**OWNER/
 APPLICANT:** Huntington Park, LLC
 C/o Josh Shockey
 63591 OB Riley Road
 Bend, OR 97703

**ENGINEER/
 SURVEYOR:** Sun Country Engineering, Inc.
 920 SE Armour Drive
 Bend, OR 97702
 541-382-8882

**LAND USE
 CONSULTANT:** Chris Schmoyer, Principal Planner
 Schmoyer Land Use Consulting, LLC
 60939 Zircon Drive
 Bend, OR 97702
 541-815-3143

LOCATION: The subject property does not currently have an assigned property address but is identified as Tax Lots 00200 and 00300 on Deschutes County Tax Assessor’s Map 221014CD.

REQUEST: The Applicant is requesting a Minor Variance to deviate the side yard, rear yard and street-side yard setbacks of lots in the subdivision in order to provide lots in the La Pine Residential Single Family Zone (RSF) that can support accessory uses allowed in the zone.

I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA:

City of La Pine Development Code

Article 3. Zoning Districts

Chapter 15.18 Residential Zones

Article 5. Development Standards

- Chapter 15.80 Development Standards, Generally

Article 7. Procedures

- Chapter 15.204 Application Procedures

Article 8. Applications and Reviews

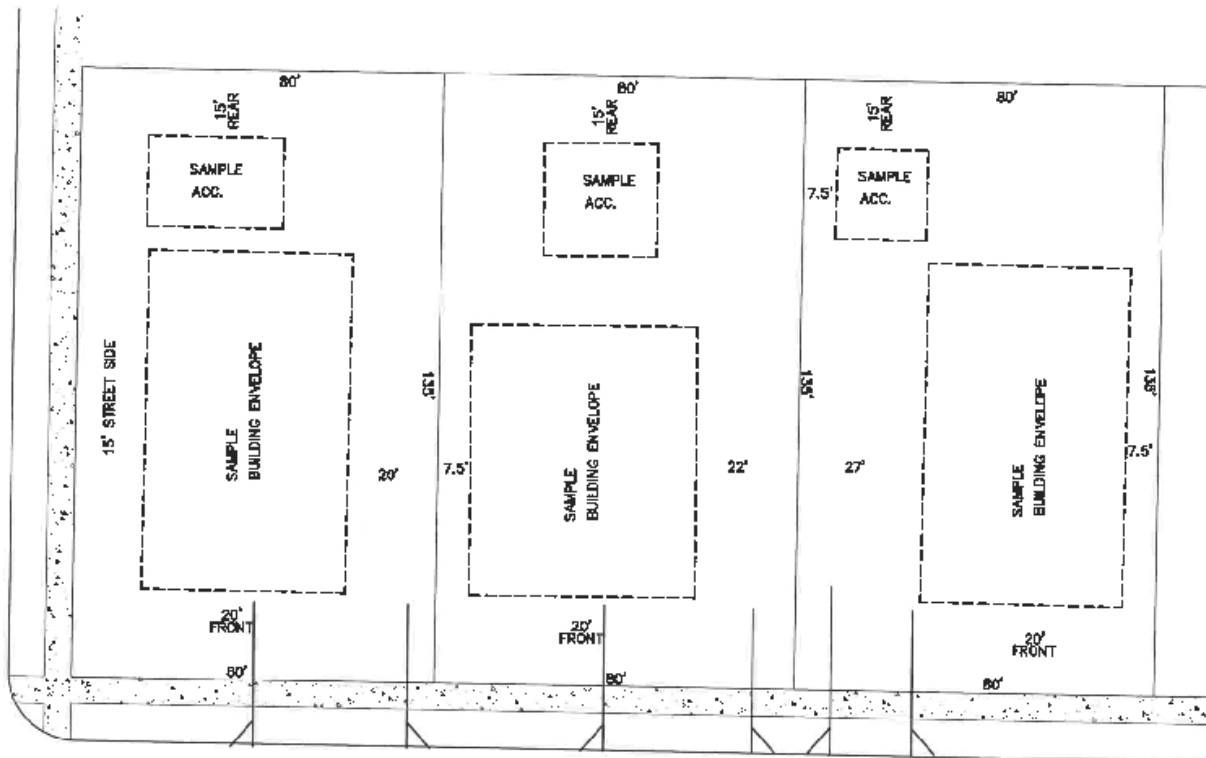
- Chapter 15.320 Variances

II. INTRODUCTION:

This variance application was submitted concurrently with 01SUB-19, a residential tentative plan subdivision application for 61 lots. The request is for 25% reduction of all side yard, street-side yard and rear yard setbacks within the subdivision. For the western row of properties along the Huntington Meadows subdivision, the Applicant requests a minimum 5' side yard setback, but with a minimum combined side yard setback of 15' for both sides. Also requested for this western row is no street-side yard setback.

The Applicant's main reason for the request is to provide more flexibility in lot layout in order to accommodate accessory structures for storage of equipment and/or ADUs, as well as driveways to access these units.

In addition, to respond to comments by the Fire Department, the Applicant has added two fire access alleyways as extensions from Betty and Cassidy Drives, further narrowing the proposed lots along the western edge. The Applicant included the following sketch to demonstrate the variances they are requesting:



Questions for consideration by the Planning Commission:

La Pine Community Development Department – Planning Division
 PO Box 2460 16345 Sixth Street La Pine, Oregon 97739
 Phone: (541) 536-1432 Fax: (541) 536-1462 Email: info@lapineoregon.gov

1. Does this application warrant the requested variances? Should the variances be provided, but only adjacent to the accessory structures?
2. Should special side yard variances be permitted along the western row of lots abutting Huntington Meadows, to accommodate the fire access alleyways?
3. Side and rear yard setbacks - should a 25% variance be granted for rear and side yards, but only adjacent to accessory structures? Should side yard setback variances be granted for all structures within the western row of lots that abut Huntington Meadows, to accommodate the fire access alleys?
4. Rear setbacks - Should rear setback variances be granted to accommodate accessory dwelling units?
5. Street-side yard setbacks - For corner lots abutting a street, the code requires the same side yard setback as the front yard (20 feet), essentially requiring two front yards. Should street-side yard setback variances of 25% (15' setback) be allowed for this subdivision?
6. Western Lots - Should the requested side yard setback variance (5' minimum, 15' combined) be granted for all structures within the western row of lots that abut Huntington Meadows, to accommodate the fire access alleys? Should the removal of street-side yard setbacks be granted for the western row of lots, or should this only apply to the side yards adjacent to the fire access alleyways?

III. FINDINGS OF FACT:

LOCATION: The subject property does not currently have an assigned property address but is identified as Tax Lots 00200 and 00300 on Deschutes County Tax Assessor's Map 221014CD.

ZONING: The subject properties are zoned Residential Single Family Zone (RSF) and Residential Single Family Zone (RSF) on the La Pine Comprehensive Plan Map. Lots adjacent to the east, north, and west are also zoned and designated Residential Single Family Zone (RSF). To the south is property owned by the Bureau of Land Management (BLM) and is zoned Forest Use (F1) by Deschutes County.



SITE DESCRIPTION: The subject properties consists of two parcels, comprising a combined total of 20.56 acres and is rectangular in shape. They are vacant, and the topography is relatively level supporting a moderate cover of mature and immature lodgepole pine trees with sparse native underbrush. The subject properties are located outside of any

FEMA designated floodway and/or floodplain, and abut the following public rights-of way: Evans Way to the north and Heath Drive, Cassidy Drive, Riley Drive, Betty Drive, Anchor Way and Bassett Drive to the West.

SURROUNDING USES: Lands zoned RSF to the west have been subdivided and developed into single-family residential lots of approximately 5,000 square feet, and improved public roads have been stubbed to the subject property. Adjacent properties to the north, also zoned RSF, are comprised of un-platted approximate 1.2-acre tax lots each supporting a dwelling. The vacant 20-acre parcel to the East is also zoned RSF. To the south is property owned by the Bureau of Land Management (BLM) and is zoned Forest Use (F1) by Deschutes County.

PUBLIC NOTICE AND COMMENTS: The City of La Pine sent notice of the application to the planning commission and to the property owners within 100 feet of the subject property. One public comment was received and is included in the record. The City will mail the notice of decision to the same distribution list.

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

IV. APPLICATION OF THE CRITERIA:

CONFORMANCE WITH CITY OF LA PINE ZONING ORDINANCE

Article 3. Zoning Districts

- ***Chapter 15.18 Residential Zones***

15.18.400 Development Standards

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

Table 15.18-2 — Development Standards in the Residential Zones

Standard	RSF	RMF
...		
Minimum setbacks	--	--
- Front or street-side yard	20 feet	20 feet
- Side yard	10 feet None for townhomes	10 feet None for townhomes
- Rear yard	20 feet	20 feet
...		

FINDING: The Applicant is requesting a 25% variance on side yard, rear yard and street-side yard setbacks, which would result in the following setbacks:

Side yard = 7.5 feet

Rear yard = 15 feet

Street-side yard = 15 feet

For the western row of properties along the Huntington Meadows subdivision, the Applicant requests a minimum 5' side yard setback, but with a minimum combined side yard setback of 15' for both sides. Also requested for this western row is no street-side yard setback.

The Applicant states that the variance is necessary to support accessory uses allowed in the residential single family (RSF) zone. In particular, the Applicant proposes to develop the lots with mid-range houses and accessory structures for storage of equipment and/or ADUs. In addition, the request for the side yard and street-side yard setback variances for the western row of properties is due to the Fire Department requirement for fire access alleyways to be added in alignment with Betty and Cassidy Drives.

Article 7. Procedures

- **Chapter 15.204 Application Procedures**

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

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

A. Application Requirements.

1. **Application Forms.** Applications requiring Quasi-Judicial review shall be made on forms provided by the City Planning Official.

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

FINDING: The Applicant submitted an application, tentative plan, burden of proof, fee, and supporting materials required for Type III review of a Minor Variance for a Subdivision. The application requirements were met.

B. Mailed and Posted Notice of a Public Hearing.

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

- a. The applicant;
- b. Owners of record of property as shown on the most recent property tax assessment roll of property located within 100 feet of the property that is the subject of the notice where any part of the subject property is within an urban growth boundary;
- c. The owner of a public use airport if the airport is located within 10,000 feet of the subject property;
- d. The tenants of a mobile home park when the application is for the rezoning of any part or all of a mobile home park;
- e. The Planning Commission;
- f. Any neighborhood or community organization formally recognized by the City Council, whose boundaries include the site;
- g. Any person who submits a written request to receive a notice; and
- h. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the City Planning Official shall notify the road authority if different than the City of La Pine. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

2. In addition to notice by mail and posting, notice of an initial hearing shall be published in a newspaper of general circulation in the County at least 10 days prior to the hearing.

addition to notice by mail and posting, notice of an initial hearing shall be published in a newspaper of

3. At least 14 days before the first hearing, the City shall post notice of the hearing on the project site in clear view from a public right-of-way.

4. Notice of a Quasi-Judicial hearing to be mailed and published per subsection 1 above shall contain all of the following information:
- a. A summary of the proposal and the relevant approval criteria, in sufficient detail to help the public identify and locate applicable code requirements;
 - b. The date, time, and location of the scheduled hearing;
 - c. The street address or other clear reference to the location of the proposed use or development;
 - d. A disclosure statement that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the City Council, Land Use Board of Appeals, or Circuit Court, as applicable, on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;
 - e. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards shall be available for review at the office of the City Planning Official, and that copies shall be provided at a reasonable cost;
 - f. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
 - g. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
 - h. A statement that after the public hearing closes, the City will issue its decision, and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

FINDING: Notice of the public hearing was sent to neighbors within 250 feet (exceeding the required 100 feet) and to the City's agency notification list on October 1, 2019. The notice followed the City's standard notice format for a quasi-judicial land use application and included the above required elements. Notice was posted on site on 10/8/19 and in the local paper (Wise Buys) in the 10/8/19 and 10/15/19 editions, as well as in the Bend Bulletin on 10/10/19, in compliance with these requirements.

...

G. Continuances or record extensions.

1. Grounds.

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

For the purposes of subsection (i), "additional documents or evidence" shall mean documents or evidence containing new facts or analysis that are submitted after notice of the hearing.

c. The grant of a continuance or record extension in any other circumstance shall be at the discretion of the Hearings Body.

2. Continuances.

- a. If the Hearings Body grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial hearing.
- b. An opportunity shall be provided at the continued hearing for persons to rebut new evidence and testimony received at the continued hearing.
- c. If new written evidence is submitted at the continued hearing, any person may request prior to the conclusion of the continued hearing that the record be left open for at least seven days to allow submittal of additional written evidence or testimony. Such additional written evidence or testimony shall be limited to evidence or testimony that rebuts the new written evidence or testimony.

3. Leaving record open. If at the conclusion of the hearing the Hearings Body leaves the record open for additional written evidence or testimony, the record shall be left open for at least 14 additional days, allowing at least the first seven days for submittal of new written evidence or testimony and at least seven additional days for response to the evidence received while the record was held open. Written evidence or testimony submitted during the period the record is held open shall be limited to evidence or testimony that rebuts previously submitted evidence or testimony.

D. A continuance or record extension granted under Section XX shall be subject to the 120-day time limit unless the continuance or extension is requested or otherwise agreed to by the applicant. When the record is left open or a continuance is granted after a request by an applicant, the time period during which the 120-day time limit is suspended shall include the time period made available to the applicant and any time period given to parties to respond to the applicant's submittal.

FINDING: The hearing was continued twice and the procedures for continuances were followed.

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

- a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the record;
- b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);
- c. A statement of where the City's decision can be obtained;
- d. The date the decision shall become final, unless appealed; and

- e. A statement that all persons entitled to notice may appeal the Planning Commission's decision to City Council pursuant to Subsection K or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.

...

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

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

FINDING: In accordance with this requirement, the effective date of the Planning Commission decision will be 12 days after the City mails the decision notice, unless an appeal is filed in accordance with Subsection K, or the decision is called up by Council for review. No building permits will be issued until the decision is final.

Article 8. Applications and Reviews

- **Chapter 15.320 Variances**

15.320.010 Applicability

- A. **Variance.** Variances from the provisions and requirements of this chapter may be approved in accordance with the provisions of this section.
- B. **Minor Variance.** A minor variance is a variance to an area or dimensional standard of this Code that meets one of the following conditions. Only one such variance may be granted for any one lot, parcel or tract of land.
 1. Involves a deviation from a minimum lot size requirement of not more than 10%.
 2. Involves a deviation from a yard or setback requirement of not more than 25%.
 3. Involves a request for the expansion of a nonconforming use by not more than 10%.
- C. **Riparian Variance.** In cases where the limitations on activities within the significant riparian corridor unduly restricts the development of a lot or parcel legally created before the effective date of this Code, a property owner may request a Riparian Variance.

FINDING: The Applicant is requesting a Minor Variance to deviate the side yard, rear yard, and street-side yard setbacks up to 25%.

15.320.020 Procedure Type

- A. Minor Variance.** An application for a minor variance is subject to Type II review in accordance with the procedures in Article 7.
- B. Variance.** All variance applications (other than for minor variances) are subject to Type III review in accordance with the procedures in Article 7.
- C. Riparian Variance.** All riparian variance applications are subject to Type III review in accordance with the procedures in Article 7.

FINDING: The Applicant is requesting a Minor Variance to deviate the side yard, rear yard, and street-side yard setbacks up to 25%, which would result in the following minimum setbacks:

- Side yard = 7.5 feet
- Rear yard = 15 feet
- Street-side yard = 15 feet

For the western row of properties along the Huntington Meadows subdivision, the Applicant requests a variance for minimum 5' side yard setback, but with a minimum combined side yard setback of 15' for both sides. Also requested for this western row is no street-side yard setback.

The Applicant states that the variance is necessary to support accessory uses allowed in the residential single family (RSF) zone. In particular, the Applicant proposes to develop the lots with mid-range houses and accessory structures for storage of equipment and/or ADUs. In addition, the request for the side yard and street-side yard setback variances for the western row of properties is due to the Fire Department requirement for fire access alleyways to be added in alignment with Betty and Cassidy Drives.

15.320.030 Submittal Requirements

- A. Minor Variance.** An application for a minor variance shall include the materials required for a Type II review as specified in Article 7.
- B. Variance.** All variance applications (other than for minor variances) shall include the materials required for a Type III review as specified in Article 7.
- C. Riparian Variance.** All riparian variance applications shall include the materials required for a Type III review as specified in Article 7.
- D. Additional information required.** The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal's conformance with this Code.

FINDING: The Applicant submitted an application, tentative plan, burden of proof, fee, and supporting materials required for a Minor Variance. The application requirements were met.

15.320.040 Approval Criteria (except for Riparian Variances)

A variance may be granted unqualifiedly, or may be granted subject to prescribed conditions and limitations, provided that the following findings are evident.

- A. That the literal application of specific provisions of the Code would create practical difficulties for the applicant resulting in greater private expense than public benefit. However, a variance is not to be granted simply because it would afford the owner a higher profit or prevent a mere inconvenience.**

FINDING: The Applicant notes that they are requesting a Minor Variance to deviate the side yard, rear yard and street-side yard setbacks in order to provide lots in the La Pine Residential Single Family Zone (RSF) that can support accessory uses allowed in the zone. They further note:

The literal application would create practical difficulties for the applicant resulting in greater private expense than public benefit. More specifically, to achieve lot sizes large enough to accommodate area for accessory structures would result in fewer lots resulting essentially in a greater private expense to the applicant as infrastructure costs would remain substantial even with fewer lots. The variance would, however, result in a greater benefit to the public as the ability to stagger and vary side setbacks and decrease rear yard setbacks on lots results in development that is more amenable to mid-range single-family housing that would allow accessory dwelling units, accessory structures and uses than lots with very small, limited available building envelopes. Additionally, permitting the variance would allow a higher density providing additional housing, both single-family dwellings and ADUs, to individuals in the vicinity of La Pine. This could also lead to improvements in economic development in La Pine providing housing for people who want to move to La Pine for employment (e.g. workforce housing). This, in turn encourages entrepreneurs to locate their businesses to La Pine and for existing businesses to expand.

The variance would not be granted simply because it would afford the owner a higher profit or prevent a mere inconvenience, rather, it would alleviate the costs associated with the magnitude of such a development. In particular, the costs of infrastructure such as sewer, water, utilities, streets, sidewalks and related City fees, as well as costs to the applicant for clearing and excavation and the introduction of new trees and vegetation.

The Applicant requests the variances to support the proposed use of residential homes with accessory structures. This type of development is unique to La Pine and could be beneficial, if constructed as the Applicant is planning. However, there are no guarantees that the accessory structures will be constructed, so staff recommends that the Planning Commission consider the variances for the accessory structures and not for all the primary structures (houses).

One exception exists along the western row of homes, where the Applicant has revised the plan to include fire access alleyways along the extension of Betty and Cassidy Drives. The inclusion of these fire access alleyways creates a public benefit, but does create challenges for the Applicant by narrowing the adjacent lots. Staff would like Planning Commission to consider whether this is an appropriate reason to allow a 25% side yard setback variance for these lots.

- B. That the condition creating the difficulty is not general throughout the surrounding area, but is unique to the applicant's site or property; therefore, the granting of the requested variance will not set a precedent for future applications.**

FINDING: The proposed subdivision (Evans Way Subdivision, 01SUB-19) directly aims to change the pattern of development of Huntington Meadows, a County-approved subdivision that pre-dates the City's land use codes. Huntington Meadows is a fairly dense subdivision, with narrow lots, small setbacks and poor street design. This combination of items has resulted in significant challenges with clutter and storage of vehicles. In numerous areas, residents have filled in the drainage swales so they can park

their vehicles or boats. This has been a difficult issue for the City and County to enforce and the proposed subdivision is attempting to end this pattern of development by changing the orientation of the lots and streets. Huntington Meadows includes north-south house orientation, with lots served largely by east-west streets. The Evans Way Subdivision proposed to orient the homes east-west and streets north-south.

Additionally, the extension of Anchor Way is necessary through the proposed subdivision, but the direct extension south would result in a street very close to existing Huntington Meadows homes that have small side yard setbacks. To address this, the proposed subdivision includes the extension of Anchor Street offset to the east, via "A Street". Similarly, the extension of Heath Drive is offset slightly to the south to accommodate an existing 40-foot power easement on the north edge of the subject property. The combination of these items result in fairly deep lots (137 feet to 156 feet deep). To keep the lots in the 9000-10,000 sf range, as desired by the developer for the proposed residential product with accessory buildings, the proposed lots are 65 to 80 feet wide. As a result, the Applicant is requesting a 25% variance on the side yard setbacks in order to accommodate the construction of accessory buildings on the site in a way that they don't need to be lined up with the primary structure. Staff recommends that this setback variance could be considered for the accessory structures, while the primary structure/house could meet the standard side yard setback requirements.

The condition prompting this variance request is twofold: 1. changing the pattern of development from the existing Huntington Meadows development and 2. proposed product (primary house + accessory building for storage, ADU, etc). Both are unique conditions to the subject property and subdivision application. However, there is currently no guarantee in place that the accessory buildings will be constructed, so staff cautions the Planning Commission on how the variances are worded. Blanket variances would apply to the entire lot, regardless of whether the proposed product is constructed, however, if the variance were to be provided for only the accessory structures, it would not apply to the primary house.

The Applicant further notes: *The condition created is unique to the development, as the proposed product is not available in the City of La Pine, and mid-level housing is currently in short supply overall in the vicinity...The requested variance to the yard setbacks does not present further imposition of existing and abutting properties. The north line is prohibitive in rear setback option, as an electric distribution line easement exists; the south and east lines are vacant, and the lots east of the subject property would benefit from a greater setback than if that development pattern were to be extended, as they would have a 10-foot side yard setback in that case.*

C. That the condition was not created by the applicant. A self-created difficulty will be found if the applicant knew or should have known of the specific restriction or provision at the time the site was purchased. Self-created hardship also results when an owner and/or developer negligently or knowingly violates a provision of this Code.

FINDING: The Applicant notes in their burden of proof:

The requested Minor Variance is not a condition created by the applicant involving a difficulty or self-created hardship involving negligence or cognizant violations of the Code, rather it is one of practicality that is of benefit to the community as well as the applicant. The requested variance to required yards, as previously discussed herein, allows for additional indoor storage of homeowner's possessions in sufficient sized accessory buildings such as shops and detached garages, as well as ADU's further alleviating the critical affordable housing crisis in Central Oregon. Lastly, the reduced setbacks would also allow accessibility to the back yard of proposed lots by recreational equipment, such as travel trailers, boats, 4-wheelers etc., for storage purposes as opposed to

having them stored in public street rights-of-way, front yards and driveways as is presently occurring in the abutting subdivision.

While the Applicant is creating the lots and the lot sizes, the Applicant did not create the conditions of Huntington Meadows, which the proposed subdivision aims to not replicate by changing the orientation of lots and streets. This change in orientation is partially responsible for the deep but somewhat narrow lot sizing.

D. No variance shall be granted that would allow the use of property for a purpose not authorized within the zone in which the proposed use or development is located.

FINDING: The Applicant does not propose a use of the property for a purpose not authorized within the applicable RSF Zone and the proposed variances do not allow a use of the property that is not authorized.

E. In granting a variance, conditions may be attached that are found necessary to protect the best interests of the adjoining or surrounding properties or the vicinity, and to otherwise achieve the purposes of this Code, including the specific applicable zone, and the objectives and policies of the City's Comprehensive Plan.

FINDING: The Planning Commission may consider and require conditions to protect the best interest of the surrounding properties and to achieve the purposes of the La Pine Development Code.

V. CONCLUSION AND RECOMMENDATION:

The Applicant requests 25% reduction in side yard, rear yard and street-side yard setbacks. Staff agrees that the development is unique as it changes the pattern of development of the typically problematic Huntington Meadows and it proposes a unique use in La Pine (single family homes with accessory structures). However, there is no guarantee that the accessory structures will be constructed, so staff recommends that if variances are granted, they are tied to the construction of the accessory structures, where that is the reason for the variance. The only exception is the lots along the western border, which have been reduced in width to accommodate two fire access alleyways. For this area, staff finds the request for a 25% reduction in side yard setbacks to be reasonable, but asks Planning Commission to deliberate on this issue.



Community Development Department
 PO Box 2460 16345 Sixth Street
 La Pine, Oregon 97739
 Phone: (541) 536-1432 Fax: (541) 536-1462
 Email: info@ci.la-pine.or.us

Request for Variance Application

Fee: 500.00 File Number: _____

Name: Huntington Park LLC Phone Number: 541-382-4748
 Mailing Address: 63591 OB Ritey Rd. City: Bend
 State: OR Zip: 97703 Email Address: josh.shockey@gmail.com

PROJECT DESCRIPTION

Property Address: No Situs P 2+3 of PP 2016-45
 Tax Lot: CD 200+300 Section: 221014 Lot Numbers: P 2+3
 Zone: Res
 Present Use: Commercial _____ Industrial _____ Residential _____ Vacant Other _____

Briefly describe the variance requested (attach description if needed):
Minor Variance to side yard, rear yard, and
Street-side yard set back. in the proposed
Evans Way Estates Subdivision

PROFESSIONAL SERVICES

Architect/Designer/Engineer: Sun Country Engineering
 Address: 920 SE Armour City: Bend State: OR Zip Code: 97702
 E-mail Address: tim@suncountryengineering
 Phone Number: 541-382-8882 Fax Number: _____

PLEASE SUBMIT THE FOLLOWING WITH THIS APPLICATION



Community Development Department
PO Box 2460 16345 Sixth Street
La Pine, Oregon 97739
Phone: (541) 536-1432 Fax: (541) 536-1462
Email: info@ci.la-pine.or.us

- **Vicinity Map** (A tax lot map is acceptable)
- **Site Plan** (Conceptual or actual)
 - All existing buildings, parking, landscaped areas, curbs, and sidewalks
 - All known utility locations: power, sewer, water, and fire hydrant(s)
 - Lot boundaries and sizes for all existing and proposed lots
 - Street name(s) and location(s) adjacent to the site
 - Neighboring zones and uses (i.e. residential, vacant, commercial, etc.)
- **Burden of Proof** (Conceptual or actual)
 - Utilizing section 15 of Zoning Ordinance Criteria
- **Proof of ownership**
 - Copy of Title showing ownership

 Applicant Signature

 Date

6/16/2019

 Property Owner Signature (if different)

 Date

FOR OFFICE USE ONLY

Date Received: 06/13/2019

Rec'd By: KN

Fee Paid: \$500.00

Receipt #: ck #1032



La Pine Rural Fire Protection District

51590 Huntington Rd.
Post Office Box 10
La Pine, OR 97739
Phone 541.536.2935
Fax 541.536.2627
www.lapinefire.org

October 2, 2019

City of La Pine Planning Commission
C/o Melissa Bethel; City Manager
C/o Tammy Wisco; Planning Consultant
P.O. Box 2460
La Pine, Oregon 97739



Ref: October 30, 2019 Planning Commission Public Hearing – Huntington Park File # 01SUB-19, 02VA-19

Thank you for the opportunity to review and make comment on the proposed 60 lot Huntington Park subdivision 01-SUB-19 and the associated 02VA-19 Variance request for setbacks scheduled for an October 30, 2019 Public Hearing.

The proposed dead ends on the existing Cassidy and Betty Drives terminuses are unacceptable to the Fire District as shown on the 4/23/19 tentative plat. The existing Huntington Meadows layouts were conditionally approved over a decade ago with the understanding they would be through streets in short order. That did not happen and in fact several city administrations have asked for fire district and fire code help with the parking and road blocking problems that have been caused without a sufficient cul-de-sac on these public roads. Now with the new Huntington Park subdivision addition these roads either need to be through streets as was originally planned or acceptable cul-de-sacs provided as they are public roads. The same goes for the new proposed dead end of Basset Drive. The fire district's recommendation to the City of La Pine is NOT permit dead end streets without appropriate cul-de-sac as a minimum required for public safety.

Setbacks have two primary important purposes – (A) community quality of life attributes, and (B) public safety. The fire district will speak to only the public safety aspect. Set backs are an important element of community safety in keeping structure fires from extending to multiple buildings - side to side and/or to adjoining lots and/or blocks. Where neighborhood setbacks have different dimensions throughout a block, commonly wider breaks are provided every couple of structures to also limit an unchecked conflagration. One does not have to look far to see how conflagrations are destroying neighborhoods and whole communities. La Pine is front and center within the wildland urban interface bulls eye.

In reviewing application 02 VA-19 the fire district did not find any proposed off set accommodations for seeking a variance for reducing the side yard setback standards (such as committing to all fully sprinkler structures and/or fire resistant construction (i.e. brick)). Thus the fire district's recommendation to the City of La Pine is NOT permit the reduction of setbacks as now provided in Code as a the minimum required for public safety.

LA PINE RURAL FIRE PROTECTION DISTRICT

Mike Supkis
Fire Chief

To whom it may concern,

I am writing regarding file number 01SUB-19, 02VA-19 tax lots 200 and 300. I am a resident property owner on Evans Way directly adjacent to the proposed properties in question. I am opposed to the requested code variances for two reasons.

First:

The residences in my neighborhood are all one acre plus size lots and these micro lots don't fit in with the current aesthetic of the neighborhood.

Second:

Squeezing in tiny lots with, I assume, small inexpensively built homes will hurt property values in our neighborhood and will eventually become an eyesore.

I understand the need for affordable housing but building homes with yards too small for families to recreate in and neighborhoods too crowded for sensible off-street parking, and I can only assume no neighborhood controls over property use, we will be creating future run-down slum like conditions.

Our community of La Pine is on the verge of becoming a bedroom community of the ever-expanding Bend metro area and I fear that in the quest for growth, and our own identity, we will be laying the groundwork for being the bastard stepchild of the city of Bend.

Please excuse my analogy and thank you for considering my opinion.

David Romine

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