



CITY OF LA PINE

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

FILE NO. 01QP-19, 02SUB-19

- OWNER/
APPLICANT:** Sagebrush Development, LLC
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La Pine, OR 97739
- ENGINEER:** HWA
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- TRAFFIC
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- LAND USE
CONSULTANT:** Blackmore Planning and Development Services, LLC
Greg Blackmore, Principal Planner
19454 Sunshine Way
Bend, OR 97702
- LOCATION:** The subject property is composed of tax lots 200 and 202, as identified on the Deschutes County Tax Assessor Map 22-10-11. Tax lot 200 has an assigned address of 51800 Huntington Road. The properties are located immediately east of Huntington Road, south of Caldwell Drive and west of Highway 97.
- REQUEST:** The applicant requests approval of a Quadrant Plan (File No. 01QP-19) for quadrants 1a, 1b, and 1d of the Newberry Neighborhood Planning Area (NNPA) Overlay Zone. The applicant also requests approval of a subdivision Tentative Plan (File No. 02SUB-19) to include 191 residential lots, 3 commercial lots, park space, open space, and associated infrastructure improvements.

I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA:

City of La Pine Development Code

Article 3. Zoning Districts

- Chapter 15.20 Residential Master Plan Zone
- Chapter 15.22 Commercial and Mixed-Use Zones

Article 4. Overlay Zones

- Chapter 15.30 Overlay Zones Generally
- Chapter 15.32 Newberry Neighborhood Planning Area (NNPA) Overlay Zone

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 15.202 Summary of Application Types and General Provisions
- Chapter 15.204 Application Procedures

Article 9. Land Divisions

- Chapter 15.402 General Provisions
- Chapter 15.406 Subdivisions and Planned Unit Developments (PUD)
- Chapter 15.418 Processing and Recording Procedures

City of La Pine Transportation System Plan

II. INTRODUCTION

This quadrant plan and tentative plan follows immediately after the applicant's recent text amendment (01TA019), comprehensive plan map amendment (02CA-19) and zone change applications (02ZC-19), which were approved by City Council.

The proposal is for a 192-lot residential subdivision in the Newberry Neighborhood Planning Area, south of the existing Crescent Creek development. The proposal also includes a mixed use commercial area adjacent to Huntington Road. This commercial development will be required to be reviewed through a site plan land use process prior to construction. Four residential phase are proposed; two commercial phases are proposed.

The staff report generally finds that the proposal meets, or can meet with conditions of approval, the requirements of the La Pine Development Code. Staff has met with the applicant on numerous occasions, working through many details of the substantial project. One remaining detail on which staff and the applicant have not found common ground on code interpretation is the requirement to extend the easternmost roadway that parallels Highway 97. The staff report recommends extension of this roadway north to Caldwell Drive and south to Victory Way for the following reasons:

- To meet the intent of the NNPA Overlay Zone street mapping on Figure 15 of DCC 23-36-052 (at the time it was written).

- To meet the “to and through” requirements of the City’s Public Works’ 2016 Standards and Specifications Development Provisions standards.
- To meet the “future street extensions” requirements of LPDC 15.90.070.
- To provide “adequate public facilities” to meet the criteria of 15.406.010(I)(4), for which staff is relying on the Public Works Standards as input to “adequate”.
- To meet criterion 10 of 15.406.010 to provide access to abutting properties for future development.
- Campfire Drive in quadrant 2b, to the north, is currently platted to extend to the north and south extents of the quadrant, supporting the NNPA street mapping.

This requirements and criteria are detailed below in the staff report. The applicant submitted additional information in response to the draft staff report, which has been entered in the record.

III. FINDINGS OF FACT:

LOCATION: The subject property is composed of tax lots 200 and 202, as identified on the Deschutes County Tax Assessor Map 22-10-11. Tax lot 200 has an assigned address of 51800 Huntington Road. The properties are located immediately east of Huntington Road, south of Caldwell Drive and west of Highway 97. The subject area of the proposal is outlined in the figure below. A small portion of tax lot 202 is located to the southeast across Highway 97.

ZONING: The subject property was recently approved for a Comprehensive Plan Map Amendment and Zone Change to Residential Master Plan (RMP)/Master Plan Residential (MPR) and Mixed-Use Commercial (MUC)/Commercial Mixed-Use (CMX). The majority of the property is within the Newberry Neighborhood Planning Area (NNPA) Overlay Zone.

SITE DESCRIPTION: The subject property consists of two tax lots, comprising a combined total of approximately 52.71 acres and are irregular in shape. An approximately 2.28-acre portion of tax lot 202 is located on the east side of Highway 97 and is intended to become a remainder parcel by subdivision. The property is currently vacant and the topography is relatively level supporting a moderate cover of pine trees with native underbrush. The subject property is located outside of any FEMA designated floodway and/or floodplain, and no mapped wetlands are on site. The property abuts the following public rights-of way: Huntington Road to the west, Caldwell Drive to the north of tax lot 200, Memorial Lane to the south of tax lot 200, Highway 97 to the east, and an undeveloped right-of-way for Crescent Creek Drive exists between tax lots 200 and 202.

SURROUNDING USES: The area to the north is also in the Master Plan Residential Zone and Newberry Neighborhood Planning Area Overlay Zone, and is developed in the western portions with the Crescent Creek residential subdivision. The eastern area to the north is vacant and owned by Deschutes County. To the southwest are properties in the Commercial Mixed Use and Public Facilities Zones, containing a senior center, senior living facility, and multifamily housing. The properties to the west are within the Public Facilities and Commercial Mixed Use Zones, and one property is developed with the St. Charles Medical Clinic. The other properties to the west adjoining Huntington Road are vacant. Properties to the south are within the Traditional Commercial Zone and are owned by Bi-Mart.

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 2007-30, recorded in Official Records as Document No. 2007-26178 on May 7, 2007.

PUBLIC NOTICE AND COMMENTS: The City of La Pine sent notice of the application to the Planning Commission and to the property owners within 250 feet of the subject property. Two public comments were received and are included in the record. Although not directly addressed here, all questions and comments that related to approval criteria for this proposal should be answered in the applicant's materials and in the findings of this report. 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

La Pine Community Development Department – Planning Division
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- **Chapter 15.20 - Residential Master Plan Zone**

15.20.100 Purpose

Chapter 15.20 regulates allowed land uses (“uses”) in the Residential Master Plan zone (RMP). The use regulations of the RMP zone work together with additional use regulations and development standards of the Newberry Neighborhood Overlay Zone. The regulations of this chapter are intended to implement the City of La Pine Comprehensive Plan.

FINDING: The regulations of this chapter and the Newberry Neighborhood Overlay Zone are reviewed within this Staff Report.

15.20.200 Characteristics of the Residential Master Plan Zone (RMP)

The RMP zone covers a large land area within the center of the La Pine. Deschutes County has approved a master plan for the area and has included areas for neighborhood commercial, public facilities, schools, open spaces, and recreation areas. The concept is to allow a development pattern that incorporates a balanced mix of single-family residential development with a variety of multi-family residential options. An overall density range of three to 21 units per gross acre is desired for the zone. The overall densities are intended to blend single-family and multi-family residential development patterns. The densities within specific areas of the zone are intended to be more dependent on complementary design elements and arrangements of facilities (i.e. proximity to commercial services, proximity to schools, design of pedestrian amenities, etc.) rather than prescriptive zoning boundaries.

FINDING: The majority of the subject property is within the RMP Zone. The applicant’s materials refer to the recently approved text amendments to the Development Code that included changes to the NNPA Overlay Zone. The proposed Quadrant Plan and proposed subdivision are subject to the applicable Development Code criteria, as updated by the recent text amendment.

15.20.300 Use Regulations

All uses in the RMP zone are subject to the special use regulations of the Newberry Neighborhood Overlay Zone (Chapter 15.32). Use regulations within the overlay zone vary based on the specific location within the overlay zone. Therefore, no uses are permitted outright in the zone. Uses are designated as Limited, Conditional, or Prohibited. As noted in Table 15.20-1, a use may also be subject to Special Use Standards of Article 6.

- A. **Limited Uses (L).** Uses allowed in the RMP zone subject to limitations are listed in Table 15.20-1 with an “L” and a footnote that corresponds to the section number below.
 - 1. All uses listed with an “L (1)” may be permitted, conditional, or prohibited uses depending on which district within the Newberry Neighborhood Overlay Zone (Chapter 15.32) the use is located in. Special development standards may also apply to the use, depending on the district in the zone.
- B. **Conditional Uses (CU).** Uses which are allowed if approved through the conditional use review process are listed in Table 15.20-1 with a “CU” and a footnote that corresponds to the section number below.
 - 1. All uses listed with an “CU (1)” may be conditional or prohibited uses depending on which district within the Newberry Neighborhood Overlay Zone (Chapter 15.32) the

use is located in. These uses may be allowed provided they comply with the conditional use requirements of Chapter 15.316, Conditional Uses. Special development standards may also apply to the use, depending on the district in the zone.

- C. Prohibited Uses (N). Uses listed in Table 15.20-1 with an “N” are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 15.08, Non-Conforming Uses and Structures.

Table 15.20-1 — Use Regulations in the Residential Master Plan Zone

Use Category	RMP	Special Use Standards
Residential Use Categories		
Household Living		
- Single-family dwelling	L (1)	—
...		
Institutional Use Categories		
...		
- Parks and Open Areas	L (1)	—

FINDING: The proposal includes lots in the RMP Zone to be used for single-family dwellings, parks, and open spaces. These are uses that may be allowed as Limited Uses pursuant to the provisions above.

15.20.400 Development Standards

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

FINDING: The applicable development standards that apply within the Newberry Neighborhood Overlay Zone are addressed below.

- *Chapter 15.22 - Commercial and Mixed-Use Zones*

15.22.100 Purpose

Chapter 15.22 regulates allowed land uses (“uses”) and sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development in the commercial and mixed-use zones. The regulations of this chapter are intended to implement the City Comprehensive Plan.

15.22.200 Characteristics of the Commercial and Mixed-Use Zones

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

...

- C. **Commercial Mixed-Use Zone (CMX).** The CMX zone is intended to allow for a wide range of both commercial and residential uses. Unlike the CRMX zone, residential uses are not limited and are allowed to be developed on standalone sites. Some commercial uses that may not be compatible with residential uses are prohibited or limited. The CMX zone allows for flexible uses that can respond to market demand.

FINDING: The proposal includes an approximately 2.81-acre area in the CMX Zone, located in the northwest portion of property adjacent to Huntington Road. Staff notes a small section of tax lot 202 to the east of Highway 97 is also within the CMX Zone and will be a remainder lot. No specific development is proposed at this time, but future proposals will be reviewed for conformance with the Development Code when development is proposed.

15.22.300 Use Regulations

Uses may be designated as Permitted, Limited, Conditional, or Prohibited in the commercial and mixed-use zones. As noted in Table 15.22-1, a use may also be subject to Special Use Standards of Article 6.

FINDING: The CMX Zone allows for a variety of residential, commercial, and institutional uses, as outlined in Table 15.22-1. No specific development is proposed at this time, but future proposals will be reviewed for conformance with the Development Code when development is proposed.

15.22.400 Development Standards

Purpose. The development standards for commercial and mixed-use zones allow development flexibility, within parameters, that supports the intended characteristics of the specific zone. In addition, the regulations provide guidance to property owners, developers, and neighbors about the limits of what is allowed

Development Standards. The development standards for commercial and mixed-use zones are presented in Table 15.22-2. Development standards may be modified as provided by Chapter 15.320, Variances. Additional standards may apply to specific zones or uses, see Section 15.22.500.

Table 15.22-2 — Development Standards in the Commercial and Mixed-Use Zones

Standard	CMX
Minimum lot width	None
Minimum setbacks	—
-Front or street-side yard	20 feet

-Side yard	10 feet None for townhomes
-Rear Yard	10 feet
Maximum building height	45 feet
Maximum lot coverage	60%
Minimum landscaped area	See 15.18.500.B and Chapter 15.82
Minimum and maximum density	Residential and mixed-use developments are subject to the minimum and maximum density standards of the RMF zone (see Section 15.18.500).

FINDING: There is no minimum lot width in the CMX Zone. No specific development is proposed at this time, but future buildings and structures will be reviewed for conformance with the Development Code when that development is proposed.

15.22.500 Additional Standards

- A. Corner Lot Frontages.** For commercial uses located on corner lots where one street is predominantly residential, and one street is predominantly commercial, any commercial structure shall front on the street that is predominantly commercial.
- B. Landscaping Standard.** Any portion of a lot developed for commercial uses which are not used for buildings, other structures, parking or loading spaces, or aisles, driveways, sidewalks, and designated storage areas shall be planted and maintained with grass or other all-season groundcover vegetation. Grass shall be kept neatly mowed. Landscaping with trees and shrubs is permitted and encouraged. See additional landscaping and buffering standards in Article 5.
- C. Screening Requirements.**
1. **Outdoor activities.** Any business, servicing, or processing shall be conducted within a completely enclosed building, except for parking and loading facilities and for “drive-in” type establishments offering goods or services to customers waiting in parked motor vehicles.
 2. **Outdoor storage.** All areas of a site containing or proposed to contain outdoor storage of materials, equipment, and vehicles, and areas containing junk, salvage materials, or similar contents, shall be screened from view from adjacent rights-of-way and residential uses by a sight-obscuring fence, wall, landscape screen, or combination of screening methods. See additional buffering and fence standards in Article 5.
 3. **Outdoor merchandise display.** The outdoor display of merchandise for sale is not required to be screened from view, provided that all merchandise is located behind building setback lines unless otherwise approved by the City (e.g., to allow sidewalk sales).

- D. Vehicle Access.** Access driveways and entrances shall be permitted in a number and locations in which sight distance is adequate to allow safe movement of traffic in or out of the driveway or entrance, the free movement of normal highway traffic is not impaired, and the driveway or entrance will not create a hazard or an area of undue traffic congestion on highways to which it has access. The City may require the permit applicant to submit engineering data and/or traffic analyses to support its proposed plan of access driveways and entrances. See additional access and circulation standards in Article 5.
- E. Emissions.** No use shall emit any noxious, toxic, or corrosive fumes or gases nor shall it emit any offensive odors.
- F. Noise.** All uses shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment or uses or processes with electrical apparatus.
- G. Lighting.** All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.

FINDING: These development standards apply to uses and structures. As no development is proposed at this time, future development will be reviewed for compliance with these standards through Site Plan Review.

Article 4. Overlay Zones.

• **Chapter 15.30 - Overlay Zones Generally**

15.30.010 Purpose

Overlay zones address concerns unique to an area when other zoning mechanisms cannot achieve the desired results. An area may be unique based on natural, economic or historic attributes. Overlay zones provide a means to modify zoning regulations of the underlying base zones.

15.30.020 Scope of Overlay Zones

Overlay zone regulations are applied in conjunction with a base zone. The overlay zone provisions may modify any portion of the regulations of the base zone or other regulations of this Title. The provisions may apply additional requirements or allow exceptions to general regulations. The specific regulations of the base zone or other regulations of this Title apply unless the overlay zone provides other regulations for the same specific topic. However, when there is a conflict between the overlay zone regulations and the base zone or other regulations of this Title, the overlay zone regulations control.

FINDING: These sections outline the purpose and function of overlay zones. The subject properties have Residential Master Plan (RMP) and Commercial Mixed Use (CMX) base zones and are within the Newberry Neighborhood Planning Area (NNPA) Overlay Zone. Where conflict may exist between the RMP and CMX base zones and the NNPA Overlay Zone, the regulations of the NNPA Overlay Zone control.

Article 4. Overlay Zones.

• **Chapter 15.32 – Newberry Neighborhood Planning Area (NNPA) Overlay Zone**

15.32.010 Purpose

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

FINDING: The subject properties are within the NNPA Overlay Zone, therefore, the proposal is subject to the provisions of this chapter. Staff notes that the text amendment File No. 01TA-19 implemented several changes to the standards in Chapter 15.32. The updated code sections appear below.

15.32.020 General Standards

A. Water and Wastewater Facilities

1. All uses in the Neighborhood Planning Area requiring water shall be connected to the La Pine City water system.
2. All uses in the Neighborhood Planning Area that discharge wastewater shall be connected to the La Pine City sewage treatment facility or a Department of Environmental Quality approved community waste water treatment facility serving the La Pine Neighborhood Planning Area.

FINDING: The applicant proposes to develop water and wastewater mains that will connect to the La Pine City water system and the La Pine City sewage treatment facility. The locations of the mains are identified in the applicant’s plans on sheets Q 4.1 and TP 2.2. Further review in the findings below and suggested conditions of approval will ensure compliance with these criteria.

B. Transportation

1. Two perimeter collector and three neighborhood collector roads will provide access from Huntington Road into the neighborhoods.
2. Crescent Creek Drive and a perimeter collector will provide access from Burgess Road. The three perimeter collectors dividing the neighborhoods will be adjacent to open space corridors that provide buffers between the four Neighborhoods in the Neighborhood Planning Area.

FINDING: These sections describe the road layout for the entire NNPA. The subject properties are located in the southern portion of the NNPA. Specific road and transportation improvements are reviewed in relevant sections in this report.

3. Driveway access will not be allowed onto Crescent Creek Drive and the neighborhood collectors.

FINDING: The configuration of the lots is proposed in a manner so that driveway access will not be from Crescent Creek Drive. Memorial Lane to the west of Crescent Creek Drive is classified as a

Neighborhood Collector. The applicant is proposing that the new street to the east of Crescent Creek Drive will be a local street and not an extension of the Neighborhood Collector. As proposed, this would allow all lots to locate driveway access to comply with this criterion.

4. **Rather than a continuous paved parking shoulder, parking in designated pullout areas can be provided along the collectors for access to open space, parks and residential lots.**

FINDING: This is not a requirement but allows flexibility in parking design. The applicant has proposed three parks that are internal to the blocks and not adjacent to collector roads. No pullout parking areas have been proposed by the applicant.

5. **Direct access from residential lots onto the local streets and perimeter collectors is permitted.**

FINDING: As proposed, all residential lots will have direct access to local streets.

6. **Shallow vegetated swales alongside roads will provide for drainage.**

FINDING: The application materials include road cross sections (Sheets TP 3.1 and TP 3.2) with infiltration swales provided for drainage.

7. **A network of multi-use paths will be developed parallel to many of the collector roads, in open space buffer areas within the development, along Huntington Road, and along the eastern perimeter collector parallel to Highway 97 or within the Highway 97 right of way, if sufficient right of way exists and ODOT authorizes the construction of a multi-use path in its right-of-way.**

FINDING: The applicant has proposed pathways along Crescent Creek Drive, adjacent to Huntington Road, and within the Highway 97 right-of-way. At this time, ODOT has not officially commented on the construction of the proposed path within the right-of-way. However, staff understands that the discussion is in process. Because locating a path within ODOT right-of-way has implications for required buffers in quadrants 1b and 1d, as a condition of approval, the applicant must obtain authorization from ODOT for the construction of this multi-use path in the ODOT right-of-way prior to construction of any infrastructure or subdivision of land. All other streets and roads include paths, as well as paths to and through parks and open spaces.

8. **The precise layout of these roads and multi-use paths will occur during the Quadrant Plan approval process as each Neighborhood and Quadrant is planned.**

FINDING: The applicant has provided the precise layout for the proposed roads and paths in this application for a Quadrant Plan and subdivision.

9. **Modifications to the layout and/or alignment of a path or trail outside of the Neighborhood/Quadrant process may be approved at the City Engineer's discretion through an administrative review process.**

FINDING: This section is informational in the case that minor modifications to the layout or alignment of a path or trails is required in the future.

- 10. Use of the term “collector” in this Chapter 15.32 means a street meeting the “collector” standard as defined in the City of La Pine Transportation System Plan. Crescent Creek Drive, Findlay Drive, Half Moon Drive, Campfire Drive, and Caldwell Drive are “collectors”. Notwithstanding anything herein to the contrary, the City Engineer may authorize a different street design standard through the Quadrant Planning Process.**

FINDING: The application materials address collector road standards. Crescent Creek and Caldwell Drive are designed as collectors. Campfire Drive is the easternmost north-south street parallel to Highway 97 in neighborhood 2, which staff believes was intended by the code to connect to the easternmost proposed north-south roadway in the current application. This road is proposed to meet local street standards, which the City Engineer has authorized through this process.

A. Residential General District

- 1. Purpose. The Residential General District is the largest area of Neighborhood Planning Area. The district is primarily for single-family residential uses with a variety of lot sizes and housing styles. Some higher density housing is allowed in specified locations.**
- 2. Uses Permitted Outright.**
 - a. Single-family dwelling, including a “Class A” manufactured home.**
 - b. Duplex.**
 - c. Accessory dwelling.**
 - d. Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the Plan as determined by the City through an administrative process**
 - e. Open space.**
 - f. Residential facility or residential home.**
 - g. Home occupation that:**
...
 - h. Road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by the City’s Transportation System Plan and Public Works Improvement Standards.**

FINDING: The majority of the proposed development will be in the Residential General District. For this area, the applicant is proposing single-family dwellings nearby parks, open space, and paths.

3. Uses Permitted Subject to Site Plan Review.

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4. Conditional Uses Permitted.

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FINDING: The applicant is not proposing any development that would fall under the Site Plan Review or Condition Use categories within the RMP zone.

- 5. Dimensional Standards. The lot size, lot coverage, block length, block perimeter and building height standards shown in Table 15.32-2 shall apply to the Residential General District.**
- 6. Yard and Setback Requirements. The front, side and rear yard requirements in Table 15.32-2 shall apply to uses in the Residential General District.**

7. Residential Density. The residential density requirements in Tables 15.32-1 and 15.32-2 shall apply to the Residential General District.

FINDING: The proposed lots within the Residential General District appear to comply with the dimensional standards for lots in Tables 15.32-1 and 15.32-2. The specific yard setbacks, lot coverage, and building height requirements will need to be confirmed on a case-by-case basis during permit review for individual buildings and structures. The applicant is proposing single-family homes on the residential lots, which results in a residential density of 4.01 units per acre. Table 15.32-1 requires a minimum density of 3 units per acre and a maximum density of 6 units per acre. Table 15.32-2 requires a minimum density of 3 units per acre and a maximum density of 8 units per acre. Under either standard, the density requirement is met.

B. Residential Center District.

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FINDING: The applicant is not proposing any Residential Center Districts.

C. Residential Density. The residential density requirements in Tables 15.32-1 and 15.32-2 shall apply to the Residential Center District.

FINDING: The proposal complies with the minimum and maximum densities in Tables 15.32-1 and 15.32-2.

D. Community Facility District.

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FINDING: The applicant is not proposing any Community Facility Districts.

E. Community Facility Limited District.

...

FINDING: The applicant is not proposing any Community Facility Limited Districts.

F. Neighborhood Commercial District.

...

FINDING: The applicant is not proposing any Neighborhood Commercial Districts.

G. Park District. The purpose of this district is to provide Neighborhood Parks in each of the four neighborhoods within the Neighborhood Planning Area. This district may also apply to an optional Regional Park that may be located in Neighborhood 2 or 3 during Quadrant Plan approval process.

1. Uses Permitted Outright.

- a. Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the Plan as determined by the City through an administrative process.
- b. Open space.

- c. Road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by the City's Transportation System Plan and Public Works Improvement Standards.

2. Uses Subject to Provisions of 15.32.100(G)(4).

- a. Neighborhood Park.

FINDING: The applicant is proposing a total of 4.62 acres of parks in the Park District, therefore (G)(4) applies and is reviewed below.

3. Conditional Uses. The following uses and their accessory uses are permitted subject to Conditional Use and Site Plan Review approval, the development standards in 15.32.100(G)(5) and the applicable provisions of this Code.

- a. Regional Park.

FINDING: No regional parks are proposed.

4. Neighborhood Park Development Standards.

- a. **Size standard. Each Neighborhood Park must be a minimum of two acres and no more than five acres in size. Neighborhood Park areas do not need to be contiguous, so long as a multi-use path or sidewalks allow for pedestrian connection between the Neighborhood Park areas. If Neighborhood Parks are provided in a non-contiguous fashion, and notwithstanding anything herein to the contrary, each individual Neighborhood Park must be a minimum of one acre and the total Neighborhood Park area within an individual neighborhood must be a minimum of 3 acres.**

FINDING: The applicant is proposing three non-contiguous parks, each of which is greater than one acre in size and combined are equal to an area greater than three acres, in compliance with this requirement. Sidewalks and pathways provide pedestrian connections between the park areas.

- b. **Location. Neighborhood Parks must be located at approximately the center of each Neighborhood or Quadrant, must front a public street on at least one side, and must have multi-use path connections to a public street other than a frontage street.**

FINDING: The parks are located so that one is within each of the three quadrants that make up the subject properties. All parks have frontage on two streets and have sidewalk and pathway connections.

- c. **Boundary Determination. The exact boundaries of the Neighborhood Parks will be established at the time of approval of a Quadrant Plan.**

FINDING: The application materials include several figures identifying the exact boundaries, locations, and size of the proposed parks.

- d. **Platting. Neighborhood Parks will be platted as part of the first phase for each quadrant in an approved Quadrant Plan.**

FINDING: The applicant is proposing platting and development of the subdivision in four phases. The three parks are located within the first, second, and fourth phases. Platting of the first park will occur as

part of the first phase. Platting of the second park is proposed to occur in the second phase, which is associated with the second quadrant. The third phase includes remainder land in the same quadrant as the second phase. The third and final phase will plat the final quadrant and includes the final park. This criterion is met.

e. Development. The timing of Neighborhood Park development will be established through the Quadrant Plan approval process.

FINDING: The applicant anticipates development of the parks will occur with the other construction that is part of the related phase, as is noted on the submitted tentative plan. The applicant suggests park development timing to be tied to building permits in a following phase. Specifically, that initial building permits in a subsequent phase will not be issued until all parks in a preceding phase are constructed and finally approved by the City. For example, the issuance of a building permit within Phase II would not be authorized until the park in Phase I is constructed. This appears to staff to be a reasonable approach, however it does not guarantee the development timing of the third and final park in Phase IV. Staff requests the Planning Commission to determine if further assurance is required. Completion of the third park in Phase IV could be tied to the issuance of building permits within Phase IV itself (i.e. prior to issuance of a 25th building permit of a single-family dwelling) through a condition of approval.

5. Regional Park Development Standards.

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FINDING: The applicant is not proposing any Regional Parks.

H. Open Space District. The purpose of this district is to provide two types of open space in the Neighborhood Planning Area. Perimeter Open Space is located adjacent to Huntington and Burgess Roads, Highway 97, and between existing residential lots west of Neighborhood 4. Perimeter Open Space will provide visual and noise screening and locations for multi-use paths. Corridor Open Space divides the four Neighborhoods, helps to maintain a rural feeling and contains multi-use paths.

The Quadrant Plan for each neighborhood must designate the following minimum areas as Open Space District, as applicable to each quadrant:

- (1) In addition to the required dedication of right-of-way, a minimum 20-foot-wide Corridor Open Space Buffer must be provided on either side of the right-of-way separating adjacent neighborhoods.
- (2) Minimum 200-foot-wide Perimeter Open Space adjacent to the Highway 97 right-of-way, unless through the Quadrant Plan approval process the Planning Commission determines that the Highway 97 right of way is sufficient to accommodate a multi-use path while providing adequate buffering between the path and adjacent properties lines. The applicant must have prior approval from ODOT to construct the multi-use path in the Highway 97 right-of-way in order to utilize this exception.
- (3) Minimum 75-foot-wide Perimeter Open Space adjacent to Huntington and Burgess Roads.
- (4) Minimum 50-foot-wide Perimeter Open Space on the west edge of Quadrants 4a and 4c.
- (5) A 500-foot wildlife corridor must be established in either Neighborhoods 3 or 4. The wildlife corridor must be unimproved and align with an existing or planned wildlife Highway 97 undercrossing to the extent practical.

FINDING: The proposal includes a 20-foot buffer adjacent to Caldwell Drive. The applicant is requesting an exception to the Highway 97 buffer and proposes placing a multi-use pathway in the highway right-of-way. ODOT has not submitted comments on this application and the applicant has not provided documentation from ODOT confirming prior approval. Because the configuration of lots and location of infrastructure depends on the extent of the buffer in quadrants 1b and 1d, and because applicant's buffer proposal assume ODOT with authorizing a multi-use path, as a condition of approval, applicant must obtain ODOT approval for the multi-use path in the ODOT right-of-prior to any construction of infrastructure or any platting in quadrants 1b and 1d.

1. **Perimeter Open Space Uses Permitted Outright.**
 - a. **Open space.**
 - b. **Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the Plan as determined by the City through an administrative process**
2. **Corridor Open Space Uses Permitted Outright.**
 - a. **Open space.**
 - b. **Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the Plan as determined by the City through an administrative process.**
 - c. **Picnic area.**
 - d. **Benches along multi-use path.**
 - e. **Park or playground managed by the La Pine Park District or a Neighborhood Planning Area homeowners association.**
3. **Uses Permitted Subject to an Open Space Management Plan under the provision of 15.32.100(H)(4).**
 - a. **Vegetation management for wildfire hazard reduction.**
 - b. **Vegetation management for wildlife habitat enhancement.**
 - c. **Landscaped earthen berm.**
 - d. **Road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by the City's Transportation System Plan and Public Works Improvement Standards.**
4. **Open Space Management Plan.**
 - a. **An open space management plan shall be prepared for each Quadrant as a component of a Quadrant Plan. The plan shall be implemented as a condition of approval for the final plat of the first phase of any development in a Quadrant. The open space management plan shall identify the funding source and management responsibility for zoned open space.**

FINDING: The applicant has proposed a number of small open space tracts totaling 1.38 acres to be used as open space and for pathway connections. None of the uses subject to the Open Space Management Plan have been proposed. The applicant stated they would prepare and submit one if one of these uses were proposed in the future. No such uses are permitted unless and until an Open Space Management Plan is submitted and approved by City.

I. Quadrant Plan.

Plan Approval Required. Prior to issuance of a building permit, approval of a tentative plan or initiation of development (including, without limitation, streets or placement of utilities)

within a Neighborhood or Quadrant, a Quadrant Plan must be approved according to the Type III Procedures of the La Pine Development Code Section 15.204.030 and the Quadrant Plan Approval criteria in 15.32.100.I.3.

1. **Eligibility to Submit an Application.** The City of La Pine will accept a Quadrant Plan application from an owner or developer who has an agreement with Deschutes County of intent to purchase land in the Quadrant. The County may also prepare a Quadrant Plan.

FINDING: The applicant is the owner of the subject properties.

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

FINDING: The applicant has included application materials in its application packet. Specific approval criteria and development standards address many of these materials and are reviewed separately

within this report. Notably, there was no Open Space Management Plan submitted, as discussed above. Staff notes that typically maintenance of common areas and open spaces are addressed in deed restrictions and managed by a Homeowners Association. The applicant has submitted a draft Declaration of CC&Rs, which covers maintenance of common areas, but does not address open spaces specifically. The Planning Commission may impose a condition of approval to modify the CC&Rs to address open area maintenance in order to satisfy the requirement.

- 3. Quadrant Plan Approval. Approval of a Quadrant Plan is a land use action reviewed under the Type III Procedures of LPDC Section 15.204.030. Quadrant Plans are subject to a public hearing before the City of La Pine Planning Commission. The Planning Commission makes the decision to approve or deny an application for a Quadrant Plan. The City Council will act as the hearings body on an appeal of such a decision. An appeal of a Quadrant Plan will be conducted in accordance La Pine Development Code Chapter 15.212. A Quadrant Plan may be approved subject to conditions with findings that the following criteria are met:**
- a. The Quadrant Plan application contains all of the elements required in 15.32.100.I.2.**

FINDING: This criterion is met, with the exception of an Open Space Management Plan, as addressed above.

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

FINDING: The Development code implements the Comprehensive Plan. It is a State requirement that comprehensive plans and local zoning and development codes are consistent with each other. The City of La Pine's Comprehensive Plan and Development Code have both been acknowledged by the State. Where the provisions and requirements of the Development Code are satisfied, so are the policies of the Comprehensive Plan.

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

FINDING: Following the completion of the proposed first phase of the subdivision, the wet well at the Newberry Pump Station will be at capacity. Prior to final plat approval of the 2nd residential phase of the project, developer shall construct a new sewer wet well to replace the existing wet well at Newberry Pump Station, meeting City design standards for capacity. A cash contribution in an amount determined by the City may be provided in lieu of constructing the required wet well at Newberry Pump Station. The City Engineer has confirmed that there is adequate water capacity to serve the development.

- d. The streets proposed in the Quadrant Transportation Plan conform to the general location and connection requirements of the La Pine Neighborhood Street Plan, Figure 15 in the Deschutes County Comprehensive Plan, DCC 23.36.052. The City Engineer must approve of the street design. Final locations of road rights-of-way approved under a Quadrant Plan will be determined through the process for approval of a tentative plat under LPDC Article 9.**

FINDING: Street design and layout appear to comply with applicable requirements, considering recommended conditions of approval discussed in findings below. The City Engineer must approve the street design and compliance can be achieved through a condition of approval. Figure 15 from the

previous DCC 23.36.052 is pasted below. Although, Figure 15 is no longer part of the Deschutes County Comprehensive Plan, staff finds that this criterion adopted Figure 15 by reference and thus it remains applicable for development with the Newberry Neighborhood. As shown in this figure, the easternmost north-south roadway that parallels Highway 97 connects from Victory Way to a future road just south of Burgess Road. The proposed tentative plan does not include the extension of this roadway to the northern or southern property lines (however a western “perimeter collector” does directly connect to Burgess). This requirement can be met with a condition of approval that this street be extended “to and through” the subject property to create connections at Victory Way and to Caldwell Drive.

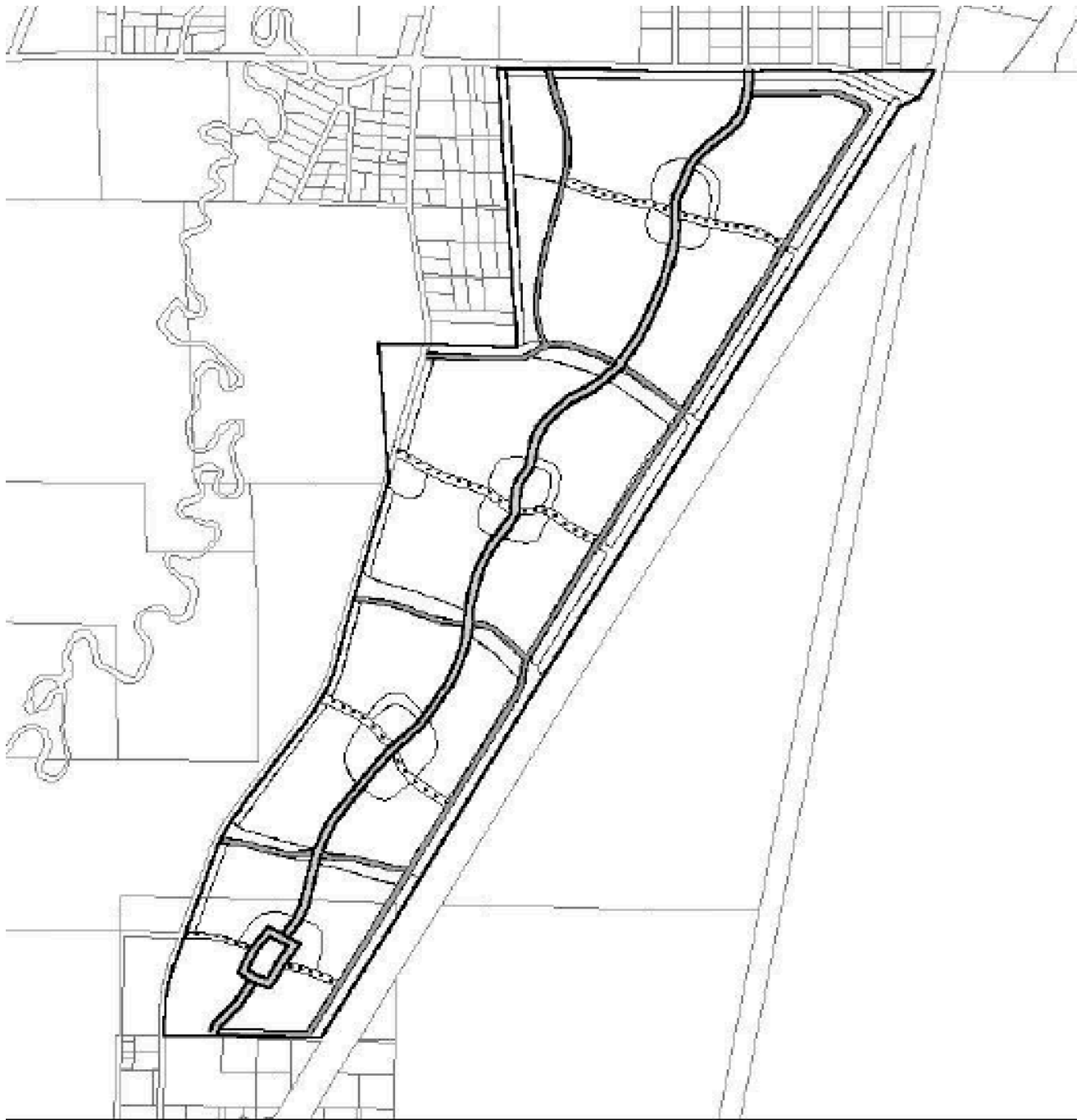


Figure 15
Neighborhood Planning Area
Street Plan

SYMBOLS

	Neighborhood Planning Area Boundary
	Central Collector
	Parkway Collector
	Neighborhood Collector
	Tank



NOT TO SCALE
 This plan is a preliminary design and is subject to change without notice. It is not intended to be used for construction or other purposes. The user assumes all responsibility for the use of this plan. The user agrees to hold the County harmless from and against all claims, damages, and expenses, including reasonable attorneys' fees, arising from the use of this plan.

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- e. **Except as approved by the City through a Quadrant Plan, the multi-use paths must be located within or adjacent to the Perimeter or Corridor Open Space as generally shown in the Non-Motorized Plan, Figure 16 in the Deschutes County Comprehensive Plan, DCC 23.36.052, until the City develops its own standards. Path(s) and modifications of paths and/or trail alignments must be consistent with the intent of the Quadrant Plan as determined by the City through an administrative process. Any modifications of these locations must be in compliance with LPDC 15.32.020.B.7.**

FINDING: The proposal includes multi-use paths and sidewalks located in the open space areas, park areas, and provide connections within the proposed neighborhood and to adjacent properties.

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

FINDING: The applicant proposes to construct three neighborhood parks and several smaller open space lots. As reviewed in this report, the park and open space areas conform to the relevant criteria and standards.

- g. **The Zoning Plan conforms to the following performance standards:**
 - (1) **Neighborhood Commercial District. A minimum of two and a maximum of four acres of Neighborhood Commercial District must be established in Quadrant 3a or 3c. Alternatively, if Quadrant Plans for Quadrant 3a and 3c are approved at the same time, the maximum area of Neighborhood Commercial District may be divided between the two Quadrants. The Neighborhood Commercial zone must be located at the intersection of Huntington Road and the neighborhood collector that bisects Neighborhood 3.**
 - (2) **Community Facility District. Quadrant 1c will be zoned as Community Facility District.**
 - (3) **Community Facility Limited District. The portion of Quadrant 3a that is located west of Huntington Road will be zoned Community Facility Limited. A maximum of 15 acres in the northwest section of Quadrant 4a may be zoned Community Facility Limited.**
 - (4) **Residential Center District. Each Quadrant except Quadrants 1a, 1b, 1c and 1d must have a Residential Center District with a minimum of three acres and a maximum of six acres. The area of the Residential Center District is gross acres including public rights-of-way. The Residential Center District must be a contiguous area located so that it is adjacent to both Crescent Creek Drive and the collector street that bisects the Neighborhood.**
 - (5) **Residential General District. The area zoned Residential General will be the area in each Quadrant that remains after the mandatory minimum Residential Center, Neighborhood Parks and Open Space zoning is defined.**

FINDING: The subject properties are located in Quadrants 1a, 1b, and 1d, therefore sections (1), (2), (3), and (4) above do not apply. The proposal is in compliance with section (5) above.

- h. The proposed residential densities and lot sizes conform with the requirements of the Residential General and Residential Center Zones as further described as follows in Tables 15.32- 1 and 15.32-2:**

FINDING: As discussed in a finding above, the proposal meets the residential densities and lot sizes found within these two tables.

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 Quadrant Plan and 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: The proposal meets the density and lot size requirements. The only land being dedicated to the public will be roads and rights-of-way. No other exemptions apply.

15.80.040 Exemption - Yard or Setback Requirements

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

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

FINDING: No specific development is proposed at this time, but future buildings and structures will be reviewed for conformance with the Development Code when specific development is proposed.

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 Quadrant Plan and 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: 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 30 of the TIA are as follows below. These recommendations will be conditions of approval (as needed) if they are not already incorporated into the plans.

The following recommendations are provided to support development of the proposed neighborhood development:

- *New southbound left-turn lanes should be installed at the Huntington Road/Memorial Lane intersection. The design of the left-turn lanes should include a minimum of 75-feet of northbound [southbound] storage and complete the three-lane cross-section north to Caldwell Drive. These southbound left- turn lanes should be installed with the 91st residence or with the commercial component of the mixed-use buildings.*
- *The internal roadway system design should continue to reflect the streetscape within the Newberry Neighborhood Plan. This includes two-lane asphalt roads with swales and separated multiuse asphalt pathways.*
- *The project will be required to comply with the Neighborhood Planning Area Non-Motorized Plan. This will include installation of pathways along the Perimeter Collector, Central Collector, and Neighborhood Collector routes. While the Newberry Neighborhood plan identifies most of these pathways as “unpaved” it is recommended that all internal pathways be constructed with asphalt for ease of maintenance. [Note: Pathways are required to be paved by other code sections so this has not become a condition of approval.]*
- *While a northbound right-turn deceleration lane is warranted at Memorial Drive it is recommended that this treatment not be installed as it conflicts with the established speed zone and perpetuates the higher-speed rural County design. To support urbanization plans only the completion of a three- lane cross-section with the*

installation of a southbound left-turn lane at Memorial Drive is recommended. [Note: Because this was not recommended it has not become a condition of approval.]

- *Trees, shrubbery, fencing, and monument signs should be carefully sited and maintained throughout the residential development at all internal intersections and public street connections to ensure that adequate intersection sight distance can be maintained.*
- *If implemented, the project should contribute toward City of La Pine Transportation Development Charges to address regional needs such as the interface with the highway system. [Note: At the time of drafting this staff report, the City does not have any Transportation Development Charges. However, SDCs are assessed at the time of building permits and if a Transportation Development Charge is adopted prior to issuance of any building permits, such contribution shall be required at that time.]*

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

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

FINDING: The general design of the residential portions of the subdivision limits access to Huntington Road to two points, Caldwell Drive and Memorial Lane. The northern proposed lot in the Commercial

Mixed Use Zone has frontage on Huntington and the southern lot has frontage on both Memorial Lane and Huntington Road.

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

FINDING: No access to Highway 97, a state highway, is proposed nor is a change of use from a use that accesses the highway proposed. This criterion does not apply. As discussed in a separate finding, the multi-use path located within the highway right-of-way requires ODOT approval.

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. This 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.

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

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

FINDING: The Applicant is not proposing any specific access points at this time. Each of the residential lots will have individual access. The commercial lots may have joint use access in the future, and these requirements will apply when specific uses and/or development are proposed on those lots and will be addressed in future Site Plan Review applications.

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

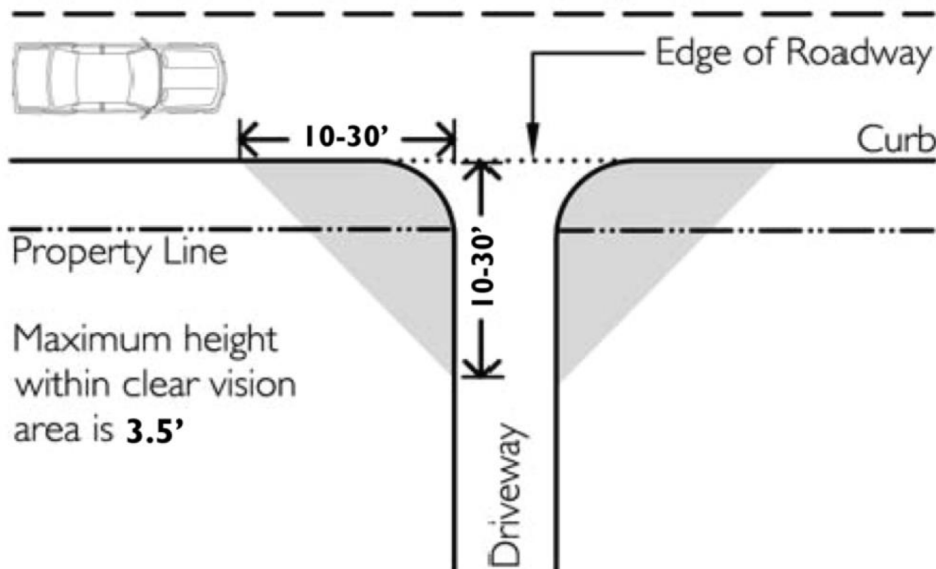


Figure 15.88-1. Clear Vision Areas

FINDING: The applicant has stated that clear vision standards can be provided for throughout the development of the subdivision. Staff notes that street trees must be omitted in these clear vision 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 Quadrant Plan and Tentative Plan for the phased subdivision includes 6-foot sidewalks within the rights-of-way for new and improved streets. The proposal also includes 10-foot wide multi-use paths in the right-of-way for Highway 97 and along the western side of the central connector street, Crescent Creek Drive, as well as a proposed 10-foot sidewalk in the Commercial Mixed Use zoned lots. These sidewalks connect to the sidewalks in the adjacent Crescent Creek subdivision to the north and the lots to the south. Sidewalks and pathways are detailed on Sheets TP 3.1, TP 3.2, TP 3.3, and Q 3.2. In addition, the submitted plans include sidewalk connections within open space lots to reduce the length of pedestrian trips. These open space lots have a minimum width of 18 feet.

Comments received from the City Engineer on February 10, 2020, which address these approval criteria are detailed here. Further comments that were received are addressed in findings under other sections of this report. Some of the comments address extensions of new local street infrastructure to construct the eastern local street so that it extends and connects to the northern and southern boundaries of the subdivision, allowing “to and through” access. The City Engineer’s comments are included here as recommended conditions of approval:

- *TP3.1 Crescent Creek Drive shall be constructed to match existing Crescent Creek Drive along the property frontage with 36’ wide pavement and 10’ paths [on] both sides per Habitat for Humanity Putney Place construction plans. 7’ wide parking bays will be considered to allow for a meandering of pavement in order to protect significant trees and features.*
- *Minimum 8 foot wide paved multi use paths shall be constructed within each of the 18.0’ wide open spaces shown on TP2.1.*
- *Path on Caldwell Drive may be located within 20 foot wide open space tract. TP3.1 (3) shall be revised to indicate 20 foot wide open space tract.*
- *Local street infrastructure at lot 150 shall be extended northerly, “to and through” to the northerly boundary of the property per City Public Works Development Provisions.*
- *Local street infrastructure at lot 183 shall be extended southerly “to and through” to the southerly boundary of the property per City Public Works Development Provisions.*
- *Upon land use approval or building permit application, construction plans that include all proposed and/or required public improvements, water/sewer service connections, site grading/drainage and utilities shall be submitted to the City for review and approval. [Note: Staff has edited the timing of this condition to be related to final plat in order to be consistent with development regulations within other sections of the Development Code].*

In addition to the City Engineer’s conditions and comments, the following recommended conditions of approval are also included by staff:

- Final construction plans shall detail the transition between the new sidewalks and existing sidewalks.

- The multi-use paths 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.
- 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 proposes right-of-way dedication along Huntington Road, Caldwell Drive, and Victory Way, in addition to the new street improvements required to serve the proposed lots. Comments received from the City Engineer on February 10, 2020, which address these approval criteria are detailed here. Further comments are addressed in other findings under the criteria they apply to in this report. The City Engineer's comments are included here as recommended conditions of approval:

- *Caldwell Drive along the northerly boundary of the property shall be constructed to a minimum half-street local street standard, with a minimum of 20 feet width for emergency access. Caldwell Drive shall be improved for the full length of the property frontage being developed per City Public Works Development Provisions. A cash contribution may be provided in lieu of constructing the required street frontage improvements on Caldwell Drive.*
- *Victory Way along the southerly boundary of the property shall be constructed to a minimum half-street local street standard, with a minimum of 20 feet width for emergency access. Victory Way shall be improved for the full length of the property frontage being developed per City Public*

Works Development Provisions. A cash contribution may be provided in lieu of constructing the required street frontage improvements on Victory Way.

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

FINDING: Comments received from the City Engineer on February 10, 2020, which address these approval criteria, are detailed here. The City Engineer's comments are included here as recommended conditions of approval:

- *Lots 66, 67, and 68 are in conflict with existing City waterline infrastructure and City waterline easements per Inst. 2004-22231 and shall be reconfigured to avoid existing waterline infrastructure.*
- *Waterline infrastructure at lot 150 shall be extended northerly, "to and through" to connect to existing waterline infrastructure near the northerly boundary of the property per City Public Works Development Provisions.*
- *Waterline infrastructure at lot 183 shall be extended southerly, "to and through" to the southerly boundary of the property per City design standards.*
- *Each lot shall have its own septic tank, constructed per City design standards. Maintenance of septic tanks, as well as the connection from the building to the septic tanks, shall be the responsibility of the property owner.*
- *Prior to final plat approval of the 2nd plat phase of the project, developer shall construct a new sewer wet well to replace the existing wet well at Newberry Pump Station, meeting City design standards for capacity. A cash contribution may be provided in lieu of constructing the required wet well at Newberry Pump Station. [Note: Staff has associated this condition with final approval of the second residential phase]*

Comments received from the City Public Works Manager on February 11, 2020, which address these criteria, are detailed here. The Public Works Manager's comments below have been incorporated as recommended conditions of approval:

- *The City would like to review product submittals prior to approval.*
- *All water fittings to be restrained, contractor engineer to provide restraint table that is utilized. With this, how thrust blocks are incorporated.*
- *The use of 90-degree fittings in the water system is not allowed.*

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.

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 infiltration swales in the rights-of-way are designed to accommodate all anticipated drainage and run-off demands resulting from the development. Grading and drainage plans must 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 of final plat.

Comments received from the City Engineer on February 10, 2020, which address these approval criteria are detailed here. The City Engineer's comments are included here as recommended conditions of approval:

- *Prior to construction, and prior to approval of final plat, of any phase, the applicant shall provide construction drawings and calculations to indicate the following:*
 1. *All site drainage shall be maintained on site and shall not drain onto public streets or neighboring properties. Storm water runoff from private property shall not impact public right-of-way or easements unless otherwise approved by the Public Works Director or City Engineer.*
 2. *Site grading and drainage plans shall be submitted for Engineering review and shall be subject to City and Central Oregon Stormwater Manual (COSM) design, construction, and testing standards.*
 3. *Proposed site drainage facilities and stormwater systems shall be designed for a 25 year/24 hour storm event (2.6 inches) and have appropriate pretreatment per City standards. Infiltration rates must be supported by a Geotech report or other verifiable documentation.*
 4. *New on-site private drywells and other underground injection control (UIC) systems not part of the public drainage system must be registered and approved by the Oregon Department of Environmental Quality (DEQ) prior to construction or building permit issuance.*

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 and have submitted “will-serve” letters demonstrating utility providers are able to serve the new lots.

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 new utilities serving the development will be provided by underground service. This 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 new utilities serving the development will be provided by underground service. The applicant must 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 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 the 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 5 of the TIA:

Trip generation methodology was detailed within the project scoping letter and showed that similar trip rates would result with either upper level residential or office uses in the mixed-use buildings along Huntington Road. As the office uses would reflect a slightly higher trip generation rate these rates were conservatively applied throughout this analysis.

The lower level retail space was classified with ITE's generalized Shopping Center land use classification. This provides a broad range of commercial uses that will allow a mix

of retail and office tenants within this space. Trip generation estimates are shown in

Table 1. Trip Generation Estimates with Upper Level Offices (ITE 10th Edition)

Land Use	ITE Code	Size	Daily Trips	Weekday PM Peak Hour		
				Total	In	Out
Single Family Detached Housing <i>Internalization</i>	210	200 Units	1,888 -302*	198 -22	125 -15	73 -7
Shopping Center <i>Internalization</i> <i>Pass-by Trips (34%)</i>	820	29,600 SF	1,117 -179* -145	113 -23 -31	54 -8 -16	59 -15 -15
General Office Building <i>Internalization</i>	710	29,600 SF	288 -46*	34 -9	5 -4	29 -5
Total Trips			3,294	345	184	160
<i>Total Internalization</i>			<i>-527*</i>	<i>-54</i>	<i>-27</i>	<i>-27</i>
<i>Total Pass-by Trips</i>			<i>-319</i>	<i>-31</i>	<i>-16</i>	<i>-15</i>
Total Estimated Trip Generation			2,448	260	142	119

*Daily Internalization Trips estimated from overall pm peak hour internalization percentile.

Table 1; these include trip internalization between uses based on the ITE methodology.

The TIA goes on to discuss trip distribution, existing infrastructure, the transit system, roadway safety, traffic operations, and other traffic and transportation aspects related to the proposed development. The recommendations from page 31 of the TIA have already been included in this report as suggested conditions of approval.

Comments received from the City Engineer on February 10, 2020, which address approval criteria relating to street design. The City Engineer's comments have been included in findings as recommended conditions of approval. Based on the TIA prepared by Transight Consulting, LLC and comments received from the City Engineer, compliance with this criterion can be met through conditions of approval.

On February 18, 2020, the City received an email from ODOT, noting their acceptance of the applicant's traffic analysis and noting that they have a "remaining question as to how ODOT would like to handle the mitigation [at Hwy 97/Burgess]." On February 19, 2020, City staff received a phone call from ODOT requesting that the applicant provide mitigation for the impact at Hwy 97/Burgess attributable to the development (left turns). Neither ODOT nor the City has any specific plans for an improvement at this intersection. Staff notes that ODOT is undertaking, with the City's participation, a refinement plan in this area, which is intended to identify specific mitigations at this location. Without a specific improvement planned or readily identifiable, the City cannot determine the Applicant's proportionate share and thus cannot properly impose a financial exaction at this time.

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

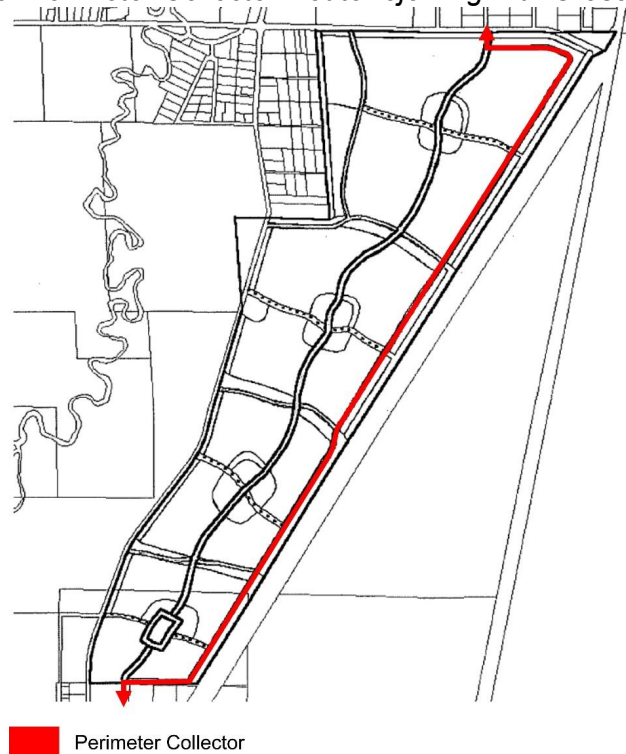
- 1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or**

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 documented on the Quadrant Plan and Tentative Plan, the proposed street configuration does not appear to satisfy the intent of the NNPA Overlay Zone, which refers to Figure 15 of the previous DCC 23.36.052, included earlier in this staff report. The design extends Crescent Creek Drive as a north/south Central Collector, Caldwell Drive and Memorial Way as primary east/west connections, along with a series of local streets and pedestrian routes that connect to the collectors. However, the applicant has proposed to omit the eastern perimeter collector route. Page 28 of the TIA states:

The proposed site layout omits the through extension of this perimeter collector north to the undeveloped “Quadrant 2d” area that remains under Deschutes County ownership but retains connections to Crescent Creek Drive. This layout is intended to avoid the perimeter collector from serving as a higher-speed “cut-through” route within the neighborhood but maintains connections along this central route. With the very limited volume expected to use this connection this will not change the functional classification of any designated facilities. Pathway connections to the north are proposed along US 97 so that the non-motorized system remains intact. Figure 19 illustrates the site layout and shows the vehicular and multimodal site connections.

Figure 19. Perimeter Collector Route rejoining with Crescent Creek Dr.



The City Engineer submitted comments requiring revisions to the easternmost local street to provide a “to and through” connection. This “to and through” connection is included in the NNPA mapping (i.e. Figure 15), is required by the City’s Public Works 2016 Standards and Specifications Development Provisions, and is required by section (D) below. The City Engineer also requested modifications to the

street improvements for Crescent Creek Drive, Caldwell Drive, and Victory Way, which are repeated here for convenience but most have already been included as recommended conditions of approval:

- *Local street infrastructure at lot 150 shall be extended northerly, “to and through” to the northerly boundary of the property per City Public Works Development Provisions.*
- *Local street infrastructure at lot 183 shall be extended southerly “to and through” to the southerly boundary of the property per City Public Works Development Provisions.*
- *Caldwell Drive along the northerly boundary of the property shall be constructed to a minimum half-street local street standard, with a minimum of 20 feet width for emergency access. Caldwell Drive shall be improved for the full length of the property frontage being developed per City Public Works Development Provisions. A cash contribution may be provided in lieu of constructing the required street frontage improvements on Caldwell Drive.*
- *Victory Way along the southerly boundary of the property shall be constructed to a minimum half-street local street standard, with a minimum of 20 feet width for emergency access. Victory Way shall be improved for the full length of the property frontage being developed per City Public Works Development Provisions. A cash contribution may be provided in lieu of constructing the required street frontage improvements on Victory Way.*
- *TP3.1 Crescent Creek Drive shall be constructed to match existing Crescent Creek Drive along the property frontage with 36’ wide pavement and 10’ paths both sides per Habitat for Humanity Putney Place construction plans. 7’ wide parking bays will be considered to allow for a meandering of pavement in order to protect significant trees and features.*
- *TP3.2 Neighborhood connector cross section shall include 4” AC over 10” aggregate base rock per City collector design standards.*

With the above modifications to street design and improvements, the design can conform to the La Pine Transportation System Plan, the NNPA Overlay Zone, and the topography that exists on the site.

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: The applicant states that there will be two pedestrian access ways in the CMX Zone, internal pedestrian access ways to each of the parks, a pedestrian access way to the multi-use path to the east in the Highway 97 right-of-way, and a pedestrian access way to the south. Staff notes these are located on lots not less than 18 feet in width. The applicant proposes access ways to be at least 10 feet wide and include six feet of asphalt surface. In comments received from the City Engineer and detailed in section 15.88.050(B)(2)(f) above, a revision to include 10-foot multi-use paved paths in these 18-foot lots was included as a condition of approval.

This criterion also requires access ways to be located within a public right-of-way or public access easement. It appears many of the access ways will be located within platted open space lots and a public access easement is required. As a condition of approval prior to final plat, the applicant shall provide a public access easement for all public access ways or locate access ways within a public right-of-way.

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 is the right-of-way for Highway 97, which is not “developable” land and where new access to the Highway is only granted in specific circumstances.

West: Land to the west is separated by and served by Huntington Road. No street extensions are warranted or possible.

North: To the north of the subject property are several properties, which are all zoned Residential Master Plan and are within the NNPA. The western area contains the existing Crescent Creek subdivision, separated from the subject property by Caldwell Drive. The property to the east is undeveloped and owned by Deschutes County, and is capable of being developed under similar regulations as the subject proposal.

South: The properties to the southwest are located in the Public Facilities and Mixed Use Commercial Zones and separated from the subject property by Memorial Lane and Crescent Creek Drive. Improvements will be required for both of these rights-of-way. Further to the south and bordered by tax lot 202 are vacant lands in the Traditional Commercial Zone and owned by the Bi-Mart Corporation, separated from the subject property by the southern end of the undeveloped Crescent Creek Drive and the partially developed Victory Way rights-of-way.

As discussed in above findings, The City Engineer also requested modifications to the street improvements and street extensions for Crescent Creek Drive, Caldwell Drive, and Victory Way, which are repeated here for convenience but have already been included as recommended conditions of approval:

- *Local street infrastructure at lot 150 shall be extended northerly, “to and through” to the northerly boundary of the property per City Public Works Development Provisions.*
- *Local street infrastructure at lot 183 shall be extended southerly “to and through” to the southerly boundary of the property per City Public Works Development Provisions.*
- *Caldwell Drive along the northerly boundary of the property shall be constructed to a minimum half-street local street standard, with a minimum of 20 feet width for emergency access. Caldwell Drive shall be improved for the full length of the property frontage being developed per City Public Works Development Provisions. A cash contribution acceptable to the City may be provided in lieu of constructing the required street frontage improvements on Caldwell Drive.*

- *Victory Way along the southerly boundary of the property shall be constructed to a minimum half-street local street standard, with a minimum of 20 feet width for emergency access. Victory Way shall be improved for the full length of the property frontage being developed per City Public Works Development Provisions. A cash contribution may be provided in lieu of constructing the required street frontage improvements on Victory Way.*
- *TP3.1 Crescent Creek Drive shall be constructed to match existing Crescent Creek Drive along the property frontage with 36' wide pavement and 10' paths both sides per Habitat for Humanity Putney Place construction plans. 7' wide parking bays will be considered to allow for a meandering of pavement in order to protect significant trees and features.*

With these modifications to the street layout and design, the proposal can meet this criterion.

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

FINDING: The proposed Quadrant Plan and Tentative Plan, in conjunction with the conditions of approval provided in comments from the City Engineer that address these specific standards, can meet this criterion if the conditions of approval are satisfied. The applicant will be required to submit construction plans to the City for review and approval prior to any 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: The proposed Quadrant Plan and Tentative Plan, in conjunction with the conditions of approval provided in comments from the City Engineer that address these specific standards, can meet this criterion if the conditions of approval are satisfied. The applicant will be required to submit construction plans to the City for review and approval prior to any construction.

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

FINDING: Bike lanes are not required on the new local streets per the La Pine Transportation System Plan (Table 4-4 below), as cyclists can use the roadway surface of the proposed local street network. Minor Collectors require 6-foot bicycle lanes. The applicant's submitted road sections (TP 3.1, TP 3.2, and TP 3.3) indicate bicycle lanes will be developed on the Neighborhood Connector (Constructed to Minor Collector Standards), which is the section of Memorial Lane west of Crescent Creek Drive. A multi-use path is proposed along Crescent Creek Drive, which is classified as a Minor Collector as well. The City Engineer's comments requested a revision to include a multi-use path on both sides of the Crescent Creek Drive. A multi-use path is provided in the open space area adjacent to Caldwell Drive west of Crescent Creek Drive.

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. This 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.

FINDING: Huntington Road and Highway 97 are both classified as arterial streets. The residential properties will be separated from Huntington Road by the commercial lots and Highway 97 by a substantial area of highway right-of-way. It does not appear the mitigation measures in the criterion are required.

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

FINDING: Standards in 15.90.070 (J) are not applicable to the proposed subdivision.

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

FINDING: Reserve strips or street plugs have not been proposed, however, the suggestion conditions of approval may make it desirable for the applicant to make use of these tools to control access at the required street extensions, in which case they may be allowed.

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.

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 at all intersections, excepting the intersection of the two local streets in the northeast corner of the proposed subdivision. The City Engineer submitted the following comment and it is included here as a suggested condition of approval:

- *Street intersections shall be as near right angle as possible and shall not be less than 75° per City design standards. Street intersection at lot 150 shall be reconfigured to meet this standard.*

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 proposing one short alley in the northeastern portion of the property. The purpose is to provide a shared access driveway to those lots. No other alleys are proposed nor do they appear to be necessary.

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 and vegetation is proposed. Landscape swales containing street trees and vegetation can provide improved drainage capacity and flow during times of snow melt and heavy rains, if the grading is designed appropriately. The applicant also states that this streetscape design is consistent with the nearby approvals for development. The City Engineer has approved the street design without curbs. Prior to construction, the applicant shall submit construction documents detailing the roadside swale treatment without curbs.

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, however, the applicant stated they would install street lights if required. The City Engineer submitted the following comment and it is included here as a suggested condition of approval:

- *Street lights shall be required at all street intersections per City design standards.*

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 paths 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, Cascade Natural Gas, CenturyLink, 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 “the street and walkway designs conform to City Standards and include infiltration swales. The street and walkway designs, including the storm water management therein, will accommodate all existing and future run-off.” 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. This criterion 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. These criteria do 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: The proposed Quadrant Plan and Tentative Plan are subject to the provisions of Chapter 15.32 - Newberry Neighborhood Planning Area Overlay Zone. Section 15.30.010 states, “when there is a conflict between the overlay zone regulations and the base zone or other regulations of this Title, the overlay zone regulations control.” Table 15.32-2 describes specific Zoning Standards that proposals within the NNPA are subject to and conflict with this section. The table indicates a maximum block perimeter of 2,000 feet and a maximum block length of 600 feet (without a pedestrian connection) in the Residential General District. Footnote (3) states, “The block requirements [are] not applicable to review and approval of quadrant plans.” The applicant is requesting review of a Quadrant Plan, therefore staff understands these block requirements do not apply to the Quadrant Plan portion of this proposal.

Staff understands the block requirements do apply to the specific Tentative Plan that has been proposed. If the block requirements apply, then how one measures the block is determinative of block design. Section 15.12.020 provides the following definition for “block”:

Block. The length of a street between two (2) street intersections; or a piece of land bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as waterbodies or public open space, and not traversed by a through street.

Several blocks appear to not meet the block length standard, when measured street to street. The street locations of quadrant 1a were largely predetermined by development surrounding the subject property (Fordham, Caldwell, Crescent Creek) and no mapping (i.e. Figure 15) requires an additional connection to Huntington or Crescent Creek. Staff recommends an exception to block length in quadrant 1a, given the multiple pedestrian paths proposed through mid-blocks.

Along the easternmost row of proposed lots, staff recommends an exception to block length be granted, if two pedestrian paths are provided between Caldwell Drive and Victory Lane, connecting to the proposed multi-use path in ODOT right of way. This exception would be due to the location of ODOT right of way, which permanently eliminates the potential of vehicular streets and future development east of the proposed subdivision. For all other areas, applicant shall demonstrate how block length is being met.

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

FINDING: The proposed lot size, shape and orientation are appropriate for the intended residential development and are consistent with the RMP and CMX Zones, as well as the NNPA Overlay 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: Within the NNPA Overlay Zone and pursuant to the amended Table 15.32-2, lots may have minimum width of 45 feet for detached dwellings, and lots on “bulbed” corners may have a minimum width of 30 feet. Based on revised plans submitted by the applicant on 2/19/20, all lots are proposed to abut a public street for a width in excess of these requirements. These two lots do not comply with this requirement and shall be reconfigured to 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.

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: Several of the proposed streets have slight curves and several intersections are designed as a bulb. All lots are proposed at or nearly at a right angle to the street or radial to the curve of the street. 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: Comments received from the City Engineer on February 10, 2020, which address these approval criteria are detailed here. The City Engineer’s comments have already been included as a recommended condition of approval, but is copied below for reference:

- *Lots 66, 67, and 68 are in conflict with existing City waterline infrastructure and City waterline easements per Inst. 2004-22231 and shall be reconfigured to avoid existing waterline infrastructure.*

No other division by boundary, right-of-way, drainage, or easements is proposed or evident. With this condition of approval, this criterion can be met.

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

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

FINDING: The subject property is relatively flat, and no significant cut or fill are proposed. The applicant notes that grading for infrastructure installation associated with preparation for development of the proposed lots can comply with these requirements. These provisions can 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 response to this criterion, the applicant states:

As documented on the Plan Set, the design includes double frontage lots abutting Caldwell Drive, Crescent Creek Drive and the future Victory Way extension. The design is driven by the need for connections in this area, the NNPA Overlay Zone and the NNPA Master Plan concept. To achieve the desired density, park requirements and pedestrian connections, a double frontage design could not be avoided. As shown on the Quadrant Plan and Subdivision Plan, the proposal includes buffers along all collector streets and vehicular access is not proposed along these routes. As designed, the proposal conforms to the allowances of this standard.

Staff's notes that if the Planning Commission finds the proposed layout of lots meet or can meet the other relevant criteria, then this standard may be met as well. However, staff also notes that the recommendation for plant screenings appears to apply to all street types, not just collectors as is noted in the applicant's burden of proof. As noted by the applicant, double frontage lots are proposed along Crescent Creek Drive, Victory Way, and Caldwell Drive. The double frontage streets along Caldwell Drive include a 20-foot buffer along their northern edge. The Crescent Creek right of way is particularly wide and includes wide landscape areas on each side. Victory Way, however, is lacking any plant screening. Staff recommends to the Planning Commission that a planting screen easement shall be required along the Victory Way side of the double frontage streets that are not currently shown with such easements.

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 to the residential lots, as the subdivision does not include large lots where future redivision is likely or possible. Redivision of the commercial lots may be possible in the future but including additional requirements such as additional streets does not appear to be required in this case.

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 is generally designed with lots large enough 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: The applicant proposes several pedestrian and bicycle connects throughout the subdivision, several of which are located mid-block.

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, however, if adjustments to the design and easement are required, the applicant understands the provisions of this section will apply.

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

parcs 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 right-of-way for transportation, access, and utilities, nor is there a systems development charge in effect for parks. However, in compliance with the NNPA zoning regulations, the applicant is proposing three neighborhood parks that will be privately maintained.

All parks shall be private with appropriate public access easements. Maintenance of the parks shall be the responsibility of the developer, until which time the maintenance responsibility is transferred to an operational HOA.

- 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 appear to meet the 30% threshold; however, a reduction does not appear to be required either.

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 new 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: The applicant plans to install and construct all required infrastructure improvement as required. For informational purposes, and 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 15.202 Summary of Application Types and General Provisions*

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

3. Type III Procedure (Quasi-Judicial Review – Public Hearing). Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council except for decisions on all quasi-judicial Comprehensive Plan amendments and Zone changes which must be adopted by the City Council before becoming effective. Quasi-Judicial decisions involve discretion but implement established policy. They involve the application of existing law or policy to a specific factual situation.

FINDING: This application is for a specific property and is not a Comp Plan amendment or Zone Change. As such, this application is being reviewed as a quasi-judicial application through a Type III process.

15.202.110 Expiration of approval

B. Duration of Approvals.

1. Except as otherwise provided under this section or under other applicable provisions of this Code, a land use approval is void two years after the date the discretionary decision becomes final if the use approved in the permit is not initiated within that time period.
2. Except as otherwise provided under applicable ordinance provisions, preliminary approval of plats shall be void after two years from the date of preliminary approval, unless the final plat has been submitted to the City Planning Official for final approval within that time period, or an extension is sought under Subsection (C), or the preliminary plat approval has been initiated as defined herein.
3. The City Planning Official or Planning Commission, may approve a request to complete developments of five or more acres provided the total time for all phases shall not exceed 5 years from the date the application becomes final. An extension of any phase of a phased development shall automatically extend all subsequent phases.

FINDING: Final plat for the first phase shall be recorded within two years of the tentative plan decision. This phased subdivision tentative plan will expire 5 years from the tentative plan final decision date, unless an extension is properly applied for and granted according to the City's requirements at that time.

- *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, quadrant plan, 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 January 23, 2020. 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 January 31, 2020 and the in a local paper (Bend Bulletin) in the February 2, 2020 edition, 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 February 19, 2020. Continuances may be allowed in accordance with subsection (G) below.

D. Ex Parte Contact, Personal Knowledge and Bias.

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

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

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

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

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 Quadrant Plan and Tentative Plan for a 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 Quadrant Plan and 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.

1. **FINDING:** The Applicant has requested approval of a phasing plan. The applicant states all infrastructure and improvements will be completed in conjunction with that particular phase. Construction is anticipated upon approval, with full completion within a 5- to 7-year time frame. This is all the information that was provided, and financing was not included in the application materials. Staff requests additional information on the proposed phasing plan including timelines for platting individual phases of the development. LPDC 15.202.110(B) requires that “the total time for all phases shall not exceed 5 years,” As such, this phased subdivision plan will expire 5 years from the tentative plan final decision date, unless an extension is properly applied for and granted according to the City’s requirements at that time.

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 homeowner’s association and CC&Rs, to include maintenance of common 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 is subject to approval by the City Engineer.

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 4 units per acre in the residential district. Compliance with the relevant development standards is reviewed in sections above. If the proposal is deemed to meet all relevant development requirements and standards, as conditioned, then this criterion will be met as well.

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

FINDING: Compliance with the relevant development standards is reviewed in sections above. If the proposal is deemed to meet all relevant overlay zoning regulations in Article 4, as conditioned, then this criterion will be met as well.

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: Compliance with the relevant development standards is reviewed in sections above. If the proposal is deemed to meet all relevant overlay zoning regulations in Article 4, as conditioned, then this criterion will be met as well.

- 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. Water line modifications have been suggested by the City Engineer and have been included as recommended conditions of approval. The City’s Public Works manager has confirmed that there is adequate capacity in the water system to serve the proposed development.

Sewer: Sewer service will be provided by the City of La Pine. The City Engineer submitted comment concerning septic tanks being installed and connected on each lot and construction of a new sewer wet well to replace the one located at the Newberry Pump Station. Both comments have been included as recommended conditions of approval.

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 from the building connection to the septic tank outlet. 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 plans includes several new streets and street extensions to serve the development. The design of these streets and extension of existing streets is discussed in detail in this report 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, “The site is vacant and does not contain any identified significant scenic, archaeological, natural, historic or unique resources; therefore additional preservation mitigation measures are not necessary.” It appears to staff the none of these resources are present. As such, unless proven otherwise, this criterion is not applicable.

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

FINDING: The Applicant proposes the name, “The Reserve in the Pines”. Prior to submittal of final plat, the 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: Considering the City Engineer’s comments based on the street layout and design, staff has included them as suggested conditions of approval. It appears that if these conditions are met, in conjunction with the other details a street design reviewed in this report, this criterion will be met as well.

- 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 street width, 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 discussions under sections in 15.90, which address public facilities including transportation, sewer, and water, address these topics. The proposed plans, combined with the adjustments requested by the City Engineer and included in this report as suggested conditions of approval, can meet this criterion.

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 six phases for this subdivision, two commercial and four residential. The applicant proposes to file final plat for the first phase within two years of tentative plan approval, and the remaining phases within five to seven 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 February 19, 2020 and as noted herein, was properly noticed through mailings, on site posting, and newspaper notice.

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 Quadrant Plan for quadrants 1a, 1b, and 1d of the Newberry Neighborhood Planning Area (NNPA) Overlay Zone and a Tentative Plan for a subdivision to include residential lots, commercial lots, park space, open space, and associated infrastructure improvements.

Recommended Conditions of Approval:

GENERAL:

1. Prior to any construction of any infrastructure or any platting in quadrants 1b and 1d, ODOT must approve construction of the multi-use path in the ODOT right-of-way. Documentation of such approval shall be submitted to the City. Multi-use path shall be designed and approved by the City prior to construction.
2. All lots must abut upon a public street other than an alley, for a width of at least 50 feet (30' on bulbed corners), except as otherwise provided for in this Code.
3. All parks shall be private with appropriate public access easements. Maintenance of the parks shall be the responsibility of the developer, until which time the maintenance responsibility is transferred to an operational HOA.
4. The internal roadway system design should continue to reflect the streetscape within the Newberry Neighborhood Plan. This includes two-lane asphalt roads with swales and separated multiuse asphalt pathways.
5. 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. This condition applies to new utilities.
6. No above ground equipment shall obstruct vision clearance areas for vehicular traffic.
7. Clear vision standards shall 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.
8. Along the easternmost row of proposed lots, an exception to block length will be granted, if two pedestrian paths are provided between Caldwell Drive and Victory Lane, connecting to the proposed multi-use path in ODOT right of way. This exception would be due to the location of ODOT right of way, which permanently eliminates the potential of vehicular streets and future development east of the proposed subdivision. For all other areas, applicant shall demonstrate how block length is being met, for approval by the City.

9. Accessible crossings must be provided at all intersections within the subdivision.
10. Final plat for the first phase shall be recorded within two years of the tentative plan decision. This phased subdivision tentative plan will expire 5 years from the tentative plan final decision date, unless an extension is properly applied for and granted according to the City's requirements at that time. The phasing plan shall be updated as follows: Every phase must include accommodations for an appropriate temporary fire turnaround, if required by the fire code. Temporary turnarounds, with acceptable easements may be approved by the City Engineer.
11. 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.
12. 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 from the building connection to the septic tank outlet. 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.
13. Open space must be platted as common area on all plats and provisions for the maintenance of common areas must be included in CCRs.
14. Parks located within a particular phase must be constructed and approved by City prior to issuance of any building permits for a subsequent phase. For the final phase, all parks must be completed and approved by City prior to issuance of the 25th building permit in the final phase.
15. Phasing of the subdivision tentative plan is approved as follows:

Phase (as labeled on submitted plans)	Recording of Plat
R-1	2 years from decision becoming final
All other phases	5 years from decision becoming final

16. The phased subdivision tentative plan approval will expire (i.e. no right to record further plats) pursuant to the phasing schedule unless an extension is properly applied for and granted according to the City's requirements at that time.

PRIOR TO FILING FINAL PLAT:

1. Phase R-1: TP3.1 Crescent Creek Drive shall be constructed to match existing Crescent Creek Drive along the property frontage with 36' wide pavement and 10' paths [on] both sides per Habitat for Humanity Putney Place construction plans. 7' wide parking bays will be considered to allow for a meandering of pavement in order to protect significant trees and features.

2. Phase R-II: Developer shall construct a new sewer wet well to replace the existing wet well at Newberry Pump Station, meeting City design standards for capacity. A cash contribution, in an amount acceptable to the City, may be provided in lieu of constructing the required wet well at Newberry Pump Station.
3. Minimum 8-foot wide paved multi use paths shall be constructed within each of the 18.0' wide open spaces shown on TP2.1.
4. Multi-use path on Caldwell Drive to be located within 20-foot wide open space tract unless otherwise approved by the City Engineer. TP3.1 (3) shall be revised to indicate 20-foot wide open space tract.
5. Phase R-II: Eastern local street infrastructure shall be extended northerly, "to and through" to the northerly boundary (to the extension of Caldwell Drive) of the property per City Public Works Development Provisions.
6. Phase R-II: Applicant shall revise the plans to provide a street or a pedestrian accessway at least every 600 feet on every block, designed as acceptable to the City.
7. Phase R-IV: Eastern local street infrastructure shall be extended southerly "to and through" to the southerly boundary (to the extension of Victory Way) of the property and otherwise in accordance with City Public Works Development Provisions.
8. Construction plans that include all proposed and/or required public improvements, water/sewer service connections, site grading/drainage and utilities shall be submitted to the City for review and approval.
9. Final construction plans shall detail the transition between the new sidewalks and existing sidewalks.
10. The multi-use paths shall be an asphalt, concrete or other City-approved durable surface meeting ADA requirements consistent with the applicable City engineering standards.
11. Phase R-II: Caldwell Drive along the northerly boundary of the property shall be constructed to a minimum half-street local street standard, with a minimum of 20 feet width for emergency access. Caldwell Drive shall be improved for the full length of the property frontage being developed per City Public Works Development Provisions. A cash contribution acceptable to the City may be provided in lieu of constructing the required street frontage improvements on Caldwell Drive.
12. Phase R-IV: Victory Way along the southerly boundary of the property shall be constructed to a minimum half-street local street standard, with a minimum of 20 feet width for emergency access. Victory Way shall be improved for the full length of the property frontage being developed per City Public Works Development Provisions. A cash contribution acceptable to the City may be provided in lieu of constructing the required street frontage improvements on Victory Way.
13. Phase R-II: Lots 66, 67, and 68 are in conflict with existing City waterline infrastructure and City waterline easements per Inst. 2004-22231. Applicant shall reconfigure those lots to avoid

existing waterline infrastructure or relocate such infrastructure into public rights-of-way. Design shall be submitted to the City for review and approval prior to construction.

14. Phase R-II: Waterline infrastructure in the eastern local street shall be extended northerly, “to and through” to connect to existing waterline infrastructure near the northerly boundary of the property, as may be relocated, per City Public Works Development Provisions.
15. Phase R-IV: Waterline infrastructure in the eastern local street shall be extended southerly, “to and through” to the southerly boundary of the property per City Public Works Development Provisions.
16. Prior to construction with each phase and prior to approval of final plat of each phase, the applicant shall provide construction drawings and calculations for that phase to indicate the following:
 - All site drainage shall be maintained on site and shall not drain onto public streets or neighboring properties. Storm water runoff from private property shall not impact public right-of-way or easements unless otherwise approved by the Public Works Director or City Engineer.
 - Site grading and drainage plans shall be submitted for Engineering review and shall be subject to City and Central Oregon Stormwater Manual (COSM) design, construction, and testing standards.
 - Proposed site drainage facilities and stormwater systems shall be designed for a 25-year/24-hour storm event (2.6 inches) and have appropriate pretreatment per City standards. Infiltration rates must be supported by a Geotech report or other verifiable documentation.
 - New on-site private drywells and other underground injection control (UIC) systems not part of the public drainage system must be registered and approved by the Oregon Department of Environmental Quality (DEQ) prior to construction or building permit issuance.
 - Roadside swale designs and capacity without curbs.
17. TP3.2 Neighborhood connector cross section shall include 4” AC over 10” aggregate base rock per City collector design standards.
18. The applicant shall provide a public access easement for all paths and streets or locate paths and streets within a public right-of-way.
19. Street intersections shall be as near right angle as possible and shall not be less than 75° per City design standards. Street intersection at lot 150 shall be reconfigured to meet this standard.
20. Street lights shall be required at all street intersections per City design standards.
21. Appropriate lighting, as approved by the City Engineer and Public Works Manager, be required at the crosswalks associated with the multi-use paths on both streets.
22. Applicant shall submit the proposed name to the County Surveyor for review and approval.
23. 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.

24. 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.
25. 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.
26. Sewer mains and sewer infrastructure shall be constructed in accordance with City of La Pine Public Works Standards.
27. 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 street construction, landscaping, multi-use paths 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. All water fittings to be restrained, contractor engineer to provide restraint table that is utilized. With this, how thrust blocks are incorporated. The use of 90-degree fittings in the water system is not allowed.
3. Grading and drainage plans and stormwater calculations shall be submitted to the City Engineer for review and approval.
4. Final construction plans shall detail the transition between the new sidewalks and existing sidewalks.
5. Prior to construction and prior to approval of final plat of any phase, the applicant shall provide construction drawings and calculations to indicate the following:
 - All site drainage shall be maintained on site and shall not drain onto public streets or neighboring properties. Storm water runoff from private property shall not impact public right-of-way or easements unless otherwise approved by the Public Works Director or City Engineer.
 - Site grading and drainage plans shall be submitted for Engineering review and shall be subject to City and Central Oregon Stormwater Manual (COSM) design, construction, and testing standards.

- Proposed site drainage facilities and stormwater systems shall be designed for a 25 year/24 hour storm event (2.6 inches) and have appropriate pretreatment per City standards. Infiltration rates must be supported by a Geotech report or other verifiable documentation.
- New on-site private drywells and other underground injection control (UIC) systems not part of the public drainage system must be registered and approved by the Oregon Department of Environmental Quality (DEQ) prior to construction or building permit issuance.
- Roadside swale designs and capacity without curbs.

PRIOR TO ISSUANCE OF BUILDING PERMITS:

1. Each lot shall have its own septic tank, constructed per City design standards. Maintenance of septic tanks and the connection to the building shall be the responsibility of the property owner.
2. Lots shall comply with dimensional and setback requirements as required by this decision and applicable sections of the Development Code.
3. 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.
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.
5. All applicable system development charges shall be paid.

PRIOR TO ISSUANCE OF PERMITS FOR THE 91ST DWELLING OR ANY COMMERCIAL DEVELOPMENT, WHICHEVER OCCURS FIRST:

1. New southbound left-turn lanes should be installed at the Huntington Road/Memorial Lane intersection. The design of the left-turn lanes should include a minimum of 75-feet of northbound storage and complete the three-lane cross-section north to Caldwell Drive. These southbound left- turn lanes should be installed with the 91st residence or with the commercial component of the mixed-use buildings.

PRIOR TO CONSTRUCTION OR APPROVAL OF THE FINAL PLAT of QUADRANT 1d:

1. Applicant shall revise plans to include a four- to six-foot wide planting screen easement (with landscaping and trees as acceptable to City) along the double frontage lots on northern boundary of Victory Way.